

DELEGATED DECISION REPORT

SMD/2023/0611
Valid 04/12/2023

BRYN HELYG KILN LANE
LEEK

**ERECTION OF DETACHED
DWELLING AND CONVERSION
OF EXISTING AGRICULTURAL
BUILDING TO ANCILLARY
RESIDENTIAL USE**

(FULL - MINOR)

MAIN ISSUES

Impact on the character and appearance of the area and settlement setting

DESCRIPTION OF SITE

The site is within the development boundary of Leek, on the top of a prominent hill that contains agricultural fields, a metal barn and associated hardstanding. The site is surrounded by open fields which stretch down the hillside away from Kiln Lane to open countryside. The wider area loosely north-west of Kiln Lane is characterised by predominantly undeveloped hills and valleys with sporadic development associated with agriculture. Conversely, along Kiln Lane and within Leek, development is common up and around the hills.

The site whilst within the development boundary is clearly visually read within the open countryside that is considered to be an important landscape setting to Leek.

The site is within the Leek Town Development Boundary. The site is within the 'Dissected Sandstone Uplands' Landscape Character Type as set out in the SMDC Landscape and Settlement Character Assessment (2008) which further identifies the land as being within an area defined as 'important landscape setting to the settlement'. In a Countrywide context the landscape of this location was ranked as being of very high quality – the highest of five quality designations used in the SCC Planning for Landscape Change Landscape Assessment (2001).

PROPOSAL

Essentially a fifth attempt application, fourth revision, to build a detached dwelling on this hill top location. Notably with this revision the dwelling, like the previous attempt, would be set further to the south east, much closer to the boundary with Kiln Lane and set back behind the existing shed and the existing applicant's dwelling which occupies the low, hillside, ground to the north. However, here the dwelling would be a strictly single storey bungalow with a conventional full pitch roof height and profile (the previous attempt was for a two storey dwelling).

The dwelling would be on a roughly L shape footprint – wide fronted elevation with a gabled projection extending from the front and rear. The front or northern elevation of the dwelling would face out from between the agricultural shed and the applicant's dwelling toward open countryside in a north westerly direction.

The proposal includes a proposal to change the use of the agricultural barn to purposes that would be incidental to the enjoyment of the dwelling.

Vehicular access to the site would be taken via the existing track that serves the agricultural building, with three parking spaces accommodated on the existing area of hardstanding in front.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS5 Leek Area Strategy
SD1 sustainable use of resources
H1 Provision of Housing
DC1 Design Considerations
DC3 Landscape Character
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2019/00507 Erection of a dwelling. Refused.
SMD/2020/0074 Erection of a dwelling. Refused.
SMD/2020/0597 Erection of a dwelling. Refused. Dismissed at appeal.
SMD/2023/0011 Erection of a dwelling. Refused

CONSULTATIONS

Publicity

Site Notice expiry date: 29/01/2023
Neighbour consultation period ends: 29/01/2023
Press Advert: N/A

Public Comments

8 objections have been received.

- Kiln Lane is narrow and unmade it provides a route to school, construction activity would compromise safety
- The land is agricultural
- Compromise the privacy of neighbours
- Loss of wildlife habitat
- Pollution from traffic, light and noise

- Situated in a rural area on top of a hill and it would negatively impact the countryside views and skyline when viewed from Oakwood Road and the Rudyard track.

Town / Parish Comments

Leek Town Council: Object. Unneighbourly development due to the amount of objections from local residents.

Severn Trent

No objection subject to drainage conditions.

Waste Collection

No issues

Staffordshire County Council Highways

No objection. Conditional acceptance.

OFFICER COMMENTS

Principle of Development

The site is located inside the identified development boundary of Leek, a relative peculiarity given that it sits within and includes a considerable swathe of open countryside beyond the edge of the built-up area that is open to undeveloped Green Belt Land to the north. The site is not within a housing allocation, nonetheless, here, within the Leek settlement, the strategy SS5 generally provides for development that consolidates and regenerates Leek as the principal service centre and support the provision of housing. However, taken as a whole, the Local Plan still requires and expects development to be sustainable, to provide quality housing that meets identified housing need, be appropriate to the scale and nature of the town and in all cases not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside (Policies SS1, SS5, SD1 and H1). It is also part of the strategy to promote Leek's special character and heritage and strengthen its role as a visitor centre by, inter alia, protecting and improving the setting of the town and inappropriately located housing could jeopardise that. Specifically, Local Plan Policies DC1 and DC3, reinforce the strategy approach, requiring well designed development that reinforces local distinctiveness and the protection of local landscape and settlement setting by resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement.

The development would be contrary to the development plan strategy therefore, if it is unsustainable, harmful to the setting of the town and the character and appearance of the countryside, and not appropriate to the scale and nature of the town.

Impact on Character and Appearance, Landscape and the Setting of the Settlement

The application site whilst within the development boundary is clearly visually read within the open countryside that is considered to be an important landscape setting to Leek.

With this revision the proposed positioning, like the previous application, attempts to move the dwelling to a closer association with the visual edge of the settlement and Kiln Lane and reduce the exposure to the Rudyard amenity path to the south west. However, additionally the dwelling here would be a single storey bungalow (previous application was for a two storey dwelling). The dwelling would be placed to the north eastern side of the agricultural shed, behind it, set back to the south east. However, the land to the south eastern end of the land form, essentially provides the hill or ridge top summit, and the land rises to a mound behind the shed from a relative plateau – this is evidenced from onsite observations, officer's photographs, and the application site plan provided with contour levels. The house therefore would be positioned on elevated land to the ridge that would be apparent from Macclesfield Road to the north and north west.



Various positions along Macclesfield Road provide views of the application site. On approach from the north, before the road dips toward Bridge End, there are unrestricted views across open field to the application site. The agricultural shed is in full sight and the adjacent space where the dwelling would be positioned currently provides open agricultural surrounds.



Within closer proximity, there are views of the application site across the development of Bridge End garden centre and petrol station and, further to the south east, the car park of Four Fasteners toward the high point of the hill top. From these viewing points the top of the agricultural shed and the white render of the applicant's existing dwelling is apparent just below the ridge top, hunkered into the hillside. These features provide reference points and an indication of where the proposed dwelling would appear. On the higher ground above, and just to the south of, the applicant's existing dwelling the proposed dwelling would stand proud from this high point, its form dominating the existing dwelling and exacerbating the impact of built form on this prominent high ground.



To the south eastern side of the hill the Rudyard public amenity path and the bottom of Kiln Lane provide open unrestricted views of the hill and hill top. With the application view point photographs have been provided with imposed images of the proposed dwelling in position on the landscape. From these positions the submissions do suggest improvement and a less conspicuous siting – lower height profile, closer to the settlement edge, other properties and a clump of trees. The images use photographs taken in the summer with the trees in full foliage. Particularly from Kiln

Lane, the dwelling would be concealed by tree cover. However, further to the north west from the Rudyard amenity path or the end of Oakwood Road the dwelling would, despite having a single storey profile, be quite apparent in the gap or spacing between the agricultural shed and the tree line that edges the settlement.

The proposed dwelling, by way of its position on the high point of a hill or ridge line and visible from a number of public vantage points including highways and public footpaths would be a prominent feature, despite its single storey profile. In these views the proposal would be read as a single dwelling detached from Leek, which has a strong visual boundary formed by Kiln Lane, and would therefore be an incongruous feature within an otherwise open and exposed landscape. As outlined above this open area is considered to be important to the setting of Leek, and as the siting of the dwelling would erode this openness it would be harmful to the landscape character of the area.

Although the proposed single storey dwelling would be of a simple, rather non-descript red brick design, its simple form and appearance would not mitigate an incongruous and prominent siting. Moreover, while the currently proposed siting of the dwelling may be less prominent than previous applications at the site, the siting is still unacceptable and so this does not justify the proposal.

The existing shed is itself harmful and prominent in the landscape, but tolerated because the applicant at the time, just 4 years ago, claimed an agricultural need. The shed only has permission on the condition that it is only used for agricultural purposes.

The existing hedgerow and tree line is scattered and broken, to the south there have obviously been efforts to increase density with supplemental planting, but to the north it becomes increasingly sparse, naturally so. The existing shed and the transit van are exposed through the gaps, and the dwelling would be too. Any attempt to screen the dwelling with uniform dense planting would be undesirable and harmful to the landscape and character and appearance of the area.

The dwelling would be intrusive in the countryside and would lead to prominent intrusion into the countryside and it would have a significant adverse impact on the character and the setting of the settlement affecting important views into and out of the settlement.

In conclusion, whilst the site is within the settlement boundary of Leek, given the prominent and jarring location on the high point of a ridge top within a field read within the context of the wider agricultural landscape, it would result in harm to the character and appearance of its surroundings. As such the proposal would conflict with Policies SS1, DC1 and DC3 of the Staffordshire Moorlands Local Plan which require that, amongst other things, development is of a high quality design that respects the locally distinct character and landscape, including the setting of settlements. It would therefore also conflict with the guidance of designing in context set out within the Staffordshire Moorlands Design Guide and the design aims of the National Planning Policy Framework.

Amenity

Some of the objectors are concerned about being overlooked. The proposed dwelling would indeed have a height vantage over the surrounding and closest properties. However, there would be no direct window to window relationships and the distance between dwellings would be considerable, well in excess of separation distances advised in the Council's Space About Dwellings guidance. Overall the living conditions of neighbours would not be unreasonably affected and there would be no conflict with policy DC1 of the Local Plan in these regards.

Other Considerations

The published updated 5 year housing supply statement concludes that the Staffordshire Moorlands only has a supply of 3.71 years as of 1 April 2022. As such, para. 11d of the NPPF now applies to applications for housing development i.e. grant permission unless covered by policy in the closed list at footnote 7 (e.g. Green Belt, Local Green Space, SSSI etc), or unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole – The “Tilted Balance”.

The proposed development would result in harm to the character and appearance of its surroundings which is, despite these latest revisions, considered to be significant. The provision of one dwelling in a reasonably accessible location would make a small contribution towards the Government's aims of significantly boosting housing land supply. It would also, through its construction and future occupiers, provide modest economic and social benefits to the local area. However, as the proposal is for one dwelling, these benefits are attributed only limited weight.

The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits raised above. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

CONCLUSION / PLANNING BALANCE

Within the Leek Town Development Boundary, but the development would be contrary to policies of the Local Plan taken as whole. The proposal is for an unsustainable form of development that would not be appropriate to the scale and character of the town and would be intrusive and harmful to the character and appearance of the countryside, landscape, and setting of the settlement.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 29th January 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council