

PLANNING APPEAL STATEMENT

LPA REF : SMD/2021/0155

APPELLANT : MRS T. J. BODE

**ADDRESS : LAND TO THE REAR OF ROSEDALE,
403 CHEADLE ROAD, CHEDDLETON,
STAFFORDSHIRE, ST13 7BH**

**PROPOSAL : DEMOLITION OF EXISTING
ATTACHED GARAGE, ERECTION OF 4
DETACHED DWELLINGS AND REPLACEMENT
GARAGE**

DATE : FEBRUARY 2024

JOB No. : 2020-2541

List of Documents being submitted:-

Appendix 1 – Copy of Planning Committee report dated 10th August 2023

Appendix 2 – Minutes of Planning Committee 10th August 2023

Appendix 3 – Copy of refusal notice SMD20210155 dated 11th August 2023

Appendix 4 – Copy of reduced scheme for three dwellings approved by Staffordshire Moorlands District Council under application reference SMD/2023/0489

Appendix 5 – Copy of Planning Committee report for above application dated 14th December 2023

Appendix 6 – Annotated block plan drawing 2020-2541-11

Appendix 7 – Highway Authority's consultation response dated 29th April 2021

Appendix 8 – Updated Highway Authority's consultation response dated 09th August 2021

1.0 INTRODUCTION

1.1 This statement sets out the appellants' case in respect of an appeal under S78 of the Town & Country Planning Act 1990 (as amended) against the refusal by Staffordshire Moorlands District Council to grant planning permission for the demolition of an existing garage, erection of 4 detached dwellings and replacement garage on land to the rear of Rosedale, 403 Cheadle Road, Cheddleton.

1.2 The appeal application was submitted to Staffordshire Moorlands District Council on the 11th March 2021 and validated on 25th March 2021.

1.3 The appeal application was reported to the Staffordshire Moorlands District Council's Planning Committee on 10th August 2023. The officer report, which is attached as Appendix 1 to this statement considered the appeal proposal and recommended in favour of granting planning permission subject to a schedule of 15 conditions.

1.4 The Committee members however disagreed with the planning balance arrived at by officers and subsequently resolved that the application be refused. A copy of the minutes of the Planning Committee are attached at Appendix 2. A decision notice was issued on 11th August 2023 which cited a single reason for refusal. A copy of the refusal notice is submitted at Appendix 3 to this appeal. The sole reason for refusal was stated as:-

"Due to it's scale, density, layout, siting and design, the proposal would result in a cramped form of development which would be out of keeping with and would detract from the spacious character and appearance of the area. This overdevelopment of the site would create access and parking issues within the site as well as a loss of amenity for neighbouring dwellings, including the existing dwelling on the application site, by virtue of loss of daylight, privacy, outlook, and overbearing visual impact, all contrary to policy DC1 of the Staffordshire Moorlands Local Plan 2020 and advice within the NPPF."

1.5 It is pertinent to note that since the refusal of the appeal scheme by the Local Planning Authority an amended scheme which proposed the erection of three detached dwellings on the site has subsequently been approved by Council Members at their Planning Committee meeting on 14th December 2023. This scheme is extant and accordingly constitutes a significant material consideration in the determination of this appeal scheme. A copy of the approved scheme for the appeal site and the Planning Committee minutes are attached as Appendices 4 & 5 to this report.

2.0 GROUNDS OF APPEAL

2.1 This appeal is submitted on the following grounds: The principle of developing this parcel of land is acceptable as it constitutes previously developed land which lies within a designated village boundary. The appeal scheme would replicate and follow the form and layout of a neighbouring back land development which has recently been permitted and constructed and would comply with all adopted national and planning policies including the council's own Space About Dwellings Standards and Parking Standards. Accordingly, the appeal scheme would not result in a cramped form of development nor would it detract from the spacious character and appearance of the area. Furthermore, the Local Highway Authority raised no technical objections to the appeal application and considered that the parking and turning facilities within the site were acceptable and that the proposed access would not have a detrimental impact on highway safety. Finally the appeal scheme would have an acceptable relationship with surrounding dwellings and would not be prejudicial to residential amenity afforded to existing or proposed occupiers.

2.2 The case for the appellant in respect of the above grounds for appeal is set out in detail in section 6 of this statement.

3.0 APPEAL SITE & SURROUNDING AREA

3.1 The appeal site comprises of a broadly L shaped parcel of land which extends to some 0.3126 ha. It lies on the eastern side of Cheadle Road, Cheddleton and includes the dwelling known as 403 Cheadle Road and its curtilage which runs across land to the rear of numbers 403-411 Cheadle Road.

3.2 The site is located in a predominately residential area within the defined settlement boundary of Cheddleton village where there is a general presumption in favour of development. There is a recent development of four detached houses, known as "The Oaks" which abuts the northern boundary of the application site whilst open countryside designated as Green Belt lies to the east. Pointon's Park lies to the south whilst the rear gardens of 403-411 Cheadle Road bound the site to the west.

4.0 THE APPEAL PROPOSAL

4.1 The appeal scheme sought consent for the erection of 4 detached two storey dwellings. The appeal dwellings, which would each have a floor area of 124sq metres would comprise of a lounge, open plan kitchen/dining arrangement with hall, utility room and

downstairs w.c with an ensuite master bedroom, 3 further bedrooms and family bathroom above.

4.2 The appeal dwellings would be constructed from facing brickwork under a plain clay tile roof and have a traditional appearance in keeping with the local vernacular. In addition to the four detached dwellings the application proposes the erection of two double detached garages. These would be located between plots 1 and 2 and 3 and 4 respectively with a single garage serving each dwelling. Further off road parking would be provided to the side of each dwelling with private amenity space provided for each unit to the side and rear.

4.3 The existing property Rosedale currently benefits from an access and egress arrangement with two separate access points onto the A520. The proposed dwellings would be laid out on the eastern side of a private access drive which would be formed by extending the existing (northern) access off the A520. The existing attached garage serving Rosedale would need to be demolished to facilitate the private driveway. The existing southern access would be retained to serve Rosedale and a replacement garage would be provided within the curtilage of the host building.

5.0 PLANNING POLICIES & GUIDANCE

5.1 Section 38(6) of the Planning and Compulsory Act 2004 and Section 70(2) of the Town and Country Planning Act requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 At the time of the appeal application the Council had recently adopted their new Local Plan (September 2020) which replaced the former Core Strategy. The following policies of the Local Plan were considered relevant to the application and this appeal:-

5.3 Policy SS1 Development Principles and Development SS1a Presumption in Favour of Sustainable Development. In accordance with policies SS1 and SS1a the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible, enhancing the environment. When considering development proposal, the Council, will take a positive approach that reflects the previous in favour of sustainable development contained in the NPPF.

5.4 As the application site lies within the development boundary of Cheddleton which is identified as a larger village within the recently adopted Local Plan policy SS8 is also relevant. This policy provides support in principle for housing in such locations and confirms that such villages will retain their role as rural service centres providing for the bulk of the local housing needs of the rural areas. Although the Local Plan includes land allocations which would meet the new housing targets for the District over the plan period, small unidentified "windfall"

sites within the development boundaries, often comprising of gaps between houses or even garden land on large plots, can still make a valuable contribution to the housing stock. The Development Plan continues to allow new houses within the identified development boundaries of towns and villages providing that all other relevant policies in the Local Plan and the National Planning Policy Framework are complied with.

5.5 Policy H1 of the Local Plan relates to 'New Housing Development' and states that:

1) New housing development should provide for a mix of housing sizes, types and tenure including a proportion of affordable housing as set out in Policy H 3, and where appropriate housing for special groups, to meet the needs and aspirations of the current and future population having regard to the Area Strategies.

2) In line with Government legislation the Council will maintain and update a register of those interested in acquiring self-build / custom-build housing plots across the District. Where a demand exists, residential developments of 10 dwellings (or 0.5ha) or more will make an appropriate contribution towards this need in agreement with the Council. This will be negotiated on a case by case basis.

3) All development will be assessed according to the extent to which it provides for high quality, sustainable housing and to which it meets identified housing needs, having regard to the location of the development, the characteristics of the site and the economics of provision.

5.6 Policy H1 goes on to state that:

a) Housing for special groups, particularly for older people and others as identified in the SHMA or successor document should be of a scale and in a location which is appropriate to its needs.

b) Housing proposals of 10 dwellings (or 0.5ha) or more will be required to provide a mix of housing in terms of size, type and tenure on the site unless viability or other circumstances exist. The final mix will be negotiated with the developer based on housing needs as informed by the SHMA or successor document and other relevant factors such as available supply and market demand.

c) All housing development should be at the most appropriate density compatible with the site and its location, and with the character of the surrounding area. Higher densities will generally be appropriate in locations which are more accessible by public transport and which have good access to services.

d) All new dwellings should aim to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the Nationally Described Space standard and delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations. This will be determined on a site-by-site basis subject to considerations such as viability and design.

e) All new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers of the dwellings whilst respecting the privacy and amenity of occupiers of existing dwellings

5.7 Policy DC1 of the Local Plan states that all new development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. In particular, new development should, amongst other things, be of a high quality and add value to the local area incorporating creativity, detailing and materials appropriate to the character of the area, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance.

5.8 Policy DC3 states that the Council will protect and, where possible enhance local landscape and the setting of settlements in the Staffordshire Moorlands by resisting development which would harm or be detrimental to the character of the local and wider landscape. The Council will also support development which respects and enhances local landscape character and will support opportunities to use sustainable building techniques and materials which are sympathetic to the landscape.

5.9 Policy T1 of the Core Strategy states that the Council will promote and support development which reduces reliance on the private car for travel journeys, reduces the need to travel generally and helps deliver the priorities of the Staffordshire Local Transport Plans, where this is consistent with other policies.

5.10 SMDC recently adopted the Staffordshire Moorlands Design Guide SPD. The SPD sets out the importance of good design and high quality development and identifying that requirements of the design guide are a material consideration in all relevant planning considerations. The Council's adopted Space About Dwellings and Parking Standards which have been carried forward from the previous Local Plan (1998) are also considered to be material and relevant to the determination of this application.

5.11 Other material considerations are considered to be:

SMDC Housing Land Supply Statement (up to April 2022)

The Housing Land Supply Statement assesses the Local Authority's housing delivery against the requirements of the National Planning Policy Framework and confirms that the Local Authority has a deliverable housing land supply equivalent to 3.71 years. The content of this document is referenced within the Statement of Case as a material consideration.

SMDC Annual Monitoring Report 2021-2022

The Annual Monitoring Report assesses the Local Authority's performance in terms of various matters, including the delivery of new housing. The content of this document is referenced within the Statement of Case as a material consideration.

SMDC Quantifying the Economic Benefits of Growth Report

The above report serves to quantify the economic benefits of different kinds of development within the Staffordshire Moorlands. The content of this document is referenced within the Statement of Case as a material consideration

National Planning Policy Framework

The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision for sustainable development which should be interpreted and applied in determining planning applications/appeals. The NPPF seeks to secure the delivery of sustainable development and set outs guidance, inter-alia, in respect of housing provision, brownfield redevelopment and securing high quality design. The content of the NPPF has been taken into consideration during the preparation of the appeal application and this statement and in the interests of brevity is discussed in more detail, where relevant, below. Whilst it is noted that the NPPF has been revised (December 2023) since the determination of the appeal application it is not considered that there have been any material changes to the relevant parts of the Framework's policies which would affect the determination of this appeal.

National Planning Policy Guidance

In addition, the Government published its Planning Practice Guidance (PPG) in March 2014. The web-based resource pools together a series of planning guidance documents into a new format. It is updated regularly and is intended to be used to assist in the interpretation and execution of the NPPF. It is also therefore a material consideration in the determination of this appeal.

6.0 CASE FOR THE APPELLANT

6.1 The Local Planning Authority confirms within its report to Planning Committee that the principle of development is acceptable. Whilst the decision notice contains a sole reason for refusal it is considered that there are three main strands to this. The main issues therefore in determining this appeal are considered to be:

(i) whether the appeal proposal would by virtue of its scale, density, layout, siting and design result in a cramped form of development which would be out of keeping with and detract from the spacious character of the area;

(ii) whether the perceived overdevelopment of the site would create access and parking issues; and finally

(iii) impact on residential amenity for neighbouring dwellings including the existing dwelling having special regard to loss of daylight, privacy, outlook and overbearing visual impact.

Each of these perceived issues are assessed in detail below:

(i) whether the appeal proposal would by virtue of its scale, density, layout, siting and design result in a cramped form of development which would be out of keeping with and detract from the spacious character of the area;

6.2 Policy H1 "New Housing Development" of the Local plan states that all housing development should be at the most appropriate density compatible with the site and its location and with the character of the surrounding area. Higher densities will generally be appropriate in locations which are more accessible by public transport and which have good access to services.

6.3 The specific design policy of the LP Policy DC1 also states that all development should be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance.

6.4 The above guidance is reflected in the NPPF which confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to state that good design is a key aspect of sustainable development; creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments:-

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.5 As set out within the Planning, Design and Access Statement submitted with the appeal application, this area of Cheadle road is generally characterised by detached and semi detached dwellings with differing designs set in spacious plots but of varying sizes. Although predominately traditional, there is also some variety in terms of the age of properties, with a linear row of modern development present in the immediate vicinity. There is also variety in terms of set back from the highway with the properties to the north of the appeal site (numbers 397, 399 and 401 Cheadle Road) being set much further forward than the appeal dwelling and its immediate neighbour to the south number 405, Cheadle Road. This variation continues with 407 Cheadle Road being set further forward than the appeal site and the pair of semis 409 and 411 Cheadle Road being set further back. The layout of the recently constructed backland development known as The Oaks which runs across the rear of 397-401 Cheadle Road are also varied with the first two dwellings angled and sitting closer to the private access road whilst the latter two are again staggered. Similar differences can be observed on the western side of Cheadle Road and whilst the dwellings here are generally larger and detached they again all exhibit different relationships to the highway. Therefore, with the exception of the recent backland development which lies to the north of the site, the dwellings along this stretch of Cheadle Road lie with a loose ribbon of development which varies in terms of their size, scale, form, design and layout. Most pertinently however, the recent backland development of The Oaks sets a visual precedent for relatively modern backland development in the immediate context.

6.6 The appeal dwellings would be located on the eastern side of a private access drive to the rear of 403-411. To space and arrange the four dwellings along the land strip the layout

would angle their orientation along the row providing them with broadly triangular shaped rear gardens running to the field boundary behind. This layout would be similar to the neighbouring development “The Oaks”. Each appeal dwelling would be provided with garaging provision and additional parking provision to the side (two further spaces) of the dwelling with private amenity space provided to the side and rear. The proposed layout of the development is considered to be relatively informal and responds positively to the rural character of the countryside and the generous spacing between the plots would retain the verdant and open feel.

6.7 The appeal dwellings would contribute positively towards their varied surroundings. The scale and massing of the dwellings are informed by their immediate and wider context. The appeal dwellings would have an eaves height of 5.1m and an overall ridge height of 7.95m whilst the garages for both the new dwellings and the replacement for the existing house, Rosedale, would have an eaves height of 2.47m and an overall ridge height of 5.1m. By comparison Rosedale, the host dwelling has an eaves height of 4.8m and an overall ridge height of 8.7m. The new dwellings at The Oaks have eaves heights of 5.02 m and overall ridge heights of 7.35m and the new dwelling permitted in the garden of 401 Cheadle Road under application SMD/2020/0034 has an eaves height of 5.17 and an overall ridge height of 8.14m. It is therefore considered that the two storey scale and detached form of the appeal dwellings would be in keeping and consistent with the scale of nearby detached and semi detached two storey dwellings.

6.8 In terms of density the appeal site measures 0.312 hectares however as a replacement garage for Rosedale was proposed this included the large curtilage of 403 Cheadle Road. If the curtilage of the host dwelling was omitted the resultant site area relating to the access and land for the development of the 4 new dwellings would be reduced to 0.227 hectares.

6.9 For comparison purposes the adjacent backland development of 4 dwellings at The Oaks which lie to the north of the appeal site which was approved under application SMD/2014/0689 was stated as being 0.16 hectares, on the application form submitted with the application.

6.10 It is therefore somewhat difficult to understand how the appeal scheme which proposed 4 dwellings of comparable size and scale can be considered over development when the adjacent approved scheme permitted 4 dwellings on a site that is 670 sq m smaller. It is however accepted that the two plots are different spatially with the adjacent plot being deeper (varying from 25m to 31m) but not as wide (55m) as the appeal site which has a narrower more linear form (91m wide x 23m deep). Notwithstanding this the plots are comparable in size to those surrounding. In order to demonstrate this the block plan submitted as part of the appeal application has been annotated and attached as drawing 2020-2541- 11 (Appendix 6) to this appeal. This clearly shows that the largest plot, plot 1 would measure 466 sq metres with a resultant 370 sq metres once the footprint of the appeal

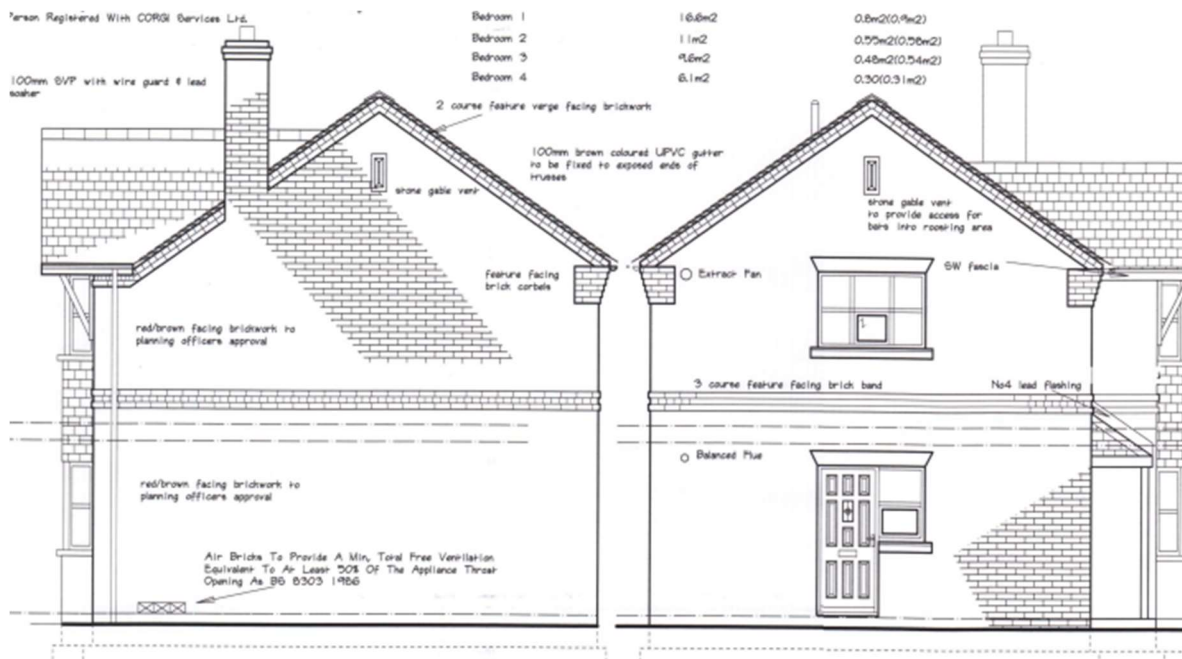
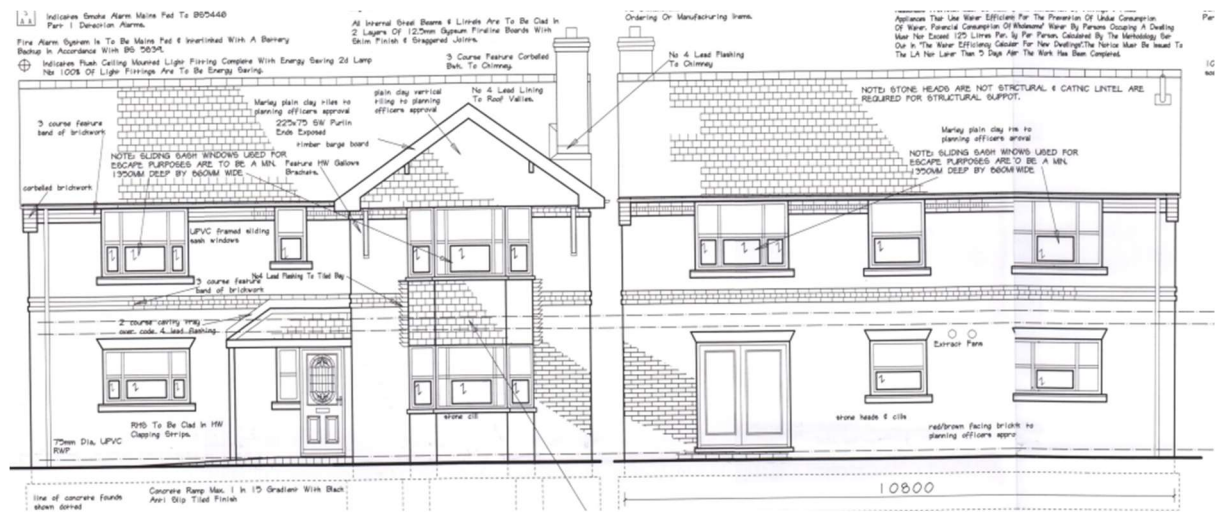
dwelling and garage had been excluded. The smallest plot, plot 2, would also measure a generous 363 sq metres with a resultant plot size following development of 267 sq metres.

6.11 Again for comparison purposes the largest plot of the neighbouring Oaks development, plot 4, had an undeveloped plot size of 388 sq metres with a resultant plot of 316 sq metres post completion. The smallest plot, plot 2, had an undeveloped plot size of 282 sq metres which was reduced to 221 sq metres once the approved development had been built out. The most recent development which relates to the erection of a new dwelling (now known as 401a Cheadle Road) within the garden of 401 Cheadle Road is perhaps the most telling example. Approved under application SMD/2020/0034 this development provided the new dwelling with a predeveloped plot size of 272 sq metres which was reduced to 199 sq metres post development. The host dwelling 401 Cheadle Road however came off worse and was left with a plot of just 128 sq metres following development. The plot size of the smallest appeal dwelling would therefore be more than 81 sq metres larger than number 2 The Oaks and 171 sq metres larger than 401 Cheadle Road. On this basis it is clear that the scale of the dwellings are commensurate with the size of their plots and that the proposals to develop the site to provide 4 detached dwellings does not constitute over development having regard to the character and nature of the site and surrounding development.

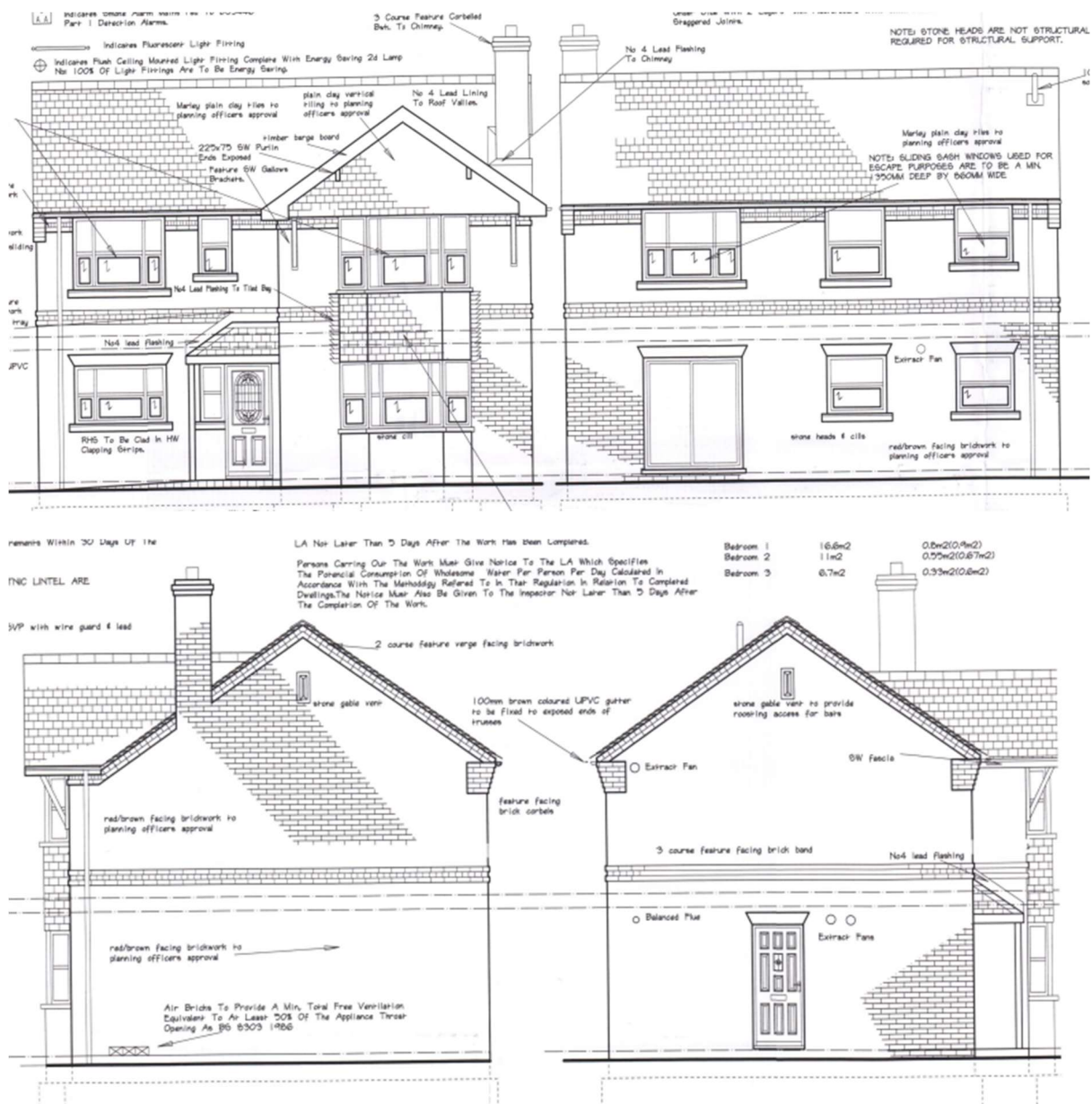
6.12 In terms of layout and siting the appeal dwellings will be aligned in a linear pattern and be set back from the carriageway behind parking / landscaped areas and in doing so will be in keeping with the established grain and pattern of development exhibited within the surrounding area. The appeal scheme will read as a continuation of the recently constructed development to the north and will not appear incongruous or harmful to its surroundings, being closely associated, both in spatial and visual terms with the existing built development to its north, north west and west. Due to their siting the appeal dwellings would not be prominent from Cheadle Road and would largely be screened by frontage developments. Where glimpses are available they would be viewed in the context of the similar properties to the north. The appeal dwellings would not therefore harm the character or appearance of their surroundings.

6.13 With regards to design the proposed dwellings would have a traditional appearance and have taken their cue from the recent adjoining development at "The Oaks". Screenshots below show the approved elevational drawings for these plots as taken from the Local Planning Authority's website.

Plots 1 and 4



Plots 2 and 3



6.14 Whilst detailed drawings for the appeal proposal have been provided the snapshots below show the elevational drawings for the appeal dwellings. The proposed dwellings replicate the two storey front projecting gable and are comparable in both length and depth to the dwellings approved at The Oaks. Furthermore, the dwellings have a very high solid to void ratio with a single chimney and porch arrangement, all as evidenced below. The use of good quality natural materials (facing brickwork/plain tile) is in keeping with the local building tradition and will ensure that they would be quickly assimilated into their surroundings.

Proposed Appeal Dwellings



West Elevation



East Elevation



South Elevation



North Elevation

6.15 In addition it should be noted that the dwellings subsequently approved on the appeal site by the Local Planning Authority under application reference SMD/2023/0489 varied very little from those proposed as the appeal scheme. In fact the only changes to the external appearance was the omission of the projecting bay windows in the front gable, although there is evidence of these within the locality with 397 Cheadle Road having two front single storey projecting bay windows as well as a two storey bay on the host dwelling 403 Cheadle Road. A screenshot of the dwellings approved for plots 1 and 2 at the appeal site is shown below. The dwelling approved at plot 3 was identical to plots 1 and 2 albeit proposed stone rather than brick to provide some variety and interest.



West Elevation



East Elevation



South Elevation



North Elevation

6.16 In conclusion it is considered that the proposed development would not adversely impact upon the character and appearance of the application site or their valued characteristics of the wider surrounding area. In this respect the proposal accords with CS policies H1 and DC1 and the guidance contained in the NPPF more generally.

(ii) whether the perceived overdevelopment of the site would create access and parking issues;

6.17 Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured, amongst other things that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost

effectively mitigated to an acceptable degree. Paragraph 115 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.18 This guidance is reflected in policy DC1 which requires, amongst other matters, for development to provide for a safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use.

6.19 The specific transport policy in the Local Plan, T1 also seeks to ensure that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development and considering appropriate parking provision on a case by case basis with recourse to the parking guidance set out in the accompanying appendix of the Local Plan. This document states that for detached or semi-detached dwellings which have 4 bedrooms or more 3 spaces measuring 2.4m 4.8m will be required. The preamble to the standard notes that in the case of garage parking, minimum internal dimensions of the garage must be 3m x 6m.

6.20 The host dwelling, Rosedale, currently benefits from an existing ingress/egress arrangement with two separate points of access off the A520 Cheadle Road. The appeal application proposed to retain and extend the northern one of these to serve the proposed development whilst the southern one will be retained solely for the occupiers of Rosedale (403) Cheadle Road. In order to facilitate the proposed development the existing attached garage serving Rosedale would need to be demolished and a replacement double garage was proposed within the submitted plans.

6.21 Each appeal dwelling would be provided with secure garage accommodation and additional parking provision to the side resulting in 3 spaces per dwelling. Adequate parking and turning provision would be retained within the curtilage of Rosedale for the host building.

6.22 The minutes to the Planning Committee meeting (attached at Appendix 2) indicate at paragraph 33 2(e) that the application was refused on inadequate access arrangements. No further details are provided in this regard.

6.23 Whilst the Highway Authority's initial consultation response dated 29th April 2021 (copy attached at Appendix 7) indicated that the application should be refused this was based on the site plan drawing 2020-2541-02A which was originally submitted as part of the appeal application. Following receipt of the comments from the Highway Authority amended drawings 2020-2541-02B – Planning Proposal – Site Plan and 2020-2541-07B Planning Proposal – Garage Plans and Elevations were submitted to the Local Planning Authority on 28th May 2021. A further updated site plan drawing 2020-2541-02C which increased the minimum width of the private drive to 4.8m was submitted to the Local Planning Authority

on 3rd August 2021. Following consideration of the latest submitted site plan drawing 2020-2541-02C the Local Highway Authority removed their objection to the appeal scheme and a copy of their updated consultation response dated 9th August 2021 can be found at Appendix 8 to this statement.

6.24 The updated comments of the Local Highways Authority were correctly reported to the Planning Committee at the meeting on 10th August 2023 and the officer report provided the following commentary:

“The site layout has been revised in response to Highway Authority comments. The revised layout demonstrates that adequate visibility can be provided, increases parking provision to be standard complaint with three spaces per dwelling, the geometry of the access has increased so two vehicles can pass, a dedicated area of bin storage would be provided clear of parking and access areas, and garage internal dimensions have been increased. With the submission of a revised layout plan the Highway Authority have confirmed that they have no objection to the development. Concerns over highway safety would no longer be a sustainable reason to refuse the application.”

6.25 It should also be noted that whilst the subsequent scheme approved for the appeal site under reference SMD/2023/0489 reduced the number of dwellings proposed from 4 to 3 there were no changes to the proposed access arrangements or indeed to the level of parking provided for each dwelling with 3 spaces (two tandem on the drive and one in a garage) being approved. It is therefore difficult to understand how the subsequent application could be approved on highway grounds given that there were no substantive changes in respect of access or parking.

6.26 It is therefore considered that the appeal scheme provided satisfactory access, visibility, parking and turning facilities within the site and complied with not only the Council's own adopted parking standards but also met the requisite technical standards of the Highways Authority. In refusing the appeal scheme the Local Planning Authority ignored that expert advice and refusal on highway safety grounds was wholly unfounded and cannot be substantiated having regard to the council's own adopted Parking Standards. In conclusion therefore it is not considered that the appeal proposal would adversely affect highway safety and the scheme would therefore be compliant with LP Policy DC1 and guidance contained in the NPPF.

(iii) impact on residential amenity for neighbouring dwellings including the existing dwelling having special regard to loss of daylight, privacy, outlook and overbearing visual impact.

6.27 Paragraph 135 (f) of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and

where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.28 Local Plan policy H1 states that all new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers of the dwellings whilst respecting the privacy and amenity of occupiers of existing dwellings. Policy DC1 states that all development should protect the amenity of the area, including the creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

6.29 The decision notice specifies that the loss of amenity relates to neighbouring dwellings including the existing dwelling whilst the minutes for the appeal application specifically cite in paragraph 33, 2 (c) that the “detrimental impact is on the existing dwelling (my emphasis) in terms of the visual impact around privacy and loss of light”. There is therefore a degree of ambiguity in regard of whose amenity would actually be affected by the appeal scheme.

6.30 Notwithstanding the above, the appeal dwellings have been sited to ensure that they have an indirect relationship with the existing residential properties to the west in order to avoid any harmful overlooking into neighbouring houses and their rear gardens as well as not leading to any light pollution, overshadowing or appear over dominant or over bearing within their surroundings.

6.31 The case officer report to Planning Committee provides a detailed assessment of the impact of the appeal proposal on the surrounding development and confirms that the “submitted site plan includes a survey of the existing dwellings and their gardens, a comparison with the digital O.S. plans and aerial photographs verifies the plan as accurate. All four of the neighbouring Cheadle Road dwellings, not including 403 which belongs to the applicant, have generous gardens with a depth of 20-25m from rear elevation to boundary hedge and the edge of the application site, with considerable width, providing spacing between the large properties.”

6.32 At paragraph 7.11 it goes on to state that “The rear elevations of the semi-detached dwellings 409 and 411 Cheadle Road would be facing the two storey end/side gable elevation of Plot 4, approximately 24 metres away. The rear elevations of 405 and 407 would be more than 24m from the front elevations of Plots 2 and 3, which would in any event be at an indirect angle with an orientation to optimise their positioning on the site. All of these distances and relationships are well in excess of the standards set out in the Council’s long standing ‘Space About Dwellings’ guidance. In these regards, the existing dwellings would have ample outlook, privacy and sunlight within their properties and gardens – the amenity of these residents would not be unreasonably affected.”

6.33 The host dwelling, 403 sits within a very wide and rectangular plot which at 1,713 sq metres is substantially larger than any of the adjoining plots on this side of Cheadle Road. The resultant plot would, as part of the appeal proposal, be reduced to 860 sq metres which would still be substantial and it would remain as the largest plot within this section of ribbon development.

6.34 All of the appeal dwellings would due to width of the plot be positioned at an angle to the dwellings on Cheadle Road. Plot 1 lies more than 21m away from the rear elevation of the host dwelling 403 Cheadle Road at its closest point and 26.5m at its furthest point. The closest point of Plot 2 is 27.1m to the rear of 405 Cheadle Road whilst Plot 3 is 32m away from 407 Cheadle Road. Plot 4 which would site at the head of the cul de sac and gable end on to the dwellings on Cheadle Road would have a separation distance of 22.5m between its flank gable wall and the closest point of the pair of semis at 409-411 Cheadle Road.

6.35 For means of comparison numbers 3 and 4 of The Oaks development to the north of the site, not only have a significantly reduced separation distance s with the properties on Cheadle Road but also a more direct alignment with their front elevations directly facing the rear elevations. Here a separation distance of just 17.8m is achieved between number 4 and 401a and 15.3m between number 3 and 399-401 Cheadle Road. Whilst numbers 1 and 2 The Oaks are angled, like the appeal scheme, they too have been approved with much less intervening distances of just 20.2m and 18.1m between them and the properties 399 and 397 Cheadle Road.

6.36 The committee report also notes that whilst the proposed access drive would take an angled line across the width of the very wide rear garden it would have a depth of 9m at its shortest point, extending to 22m at its deepest. It also notes that each of appeal dwellings would have a maximum rear garden depth of 10m with considerable width and generous space between properties providing ample private amenity space. All of these standards are in excess of the requirements set out within the council's own adopted Space About Dwellings Standards.

6.37 The committee report concludes at paragraph 7.15 that "The development would protect and provide adequate standards of amenity and living conditions for all existing and future occupants and would be compliant with Local Plan Policy DC1 in these regards." Given this conclusion, the fact that the appeal scheme is wholly compliant with the council's Space About Dwellings Standards and having regard to the orientation, layout, juxtaposition, topography and intervening separation distances of the proposed appeal dwellings with the existing development on Cheadle Road it is not considered that they would be prejudicial to the reasonable enjoyment of any of the surrounding dwellings through loss of daylight, privacy, outlook and overbearing visual impact. The appeal proposal therefore complies with Local Plan Policy HC1 and DC1 in this regard as well as guidance contained with the NPPF.

6.38 On the basis of the above it is therefore respectfully suggested that the council's sole reason for refusal is wholly unfounded and cannot be substantiated having regard to the council's own adopted Space About Dwellings and Parking Standards.

Other mater considerations

6.39 It should be noted that the Council cannot demonstrate a five year supply of deliverable housing land. In such circumstances the presumption in favour of sustainable development is triggered, with permission being granted unless the harm in doing so would significantly and demonstrably outweigh the benefits (the "titled balance" approach). This statement has shown that even before this titled balance approach is applied, the proposals are compliant with local and national planning policies and it is abundantly clear that planning permission should have been granted for the appeal scheme.

6.40 In accordance with the presumption in favour of sustainable development, the adverse impacts identified by the Local Planning have to be balanced against the benefits of the development having regard to the National Planning Policy Framework taken as a whole. The appeal proposal will derive a number of material benefits which will be discussed below.

6.41 The proposal will make a valuable contribution towards meeting the Local Authority's shortfall in housing land supply. The Local Authority has a long history of housing under-supply, and whilst it was able to demonstrate a five year deliverable supply of housing for a short period following the adoption of its Local Plan in September 2020, this lasted for only 7 months. The Housing Land Supply Statement for the period up to 30th March 2022 confirms that the housing land supply for the District is now just 3.71 years.

6.42 Policy SS3 of the Local Plan confirms a requirement to deliver 320 dwellings per annum to meet the housing requirements for the District over the plan period. The Local Authority's Annual Monitoring Report (see extract in Figure 1 below) demonstrates however that the total number of dwellings delivered per annum from 2014 – 2022 has never once achieved that requirement. The Housing Land Supply Statement furthermore confirms that the annualised housing requirement now stands at 443 dwellings per annum in order to meet the housing targets set out under policy SS3 of the Local Plan. In most years the Local Authority has delivered less than half of that. The social benefits of delivering 4no. dwellings to contribute towards meeting the Local Authority's significant shortfall in housing consequently carries significant weight in favour of the proposed development.

Figure 1 – SMDC Housing Delivery 2014 – 2021 (Source: SMDC Annual Monitoring)

Year	Leek	Biddulph	Cheadle	Rural	District Total
2014/15	149	60	31	38	278
2015/16	29	28	10	32	99
2016/17	44	40	4	40	128
2017/18	40	33	13	56	142
2018/19	14	6	87	58	165
2019/20	85	18	22	78	203
2020/21	79	15	41	66	201
2021/22	29	11	57	80	177
Total	469	211	265	448	1,393
Local Plan Target (%)	30%	20%	25%	25%	100%
Percentage % (to date)	33.7%	15.1%	19%	32.2%	100%

6.43 The proposal will also derive significant benefits of to the local economy. The Local Authority's 'Quantifying the Economic Impact of Development' Report confirms that each new house constructed in the District generates 4.3 jobs within construction or its associated supply chain. The proposed erection of 4 dwellings on the site will consequently support over 17 jobs within the construction industry and its associated supply chain. Such economic benefits lend significant weight in favour of the proposed development.

6.44 The Quantifying the Economic Impact of Development Report also confirms that for each new dwelling constructed within the District, there will be a minimum initial one-off spend (in addition to the construction of the dwelling) of £5,000, with a subsequent annual spend of £9,388 per year. The proposed erection of 4 dwellings on this site will therefore generate a one-off spend of £20,000 within the local economy, with a subsequent annual spend of £37,552. Such economic benefits lend further significant weight in favour of the proposed development.

6.45 Environmental benefits will also ensue as a consequence of delivering 4 new dwellings in a sustainable village location where local day-to-day facilities can be readily accessed on foot and by bicycle. Benefits to highway safety will also accrue as a consequence of the proposed development as identified by the Local Highway Authority. Such benefits also weigh in favour of the proposed development. Further environmental benefits will arise as a consequence of delivering a net gain to biodiversity. At present the provisions of the NPPF only require a net gain to biodiversity to be secured, where possible. In this case however, the appellant's land holding is sufficient to enable them to deliver a substantial net gain to

biodiversity and comfortably meet the 10% net gain requirement that is soon to become a legal requirement. Such benefits also weigh in favour of the proposed development.

6.46 The perceived adverse impacts identified by the Local Authority are not considered to significantly and demonstrably outweigh the aforementioned benefits and consequently planning permission should therefore have been granted in accordance with the presumption in favour of sustainable development.

7.0 Conclusion

7.1 The appeal scheme would by virtue of its scale, density, layout, siting or design result in an appropriate development which would not harm the visual amenity or character and appearance of the area.

7.2 Furthermore, the appeal scheme would provide adequate off road parking and manouvering facilities within the site and would not therefore create any access or parking issues or prejudice the safe or efficient use of the highway network

7.3 Finally the proposed development would have an acceptable impact upon the residential amenity of both existing and proposed occupiers and would not result in any loss of daylight, privacy, outlook or be overbearing.

7.4 Despite the above having been clearly put to the Planning Committee by its specialised planning officer and the Highway Authority, the Planning Committee resolved to refuse planning permission. This statement demonstrates that that decision was unfounded and cannot be substantiated having regard to the council's own adopted Space About Dwellings and Parking Standards. Having regard to the above the appeal scheme complies with Policy DC1 of the Staffordshire Moorlands Local Plan and Sections 12 and 16 of the National Planning Policy Framework. In accordance with paragraphs 2 and 12 of the National Planning Policy Framework it is therefore respectfully requested that the appeal be allowed.