



Appeal Decision

Site visit made on 26 June 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2024

Appeal Ref: APP/B3438/W/24/3340140

Bryn Helyg, Kiln Lane, Leek ST13 8LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr. Lyndon Stonier against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2023/0611.
 - The development proposed is 'erection of detached dwelling and conversion of existing agricultural building to ancillary residential use'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal site is situated on top of a hill next to Kiln Lane and is currently used for agricultural purposes. It's open feel and prevailing rurality mean it contributes positively to the character and appearance the area which is very much related to the open countryside as it extends west. The proposed dwelling would be slightly taller than the existing agricultural building it would be next to, and also at a considerably higher level than the adjacent properties, with the floor level being close to the ridge of Bryn Helyg.
5. The dwelling would be visible from various distances at several vantage points. At some places it would be seen in conjunction with the surrounding dwellings, however in other places, such as on Macclesfield Road by the cricket club or along the Leek to Rudyard Railway footpath, the bungalow and agricultural building would be seen on their own and would appear as an isolated residential use in the countryside. The visibility and prominence of the bungalow would introduce something of an alien form of development which would detract from the open, undeveloped and rural character of the area.
6. The proposal would therefore conflict with Policies SS1, SS5, H1, DC1 and DC3 of the Staffordshire Moorlands Local Plan 2020, insofar as they require

development to respect the site, its surroundings and local landscape character.

7. The appellant has suggested that off-site planting could be undertaken to the south and south-west of the site to screen the proposed dwelling. No substantive details of any such landscaping have been provided, however any planting outside of the red-line boundary could not be secured by planning conditions and consequently there is no mechanism to guarantee such landscaping. The land levels around the site would require plants of substantial height in order to screen the dwelling, and it would likely take a considerable period of time for them to grow to a sufficient size. Moreover, the planting could provide less of a screen during the winter months when leaves are shed. I am not therefore convinced that landscaping either on or off of the site would provide adequate screening to mitigate the harm to the character and appearance of the area. In any case, inappropriate development would not be considered acceptable if it could be effectively hidden.
8. My attention has been drawn to a previous appeal decision which allowed outline permission for 11 dwellings at Bridge End, Leek, reference APP/B3438/A/14/2223254. The proposed dwellings would be situated on top of a hill, and the Inspector acknowledged that this could result in adverse impacts and that any such would be of a low order of magnitude. Nevertheless, the proposal was for the redevelopment of redundant previously developed land, which is not the case in the proposal before me. The 11 dwellings would have made a more meaningful contribution to the Council's housing supply than the single dwelling in this appeal. Consequently, the appeal at Bridge End is not directly comparable to the scheme before me. I therefore give it limited weight.

Conclusion and Recommendation

9. The Council is not able to demonstrate the supply of housing sites required by the National Planning Policy Framework 2023 (the Framework). Paragraph 11(d)(ii) suggests, in this situation, the most important policies are out of date and planning permission should be granted 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.
10. There would be harm to the character and appearance of the area and, importantly, the intrinsic qualities of the countryside. Given this harm would be long lasting and obvious, I would afford it substantial weight. This would also conflict with the Framework, specifically where it is concerned with the appropriateness of design in section 12. The provision of one additional unit would only make a small difference to the existing supply. Economic advantages would also arise from the construction and occupation of a new house, although these would be temporary during the construction period and limited again by the scale of the scheme. I would therefore ascribe limited weight to these matters. It is therefore sufficiently clear that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. The presumption in favour of sustainable development does not therefore apply in this particular case.
11. I therefore recommend, with this and the above in mind, that the appeal be dismissed because of the conflict with the development plan and there being no

material considerations, including the approach of the Framework, which indicate that a decision should be made other than in accordance therewith.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR