

DELEGATED DECISION REPORT

SMD/2024/0412
Valid 16/09/2024

LAND SOUTH WEST OF
4 MOUNT PLEASANT
FOXT ROAD
FOXT

OUTLINE PLANNING
CONSENT FOR SELF-BUILD
RESIDENTIAL PURPOSES
WITH ALL MATTERS
RESERVED

(OUTLINE - MINOR APPS)

MAIN ISSUES

- Principle of development
- Character and appearance
- Highways
- Land form
- Coal – low risk

DESCRIPTION OF SITE

Highly rural steeply rising roadside slope strongly hedged to the roadside and other boundaries. Overlooked from a higher advantage by no. 4 Mount Pleasant which is a stone end-terrace cottage adjacent to the north east. Access to the Mount Pleasant terrace is taken from Foxt Road not directly in front of the terrace but via a single drive to the side some 60m beyond and round a bend from the application site. Approaching along Foxt Road from the south west there is little awareness of Mount Pleasant and the impression is of a verdant country lane. There is a well-built narrow set of stone steps climbing up to the site from the roadside at the south west corner and this pedestrian access appears to be the only way on to the land.

Land opposite the site across the road is field pasture strongly bounded by mature broad leaved trees, save for its road front. A public footpath (definitive Right of Way no.50, Ipstones) crosses the field, entering diagonally from a point opposite the south west corner of the application site, affording uninterrupted views of the site.

Adjacent the site to its south west boundary is a plot of similar land a little less steep and in use as garden or allotment plots. Beyond this the land drops to become level with the road and there are roadside outbuildings associated with Ivy House which is the first neighbouring dwelling some 50m south west of the application land boundary.

Map contours show the application site rises some 5m from its roadside edge to the rear field boundary. The site is a slightly curving generally rectangular plot about 30m in length parallel to the road but climbing and narrowing to about 20m in length along its rear field boundary which lies some c.15m back from the road. The site

scales from the 1:500 block plan as c.380m² (and is stated in the application form as 391m²).

The form describes the site as 'vacant' former garden area. There is some evidence on site of partial terracing to create levels along the slope. Air photo evidence suggests former allotment use similar to adjacent ground to the south west. There is no suggestion or indication of this having been garden associated with a dwelling and in planning terms the previous use may best be assessed as having been 'horticultural' and therefore this is not previously developed land. Where there are now the cut stumps of two felled trees the air photos also show that as recently as 2020 there were mature broadleaved trees present.

The location is in the Dissected Sandstone Highland Fringe landscape character type (LCT) as set out in the Council's Landscape and Character Assessment (2008), an evidence document in support of the adopted Local Plan.

PROPOSAL

There is no accompanying information with the proposal beyond the plan and the development description which is an accepted minimum for Outline applications. The case officer has confirmed by e-mail with the agent that the description of the development as used above is an agreed change from that first used in the application form adding reference to this being a proposed self-build.

BNG

The application claims exemption on basis of being a self-build project.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
SS11 Churnet Valley Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
H1 New Housing Development
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework (Dec 2023)

Paragraph(s) 1 – 14;
Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places and beautiful places;

13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 16.10.2024

Neighbour consultation period ends: 08.10.2024

Press Advert: N/A

Public Comments

From the occupier of 4 Mount Pleasant:

- lack of information
- concerns about mass dig out which is supporting our garden
- potential loss of privacy and view

Two further objectors:

- I object to this application because there is no information within it to judge its suitability as a development.
- I object to this application because there is a gross absence of detail.

Town / Parish Comments

Ipstones Parish Council considered the above application at the latest meeting on 25th September 2024 and decided to recommend refusal of the development for the following reasons

- The development would not be infill as it would be outside the centre of the village
- There is no existing access to the site off Foxt Road

Environmental Health

No objection subject to conditions.

Staffordshire County Council Highways

Application fails to demonstrate that adequate visibility splays can be provided on the frontage of the site within land under the applicant's control contrary to the interests of highway safety (received 4th October 2024).

The application site is on the inside of a slight bend. Site frontage scales at approximately 28m. Although no access point is specified, it does not appear possible to provide an access which meets minimum visibility requirement of 2.4m x 43m in both directions in land within the applicants control.

Mature hedge on the site frontage hampers measurement on site. Measurements from drawing show that third party land would be required and the mature hedge removed in its entirety.

Site is in an unsustainable location with no nearby community facilities and no pedestrian facilities likely resulting in increased reliance on the private car.

OFFICER COMMENTS

Principle of Development

SS10 restricts new-build housing to that which has 'an essential need' to be located in the countryside in accordance with Policy H1. No reasons have been put forward with the application to set out why the development should or could be supported.

Policy H1 will support housing development in locations not allocated for such purposes if the proposal amounts to "limited infill" of "an appropriate scale and character for the Spatial Strategy" provided that "The development is well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development" and "the development will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside".

The 'smaller village' of Foxt has no defined development boundary and its core lies some 500m to 600m south west from the application site. The village church is an outlier from the centre and seems to mark the end of the village at a point some 300m from the application site. After the church, Foxt Road is then for the most part open to its rural farm land surroundings. There are though some intermittent developments along Foxt Road as far as the Park Lane cross roads 400m north east from the site. The spacings between these existing farms and cottages can be seen as being critical to maintaining the dispersed arrangement of the developments and preventing them appearing to aggregate into a more continuous ribbon.

Development of the application site would occupy a central part of one of these spacings and in doing so would effectively eliminate the important contribution this gap makes in keeping the existing developments apart. This would directly contravene the policy H1 requirement not to create or extend ribbon development.

It can also be seen that development of this site would inevitably result in a prominent intrusion into the countryside with a significant adverse impact on the character and appearance of the countryside – contrary specifically to H1(4)(c).

This site is within the Churnet Valley Masterplan Area and SS11 is that “development should be in accordance with the Masterplan”. Policy SS11 states that: “Any development should be of a scale and nature and of a high standard of design which conserves and enhances the heritage, landscape and biodiversity of the area. Strong sustainable development and environmental management principles should also be demonstrated. The consideration of landscape character will be paramount in all development proposals in order to protect and conserve locally distinctive qualities and sense of place and to maximise opportunities for restoring, strengthening and enhancing distinctive landscape features.

For all the above reasons the proposal does not receive support in principle.

Design (DC1) and Landscape (DC3)

As an outline application there are no building design details to consider but the Council's adopted design policy DC1 considers a range of issues and at DC1(2) says that in particular new 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”*.

Whilst at this stage there are no details as to the development's proposed built form it can nevertheless be appreciated that any reserved matters proposal on this site would of necessity substantially alter the existing character and appearance of the location. Development would involve significant excavation into the rising bankside directly from the road edge level. The necessary re-working of ground levels would lead to the loss of the well-formed native-species hedgerow which on this stretch of Foxt Road makes a very high contribution to the character and appearance experienced by users of Foxt Road and the cross-field footpath opposite.

Any development on this site, whether raised up or sunk down, or indeed involving a combination of the two, would be unavoidably prominent and intrusive in the changes it would bring to this stretch of road. As the site is rising land all the way up to its rear (north west) and to its easterly juncture with no. 4 Mount Pleasant – where the land continues to rise beyond the site – development would involve significant retaining works resulting in still greater prominence and intrusion and likely to involve a highly ‘engineered’ and contrived development further at odds with the rural setting where existing buildings tend to be more traditionally assimilated into the underlying natural physical landscape or topography.

The Council's Landscape assessment places this location in an area of high landscape quality (in the county wide context it is ranked level 4 on a 5 point scale where 5 is highest). This character area is also identified here as one in which the landscape comprises details of quality which have the highest sensitivity to change. For these reasons the conclusion is that there would be harm to the character and appearance of the area.

Amenity

With no details of the building design or layout within the site there is little that can be deduced as regards impacts to the living conditions for neighbouring dwellings. Any detailed scheme would need to be assessed by reference to the Council's adopted Space About Dwellings guidance and implications for the occupiers of no.4 Mount Pleasant and all other neighbours determined accordingly.

In their objection the occupiers of no.4 Mount Pleasant are right to raise their concerns about land stability as this is a material planning consideration referred to for example at NPPF 189 (c) which says that adequate site investigation information, prepared by a competent person, should be available to inform the decision assessment. Appropriate ground stability and slope stability reports would be necessary. Due to the steepness of the site the development would necessitate significant alteration to the land contours. In the event of considering approval the LPA would need to be assured as to the risks if any in terms of land stability especially with regard to the higher level adjacent existing dwelling to the north east at no. 4 Mount Pleasant.

Highway Safety

The comments of the Highways Authority that it does not appear possible to provide an access which meets minimum visibility requirement of 2.4m x 43m in both directions on land within the applicant's control mean the application should be refused as being unable to adequately respond to Highway safety requirements.

Sustainability

The site is not in a sustainable location in that occupiers would be reliant on the private car to reach supplies and services. With the exception of a pub, church and village hall in Foxt the first nearest options are in Ipstones at a travel journey distance of some 3km away. The roads are generally single track, winding, unlit and without pedestrian pavement.

NPPF 84 sets out that development of isolated homes in the countryside should be avoided subject to the exception of certain circumstances (a) to (e) none of which apply in this case.

Ecology

No information has been submitted on the site's ecology and biodiversity. The well-formed hedgerow boundaries and the mixed species and varied height of herb / shrub layer vegetation across the site all show that at least a modest level of biodiversity will be present and at risk from the development. A full and proper assessment of this is not however possible without survey information being submitted.

Coal Authority – designated Low Risk area

The site is within a low risk area which the Coal Authority says may contain unrecorded coal mining related hazards. There is no requirement for the LPA to consult with the Coal Authority but an informative should be attached in the event of approval to advise a developer that if any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority.

Drainage

No information has been submitted with regard to drainage. The availability or otherwise of public foul drainage is not known. Planning Practice Guidance and section H of the Building Regulations 2010 establish a surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method of choice. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable it would be necessary for the applicant to provide satisfactory evidence before a discharge to the public sewerage system is considered. Drainage should be arranged so that no surface water would need to enter any foul or combined water system by any means. It is not known which if any of the above options might be feasible for this development.

CONCLUSION / PLANNING BALANCE

It was an option for the LPA to notify the applicant by one month after the application was received if it considered that the application ought to include details of certain reserved matters and specifying which further details were required. Such details were not requested in this case however as the LPA considers that the proposed site location is unsuitable and contrary to the Local Plan as a matter of principle.

The comments of the Highways Authority also establish a further fundamental reason that development here cannot be supported given that their advice is that it does not appear possible to provide an access which meets the minimum visibility requirement of 2.4m x 43m in both directions in land within the applicant's control.

Furthermore, the adverse effect on the character and appearance of the area presents another significant cause of concern that can be readily understood without call for further information.

Although new development will bring some economic benefit for example from construction work and later by the on-going spend of its occupiers the amount from a single dwelling is limited and in a non-sustainable location is also to some extent counter-productive.

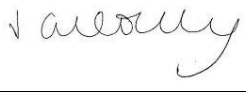
Notwithstanding that the Council cannot currently demonstrate a full five year housing land supply the development benefits of just a single dwelling and any economic contribution would overall have adverse impacts as discussed in the report above which would significantly and demonstrably outweigh the benefits of granting permission. The proposal would thus conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

In consideration of all of the above the application is recommended for refusal.

OFFICER RECOMMENDATION : **refuse**

Case Officer: Arne Swithenbank

Recommendation Date: 24.10.2024

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council