



Appeal Decision

Site visit made on 11 March 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

Appeal Ref: APP/B3438/W/24/3357832

Land off Cheddleton Park Avenue, Cheddleton, Staffordshire ST13 7NS

Grid Ref Easting: 397484, Grid Ref Northing: 352331

- 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 F Murray of Moorland Homes (Cheadle) Ltd. against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2024/0341.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an amended plan with the appeal, which has made external and internal changes to the proposed dwelling. The principal changes relate to the reconfiguration of the master bedroom, resulting in the obscure glazed window to the ensuite being positioned to the front projecting gable feature and the bedroom window being relocated to the west elevation.
3. Whilst these changes do not involve a substantial or fundamental change to the application, I have considered whether accepting the amended plan would cause procedural unfairness to interested parties. Due to the nature of the changes to address concerns over the living conditions of the occupants of a neighbouring property, I am concerned that accepting the amended plan at this stage would deprive those entitled to be consulted on an application the opportunity to make a representation. As such, my decision is based on the development proposals before the Council when the application was determined.

Main Issues

4. The main issues are the effect of the proposed development on;
 - the character and appearance of the area; and
 - the living conditions of the occupants of No 79 Cheddleton Park Avenue, with particular regard to privacy.

Reasons

Character and appearance

5. The appeal site falls within the development boundary of Cheddleton and as such complies with Policy H1 of the Staffordshire Moorlands Local Plan (SMLP), subject to consideration against other policies in the Local Plan.
6. Cheddleton Park Avenue is a linear cul-de-sac sitting on a valley slope with higher ground to the south and falling levels to the north. No 79 Cheddleton Park Avenue has a central position at the western end of the cul-de-sac with significant gaps either side that offer extensive views of the fields falling towards the valley floor. The arrangement of No 79 with its neighbouring properties, Nos 77 and 86 Cheddleton Park Avenue, provides an open and symmetrical termination to the cul-de-sac. This provides a clear and visible boundary between Cheddleton Park Avenue and the adjacent open fields. These elements are a significant contributing factor to the setting of this part of Cheddleton.
7. The proposed 2-storey house would be sited adjacent to No 86 Cheddleton Park Avenue and perpendicular to No 79. This would significantly reduce the current gap between Nos 79 and 86, as well as encroach the built form of the cul-de-sac into undeveloped land. Consequently, this would adversely unbalance the symmetry to the end of the cul-de-sac and diminish the distinction between the modern housing development and adjacent fields.
8. The positioning of the new house with its front elevation facing a private drive, and the side gable and rear garden of No 79, would conflict with the prevailing pattern of development to this section of Cheddleton Park Avenue. The front elevations to the existing houses face the wider roads that serve the cul-de-sac and do not face the side elevations or rear gardens of other houses. The proposal would also result in a much tighter arrangement to the front of the new house that would be at odds with the established, more spacious setting to the front of the houses on the cul-de-sac.
9. As such, the unbalancing of the symmetry to the spacing between the properties at the end of the cul-de-sac, as well as the cramped arrangement to the front of the new house and the erosion of the boundary between the modern housing development and the adjacent open fields, would be a clear discernible departure from the prevailing character and appearance of the area.
10. I note that the land to the immediate west of the proposed house plot would be laid out with landscaping and post and rail or post and wire fencing on the grounds that it would assist in softening the transition between the site and surrounding area. However, the proposal would still represent a clear encroachment into the undeveloped land, lessening the contrast between the built-up area and open fields, in a manner which would be highly visible from Cheddleton Park Avenue and adjoining residential properties.
11. For the above reasons, the proposed development would be detrimental to the character and appearance of the area. This would conflict with Policies H1, DC1 and DC3 of the SMLP, which require all developments to be of a high quality and, well designed, and to reinforce local distinctiveness and protect local landscape and settlements. The proposal would also conflict with the National Planning Policy

Framework (the Framework), which seeks to ensure that development is sympathetic to local character.

Living conditions

12. It has been indicated that the provision of post and rail fencing along certain stretches of the rear gardens to the 3 houses at the end of the cul-de-sac were stipulated when they were approved. From my site visit I observed that this boundary treatment does assist in softening the transition between the houses and the open fields.
13. However, the existing post and rail fencing would provide no screening to the rear garden of No 79 from the windows to the ground floor lounge and first floor master bedroom of the new house. This arrangement would result in an unacceptable level of overlooking from the new house and prevent the use of the rear garden at No 79 with an expected degree of freedom from unwanted social contact. Consequently, this unacceptable loss of privacy would adversely affect the living standards of the occupiers of No 79.
14. The Council's Space About Dwellings Standards require a distance of at least 6m between a principal window and any site boundary or any solid obstruction higher than the top of the window. As the site boundary is essentially open, this standard is not applicable.
15. I note that the finished floor level of the proposed house would be 1m lower than the floor level of No 79. However, this would not fundamentally change the overall relationship between the new 2 storey house and the rear garden of No 79.
16. I therefore conclude that the proposed development would unacceptably harm the living conditions of occupiers at No 79, with particular regard to privacy. This would conflict with Policy DC1 of the SMLP, which requires new development to protect residential amenity in terms of, amongst other things, privacy. The proposal would also conflict with the Framework, which seeks to ensure that development creates a high standard of amenity for existing users.

Other Matters

17. My attention has been brought to a previous appeal¹, which partly included the current appeal site. The Inspector considered the relevant heritage assets affected by this previous proposal. From my own observations and consideration of the evidence before me, I have concluded that the same heritage assets could potentially be affected by the current proposal.
18. To the southwest and uphill from the appeal site is a farmstead, known as Grange Farm, that contains Grange Farmhouse and a barn, which are both Grade II listed buildings. The significance of Grange Farm is drawn partly from its status as an example of a medieval grange farmstead, and from the longstanding presence of a farmstead and agricultural buildings on the site. The open fields that are visible in the foreground of the farmstead form part of the setting of these listed buildings and make a positive contribution to the farmstead's sense of isolation, and thereby their significance.

¹ Appeal Ref: APP/B3438/W/19/3228503

19. To the north there is also a Grade II listed accommodation bridge that crosses the Caldon Canal and historically served Grange Farm, with some inter-visibility between them over the open fields. This remaining historic visual connection contributes to the setting and significance of both the listed bridge and the listed buildings within the farmstead.
20. Whilst there is inter-visibility between the appeal site and the bridge, there is little between the site and Grange Farm. The open fields provide significant separation between the listed buildings and the modern suburban development of Cheddleton Park Avenue, particularly when viewed from the public footpath and the Caldon Canal. The proposal would not represent an unacceptable encroachment into this open space, thereby preserving the settings of the listed buildings and the ability to appreciate them.
21. Cheddleton Conservation Area (CCA) lies to the west of the appeal site, on the other side of the open fields. The CCA includes the historic village and reflects the history and evolution of the village from a small settlement to its expansion with the growth of industry in the valley floor. The open fields contribute significantly to the village's rural surroundings. There is substantial vegetation and tree cover to the eastern edge of the historic village preventing inter-visibility between Cheddleton Park Avenue and the CCA. Moreover, views from the canal and the public footpath display the clear separation between the CCA and the appeal site. As such, the proposed development would not harm the character or appearance, or the significance, of the CCA.
22. The Caldon Canal Conservation Area (CCCA) closely follows the line of the canal and there is open land separating it from the appeal site. The CCCA's special character and significance are drawn principally from its status as an example of innovation in engineering and as a linear transport route associated with the industrial history of the surrounding area. The proposal would not appear unduly dominant and would primarily be seen against the backdrop of the existing modern housing development. Consequently, the proposal would not harm the character or appearance, or the significance, of the CCCA.
23. As such, the proposal would preserve the settings of the listed buildings and the ability to appreciate them, as well as preserve the characters, appearances, or significance of the conservation areas. This is in accordance with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24. Compliance with legislation and the development plan on matters of the height of the new dwelling reflecting the adjoining houses, highway safety and parking provision, would all have a neutral impact on the planning balance. There would be a net gain in terms of biodiversity, but the small scale of that benefit means I attribute it only modest weight in the overall planning balance.

Planning Balance

25. The Council has advised that since the publication of the new Framework on 12 December 2024, it no longer has a 5 year supply of deliverable housing sites. The appellant has indicated that the Council has a history of housing undersupply, and its housing land supply currently stands at 3.58 years. Therefore, and as per footnote 8 to paragraph 11 of the Framework, relevant development plan policies are taken to be out of date. Paragraph 11 d) of the Framework identifies that planning permission should be granted unless any adverse impact of doing so

would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

26. The proposed development would make a positive contribution to housing supply, within a development boundary. There would also be associated social and economic benefits during the period of construction and once the dwellinghouse is occupied.
27. However, the scale of the development means that I afford the provision of a single new house within the context of the current shortfall, along with the benefits listed above, moderate weight in favour of the proposed development.
28. On the other side of the balance, there would be significant harm to the character and appearance of the area as well as the living conditions of the occupants of No 79 Cheddleton Park Avenue. I give significant weight to Policies H1, DC1 and DC3 of the SMLP, which are consistent with the Framework in ensuring that development is sympathetic to local character and the creation of a high standard of amenity for existing users.
29. Therefore, I conclude that the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development set out in paragraph 11d) of the Framework does not apply.

Conclusion

30. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

P Barton

INSPECTOR