

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Planning Applications Committee

24 January 2019

TITLE:	PERFORMANCE ON PLANNING APPEALS
CONTACT:	DEVELOPMENT MANAGEMENT TEAM
WARDS INVOLVED:	ALL

Appendices Attached - None

1. **Reason for the Report:** To inform members of appeals lodged and decided since the last update to the Planning Applications Committee.

2. **Recommendation**

2.1 That the report be noted.

3. **APPEALS LODGED**

None received.

4. **APPEAL DECISIONS RECEIVED**

Application No. SMD/2017/0199

Location: Woodhouse Green Farm, Woodhouse Green, Rushton Spencer, Staffordshire, SK11 0RS

Proposal outline permission with all matters reserved (except access) for the erection of up to four dwellings, new vehicular access and the formation of a car park to serve St Johns Church at Land Adjacent The Cross, Main Road, Hollington.

Level and Date of Decision: Delegated.

Recommendation: Minded to Refuse

Decision: Minded to Refused

Appeal Decision and Date: Dismissed 18th December 2018

Method of Decision: Written Representations

Major / minor: Minor

Inspector: Kevin Savage BA MPlan MRTPI

Costs awarded: No

Main Issues:

- whether the proposed development would provide a suitable location for housing, having regard to the provisions of the development plan and the accessibility of services and facilities, and the effect of the proposal on highway safety.

Conclusions:

The Inspector concluded:

- the dwellings would be within a location with poor access to services and facilities to meet daily needs. Whilst I accept that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the proposal, through its location, would not encourage use of public transport, walking and cycling and would therefore conflict with a key aim of the Framework. The proposal would not, therefore, represent an appropriate location for housing,
- the proposal would introduce considerable additional vehicular movements onto a narrow, constrained rural road, creating conflict with existing traffic. I accept that the appellant has made efforts to address the technical concerns raised by SCC. However, I am not persuaded that these alterations and the proposed church parking would sufficiently mitigate for the increased volume of traffic, and resulting vehicular and pedestrian conflict, generated by the development. The proposal, therefore, would have an adverse effect on highway safety and would conflict with Policies DC1 and T1
- The provision of 12 parking spaces would provide a facility for those attending church services. However, for the reasons set out above, I find that this would not be without potential drawbacks, and I am not persuaded, based on the evidence before me, that parking problems are so severe as to require the proposed solution, or that it would fully address existing problems. Therefore, overall, I ascribe limited weight to this benefit.

- The appellant refers to a recent decision by the Council to permit development of nine dwellings on a site at Tearne Quarry in Hollington¹, despite the findings of the Inspector in an earlier appeal relating to the Star Inn public house², to which the Council has referred. I note in the Tearne Quarry case that the Council drew a distinction with earlier appeal cases. The quarry site is previously developed land and the number of dwellings proposed was a further variable factor in the planning balance. The appeal decision included a reason for refusal in respect of character and appearance, which is not at issue in the present case. Given these different material considerations, I do not find these developments to be directly comparable to the appeal before me, and they attract limited weight in my considerations

Officer Comment:

- This is a good decision for the Council and it is encouraging that the Inspector has supported the Council on both sustainability and highways grounds.

Application No. SMD/2017/0513

Location: Heather Hills, Birchall Lane, Leek, Staffordshire, ST13 5RA.

Proposal 'erection of a single dormer bungalow and detached garage in part former garden.

Level and Date of Decision: Committee 3 November 2017.

Recommendation: Approve

Decision: Refused

Appeal Decision and Date: Dismissed **20 December 2018**

Method of Decision: Written Representations

Major / minor: Minor

Inspector: Rachel Walmsley BSc MSc MA MRTPI

Costs awarded: No

Main Issues:

- The main issue is the effect of the proposed development on the character and appearance of the area.

Conclusions:

The Inspector concluded:

- The development would occupy much of the plot's width with less space between the built development and the site's boundaries than for other houses in the area. This lack of spaciousness would result in the development appearing cramped and incongruous against the more spacious arrangement of existing properties. I am aware that further away from the site, outside of Birchall Lane, properties are set within smaller plots. However, given the distance of these properties from the appeal site they do not form the site and therefore have little bearing on the appropriateness of the development proposed.
- The proposed dwelling would also be much closer to Birchall Lane than the existing houses within the street. I understand the rationale for this, to protect the privacy of neighbouring occupiers and to comply with the Supplementary Planning Guidance². Nonetheless positioned in this way the dwelling would appear overly dominant within the street and harmful to the area's spacious character. Exacerbating this effect would be the wall and hard landscaping to the front of the site in connection with ground excavations required. The soft landscaping proposed would help to lessen the visual harm of these works. Nonetheless the trees proposed would not obscure the wall entirely, nor would they mitigate the visual impact of any vehicles parked on the frontage. As such vehicles parked on the frontage, combined with the wall would be unduly prominent within local views, adding to the harm that I have identified

Officer Comment:

- This is a good decision for the Council and has demonstrated that again that the Council is correct in expecting high standards of design throughout the Moorlands.
- It is also noted that an application for costs was made and it is very pleasing to note that the application was dismissed, the Inspector concluding that the Council had acted reasonably in its refusal of the application

Application No. SMD/2017/0813

Location: Land South of Hill Crest, Sutherland Road, Longsdon

Proposal 'outline permission for up to three dwellings including approval sought for access.

Level and Date of Decision: Delegated 16th March 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 7th November 2018

Method of Decision: Written Representations

Major / minor: Minor

Inspector: Kevin Savage BA MPlan MRTPI

Costs awarded: No

Main Issues:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt and the purposes of including land with it;
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances

Conclusions:

The Inspector concluded:

- The Council argues that the proposed dwellings would not amount to 'limited infilling', due to the large width of the gap in which they would be located. There is no definition of 'infill' within national policy or any local policy or guidance to which I have been referred. However, a straightforward interpretation of the term would indicate that the development would occupy a gap between two buildings or developments. In this case, the existing site forms a significant break in the built form on this side of Sutherland Road, which permits clear views over the surrounding countryside. Whilst there are trees which act as a physical and visual barrier within the space between the appeal site and 'Boscobel', the gap between them is nonetheless significant, and an expanse of open countryside clearly separates built development on this side of Sutherland Road. Therefore, I would not regard this gap in the built form as limited in extent or scale.
- I find the character of Longsdon to be that of a dispersed linear settlement, stretched over some distance on the A53, Sutherland Road and other surrounding roads. Large gaps are frequent between dwellings where views of the open countryside can be experienced, reinforcing the rural character of the area. To interpret 'limited infilling'

to apply to gaps such as that around the appeal site would potentially be to permit extensive housing development over long frontages, and effect significant change in the scale and character of the village. To my mind, this is not the purpose of exception e) of paragraph 145 of the Framework

Officer Comment:

- This is another very useful decision which supports the strong line which the Council has been taking in its defence of the Green Belt and also is of further assistance in the interpretation of what constitutes “limited infilling within a village”.

Application No. SMD/2018/0301

Location: Limerick Farm, Devils Lane, Longsdon, Staffordshire, ST9 9QP

Proposal ‘proposed first floor extension with external alteration to north elevation and internal alterations’.

Level and Date of Decision: Delegated 20th July 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 11th January 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: Julie Dale Clark BA (Hons) MCD DMS MRTPI

Costs awarded: No

Main Issues:

- (i) whether the proposal would be inappropriate development in the Green Belt, taking into account the effect of the proposal on the openness of the Green Belt; and,
- (ii) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Conclusions:

The Inspector concluded:

- The house has been extended in the past but, according to the appellants, this involved demolition of existing buildings. The appellants therefore dispute that the resulting building is disproportionate to that which originally existed. However, some of the demolition that took place seems to have occurred to allow for the alterations to the original house, including incorporating an outbuilding into the fabric of the house. Two extensions have also been approved to the property. These have been built.
- Whether the outbuildings are taken into account or not, the appellant's claim that the increase resulting in the proposed extension would be extremely small. Although there seems to be some acceptance that previous works have amounted to disproportionate additions (figures of an increase from 103% to 109% or from 81% to 83% are quoted). I do not accept that previous demolitions should be taken into account at this time.
- The building has previously undergone substantial extensions which amount to disproportionate additions. Whilst the extension would increase these by a modest amount, incremental increases however small do not mean that the additions are any less disproportionate. The framework makes it clear that disproportionate additions above the size of the original building are inappropriate. This therefore carries significant weight.
- The extension would not extend the footprint of the house but would comprise a small infill at first floor level.
- Due to the scale and position of the proposed extension, I do not consider that the openness of the Green Belt would be harmed
- The proportions and general appearance would not appear out of keeping with the house as it appears now. I do not consider that the proposal conflicts with Policy DC1 or the Design Guide.
- I have not found harm to the character and appearance of the dwelling nor to the openness of the Green Belt. However, the harm caused by inappropriateness carries substantial weight and I have only given limited weight to the other considerations raised.

Officer Comment:

This case involved a relatively small addition to a property in the Green Belt. However, the Inspector dismissed the Appeal because the property had already been significantly extended and when taken cumulatively with previous additions the proposal would be disproportionate and therefore inappropriate development in the Green Belt. It is interesting to note that this conflict with policy in principle alone was sufficient to dismiss the Appeal despite concluding that due to the small size of the extension, the openness of the Green Belt would not be harmed.

Application No. SMD/2018/0322

Location: 1 Moorville Cottages, Leek Road, Moorville, Cellarhead

Proposal Conservatory

Level and Date of Decision: Delegated 27th July 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 11th January 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: Julie Dale Clark BA (Hons) MCD DMS MRTPI

Costs awarded: No

Main Issues:

- whether the proposal would be inappropriate development in the Green Belt, taking into account the effect of the proposal on the openness of the Green Belt; and,
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Conclusions:

The Inspector concluded:

- The Council state that the house has been fairly extensively extended in the past. It refers to its records and historical maps which indicate an increase of over 100% over and above the original house. The appellant has not disputed this. Whilst the conservatory, in itself, would be relatively modest the cumulative increases above the size of the original dwelling would amount to a disproportionate addition over and above the size of the original building. It would therefore conflict with the Framework. This carries substantial weight.

- Whilst the house is set in substantial grounds, surrounded by countryside and I note the various out-buildings on the appeal site together with extensions to the adjoining semi-detached house. Nevertheless, the conservatory would further extend the footprint of the house to the west and notwithstanding that it would be single storey, it would affect the openness of the Green Belt.
- The harm caused by inappropriateness carries substantial weight and I have only given limited weight to the other considerations raised. I have taken all matters raised into consideration but conclude that very special circumstances do not exist to clearly outweigh the harm caused by inappropriate development in the Green Belt. The proposal would conflict with the Framework and the policies referred to and therefore the appeal fails.

Officer Comment:

- It is another example of a relatively small extension being found to be inappropriate development due to the cumulative impact with previous additions. It shows that the Council is adopting the correct approach in respect of resisting inappropriate development in the Green Belt.