

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

**Report to Planning Applications Committee**

**14 February 2019**

<b>TITLE:</b>	<b>PERFORMANCE ON PLANNING APPEALS</b>
<b>CONTACT:</b>	<b>DEVELOPMENT MANAGEMENT TEAM</b>
<b>WARDS INVOLVED:</b>	<b>ALL</b>

**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/2018/0168

**Location:** Land at Rivendell Lane, Birchall, Leek ST13 5RH

**Proposal** The development proposed is erection of 2 no detached two-storey dwellings.

**Level and Date of Decision:** Committee. 25<sup>th</sup> April 2018

**Recommendation:** Refuse

**Decision:** Refused

**Appeal Decision and Date:** Dismissed 28<sup>th</sup> January 2019

**Method of Decision:** Written Representations

**Major / minor:** Minor

**Inspector:** Eileen Griffin LLB Hons

**Costs awarded:** No

**Main Issues:**

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

**Conclusions:**

The Inspector concluded:

- The overall ridge height of the dwelling would be approximately 9.5metres and with a width of approximately 13 metres, it would appear as an overly dominant feature in a location where the houses are largely designed to blend in with the mature hedging and planting.
- Other properties do not have the same elevated prominent location at the junction of the lanes.
- Whilst the ground levels would be lowered by a small amount, the height of the proposed new dwelling in combination with the elevated location would appear extremely prominent. The view from the front on Birchall Lane would be of a number of discordant features of different levels including a prominent chimney feature and the partial split level arrangement. There would be limited garden space due to the layout and the hardstanding, parking and turning area which would result in hard features in an otherwise green landscape.
- Whilst the appellant has referred to the provision of landscaping, it would inevitably take several years for any new planting to resemble the mature vegetation that is currently prevalent on Birchall Lane.
- I consider that the combination of plots 1 and 2 with the current design and siting of Plot 1 would amount to an over intensive development, inconsistent with the spacious character of the surrounding area
- I therefore conclude that the appeal proposal which includes plots 1 and 2 would be harmful to the character and appearance of the area. It would conflict with Policy DC1 of the Staffordshire Moorlands Core Strategy Development Plan Document (26th March 2014) (the Core Strategy) which states amongst other things that new development should be of high quality, add value to the local area, and be designed to respect the site and its surroundings. It would also conflict with the principles of chapter 12 "Achieving well-designed places" of the Framework".

**Officer Comment:**

- This is a good decision for the Council and it is encouraging that the Inspector has supported the Council in seeking to protect the character and appearance of our area and seeking high standards of design in new development.

**Application No.** SMD/2018/0381

**Location:** Coltslow Farm, Stanley Moss Lane, Stockton Brook, Staffordshire, ST9 9LH.

**Proposal** Outline permission with details of access, appearance, layout and scale (other matters reserved) for demolition of existing buildings and their replacement with a detached dwelling.

**Level and Date of Decision:** Delegated 13<sup>th</sup> August 2018.

**Recommendation:** Refuse

**Decision:** Refused

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

**Method of Decision:** Written Representations

**Major / minor:** Minor

**Inspector:** Andrew McGlone BSc MCD MRTPI

**Costs awarded:** No

**Main Issues:**

The main issues are: (i) whether the proposal comprises inappropriate development, having regard to the Green Belt policies of the development plan and the Framework; (ii) the effect of the proposal on the character and appearance of the appeal site and the Stanley Conservation Area (SCA); and (iii) 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 required to justify the proposal.

**Conclusions:**

The Inspector concluded:

- Parts of the site are occupied by various buildings, a gravelled access track and a yard. The latter is not precisely defined, but collectively these form previously developed land. Other parts of the appeal site are greenfield. The proposed dwelling would

appear to straddle greenfield and previously developed land. However, if I am incorrect, and the proposed dwelling is wholly on previously developed land, then consideration needs to be given to whether the proposed dwelling would have a greater impact on the openness of the Green Belt than the existing development. Volumetric calculations have been provided by the appellant with a view to demonstrating this

- the volume of the proposed dwelling would exceed the collective volume of existing buildings within the site edged red. Thus, even with some of the land returned to a greenfield state, the appeal scheme is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances
- I consider that the proposed dwelling would broadly reflect the character and appearance of the area.
- The proposal amounts to inappropriate development in the Green Belt, and the appeal scheme would also result in a loss of openness of the Green Belt. These are harmful effects by definition that I attach substantial weight as required by Framework paragraph 144. Consequently, the proposal creates a clear conflict with the environmental role of sustainable development.
- Harm would not be caused to the character and appearance of the area. I have considered matters put before me in favour of the scheme, however I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. Thus, the very special circumstances necessary to justify the development do not exist, and the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.

**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 assistance in the interpretation of what constitutes redevelopment of previously developed land in the Green Belt.

**Application No.** SMD/2017/0816

**Location:** The Raddle Inn, Quarry Bank, Hollington, ST10 4HQ.

**Proposal** 'alterations and extension at The Raddle Inn and erection of 3 Holiday Lodges.

**Level and Date of Decision:** Committee 26<sup>th</sup> January 2018

**Recommendation:** Refuse

**Decision:** Refused

**Appeal Decision and Date:** Part Allowed / Part Dismissed 1<sup>st</sup> February 2019

**Method of Decision:** Written Representations

**Major / minor:** Minor

**Inspector:** Andrew McGlone BSc MCD MRTPI

**Costs awarded:** No

**Main Issues:**

The main issue is whether or not the proposed holiday lodges would be sustainable rural tourism in the context of local and national planning policies taking particular account of the location of the site and whether future users would have a choice of transport modes.

**Conclusions:**

The Inspector concluded:

- Some of the journeys to the site could be made by electric vehicles, which are a recognised sustainable transport mode, given the growing market share that they enjoy and the wider network of electric vehicle charge points capable of sustaining their use across the country. There is, however, no guarantee of visitors using such vehicles. Nor could their use be imposed.
- This benefit does not outweigh the overall effect of an increased number of car journeys
- As a result, the proposed holiday lodges would not be a location that offers, or is capable of offering good connectivity with other tourist destinations and amenities, particularly by public transport, walking and cycling.
- Given the limited facilities and services in Hollington, prospective visitors would be a reliant on the private car for travel to and from the public house. While a substantial number of vehicle trips may already occur to and from the public house, CS Policy E3 says that new tourist and visitor accommodation, should be developed in locations that offer, or are capable of offering, good connectivity with other tourist destinations and amenities, particularly by public transport, walking and cycling. Croxden Abbey is promoted as a pleasant walk by the Parish Council, but despite the proposal linking to public footpaths and roads in the area, due to the local area's terrain, some future visitors would be likely to be deterred from travelling by bicycle or on foot. Alton Towers is around 4.5 miles from the site. This is beyond what visitors are likely to want to, or be able to cycle or walk. Still, not every journey made by visitors or staff would be by car once at

the site, especially if the appellant's minibus is used. Some visitors may not also wish to travel at all while at the site.

- I consider that the proposed holiday lodges would not be sustainable rural tourism in the context of local and national planning policies taking particular account of the location of the site and future user's choice of transport.

**Officer Comment:**

- The Inspector shared the concerns of the Committee regarding the sustainability of the proposed lodges but agreed with Members that there was no reason to object to the proposed shop extension to the public house. Accordingly he issued a "split" decision. However, this does reflect the view of the committee and for the purposes of Appeals performance monitoring by central government where a 'split decision' is issued on an appeal (i.e. part of the appeal is dismissed and part allowed), the appeal is treated as if the local planning authority's decision has not been overturned. Therefore this is a positive outcome for the Council.