

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**10<sup>th</sup> November 2022**

Application No:	SMD/2022/0474	
Location	Land off Quarry Bank, Hollington, nr Cheadle, ST10 4HQ	
Proposal	Outline application with details of access for the erection of two detached dwellings	
Applicant	Mr John Sims	
Agent	Malcolm Sales	
Parish/ward	Checkley	Date registered: 22.08.2022
If you have a question about this report please contact: Chris Johnston tel: 01538 395400 ext. 4123 <a href="mailto:christopher.johnston@staffsmoorlands.gov.uk">christopher.johnston@staffsmoorlands.gov.uk</a>		

## **REFERRAL**

The application is a resubmission of the same proposal which was decided at Committee in April 2022 as it was called in by Cllr Wilkinson for the following reason:

This application is supported by the local residents group. They are involved in the emerging neighbourhood plan and state that it satisfies their criteria for new development.

The new application has again been called into Committee by Cllr Wilkinson.

### **1. SUMMARY OF RECOMMENDATION**

<b>REFUSE</b>
---------------

### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The site is located in the countryside a short distance to the north-east of Hollington village. It comprises part of open field to the north of the main road leading into the village and to the east of Quarry Bank. There is a field access off Quarry Bank close to the road junction. The access track leads past stables and other small buildings used in connection with the keeping of chickens and horse grazing at the property and which leads to the application site in the north-east part of the property. The site is surrounded by open land and is on an area of open plateau with land sloping down a short distance to the west towards Quarry Bank and a short distance to the south towards the main road and in particular towards the more open landscape to the north.

2.2 The north and east boundaries of the site are marked by hedgerows and several large mature trees. A post-and-rail fence marks the west boundary. The rest of the

field lies to the south and there is a belt of large trees between it and the main road. There is also a belt of large trees along the Quarry Bank boundary and a cluster around the site access to the south-west of the site in the south-west corner of the property.

### **3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL**

3.1 This is a resubmission of an outline application for two dwellings, with all matters except for access reserved for a future Reserved Matters application, in the event of an outline approval. There are no substantive changes to the proposal from that put forward previously which was refused at Committee on 7<sup>th</sup> April 2022 for the following reason:

*1. Policy SS10 of the Council's Local Plan restricts new-build housing development in the countryside to that which has an essential need to be located in the countryside in order to protect the character and appearance of the countryside and ensure sustainable development. The Council considers that, in principle, the development fails to comply with Policies SS10 and H1 in there is no essential need for two dwellings to be located on this rural site. The proposed dwelling is therefore contrary to Policy SS10 'Other Rural Areas Strategy' and H1 'New Housing Development' of the Council's Local Plan (adopted September 2020). The NPPF gives significant weight to allowing new sustainable housing where there is a current shortfall of a five year housing land supply. However, in this respect, due to the unsustainable location of the site and a further harm caused to the character and appearance of this rural location by the proposed new dwellings, the environmental harms of the proposal are adverse and would outweigh the social and economic benefits of providing two dwellings in this location, which are deemed to be limited. The proposal would therefore not comply with NPPF para. 11.*

3.2 The only change to the application is an annotation on the site plan which refers to "Access to site for nine new dwellings under construction (SMD/2018/0045)". This is on the other side of "Main Road" from the application site (to the south). A Design and Access Statement has also been submitted whereas there was not one previously.

3.3 The proposal remains the same and is as follows:

The application forms state there would be two detached 3-bed dwellings and the indicative site plan submitted shows the field would be separated into a west and east half via a new 1.8m high timber perimeter fence. The existing access off Quarry Bank would be used as the access to the dwellings and would be hard paved. An amended site plan was received showing visibility splays at the access and at the road junction and the removal of vegetation within the access splays and gates set back 5.0 metres from the edge of the lane.

3.4 A Preliminary Ecological Survey Report dated 4.12.21 was submitted with the previous application but not this resubmitted application. However, the same amended site plan has been included which shows an area of grassland

enhancement within the property to the south of the application site, for ecological enhancement reasons.

3.5 The application file including the drawings and details of the proposal together with consultation responses can be viewed on the Council website at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=164245>

#### **4. RELEVANT PLANNING HISTORY**

4.1 SMD/2021/0393: Outline application with details of access for the erection of two detached dwellings. Refused at Planning Applications Committee on 7<sup>th</sup> April 2022. Decision date: 08/04/22.

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The Development Plan comprises of:

- The Staffordshire Moorlands Local Plan (adopted Sep 2020)

Adopted Staffordshire Moorlands Local Plan - Sep 2020

5.2 The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS10 Other Rural Area Strategy
- H1 New Housing Development
- DC1 Design Considerations
- T1 Sustainable Transport
- NE1 Biodiversity and Geological Resources

National Planning Policy Framework (NPPF).- July 2021

Para 11: Presumption in Favour of Sustainable Development

Section 5: Delivering a Sufficient Supply of Homes

Section 15: Conserving and Enhancing the Natural Environment

#### **6. CONSULTATIONS**

6.1 A site notice was posted and displayed outside of the site on 20<sup>th</sup> September 2022.

##### **Public response to consultation**

6.2 One letter of support has been received from a local resident which states the following:

*We support this planning application. We live opposite the site, which has had access to the road for years. Mr Sims & his daughter are here daily, looking after*

*their land & stock, so the traffic is already there. The site is well screened to cause problems to no-one. The family are a valuable asset to the village, partaking in local events & contributing to the life of Hollington. It would be good to have the family living in the village. There would be a saving, not having to travel daily to site, wasting fuel.*

## **Parish Council**

6.3 Checkley Parish Council support the application, stating the following:

*The Parish Council fully supports this application, our Neighbourhood Plan, nowpost Regulation 14, establishes conformity with the policies of the Strategic Planning Authority. With regard to this application particular reference to Rural Areas Smaller Villages Policy SS9 (Smaller Villages Area Strategy). The application is appropriate, and relevant in terms of community vitality, social need and community sustainability. The proposal is a clear and unequivocal example of meeting an intrinsic social need in one of our smaller villages, the provision of accommodation for village families allowing them all to remain in their own village community.*

## **SCC Highway Authority**

6.4 No objection subject to conditions.

## **Environmental Health**

6.5 No objection subject to standard conditions in relation to new houses next to a former quarry site.

## **Severn Trent Water**

6.6 No objection, a drainage condition does not need to be applied. .

## **7. OFFICER COMMENT AND PLANNING BALANCE**

### Introduction

7.1 This is a resubmitted outline application for two new detached houses and there have been no changes to the previous application which was refused at Planning Application Committee on 7<sup>th</sup> April 2022. There is no explanation from the applicant/agent as to why the application has been resubmitted with no changes following a decision made just seven months ago. The main issues with the proposal remain as follows:

- The principle of the dwellings in this rural location
- The impact on the character and appearance of the area
- The impact on the residential amenities of existing dwellings in the area and the future occupiers of the site
- The impact on highway safety
- The impact on the ecological value of the site

## The principle of the development

7.2 Policy SS10 outlines the strategy for development in the countryside. In order to ensure that new development does not harm the countryside and is provided in a sustainable location, the policy restricts new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with Policy H1.

7.3 Policy H1 'New Housing Development' focuses new house building on land allocated for this purpose in the Local Plan and also within the development boundaries drawn around the towns and larger villages of the District. With regard to new dwellings outside of the development boundaries, some infill development in small villages is allowed and also on the edges of large villages. This does not apply to the application site as although there are nearby buildings including dwellings, the site is surrounded by open land. This part of Hollington has a rural and open character and appearance and does not appear as part of a small village. It is separated from the main nucleus of the village by open and green gaps. Although Hollington is listed as a "small village" in the Local Plan, the site is not regarded as forming the "built-up" part of the village and is therefore deemed to be within "the countryside" and should be determined against Policy SS10 'Other Rural Areas', the strategy for the countryside and not Policy SS9, the strategy for the small villages. Policy H1 requires In the "other areas" of the countryside, only the following forms of housing development to be permitted;

*a) Affordable housing which cannot be met elsewhere, in accordance with Policy H 3.*

*b) A new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere.*

*c) Proposals for replacement dwellings, provided they do not have a significantly greater detrimental impact on the existing character of the rural area than the original dwelling or result in the loss of a building which is intrinsic to the character of the area.*

*d) The conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.*

*e) Proposals to redevelop previously developed land provided it is not of high environmental value.*

*f) The subdivision of an existing residential dwelling provided it is not in an isolated location.*

7.4 The proposal would not fall under part a) as it is not an “affordable housing scheme” in line with Policy H3. It would not fall under b) as the site being used for the private grazing of horses, the private keeping of chickens and storage in relation to other hobbies and there is no apparent commercial agriculture or any form of rural enterprise occurring on the land. Parts c), d) and f) would not apply as there are no buildings on the site. With regard to part e), there have been apparent former historical quarrying uses adjacent to the site but no evidence the site itself has been used for quarrying purposes as it is a flat open field on a raised plateau area. The site is not deemed by the Council to be “previously developed land” i.e. brownfield and has the appearance of a greenfield site that contributes positively to the surrounding rural environment and character and appearance of the countryside.

7.5 The proposal would therefore not comply with policies SS10 or H1 of the Local Plan. The applicant has provided information to support the proposal and the main points put forward are contained within the “Proposal” part of this report. The main reason for the requirement for houses on the site, which was given by the applicant in a letter submitted with the previous application, over a year ago, appears to be to enable the applicant and wife (in one house) and his daughter’s family (on the other) to ensure the easier upkeep of the land and the activities on it i.e. horse grazing and the keeping of chickens and looking after the animals, continuing the work himself and his son, daughter and grandson are doing as current. The applicant lives in Cheadle, four miles away and due to a car accident is less mobile and more reliant on his daughter to visit the site look after the land. The applicant claims he and his daughter visit the site two or three times a day. No update on this situation has been provided with the new resubmitted application.

7.6 In response to this, whilst the Council sympathises with the mobility and practical problems of the site upkeep encountered by the applicant, particularly since the car accident, it is clear from the letter that there is support from other family members who he relies on to reach the site from his home in Cheadle and to assist with the land. Furthermore, the distance between his home in Cheadle and the site is only four miles, which is not an excessively inconvenient distance. No objective agricultural appraisal to demonstrate a function or financial case has been provided with the application. On this basis, it is not considered there is sufficient justification for two dwellings on the site to assist with the upkeep of the land, which although would be more convenient is not essential to enable this upkeep and care for the animals. Regarding the problems with site security, this could be rectified without a residential presence via surveillance measures such as CCTV or more secure fencing.

7.7 The applicant claims the new dwelling would prevent two or three car trips per day to Cheadle and therefore would cut carbon emissions. However, whilst this might be true, it is unlikely to offset the number of vehicle movements generated by the residents of two houses to reach the nearest shops and services of which there are little or none in the small rural village of Hollington. It is worth noting the applicant currently lives in Cheadle where a large number of shops and services existing within an easy walking distance without having to use a car. It is therefore not considered that this proposal would have any significant sustainability benefits.

7.8 For the above reasons, it is considered that the particular personal or practical circumstances of the applicant would not outweigh the breaches of policies SS10 and H1 which aim to protect the character and appearance of the countryside from new housing and ensure only sustainable development takes place in the rural areas.

7.9 It should be noted that at the end of February 2022 it was confirmed that the Council had less than a five year housing land supply. It currently now stands at 4.2 years. Under the NPPF, in these situations, greater weight is applied to allowing new housing proposals in sustainable locations regardless of whether or not they are allocated for housing or lie outside of development boundaries and therefore less weight is attached to the Local Plan regarding housing proposals, including Policy H1 which sets out the locational strategy for new housing. In this respect, the “tilted balance” is activated whereby the Council must assess if the social and economic benefits of providing new housing in an area of undersupply would outweigh any identified adverse environmental harms associated with the proposal. The particular environmental impacts of the proposal are assessed below.

### **The impact on the character and appearance of the area**

7.9 This is an outline application with details such as the scale, design and appearance reserved for a future Reserved Matters application. The forms state there would be two 3-bed dwellings but there are no other indicators at this outline stage of the scale, form or height of the dwelling. The site despite being generally higher than land on all four sides, does benefit from a fair degree of tree and vegetation screening. New buildings on the site would be well screened from the main road immediately to the south and also from Quarry Bank immediately to the west and from the road junction. However, it may be possible to view the upper floors of two or more storey dwellings approaching the site from the east along the main road from the middle of the village.

7.10 The dwellings would be most visible from the north where although there a large mature perimeter trees, there are gaps between the trees where new buildings would potentially be visible from public footpaths which cross through lower land a short distance to the north of the site, although other buildings could also be visible when viewing towards the village from the paths. If the proposal was deemed to be acceptable in principle there is no evidence that two 3-bed dwellings could not be assimilated into the landscape, particularly if they would be of single-storey height and sensitively sited in the better screened parts of the site. However, this does not overcome the need to maintain the rural appearance of the countryside in the interests of its overall character and appearance and does not overcome the purposes of Policy SS10 in focussing new development within the towns and larger villages.

### **The impact on residential amenity**

7.11 There are no existing dwellings immediately adjacent to the site or property and therefore two proposed dwellings on the site could be accommodated without harming the existing residential amenities. Furthermore, there is also nothing in or around the site to prevent the living conditions of the future occupants of the site

from being affected. The site is large enough to allow two dwellings to be built on the site with adequate space both in and around the dwellings to provide a decent standard of residential amenity. Accordingly the development would meet Policy DC1 of the Local Plan in this respect.

### **The impact on highway safety**

7.12 There would be no detriment to highway safety arising from the increased use of the access and road junction providing the required visibility splays are achieved at the access and road junction through the removal of existing road-side vegetation (which does not include trees which contribute positively to the appearance of the area) on land within the property. It is noted that the Highway Authority raise no objection to the development proposals, subject to a number of conditions to secure the required visibility splays at the junction.

### **The impact on the ecological value of the site**

7.13 Due to the presence of large trees, hedgerows and nearby ponds, there is considered to be some likely significant level of biodiversity including potentially protected species such as bats and birds using trees and hedgerows and great crested newts and amphibians using ponds.

7.14 Policy NE1 expects all development, where possible, to deliver a net gain in biodiversity proportionate to the size and scale of the development. However, the application does not include any details about the existing level of biodiversity on the site and the application was submitted without a Preliminary Ecological Survey Report. This would be expected at the outline stage to inform the form, scale and siting of the development at the Reserved Matters stage and to ensure appropriate mitigation measures and enhancements are put into place at that stage.

7.15 A survey was undertaken in December 2021 and the report submitted with the previous application. The agent confirmed that all trees would be retained on site including within the visibility splays of the access. These can be retained without affecting visibility for drivers using the access. The agent also confirmed a drainage strategy would be formed within the site and that areas of grassland enhancement would be undertaken within the same property and available to the south of the application site. Staffordshire Wildlife Trust were not consulted on this new resubmitted application but raised no objection to the previous application on the basis of the tree retention, on-site drainage scheme and grassland improvements as this would lead to a Net Biological Gain (NBG) encouraged for all new developments under Policy NE1 of the Local Plan. SWT also recommended to secure these measures and a Ecological Construction and Management Plan and these can be imposed on any outline permission for the scheme. The application would therefore comply with Policy NE1 and is in line with the government guidance in Section 15 of the NPPF.

### **Other Matters**

7.16 In response to the previous application, Hollington Residents Steering Group supported the proposals on the basis that the site was likely to be carried forward



into the emerging Neighbourhood Plan. However, no letters from the Steering Group have been received in response to this new resubmitted application. It is noted in the comments from Checkley Parish Council in response to this new resubmitted planning application, in supporting the application, that the Checkley Neighbourhood Plan has progressed significantly since the previous application was submitted over a year ago. It states that it is now “post Regulation 14 and establishes conformity with the policies of the Strategic Planning Authority”. The latest position on the Neighbourhood Plan is that it was submitted to SMDC on 27<sup>th</sup> October 2022 for “Regulation 16”. There was no draft plan on the Checkley PC website showing the site included for housing. However, as the Neighbourhood Plan is still being progressed and has not been adopted, only limited weight can be attributed to the support given to the development of the site and that the Plan would not override the conflict with the policies of the Local Plan (i.e. policies S10 and H1) or the NPPF which are considered to carry significantly more weight.

7.17 The only change in the new resubmitted plans is the reference to the construction of nine houses to the south of the site on the opposite side of Main Road on a quarry site, considered to be PDL “Previously Developed Land” i.e. brownfield. This was approved in September 2018, determined against policies in a previous Development Plan, the Core Strategy, which was replaced by the current Local Plan, in September 2020.

7.18 In September 2018 there was also a lack of a five year housing land supply, as is the case currently, in November 2022 and therefore both applications have been assessed primarily against para 11 of the current revision of the NPPF (para 14 of the NPPF as of Sep 2018) which activates the “tilted balance”. The application for nine dwellings was recommended for approval on the basis of the benefits of the scheme which comprised some short-term economic benefits principally through the construction of the dwellings to which moderate weight is attached, social benefits arising from the provision of 9 houses in circumstances where there is a substantial shortfall in the District to which significant weight is attached and the fact that the site was brownfield, well related to the existing pattern of development and had a good design and acceptable impact on the wider landscape. These were considered to outweigh the disadvantages which included the conflict with the spatial strategy of the Core Strategy and the poor accessibility to services and facilities.

7.19 Turning to the current proposal for two houses to the north of Main Road, this would not deliver economic or social benefits to the same extent as the nine houses particular as the shortfall of housing land is not remotely as acute as it was in September 2018, the site is not brownfield as the houses themselves would be on green fields (the quarry area is assumed to be a small long redundant hollow to the west where the proposed access is to be located) and it does not relate well to the existing pattern of development as there are no directly adjacent solid buildings and dwellings here would appear as an incursion into the more open countryside. The design of the proposed dwellings cannot be commented on as this is an outline application and this together with the landscape impact would therefore be considered to be neutral impacts. The site where the nine houses are to be located is different to the current application site. Every application must be judged each on its own individual merits. In this particular case, unlike the nine-house scheme, the

adverse impacts of the proposal on this current application site are considered to outweigh the benefits.

## **Conclusion and Planning Balance**

7.17 The site is deemed to be in the “open countryside” for the purposes of the Local Plan. Under the Local Plan policies, new dwellings in the open countryside are allowed only under limited circumstances in order to protect the open and rural character and appearance of the countryside and ensure development is located in sustainable areas, such as towns and larger villages. The proposal does not fall under any of the exceptional categories for allowing new dwellings in the countryside listed in policies SS10 and H1 and the circumstances put forward by the applicant are not considered to outweigh in the operation of the policies which aim to ensure that new housing is in sustainable locations and does not harm the countryside. It is considered the building of two new houses in this rural location would be contrary to the aims of Policies SS10 and H1 in protecting the open and rural character and appearance of the countryside, especially as two dwellings on the site would be likely to be visible from public footpaths to the north of the site.

7.18 The NPPF gives significant weight to allowing new housing in sustainable locations where there is less than a five years housing land supply and requires that new sustainable housing be approved unless there are significant and demonstrable harm considered to outweigh the benefits of providing more housing where it is needed. However, the site is not considered to be in a sustainable location and would lead to a significant amount of car journeys and emissions to enable the new residents to reach local shops and services. Furthermore, a harm would result to the rural character and appearance of the area due to the two dwellings on this particular site, as described above in this report. The Council’s housing land supply is only marginally below 5 years and the contribution towards rectifying it of two dwellings would also be very limited. Overall, with regard to the “tilted balance”, it is considered the level of harm caused cumulatively by the unsustainable location and the visual impact in this area would amount to an environmental harm which outweighs the limited social and economic benefits of providing two new dwellings in this location, which is not a significant contribution towards meeting housing new housing targets and there is an absence of local village services which would be supported by the incoming population with the only economic benefit being to the construction industry. It is therefore considered on balance, due to the environmental harms and that the proposal does not amount to sustainable new housing, the application should therefore be refused.

7.19 This is a resubmitted outline planning application following the refusal of the previous outline application for two dwellings just seven months ago. There have been no changes to the application. There have been no changes to the application site or the nature of the surrounding area and level of public services. The Checkley Neighbourhood Plan has progressed but has not been adopted and there have been no significant changes to the planning policies in the Local Plan or NPPF or to the housing land supply situation since the refusal of the previous application in April 2022. Therefore the proposal would remain to have the same impacts and level of harm and would remain unacceptable in principle and as an equally unsustainable

form of development as it did seven months ago, remaining just as contrary to the Local Plan and NPPF.

## **8. RECOMMENDATION**

### **A. That planning permission be REFUSED for the following reasons:-**

**1. Policy SS10 of the Council's Local Plan restricts new-build housing development in the countryside to that which has an essential need to be located in the countryside in order to protect the character and appearance of the countryside and ensure sustainable development. The Council considers that, in principle, the development fails to comply with Policies SS10 and H1 in there is no essential need for two dwellings to be located on this rural site. The proposed dwelling is therefore contrary to Policy SS10 'Other Rural Areas Strategy' and H1 'New Housing Development' of the Council's Local Plan (adopted September 2020). The NPPF gives significant weight to allowing new sustainable housing where there is a current shortfall of a five year housing land supply. However, in this respect, due to the unsustainable location of the site and a further harm caused to the character and appearance of this rural location by the proposed new dwellings, the environmental harms of the proposal are adverse and would outweigh the social and economic benefits of providing two dwellings in this location, which are deemed to be limited. The proposal would therefore not comply with NPPF para. 11.**

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/in formatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.**

**Site Plan**

