

Appeal Decision

Site visit made on 22 September 2016

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 October 2016

Appeal Ref: APP/B3438/W/16/3154334

Star Inn, Main Road, Hollington, Staffordshire, ST10 4HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Gary Adams against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2016/0090, dated 11 February 2016, was refused by notice dated 8 April 2016.
 - The development proposed is residential development and a new access drive.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is common ground between the parties that the Council cannot currently demonstrate a deliverable five year housing land supply, in accordance with paragraph 47 of the National Planning Policy Framework (the Framework). In these circumstances, paragraph 49 of the Framework makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, relevant policies for the supply of housing should not be considered up-to-date. In such cases, the weight attributed to out of date policies is a matter for the decision-maker, but it needs to be balanced against the provisions of the Framework as a whole.
3. Paragraph 14 of the Framework states that the presumption in favour of sustainable development should be seen as the golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, or where specific policies of the Framework indicate development should be restricted. One of the objectives of the Framework is to boost significantly the supply of housing. I have determined the appeal on this basis.

Main Issue

4. The main issue is whether the appeal site is a sustainable location for the proposed development, with particular regard to the proximity of services and facilities, and the effect of the proposal on the character and appearance of the area.

Reasons

Background and Context

5. The appeal site is located on the periphery of Hollington, which is a small rural settlement, mainly comprising dwellings and farms. The bulk of the appeal site is currently used as a beer garden in association with the adjacent public house, with a small section forming part of the public house car park. The site is separated from the public house by the remainder of the car park. The land is generally flat and is mainly grassed and enclosed by low fencing and a wall. Open countryside adjoins the site at the rear and on one side, with the public house and its car park on the other side, and with dwellings on the opposite side of the road. There are open views across the appeal site from Main Road towards the surrounding countryside beyond.
6. The proposal is an outline application, with all matters reserved for later approval, apart from vehicular access and site layout. The site plan shows two detached dwellings positioned side by side, each with a separate access onto Main Road. I note that the Council has no objections to the proposal on highway grounds and I have no reason to disagree with that assessment.
7. The proposal is a revised application following the Council's refusal to grant planning permission for an earlier planning application for three dwellings. The appeal proposal is for a different layout in addition to the reduction in the number of dwellings.
8. The Development Plan for the area is the Staffordshire Moorlands Core Strategy Development Plan Document (CS), which was adopted in March 2014. The Council states that the appeal site is situated within an area defined as countryside and that the proposal would be contrary to Policies SS6b, SS6c and R2 of the CS as a matter of principle. These policies seek (amongst other things) to restrict development in the countryside and smaller villages to that which meets a local need or enhances community vitality. In my opinion, the proposal does not meet with these criteria and, accordingly, there would be conflict with these policies.
9. The Council also argues that the appeal site is not a sustainable location for the proposed development, due to the lack of services (including public transport). Furthermore, the Council considers that the proposal would be harmful to the rural character and appearance of the area. In addition to its view that the proposal would conflict with Policies SS6b, SS6c and R2, the Council also contends that the proposal would conflict with Policies SS1, SS1a, H1, DC1 and DC3 of the CS. These policies seek (amongst other things) to set out broad development principles for the District; to reaffirm the presumption in favour of sustainable development; to require a mix of house types in a form that is appropriate to its location; to achieve high quality design which respects the site and its surroundings; and to protect and enhance local landscapes.

10. As the Council cannot demonstrate a five year supply of deliverable housing land, the appellant argues that the CS policies referenced by the Council affect the supply of housing and they are therefore out of date. With regard to this matter, I have taken into account the Court of Appeal judgement, *Richborough Estates v Cheshire East Council*. This concluded that paragraph 49 of the Framework should be interpreted widely in considering which development plan policies affect the supply of housing.
11. In my opinion, Policies SS6b, SS6c, R2, H1 and DC3 of the CS, read either as a whole or in part, are relevant policies that have the effect of constraining housing delivery in terms of location or form. Consequently, I consider them to be out of date in the context of paragraph 49 of the Framework. However, this does not alter the status afforded to these policies by statute as part of the Development Plan for the District. This requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise (*Section 38(6) of the Planning and Compulsory Purchase Act 2004*).
12. The appellant also contends that Policies SS1 and SS1a are out of date. However, I consider that these are broad strategic policies setting out development principles. In my opinion, they do not constrain the supply of housing in the District.
13. My attention has also been drawn to various appeal decisions which are referred to in the appellant's Design and Access Statement. These decisions concern out of date policies and the provisions of the Framework, in particular paragraph 49. Whilst the issues are similar, the location, scale and context are different to the current appeal proposal. Therefore, they carry little weight in my decision.

The Main Issue

14. Hollington is a small settlement. It contains a church and the public house, but there are no other local services or community facilities of note and there is an absence of public transport provision. Larger settlements, which would cater for the everyday needs of future occupiers of the development, are some distance from Hollington and they can only be reached via narrow country lanes. These lanes are unlit with no pavements and are, therefore, unlikely to be attractive as walking or cycling routes. For these reasons, I consider that cars would be the primary form of transport for the occupiers of the proposed dwellings. As a result, the proposal would run counter to one of the Government's core planning principles which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling (the Framework – paragraph 17). I also find that the proposal would conflict with Policy SS1 of the CS which (amongst other things) expects new development to provide easy access to jobs, shops and transport services; and to contribute towards a reduction in carbon emissions.
15. Turning to the matter of character and appearance, the appeal site is currently free from any built development. Existing development in the vicinity of the site largely consists of single dwellings on the opposite side of Main Road, which are situated within relatively spacious plots. I consider that the open character and appearance of the appeal site reinforces and makes a positive contribution to the rural approach and setting of the village. In my opinion, the appeal

proposal comprising two dwellings which would be positioned in close proximity to each other would have an urbanising impact on a site that is presently undeveloped. Accordingly, it would have an unacceptably adverse effect on the character and appearance of the site and the area. As a result, it would conflict with Policies SS1, H1 and H3 of the CS. In addition, the proposal would fail to add to the overall quality of the area; respond to local character; or reflect the identity of local surroundings (as required by paragraph 58 of the Framework).

The Planning Balance

16. The Framework sets out a presumption in favour of sustainable development. Paragraphs 18 to 219 taken as a whole constitute what this means in practice. In addition, paragraph 7 identifies three dimensions to sustainable development i.e. economic, social and environmental. The Framework makes it clear that these roles should not be undertaken in isolation.
17. The appeal proposal would provide some short-term economic benefits, principally through the construction of the dwellings. I have also taken into account the benefits to the viability of the public house as a result of the proceeds of the development. In addition, there would be some limited social benefits arising from the small increase in housing stock.
18. However, I consider that there would be significant environmental harm, due to the appeal site's poor accessibility to services and facilities and due to the adverse effect on the character and appearance of the area. Accordingly, the proposal would not represent sustainable development as required by the Framework. Notwithstanding, the lack of a five year supply of housing in the District and the fact that some of the relevant development plan policies are out of date, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

Conclusion

19. For the reasons given above, it is concluded that the appeal should be dismissed.

Ian McHugh

INSPECTOR