
Appeal Decision

Site visit made on 26 October 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 10 November 2016

Appeal Ref: APP/P3420/W/16/3155596

133 Smithy Lane, Knighton, Newcastle-under-Lyme TF9 4HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Walker against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 16/00312/FUL, dated 15 April 2016, was refused by notice dated 13 June 2016.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling at 133 Smithy Lane, Knighton, Newcastle-under-Lyme TF9 4HP in accordance with the terms of the application, Ref 16/00312/FUL, dated 15 April 2016, subject to the conditions contained within the Schedule attached to this decision.

Main Issue

2. The main issue is whether the proposal represents sustainable development in terms of its accessibility to facilities including community facilities, employment opportunities and other services.

Reasons

3. Policy SP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS) primarily directs new housing towards sites within the Inner Urban Core, including the City Centre; Newcastle Town Centre; Neighbourhoods within General Renewal Areas and Areas of Major Intervention and other Areas of Housing Intervention identified by RENEW North Staffordshire, and within the identified significant urban centres. Policy ASP6 of the CSS allows for dwellings of high design quality primarily located on sustainable brownfield land within key rural service centres to meet identified local requirements. Similarly, Policy H1 of the Newcastle under Lyme Local Plan 2011 (LP) focuses development towards the urban area of Newcastle or Kidsgrove or one of the village envelopes.
 4. The appeal site is situated between Nos 133 and 134 Smithy Lane and forms part of the garden areas associated with Nos 131 and 133 Smithy Lane, Knighton. Whilst located within a village, the appeal site does not fall within any of these identified areas. Nevertheless, these policies are not entirely consistent with paragraph 55 of the National Planning Policy Framework (the
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Framework) which allows for some housing in rural areas where it will enhance or maintain the vitality of rural communities. Accordingly, I attribute these policies reduced weight.

5. Notwithstanding the above, the Council accepts that it is unable to demonstrate a five year supply of deliverable housing sites. Accordingly, the policies in the CS and LP relating to the supply of housing are therefore not up-to-date when considered in relation to paragraph 49 of the Framework. I therefore attach limited weight to these policies in my determination of the appeal. Paragraph 14 of the Framework further advises that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework.
6. The appeal site is located within the existing built form of Knighton. Either side of the site and on the opposite side of the lane there is well-established residential development. The proposed dwelling would be a logical infill development that would be read in the context of the existing built form. Accordingly, I do not find that the proposal would be a new isolated home for the purposes of paragraph 55 of the Framework.
7. Due to the relatively small size of Knighton, community services and facilities within the village are limited to a village hall and a public house. Beyond the confines of the village there are a number of employment opportunities within 6km of the site including large employers such as Muller Yoghurt. The village of Woore is approximately 1.5 miles away, which provides a wider range of facilities and services, including a primary school, small food store, post office, shops, church and public houses. Although there is no longer a public bus service serving Knighton, there are buses that provide a pick-up/drop-off service for local schools and Muller also provides a service four times a day. I have had regard to the proposed improvements to local footpath provision and roadside pavements. However, there is no indication of when these improvements would be implemented. Based on the limited facilities and services within Knighton, it is reasonable to conclude that the occupants of the proposed dwelling would likely be heavily reliant on the use of a private vehicle. Nevertheless, due to the proximity of a number of services, facilities and employment opportunities, the duration of journeys to these would be relatively short and therefore I attribute moderate weight to this harm.
8. Whilst the proposal is for only one dwelling its occupants would make a positive contribution towards the community. It is reasonable to conclude that they would utilise its facilities and services not only in Knighton but Woore too, thereby helping to maintain the vitality of the rural community. Therefore it would follow the example set out in paragraph 55 of the framework which states that development in one village may support services in a village nearby.
9. In addition to the social benefits of the proposal, the dwelling would also provide economic benefits by way of creating jobs during its construction and through its demand for building materials. Furthermore, the occupants of the dwelling would also make some economic contribution towards local services. Although these benefits would be limited, they do weigh in favour of the proposal.

10. I accept that the proposal would likely result in an increase in traffic movements. However, this increase would be limited and, in this instance, I find that this moderate harm would be outweighed by the social and economic benefits. The dwelling would be firmly located within an existing built form, would support local services within the community and would make a positive contribution, albeit limited, towards the supply of housing. In the balance, I find that the proposal would be in a sustainable location and represent a sustainable form of development in accordance with the Framework.

Other Matters

11. I have had regard to the appeal decision referenced by the Council with regard to a similar development within Knighton¹; however, I have no details of what evidence was submitted in support of this scheme. Whilst I accept that there are similarities between the two schemes, in this instance the appellant has provided a compelling case that when considering the economic, social and environmental dimensions as set out in the Framework, the proposal represents sustainable development. I have also had regard to the appeal decision at Rowney Farm². However, in that appeal the Inspector found that the proposed development was in an isolated location and conflicted with Paragraph 55 of the Framework.
12. I have also had regard to the appeal decisions referred to me by the appellant³. Whilst I have drawn similar conclusions to the Inspectors in each of these appeals in respect of the sustainability of the location, I have considered the appeal before me based on an assessment of its own merits.

Conditions

13. I have had regard to the various conditions that have been suggested by the Council. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of the character and appearance of the area conditions regarding materials, tree protection, boundary treatments and landscaping are necessary. Also, in the interests of highway safety, conditions regarding visibility splays, parking and turning areas are required. Furthermore, in the interests of safeguarding the living conditions of the occupants of neighbouring properties a condition is necessary regarding hours of operation and deliveries during the construction of the dwelling.
14. It is essential that the requirements of conditions 3 and 4 are agreed prior to the development commencing to ensure an acceptable form of development in respect of preserving the character and appearance of the area.

Conclusion

15. As I have found that the proposal would be sustainable development, and there is no identifiable harm that would significantly and demonstrably outweigh the above benefits, when assessed against the policies of the Framework when taken as a whole, in accordance with paragraph 14 of the Framework, planning permission should be granted.

¹ Appeal Ref APP/P3420/A/13/2197880

² Appeal Ref APP/P3420/W/15/3141542

³ Appeal Refs APP/P3420/15/3135956 and APP/P3420/W/15/3008866

16. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2300/15/01A, 2300/15/02, 2300/15/03D, 2300/15/04B, 2300/15/05A.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted, including rain water goods and fenestration, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until a landscape scheme has been submitted to and approved in writing by the local planning authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the local planning authority, together with measures for their protection in the course of development.
- 5) The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the building or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 6) The dwelling hereby permitted shall not be occupied until the access, parking and turning areas for 133 Smithy Lane and the approved dwelling, have been provided in accordance with drawing 2300/15/03D which shall be retained as such thereafter.
- 7) The dwelling hereby permitted shall not be occupied until the visibility splay shown on drawing 230/15/03D has been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level.
- 8) During the construction phase of the dwelling hereby permitted, no machinery shall be operated, no processes shall be carried out and no deliveries taken or despatched from the site outside the following times: 0700 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.