
Appeal Decision

Site visit made on 17 January 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 27 January 2017

Appeal Ref: APP/P3420/W/16/3158659

Highdown, Eldertree Lane, Ashley, Newcastle under Lyme TF9 4NE

- 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 & Mrs S Cooper against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 16/00343/OUT, dated 25 April 2016, was refused by notice dated 30 June 2016.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the future occupants of the proposal would have acceptable access to goods and services.

Reasons

3. The Council accept that they do not have a five year supply of housing. Paragraph 49 of the National Planning Policy Framework (the 'Framework') states that in such circumstances, relevant policies for the supply of housing should not be considered up-to-date. Policies ASP6 and SP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy, and Policy H1 of the Newcastle Under Lyme Local Plan are not identified in Council's Decision but are discussed in the Officer's report and the Council's appeal statement. I consider all three policies relate to the supply of housing and so can only give them very limited weight.
 4. Furthermore, where relevant policies are out of date, the advice in the fourth bullet point in paragraph 14 of the Framework is applicable. This advises that planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or unless specific policies in the Framework indicate development should be restricted.
 5. The site is within the rear garden of an existing dwelling and is bounded on three sides by other residential properties. Indeed it is located within a small cluster of dwellings detached from the main part of Ashley village. Although the distance into the main part of the village is not great enough to be inaccessible by foot or cycle, the route into the village is unlit and does not
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- have pavements. I consider it therefore makes these travel options less attractive than making such a journey by car. Furthermore, the bus service which stops close to the site and in the centre of the village only operates hourly and so would be unlikely to be considered as a favourable option to travel such a relatively short distance.
6. Notwithstanding this, there are only a limited range of facilities available in the village. From my site visit I noted only a doctor's surgery, a hairdressers, a restaurant, two public houses, a village hall and some churches with associated facilities. Clearly these do provide services for local residents, but for day to day needs it is likely that future residents would need to travel further afield.
 7. The local bus service would provide access to Loggerheads, a mile or so to the west, where a wider range of services are available, and to larger towns such as Market Drayton or Hanley. However the hourly service only operates Monday to Saturday and finishes in the early evening. Furthermore, from the site, the bus does not take the most direct route to Loggerheads.
 8. Accordingly, whilst I recognise the access to Ashley, Loggerheads and the larger towns provided by bus, I consider that even for day to day needs it is more likely that future residents of the development would rely heavily on their cars. As such I consider the occupants of the development would not have acceptable access to shops and facilities. By not providing development with accessible local services, the proposal would fail to meet the social role of planning as set out in paragraph 7 of the Framework.
 9. I agree that the provision of one dwelling would make some beneficial contribution to the vitality of Ashley, to the vitality of Loggerheads which would align with the advice in paragraph 55 of the Framework, and to the Council's housing target. Nonetheless, the benefit of one dwelling to all these aspects would be very limited. I also accept the Council did not raise any objection to the impact of the proposal on trees or on the character and appearance of the area, and I have no reason to come to a different view on these matters. However such aspects would be expected of any development and I consider them neutrally not beneficially.
 10. I have been referred to a recent appeal decision¹ on a site nearby where the Inspector concluded that moderate weight should be given to the environmental harm from the limited accessibility of the site by means of transport other than the private car. I consider the harm from the proposal before me would be comparable to this. Nonetheless, because the benefits of the development are limited, even a moderate harm would significantly and demonstrably outweigh these benefits and therefore the dwelling would not constitute sustainable development.
 11. Consequently, the development would be contrary to the principles of sustainable development set out in the Framework. It would also be contrary to Policies ASP6 and SP1 of the Core Spatial Strategy and Policy H1 of the Local Plan which all direct new development to within existing settlements, though I give limited weight to this conflict.
 12. The appeal case quoted by the appellant² relates to the provision of a dwelling on an overgrown and underused parcel of land in the centre of Ashley village.

¹ APP/P3420/W/16/3149156

² APP/P3420/W/15/3141157

Though that site is comparable to the appeal before me in respect of its accessibility to Loggerheads and the larger settlements further away, its accessibility to the admittedly limited services within Ashley would be practical by foot or cycle and therefore its accessibility to goods and services is greater, by a small degree, than the case before me. Also the benefit to the immediate environment of bringing that underused site into active use is not present in this current appeal.

Conclusion

13. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR