
Appeal Decision

Site visit made on 21 February 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 20th March 2017

Appeal Ref: APP/P3420/W/16/3164501

Land off Lovers Lane, Hookgate, Market Drayton TF9 4QH

- 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 Miss Annette Westwood against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 16/00644/FUL, dated 29 July 2016, was refused by notice dated 28 September 2016.
 - The development proposed is a new 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the occupants of the proposed development would have acceptable access to shops, 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.
4. 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.
5. The appeal site is a parcel of land comprising dilapidated outbuildings and rises steeply. Although there are a small number of dwellings within proximity of the site it is very much read as part of the open countryside, outside any settlements identified in the policies above. Nevertheless, these policies are not entirely consistent with paragraph 55 of the National Planning Policy Framework (the Framework) which allows for some housing in rural areas where it will enhance or maintain the vitality of rural communities.

6. Furthermore, 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. By reason of them not being up-to-date and not being consistent with the Framework, I attach limited weight to these policies in my determination of the appeal. Paragraph 14 of the Framework 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.
7. The site is between 1.6km and 1.7km from the nearest village of Loggerheads, which contains various shops and services. The roads leading from the site to the village are unlit and do not have footways. Furthermore, although I note the appellant's suggestion that Lovers Lane is infrequently used, given its narrow width it is unlikely to be used often by the occupants of the dwelling for access to the village by walking or cycling, particularly during dark mornings and evenings.
8. The appellant argues that there is a public footpath network within proximity of the site that provides direct access to the village. Taking the public footpath route, the site is approximately 1.3km from the village. However, this route crosses unmade ground in places, e.g. fields, and therefore would unlikely be frequently used, particularly so in inclement weather. It is reasonable to conclude therefore that occupiers of the development would be reliant on the use of private vehicles to access basic facilities and services such as shops, schools, health services and employment. I acknowledge that some of these journeys would be relatively short. Nevertheless, given the poor accessibility, they are likely to be frequent.
9. I have been referred to a number of appeal decisions by the appellant. The appeal at Endon Riding School¹ was with regard to a development of up to 10 dwellings. The Inspector found there would be fewer traffic movements than the existing use and although there were some shortcomings in terms of accessibility, this did not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken in the round. As this was a larger scheme than the proposal, the economic and social benefits, including the contribution it made towards the shortfall in housing supply, were significantly greater than the proposal before me. Accordingly, the circumstances are not directly comparable with the proposal before me.
10. With regard to the appeal decision relating to a single dwelling in Knighton², the site was within the built form of a village. It was found that it was not an isolated dwelling and fell within paragraph 55 of the Framework which states that development in one village may support services in a village nearby. The current proposal is in an isolated location and not within a village. Accordingly, the circumstances are not directly comparable with the proposal before me.
11. Paragraph 55 of the Framework promotes sustainable development in rural areas, providing it would enhance and maintain the vitality of rural communities. However, it also restricts isolated homes in the countryside

¹ Appeal Ref APP/B3438/W/15/3140510

² Appeal Ref APP/P3420/W/16/3155596

unless there are special circumstances. I am not satisfied that there are any special circumstances that would justify the development.

12. I conclude therefore that the proposal represents a new isolated dwelling within the open countryside in an unsustainable location, relying heavily on car transport, for which there are no special circumstances and therefore fails to comply with the sustainability objectives of the Framework. It would also fail to comply with Policies SP1 and ASP6 of the CSS and H1 of the LP.

Other Considerations

13. The proposal would offer economic and social benefits, albeit limited, by way of the occupants of the dwelling utilising local shops and services. Whilst these benefits only afford limited weight, they nevertheless weigh in favour of the proposal. Furthermore, it would make a positive contribution towards the existing shortfall in housing provision in the borough. I have had regard to the Inspectors' findings on the two appeal decisions³ referred to me by the appellant. Although the benefit to the housing supply would be important, this is tempered by the limited contribution it would make.
14. The site has previously been used as workshops and a builder's yard and therefore it would make use of previously developed land. The appellant states that the proposed vehicular movements associated with the proposed use have to be balanced against those of the existing use. However, there is no evidence before me of what the use of the site entails in terms of the scale of its use and its associated traffic movements. Therefore it is not possible to make a direct comparison with the proposal before me.

Conclusion

15. I acknowledge that the proposal would offer social and economic benefits, including the contribution it would make to the shortfall in housing supply, and would make use of previously developed land. However, I find that the isolated location of the site and the unacceptable accessibility to shops, community facilities, employment opportunities and other services significantly and demonstrably outweighs these benefits, when assessed against the policies in the Framework taken as a whole.
16. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR

³ Appeal Refs APP/B3438/A/14/2217581 and APP/P3420/A/14/2222484