



Appeal Decision

Site visit made on 23 July 2019

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/P3420/W/19/3227879

**Land adjacent to Farcroft, Manor Road, Baldwins Gate,
Newcastle-under-Lyme ST5 5ET**

- 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 G Adams against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 18/00674/OUT, dated 30 August 2018, was refused by notice dated 9 November 2018.
 - The development proposed is outline planning application (all matters reserved) for a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought with all matters reserved. I have had regard to the details on the proposed site layout plan but have treated them as indicative. I have determined the appeal on this basis.
3. The Council's first reason for refusal in its decision notice relates to the conflict of the proposal with the objective of directing new houses to sustainable brownfield land within the village envelopes of the key rural service centres as set out in Policies SP1 and ASP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (2009) (the Core Strategy), saved Policy H1 of the Newcastle-under-Lyme Local Plan (2003) (the Local Plan), and the aims and objectives of the National Planning Policy Framework (the Framework).
4. Subsequent to issuing its decision notice, the Council has confirmed to the appellant that, given the limited weight that can be given to any conflict with Policy H1 of the Local Plan and Policy ASP6 of the Core Strategy, paragraph 11(d) of the Framework would be engaged and therefore the Council would only submit evidence relating to the second reason for refusal regarding the reliance of future residents on the use of private motor vehicles by reason of the site's location. In light of this, the main issue of the appeal relates to the second reason for refusal.

Main Issue

5. The main issue is whether occupiers of the proposed development would have satisfactory access to shops and services having particular regard to the availability of sustainable transport modes.

Reasons

6. The site is located within the open countryside to the west of the settlement of Baldwins Gate. The site is accessed off the western side of Manor Road, a rural road set within rolling countryside.
7. Policy SP1 of the Core Strategy sets out spatial principles of targeted regeneration and seeks to direct new housing to sites within identified areas. The two key aspects of this policy are (1) and (7). SP1(1) sets out the locations where new housing will be primarily directed towards. SP1(7) prioritises the use of previously developed land where it can support sustainable patterns of development and provide access by transport modes other than private motor vehicles.
8. The Council and appellant agree Policy SP1 of the Core Strategy is out of date. The general aim of the policy, however, to prioritise the use of previously developed land where it can support sustainable patterns of development and provide access by transport modes other than private motor vehicles generally accords with the Framework. As such, I afford this policy significant weight.
9. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The appellant indicates that the site is located approximately 650 m due west of the settlement edge of Baldwins Gate, with all of the services that exist within the settlement being approximately within 1200-1600 m (or less) actual walking distance. These facilities and services include, the nearest petrol filling station, post box, bus stop, shop/post office, public house/restaurant and primary school. Whilst future occupants would provide some support for the nearest local services, being for one property, it would only make a very limited contribution and I give this benefit limited weight.
10. The Manual For Streets (MfS) guides that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas, which residents may access comfortably on foot. The walking distances for future occupiers of the appeal site to access the nearest facilities would be in excess of this guideline. The appellant estimates walking times of approximately 15 minutes to the nearest bus stop, 18 minutes to the nearest primary school, and 19 minutes to the nearest public house and shop.
11. MfS states that this 800 m guideline for walkable neighbourhoods is not an upper limit. Furthermore, the distances in MfS are indicative and do not provide firm thresholds. As such, it is necessary to assess the suitability of the route for pedestrians. In this case, the route would, for a significant part, be along Manor Road and Madeley Road. These roads do not include footpaths or street lighting. Whilst a grass verge exists for part of the route, that does not, to my mind, provide a particularly safe or suitable pedestrian refuge. Consequently, it would be likely that, pedestrians would routinely encounter conflict with vehicular traffic. These circumstances do not lend themselves to safe use by pedestrians. Similarly, the lack of street lighting would be unlikely to encourage cycling to the nearest services and facilities after dark. These factors would not encourage the healthy lifestyles and community building supported by paragraph 91 of the Framework.

12. I am mindful that the Framework states that, opportunities to maximise sustainable transport solutions will vary between urban and rural areas. I also note the appellant's reference to the 'dial-a-ride' service provided by Border Cars, that a bus service is provided at Baldwins Gate, and the intention to provide on-plot car charging infrastructure. Furthermore, I note that the current agricultural use of the site already generates a limited number of vehicular movements. Nevertheless, the lack of suitable walking route to the nearest facilities and services for future occupiers would significantly reduce the likelihood that generated car trips would be replaced by sustainable journeys.
13. For all the above reasons, there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. The likely reliance on the private motor car for access to everyday services would not support walking, with its attendant health and community building benefits, contrary to the provisions of the Framework. The proposal would also conflict with the aims of Policy SP1 of the Core Strategy relating to targeted regeneration prioritising the use of previously developed land where it can support sustainable patterns of development and provide access by transport modes other than private motor vehicles.

Other Matters

14. The appellant has drawn my attention to a number of appeal decisions, including at Gravel Bank¹, Waggon and Horses² and The Workshops³. I have not been provided with the full details of the background to those cases. In relation to the Gravel Bank appeal, it is evident that much of the route to Loggerheads includes a well-lit footway. With reference to the Waggon and Horses decision, the proposal related to the redevelopment of a fire damaged public house. In the case of The Workshops decision, the inspector found that the proposal would likely see a reduction in trips made by private car when compared with the existing situation. The appellant has also drawn my attention to an appeal decision at 133 Smithy Lane⁴ where the Inspector attributes moderate weight to the harm of accessing the nearest facilities by private motor vehicle. In each case, the Inspector has made a planning judgement based on the specific proposal and its particular merits. On the basis of the evidence before me, I do not find any clear comparisons between those other schemes and the one before me. In any event, I have considered this appeal on its own merits.

Planning Balance

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that appeals be determined in accordance with the provisions of the development plan unless material considerations (including the Framework) indicate otherwise.
16. There is no dispute between the parties that the site lies outside of any defined development boundary or village envelope and is, therefore, located in the open countryside for the purposes of applying planning policy. The appeal

¹ Appeal reference: APP/P3420/W/18/3199376

² Appeal reference: APP/P3420/W/18/3200823

³ Appeal reference: APP/A0665/W/17/3184576

⁴ Appeal reference: APP/P3420/W/16/3155596

proposal does not satisfy any of the listed requirements of Policies H1 or ASP6 and therefore conflicts with them.

17. Only limited weight is given to the conflict of the proposal with Policies H1 of the Local Plan and ASP6 of the Core Strategy given their conflict with the Government's objective of significantly boosting the supply of homes. Moderate weight is given to the conflict of the proposal with Policy SP1 of the Core Strategy by virtue of the lack of access by transport modes other than private motor vehicles to the nearest facilities and given the policy's aim to encourage re-use of previously developed land where it provides access to services and service centres by foot, public transport and cycling.
18. I acknowledge that the proposal would result in some economic and social benefits, including through its construction and as a result of a slight increase in spending and patronage of facilities in the local area. The proposal would also make a limited contribution to the Government's objective of significantly boosting the supply of homes. I am aware of the importance of windfall housing and that housing targets should not be considered as a cap on the delivery of housing. However, as the proposal is for a single dwelling, the social and economic benefits identified would be limited.
19. There would be environmental and social harm arising from the lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. The lack of suitable walking routes to local facilities would not encourage the healthy lifestyles and community building supported by paragraph 91 of the Framework.
20. Overall, the above identified adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole. The proposal would not represent sustainable development.

Conclusion

21. For the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR