



Appeal Decision

Site visit made on 21 January 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/P3420/W/19/3240266

Land between Windy Ridge and Sirocco, London Road, Knighton, TF9 4HL

- 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 Mrs S Watson against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 19/00295/FUL, dated 10 April 2019, was refused by notice dated 12 July 2019.
 - The development proposed is the construction of a single 5-bedroom detached property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal process the Council responded to a request to clarify the extent to which the Loggerheads Neighbourhood Plan¹ (2019) satisfies the tests in paragraph 14 of the National Planning Policy Framework (2019) and this information is incorporated below.

Main Issues

3. The main issues are:
 - Accessibility of local facilities and services by means other than private car;
 - The effect of the proposals on highway safety.

Reasons

4. The proposed development site comprises half of a field bounded by hedgerows, surrounded by predominantly open agricultural land on the outskirts of the small village of Knighton. 'Windy Ridge', a large, modern detached house is on the adjacent plot, and 'Sirocco', another large, detached dwelling, is located further along the same side of the road towards the village. The facilities of Knighton comprise a village hall, the pub having recently closed. The larger village of Woore, containing shops, pubs and a school is approximately 2.5 km distant.

Accessibility

5. There are no public transport links to the area, including from the nearby larger village of Woore. I note from the appellant's statement that the village benefits from high school bus services and transport to the nearby employer of Muller

¹ Loggerheads Neighbourhood Plan 2013-2033 (made February 2019)

Yoghurt. My attention has also been drawn to a 'Border Car' service, which provides small scale provision of a link to wider bus services during working hours, to which I give some weight. However, I conclude there is currently no easy way of travelling by public transport and as there are no substantial shopping or leisure facilities nearby, travel by car would be necessary for most journeys.

6. The site is not connected to the village by a footpath. During the site visit the roadside was not easy to negotiate because of the adjacent hedge, uneven ground and walking along the verge was uncomfortable because of the heavy traffic running immediately adjacent. There is no street lighting, which would make travel along this stretch of road on foot or bike unappealing after dark.
7. I have had regard to the appellant's submission that Shropshire Council have identified construction of a footpath between Knighton and Ireland's Cross as a priority development on their CIL Regulation 123 list. I also note that the Neighbourhood Plan identifies this connection as a local priority. Although presumably beginning on the other side of the village to the proposal site, this would undoubtedly make the walk to Woore more attractive as the majority of the journey would be paved. However, no date or budget appears to be associated with the project, which is labelled as 'still to be developed', so it only attracts limited weight.
8. Policy SP3 of the Local Plan² aims to improve accessibility by walking, cycling and public transport to promote social inclusion through well linked communities. CSP1 of the CSS³ in part defines good design quality as development that is well connected to public transport and community facilities. In this intention, they are entirely consistent with paragraphs 102 and 127 of the Framework and I therefore accord them full weight. In addition, policy LNPT1 of the Neighbourhood Plan supports development that includes provision for different modes of transport, including safe and suitable access for walking and cycling, which this development would not provide.
9. Given the lack of safe access by foot or bike to the site and lack of transport links locally, this development conflicts with Policies SP3 and CSP1 of the local plan, and the recommendations of the Neighbourhood Plan and I attribute this conflict significant weight, given the intention of the policies to promote safe and sustainable transport.

Highway Safety

10. At the site visit on a weekday morning, the road was observed to be heavily used, including by lorries, vans and tractors. The site is on slight bend on a 'national speed limit' section of classified road, a short distance from a 30-mph zone at the entrance to the village.
11. It is not clear from the information provided that splays of appropriate length can be achieved without intercepting land that is not under the appellant's control. I have noted arguments regarding driving position and control of hedges, but it is apparent that margins are small and remain disputed. The plans and calculations provided are not sufficiently clear for me to conclude on this. Calculations do not appear to account for longer stopping times for heavy vehicles or bonnet length. Drawing H1 shows that the splay line would be

² Newcastle under Lyme Local Plan, 2011 (adopted 2003)

³ Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 (adopted 2009)

marginally inside the boundary of neighbouring properties in both directions, regardless of a hedge. I consider the appellant's argument reasonable that the splay to the south can be taken to the centre line of the carriageway as this is the non-leading direction. However, no drawing to compare the new splay against the neighbour's boundary is provided and as it appears marginal, based on the information provided I cannot be confident that the entire splay of an appropriate length would remain in the appellant's control.

12. I note the extant permission for access to the site, but do not consider the circumstances comparable because this was granted for maintenance of land and hedgerows, implicit in which is significantly fewer vehicle movements. In addition, the more recent and thorough speed survey suggests that traffic is moving faster than the Council's original estimate, on which I assume the earlier decision was based.
13. The appellant offered in their Design and Access Statement to extend the 30-mph limit, as shown on Drawing H1. Extending this would require a Traffic Regulation Order, which must be consulted upon. Whilst there is no guarantee the TRO would be successful or achievable in an appropriate timescale, I also do not have anything before me that confirms this could not be obtained before the permission expires. I note from earlier calculations that visibility splays for lower road speeds could be achieved and I therefore consider this a viable proposition.
14. Policy SP3 of the CSS requires that safety of travel is taken into account and in this is compatible with paragraph 108 of the Framework, and therefore attracts full weight. Policy LNPT1 of the Neighbourhood Plan does not support development that would have a significant negative impact on road safety. As designed, I consider that there is likely to be an unacceptable impact on road safety. However, for the reasons above, I conclude that this conflict can be overcome using a Grampian condition to prevent development until the speed limit is appropriately reduced.

Planning Balance

15. The council is currently able to demonstrate a five-year supply of deliverable housing sites with the appropriate buffer. However, all parties agree that the Local Plan and associated Core Spatial Strategy were written in the context of a local plan that was not designed to meet housing needs beyond 2011 and is therefore out of date. Development location policies are critical for determining this application and therefore the presumption of a 'tilted balance' in paragraph 11(d) of the Framework is engaged.
16. Paragraph 14 of the Framework states that where the presumption applies to housing, the adverse impact of allowing development that conflicts with a Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits, where the criteria set out in paragraph 14 a) to d) apply. The Council have confirmed that criteria a), c) and d) apply. Criterion b) of paragraph 14 requires that 'the neighbourhood plan contains policies and allocations to meet its identified housing requirement'. In relation to b), the Council state 'The LNP does contain policies on housing, however, it does not contain site allocations... The village envelope was amended to take into account existing planning permissions for housing development during the production of the LNP, but no specific housing allocations were made'. I consider that the critical part of this test is that the Neighbourhood Plan achieves and secures appropriate provision

for meeting its identified housing requirement. This is clearly demonstrated in Section 6.1.2 of the Neighbourhood Plan through extant planning permissions meeting nearly 20 years of need and secured by Policy LNPG1. I therefore conclude that criterion b) is also met.

17. I have identified conflict with the Neighbourhood Plan through policy LNPT1 relating to the provision of different modes of transport, including safe access for walking and cycling. LNP Policy LNPG1 supports housing development outside of the village boundary where it is limited infill or within a built frontage of existing dwellings. The Council has indicated that it considers that the site comprises limited infill within a built frontage of existing dwellings, but I do not agree. The agricultural field separating the property adjoining the appeal site from the next house towards the village forms a substantial gap such that there is not a built frontage of existing dwellings, nor, in view of the substantial gap that would remain between the proposed dwelling and the village edge housing, do I consider that the development would comprise limited infill housing. For these reasons I am not satisfied that LNP Policy LNPG1 provides support for the proposal.
18. The development would add to the supply of housing, there would be short term economic benefits during construction and there would be some benefit of an additional household to the local economy. However, as this is only one dwelling and there are few services nearby, I conclude that the overall benefits would be limited. On balance, therefore, and having regard to paragraph 14 of the Framework, I consider that the adverse impacts of allowing the development would significantly and demonstrably outweigh the benefits.

Other Matters

19. I have had an appeal decision for a housing development in Knighton drawn to my attention by the appellant⁴. I do not have details of the scheme before me, but I note that this was an infill site in the centre of the village, adjacent to the village hall and the Neighbourhood Plan has been published since, and therefore do not consider it directly comparable.
20. In the 'New Farm' decision⁵ the Inspector was clear that future occupants would be able to make sustainable transport choices, which is not evident in this case. I have also had regard to the other appeal decisions referred to me and, whilst I have drawn similar conclusions regarding sustainability aspects, I have considered the case before me on its own merits.

Conclusion

21. I have found that the development conflicts with the development plan read as a whole. In the absence of material considerations to indicate that the plan should not be followed, and having regard to all other matters raised, I conclude therefore that the appeal should be dismissed.

B Davies

INSPECTOR

⁴ Appeal reference 3155596 (2016)

⁵ Appeal reference 3219254 (2019)