
Appeal Decision

Site visit made on 24 August 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2020

Appeal Ref: APP/P3420/W/20/3250147

Building north of The Old Stable and Tawney Cottage, Barthomley Road, Knowle End, Audley, Stoke-on-Trent ST7 8HT

- 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 C McCarthy against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 19/01016/FUL, dated 20 December 2019, was refused by notice dated 28 February 2020.
 - The development proposed is the demolition of an indoor model car racing building and erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site lies in the Green Belt. It is agreed by the main parties that the proposal would comply with paragraph 145 g) of the *National Planning Policy Framework* (the Framework) and so it would not be inappropriate development in the Green Belt. From what I have seen and read this is a conclusion with which I would agree.
3. Therefore, the main issues in the appeal are:
 - Whether the site represents a suitable site for housing having particular regard to its accessibility to shops and services; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Whether the site represents a suitable site for housing

4. Policy SP1 of the *Newcastle Under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 (adopted Oct 2009)* (CSS) seeks to direct new housing primarily to the urban centres within the two districts. It also seeks to prioritise previously developed land, that is well related to existing neighbourhoods, employment, services and infrastructure. Policy ASP6 of the CSS indicates that in the rural areas a maximum of 900 net new dwellings will be provided primarily on sustainable brownfield land within the village envelopes of the key rural service centres. Audley is one such key rural service centre. Policy H1 of the *Newcastle Under Lyme Local Plan 2011 (adopted October 2003)* (LP) seeks

- to protect the countryside and to direct new housing to the urban areas or one of the defined village envelopes.
5. The appeal site is located between the settlements of Audley and Barthomley. Although to the south of the site are a small number of dwellings, the site is not within any village envelope. As such, the proposal is within the countryside for planning policy purposes and would be contrary to the aforementioned development plan policies.
 6. In addition, to promote sustainable development in rural areas, paragraph 78 of the Framework indicates that housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 seeks to avoid isolated new homes in the countryside unless they meet one of a number of special circumstances.
 7. Barthomley is a small settlement with limited services and facilities. In line with its designation as a key rural service centre, Audley, which is approximately 2.5km away, has a reasonable range of shops and other services. However, in both directions, Barthomley Road is a narrow, unlit road with no pavement. As a result, it would not be conducive to either walking or cycling. In addition, there is no public transport provision along this road. Although the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, in this case future occupiers would be heavily dependent on the private car to meet all their day to day needs. Whilst some of these could be met in Audley, for higher order goods and services future occupiers would be required to travel further afield.
 8. My conclusion with regard to the dependence of future occupiers on a car accords with that reached by the Inspector dealing with a previous appeal¹ for residential development on the site in 2018. Despite the small collection of dwellings to the south, this Inspector also concluded that the appeal site would fall into the category of being an isolated home in the countryside. Whilst the Framework has been revised since this appeal, its advice regarding housing in rural areas has not changed materially. Furthermore, I have not been made aware of any change in local circumstances since the previous appeal that would lead me to come to a different conclusion in this regard.
 9. In support of the appeal, my attention has been drawn to another appeal² in the area for the redevelopment of a public house for residential purposes. In that case the Inspector concluded that although future residents would be reliant on a car the site would be suitable for housing as it was reasonably compliant with the Framework's advice. However, I note that in that case, it was concluded that the development would not be isolated new housing and so the circumstances are not directly comparable to the appeal scheme. Nor is it as directly relevant as the previous appeal on the actual site which concluded that in terms of its proximity and accessibility to services the site was not a suitable location.
 10. Therefore, I consider that the appeal site would not be a suitable site for new housing having particular regard to its accessibility to shops and services. Accordingly, it would conflict with Policies SP1 and ASP6 of the CSS, Policy H1

¹ Appeal reference APP/P3420/W/17/3190480

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

of the LP and the Framework, as outlined above. This is a matter of significant weight.

Character and appearance

11. The appeal site is located within an Area of Landscape Enhancement as designated by the LP. Policy N20 of the LP indicates that in such areas proposals should not further erode but enhance the character or quality of the landscape.
12. The current large portal frame building on the site is unattractive and out of keeping with the rural environment in which it is located, as is the palisade fencing that surrounds much of the site. The removal of the building, the area of hardstanding around it and the fencing would be beneficial to the character and appearance of the area.
13. The proposed dwelling has been designed to be agrarian in character and would be a substantial L-shaped building with two projecting gable features on the front elevation. Whilst considerably larger than the adjacent dwellings, it replaces a large building and the existing and proposed boundary hedging would reduce the ability to perceive the size of the dwelling.
14. The building would have a mix of small windows and larger glazed openings as is often found on barn conversions. The variety in the sizes of the windows and the lack of alignment between those on the ground and first floor, reflect that fenestration on the adjacent houses and is also typical of barn conversions. Whilst one gable end would be blank, this is not unusual for side elevations, and views of this elevation, even from the footpath crossing the adjacent field would be limited by the proposed boundary hedge. Moreover, its visual impact would be similar, if not less than the current building. Overall, the solid to void ratio on the building, together with the lack of chimneys and porches, would reflect the proposed agrarian character and would be sympathetic to the rural character of the area.
15. It is proposed to use traditional materials and to have canted brick cills and corbelled eaves to match similar features on the adjacent houses. These details could be secured by condition and would help to assimilate the development into the area.
16. Overall, I consider that the proposed development would not harm the character and appearance of the area. Therefore, it would not be contrary to Policy N20 of the LP outlined above, or Policy CSP1 of the CSS which requires developments to respect the character, identity and context of the area. An absence of harm in this regard is a neutral factor.

Other matters

17. Although unused since 2014, the former use of the building for indoor model car racing would have generated traffic movements to and from the site. The appellant's Transport Statement estimates this could have been in the region of 36 2-way movements a day, which is suggested would be far greater than the number of movements created by a dwelling. However, these are only estimates and are not based on actual traffic movements data from when the business was operational. Furthermore, this does not justify the development of the site for residential uses given I have concluded it would not be a suitable site for new housing.

18. The appeal scheme would make a small contribution to housing supply in the area. The development, both through the construction phase and through the spending of future occupiers, would bring some benefits to the local economy. However, as the proposal is only for a single dwelling, the scale of these benefits would be minimal.
19. The appellant has highlighted that paragraph 84 of the Framework encourages the re-use of previously developed land that is well-related to existing settlements. However, whilst the Framework, and the CSS, support the use of previously developed land, this site is not physically well related to existing settlements but is located in open countryside. As such, I give this little weight.

Planning Balance and Conclusion

20. The policies that are most important for determining the appeal are Policies SP1, ASP6 and CSP1 of the CSS and Policies H1 and N20 of the LP.
21. The spatial priorities in Policy SP1 which seeks to direct housing and other types of development to the main urban areas and other designated sites accords with the Framework's requirements of setting a clear strategy for sustainable growth.
22. However, the appellant has drawn my attention to an appeal decision in 2019³ where the Council accepted that policies ASP6 and H1 were out of date. This was because the village envelopes were defined in the context of a local plan that was not intended to meet housing needs beyond 2011, and because the limit of 900 dwellings was not based upon an up-to-date assessment of housing needs and is at odds with the Framework's objective of significantly boosting the supply of homes. The Council has not disputed this. On this basis, I agree that these two policies are out of date.
23. Policy CSP1, which is a strategic design policy, accords with the Framework's aims of creating well designed places, as such it is not out of date. The designation of the area as an Area of Landscape Enhancement in Policy N20 is broadly compatible with the Framework's aims of protecting and enhancing valued landscapes and so I do not consider it to be out of date either.
24. On balance, I consider that when taken as a whole, the policies that are most important for determining this appeal are not out of date. I have concluded that the site would not be a suitable site for new housing given its accessibility to shops and services, and so would be contrary to development plan policies in this regard. Although I have found it would not harm the character and appearance of the area, an absence of harm in this regard is a neutral factor. Consequently, overall, I consider the proposal would be contrary to the development plan as a whole.
25. The Council have indicated that they have a 5 year housing land supply and this has not been disputed by the appellant. As a result of this, and the fact that the policies which are most important for determining the application are not out of date, I do not consider that paragraph 11 d) of the Framework is engaged.
26. Whilst I have given weight to the benefits of the proposal, they do not outweigh the harm I have identified it would cause and the fact that the

³ Appeal reference APP/P3420/W/18/3199376

proposal would conflict with the development plan as a whole. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR