The Planning Inspectorate

Appeal Decision

Site visit made on 3 March 2021

by Helen B Hockenhull BA (Hons) B. Pl MRTPI

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

Decision date: 29th March 2021

Appeal Ref: APP/B3438/W/20/3252646
Land East of Lakeland Lodges, Rudyard Road, Rudyard, Nr Leek ST13 8PQ

- 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 M. Farra against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0375, dated 17 June 2019, was refused by notice dated 15 April 2020.
- The development proposed is the erection of 7 no. affordable dwellings.

Decision

1. The appeal is dismissed.

Procedural matter

2. After the consideration of the original planning application, the Council adopted the Staffordshire Moorlands Local Plan in September 2020. The policies referred to in the Council's decision notice have been superseded. Both main parties have referred to these new policies in their evidence and I take account of them in my decision.

Main Issues

3. The main issues in this case are:

    - whether the proposed development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and local plan policy;
    - whether the proposal would preserve or enhance the character or appearance of the Rudyard Conservation Area;
    - the effect of the proposal on trees subject to a Tree Preservation Order (TPO);
    - the effect of the proposal on the living conditions of future occupiers with particular regard to loss of sunlight and outlook; and
    - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations which might amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal site forms a vacant piece of land, formerly a car park to the adjacent hotel, located to the south of Rudyard Road, close to the junction of Dunwood Lane and Camrose Hill. It occupies an elevated position with a stone retaining wall and tree lined bank on the site frontage with Rudyard Road. The former hotel to the south west of the site is now known as Lakeland Lodge and has been converted to residential apartments. The site is located within the Rudyard Conservation Area and within the Green Belt.

Inappropriate development

5. Paragraph 145 of the Framework regards the construction of new buildings in the Green Belt as inappropriate development. The Framework outlines several exceptions to this, including limited affordable housing for local community needs under policies set out in the development plan.

6. Rudyard is defined as a smaller village in Policy SS9 of the Staffordshire Moorlands Local Plan 2014-2033 adopted in 2020, where rural exceptions housing in appropriate locations will be permitted. Policy H3 of the Local Plan permits affordable housing in or on the edge of villages of an appropriate scale for the spatial strategy and which are well related to services and facilities and where a demonstrable need exists within the local area which cannot otherwise be met by means of provisions in the plan.

7. The appeal proposes the construction of 7 affordable dwellings to be provided as Discount Market Sales Housing. The dwellings would be sold at a 20% discount below market value, with eligibility determined by income, and properties only available to those in Horton Parish and thereafter surrounding parishes. These restrictions would be secured in perpetuity by a section 106 agreement.

8. In terms of the requirements of Policy H3, the determinant factor for this case is whether there is a demonstrable need within the local area. It is clear from the evidence before me that there is a significant need for affordable housing in the borough, towards which the appeal scheme would contribute. At the more local level, I have been made aware of a Parish Housing Needs Survey for Horton Parish taken in 2015. The Council and the appellant present different results of the survey, with the appellant suggesting a need for 11 dwellings in total, 2 one bed, 4 two bed, 4 three bed and 1 four bed property. In contrast the Council suggests a need of 7 dwellings, with 1 single bed, 1 two bed, 1 three bed and 1 four bed dwelling required.

9. The appeal scheme proposes 1 detached four-bedroom property and 6 semi-detached three bed dwellings. Irrespective of which figures are used, the housing mix proposed in the appeal scheme, does not reflect the need in the parish. I accept that the survey is only a snapshot in time and was conducted 6 years ago. However, the lack of smaller properties in the appeal proposal, meeting a wider range of needs in the local area, forms a deficiency of the scheme.

10. Furthermore, I have had regard to the requirements of Policy H3 which states that unless circumstances dictate otherwise and in agreement with the Council, 60% of affordable dwellings should be social/affordable rent with 40% being intermediate housing. I have no substantive evidence before me to

demonstrate that there is reason to depart from this policy position and allow the construction of discount market housing.

11. Given the above, whilst the principle of affordable housing on this site would be acceptable, I am not satisfied that the housing mix or the tenure mix would be appropriate to meet the need in the local area. Therefore, the appeal scheme would fail to comply with Policy H3 of the Core Strategy. Accordingly, it would also fail to meet any of the exceptions stated in paragraph 145 of the Framework and would form inappropriate development in the Green Belt.

Conservation Area

12. A central feature of Rudyard Conservation Area (CA) is Rudyard Reservoir, completed in the 1840's. With improved rail connections, the area became an important Edwardian tourism resort with land and water-based activities. The village comprises a number of late Victorian and Edwardian buildings mainly constructed in local gritstone with steeply pitched clay tiled roofs. Many are individually designed creating a diversity of architectural style.

13. Several buildings are located within a wooded setting which contributes positively to the character and appearance of the CA. There are a small number of dwellings, mainly dating from the 20th century, constructed in red brick. Timber bargeboards, exposed rafter ends and the use of timber as a decorative feature is common. Lakeland Lodge located to the east of the appeal site, formerly the Station Hotel, forms a building with early 17th century origins and is described as a building worthy of note in the Conservation Area Character Appraisal.

14. Given the above, I consider the significance of the CA, as far as it relates to this appeal, lies in the quality and diversity of its buildings and their verdant setting.

15. The site is prominent due to its elevated position. The retention of the tree cover on the site frontage would assist to screen the development and maintain the verdant appearance of the CA. However, the dwellings would be visible from the approach down Camrose Hill and Rudyard Road, particularly in the winter months. Whilst having a staggered footprint, the development would have the appearance of a row of similarly designed dwellings. This would contrast with the diversity of design evident in the CA, which provides a variety of architectural style.

16. The appellant has brought my attention to a pair of dwellings on Lake Road, built in brick with high roof and timber decoration. The appeal scheme reflects the design and materials of these properties. However, the Lake Road development forms a smaller scheme of only 2 dwellings. Unlike the appeal proposal, they respect the diversity and mix of individually designed properties in the CA.

17. Turning to the elevational detailing, the door on the front elevation of the semi-detached three-bedroom dwellings, would not be centred below the first-floor window. Furthermore, a small offset window to the side of the door would appear out of proportion against other windows. With regard the four-bedroom dwelling, windows dominate the front elevation. Bearing in mind the sites elevated position, this poor design would cause harm to the character and appearance of the CA.

18. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.

19. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the spatial relationship of the appeal site and the Old Grammar School and having regard to the CA as a whole, I find the harm to be less than substantial but nevertheless of considerable importance and weight.

20. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I consider this 'heritage balance' in the Other Considerations section of my decision.

Impact on TPO'd trees.

21. The appellant has provided a tree survey which identifies several trees on the site that would need to be removed. Many of these are self-seeded scrub and of little amenity significance.

22. The row of trees on the site frontage above the retaining wall running alongside Rudyard Road are subject to a group TPO. They are identified in the Tree Survey as Group G1 and are to be retained. The proposed development would not impinge on their root protection areas, apart from a very minor encroachment to one tree. The report recommends some pruning to provide working space around and improve clearances from buildings, and to enhance the quality of the external space at the front of the buildings by improving light levels and air circulation beneath the crowns. In terms of future management, the report recognises that ongoing pruning would be required perhaps on a 3-5-year cycle to control future regrowth and maintain reasonable clearance from buildings.

23. The fact that initial pruning is required to maintain building clearances at construction stage and in the future, suggests to me that the buildings are sited too close to this group of trees. There may well be pressure from future occupants to fell these trees or secure crown reduction. Whilst any works to the trees would need consent, I agree with the Council that it would be more difficult to resist these works if planning permission had been granted for buildings in such proximity. This could impact negatively on the character and appearance of the CA.

24. In summary I find that the proposal would cause harm to this protected tree group, contrary to Policy NE2 of the Staffordshire Moorlands Local Plan which seeks to protect existing trees and woodland from loss or deterioration.

Living conditions

25. The proposed siting of the dwellings close to the group of trees on the site frontage, would result in overshadowing and potential loss of light to north facing habitable rooms on the north west elevations of the proposed dwellings.

26. I acknowledge that the room layout of the proposed dwellings provides lounges and sitting rooms to the rear of the properties which would be south facing. However, kitchen areas and bedrooms on the front elevation would be likely to experience shading from the adjacent tree cover. Occupants of the rooms

would also experience a sense of enclosure due to the presence of the trees, resulting in a loss of outlook. This would cause harm to the living conditions of future occupants.

27. In this regard the appeal scheme would be contrary to Policy DC1 of the Staffordshire Moorlands Local Plan. This policy promotes good design and seeks to protect residential amenity.

Other considerations

28. The appellant has highlighted several benefits of the scheme. There would clearly be a contribution to housing supply, in particular affordable housing. However, the weight I give to this benefit must be tempered by my finding that the scheme would not meet the local needs in the area.

29. The scheme would bring economic benefits. Based on the Council's Qualifying the Economic Impact of Growth report, the future occupants of the 7 dwellings would generate between £35,00 and £84,000 in initial spend on a new home with a further ongoing annual contribution to the local economy of over £65,000. During the construction phase, the scheme would support local employment and the demand for construction materials would support the supply chain. As some of these benefits would be temporary during construction or first occupation of a property, I give them moderate weight.

30. In terms of environmental benefits, the site forms a vacant former car park. Its redevelopment would make effective use of previously developed land.

31. The approach in the Framework is that where the harm to the significance of a designated heritage asset is less than substantial, as in this case, it should be weighed against the public benefits of the proposal.

32. Against the public benefits I have outlined above, is the harm to the character and appearance of the CA. It is clear from paragraph 193 of the Framework that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to an asset's conservation. The public benefits set out above do not individually or cumulatively outweigh the identified harm. The proposal would therefore fail to comply with paragraph 192 of the Framework and also Policies DC1 and DC2 of the Staffordshire Moorland Local Plan 2020 which seek to ensure development complements the special character and heritage of the area and conserves and where possible enhances heritage assets.

Other matters

33. The appellant has provided a unilateral undertaking pursuant to section 106 of the Town and Country Planning Act 1990 to secure the affordable housing at discounted sale in perpetuity. Whilst the document is signed it is undated. The Council have also raised concerns about a number of deficiencies in the document. However, as I am dismissing this appeal for other reasons it is not necessary for me to consider this matter further.

Overall planning balance

34. I have found that the proposal forms inappropriate development in the Green Belt. National policy is clear. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

35. In this case heritage harm is another harm for Green Belt purposes because the less than substantial harm is not outweighed by the public benefits of the scheme. Furthermore, the harm to protected trees and the living conditions of future occupants weighs against the scheme

36. Against this cumulative harm, there are a number of other considerations which weigh in favour of the scheme put forward by the appellant as outlined above. However overall, these other considerations do not clearly outweigh the totality of the harm to the Green Belt and other harm. Very special circumstances to justify inappropriate development do not therefore exist. Accordingly, the development should not be approved. The proposal would not form sustainable development in the terms of the Framework and would fail to comply with the development plan.

Conclusion

37. For the reasons given above, and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR