



Appeal Decision

Site visit made on 26 October 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2023

Appeal Ref: APP/B3438/W/23/3317913

Land at Cedarhill, Alton, Staffordshire

- 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 Ms Carol Bray against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2022/0409, dated 18 July 2022, was refused by notice dated 15 September 2022.
 - The development proposed is outline application for the erection of up to 4 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for outline planning permission with all matters reserved. An illustrative layout plan was submitted with the application and where relevant I have had regard to it in reaching my decision.

Main Issues

3. The main issues are:
 - whether the proposal would provide a suitable location for housing having regard to local and national policy;
 - the effect of the proposal on the character and appearance of the appeal site and the surrounding area; and
 - the effect of the proposal on biodiversity and protected species.

Reasons

Suitability of Location

4. The appeal site is located outside the village of Alton, which is considered a Larger Village by Policy SS8 of the Staffordshire Moorlands Local Plan (2020) (Local Plan). Outside Larger Villages Policy H1 of the Local Plan allows residential development where it adjoins the boundary of such a village and is well related to the existing pattern of development. Residential development within rural areas is also restricted by Policy SS10 subject to a number of exceptions, including where it can meet the requirements of Policy H1.
5. Though the appellant states that there is a dilapidated stone-built building, at the time of my site visit the appeal site was mainly undeveloped grassland with no evidence of any current or former building use on it.

6. Whilst the appeal site is close to existing housing and near to services and facilities within Alton, it is nevertheless outside the settlement boundary and there is no evidence before me to demonstrate that the exceptions listed within Policy SS10 have been met.
7. Furthermore, I observed during my site visit the mostly unlit road with no footway and the lack of cycle paths in the vicinity of the appeal site. Therefore, the majority of journeys to access day to day services and facilities would likely be made in a private motor vehicle, particularly during hours of darkness or bad weather conditions. This would result in future occupants of the proposal using private motor vehicles to travel to services and facilities in Alton or neighbouring settlements on a more frequent basis.
8. Consequently, the site is not a suitable location for housing having regard to local and national planning policy. The proposal is therefore contrary to Policies SS1 and SS10 of the Local Plan. These policies seek, amongst other things, to restrict and control development outside of settlement boundaries. In addition, the proposal would fail to accord with the National Planning Policy Framework (Framework) in respect of achieving sustainable development.

Character and Appearance

9. The appeal site is a largely open and undeveloped parcel of agricultural land that extends along the southern side of the highway. The site itself is rectangular in shape and forms part of a wider field that rises to a hillside at the site's rear. A mature hedgerow runs along the site's roadside boundary.
10. The site is positioned opposite a loose knit form of linear development that is located on the northern side of the highway. The existing dwellings have frontages that are clearly visible from the highway and are generally set within spacious plots. In contrast, the southern side of the highway retains an unbuilt-up frontage with the exception of a small row of dwellings to the west of the site. To the south and east of the site are mainly agricultural fields and small pockets of woodland.
11. It was evident on my site visit that there is a clear break in development between the loose knit and sporadic forms of existing development near to the appeal site and the built-up form of Alton. Whilst there is a small cluster of linear development fronting the highway opposite the site, this is separated from the built-up form of the village by countryside. As such, the proposed development would not adjoin the existing built-up form of the village. Furthermore, it would not have the appearance of closing a gap in a built-up frontage and therefore would not represent infill development.
12. Instead, the proposal would introduce built form onto the appeal site whose undeveloped and naturalised appearance visually distinguishes it as a feature of the countryside rather than an intrinsic part of the existing built form. Although the proposed development would be low density and it is intended to keep much of the existing mature hedgerow, the proposal would nevertheless erode the open attributes of the site.
13. Furthermore, given the sloping nature of the site in relation to the highway, dwellings of one or two storey erected on the site would appear prominent when viewed from the highway and the neighbouring dwellings. The formation of a new access from the highway would likely involve the loss of hedgerow

and would introduce hard, urban elements. These would be at odds with the soft appearance of the site.

14. Consequently, the presence of the proposed dwellings, together with the associated hardstanding materials and domestic paraphernalia, would erode the undeveloped character of the site, which makes a positive contribution to the character and appearance of the area. The proposed development would appear as a dominant built form that would result in a visual intrusion into the countryside.
15. For the reasons given, the proposal would have a harmful effect on the character and appearance of the site and its surroundings. It would therefore fail to accord with Policies SS1, SS10, DC1 and DC3 of the Local Plan. Amongst other things, these policies seek to ensure development reinforces local character and distinctiveness, respects the site and its surroundings, and resists development that would lead to a prominent intrusion into the countryside. In addition, the proposal would fail to accord with paragraph 130 of the Framework, which states that development should be sympathetic to local character, including the surrounding built environment and landscape setting, and add to the overall qualities of the area.

Biodiversity and protected species

16. The proposed development would be on an existing agricultural field with boundary hedgerow and other vegetation. The Council's second reason for refusal relates to insufficient information being submitted to enable the assessment of the impact of the proposal on biodiversity and protected species. However, the appellant has now submitted an updated Preliminary Ecological Appraisal, dated February 2023. This appraisal demonstrates that the proposed development is unlikely to negatively impact upon local ecology and protected species or habitats.
17. Therefore, given the findings of the appraisal, there is no reason to believe that the proposed development would have any effect on the biodiversity and ecology that would warrant the refusal of the planning permission. In the absence of any information to the contrary, I conclude on this issue that, subject to appropriate conditions, the proposed development would not cause unacceptable harm to biodiversity and protected species. As such, in respect of this main issue, it would accord with Policy NE1 of the Local Plan, which amongst other things, seeks to conserve and enhance habitats and protected species. It would also accord with the Framework, which in paragraphs 174, 179 and 180 relates to, amongst other things, the protection and enhancement of biodiversity.

Other Matters

18. My attention has been drawn to a previous planning approval (SMD/2018/0017) for the erection of 3 dwellings. However, this other decision, including information such as the officer's report, are not before me. Therefore, I do not know the planning circumstances that led to this permission or its specific relationship to the village. In any event, I have determined the appeal on its own merits.

Planning Balance

19. The proposal would deliver four dwellings that would make direct and indirect economic contributions, including during the construction period and subsequently from future occupiers in terms of spending in the local area, which would help to support local services and facilities. There would also be social benefits, through new residents supporting social and community activities and contributing towards the vitality of the local community. The proposal would also meet the needs of present and future generations by contributing to housing land supply.
20. Whilst a lack of harm has been found in regard to biodiversity and protected species, this would be neutral in any planning balance. I also note the suggested biodiversity enhancements. However, these are neutral factors and do not weigh in favour of the proposal.
21. The Council concedes that it cannot demonstrate a five-year supply (5YHLS) of deliverable housing sites as required by the Framework. The lack of a 5YHLS means that paragraph 11d) of the Framework is engaged. However, part ii of paragraph 11d) clarifies that permission should not be granted if any adverse impact of doing so would significantly and demonstrably outweigh the benefits. There would be harm arising from this proposal regarding the character and appearance of the area that is so significant that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies and the Framework taken as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

22. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

H Smith

INSPECTOR