

Appeal Decision

Site visit made on 17 September 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2024

Appeal Ref: APP/P3420/W/24/3338220

Land Adjacent Maerfield Gate Farm, Stone Road, Blackbrook, Newcastle Under Lyme, Staffordshire ST5 5ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr N Slater against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref is 23/00246/FUL.
 - The development proposed is for the erection of a self-build dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a self-build dwelling at land adjacent Maerfield Gate Farm, Stone Road, Blackbrook, Newcastle Under Lyme, Staffordshire ST5 5ED in accordance with the terms of the application, Ref 23/00246/FUL, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the location of the appeal site is suitable for a new dwelling.

Reasons

3. The appeal site is located outside of any settlements, within the open countryside. It is, however, close to other buildings including an existing dwelling and a hotel. The site is served by a vehicular access towards the west and a pedestrian access, via an underpass, towards the north. Near the underpass access on Woodside are bus stops served by the no 64 route.
4. The Council have referred primarily to Policies SP1 and ASP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (The CSS), Policy H1 of the Newcastle under Lyme Local Plan 2011 (the LP) and Policy HG1 of the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Plan (the NP) these policies collectively set out the spatial strategy for new residential development and, to a lesser degree, housing numbers. I understand the main aim of these policies is to direct development to identified, or otherwise sustainable, locations that provide access to services and are not reliant on private motor vehicles. Therefore, whilst the

Council consider these policies out of date, I still afford them significant weight.

5. The Council, in their submissions consider that the provision of services and facilities provided by Baldwin's Gate is sufficient to accommodate a new dwelling. Moreover, I note that following a recent appeal, the Council consider that the no 64 bus route is a viable option for future occupiers to reach their needs. I have no reason to find, from my observations on site and the evidence before me, differently on these two matters. Furthermore, it is clear that the appeal site is previously developed land as it currently contains a pair of single storey, linear buildings. These would be removed as part of the scheme and replaced by the proposed dwelling.
6. During my site visit I walked through the underpass from the proposed location of the house. The route from the existing driveway to Woodside was finished with a hard surface of some age. Although the surfacing was not of a high quality, it would be suitable for use by future occupiers. The proposal includes the extension of the hard surfacing up to the dwelling and future occupiers could further improve the route and surfacing materials to make it a more pleasant option for them.
7. This underpass would therefore provide a suitable and safe alternative to walking along the A51, a relatively fast road, from the proposed vehicular access to the junction at Woodside where a pavement begins.
8. The bus stops serving the no 64 route are almost immediately adjacent to the underpass access on Woodside and so future occupiers would be provided with a safe and ready access to the bus route. As noted by the Council, this bus route is a viable option and so I consider that this would be a realistic option for future occupiers to rely upon for some journeys. While the bus route may not reach all employment options, I do not find this to be uncommon. From the information before me I consider the route would provide suitable access to areas with likely employment opportunities.
9. The abovementioned pavement provides a safe, albeit unlit, route along the A51 towards a public right of way route into Baldwin's Gate. I consider this route to be of a walkable distance for services and facilities. However, it would require pedestrians and cyclists to be in the carriageway along Sandy Lane and Chorlton Moss. Nevertheless, this on-road section is short and given the nature of both of these roads, especially Chorlton Moss, I consider that traffic levels and speeds would be lower. While this route may not be suitable at night, or during inclement weather, I still find that it would provide a viable option for future occupiers to reach Baldwin's Gate.
10. Mindful of the National Planning Policy Framework (the Framework), I consider that these options would be sufficient for a rural location. Although future occupiers may make use of private motor vehicles I do not consider that they would be reliant on them to meet all their typical needs.
11. I have been provided with no substantive evidence to demonstrate that the local GP surgery could not accommodate the small increase in demand that the proposed dwelling would generate. Therefore, and mindful of the Council's findings in relation to the services provided by Baldwin's Gate, I consider that the increase in demand would not be unacceptable.

12. Given the above, and although the appeal site is without a settlement, the proposal would make use of previously developed land with access to suitable services that does not rely upon the use of a private motor vehicle. The proposal would therefore comply with the spatial strategy set out in CSS Policies SP1 and ASP6, LP Policy H1 and NP Policy HG1. It would also comply with the Framework, under Paragraphs 83 and 84, with regard to avoiding isolated development and directing rural dwellings where they will support the vitality of rural communities and local services in nearby villages.

Other Matters

13. The proposed dwelling would make use of an existing access that is shared by an existing dwelling and agricultural/equestrian use. The proposal would intensify the use of this access and so similarly increase the potential for vehicles leaving and entering the drive to meet at the access. Whilst this could result in a risk of conflict between vehicles, I am content that this could be dealt with via a suitably worded condition. I consider that such a condition could also improve the existing visibility to either side of the access and that, mindful of the submissions before me, the proposal would not unacceptably increase highway safety risks.

14. All proposals must be considered on their own merits and in this case, I find the site has very site specific factors that mean it is unlikely to be relevant to many other schemes. In particular with regard to the site being previously developed land, the relationship to the nearby settlement and the access to sustainable transport routes. I do not, therefore, find that the proposal would set a precedent for other dwellings.

15. My attention has been drawn to several appeal decisions¹ relating to proposals in the area surrounding Baldwin's Gate and I note the comparisons made. However, I have not been provided with the full facts of these decisions. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers or Inspectors at the time. Therefore, whilst I have been mindful of these decisions, they have not been determinative in my considerations.

Conditions

16. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.

17. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.

¹ Planning Inspectorate References: APP/P3420/W/23/3320812, APP/P3420/W/19/3225154, APP/P3420/W/19/3227879, and APP/P3420/W/23/3320812

18. In the interests of character and appearance conditions are necessary seeking additional details of finishing materials and landscaping. Landscaping and tree details along with a requirement to follow the recommendations of the Preliminary Ecological Assessment would also need to be conditioned in the interests of protecting biodiversity, trees and species present on and around the site.
19. As noted above, a condition is necessary requiring improvements to the highway access. However, I consider that this could be dealt with prior to the first occupation rather than as a pre-commencement condition. A further condition requiring the provision of parking and turning spaces is also necessary for highway safety, but it would not be necessary to provide additional details. In the interests of supporting sustainable travel a condition to provide an electrical vehicle charging point is necessary.
20. As the proposed works are modest in scale any adverse impacts, with regards to noise, disruption and disturbance, would be small and time-limited. I do not, therefore find it necessary to impose a condition controlling the hours of work. Moreover, I am mindful that there is other legislation available to the Council should any adverse impacts arise from the works.
21. It has not been suitably described why a condition is necessary requiring a noise assessment and mitigation scheme. I consider that the uses present in the surrounding area would not unacceptably affect the living conditions of future occupiers or that future occupiers would affect the living conditions of neighbours.
22. There is no evidence that the appeal site had been used for industrial purposes at any time. The existing buildings are fairly modest, and any use would have been similarly so. I consequently find it is unlikely that unacceptable contamination exists on site. Therefore, the Council's proposed contamination survey would be overly onerous and a less demanding condition would be more appropriate to the scale of the risk involved.

Conclusion

23. Although I have found the most relevant policies to be out of date, it is not necessary for me to consider Paragraph 11d of the Framework in detail as I have found no conflict with local or national policies.
24. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: NS/MGF/2023/1/A Rev A, NS/MGF/2023/2b Rev A, NS/MGF/2023/3, NS/MGF/2023/SL Rev A, New Habitat Map V1, Tree Protection Plan, Preliminary Ecological Appraisal
- 3) No above slab level construction shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority: Facing and roofing materials, boundary treatments, and hard surfacing materials. The development shall be carried out in accordance with the approved details.
- 4) No above slab level development shall commence until full and precise details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by the recommendations the Preliminary Ecological Appraisal and New Habitat Plan by Elite Ecology. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season after completion of the development, or within 12 months of the commencement of the development, whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.
- 5) Tree protection measures shall be installed in accordance with the submitted Tree Protection Plan by Elite Ecology prior to the commencement of development and shall be maintained as such throughout the construction phase of the development hereby approved.
- 6) The dwelling hereby permitted shall not be occupied until the westerly vehicular access has been widened in accordance with plans first submitted to and approved in writing by the Local Planning Authority. This access shall thereafter be maintained as such for the lifetime of the development.
- 7) Prior to the first occupation of the dwelling hereby permitted the vehicular parking and turning spaces shall be provided in accordance with the approved plans and thereafter maintained for the lifetime of the development.
- 8) At least one electric vehicle charging point shall be provided to serve the dwelling hereby permitted prior to its first occupation. This charging point shall provide a minimum of 32Amp with Type 2 Mennekes connections, Mode 3 on a dedicated circuit.
- 9) The development hereby permitted shall be carried out in full accordance with the Recommendations as outlined within Section 5 of the Preliminary Ecological Appraisal by Elite Ecology.
- 10) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be

reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.