



Appeal Decision

Site visit made on 23 July 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/B3438/W/25/3362683

Land adjacent to Izaak Walton, Cresswell Road, Cresswell ST11 9RE

- 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 Kevin Ball against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2023/0337.
 - The development proposed is residential development of 8 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Biodiversity Net Gain Assessment (Evergreen Ecology, February 2025) (BNGA) and a Unilateral Undertaking (UU) dated 18 March 2025 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in relation to Biodiversity Net Gain (BNG) have been submitted with the appeal. The Council has been given the opportunity to comment on these documents. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to them in my decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on biodiversity including whether the proposal makes adequate provision for BNG;
 - whether the site is a suitable location for the proposed development having regard to the development plan; and
 - whether the proposal would provide satisfactory living conditions for future occupiers.

Reasons

Character and appearance

4. The site comprises a vacant parcel of land which formed part of Cresswell railway station and its sidings and was last used as an overflow carpark to a public house, which has now closed. The site has a wide frontage to Cresswell Old Road on which dwellings are predominantly traditional detached properties set back from the road within sizeable plots. This, in addition to mature planting to the highway edge and

within front gardens and the lack of footway gives the area a spacious, verdant, rural character, to which vegetation within the site and at its boundaries make a positive contribution.

5. The application is for the erection of 8 dwellings. The dwellings would be of a traditional design and materials palette and would be set back from the road consistent with dwellings in the surrounding area. The siting of car parking spaces and the sideways orientation of the dwellings to the eastern and western parts of the site would appear consistent with the layout of dwellings in the local area.
6. However, the dwellings would be smaller than those in the surrounding area and would occupy demonstrably smaller plots with limited separation between properties. This, in combination with the large areas of hard surfacing, would result in a cramped suburban form of development which would contrast markedly with the surrounding built form and the site's rural character. Given the site's location on a prominent corner, even with the benefit of proposed landscaping to the site frontage, the proposal would appear prominent and discordant in street scene views, where the visibility of the vegetation to the rear site boundary would be obstructed, impacting adversely on the area's verdant rural character.
7. The proposal would harm the established character and appearance of the area. Conflict therefore arises with those aims of Staffordshire Moorlands District Council Local Plan (2020) (LP) policies H1, DC1 and DC3 which seek to ensure that development is well designed and provides for high quality housing which respects and enhances local landscape character.

Biodiversity

8. LP policy NE1 sets out an expectation that all development deliver a net gain in biodiversity proportionate to the size and scale of the development and that in circumstances where adverse impacts are demonstrated to be unavoidable, developers should ensure that impacts are appropriately mitigated, with suitable compensation measures towards loss of habitat used only as a last resort where there is no alternative.
9. The BNGA states that the proposal would result in a 82.69% reduction in on-site habitat units (HUs) and is anticipated to involve the loss of the majority of site habitats to accommodate the footprint of the development. The delivery of 1.68 HUs is required to offset the loss of on-site biodiversity. The UU sets out that this would be provided at Stone Wall Farm. The BNGA states that this comprises 'modified grassland', and that habitat creation in the form of 'grassland -traditional orchards' would provide 1.9 HUs and a 11.07% net gain in biodiversity.
10. However, the UU does not provide any detail on what the habitat creation and enhancement works would entail or how it would be monitored and managed. This brings into question whether the UU would compensate for the on-site biodiversity loss. There is no compelling evidence that there are no alternatives to on-site habitat loss and the proposed off-site compensation.
11. There is limited detail before me regarding proposed on-site ecological enhancements or the management of the woodland and scrub habitat to the site's boundaries. Even with the benefit of the precautionary construction measures recommended in the Ecological Impact Assessment (EIA), the proposal would result in a demonstrable loss of on-site biodiversity, and it has not been

demonstrated that the integrity of the broad-leaved woodland referred to in the EIA as a habitat of principal importance (HPI) would be safeguarded.

12. The proposal would have a harmful effect on biodiversity, and I am not satisfied that this would be adequately compensated for or that acceptable provision for BNG would be made. Conflict therefore arises with those aims of LP policies SS10, H1, NE1 and NE2 which seek to ensure that development delivers a net gain in biodiversity and protects and enhances trees, woodlands and hedgerows, habitats and species of principal importance.

Location

13. The LP proposals map sets out that the site is located within an 'other rural area' in which LP policy SS10 restricts residential development, subject to a number of exceptions, including where it can meet the requirements of LP policy H1. The appellant maintains that the proposal would meet an exception set down at LP policy H1 which allows for proposals to redevelop previously developed land (PDL) provided it is not of high environmental value.
14. The LP definition of PDL is broadly consistent with that in the National Planning Policy Framework (the Framework) which sets out that PDL comprises land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure and excludes land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. From the evidence submitted and my observations on site, there are localised remains of compacted stone and tarmac strips associated with the past site uses. Whilst fairly limited in extent, these do not appear to have blended into the landscape. Given this, I am satisfied that the site comprises PDL.
15. LP policy H1 also requires that the PDL is not of high environmental value. 'High environmental value' is not defined in the LP or the Framework. However, the Council and the appellant's own EIA agree that the broad-leaved woodland to the south-east of the site and along the site's southern boundary is a HPI. Given this, I consider that part of the site has high environmental value. There is no suggestion that the proposal would meet any of the other exceptions listed under LP policy H1.
16. The proposal comprises development in the open countryside which would not meet any of the exceptions listed in LP Policy H1. Given this, and drawing on my conclusions in the first 2 main issues that the proposal would result in a harmful loss of biodiversity and would fail to protect the area's rural character, I find that the site is not a suitable location for the proposed development and would conflict with those aims of LP policies H1 and SS10 which seek to restrict residential development in the open countryside and ensure that development enhance and conserve the quality of the countryside and protect and enhance biodiversity.

Living conditions

17. There is no particular evidence that the siting of car parking spaces or vehicular movements would be harmful to the living conditions of future occupiers in terms of disturbance from headlights or noise from vehicles. In view of the separation between plots 6 and 7 and between plots 1 and 2 I am satisfied that future occupiers would be afforded adequate outlook and privacy.

18. The dwellings would have garden areas of between 86² and 201m². Whilst parts of the gardens to units 1-7 would comprise the planting to the site boundary, I am satisfied that sufficient usable amenity space would remain to satisfactorily meet the needs of the occupiers of these dwellings.
19. In light of the above, the proposal would provide acceptable living conditions for future occupiers. I therefore find no conflict with LP policies H1 and DC1 which seek to secure development that protects amenity, and which require that new dwellings are of sufficient size to provide satisfactory levels of amenity for future occupiers.

Other Matters

20. In support of the proposal reference is made to a planning permission for residential development at the appeal site¹ (the 2022 permission). I have limited information about whether there would be an intention to implement that permission if this appeal were dismissed. However, there would seem a greater than just theoretical possibility that this would take place. Whilst I have not been provided with the full details of this permission, the main parties describe it as a proposal for the erection of 2 dwellings on the western part of the site. Given the reduced site area and scale of development, there is no suggestion that the 2022 permission would have a comparable effect on the character and appearance of the area or biodiversity. Given this, I give the 2022 permission limited weight in this decision.

Planning Balance

21. The Council accepts that it is unable to demonstrate a 5-year supply of deliverable housing sites. In these circumstances, paragraph 11 d) of the Framework is engaged. This indicates that the policies which are most important for determining the application should be deemed out-of-date and permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
22. The proposal would provide 8 dwellings on PDL in a location which the main parties agree is not isolated. There would be economic benefits during the construction and occupancy phases. In light of the shortfall in housing delivery, I attach significant weight to the benefits of housing delivery.
23. On the other hand, I have found harm to biodiversity and the character and appearance of the area. Chapters 12 and 15 of the Framework set out that good design is a key aspect of sustainable development and that decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. I give significant weight to the conflict with the development plan policies in these areas.
24. Thus, whilst the Framework seeks to significantly boost the supply of housing, the adverse impacts would significantly and demonstrably outweigh the benefits of the delivery of 8 dwellings, when assessed against the policies in the Framework taken as a whole. Thus, the proposal would not constitute a sustainable form of

¹ Application reference SMD/2022/0472

development in terms of the Framework and does not benefit from the presumption in favour of sustainable development.

Conclusion

25. The proposal would conflict with the development plan and material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, having regard to all other matters raised, the appeal is dismissed.

N Robinson

INSPECTOR