

**APPEAL BY MR ANDREW LIGOCKI AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A CARBON NEGATIVE SELF BUILD IN THE BACKLAND REAR GARDEN OF THE LODGE, STATION ROAD, ONNELEY**

<b><u>Application Number</u></b>	<b>13/00740/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused by delegated powers 29<sup>TH</sup> November 2013</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Appeal Decision</u></b>	<b>28<sup>th</sup> April 2014</b>

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/00740/FUL) and the following is only a brief summary.

The Inspector considered the main issue to be whether the proposal would be consistent with the principles of sustainable development, having regard to current planning guidance and policies. In dismissing the appeal, the Inspector made the following comments:

- The appeal property is just under a kilometre away from Onneley, a very small settlement and the nearest village with services and facilities is Madeley, just under three kilometres away.
- The Council has established that it does not have a five year housing land supply and Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In such circumstances, paragraph 14 of the Framework requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework's policies.
- Paragraph 55 of the Framework establishes that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. No evidence has been presented to demonstrate that the proposal would achieve this.
- The Framework goes on to state that new isolated homes in the countryside should be avoided unless there are special circumstances. Such a circumstance might include a development of exceptional quality or innovative design. It is noted that the proposed development would be constructed to Code 6 level for Sustainable Homes. However, paragraph 55 goes on to require development to be 'truly outstanding or innovative, helping to raise standards of design...reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area'.
- Whilst building to Code 6 is laudable, it is neither truly outstanding nor innovative and there is nothing to demonstrate that the proposal would help to raise the standard of design more generally in rural areas. Furthermore, the proposal would simply appear as a fairly ordinary, modern detached house. There is nothing to demonstrate that it would reflect the highest standards in architecture.
- In addition, it was observed at the site visit that the appeal site formed part of a large green, open and spacious garden, in keeping with the attributes of the surrounding area. There is no substantive evidence to demonstrate that the proposed development would significantly enhance its immediate setting. Rather it would appear simply as an isolated dwelling.
- Taking all of the above into account, the proposal would fail to meet the requirements of the Framework. Were the appeal to succeed and the development go ahead, it would result in the construction of a new isolated home in the countryside. Given its location, some distance from the nearest services and facilities, it is inevitable that the proposal would result in dependency on the private car.
- Whilst it is recognised that it is proposed to construct a sustainable dwelling, on balance the proposed development would fail to comprise a sustainable form of development and would be contrary to the Framework.

**Recommendation**

That the decision be noted.