

The Application is for outline planning permission for residential development of up to 8 dwellings. All matters are reserved for subsequent approval.

The site lies within the open countryside and an Area of Landscape Maintenance as indicated on the Local Development Framework Proposals Map.

The application has been called to Committee by two Councillors for reasons regarding lack of clarity; definition of rural areas; contrary to policies; policy detail; accessibility and sustainability; landscape character; and drainage.

The 8 week period for the determination of this application expired on 13th January 2014 but the applicant has agreed to an extension to the statutory period until 10th February 2015.

RECOMMENDATION

Refuse for the following reasons:

- 1. The development of this greenfield site within the open countryside is contrary to specific policies within the National Planning Policy Framework as it is in an isolated location and would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the absence of special circumstances as referred to in paragraph 55, there is no presumption in favour of permitting this development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012).**
- 2. The development would consolidate the loose open pattern of development and would have an adverse impact on the character and appearance of the area.**
- 3. The adverse impacts of the development, namely the harm to the character and appearance of the countryside - significantly and demonstrably outweigh the benefits of the development. The proposal therefore represents an unsustainable development that is contrary to the guidance of the National Planning Policy Framework (2012).**
- 4. The application fails to demonstrate satisfactorily that a safe access can be achieved without having an adverse impact on the protected oak tree on the northern boundary of the site.**
- 5. In the absence of a secured planning obligation and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards education provision.**
- 6. In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market.**

Reason for Recommendation

Whilst the Council cannot currently demonstrate a 5 year supply of deliverable housing sites as required by the National Planning Policy Framework, it is considered that there is no presumption in favour of this development as the proposal would result in new dwellings in an isolated location that would not enhance or maintain the vitality of a rural community. The special circumstances which could justify isolated new dwellings do not exist in this case. The development of up to 8 dwellings would consolidate the loose open pattern of development and would have an adverse impact on the character and appearance of the area. In addition the applicant has failed to demonstrate that a safe access can be provided without adverse impact on a visually significant protected tree. The adverse impacts of the development significantly and demonstrably outweigh the benefits of the development.

The development would result in additional pressure on limited primary and high school places of the schools whose catchment area it is located and in the absence of a financial contribution such adverse impact would not be appropriately mitigated against. A planning obligation is also required to secure affordable housing within this development in accordance with policy.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the principal concerns in respect of the location of this development.

Policies and proposals in the approved development plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local species
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Consideration
Policy N19: Area of Landscape Maintenance

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

Developer Contributions Supplementary Planning Document (SPD) (September 2007)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

Planning for Landscape Change – Supplementary Planning Guidance to the Staffordshire and Stoke on Trent Structure Plan

Relevant Planning History

Nil

Views of Consultees

The **Highway Authority** has no objections subject to conditions requiring details of access, parking, turning and servicing, surface water drainage and surfacing materials, visibility splays of 2.4m x 160m at the site access, 2m wide footway across the site frontage to Slater's Hotel and an uncontrolled pedestrian crossing point over the A51 Stone Road.

The **Environmental Health Division** has no objections to the proposal subject to conditions regarding construction hours, internal noise levels for dwellings and contaminated land.

The **Education Authority** states that the development falls within the catchments of Baldwin's Gate CE (VC) Primary School and Madeley High School. The development is scheduled to provide 8 dwellings which could add 2 primary school aged pupils and 1 high school aged pupil. Baldwin's Gate Primary and Madeley High School are projected to have insufficient places available to accommodate the likely demand from pupils generated by the development. An education contribution for 2 primary school places (2 x £11,031 = £22,062) and 1 secondary school place (1 x £16,622 = £16,622). This gives a total contribution of £38,684.

Maer & Aston Parish Council objects on the following grounds:

- This land is within the small hamlet of Hill Chorlton which has less than 30 properties, no general shops, services or employment opportunities.
- A proposal to add a further 8 houses to this small community is out of scale.
- Hill Chorlton is not one of the three village service centres that are defined as suitable for additional housing development.
- Highway safety concerns – an additional opening would put undue pressure on this busy thoroughfare.
- It is suspected that many of the mature trees on the site would need to be removed.
- Visual impact.
- Site notices were delayed in going up and subsequently disappeared.
- The proposal is contrary to a number of policies.

The Parish Council further advise that it held a public meeting on 6th January and around 40 local residents attended and all were against the application. Chapel and Hill Chorlton Parish Council also supported the public meeting as many of their residents will be affected. In June 2006 Maer & Aston Parish Council published its Parish Plan which clearly states that residents were against developments of this type. In addition, the 2008 Housing Needs Survey stated that Maer & Aston and Chorlton Parishes may have low housing need however due to the rural area any additional development was unsustainable.

Chapel and Hill Chorlton Parish Council object to the application on the grounds that the land is in a small village also affecting residents who have chosen to live within a village life making it unsustainable for families to take advantage of any basic services. This site is in an area of local landscape beauty and more houses on this site would cause a precedent for more development in this area.

The **Landscape Development Section (LDS)** states that all of the major trees on this site are affected by Tree Preservation Order 12. It would appear that a significant protected roadside Oak tree may be affected by sight lines required for the installation of the access and insufficient information is available to confirm that the tree will not be affected. Should the access result in the loss of this tree then they would not support the proposal. The impact on site hedgerows is unclear and there has been no assessment of the impact of any highway visibility splay. Permission under the hedgerow regulations is not needed 'to get access in place of an existing opening' so the installation of the new access would be subject to the developer planting a new stretch of hedgerow to fill the original entrance. Should this development be approved, any existing and replacement hedgerow should be protected for a period of 5 years through an appropriate planning condition. Any reserved matters application should be accompanied by a tree survey, arboricultural impact assessment, PRAs of retained trees shown on the proposed layout, details of boundary treatments and landscaping proposals including details of hedgerow replacement.

Representations

Sixty-three letters of representation have been received. Objection is made on the following grounds:

- The proposed development does not comply with and is not in accordance with the NPPF, the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy, the Local development Framework Proposals Map and saved policies H1, N17 and N19 of the Newcastle-under-Lyme Local Plan.
- The site does not have sustainable accessibility to the 8 key services defined by the Government – employment, food stores, GPs, hospitals, primary schools, secondary schools, further education institutions and town centres. The nearest town where all 8 key services can be found is 10.6km away. The nearest Rural Service Centres with limited key services are Loggerheads and Madeley (7.1km and 7.4km away).
- The limited services in Baldwin's Gate are inadequate to meet a household's regular needs.
- The businesses at Slaters are tourist facilities and they do not provide any services to sustain the nearby population and would not sustain residents of the development.
- Public transport is limited to an hourly service on a single route. The bus service is inadequate to meet the needs of people whose working hours are outside the '9 to 5' routine or those who work outside Newcastle town centre.
- There is no direct public transport to the full-time GP surgery in Madeley.
- The only buses reach the Sheet Anchor too early for a child to arrive at the primary school and so parents would have to take children to school by car.
- Available walking routes to Baldwin's Gate are primarily 0.8km along rural roads (60mph speed limit) with no lighting and no footway. Distances by shortest route are the butcher's shop (1.2km), primary school (1.4km) and the post office (1.6km).
- The area has no mains gas supply which means that residents will be forced to opt for more expensive heating fuels making them unsuitable as affordable housing.
- The site is in a rural area with a Defra definition of a 'less sparse dispersed' population.
- The site is in the open countryside and not in an area earmarked for development; it is not within one of the 'village envelopes' as defined on the Proposals Map.
- There are no local employment opportunities and residents would have to drive to work.
- The site is identified as an 'Area of Landscape Maintenance' and the proposed development would be contrary to the character of the locality and would erode its quality. This substantial infill would be contrary to the local pattern of settlement.
- The site is on steeply rising ground and the development would have a significant visual impact on the surrounding countryside and erode the quality of the rural landscape. The dwellings would be prominent in the landscape due to the steeply rising nature of the site. This would be contrary to the local landscape character where the natural landscape predominates and scattered dwellings are a minor element.
- The proposed development would be clearly visible from nearby properties and Chorlton Public Right of Way no. 7.
- Light pollution would further erode the night-time landscape, which is already negatively affected by lighting at Slaters Restaurant and shopping village.
- There are five protected trees on the site and the applicant has made no reference to them.
- The eastbound visibility splay is obstructed by one of the protected trees.
- There is a summit in the A51 to the east of its junction with the A51 which will impair visibility.
- The proposed development does not serve any identified housing need.
- On-site storage for LPG or heating oil would be necessary, putting pressure on the available space.
- There is no public sewer on the A51.
- Overflows from the ditch on Chorlton Moss Lane and highway flooding would be exacerbated by the proposed development.
- The development would be out of scale with the existing loose pattern of development in the immediate area.
- There are no footpaths to Baldwin's Gate and there is no safe walking route to Maer.
- The recent approval on appeal for 113 dwellings in Baldwin's Gate makes development at this isolated, unsustainable site unnecessary and unjustifiable.
- No evidence is submitted to support claims that there would be a 'symbiotic relationship' between the development and the business at Slaters.

- Applications for residential development on sites in the immediate vicinity have consistently been refused over the last 60 years.
- The site is adjacent to a conservation area and is still a very significant part of the original planned landscape.

Sir William Cash MP objects on very similar grounds to those listed above.

Whitmore Parish Council objects on the following grounds:

- The proposed development is contrary to the Core Spatial Strategy, the Local Plan and the Urban Design SPD.
- The development would have a harmful impact on the landscape and character of the area and its scale would be inappropriate to the location.
- The proposed development would not be sustainable due to its isolated location outside any existing settlement. The route indicated by the applicant to be a safe route comprises public roads which are narrow and well trafficked.
- If permission is to be granted, a condition should be included requiring the houses to be for younger and retired people.

Applicant's/Agent's submission

The application is accompanied by a Design, Access & Planning Statement, an Ecological Assessment, a Highway Access Statement and a Statement of Drainage and Flood Risk. A further letter has been submitted by the applicant's agent stating the following:

- This development cannot be considered isolated given its context and its association with the public house and craft centre.
- The site is approximately 15 minutes' walk from Baldwin's Gate. The school is 900m away which is not considered to be an unreasonable distance. The lack of footpath and the unlit roads do not warrant a reason for refusal. A programme has been implemented nationally to reduce street lighting and so to refuse applications on this ground can no longer be warranted. There is a regular bus service and bus stop located over the road at the junction of Woodside.
- The lack of formal public footpaths is part of rural living and reliance on the private car for some journeys is inevitable. This has been accepted in a number of appeals recently. Reference is made to an appeal in Montford Bridge, Shrewsbury in which a development of 35 dwellings was considered sustainable.
- It is likely that any developer would seek a lower density of larger family homes given its context. The proposal could be reduced further and capped at 5 dwellings.
- Whilst Hill Chorlton comprises primarily detached properties, they are all located in small pockets of development along the roadside and would therefore be seen more as a nucleated settlement pattern. The site lies between existing residential development and is very much an infill in this respect. There is a large craft centre and public house/bowling green adjacent. It simply cannot be seen as isolated.
- The site would contribute to the five year housing land supply deficit and the varying social and economic benefits outlined in the Design & Access Statement.
- In light of the recent Baldwin's Gate appeal decision, this proposal should be considered very thoroughly.
- It is considered that there is no demonstrable evidence which shows this development to provide a significant adverse impact which outweighs the general benefits, specifically boosting housing and supply and supporting the rural economy.

All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1400875OUT

Key Issues

The application is for outline planning permission for residential development of up to 8 dwellings. All matters are reserved for subsequent approval.

The site, of approximately 0.49ha in extent, lies within the open countryside and an Area of Landscape Maintenance as indicated on the Local Development Framework Proposals Map.

It is considered that the main issues for consideration in the determination of this application are:

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would there be any adverse impact on trees and hedgerows?
- Would the proposed development have any adverse impact upon highway safety?
- What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?
- Is affordable housing required and if so how should it be delivered?
- Would there be any significant adverse impact upon ecology?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?

The application site lies approximately 1.3km from the centre of the nearest village development boundary of Baldwin's Gate (measured along the public highway) and is within the open countryside. The site does not meet the definition of previously developed land.

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. Baldwin's Gate is not one of the targeted areas. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

CSS Policy ASP6 states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

Baldwin's Gate is not identified in the CSS as one of the Rural Service Centres. It is identified as a village and the CSS indicates that no further growth is planned for the villages and efforts will be made to ensure existing services and activities within the villages are protected.

In terms of open market housing, the development plan indicates that unless there are overriding reasons, residential development in villages other than the Rural Service Centres is to be resisted according to CSS Policy ASP6. The adopted strategy is to allow only enough growth to support the provision of essential services in the Rural Service Centres.

In conclusion, this site is not within one of the identified Rural Service Centres nor is it within a village envelope, and the proposed dwellings would not serve an identified local need and as such is not supported by policies of the Development Plan.

The LPA, by reason of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements (in the Borough's case as set out within the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under-delivery of housing, the LPA is required to increase the buffer to 20%. The Borough is currently unable to

demonstrate a five year supply of deliverable housing sites. The latest housing land supply figure is 3.12 years.

The NPPF advises in Paragraph 49 that *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

As a consequence, policies such as NLP H1 with its reference to the village envelope and CSS ASP6 with its reference to Rural Service Centres all have to be considered to be out of date, at least until there is once again a five year housing supply.

Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development, and for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

The examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

Paragraph 55 of the NPPF focuses on housing in rural areas and indicates that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. An example given states that where there are groups of smaller settlements, development in one village may support services in a village nearby. It further details that local planning authorities should avoid new isolated homes in the countryside unless there are 'special circumstances'.

The applicant's agent states that the proposal will not only support the local economy (Slaters and Hill Chorlton/Maerfield Gate) but also the surrounding villages/hamlets which act as a cluster of villages surrounding the main centre of Baldwin's Gate. The agent states that the proposal would not represent 'isolated homes in the countryside' in light of them being part of an existing mixed use development which presently lends support to the local rural economy and is surrounded by existing residential properties.

Contrary to the view of the applicant's agent, your officer considers that this development would represent isolated dwellings in the countryside. Although there are some existing residential dwellings nearby and the site is adjacent to the retail craft centre, holiday accommodation and public house that comprise 'Slaters', the site is some distance from any of the surrounding villages of Baldwin's Gate, Maer or Chapel Chorlton and the pattern of development is one of farms and scattered, isolated dwellings. The site is not within a village and there is no evidence that the development would materially enhance or maintain the vitality of rural communities.

The site is approximately 1.3km from the centre of Baldwin's Gate village. It is at least a 15 - 20 minute walk from the village and the route is along country lanes with no footway and no street lighting. Sandy Lane, whilst a C class road, is a busy highway linking the A51 with the A53 and it is considered that the route is significantly busy enough to deter people from walking along it, particularly parents with children. Although there are bus stops approximately 200m from the site, given the distance of the site from the shops and services of Baldwin's Gate, it is not unreasonable to assume that the majority of journeys by occupiers and visitors to the dwellings would be made by car.

The applicant's agent has referred to the recent appeal decision in which up to 113 dwellings were allowed at Gateway Avenue, Baldwin's Gate (Ref. 13/00426/OUT) however your officer considers that the current site is not comparable to that case. Although also outside the village envelope of Baldwin's Gate, the Gateway Avenue site is much closer to existing facilities of Baldwin's Gate, and the distances of the site to the facilities are within acceptable walking distances along safe pedestrian routes.

The applicant's agent has also referred to an appeal decision for 35 dwellings in Montford Bridge, Shrewsbury, in which the Inspector considered the site to be sustainable. The agent highlights that Montford Bridge only has a public house, much the same as Hill Chorlton with other services in a village which is 1 mile away, much in the same manner as Baldwin's Gate. Contrary to the application site however, which is within the open countryside outside any settlement boundary, the appeal site is referred to as within a rural settlement. It is not considered therefore, that the two are directly comparable and therefore little weight should be given to the decision.

In this case, it is not considered that the 'special circumstances' exist that would justify such isolated development which is otherwise contrary to a policy in the NPPF. However, because the location is not the subject of any specific area designation it is still incumbent upon the Local Planning Authority to demonstrate that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This issue is addressed at the conclusion of this report, after an assessment of other issues.

Would the proposed development have a significant adverse impact on the character and appearance of the landscape?

All matters are reserved and no indicative layout has been submitted however it should be possible to consider the likely impact upon the landscape of up to 8 additional dwellings. The applicant has stated that the scheme could comprise a roadside development to be arranged fronting onto Stone Road in much the same manner as the adjoining properties.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF and therefore, can be given weight. Section 10.5 of the SPD states that new development in the rural area should respond to the typical forms of buildings in the village or locality.

The site lies within an Area of Landscape Maintenance. Policy N19 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

One of the core principles of the NPPF is recognition of the intrinsic character of the countryside as well as the supporting of thriving rural communities within it. The site is within a rural landscape comprising agricultural fields bounded by hedgerows, sporadic residential dwellings and woodlands and copses of trees. The proposed development of up to 8 dwellings would consolidate the loose open pattern of development, and would appear at odds with the prevailing character of the area.

The applicant's agent has stated that whilst Chapel Chorlton comprises primarily semi-detached properties, they are all located in small pockets of development along the roadside of both the A51 and Sandy Lane/Woodside and would therefore be seen more as a nucleated settlement pattern. Although there are small groups of dwellings in the area, they are sporadic and informal in nature and it is considered that a development of 8 dwellings on this site would impact adversely upon the character of this part of the countryside.

Would there be any adverse impact on trees and hedgerows?

All of the major trees on the site are covered by Tree Preservation Order 12. The Landscape Development Section has expressed concern that a very significant protected Oak tree adjacent to the highway may be affected by the requirement for visibility splays for the access to the site. It is

stated that should the access result in the loss of this tree the proposal would not be supported. This is discussed in more detail in the following section on highway safety.

A section of hedgerow would need to be removed to form the new access to the site. The Landscape Development Section has advised that permission under the Hedgerow Regulations is not required 'to get access in place of an existing opening', so subject to a condition requiring the planting of a hedgerow in the existing opening, it is not considered that an objection could be sustained on the grounds of impact on the hedgerow.

Would the proposed development have any adverse impact upon highway safety?

All matters are reserved but the application is accompanied by a Highway Access Statement which includes a plan indicating the proposed access close to the western boundary of the site. In terms of visibility, the Statement acknowledges that whilst this length of highway is designated at 40mph, vehicle speeds are likely to be higher and consequently, splays of 2.4m x 160m are indicated. It is stated that there is a mature oak tree growing alongside the highway boundary but it suggests that the tree will not cause any visibility impediment.

The Highway Authority has no objections to the proposal subject to conditions including a requirement for visibility splays of 2.4m x 160m, a 2m wide footway across the site frontage linking to Slaters and an uncontrolled pedestrian crossing point over the A51.

As referred to in the section above that deals with impact on trees, the oak tree adjacent to the highway is a very significant protected tree. Whilst the submitted highway plan suggests that the tree would not have any impact on visibility, no topographical drawing has been produced and it is not possible to conclude with any certainty that the visibility could be achieved without impact on the tree. On this basis, it is considered that the application fails to demonstrate satisfactorily that a safe access can be achieved without having an adverse impact on the protected oak tree on the northern boundary of the site.

What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?

The development falls within the catchments of Baldwin's Gate CE (VC) Primary School and Madeley High School. Staffordshire County Council as the Education Authority advises that both schools are projected to have insufficient places available to accommodate the likely demand from pupils generated by the development and therefore requests an education contribution of £38,684 for 2 primary school places and 1 secondary school place.

Since a Ministerial Statement of 28th November 2014, there are now specific circumstances where contributions for affordable housing and tariff style contributions, which include an education contribution, should not be sought for small scale and self-build development. Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000 square metres. This scheme is for less than 10 dwellings but it is an outline application with no details of house types and therefore floor areas. Your Officer has therefore estimated the potential combined gross floorspace of 8 dwellings and considers that it would exceed 1000 square metres.

On this basis, it is considered that a contribution should be sought and your Officer is satisfied that the education contribution sought is one which meets the three tests set out in Section 122 of the CIL Regulations (i.e. it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development). This could be secured by agreement but given the concerns of principle and impact on the character of the area raised above it needs to be noted that there is no such obligation currently "on the table".

Is affordable housing required and if so how should it be delivered?

CSS Policy CSP6 states that residential development within the rural area, on sites of 5 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

This outline application proposes up to 8 dwellings and at 25% provision for affordable housing, 2 affordable dwellings would be required. The applicant's agent has advised that such provision would be made.

The specific circumstances set out in the Ministerial Statement referred to above apply to affordable housing and for the reasons set out above, it is considered that a contribution should be sought and your Officer is satisfied that the affordable housing provision sought is one which meets the three tests set out in Section 122 of the CIL Regulations (i.e. it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development). Again this could be secured by agreement but again given the concerns of principle and impact on the character of the area raised above it needs to be noted that there is no such obligation currently "on the table".

Would there be any significant adverse impact upon ecology?

An Ecological Assessment has been submitted to support the application. The Assessment concludes that the site has a low ecological value and that subject to mitigation, there will be no adverse impact on any protected species. Subject to appropriate conditions therefore, it is not considered that the proposed development would have any significant adverse impact upon ecology.

Would any adverse impacts of granting permission significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework?

As indicated above the proposal is considered to be contrary to a specific policy within the Framework. However the NPPF leaves some room for interpretation so it is appropriate to go on to consider what the adverse impacts of granting planning permission might be and whether they significantly and demonstrably outweigh any benefits – the alternative or additional test that has to be addressed when policies on the supply of housing are 'out of date'.

The NPPF presumes against new isolated houses in the countryside because that is not a sustainable form of development. Services are more expensive to provide to isolated houses, and the occupiers, because they have no choice over the mode of travel they use for most trips, have a greater carbon footprint than those that do. These are all adverse impacts. In addition by consolidating what is at present a loose open pattern of development, the development does impact adversely upon the character of this part of the countryside. One of the core principles of the NPPF is recognition of the intrinsic character of the countryside as well as the supporting of thriving rural communities within it. As to the benefits (of the development) reference has been made to the present lack of a five year supply. The development would make a contribution to this supply albeit a limited one. Taking all of the above into account it is the view of the Council that the adverse impacts of this development do significantly and demonstrably outweigh the benefits of the development, and accordingly the proposal also fails this further test.

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

19th January 2015