

**APPEAL BY MR G ADAMS AGAINST THE DECISION OF THE COUNCIL TO REFUSE
OUTLINE PLANNING PERMISSION FOR 3 EXECUTIVE CODE LEVEL 6 DWELLINGS AT
LAND AT FARCROFT, MANOR ROAD, BALDWIN'S GATE**

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| <u>Application Number</u> | 14/00037/OUT |
| <u>Officer Recommendation</u> | Refusal |
| <u>LPA's Decision</u> | Refused by Planning Committee on 11th March 2014 |
| <u>Appeal Decision</u> | Dismissed |
| <u>Date of Appeal Decision</u> | 18 March 2015 |

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 14/00037/OUT) and the following is only a brief summary.

The Inspector considered the main issues to be whether or not the proposed housing would be in an acceptable location having regard to development plan and national policies; the effect of the houses on the character and appearance of the open countryside; and any other material considerations in support of the proposal.

Location of development

- Given that the site is outside the settlement boundary, the proposal for housing development is contrary to Local Plan Policy H1 and Core Strategy Policy ASP6. At a national level, paragraph 55 of the National Planning Policy Framework (the NPPF) confirms that isolated new homes in the countryside should be avoided other than in special circumstances. The appellant contends that there are special circumstances in this case which would justify development in that the dwellings would be of an innovative design, built to code level 6 and incorporating carbon offsetting measures.
- There is no detailed scheme to demonstrate that code level 6 could be achieved but appellant contends that a condition could be imposed requiring the dwellings to meet code level 6 requirements. In the absence of a detailed scheme only limited weight can be attached to this factor. In any event the transition to a low carbon future in a changing climate is a key objective of national policy in all developments, irrespective of location. It is not considered that such a condition, in the absence of details, would constitute a design of exceptional quality or innovative nature as required by paragraph 55 (of the NPPF).
- In terms of its location therefore, the proposal would represent an isolated dwelling in the open countryside and is contrary to local plan and national policies which seek to restrict development in such areas.
- The NPPF seeks to boost significantly the supply of housing. Paragraph 49 of the NPPF provides that housing proposals should be considered in the context of the presumption in favour of sustainable development. It further states that relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites.
- The Council accepts that it does not have a 5 year supply of housing land and as such it concedes that LP policy H1 and CS policy ASP6, as policies concerned with the supply of housing land, should be regarded as not up-to-date.
- For the above reasons, it is concluded that the proposal would not be in conformity with relevant development plan policies concerned with the supply of housing. The Council do not have a five year housing land supply and the weight given to this harm would be reduced, to some extent, by the relevant policies being out-of-date.

Effect on the character and appearance of the open countryside

- Manor Road is an open, rural road with views over rolling countryside and development of the site would effectively consolidate the existing dwellings. The

proposal would bring built development to the green paddocks and result in a tighter formation of dwellings along this part of the road. Rather than appearing as sporadic development, there would be a more built up appearance. The development would result in further subdivision of the site, boundary planting or enclosures and other domestic paraphernalia. Development on the appeal site would effectively transform this part of the lane, causing some harm to this quiet rural backwater.

- Some harm would be caused to the character and appearance of this part of the open countryside and moderate weight is attributed to this harm.

Other matters

- The appellant relies on a number of factors in support of the contention that there are reasons to justify the proposal. One of the factors is the lack of a five year housing land supply. Reliance is also placed on the presumption in favour of sustainable development set out at paragraph 49 in the NPPF. The appellant further contends that the increased car use would be offset by ensuring that all dwellings are highly energy efficient.
- The NPPF seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of local communities. It goes on to confirm that there are three dimensions to sustainable development: economic, social and environmental.
- In terms of the *economic dimension*, the proposal would result in the provision of construction work and would bring additional occupants to the rural area to support services in the local villages. There would also be benefits with the provision of additional housing in a district which is in need of such provision. The three dwellings would be executive homes, but as the Council points out the relevant study indicates a more limited need for such housing across the whole of North Staffordshire.
- The appellant further relies upon payment of the New Homes Bonus as a factor in support of development. Whilst payment of the bonus can be a material consideration there is little evidence to suggest that the New Homes Bonus should be taken into account as there is not a clear indication that the Council intends to use the receipts in a way which is material to the development being proposed.
- There are several aspects to the consideration of the *environmental dimension*. Firstly, in terms of accessibility; the site is in a rural location some 1600 metres from the Baldwin's Gate, containing a post office, newsagents, public house, petrol filling station, primary school and village hall. The site does not benefit from regular bus services or present opportunities for pedestrians to walk or cycle to services.
- It is accepted that the day to day needs of residents would be serviced by the private motor vehicle for the majority of trips. Given the limited nature of facilities and services in Baldwin's Gate, it is also likely that occupants would have to travel further afield to meet some needs such as main food shopping, healthcare and secondary school attendance.
- Whilst the intention to produce dwellings which are highly energy efficient is noted, national policy objectives seek to reduce carbon emissions in any event. The objective applies equally to homes in less remote locations. Other environmental considerations include the harm which would be caused to the character and appearance of the rural area.
- On balance, when all three aspects are taken into account, the Inspector concludes that the proposal would not represent sustainable development and the presumption in favour of sustainable development set out in the NPPF does not apply.

Overall conclusions

- In her overall conclusion the Inspector indicates
 - That on balance the proposal would not represent sustainable development when all three dimensions referred to in the NPPF are considered
 - That the development would cause some harm to the character and appearance of the rural area
 - That these are all factors which weigh against the development
 - That the proposal would however result in the modest contribution of 3 units of additional housing and this is a matter of some weight

- That the proposal would be contrary to the development plan and national policy in terms of its location. When policies for the supply of housing land are not up to date then less weight must be given to policy objectives in relation to the location of development. However, even in the absence of a 5 year housing land supply and reduced weight to policies H1 and ASP6, when the factors in support of the development are weighed against the factors against, the adverse effects of allowing the development in this proposal, significantly and demonstrably outweigh the benefits and it is concluded therefore, that the appeal should be dismissed.

Officer Comments

This represents an important decision regarding housing development in the open countryside. The Inspector considered that in terms of its location, the proposal would represent isolated dwellings in the open countryside and that due to a number of factors it would not represent sustainable development. As a result, the presumption in favour of sustainable development set out in the NPPF did not apply to this proposal. She dismissed or gave limited weight to a number of arguments, as well as identifying a measure of harm to the character and appearance of the area.

Members are asked to note how the Inspector then conducts an exercise involving the weighing up of both the benefits and harm attributable to the scheme - and that, applying the test set out in paragraph 14 of the NPPF, she was satisfied, in this case, that the elements of harm significantly and demonstrably outweighed the benefits.

The Inspector highlighted the distance of the site from the facilities and services in Baldwin's Gate. Importantly, she makes a clear distinction between the appeal before her and the allowed development at Gateway Avenue observing that the Inspector in that other appeal noted that the facilities in Baldwin's Gate were within walking distance and there were other social benefits in the form of affordable housing provision.

Recommendation

That the decision and your Officer's comments be noted