

APPEAL BY MR M.S COLE AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONVERSION AND ALTERATION OF EXISTING DISUSED TELEPHONE EXCHANGE INTO SINGLE DWELLING AT THE FORMER GPO EXCHANGE, BLORE ROAD, HALES

<u>Application Number</u>	15/00175/FUL
<u>LPA's Decision</u>	Refused by delegated authority on 12 May 2015
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	1st February 2016

The Inspector considered the main issues to be whether the proposal would be a sustainable development within the countryside; the impact of the proposal on highway safety; and the impact of the proposal on the hedgerow and visually significant trees.

In dismissing the appeal the Inspector made the following comments:

Development in the countryside

- The site is bounded on three sides by fields and on the fourth side by a road which runs through Hales Village. The site is within walking distance of the heart of the village which is dominated by residential properties but also includes a church and a village hall.
- In the absence of a 5 year supply of deliverable housing sites, the Council consider the site to be within an isolated and unsustainable location, and therefore contrary to paragraph 55 of the National Planning Policy Framework (the Framework).
- The appeal site is opposite existing built development and is a short distance from other built development within the village. The site has a stronger relationship with the village than it does the open countryside and therefore it is not considered that the proposal would be an isolated form of development within the countryside.
- Whilst the proposal would be for one house, any amount of development within the village would help support the social activities in the village and therefore help maintain the vitality of the local community. Altogether, it is considered that the appeal site would be in a sustainable location. The site would have an association with the village. An additional dwelling would help maintain the vitality of the local community and an additional dwelling would also help the Council to meet its requirement for additional housing. In all, therefore, the proposal would be compliant with the Framework.

Highway Safety

- The Council considered the proposal contrary to policy T16 of the Newcastle-under-Lyme Local Plan 2011 (the Plan). This was on the basis that the applicant had failed to demonstrate that the appropriate visibility splays could be provided on site. In turn, it was considered that occupiers of the proposed dwelling would not be able to access, park and turn within the site, risking highway safety.
- The proposed development is not supported by a vehicle speed and traffic movement survey and it is not clear on the block layout plan to what extent the access meets the visibility splay requirements. It has not been demonstrated, therefore, that vehicles would be able to enter and exit the site safely, without creating a potential hazard to other road users. The Inspector was not convinced, therefore, that the visibility splays would meet the requirements set out in Appendix A of the Staffordshire Residential Design Guide (2000). In turn, in the absence of acceptable visibility splays, it is possible that the parking and turning area shown on the block plan would be impracticable, resulting in vehicles parking on the road.
- In light of my findings above, the Inspector was not confident that the proposed development, given the restrictions on site, and the lack of evidence regarding

volume and traffic speeds, would not result in problems of highway safety. The proposal would be contrary to policy T16 of the Plan.

Hedgerow and visually significant trees

- Along the boundary of the site, adjoining the road is a mature hedgerow and further along, on neighbouring land, a large oak tree. The oak tree is a large tree, with an extensive canopy that extends over the appeal site and the road which suggests that the roots of the tree could also extend into the site. In providing a vehicular access, the hedgerow along the front boundary of the site would be removed.
- The removal of the hedgerow to the front of the site would create a more open and less rural character. However, gaps in the hedgerow to allow vehicles to access properties exist along the lane and the proposal would be another such opening. It was not considered that the proposal would result in the loss of a visually significant part of the hedgerow.
- From the evidence before her the Inspector could not be confident either way on the harm the proposal may cause to the tree and therefore could not consider it contrary to policy.

Your Officer's Comments

Whilst the appeal was dismissed on highway safety grounds the Inspector found the location of the site for one residential dwelling in the open countryside to be acceptable. The Inspector recognised the site to be a sustainable location because it was within walking distance of the heart of the village which is dominated by residential properties but also includes a church and a village hall.

Hales is a significant distance from the nearest rural service centre of Loggerheads but the Inspector considered Hales to have sufficient services and amenities to class it as being a sustainable rural location and that it would not represent an isolated form of development.

This is clearly a significant decision on the issue of rural locations and sustainability but it is not fully consistent with other appeal decisions received and as such this decision does not necessarily mean that a more positive approach should be adopted to the consideration of new dwellings in similar rural locations.