

**APPEAL BY MR ANDREW CARPENTER AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR TWO DETACHED 4/5 BEDROOM DWELLINGS AT WREKIN HOUSE, OFF MUCKLESTONE WOOD LANE, LOGGERHEADS**

**Application Number**                      **15/00404/OUT**

**LPA's Decision**                              **Refused under delegated powers 9<sup>th</sup> July 2015**

**Appeal Decision**                              **Dismissed**

**Date of Appeal Decision**                      **16<sup>th</sup> March 2016**

The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the area, and highway safety.

In dismissing the appeal the Inspector made the following comments:

- The Council accepts that it is currently unable to demonstrate a 5 year housing land supply and as a consequence, Development Plan policies that relate to the supply of housing are out of date and that the proposal should be assessed on the basis of the presumption in favour of sustainable development.
- The prominent position of the proposed development, set in the countryside on the fringe of Loggerheads away from any other development on the northern side of Mucklestone Wood Lane, visually unrelated to the residential estate on the southern side of the lane, would result in an incongruous form of development that would have an adverse effect on the semi-rural character and appearance of the area.
- There are a number of mature trees at the appeal site which for the most part are located along the site boundary. The appellant accepts that the proposal would result in the loss of some trees at the site but maintains that only those trees which cannot realistically be retained as living trees in the context of the current land use for longer than 10 years will be removed.
- The submitted block plan confirms that only Category U trees would be removed to facilitate the siting of the proposed dwellings and the new access, and that one Category C tree, identified as tree T3, would be removed to improve the amenity value of an adjacent tree, T2. In order to compensate for this loss, the appellant proposes to plant 3 replacement trees.
- There is no evidence that the removal of tree T3 is necessary and whilst the removal of each Category U tree is likely to be necessary in the next 10 years, the loss of these trees at the same time would have a harmful effect on the semi-rural character and appearance of the area.
- It is concluded that the proposed development would have an adverse impact on the character and appearance of the area.
- The development proposes the construction of a new vehicular access with visibility splays of 2.4m x 43m in both directions, close to the eastern boundary of the appeal site. The Highway Authority has no objections to the proposed development subject to the provision of the proposed visibility splay, however on the basis of the submitted evidence the proposed access arrangements could not be achieved if tree T3 were to remain in-situ. Consequently, whilst an acceptable access could be achieved it would be at the expense of T3 which would have a detrimental impact on the character and appearance of the area.
- The Council does not dispute that the appeal site was formerly occupied by a building, but contends that the structure was an agricultural store and was demolished many years ago. It is considered that whilst the site may have been previously-developed the remains of the permanent structure or fixed surface structures have blended into the landscape and as a consequence the site does not constitute a previously developed site as defined by the NPPF.
- In terms of sustainability, the appeal site is located close to public transport and within walking distance of shops and services within Loggerheads. Further, the proposed development would make a positive contribution to the supply of new housing in the

settlement. This does not however outweigh concerns regarding the effect of the proposed development on the character and appearance of the area.

- The appeal is dismissed.

**Your Officer's Comments**

That the decision be noted.