

**APPEAL BY MS JENNIFER WHITTAKER AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR A SINGLE DWELLING HOUSE ON LAND TO THE REAR OF THE STEPS, DOCTOR'S BANK, ASHLEY, NEWCASTLE UNDER LYME**

<b><u>Application Number</u></b>	<b>15/00540/OUT</b>
<b><u>LPA's Decision</u></b>	<b>Refused</b>
<b><u>Appeal Decision</u></b>	<b>Allowed with conditions</b>
<b><u>Date of Appeal Decision</u></b>	<b>9<sup>th</sup> June 2016</b>

In allowing the appeal, the Inspector found the main issue to be whether the proposal would result in a sustainable pattern of development having regard to the location of the site and the accessibility of services and facilities. He made the following observations:-

- The starting point in the consideration of any planning proposal is the development plan and whether policies are still current depends not on their age but rather the extent to which they are consistent with those in the NPPF.
- LP Policy H1 is a long standing policy headed "*Residential development: sustainable location and protection of the countryside*". Sub paragraph ii) is permissive of residential development where the site is in one of the village envelopes as defined on the Proposals Map. The appeal site is within the envelope boundary of Ashley.
- There are no other qualifying criteria in sub paragraph ii) which infers that development within the policy would tick some aspect of the sustainability box. It does not therefore only concern Housing Land Supply. It should be assessed against the NPPF policies, for example the promotion of development in locations where travel can be minimised or sustainable transport modes maximised, and promotion of sustainable development in rural areas, by locating housing where it will enhance or maintain the vitality of rural communities. Policy H1 is broadly consistent with these aims and is still therefore relevant to consider.
- The appeal site is under-used and overgrown garden land belonging to The Steps within the envelope boundary of Ashley village. The gap created by the proposed plot presents an opportunity for infill that would make a positive and efficient use of the land. There is nothing in Policy H1 that would prevent infill or rounding off in the village. The proposed plot is wide and deep enough to accommodate a dwelling with external space similar in character to its neighbours, which would include the residual garden area of The Steps. The new dwelling could be sited so as not to be significantly constrained by trees on the site.
- Ashley village has few facilities. However there is a restaurant, public house, two churches and also a doctor's surgery which has limited opening hours. The appeal site is about 1¾ to 2 miles from services and facilities at Loggerheads, a Key Rural Service Centre. Within the Service Centre can be found a primary school and shops, and further on, a post office, and pharmacy. A village hall is about a mile away from the appeal site. Church Road is on a bus route between Hanley, Newcastle and Market Drayton where there are leisure and culture facilities. Buses run there every hour during the day from a stop about 200m away.
- School buses are potentially available for primary and secondary school children and a pick-up point is close to the appeal site. Cycling to Loggerheads to avoid the busy A53 would be an alternative, using several local roads. However these are narrow lanes typically with no lighting or footways. This would make it unrealistic to walk, and most likely to cycle, for daily necessities. The lack of regular bus services outside core day times and at weekends would likely mean that a private car would be used to access many essential services and facilities. That is not however to deny the opportunity that exists to use public transport for some work or leisure related journeys which would be of a fairly short distance, to larger settlements. Therefore the environmental harm in this respect is moderate.
- Sustainable transport aims need to be considered alongside the Framework's support for sustaining the rural economy. The Framework recognises that housing can

support local services and, where there are groups of smaller settlements development in one village may support services in a village nearby. Modest additional custom could arise for facilities in the village and at Loggerheads. A single dwelling would also make a small but positive contribution to the Housing Land Supply and provide a limited amount of construction work. There is no reason why a well-designed dwelling would not meet the sustainability and climate change requirements as well as enhancing the immediate environment on this underused land.

- When these economic, social and environmental dimensions of sustainability are considered in the round, and allowing for the moderately negative impact of the likely use of the private motor car, the proposal would still represent sustainable development. Under the Framework, Paragraph 14, a presumption arises in favour of granting planning permission for sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. There is no convincing national or local policy reason, or other adverse effect to be of such weight as to refuse the proposal.
- The Inspector took into account the previous appeal decision (dismissed) for the same proposal but thought such a decision was no longer comparable to current policy circumstances since revocation of the Regional Spatial Strategy.
- Moreover the Inspector did not find any harm to neighbouring living conditions or highway safety stemming from the development.

### **Recommendation**

**That the decision be noted.**