

APPEAL BY MR ANDREW LIGOCKI AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION 'TO BUILD A HIGHLY SUSTAINABLE ENERGY POSITIVE SINGLE DWELLING WITHIN THE BACKLAND GARDEN SITE OF THE LODGE', STATION ROAD, ONNELEY

<u>Application Number</u>	16/00129/FUL
<u>LPA's Decision</u>	Refused by Delegated Powers
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	10th August 2016

In dismissing the appeal, the Inspector found the main issue to be whether the principle of the development proposed would be acceptable having regard to national and local policies relating to development in the countryside.

- The proposal would see the construction of a dwelling on garden land to the rear of the existing dwelling.
- A previous appeal has been dismissed on the site for a dwelling that would have utilised sustainable construction methods. The Inspector for the previous appeal referred to the site's isolated location in the countryside and that the dwelling proposed would not represent exceptional quality or an innovative design.
- This appeal proposal differs from the previous scheme in that the design and appearance of the proposed dwelling has been revised and it would also have enhanced sustainability features.
- For the purposes of the development plan, the appeal site is not within one of the identified village envelopes or key Rural Service Centres where a limited amount of new housing development to meet identified local requirements is permitted. Policy H1 of the 'Newcastle-under-Lyme 2011 Local Plan' seeks to restrict new development in the countryside except in limited circumstances, none of which are relevant to the appeal proposal.
- The Council accepts that it is currently unable to demonstrate a five year supply of housing land and that several policies, including H1 of the LP are relevant to the supply of housing. Therefore the Inspector determined the appeal in accordance with the Framework.
- Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It also states that new isolated homes in the countryside should be avoided unless there are special circumstances which include the exceptional quality or innovative nature of the design of the dwelling. The paragraph goes on to state that such design should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
- The Inspector took the view that 'The Lodge' is in a highly rural location with very limited glimpses of other buildings close by other than distant farmhouses nestled in the landscape.
- Whilst Onneley has some limited services, including a pub, a cricket club and a golf course, those services would not be sufficient to meet the day to day needs of future occupants of the dwelling. For example, future occupants would be reliant upon the private car in order to do even the most basic food shopping, visit the post office or access other higher level services such as a leisure centre or cinema. Furthermore, the appeal site is situated some distance from the main road through the village and Station Road is narrow, there is no pavement or street lighting and there are no pedestrian refuges along the road in the form of grass verges. In such circumstances it is unlikely that future occupants of the proposed dwelling would choose to walk to the village to access the limited services available or the bus stop particularly in the dark or during inclement weather. For these reasons, the Inspector was in agreement with the previous Inspector and the Council that the appeal site is in an isolated countryside location. As such the proposed dwelling would not be in a location where

it would enhance or maintain the vitality of rural communities in accordance with paragraph 55 of the Framework.

- The proposed dwelling would have the appearance of an agricultural barn, with some adaptations such as a flat roof to accommodate the solar panels proposed. Whilst an agricultural barn is often appropriate within a rural setting, the proposal would be situated behind the existing dwelling on the site which has a clearly defined domestic appearance. The proposed appearance of the dwelling would therefore be at odds with its immediate setting and it would be seen as an incongruous feature on the appeal site that would not enhance the area in design and appearance terms.
- Furthermore, whilst the agricultural appearance of a rural barn may be acceptable in the context of serving a functional purpose in the countryside, that is not synonymous with a building of exceptional quality or truly outstanding or innovative design. There is little specific evidence to suggest that the appeal proposal would help to raise the standards of design more generally in rural areas or that it would reflect the highest standards in architecture.
- The enhanced sustainability benefits of the proposed dwelling listed by the appellant are acknowledged. However, in order to meet the specific exception in paragraph 55 of the Framework the appeal proposal would need to fulfil the criteria listed. For the reasons given above, the development proposed does not.
- Accordingly, the principle of the development proposed would not be acceptable having regard to national policies relating to development in the countryside. The proposal would therefore conflict with paragraph 55 of the Framework.
- The adverse impacts of the appeal proposal would significantly and demonstrably outweigh the limited benefits.

Recommendation

That the decision be noted.