

**APPEAL BY MR C BUTTERS AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE ERECTION OF A 4 BEDROOM DWELLING WITH DOUBLE GARAGE AND IMPROVED ACCESS AT LAND NORTH OF MUCKLESTONE WOOD LANE, LOGGERHEADS**

<b><u>Application Number</u></b>	<b>17/00450/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused under delegated authority 20<sup>th</sup> October 2017</b>
<b><u>Appeal Decision</u></b>	<b>Appeal dismissed</b>
<b><u>Date of Appeal Decision</u></b>	<b>22<sup>nd</sup> May 2018</b>

**The Appeal Decision**

The Inspector identified the main issue to be the effect of the proposed development on the character and appearance of the area.

In dismissing the appeal the Inspector made the following comments:-

- There is a distinct difference in character between the two sides of Mucklestone Wood Lane with the open countryside and woodland on one side and the built up settlement on the other side.
- The proposal would be visible and prominent from the lane particularly from the eastern side of the appeal site. It would introduce a form of built residential development into a part of the immediate countryside where there is none at present. Despite the proposed use of wood cladding, its low dormer bungalow design, the presence of existing trees and proposed landscaping, the proposed dwelling would appear as an incongruous form of development in this countryside location.
- The driveway and domestic garden would exacerbate the impact of the proposed dwelling and garage on the landscape. The proposed development would erode the clear distinction between the different characters of each side of the lane and although only one house, would have the effect of breaking the well-formed settlement boundary on this part of the lane.
- The Inspector who determined an appeal for two houses on the site in 2015 found that the proposal before her would have an adverse effect on the semi-rural character and appearance of the area. Similar concerns are raised in relation to the current proposal for a single dwelling, notwithstanding the appellant's landscape and visual impact assessment and the appellant's attempts to address the Inspector's concerns through a redesign and reduction in scale of the scheme.
- The parties are not in agreement about the historical status of the small ruined building towards the rear of the site. However, whether it was a dwelling or an agricultural building, it is substantially collapsed and significantly overgrown and therefore has blended into the landscape and cannot be classed as previously developed land. In any event, its presence does not reduce the harm to the character and appearance of the area.
- The dwelling would be of sustainable design and construction and would be within walking distance of Loggerheads and moderate weight is attached to these benefits. The proposal would also have a benefit of removing the anti-social behaviour issues experienced on the site but limited weight is attached to this.
- The proposal would make only a small contribution to housing land supply and so this benefit is afforded limited weight. The proposal would bring other benefits but the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits and as such the presumption in favour of sustainable development does not apply.
- The proposed development would cause significant harm to the character and appearance of the area and would be contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy which seeks to secure good design that respects the character of the landscape. It would also be contrary to

guidance set out in R12 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance which seeks to ensure that residential development contributes towards improving the character and quality of the area.

**Recommendation**

That the appeal decision be noted.