

LAND ADJACENT TO FARCROFT, MANOR ROAD, BALDWIN'S GATE

MR G ADAMS

18/00674/OUT

The application is for outline planning permission for a detached dwelling on Manor Road, Baldwin's Gate. All matters of detail are reserved for subsequent approval. The site, which measures 0.27 hectares, lies some 650 metres due west of the village of Baldwin's Gate.

The application site is located within the open countryside which is designated as an Area of Landscape Maintenance as defined on the Local Development Framework Proposals Map.

The application has been referred to the Committee for decision at the request of two Councillors due to public concerns regarding the location of the site and the scale of the dwelling, and that the application is fundamentally the same as a previous application that was refused.

The 8 week period for the determination of this application expires on 29th October but an extension of time to 9th November has been agreed.

RECOMMENDATION

Refuse for the following reason:

1. The site lies within the open countryside outside the village envelope of Baldwin's Gate and the proposed dwelling would not serve an identified local need. As such, the development of this site is contrary to the objective of directing new houses to sustainable brownfield land within the village envelopes of the key rural service centres and would be contrary to Policies SP1 and ASP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy H1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2018).

2. The development would involve a high level of the use of the private car by occupiers of the dwelling and their visitors and therefore represents an unsustainable development that is contrary to the guidance of the National Planning Policy Framework (2018).

Reasons for Recommendation

The proposal is for residential development in a location where such development is contrary to policies within the approved development plan for the area. As the Council is now able to demonstrate a supply of deliverable housing sites of more than 5 years such policies should not be considered to be out of date as a result of the supply position and given the level of conformity to the National Planning Policy Framework they can be given weight in the determination of the application. Due to the location of the site away from a higher level of services, employment and public transport links, there is likely to be a high level of the use of the private car.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the principal concerns in respect of the location of this development.

KEY ISSUES

The application is for outline planning permission for a detached dwelling on Manor Road, Baldwin's Gate. All matters of detail are reserved for subsequent approval. The site, which measures 0.27 hectares, lies some 650 metres due west of the village of Baldwin's Gate.

Planning permission has been refused on two occasions for the erection of three dwellings on a larger site (Refs. 13/00678/OUT and 14/00037/OUT). The reasons for refusal of the latter application, which was dismissed at appeal in 2014, were as follows:

- 1. The development of this greenfield site within the open countryside is contrary to specific policies within the National Planning Policy Framework as it is in an isolated location and would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the absence of special circumstances as referred to in paragraph 55, there is no presumption in favour of permitting this development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012).*
- 2. The adverse impacts of the development arising from its isolated location – the dwellings having a greater carbon footprint whilst also harming the intrinsic character of this part of the countryside - significantly and demonstrably outweigh the benefits of the development. The proposal therefore represents an unsustainable development that is contrary to the guidance of the National Planning Policy Framework (2012).*

The application site is located within the open countryside and an Area of Landscape Maintenance as defined on the Local Development Framework Proposals Map.

Although representations have been received expressing concerns that the increase in traffic will cause highway safety issues, it should be noted that the previous applications were not refused for this reason and the Highway Authority has raised no objections to this application. It is not considered that an objection could be sustained on such grounds. Similarly, it is not considered that the application raises any issues of residential amenity or impact on nature conservation interests and therefore, the main issues in the consideration of the application are:

- The acceptability of residential development in this location in consideration of current housing policy and guidance on sustainability
- Impact on the character and appearance of the area
- What financial contributions are required?

The acceptability of residential development in this location in consideration of current housing policy and guidance on sustainability

The application site lies within the Rural Area of the Borough in the open countryside.

Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

CSS Policy ASP6 states that in the Rural Area there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Newcastle Local Plan (NLP) indicates that planning permission for residential development will only be given in certain circumstances – one of which is that the site is within one of the village envelopes.

This site is neither within a village envelope nor would the proposed dwelling serve an identified local need as defined in the CSS. As such its development for residential purposes is not supported by policies of the Development Plan.

The previous proposals were considered in the context of Paragraph 55 of the original NPPF which has since been replaced by Paragraph 79 of the revised NPPF and states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of a number of circumstances apply. In dismissing the previous appeal for this site, the Inspector concluded that in terms of its location, the proposal would represent isolated dwellings in the open countryside. The applicant's agent states that since the determination of the previous appeal, the interpretation of Paragraph 55 (and largely repeated as Paragraph 79 in the revised Framework), and in particular, whether or not a new dwelling is 'isolated' in the true meaning of the word, has been subject to debate in the High Court and the Court of Appeal. The High Court has ruled that the word 'isolated' should be given its '*ordinary, objective meaning of 'far away from other places, buildings or people'*', rather than the alternative definition of '*remote from services and facilities*'. The applicant's agent asserts that in light of this ruling, and given that the application site sits between two existing dwellings, it must be concluded that the site is not 'isolated' and that exceptional circumstances in the context of Paragraph 79 of the revised framework do not need to be demonstrated. Your Officer concurs with this view and acknowledges that notwithstanding the view of the Council and the Inspector in relation to the previous proposals for this site, it is no longer appropriate to consider the proposed dwelling as an isolated dwelling given the development surrounding the site. Therefore the special circumstances required to justify isolated dwellings in the countryside are not engaged.

Paragraph 11 of the revised NPPF states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

At the time of determining the previous applications for this site, the Council was unable to demonstrate a five year housing land supply. The applicant's submission is that this position remains unchanged, and therefore that relevant policies of the adopted development plan are out of date and that the 'tilted balance' of paragraph 11d of the NPPF is engaged meaning that the adverse impacts of the development must '*significantly and demonstrably*' outweigh the benefits in order to justify the refusal of planning permission. However, it is the case that the Council is now able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 5.45 years as at the 1st April 2018. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan and as stated above, development for residential purposes on this site is not supported by policies of the Development Plan.

The NPPF seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of local communities. In terms of the accessibility of the site, it is some 1600m from Baldwin's Gate and in dismissing the appeal for 3 dwellings on this site, the Inspector accepted that the day to day needs of residents would be serviced by the private motor vehicle for the majority of trips. It was stated that given the limited nature of facilities and services in Baldwin's Gate, it is also likely that occupants would have to travel further afield to meet some needs such as main food shopping, healthcare and secondary school attendance.

The NPPF refers to three objectives of sustainable development – economic, social and environmental. The applicant's agent states that the proposed development would bring with it benefits including a dwelling in an area where there is a significant shortfall in delivery, a contribution to the vitality of Baldwin's Gate by providing additional support to the services and facilities within the village, employment during construction, additional household expenditure in the area, additional Council Tax revenue, biodiversity enhancement through additional native tree and hedgerow planting and on-plot car charging infrastructure to facilitate sustainable transport modes. Whilst some of these benefits are acknowledged, importantly there is no longer a shortfall in housing delivery in the Borough

The likely high level of the use of the private car was a factor which weighed against the previous proposals for this site and this remains the view of your Officer now.

In conclusion it is now appropriate to consider the proposal in the context of the policies contained within the approved development plan and in the absence of material considerations of significant weight, the decision should be one of refusal of the development on the grounds that the principle of the development is unacceptable.

Impact on character and appearance of the area

The previous proposals were for three dwellings on a larger site with one dwelling proposed on the road frontage adjacent to Farcroft and two further dwellings proposed behind Farcroft. The current proposal now seeks outline planning permission for just one dwelling on the front part of the site adjacent to Farcroft. All matters of details are reserved for subsequent approval but an illustrative site layout plan accompanies the application.

In relation to the previous proposals, the view was taken that by consolidating what is at present a loose open pattern of development, the development would adversely impact upon the character of this part of the countryside. The Inspector agreed stating as follows:

Manor Road is an open, rural road with middle distance views over rolling countryside to the east and more limited views to the west. The appeal site is on the western side of the road where there are three domestic dwellings in spacious settings, with a loose association. Development of the appeal site would effectively consolidate the existing dwellings with the provision of three more dwellings.

The proposal would bring built development to the green paddocks and result in a tighter formation of 6 houses along this part of the road. Rather than appearing as sporadic development, there would be a more built up appearance. The development would result in further subdivision of the site, boundary planting or enclosures and other domestic paraphernalia. I conclude that development would effectively transform this part of the lane, causing some harm to this quiet rural backwater. The proposal would cause some harm to this quiet rural backwater.

I conclude that the proposal would cause some harm to the character and appearance of this part of the open countryside contrary to LP Policy N19.

The land to the rear of Farcroft would now remain as paddock and contrary to the tighter formation that would have resulted from 3 additional dwellings, it is considered that a development of one property would retain the sporadic character of dwellings on the western side of Manor Road. There would be no harm to any landscape features and on balance it is not considered one additional dwelling would have such an adverse impact on the character and appearance of this part of the open countryside to justify a refusal.

What financial contributions are required?

The Open Space Strategy which was adopted by the Council on the 22nd March 2017 requires a financial contribution of £5,579 per dwelling towards public open space improvements and maintenance.

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

- Necessary to make the development acceptable in planning terms
- Directly related to the development, and
- Fairly and reasonably related in scale and kind to the development.

It must also comply with national planning practice guidance on the seeking of contributions for small scale developments. Most importantly ministerial policy as set out in a Ministerial Statement of the 28th November 2014, since confirmed by the Court of Appeal in May 2016, indicates that "tariff-style contributions" should not be sought from developments of 10 units or less which have a maximum combined gross floorspace of no more than 1,000 square metres.

A tariff style contribution is defined as one where the intention is to require a contribution to pooled funding pots intended to fund the provision of general infrastructure in the wider area. The Landscape Development Section has indicated that the contribution in this case would be used for Baldwin's Gate Village Hall play area for a specific purpose so it does not meet the definition in the Guidance or Statement of a tariff-style contribution and therefore the guidance does not rule out seeking such contributions in this case.

However, Baldwin's Gate Village Hall play area is approximately 1600m away from the site along roads with no footways and therefore it could not be argued that the occupiers of this dwelling are likely to place additional pressure on such facilities. On this basis it is not considered that it would be lawful to secure an obligation in this case.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy](#) (CSS) 2006-2026

Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP6: Rural Area Spatial Policy
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

[Newcastle-under-Lyme Local Plan](#) (NLP) 2011

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local species
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Consideration
Policy N19: Area of Landscape Maintenance

Other material considerations include:

[National Planning Policy Framework](#) (July 2018)

[Planning Practice Guidance](#)

[Community Infrastructure Levy Regulations](#) (2010) as amended and related statutory guidance

[Supplementary Planning Documents/Guidance](#)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

[Developer Contributions SPD](#) (September 2007)

[Newcastle-under-Lyme Open Space Strategy](#) (March 2017)

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

Relevant Planning History

13/00678/OUT Outline planning permission for the erection of three detached dwellings Refused

14/00037/OUT Outline planning application for 3 executive Code level 6 dwellings (resubmission of application number 13/00678/OUT) Refused and dismissed at appeal

18/00683/FUL Demolition of existing house and construction of replacement dwelling Approved

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding hours of construction, noise and external lighting.

The **Landscape Development Section** raises no objections subject to conditions requiring the submission of a Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and landscaping scheme. A Section 106 contribution is required for capital development/improvement of off-site open space of £4,427 in addition to £1,152 for 60% of maintenance costs for 10 years. The total contribution of £5,579 would be used for improvements to surfacing at Baldwin's Gate Village Hall play area or another local Parish Council facility.

The **Highway Authority** raises no objections subject to conditions requiring details of access, layout, surfacing materials and location of any gates.

United Utilities states that if the applicant intends to obtain a water supply from United Utilities, it is strongly recommended that they engage with them at the earliest opportunity.

The **County Council as Minerals and Waste Planning Authority** makes no comments on the application.

Whitmore Parish Council objects to the proposal. The site lies outside of the village envelope of Baldwin's Gate and has been correctly recognised to be unsustainable when previous applications were refused. Nothing has changed in the meantime and there is still no immediate access to public transport and no practical pedestrian access between the site and the village with narrow, unlit rural roads and no public footpath.

No comments have been received from **Staffordshire Wildlife Trust** or **Natural England** and as the period for comments has expired, it must be assumed that they have no observations to make upon the application.

Representations

Twelve letters of representation have been received objecting to the application for the following reasons;

- The site is outside the settlement boundary and is contrary to policy relating to the provision of housing
- The development is contrary to the NPPF due to it being greenfield and in an isolated location
- The Council has a 5 year housing land supply and no more homes are needed
- Would set a precedent which could result in ribbon development along Manor Road
- Manor Road is poorly maintained and the increase in traffic will cause highway safety issues
- The highway regularly floods
- Visual harm in what is currently a predominantly agricultural setting
- Creation of a more built up appearance harming the character and appearance of the open countryside
- No immediate access to public transport and no practical pedestrian access between the site and the village with narrow, unlit rural roads and no public footpath.
- Already been a refusal of housing development on this site
- The site is not sustainable being a 15 minute walk from the village
- The development would bring only small economic benefit, no social benefits and would have a detrimental effect on the environment so the proposal would not represent sustainable development

Applicant/agent's submission

The planning application is supported by the requisite application forms and indicative plans, along with a Planning Statement and an Ecological Survey.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00674/OUT>

Background Papers

Planning files referred to

Planning Documents referred to

Date report prepared

23rd October 2018