

HOPE COTTAGE, LEYCETT LANE

MR & MRS J BULLOCK

21/00193/FUL

The application is for full planning permission for a detached dwelling on land to the rear of Hope Cottage, Leycett Lane. The application is a resubmission of application 20/00635/FUL which was refused on 26/10/2020.

The site lies within the open countryside, which is designated as being within the Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors.

The 8 week determination of this application expired on 19th April 2021, however the applicant has agreed to extend the determination date until the 30th of April 2021.

RECOMMENDATION

Refuse for the following reason: -

1. The development represents inappropriate development in the Green Belt, and there are no very special circumstances that would outweigh the harm caused by virtue of the development's inappropriateness and associated harm to the openness of the Green Belt. The development is contrary to Policy S3 of the Local Plan and the aims and objectives of the National Planning Policy Framework (2019).
2. The proposed development, because of its isolated location away from a higher level of services, employment and public transport links, would mean that residents would be dependent on the use of private motor vehicles. The development of this site would not materially enhance or maintain the viability of a rural community in a significant way and is considered to be an unsustainable form of development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2019).

Reason for Recommendation

The proposed development fails to meet the definition of limited infilling in villages or any of the exceptions listed in paragraph 145 of the NPPF. On this basis it is considered that the proposal constitutes inappropriate development in the Green Belt and is contrary to the requirements of the National Planning Policy Framework. In addition, the sites isolated location away from local services would mean that residents would be dependent on the use of private motor vehicles for transportation and therefore a new residential dwelling at this location is not considered to be sustainable development.

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

The proposed development fundamentally unacceptable in terms of its location and therefore does not represent a sustainable form of development.

Key Issues

The application site is a spacious plot and it is considered that the proposed dwelling would not harm the residential amenity of neighbouring occupiers. Therefore, the key matters in the consideration of the application are as follows;

- Is the development an appropriate form of development within the Green Belt? If not, do very special circumstances exist to justify the inappropriate development?
- Is the principle of residential development in this location acceptable?
- The design and the impact on the character and appearance of the area,
- Highway implications, and
- Contaminated Land Risk,

Is the development an appropriate form of development within the Green Belt? If not, do very special circumstances exist to justify the inappropriate development?

Paragraph 134 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 145 of the NPPF states that other than a number of specified exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. One of these exceptions is (e) limited infilling in villages.

The NPPF does not define the term 'infilling' but an Inspector in a recent appeal decision (Hazeley Paddocks, appeal reference APP/P3420/W/19/3219954) accepted the term 'the infilling of a small gap in an otherwise substantially built up frontage'.

It is accepted that the application site here does represent a small gap site in between two properties, albeit the site does not form part of a continuous built frontage. However given that the site in question is not part of any defined settlement or form part of a developed area that has the character and appearance of a settlement it is not accepted that it is located within a village. Therefore, the proposed development fails to meet the definition of limited infilling in villages or any of the exceptions listed in paragraph 145 of the NPPF.

On this basis it is considered that the proposal constitutes inappropriate development in the Green Belt.

Is the principle of residential development in this location acceptable?

The application site lies outside of the settlement of Silverdale within the Rural Area of the Borough in the open countryside. Policies for the control of development in the open countryside apply with equal force within the Green Belt

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 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 Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

The site is not within a village envelope and the proposed dwelling would not serve an identified local need and as such is contrary to policies of the Development Plan.

Paragraph 11 of the recently published revised Framework 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.

A series of recent appeal decisions have concluded that policies H1, SP1 and ASP6 are out of date and Paragraph 11(ii) of the NPPF should be engaged unless point (i) applies. Footnote 6 sets out which policies are being referred to in (i) and include those relating to land designated as Green Belt. As this site is in the Green Belt, and this provides a clear reason for refusal, the 'tilted balance' as set out at ii) does not apply.

At paragraph 78 the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

The application site in this instance is not within a village and is detached from the edge of Silverdale by approximately 450 metres and 1.5 kilometre from the centre. In respect of its location, the site lies some considerable distance from the shops and services of Silverdale, Scot Hay Road provides direct access to Silverdale however large sections of this road have no lighting and no pavements making regular walking or cycling for day to day needs unrealistic. This development would not, therefore, support the services in Silverdale or any other nearby village.

In conclusion, given the limited nature of facilities and services nearby this is not considered to be a sustainable location and the proposal would not meet the requirements of the NPPF.

The design and the impact on the character and appearance of the area

The National Planning Policy Framework places great importance on the requirement for good design, which is a key aspect of sustainable development. Policy CSP 1 of the Core Spatial Strategy broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

There is a small number of houses which surround the application site, these are comprised mainly of two storey properties however there is a single bungalow to the west of the application site. The proposed dwelling is a bungalow which has a traditional design style, and given the limited ridge height of the proposal it is considered that the development would not appear out of place when seen in context with nearby properties.

The application site is surrounded to the north, west and east by high level hedging with some mature trees, details within the application have shown that these boundary treatments will be retained, which will help to soften the limited visual impact of the proposal, and would neighbouring properties to retain their existing levels of privacy.

On this basis there are no significant concerns regarding the design and the impact on the character and appearance of the area.

Highway Implications

At paragraph 109 the NPPF it indicates that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Highway Authority has raised no objections subject to conditions, and it is considered that the additional vehicles associated with one additional dwelling would not be significant and no highway safety concerns are raised.

Contaminated Land Risk

The Councils Environmental Health Team have raised objections to the proposal, as the gas exclusion measures set out within the Phase 1 Geo-Environmental Report submitted with the application failed to provide details of the foundation design, the specific membrane to be used, and details of the installation/verification of those measures.

In response to this objection the agent of the application has provided an updated Ground Investigation Report which provides additional details of the foundation to be used, including details of the membrane alongside verification reports. The amendments to the Geo-Environmental Report are therefore considered to have addressed the concerns raised, and subject to the implementation of the recommended conditions suggested by the Environmental Health team, it is considered that any risk of contamination within the site can be acceptably mitigated.

Are there very special circumstances that justify the inappropriate development?

The proposal development would also lead to a loss in openness of the Green Belt which the NPPF seeks to protect. This would therefore undermine the fundamental aim of keeping land permanently open and assist in safeguarding the countryside from encroachment. It would therefore be contrary to the guidance and requirements of the NPPF.

The NPPF indicates that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this instance no very special circumstances have been identified for consideration and there are none immediately evident.

Conclusions

The development represents inappropriate development in the Green Belt, and there are no very special circumstances that would outweigh the harm caused by virtue of the development's inappropriateness and associated harm to the openness of the Green Belt. The development is contrary to Policy S3 of the Local Plan and the aims and objectives of the National Planning Policy Framework (2019).

In addition the above, the proposed development, because of its isolated location away from a higher level of services, employment and public transport links, would mean that residents would be dependent on the use of private motor vehicles. The development of this site would not materially enhance or maintain the viability of a rural community in a significant way and is considered to be an unsustainable form of development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2019).

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 SP3:	Spatial Principles of Movement and Access
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets

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

Policy S3:	Development in the Green Belt
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 N12:	Development and the Protection of Trees
Policy N17:	Landscape Character – General Considerations
Policy N21:	Area of Landscape Restoration
Policy N9:	Community Woodland Zones

Other Material Considerations include:

[National Planning Policy Framework](#) (February 2019)

[Planning Practice Guidance](#) (March 2014, as updated)

Supplementary Planning Guidance/Documents

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

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

Relevant Planning History

20/00635/FUL - Proposed infill development for a single dwelling to the land and garden at the rear of Hope Cottage – refused

Views of Consultees

The **Environmental Health Division** have raised objections to the proposal, as the gas exclusion measures set out within the Phase 1 Geo-Environmental Report submitted with the application as the report fails to provide details of the foundation design, the specific membrane to be used, and details of the installation/verification of those measures. The Environmental Health Division note that if the local planning authority is minded to approve the application then contaminated land conditions should be imposed.

The **Highway Authority** raises no objections subject to conditions which relate to the following:

- Provision of the access, parking and turning area prior to occupation of the dwelling.
- Parking area for Hope Cottage to be provided before the development commences.
- Access to be surfaced in a bound material for the first 5m from the site boundary.
- Boundary wall to Hope Cottage to be a maximum height of 800mm

The **Landscape Development Section** raise no objection subject to any damaged sections of hedging being replanted.

Audley Parish Council resolved that the application should be refused on the same grounds as before and to support the views of Environmental Health Team,

CADENT (network maintenance pipelines) have identified that there is apparatus in the vicinity of the application site which could be affected by the proposal, and set out a number of recommendation for the applicant to consider.

The **Coal Authority** raises no objections subject to conditions relating to the completion of ground site investigation and relevant mitigation measures.

Representations

3 letters of support from local residents have been received by the Local Planning Authority.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Ground Investigation Report

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00193/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

14/04/2021