

Classification: NULBC **UNCLASSIFIED**

APPEAL BY SKYE PROPERTY GROUP LIMITED AGAINST THE DECISION OF THE COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR 11 OPEN MARKET DWELLINGS (INCLUDING 9 SELF-BUILD) AND 21 AFFORDABLE DWELLINGS (INCLUDING 13 SELF-BUILD BUNGALOWS AND 2 SELF-BUILD HOUSES) AT LAND TO THE NORTH OF THE A51, SOUTH OF CHORLTON MILL LANE AND WEST OF THE RAILWAY, STABLEFORD, NEWCASTLE-UNDER-LYME

Application Number **19/00961/OUT**

LPA's Decision **Refused on 13th November 2020**

Appeal Decision **Dismissed**

Costs Decision **Refused**

Date of Decisions **23rd February 2022**

Appeal Decision

The Inspector identified the main issues to be i) whether the site is a suitable location for the development proposed, having regard to its accessibility, the agricultural quality of the land and the character and appearance of the area, and ii) whether the proposal would make appropriate contributions towards the provision of affordable housing and education provision in the area.

Accessibility

The Inspector considered that the proposal would be likely to lead to reliance on use of the private motor vehicle, that the proposal would not provide safe, all-weather, all-season pedestrian routes to facilities and services, and that this arrangement could lead to pedestrian/vehicle conflict; an unacceptable impact on highway safety. It was therefore found that the site, its location and accessibility would not promote sustainable transport or represent sustainable development, contrary to the aims of the National Planning Policy Framework (the Framework).

Agricultural Land Quality

The proposal would result in the loss of best and most versatile agricultural land and would be contrary to both Policy HG1 of the NDP and the aims of the Framework.

Character and appearance

The character of the site is fundamentally and strongly rural, blending in to the wider rural, agricultural landscape when viewed from within and without its boundaries and in longer views. The railway line running alongside the eastern boundary of the site, whilst an obviously built intervention in the landscape, does not alter this character.

Given the established rural, agricultural and open character and appearance of the site and surrounding area, the Inspector found that development of this site at this scale for residential purposes would fundamentally harm the established character and appearance, by urbanising the site and reducing the overall rural, agricultural character of the area.

Conclusions on suitability of the location

The Inspector stated that the proposal could not be considered as a rural exception site and due to its poor accessibility, it would not enhance or maintain the vitality of rural communities through supporting services in a village nearby. The harm that the development of this rural, agricultural site would cause is in effect reinforced by the presumption in planning policy against development in rural areas, except for specific purposes and exceptions. It has already been established that the proposal does not qualify as any of these exceptions.

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As it has been found that the proposal is significantly contrary to the development plan, and to the content of the Framework, the site is not a suitable location for the development proposed, having regard to its accessibility, the agricultural quality of the land and the character and appearance of the area.

Planning Balance

The Inspector found that the adverse impacts of granting planning permission for the appeal proposal, being its overall sustainability and accessibility, its effect on the supply of the best and most versatile agricultural land, and on the character and appearance of the area would significantly and demonstrably outweigh the benefits of delivery of housing at the proposed scale, including both affordable and self-build housing for which there is an established need. The presumption in favour of sustainable development would not therefore apply.

It was concluded that the proposal is significantly contrary to the development plan, and there are no material considerations, either arising from the application of tests in the Framework, or any others, which indicate a decision be taken other than in accordance with the development plan.

Costs Decision

The appellant states that the Council acted unreasonably throughout both the application and appeal process, taking a prejudicial and unreasonable approach to their proposal and offers of mitigation for various issues. The Inspector reached the following conclusions:

- It is not unreasonable for parties to disagree. It is not unreasonable for parties to draw different conclusions, nor is it unreasonable to disagree on the interpretation of and weight to be given to policies. These are matters of planning judgement. Given that, it was not unreasonable for the Council to refuse the planning application nor was it unreasonable for them to defend the appeal on the same basis, having set out why the matter was decided as it was in the first instance.
- The Inspector found that the Council has not demonstrated behaviour which could be considered unreasonable in the terms of the PPG, and which then resulted in unnecessary or wasted expense.

The planning decision setting out the reasons for refusal and the Appeal and Costs Decisions in full can be viewed via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00961/OUT>

Recommendation

That the appeal and costs decisions be noted.