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## Appeal Decision

Hearing held on 26 January 2016

Site visit made on 26 January 2016

**by Louise Nurser BA (Hons) Dip Up MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 03 March 2016**

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**Appeal Ref: APP/B3410/W/15/3132685**

**Woodbury Knoll, 39 Highwood Road, Uttoxeter, Staffordshire ST14 8BH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr C Bloor (Reefcourt Limited) against the decision of East Staffordshire Borough Council.
  - The application Ref P/2015/00140, dated 27 January 2015, was refused by notice dated 24 June 2015.
  - The development proposed is outline residential development land off Highwood Road (up to 49 dwelling) all matters reserved.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. Prior to the Hearing an application for costs was made by Mr C Bloor (Reefcourt Limited) against East Staffordshire Borough Council. This application is the subject of a separate Decision.

### Procedural matters

3. The application was submitted in outline for development of up to 49 dwellings, with all matters reserved. Details of access, layout, landscaping, appearance and scale are reserved for later consideration. Nevertheless, a number of supporting documents were submitted with the application including an indicative layout which showed a roundabout at the access to the proposed development.
4. As part of the appeal submission a revised landscape master plan was provided which showed a T junction (Annex 1- Figure 1<sup>1</sup>), and a different housing layout to that which had accompanied the application which had been refused. Given that the introduction of a T junction resulted from the consultation response of the Highway Authority and that all matters, including layout, are reserved matters, and that other parties had the opportunity to comment on the plan as part of the appeal submission, no party would be prejudiced by my consideration of the plan. Therefore, I have taken this into account in my determination of the appeal before me but have treated all the details as being illustrative only. In addition, at the Hearing I was provided with a large scale

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<sup>1</sup> CE- HW0873- DW06a- Final

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- copy of an indicative plan 1152B, 13A dated January 16 which is a larger version of the landscape master plan.
5. A signed and dated Statement of Common Ground between the Council and the appellant was submitted prior to the Hearing.
  6. Since the planning application was determined by the Council and the appeal submitted, the emerging East Staffordshire Local Plan 2012- 2031 has been adopted (15 October 2015 (LP) and the saved policies of the East Staffordshire Local Plan (2006) have been revoked.
  7. A signed and dated planning obligation was submitted following the closure of the hearing. This planning agreement related to the provision of on-site affordable housing, a commuted sum of monies for the provision of off- site affordable housing; commuted sums relating to the provision of specific off-site educational facilities; the provision of on-site open space and its subsequent maintenance; and the provision, if deemed necessary, of £75 per dwelling to offset the costs of individual household waste containers. I have referred to the relevance and necessity of the planning obligation later within my decision.
  8. I have been referred to the emerging draft Uttoxeter Neighbourhood Plan, of which I have been provided with a draft copy, which I understand is the subject of imminent consultation. However, in accordance with Paragraph 215 of the Framework, I have accorded this limited weight in my determination of the appeal due to the early stage of its production.

### **Main Issues**

9. The main issues in this case relate to whether, in the context of national and local planning policy that the location of residential development is appropriate on this site; and the effect of the proposed development on the character and appearance of the wider landscape.

### **Reasons**

10. The appeal site of around 5.5 hectares is currently used for grazing. It lies to the south east of Uttoxeter outside of the settlement boundary within the open countryside (albeit at its westernmost edge it is contiguous with the settlement boundary). Consequently, it falls to be considered as development in the open countryside for the purposes of planning policy.
11. It is agreed within the Statement of Common Ground, that the Inspector into the recently adopted LP had concluded that the Council was able to demonstrate a five year supply of deliverable housing. However, at the Hearing the appellant cast doubt over the deliverability of a number of sites which had been included within the Council's paper on its 5 Year Land Supply<sup>2</sup>. Whilst I am aware that the development of sites are affected by a number of considerations, including skill shortages, I am mindful of the advice within the Planning Practice Guidance that the examination of Local Plans is intended to ensure that up-to-date housing requirements, and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals where only the applicant's

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<sup>2</sup> Document 4: Note on 5 Year Land Supply Methodology 30<sup>th</sup> September 2015

/appellant's evidence is likely to be presented to contest an authority's position. Furthermore, in relation to five year land assessments the guidance states that once published, they should normally not need to be updated for a full twelve months unless significant new evidence comes to light or the local authority wishes to update its assessment earlier<sup>3</sup>.

12. Even were I to have concluded that the contribution of deliverable units from the sites cited, should be discounted, which I do not, it is unlikely that this would undermine the provision of a deliverable housing supply. This is because there is a reported surplus to the supply; the assessment adopts a conservative approach to including sites within the supply, with no allowance having been made for windfall developments. Moreover, a number of the relevant sites are forecast to be delivered later within the 5 year period. Consequently, I conclude that I have no reason to diverge from the agreed position between the parties as set out in the Statement of Common Ground.
13. Strategic Policy 4 of the LP sets out the strategy for the distribution of housing growth within the Plan area, and includes two green field allocations which fall within the adjusted settlement boundary of Uttoxeter. It is not for me to compare the site in relation to others which have been successfully taken forward and which now form part of the development strategy for the Council, or those which have been allowed for housing within a different policy context, but rather to consider the proposed development in the light of paragraph 2 of the Framework which requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
14. Strategic Policy 8 of the LP sets out a number of criteria where development outside of settlement boundaries can be permitted. The proposed development for housing does not fit within any of the categories set out in the first half of the policy and it was confirmed at the hearing that it was no part of the appellant's case that it does. Consequently, the proposed development would be contrary to Strategic Policy 8 of the LP.

#### *Character and appearance*

15. The appeal site which is an irregular, roughly rectangular field lies on a ridge of land which falls to the east towards the Dove valley and Uttoxeter Race Course. The Highwood Road end of the appeal site is set behind a steep wooded embankment with houses either side. As none of the proposed houses are shown as facing the road, but would be located behind the wooded embankment and facing into the new development there would be no relationship with the existing settlement.
16. The settlement boundary includes the ribbon development to the east of Highwood Road and to the north of the site. The modern Balance Hill estate and further allocated housing development are both located to the west of Highwood Road away from the open ridge.
17. Immediately to the north and south of the site is the open countryside, made up of small fields, bound by hedgerows, interspersed with small pockets of woodland. Large houses, in commensurately large gardens, border the north east boundary to the site along Wood Lane, with fields to the south. The

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<sup>3</sup> Planning Practice Guidance ID: 3-033-20150327

- easternmost area of the site, which slopes down to the east and the River Dove valley, is proposed to remain in agricultural use.
18. My site visit took place in the winter, consequently, I was able to view the site at its most visible as the mostly deciduous trees and hedgerows were not in full leaf.
  19. The appeal site exhibits many of the characteristics referred to within the description of the National Character Assessment 68: Needwood and South Derbyshire Claylands, as well as those set out within the Settled Plateau Farmlands Slopes Landscape Character Tract as identified in the Supplementary Planning Guidance (SPG) 'Planning for Change'<sup>4</sup>.
  20. During the Hearing, discussion took place as to the weight which should be given to the SPG. However, whilst I am aware that it was not produced in line within the most recent landscape advice and is not a formally adopted element of policy I consider that the descriptive element of the document remains a useful evidence source.
  21. As part of my site visit I was able to view the site from a number of viewpoints which helpfully had been agreed by both parties. As a result of this, I was able to conclude, taking into account the topography of the site, and existing and proposed screening, that from a number of viewpoints the proposed development would not have a significantly adverse visual impact. This includes when viewed from Highland Road itself, where the introduction of a T junction, albeit I do not have the final details before me, would not be dissimilar to other vehicular accesses.
  22. Nonetheless, when viewed from viewpoints 4 and 5 from the public footpath to the south of the site where the land rises the proposed development would be highly visible and would bring the built form of Uttoxeter further into the countryside. This would occur irrespective of the existing band of conifers and hedging, or any future screening through further planting, or reconfiguration of the layout of the site.
  23. Similarly, the development which would sit on the ridge, when viewed from Wood Lane, the Racecourse and from the Staffordshire Way would adversely impact on the rural character of the wider landscape. At the Hearing I was told of the importance of views from the Racecourse, a conclusion which I share.
  24. The proposed development would introduce 49 dwellings into a field in the open countryside with little or no connectivity to the existing settlement.
  25. I reach this view whilst accepting that the proposed development is in outline only with the details of the layout, scale, appearance and landscaping are all reserved matters. I also note that the proposed development would respect the existing field pattern, and that the historic ridge and furrow on the site could be protected through conditions. I have also considered that there is no public access to the site, that the site does not display landscape attributes that have resulted in any specific statutory protection, and that the site was not considered 'sensitive' when the Council undertook a Screening Report; indeed, elements such as wooden poles taking electric wires straddle the site.

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<sup>4</sup> 'Planning for Landscape Change: Supplementary Planning Guidance to the Saffordshire and Stoke on Trent Structure Plan, 1996- 2011' Staffordshire County Council.

26. Nonetheless, from what I have seen on site, from the evidence which has been put before me, and heard at the Hearing, including discussion of the specific values to be attached to various elements of the site and wider landscape, I conclude that the development would result in an incongruous, isolated housing development contrary to the Policies SP1, SP24, SP30 and DP1 of the LP, and would not protect or enhance the valued landscape contrary to one of the core principles within the Framework to recognise the intrinsic character and beauty of the countryside.

*Other matters*

27. Reference has been made to the Council previously accepting the principle of development on the site. However, the Council is not bound by advice proffered by individual officers. Moreover, I do not consider that the development of housing along Highwood Road is comparable to the construction of 49 dwellings, and in any case an application for a smaller number of dwellings is not before me.
28. I have been referred to a number of appeals. However, whilst there may be some similarities I do not have all the details before me, consequently I have determined the appeal before me on its own merits and have accorded these little weight in my consideration of the appeal.
29. I note that the site would be relatively close to the town centre and railway station, and other services. However, issues of the accessibility of the site have not been matters of dispute between the parties.
30. I have also been mindful that no statutory undertaker has objected to the proposed development.
31. The parties have completed a Section 106 agreement in conjunction with Staffordshire County Council which includes a number of obligations to come into effect if planning permission is granted. I have considered these in light of the statutory tests contained in Regulation 122 of the Community Infrastructure Levy Regulations (2010). However, as the proposal is to be dismissed for other reasons I have not considered it in detail. Nonetheless, I have considered the benefits to be accrued from the obligation of the provision and maintenance of the open space, together with the affordable housing to be provided on site, the affordable housing sum to be paid and the monies to be paid towards educational provision and have concluded that they would be fairly and reasonably related to the development proposed and it passes the statutory test.
32. I have carefully considered the proposed funding of the waste receptacles but remain unconvinced that the funding of these is strictly necessary to make the development acceptable in planning terms.

**Planning Balance and Conclusion**

33. The proposed development would boost the housing supply, increase the range of housing available locally and I understand that the appellant would be able to deliver the housing quickly, within two to three years. The development would provide for on-site affordable housing together with a contribution for off-site affordable housing. Benefits to which I accord considerable weight. In addition, over a third of a hectare of public open space would be created on the site which could be accessed by existing residents. However, due to the

distance between the Balance Hill Estate on the other side of Highwood Road, and difficulties accessing the site via Wood Lane I accord this benefit limited weight. Nonetheless, these benefits of the proposed development would be experienced locally and weigh in favour of the proposal.

34. I note that funding would be provided to the education authority. These relate to named and specific schemes. However, I consider that these would purely mitigate the impact of the scheme. As such there would be no wider benefit.
35. In addition, the construction of additional homes would boost the local economy both directly and indirectly through the provision of new homes, jobs and businesses. However, these benefits could accrue from houses built elsewhere. Therefore, I accord these limited weight in my consideration of the appeal.
36. On the other hand, the proposal would cause serious environmental harm to the character and appearance of the countryside and it would not be in line with development plan strategy for the location of development.
37. Future residents would provide additional patronage to support local bus services, and it is clear that the town centre and railway station are sufficiently accessible. I also note that the proposed development would include a Sustainable Urban Drainage system and would be constructed at a density comparable to nearby developments. Similarly, from what I saw and heard, and from the evidence before me I do not consider these benefits could not be experienced elsewhere on sites which had been brought forward as part of the development plan in line with a core planning principle of the Framework that planning should be genuinely plan-led.
38. Given the statutory requirement to determine the appeal in accordance with the development plan as a whole I consider that the benefits of the scheme do not outweigh the harm in allowing this development which would be contrary to the requirement of the Framework to deliver land in the right place. Therefore, for the reasons set out above, I conclude, on balance, that the appeal should not succeed.

*L Nurser*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Naomi Perry	Planning Policy Officer
Robert Duckworth	Planning Officer
James Atkin	Pegasus Group

### FOR THE APPELLANT:

Aida McManus	A M Planning Consultants Limited
Neil Furber	Crestwood Environmental Ltd
Darryn Brittrill	bi Design Architecture

### INTERESTED PERSONS:

Mr Appleby	Resident
Anthony Phillips	Resident
Hugh Lufton	Lufton Associates on behalf of residents
Alan Noyes	Uttoxeter Town Council
Cath Platt	Resident

## **DOCUMENTS submitted at the Hearing**

- 1 Draft schedule of conditions submitted by the Council
- 2 East Staffordshire Local Plan 2012- 2031 submitted by the Council
- 3 Email from the Highway Authority relating to proposed conditions submitted by the Council
- 4 Note on 5 Year Land Supply Methodology 30<sup>th</sup> September 2015 submitted by the appellant
- 5 Draft Section 106 agreement under Section 106 of the Town and Country Planning Act
- 6 Application for an award of appeal costs submitted by the appellant
- 7 Revised indicative layout 1152B 13A

## **DOCUMENTS received (by agreement) following the Hearing**

- 8 Strategic Housing Land Availability Assessment East Staffordshire Local Plan 2014
- 9 Completed S106 Planning Agreement
- 10 Proposed Highway conditions agreed by LPA, Appellant and Highway Authority
- 11 Uttoxeter Neighbourhood Plan: Draft 1 Regulation 14 Consultation January 2016
- 12 Proposed Highway Conditions 29 01 16
- 13 CIL Bin Compliance Note 29 1 16
- 14 Waste Storage and Collection Guidance for New Developments April 2012 East Staffordshire Borough Council Supplementary Planning Document.
- 14 Appeal Decision- APP/B3410/A/14/2218974

- 15 Appeal Decision- APP/B3410/A/14/2228678
- 16 Recovered appeal APP/C3105/A/12/2189191