

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Planning Applications Committee

7 March 2019

TITLE:	PERFORMANCE ON PLANNING APPEALS
CONTACT:	DEVELOPMENT MANAGEMENT TEAM
WARDS INVOLVED:	ALL

Appendices Attached - None

1. **Reason for the Report:** To inform members of appeals lodged and decided since the last update to the Planning Applications Committee.
2. **Recommendation**
 - 2.1 That the report be noted.
3. **APPEALS LODGED**

None received.
4. **APPEAL DECISIONS RECEIVED**

Application No. SMD/2017/0766

Location: Brook Works, Brook Street, Brown Lees, Biddulph, Staffordshire, ST8 6PF.

Proposal Outline planning permission for Residential Development comprising of the erection of 10no. new build 4 bedroom dwelling (Re-submission of SMD/2016/0649).

Level and Date of Decision: Committee. 2nd March 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 12th February 2019

Method of Decision: Written Representations

Major / minor: Major

Inspector: Andrew McGlone MCD MRPTI

Costs awarded: No

Main Issues:

- (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- (ii) the effect on the openness and the purposes of the Green Belt;
- (iii) the effect of the proposal on the character and appearance of the area;
- (iv) the effect of the proposal on highway safety;
- (v) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Conclusions:

The Inspector concluded:

- There is no doubt that the part of the site with the single storey buildings and hardstanding is previously developed land in accordance with the Framework's definition set out in Annex 2. However, this area of land only forms part of the appeal site. The land beyond the fencing around the buildings and hardstanding does not contain any permanent structure or any fixed surface infrastructure. This land is also visually and physically separate, and hence is not in my view part of the curtilage of the developed land. But, even if it was, the Framework says that it should not be assumed that the whole of the curtilage should be developed.
- The proposal is, on the whole, inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- The proposed dwellings would be a permanent addition to the land. Although six of the dwellings would be to the rear of properties on Brook Street, the scale of the proposed dwellings would far exceed that of any of the existing buildings.

- There would be a loss of openness in the Green Belt and conflict would arise with one of the purposes of including land within the Green Belt. Thus, the proposal would not accord with Framework
- I agree with the Landscape and Visual Impact Assessment that the appeal scheme would result in a 'moderate' change of view from nearby residential properties, surrounding footpaths and the immediate surrounding roads especially in the early stages of the development. The development, with extra landscaping, would assimilate into the Landscape Character Type from long-range views. However, even accounting for the maturation of planting, the final details of which would be for a reserved matters application, the LVIA accepts that the visual effects of the proposal would likely to be 'minor' / 'moderate'.
- As such, the proposal would not protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands. The proposal would cause harm as it would be detrimental to the character of the local landscape.
- The proposed development included a visibility splay to the north of the proposed junction of 2.4metres by 46 metres. As these were not within the site edged red, an amended location plan (plan Ref: 3735-02-15B) was submitted to the Council and notice served on the Highway Authority. Despite the appellant's efforts, part of the proposed visibility splay remains outside of the site edged red, and on third-party land
- The proposal would not provide for safe and satisfactory access as sought by CS Policy DC1. Sensible concerns are also expressed by the Council about the future maintenance of the hedgerow along the road, especially on land beyond the appellant's control.
- I note the suggested visibility splay requirements based on the recorded 85th percentile approach speeds, but even if these are correct, there is no plan before me showing how these would be implemented so a safe and satisfactory access to the site could be achieved.
- I conclude, on this issue, that the proposal would have a significant effect of on highway safety
- I have considered matters put before me in favour of the scheme by the appellant, however I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. Hence, the very special circumstances necessary to justify the development do not exist, and the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed

Officer Comment:

- This is another good decision for the Council supporting the approach which the authority has adopted in resisting inappropriate development in the Green Belt.
- Also of interest is the approach which the Inspector took to an amended plan which was submitted on the morning of committee. He commented:

“The Council refused planning permission on the basis of plan Refs: 3735 02 15B, 3735 02 13A, 420 01/GA 01A and 3735-02-14. As part of the appeal the appellant submitted plan Ref: 420 01/GA 01B. This shows changes to the visibility splay from the proposed access onto Tower Hill Road. The revised plan was submitted to the Council on the morning of the Planning Applications Committee, but it did not form part of the Council’s decision as there was no opportunity to re-consult interested parties who have raised concerns about the proposal’s effect on highway safety, and the Highway Authority. The appeal process should not be used to evolve a scheme. While the appellant considers the amended plan accords with guidance and case law, and the Highway Authority have now commented on the plan, in the interests of fairness and natural justice, given the views of interested parties, I have considered the appeal based on the plans which formed the basis of the Council’s decision.”