



Appeal Decision

Inquiry held on 4, 5 and 10 October 2005

Site visit made on 5 October 2005

by **Alison Lea MA (Cantab) LARTPI Solicitor**

an Inspector appointed by the First Secretary of State

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Date **1 - DEC 2005**

Appeal A : APP/B3438/A/04/1162874

Land to the rear of Ashbourne Road/Mount Road, Leek, Staffordshire ST13 6NQ

- 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 Amos Developments Ltd against the decision of Staffordshire Moorlands District Council.
- The application Ref 04/00298/OUT_MJ, dated 17 March 2004, was refused by notice dated 5 July 2004.
- The development proposed is residential use (17 detached units) including extension of High View Road.

Summary of Decision: The appeal is dismissed.

Appeal B: APP/B3438/A/05/1185151

Land to the rear of Ashbourne Road/Mount Road, Leek, Staffordshire ST13 6NQ

- 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 Amos Developments Ltd against the decision of Staffordshire Moorlands District Council.
- The application Ref 05/00575/OUT_MJ, dated 13 May 2005, was refused by notice dated 14 July 2005.
- The development proposed is residential use including extension of High View Road, (Revised application).

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The applications were made in outline with all matters other than access reserved for future determination.
2. At the Inquiry an application for costs was made by the appellant against the Council. This application is the subject of a separate decision.
3. At the site visit I also viewed the appeal site from the rear gardens of No 25 High View Road and No 1 Arden Close, accompanied by the occupiers of those properties, representatives from both main parties and a number of interested parties.

The Site and General Background

4. The appeal site is located on the eastern edge of Leek with residential development to the north, west and south. The majority of the site is a former quarry and the proposals would introduce residential development to that part of the site. Access would be from High View

Road. There is no dispute that the part of the site on which the houses would be constructed falls within the Town Development Boundary and constitutes previously developed land. Furthermore, even though it is accepted that the site is not required to assist the Council in meeting its housing requirements, there being no shortfall in provision within the district, the Council has no objection in principle to the provision of housing on the appeal site. The Council's only concern relates to the proposed access road.

5. The route of the access road would be the same for both applications; the only difference between the applications with regard to access relates to landscaping provision. As the only other difference between the applications is that Appeal A refers specifically to 17 houses, albeit that the layout shown is illustrative only, whereas Appeal B does not specify the number of dwellings, I will deal with both appeals together.

Main Issues

6. From the foregoing the main issues in both appeals are the effect of the proposed access road on
 - (a) the character and appearance of the surrounding area, having regard to policies aimed at protecting the countryside; and
 - (b) the living conditions of the occupiers of neighbouring dwellings, with particular regard to noise and disturbance.

Planning Policy

7. The development plan for the locality includes the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 (SP), the Staffordshire Moorlands Local Plan (LP) and the Regional Spatial Strategy for the West Midlands (RSS) which was formerly known as Regional Planning Guidance 11. With regard to the structure plan I consider Policies D1 and NC2 to be of most relevance. SP Policy D1 provides that sustainable forms and patterns of new development will be sought which, amongst other matters, concentrates as much new built development as possible within the fabric of existing urban areas (while protecting or enhancing their distinctive character and environmental quality).
8. Policy NC2 provides that development should be informed by and be sympathetic to landscape character and quality and should contribute, as appropriate, to the regeneration, restoration, enhancement, maintenance or active conservation of the landscape likely to be affected. Proposals with landscape and visual implications will be assessed having regard, amongst other matters, to the extent to which they cause unacceptable visual harm, introduce (or conversely remove) incongruous landscape elements or cause the disturbance or loss of (or conversely help to maintain) certain elements including landscape elements that contribute to local distinctiveness.
9. LP Policy H4 provides that new housing development will be expected to locate within the development boundaries of villages or towns and Policy H7 provides that planning permission will not be granted for residential development in the open countryside other than in certain specified circumstances and any proposed development must be of a scale and character appropriate to the local environment. LP Policy B13 provides, amongst other matters, that development proposals will be expected to mitigate adverse environmental effects, including noise, as far as possible through the location of noise sensitive

developments away from existing sources of significant noise and through the location of noisy developments where noise is less important as a consideration.

10. The countryside on this side of Leek has been designated a Special Landscape Area. While I note the appellant's contention that such designations have been deprecated by Government guidance, Planning Policy Statement 7; Sustainable Development in Rural Areas (PPS7) does not preclude them altogether. Rather, it says that if such designations are to be retained, they should be based on formal and robust assessment of the qualities of the landscape concerned. In this case, the Council has produced such an assessment in the form of supplementary planning guidance - Planning For Landscape Change (the Landscape SPG) to inform, among other things, consideration of the landscape impact of development. The Landscape SPG may be said to derive from SP Policy NC2, it has been the subject of consultation and publicity processes and it has been formally adopted by the County Council. In line with the advice in paragraph 3.16 of Planning Policy Guidance Note 12; Development Plans (and, in the context of Local Development Frameworks, similar advice in Planning Policy Statement 12) I give substantial weight to the Landscape SPG.

Reasons

Character and Appearance

11. A length of the access road would fall outside the town development boundary. The appellant accepts that policies in the local plan are restrictive as to development outside the development boundary but suggests that although housing outside the boundary would be contrary to local plan policy, an access road would not. In my view, the proposed access road is an essential part of the residential development proposed and cannot be considered separately from it. I consider that insofar as it would be constructed outside the development boundary it would represent a breach of Policies H4 and H7 of the local plan.
12. I note the appellant's contention that the concept of Special Landscape Areas has been deprecated and that, as a result of this, policy is out of date insofar as it imposes a blanket restriction on development outside the development boundary. However, any change to the development boundary would need to be pursued through the Local Plan (or LDF) process and not in the context of individual applications for planning permission. Furthermore, although SP Policy D1, which post dates the local plan policies, refers to concentrating as much development as possible within urban areas, thereby inferring that some may be located beyond such areas, there is no suggestion in that policy that development boundaries in the local plan should be ignored, overridden or applied flexibly. In my view, SP Policy D1 does not provide a basis for taking such an approach.
13. SP Policy NC2 provides that development should be informed by and be sympathetic to landscape character and quality, and refers to the Landscape SPG which contains the County Council's landscape character assessments. The access road would cut through an area of landscape quality identified in the Landscape SPG as high with a policy objective of landscape maintenance. It would result in a loss of pastureland which the appellant agrees is a characteristic feature of the area. Although the road would be in a cutting, it is clear that without extensive planting the road and vehicles using it would be visible from a number of view points along Mount Road, and, in my view, given the quality of the landscape, would cause unacceptable visual harm. However, with regard to Appeal B, the parties agree that the only part of the road which would be visible once the proposed

- landscaping was mature would be likely to be the part where it leaves High View Road. Vehicles using the road would be visible further along the road depending upon their height.
14. A significant area of planting has been proposed in relation to Appeal B which, I am informed, is likely to take about 10 years to provide an effective screen. In addition a holly hedge about 1.2m high is proposed outside the boundary of the additional planting area in order to provide an immediate screen. Although the appellant suggests that additional woodland would be a welcome feature in the landscape, it is accepted that a holly hedge is not the type of planting envisaged by the Landscape SPG.
 15. With regard to the potential value of new woodland planting, the Landscape SPG provides that it is generally of high value, to reinforce the unifying effect of woodland on a landscape in which the urbanising elements and isolated settlements will become visually subservient or screened. There is currently a gap in planting between the end of High View Road and the top of the quarry, save for a conifer hedge, and in these circumstances I agree with the Council that the proposed planting would not be there to reinforce existing planting.
 16. The Landscape SPG also states that planting should be kept away from popular viewpoints and the interlock between planting and open areas retained to respect views through the area. The appellant accepts that views across the area where the cutting would be formed from Mount Road are popular and important and contribute to local distinctiveness. In my opinion, significant tree planting within the area proposed would restrict important long distance views and the appellant acknowledged that it may be preferable to plant trees in clumps so that views beyond are retained. However, in my opinion, the planting of sufficient trees to effectively screen the road, even if trees were planted in clumps, would have an adverse impact on views from Mount Road and would not retain the interlock between planting and open areas.
 17. The Landscape SPG lists a number of features which may be considered incongruous within SP Policy NC2. This includes expanding urban edge, fencing and busy roads. I accept that the road would not be busy. However, fencing is proposed, and although the appellant has suggested that it would be lost within the holly hedge proposed as screening, I have already noted that such a hedge is not of a type envisaged by the Landscape SPG. Furthermore, although I accept that a significant amount of screening is proposed in respect of Appeal B, in my view the introduction of a road in this location would have the effect of expanding the urban edge. The introduction of lighting to the access road, however limited, would further add to the urbanisation of the area. I consider, therefore, that the proposals would introduce incongruous landscape elements.
 18. For all of the above reasons, in my view the access road together with the proposed planting would not be sympathetic to the landscape character and quality of the area and would not contribute significantly to the maintenance and active conservation of landscape quality and character. With regard to Appeal A, although less planting would permit long distance views to remain, the lack of screening of the road would, in my opinion, lead to unacceptable visual harm being caused to the surrounding area. Both proposals would therefore be contrary to SP Policy NC2.
 19. The Council has expressed concerns about the impact the road would have on the landscape when viewed from Ashbourne Road. I accept that the road would be visible between the gap in the houses fronting Ashbourne Road. However, from this viewpoint the road would

be seen in the context of the housing development and would not be in the open countryside. In my opinion views of the road from this location would not cause harm sufficient to justify dismissing this appeal.

20. Nevertheless, for the reasons set out above, I conclude that the proposal would cause significant harm to the character and appearance of the surrounding area and would be contrary to LP Policies H4 and H7 and SP Policies D1 and NC2.

Living Conditions

21. The noise evidence provided by the appellant was unchallenged and it is accepted that the predicted increase in noise would not be significant enough to constitute a noise nuisance. However, the Council remains concerned about the general disturbance which could be caused by the additional traffic and activity which would result from the development in what is currently a tranquil area.
22. Although I accept that there would be some disturbance to the occupiers of those properties situated in close proximity to the end of High View Road, and that in relation to Appeal B in excess of 17 dwellings could be permitted at the reserved matters stage, in my view, insufficient evidence has been provided to lead me to conclude that the disturbance caused would be of such significance as to justify refusal of this proposal. In reaching this conclusion I acknowledge the particular location of the properties concerned at the edge of the town development boundary and the expectation that occupiers of those properties may have that future development is unlikely as a result of the location of that boundary.
23. I conclude therefore that the proposal would not cause significant harm to the living conditions of the occupiers of neighbouring properties and would not be contrary to LP Policy B13.

Conclusion on Main Issues

24. Although I have concluded that the proposal would not cause significant harm to the living conditions of the occupiers of neighbouring properties I have concluded that it would cause significant harm to the character and appearance of the surrounding area. I consider that this harm is sufficient to justify dismissing this appeal. In reaching this conclusion I have taken into account the fact that the part of the site on which the housing would be located constitutes previously developed land, the development of which is, in principle, to be encouraged and the fact that Leek is a local regeneration area within the RSS within which the bringing forward of local regeneration programmes is encouraged. In my view, however, these facts do not outweigh the harm which I have found.

Other Considerations

25. A number of matters have been raised by the Council and interested parties concerning, for example, local needs housing, pedestrian and cyclist access from Ashbourne Road, the geology of the site, the potential for the site to be accessed from Sharron Drive, flooding and the potential for the access road to be used to open up other areas for development. I have also been provided with a number of unilateral undertakings regarding, amongst other matters, the provision of affordable housing. However, given my conclusion on the main issues, none of these matters has been critical to my decision making.

Conclusions

26. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Formal Decisions

Appeal A: APP/B3438/A/04/1162874

27. I dismiss the appeal.

Appeal B: APP/B3438/A/05/1185151

28. I dismiss the appeal.

ALJ.L.

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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| Mr R Pattinson | Putsmans Solicitors, 50 Great Charles Street, Birmingham B3 2LT |
| He called Mr J Jenkin | Planning and Design Practice Ltd, 4 Queen Street, Derby |

FOR THE APPELLANT:

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| Mr N Blackie | Manby and Steward, Blount House, Hall Court, Hall Parr Way, Telford TF3 4NQ |
| He called Ms L Quinn | Johnson, Poole & Bloomer, Copthall House, New Road, Stanbridge DH8 1PH |
| Mr K Wainman | Stephen Gower Associates, 29A St Edward Street, Leek, Staffordshire ST13 3DN |
| Mr S Gower | Stephen Gower Associates, 29A St Edward Street, Leek, Staffordshire ST13 3DN |
| Mr D Johnson | Amos Developments Ltd, 4 Newcastle Road, Leek ST13 5QD |

INTERESTED PERSONS:

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|---------------------|-----------------------------------|
| Mr Robinson | 4 Moorlands Road, Leek ST13 5BN |
| Councillor M Lovatt | 46 Windsor Drive, Leek ST13 6NL |
| Mr A Montgomery | 155 Ashbourne Road, Leek ST13 5BL |
| Mrs V Johnson | 159 Ashbourne Road, Leek ST13 5BL |
| Mrs D Burrows | 25 High View Road, Leek ST13 5BS |

DOCUMENTS

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| Document 1 | List of persons present at the inquiry |
| Document 2 | Council's notifications of the inquiry |
| Document 3 | Appendices to Mr Jenkin's proof of evidence |
| Document 4 | Appendices to Ms Quinn's proof of evidence |
| Document 5 | Appendices to Mr Wainman's proof of evidence |
| Document 6 | Appendices to Mr Gower's proof of evidence |
| Document 7 | Additional extract from Staffordshire Moorlands Local Plan |
| Document 8 | Extract from Regional Planning Guidance for the West Midlands |
| Document 9 | Correspondence from Bowcock & Pursaill Solicitors |

PLANS

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| Plan A | (1-2) Appeal plans – Appeal A |
| Plan B | Substitute plan in respect of Appeal B |