



Appeal Decision

Site visit made on 6 October 2020

by **Graham Wraight BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/B3438/W/19/3239821

Former Camp 3, Thorncliffe Lane, Blackshaw Moor, Leek ST13 8TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Downs (Leek Cohousing Ltd) against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2018/0775, dated 7 December 2018, was refused by notice dated 1 July 2019.
 - The development proposed is a co-housing development comprising the erection of 5 new build low impact dwellings, the conversion and extension of two existing buildings to provide 2 low impact dwellings, the conversion of 2 other existing buildings to provide cohousing facilities, erection of new site services building, shared car parking area, productive organic gardens and sustainable drainage system set within an ecologically enriched landscape.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council refused planning permission it has adopted the Staffordshire Moorlands Local Plan 2020 (LP). As a result, the Policies within that document carry full weight and they have replaced the Staffordshire Moorlands Core Strategy Policies 2014, which are no longer in force. The Council has confirmed that the adopted LP Policies that it relies on are SS1, SS2, SS10, SD2, SD3, H1, DC1, DC2, DC3 and T1. Both the appellant and the Council have been given the opportunity to make further comments on the change to planning policy that has occurred.

Main Issues

3. The main issues are:
 - (i) the impact of the proposed development on the character and appearance of the area and the landscape
 - (ii) the impact of the proposed development on the non-designated heritage asset
 - (iii) whether the proposal would constitute an acceptable form of development with particular regard to the provisions of local policy in respect of the location of development and access to services and facilities

Reasons

Character and appearance

4. The four existing buildings are modestly sized with shallow pitched roofs. Although when viewed from Thorncliffe Lane they have a visual impact on the surrounding area and landscape, this impact is limited due to their number and their scale. The appeal site as a whole has an open feel and its built form does not have any significant visual impact on the character and appearance of the area. The surrounding area in which the appeal site sits is rural in its context consisting for the most part of expansive agricultural fields and there are no substantial collections of domestic buildings visible from the key views in which the appeal site is appreciated along Thorncliffe Lane.
5. The proposal would greatly increase the built form on the site. Not only would the existing buildings be increased in height, but there would be new buildings erected. The result would be to transform the limited visual impact that the existing buildings have to an appearance that would be akin to a small settlement of dwellings. The proposal relies heavily on landscaping to mitigate its impact. However, the structured nature of this around the buildings would draw attention to the development within its countryside location and its formalised nature would be uncharacteristic of the general surroundings in which the appeal site sits.
6. Whilst the appeal site was previously more extensively developed than at the present time, the remnants of previous built development do not remain in any substantial form and are constrained primarily to several concrete slabs of former buildings and piles of rubble. The former development, with the exception of the remaining buildings, has therefore to all extents and purposes blended back into the landscape. Accordingly, the degree to which the site is previously developed and the baseline against which the proposed development can be assessed, relates only to what is observed at the present time.
7. The Landscape and Visual Impact Assessment relies to a large degree on the perceived benefits that would arise from clearance of the site waste, the repairing of walls, the planting of landscaping and the conversion and refurbishment of the existing buildings. It also places weight on the proposed positioning of new buildings and car parking on areas of the site that formerly were developed or which are currently hard surfaced for the parking of caravans.
8. However, whilst the four remaining buildings are generally in a poor state of repair and there is evidence of some waste close to them and on the site, this only has a negligible impact on the character and appearance of the area and landscape. From Thorncliffe Lane in particular, the buildings retain their appearance as functional military buildings and the waste materials are not overtly evident. Any benefits that would arise in this respect would therefore be only limited, as would the benefits from repairing walls.
9. For these reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area and the landscape. It would therefore fail to accord with Policies SS1, SS10, H1, DC1 and DC3 of the LP, where they seek to protect the character and appearance of areas and landscapes. Reference is also made in the appeal submissions to the National Design Guide 2019, the Staffordshire Moorlands Design Guide Supplementary Planning

Document 2018, the Landscape Character Assessment of Staffordshire Moorlands, the Churnet Valley Landscape Character Assessment and Paragraph 79 of The National Planning Policy Framework, however these too include an overarching aim of achieving good design and ensuring that new development is appropriate for the character and appearance of the area and landscape in which it would be located.

Non-designated heritage asset

10. The four remaining buildings on the appeal site are non-designated heritage assets, having been added to the local heritage register due to their age and rarity as the best preserved examples of the former Blackshaw Moor Camp, their group value and their local heritage value for the contribution to the war effort and their role in establishing the local Polish community in the area. Combined, these factors define the significance of the non-designated heritage asset.
11. The buildings do not have any special architectural merit, but their simple functional design is an inseparable component of their historical interest as former military buildings. As a result of the proposed development, the form of the buildings would be substantially altered and there would be little resemblance to their original form. Therefore, whilst some of the fabric of the original buildings would remain, they would otherwise become new structures with a significantly different appearance to the original military buildings.
12. The resultant buildings would in effect be new structures that merely retain some of the fabric of the original buildings, as opposed to representing a redevelopment of them that would be faithful to their historical importance and their reasons for becoming a non-designated heritage asset. Any benefits of securing the future of the asset would therefore be undermined. This would cause harm to the significance of the non-designated heritage asset.
13. The display of a history of the camp in the proposed community building would not outweigh the harm that would arise to the non-designated heritage asset as a result of the proposal.
14. For these reasons, I conclude that the proposal would fail to accord with Policies SS1 and DC2 of the LP where they seek to safeguard the historic environment and non-designated heritage assets. There would also be a conflict with paragraph 197 of The Framework where it seeks to achieve the same aims.

Location

15. Policy H1 of the LP allows for development on previously developed land in the countryside. However, whilst the site is previously developed and therefore represents a possible exception of housing development that is allowable in the other rural areas, Policy H1 requires that regard be had to the location of the development. Furthermore, other policies in the LP seek to direct new development towards existing settlements and to sites which have good access to services and facilities and to all forms of transport. There is nothing inherent in the proposal which means it has an essential need to be in the countryside, even on consideration of the absence of self-build development plots to which the appellant refers.

16. The appeal site is not located close to existing services and facilities, and access to them would almost certainly have to be taken by car. The appellant points to the limited service and facility provision at The Tittesworth Estate and Thorncliffe village, but there is no footpath along Thorncliffe Lane and walking down it is an uninviting prospect for the pedestrian. For the same reason I am not persuaded that the bus stop on the A53 and the infrequent bus service that I have been made aware of would be a convenient or well-used mode of transport for the occupiers of the proposed dwellings. Whilst Leek would be reasonably accessible by cycle, this would not be a viable mode of transport for many day to day activities, due to the distance and the topography of the surrounding area.
17. The appellant has provided draft heads of terms which sets out a number of measures that are intended to mitigate against the location of the proposed development. It is intended that two electric vehicles would be provided for residents of the proposed development together with charging points and that dedicated workspace would be provided for residents both within three of the proposed dwellings and within the community building. Produce would also be grown on site and stored for sharing between residents and there would be a requirement to adhere to the travel plan that has been provided.
18. The draft heads of terms in the form submitted do not represent a binding agreement to provide these facilities but, in any event, it is not suggested that the proposed development would be fully self-sufficient. There would inevitably need to be movement between the appeal site and services and facilities such as shops, leisure and medical facilities. Whilst the use of electric cars would be encouraged, there would be no restriction on the alternative use of motor vehicles by residents or those visiting the appeal site. Both local and national planning policies seek to direct new development to locations which have good access to services and facilities, including by a range of transport options.
19. Whilst there are existing services and facilities at The Tittesworth Estate and in Thorncliffe village, due to the small scale of the proposal there is no substantive evidence to demonstrate that the proposed development would enhance or maintain the vitality of these settlements. In particular, it is likely that many services and facilities would be obtained in the urban area of Leek. Therefore, I am not persuaded that a benefit to the vitality of these settlements would arise as a result of the proposed development.
20. The appellant also draws attention to Policy SS4 of the LP and its reference to windfall sites. Whilst windfall sites make a contribution to the delivery of new housing, the requirements of other development plan policies are still applicable. Therefore, the fact that the proposed development would represent windfall housing delivery does not justify a harmful development.
21. I therefore conclude that whilst the principle of redeveloping previously developed land is supported by Policy H1 of the LP, there would be conflict with Policies SS1, SS2, SS10, DC1 and T1 where they seek to ensure that new development is located where it would have good access to services and facilities and to all forms of transport.

Other Considerations

22. The appellant has drawn my attention to a number of other appeal decisions which include the provision of self-build housing. However, whilst I do not have

the full circumstances of each case before me, it is clear that in each of those cases, it was necessary to have regard to a number of considerations in the planning balance. These considerations relate to each individual proposal in its own context and against the relevant policy background, with none of the cases being within the Staffordshire Moorlands administrative area. Therefore, whilst I have had regard to these other appeal decisions, I have determined the appeal proposal primarily on its own merits.

23. The appellant refers to redevelopment that has recently been permitted on former camp 4. However, it would appear the site in question is currently more heavily developed than the appeal site and that there was policy support for its redevelopment in the previous Core Strategy. I have not been made aware of the circumstances relating to the redevelopment of former camps 1 and 2, but these appear to have been permitted some time ago. Reference is also made to inconsistent decision making on the Council's part, with reference to a site at Highfield House, Leek. Whilst there may be some similarities between the cases, there also appear to be differences such as the proximity to Leek. In any event, I am not bound by the previous decisions of the Council in my assessment of this appeal.
24. In July 2019 the Council declared a 'Climate Emergency' with the aim of considering climate change and the environment when making and reviewing Council policies and strategies. The current proposal would make a small contribution to these provisions, limited by its modest scale.
25. The proposal would deliver a net gain in biodiversity, however this is a requirement of the Framework and therefore sits as a neutral consideration in the planning balance.
26. The site is not publicly accessible by right and the buildings are not located close to the Thorncliffe Lane frontage. Therefore, the removal of any hazardous material that is present on the site would not be a benefit of the scheme, and in any event this could be addressed by means other than permitting the proposed development.
27. There would be benefits arising from the proposed development which include delivering a mix of housing, providing community facilities and promoting and delivering renewable forms of energy in accordance with Policy SD3 of the LP, promoting the use of electric vehicles in accordance with Policy T2 and utilising sustainable drainage. My attention is also drawn to the fact that the proposal would meet PassivHaus standards, Building for Life standards, Lifetime Home Standards, national space standards and optional Building Regulation standards and that it is intended to use locally sourced materials in the construction. I note that representations in support of the proposal have been made, including from Councillors and from the Parish Council.
28. Furthermore, the proposal would create jobs during construction and would result in the payment of Council Tax and the New Homes Bonus. The appellant also points to the promotion of healthy lifestyles and community living, to employment opportunities arising on the site, that the proposal would represent a creative investment that would inspire confidence in the area and that it would aid the recovery from the Covid Pandemic. It is intended that access to the site would be made available to the local community, including to the local school. Collectively, these considerations offer moderate weight in support for the proposal.

29. Whilst the appellant considers that the existing buildings have no prospect of another viable use, no substantive evidence has been provided to demonstrate that this is the case.

Self-build housing

30. It is common ground between the parties that as of 19th February 2020 there were a total of 35 entries in the Staffordshire Moorlands Self-Build Register, not including the 7 plots sought by this appeal. The parties also agree that as of 19th August 2019, the Council had delivered no serviced self-build or custom-build housing plots, nor had it granted any planning permissions for self-build or custom-build housing plots since the Self-build and Custom Housebuilding Act 2015 (as amended) came into force. The Council has subsequently detailed a number of small plots that have planning permission, and which could come forward as self-build or custom-build housing, but I have no substantive evidence to conclusively demonstrate that these would ultimately come forward as such.
31. I have not been made aware of any material change to the August 2019 and the February 2020 positions, although the Council points to Policy H1 of the LP which sets out that they will seek to negotiate the provision of self-build plots on a case by case basis on sites of more than 10 dwellings or 0.5 hectares in size. However, the LP has only recently been adopted, and there is no information before me to suggest that it has delivered self-build housing already. The appellant states that the appeal development is deliverable as the land was due to come into their ownership in October 2020.
32. The Housing and Planning Act 2016 added a duty to grant planning permission subject to exemptions at S2A. This provides that authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom-build housebuilding in the authority's area arising in each base period. That the Council has apparently failed to do this means that if the proposal were to deliver self-build housing this must weigh in its favour and, in such an instance, this would carry substantial weight in light of the national thrust for the delivery of self-build and custom-build housing.
33. That said, I do not have a completed planning obligation before me which would secure the proposed development as self-build housing, as opposed to being sold off as market housing. In such a scenario, the weight which could be attached to this benefit would be reduced.

Housing delivery

34. The appellant considers that paragraph 11d) of The Framework should be triggered by virtue of the Council's Housing Delivery Test (HDT) score being 68%. However, this refers to the 2018 HDT, and not that of the 2019 HDT, which, at 79%, is above the threshold where paragraph 11d) would be engaged.
35. The appellant also questions whether the Council can deliver the sites which make up its current 5.23 year housing land supply. However, whilst the appellant has made reference to alternative sites they have considered, I am not persuaded on the basis of the information that has been provided that these are not deliverable for housing per se.

36. Furthermore, the LP has been through a recent examination prior to its adoption and the sites which constitute the 5 year housing land supply would have undergone a recent and robust assessment as part of the process. There is nothing before me to demonstrate that the Council's housing land supply has fallen below 5 years.
37. Therefore, paragraph 11d) of The Framework is not engaged and the proposal cannot therefore benefit from the presumption in favour of sustainable development that is set out in The Framework.

Planning Balance and Conclusion

38. The proposal would not accord with the relevant development plan policies which seek to protect character and appearance, non-designated heritage assets and to ensure that new development is located where it would have good access to existing services and facilities and to all forms of transport. There would also be a conflict with the policies of The Framework where they seek to serve the same objectives.
39. The provision of self-build dwellings, if so secured, would be a benefit carrying substantial weight, but would not outweigh the conflict with the development plan that I have identified. The other considerations presented by the appellant, whilst collectively representing benefits that would arise from the scheme, carry moderate weight and also do not outweigh the conflict with the development plan. Furthermore, for the reasons I have outlined, the proposal does not benefit from the presumption in favour of sustainable development set out by The Framework.
40. Therefore, there are no material considerations which indicate that the determination of this appeal should be made otherwise than in accordance with the development plan, and I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR