

Appendix A

Appeal by Mr and Mrs K Needham

Outline for residential development on land at 1 Bridle Road,
Woodthorpe, Staveley, Chesterfield.

CHE/18/00230/OUT

2/5302

1. Planning permission was refused on 10th July 2018 for outline permission for residential development of land at 1 Bridle Road, Woodthorpe for the following reasons:
 - a. A residential development of the land is contrary to policy on the basis of the greenfield open countryside allocation of the site and the Councils ability to demonstrate an available 5 year supply of housing sites to meet the identified need. As such, this application is considered to be contrary to policy EVR2 of the 2006 Chesterfield Borough Local Plan and Local Plan policies CS1, CS2 and CS10 of the 2011 - 2031 Chesterfield Core Strategy and the NPPF and the NPPG.
 - b. No reptile survey has been submitted with the application and therefore it is not possible to determine the ecological value of the site and the impacts that the development will have on any features of ecological interest. It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established, and the application as submitted is not accompanied by sufficient information to do so. As such, this application is considered to be contrary to policies 2011 - 2031 Chesterfield Core Strategy CS9 and CS18, the NPPF and the NPPG.
2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues are whether the appeal site represents an appropriate location for housing having regard to national and local policies which seek to protect the character and appearance of the countryside and whether any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal and the effect on the ecological value of the site.

Location of Development

4. The appeal site comprises an open field located on the corner of Bridle Road and Woodthorpe Road and is within the countryside. Land to the front of the site houses a large sheet metal building and hardstanding used as part of a haulage company which was granted planning permission for residential development earlier in 2018. The appellants say the appeal site has been the subject of 2 previous planning applications for residential development which they suggest indicates support for the scheme. Irrespective of the outcome of the previous applications, I note that they were some time ago. There is also a need to consider the proposal in the context of current prevailing policy.
5. Saved Policy EVR2 of the Replacement Chesterfield Borough Local Plan 2006 says, amongst other things, that in open countryside planning permission will only be granted where an identified criteria is met. None of the criterion listed apply to the appeal site. Policy CS1 and CS2 of the 2011-2031 Chesterfield Local Plan: Core Strategy (Core Strategy) set out a spatial strategy for the area which alongside other considerations directs housing growth to areas within walking and cycling distance of centres and regeneration priority areas. Policy CS10 of the Core Strategy says planning permission for housing led greenfield development on unallocated sites is only permitted if all allocated sites have been exhausted or if annual monitoring shows less than a 5 year supply of deliverable housing sites.
6. The Council is able to demonstrate a 5 year housing land supply and whilst the appellants say some Local Plan sites have not come forward, no substantive evidence has been supplied to support this. This includes reference to specific sites and details of the extent of the alleged shortfall. Consequently, irrespective of the dispute between the parties regarding the suitability of the site for housing in terms of access to services and facilities, it has not been demonstrated that there is a need for the housing and as such there is conflict with the policy in this regard. Whilst the development would make a positive contribution to the housing land supply in the area, it has not been demonstrated that there is a need for the housing in this location.

7. The appellants say the site has been identified as a suitable location for housing development in the Council's emerging Local Plan. Although the site was included in the draft Local Plan published for consultation in January 2017 and in the Sites and Boundaries DPD consultation in January 2013, the referenced documents were at an early stage in the plan making process. As such the site allocation has not been tested at examination and does not form part of adopted policy. The inspector therefore gives this consideration little weight.

Ecology

8. The appellants have made reference to a wildlife/ bat survey submitted with the previous planning application ref CHE/17/00634/OUT. The appellants indicate that it demonstrates absence of ecological harm to the site from development. However, the Council say that the report generated an objection from Derbyshire Wildlife Trust who indicated further assessment was required. Based on the evidence before the inspector he saw no reason to disagree with the point raised by the authority.
9. In the absence of further assessment the inspector cannot be satisfied that the development would not have a harmful ecological impact. The development would therefore conflict with Policy CS9 of the Core Strategy which alongside other considerations seeks to protect and enhance the Green Infrastructure network of the area. It would also conflict with the part of Policy CS18 of the Core Strategy which seeks to preserve or enhance biodiversity assets.

Other Matters

10. The appellants said that the proposal would enhance the character and appearance of the area by removing the old unsightly remains of the haulage company. However, there is little to suggest that this cannot be done independently of the proposal before me.