The Planning Inspectorate

Appeal Decision

Inquiry held on 24-27 November and 1-2 December 2015
Site visit made on 1 December 2015

by Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM

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

Decision date: 18/01/2016

Appeal Ref: APP/B3438/W/15/3005261
Land off Milltown Way, Leek, Staffordshire, ST13 5SZ

- 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 Gladman Developments Limited against the decision of Staffordshire Moorlands District Council.
- The application ref. SMD/2014/0618, dated 30 September 2014, was refused by notice dated 19 December 2014.
- The development proposed is for up to 90 dwellings, with associated public open space, ecological management area and landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates that all matters of detail are reserved for future determination except access. It was confirmed at the inquiry that, although not listed on the Council's decision notice, the access arrangements set out in drawing no. 1332/01 form part of the appeal proposal. Bearing in mind that the scheme's internal layout could in principle be addressed at the reserved matters stage, I have no reason to take a different view. The appellant also confirmed that, in the event of the appeal being allowed, the reserved matters details would generally accord with the illustrative scheme set out in the development framework plan (drawing no. 5122-L-01-O). My decision takes these matters into account.

3. In addition to the accompanied site visit, I made unaccompanied visits to the site's surroundings and other locations in the wider vicinity.

Main Issues

4. The Council confirms that it no longer wishes to pursue its 2nd refusal reason, relating to highway safety. The appellant has submitted a unilateral undertaking in respect of the Council's 3rd refusal reason (relating to affordable housing provision and other infrastructure requirements): I return to this later in my decision. At the inquiry, the Council stated that it was not pursuing the arguments set out in the proof of evidence of one of its witnesses[1] that alleged

[1] Miss Simpkin's proof of evidence paras 5.28 and 6.6.

conflict with a number of policies that had not been cited in its decision notice. Relevant references from this proof of evidence were deleted[2].

5. Taking into account the Council's housing land supply position and the status of various development plan policies – matters that I address in more detail below – the main issues in this appeal are the scheme's effects on:

   (a) the setting of the Leek Conservation Area;

   (b) the setting of Pickwood Hall, a grade II listed building; and

   (c) landscape and visual impact.

Reasons

Housing Land Supply

6. It is common ground that the Council cannot demonstrate a five year supply of land for housing, as is required by the National Planning Policy Framework (the Framework). It follows from paragraph 49 of the Framework that relevant policies for the supply of housing cannot be considered to be up-to-date.

7. Notwithstanding the agreed position in the Statement of Common Ground[3] that the Council can demonstrate a 1.84 year deliverable supply of housing against its five year target, the appellant considers that the actual position may be worse than this figure suggests. The Council's calculations do not apply the agreed 20% buffer to the shortfall: if this were to be done, as in the case in other recent appeal decisions[4], the appellant argues that the supply figure would fall to some 1.7 years[5]. I agree with this assessment.

8. The appellant goes further and suggests that the particular circumstances of the Staffordshire Moorlands Local Development Framework Core Strategy (CS) mean that the housing requirement that the Council has adopted in calculating the five year supply figure is itself an underestimate. Although the CS was adopted relatively recently (March 2014), the Inspector examining the Plan made clear that an early review was necessary including a review of the Strategic Housing Market Assessment (SHMA)[6]. While the intended Site Allocations DPD, which according to the CS Inspector the Council anticipated adopting by 2015[7], has not been published, the SHMA has been updated. The most recent version (July 2015) points to a range of between 220 and 460 dwellings per annum (dpa) for the District's objectively assessed housing needs (OAN). The SHMA adds, in summary, that to pursue a figure significantly lower than the top end of that range would require particular justification[8]. The agreed housing land supply figure in the present appeal is based upon a housing requirement of 300 dpa.

9. While I note the appellant's view, stated at the inquiry, that this argument reflects the 'direction of travel' it seems to me that it would be premature to attach significant weight to the updated SHMA figure. National guidance in the PPG states that 'Housing requirement figures in up-to-date adopted Local Plans

[2] ID27. For clarity, this decision gives core documents (submitted prior to the inquiry) the reference CD and inquiry documents (tabled at the inquiry and listed at the end of this decision) the reference ID.
[3] Statement of Common Ground para 5.5.3.
[4] See for example CD11.14.
[5] Mr Lane's proof of evidence paras 4.3.8 and 4.3.11.
[6] CD7.3 paras 38-39.
[7] CD7.3 para 31.
[8] CD10.6 paras 5.35 to 5.39.

should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light[9].' In the present case, the SHMA figures are expressed as a range. Notwithstanding the caveat noted above, the SHMA does not therefore prescribe a particular OAN figure. It is noted that the 300 dpa figure used in the Council's land supply assessment falls within the range contained in the SHMA. On the evidence before me, this appears a realistic figure upon which to base the five year housing land calculation in the present appeal.

10. Nevertheless, and in any event, I share the appellant's view that the housing land supply shortfall is very significant. I return to this matter when considering the planning balance below.

Development Plan

11. The CS replaced the previous Local Plan, the Staffordshire Moorlands Local Plan (adopted in 1998) (LP), with the exception of the settlement boundaries set out on the Policies Map. It is common ground that the appeal site lies outside the settlement boundary for Leek. As such, the appeal scheme conflicts with CS policies R2 and SS6c, both of which seek to restrict development in the rural areas outside defined boundaries[10]. However, it is also common ground that the settlement boundary for Leek is out-of-date as it has not been reviewed in order to accommodate the level of housing development required by the CS. CS policy SS5a supports (among other matters) the allocation of sites on land adjacent to the urban area which relate well to the urban area, can be assimilated into the landscape and which would help to secure infrastructure improvements. The out-of-date nature of Leek's settlement boundary reduces the weight that can be afforded to the scheme's conflict with CS policies R2 and SS6c.

12. Given the above-noted housing land supply position, relevant policies for the supply of housing are also out-of-date. In addition to the LP settlement boundaries, the Council accepted at the inquiry that such policies included those sections of CS policies SS5a and H1 that relate to the supply of housing[11]. I have no reason to take a different view.

13. Although the CS was adopted after the publication of the Framework, the appellant contends that CS policy DC2 (notably its 1st numbered paragraph), which relates to the historic environment and landscape, is inconsistent with the Framework. I share this view. Specifically, the policy does not admit the weighing of public benefits against harm that is set out in paragraphs 132 to 135 of the Framework. Furthermore, it does not distinguish between the approaches to be taken towards heritage assets of differing importance. I note the Council's argument, with reference for example to Chase Milton Energy Limited v SSCLG and Richard Pugh v SSCLG[12], that a reasonable interpretation of the policy can properly involve reading into it an implicit qualification such as 'unacceptable'. However, it seems to me, with reference to Tesco Stores Ltd v Dundee City Council[13], that if an explicit weighing of public benefits along the

[9] PPG ref. ID 3-030-20140306.
[10] Inspector's note: These polices were not cited in the Council's decision notice.
[11] Miss Simpkin in response to Inspector's questions.
[12] [2014] EWHC 1213 (Admin) (ID36) and [2015] EWHC 3 (Admin) (ID37) respectively.
[13] [2012] UKSC 13 (CD12.9).

lines required by the Framework had been intended then language to that effect would have been used in the policy. Furthermore, and in any event, the policy fails to accord with the clear distinction that the Framework makes between designated and non-designated heritage assets.

14. The appellant's planning witness has 'reservations' about the consistency of CS policy DC3 with the Framework[14]. This argument seems to me less clear-cut. In contrast to policy DC2, policy DC3 does seek to differentiate between the designated area of the Peak District National Park and other landscapes. In respect of landscape, the Framework does not set out such an explicit balancing exercise as that contained in paragraphs 132 to 135 in respect of heritage assets. For example, paragraph 17 (5th bullet point) of the Framework requires (among other matters) planning to recognise the intrinsic character and beauty of the countryside. On balance, I am satisfied that policy DC3 is consistent with the Framework.

15. The appellant does not dispute that other policies cited in the Council's decision notice, notably CS policies SS1, SS1a, H2, C1 and C2 are consistent with the Framework. I have no reason to take a different view.

16. It is the Council's intention to combine the above-noted Site Allocations DPD with an updated Core Strategy. Consultation on a Site Options Consultation Booklet[15] took place during 2015. Part of the appeal site is identified in that document (ref. LE057) as being potentially suitable for development[16]. Site LE057 also appears in the 2015 Strategic Housing Land Availability Assessment (SHLAA), which assesses it as being developable in the medium/longer term (classification B)[17]. Nevertheless, both documents make it clear that the inclusion of any particular site on their respective lists does not imply the Council's support for its allocation or in respect of any future planning application. I afford them limited weight accordingly.

Setting of Leek Conservation Area

17. The appeal site comprises several fields of pasture land, bounded by hedges, and includes some wooded areas towards its north-western boundary. The site occupies a generally raised position, its northern and north-western sections sloping steeply down to a valley containing a small stream. To the south of the site the land also slopes down into a valley: additional fields in that valley (lying outside the site) are proposed by the appellant as an ecological management area. Nevertheless, as a result of the landform and the presence of housing on Milltown Way – which adjoins part of the site's eastern boundary – the site has a generally north and north-west facing aspect.

18. To the north of the intended site access point at Milltown Way, the site's eastern boundary adjoins Pickwood Recreation Ground. The site boundary wraps round the south-western and north-western flanks of the recreation ground, and then runs alongside a path that links the recreation ground to Leek town centre. Since the Council's refusal of planning permission for the appeal scheme, work has been undertaken to add the recreation ground to the Council's Local Heritage Register. The Council confirmed at the inquiry that

[14] Mr Lane's proof of evidence, paragraphs 6.2.36 to 6.2.38.
[15] CD9.1 (July 2015).
[16] At the inquiry, the Council accepted that the inclusion of this site within the list of sites 'within the Development Boundary' was an error.
[17] CD10.4 and ID22.

allegations of harm to the recreation ground, or indeed to any other non-designated heritage asset, do not form part of its case in the present appeal. However, it raises particular concern about the appeal scheme's effect on views of the Leek Conservation Area from the recreation ground.

19. The Leek Conservation Area was designated in 1970 and has been subject to a number of subsequent boundary revisions. Its special interest is described in a draft Conservation Area Appraisal (CAA)[18], and derives in summary from the town's mediaeval street pattern, market place and a wide range of historic buildings dating from the 16th century onwards. These include a number of churches, the Nicholson Institute and several former mill buildings – the latter reflecting the town's industrial heritage including a prosperous silk industry.

20. It is common ground that public views towards the appeal site from within the Conservation Area are limited. I share that assessment. However, the main parties differ on the significance of views towards the Conservation Area. The appeal scheme is supported by a Heritage Assessment (HA)[19] which concludes that the proposal would have a 'neutral to minor negative' impact on the Conservation Area's setting. It considers the Conservation Area 'to be inward looking meaning that the setting to *[sic]* which it is primarily experienced is from within the town rather than in the surrounding landscape'[20]. As such, the HA considers the appeal site to play a minimal role in creating or adding to the significance of the Conservation Area. It notes that the intended retention of woodland associated with the valley situated between the site and the Conservation Area boundary may assist in mitigating any negative impact. These views are broadly endorsed by the appellant's heritage witness[21].

21. To my mind, this assessment undervalues the significance of views towards the Conservation Area. As is stated in the Framework's glossary, the setting of a heritage asset is the surroundings in which a heritage asset can be experienced. Historic England guidance on the Setting of Heritage Assets[22] explains that the setting of a heritage asset may reflect the character of the wider townscape or landscape in which it is situated. In the present case, views towards the Conservation Area are clearly material when considering its setting.

22. The Council's heritage witness refers to views towards the Conservation Area from both within the appeal site and from within the recreation ground. As the site itself does not benefit from formal public access, I attach less weight to the first of these concerns. However, given that the appeal site lies between the recreation ground and the Conservation Area – effectively forming the foreground of views towards the town centre from the recreation ground – there is in practice little difference between views of the Conservation Area from the parts of the site that closely adjoin the recreation ground and views from within the recreation ground itself. A path runs alongside (and within) the south-western and north-western boundaries of the recreation ground. This joins the above-noted footpath which links the recreation ground (and housing to the south-east) with the town centre and which establishes a strong

[18] CD10.11.
[19] CD1.15.
[20] CD1.15 para 4.4.
[21] Notably at Mr Beardmore's proof of evidence paras 6.29 to 6.30.
[22] ID6.

functional link between the recreation ground and the town centre[23]. These footpaths, and the recreation ground itself, appear to be well used.

23. Views towards the Conservation Area are available from much of the recreation ground, and in particular from the perimeter path noted above. Although there are a number of intervening trees – including some on the recreation ground's boundary – the skyline of the Conservation Area is easily seen. This includes landmark buildings such as Holy Trinity Church, St Edward the Confessor's Church, the Nicholson Institute and various mill buildings[24]. An important feature of these views is that the Conservation Area is effectively framed by the presence of open agricultural land in the foreground (the appeal site) and longer distance views of hills and the wider rural landscape in the background. Given the relative proximity of the recreation ground to the town centre, the resulting juxtaposition of the Conservation Area and its landscape setting seems to me to make an important contribution to the Conservation Area's significance. The historic market town is clearly placed within its rural setting.

24. The appellant argues, in summary, that the Council has placed too great a significance on such views. It is noted that the CAA makes no specific reference to views from the recreation ground, while other major views are mentioned in the document. Other views of similar character towards the Conservation Area can be achieved, such as from Brough Park, it is alleged[25]. It is also suggested that if the appeal site and/or recreation ground were of such importance then they should have been included within the Conservation Area itself during one of the previous boundary reviews.

25. I have some sympathy with the appellant's criticism of the CAA. Given the nature of the Council's case in this appeal, the lack of reference to views towards the Conservation Area from the recreation ground seems surprising. However, it is not the purpose of this decision to examine the CAA, which is only in draft form. Furthermore, the CAA does refer in more general terms to the importance of considering the Conservation Area in the context of its wider landscape setting. In any event, the present appeal must be determined on the basis of the particular evidence that is before me, including my own observations.

26. In the latter context, I do not share the appellant's assessment that views of a similar character can be achieved from other locations. When seen from Brough Park, the Conservation Area is not framed in the same way as described above: agricultural land does not occupy the foreground, for example. While the position of the Conservation Area within its wider landscape setting is very apparent from higher land outside the town (for example when approaching along the A53 from either direction), such views are more distant and also include significant areas of more recent development that has taken place to the east and west of the town centre. Part of the importance of views towards the Conservation Area from the recreation ground derives from the presence of open agricultural land in close proximity to the historic town centre.

[23] The recreation ground was gifted to the town of Leek in 1887 by the owner of Pickwood Hall (William Challinor) – see CD14.2.
[24] See for example figure 5 of Appendix D to Mr Steele's proof of evidence and plates 18 and 38 to 42 appended to Mr Bevan's proof of evidence.
[25] Mr Beardmore in response to Inspector's questions.

27. I also disagree with the appellant's suggestion that had the appeal site have been regarded to be of importance to the Conservation Area's setting it would be 'inconceivable' that it would not have been added to the Conservation Area[26]. While there is no explicit statutory duty in respect of the setting of Conservation Areas, the Framework is clear that the setting of a heritage asset can contribute to its significance. No guidance has been cited that requires the inclusion of such a setting within the designation itself. Indeed, it seems to me implicit in the very concept of a setting that consideration can be given to land that falls outside any such designation.

28. It is common ground that the dwellings now proposed would be visible from the recreation ground. Given that the appeal site lies between the recreation ground and the town centre, it is likely that the above-noted views would in places be blocked or curtailed. This would be particularly experienced along much of the above-noted perimeter footpath as a result of its proximity to the appeal site. It is accepted that there could be some scope to create view corridors through the development – indeed, a corridor between the recreation ground and All Saints Church is suggested in the illustrative development framework. However, such views would be necessarily restricted and, moreover, would only be available from limited parts of the recreation ground. As a result, the strong visual connection between the recreation ground and the town centre would be either severed or, at best, greatly diminished.

29. In addition, the open rural foreground in the above-noted views would be lost. While there might be some potential to create new public views from the north-western fringe of the illustrative development area – where a new footpath is indicated – these would be restricted by the trees lower down in the valley, which are proposed to be retained for ecological reasons. Such views would also be less extensive, being seen from a position somewhat lower down the slope. Furthermore, this area would be unlikely to have the degree of public usage that is presently experienced by the recreation ground.

30. Taking these matters together, I conclude that the appeal scheme would have a significant adverse effect on the setting of the Leek Conservation Area and that this would materially harm the Conservation Area's significance. I agree with both main parties that the resulting effect would amount to less than substantial harm in the terms of the Framework. However, a finding of less than substantial harm should not be equated with a less than substantial planning objection. The proposal would conflict with CS policy DC2, although the weight that can be afforded to that policy conflict is reduced for the reasons set out above.

Setting of Pickwood Hall

31. Pickwood Hall is a grade II listed building. The house dates from c1840, embodying elements of an earlier building, with extensions and interior modelling of the 1890s[27]. The main aspect of the house is to the south, facing the valley that also runs to the south of the appeal site. However, a projecting wing on the north side of the building (containing the North Room) has glazed doors with a northerly aspect. Present day access to the hall is from the north-east, along a drive passing through the appeal site and joining Milltown Way at the intended site access point.

[26] Appellant's closing submissions, para 66 (ID43).
[27] From listing description – appendix to Mr Bevan's proof of evidence.

32. At the inquiry, there was considerable debate about the nature and status of the land around Pickwood Hall. The appellant queries whether the setting of the Hall comprises 'historic parkland'[28]. However, it is clear from the text of the Staffordshire Historic Environment Record (HER)[29] that land to the north, south and west of the house has been identified as a landscape park. This seems to me to be consistent with features that I observed on the ground, including areas of planted trees (including a shelter belt and clump of trees to the north of the house) and other designed features (such as a lake in the valley to the south). While the park's notation on the HER map – 'Monuments, Buildings and Structures (Polygons)' – is general in nature, its status is made clear by the supporting text. Historic England guidance on The Setting of Heritage Assets explains that the HER is an important source of information to support assessments of the contribution of settings to the significance of heritage assets[30]. I attach weight to the HER accordingly.

33. Notwithstanding this, it is also clear that the appeal site does not form part of the park that is identified in the HER. Although the site was in the same ownership as Pickwood House for a period during the late 19th century, at which time the recreation ground was gifted to the town of Leek as already noted, the evidence before me suggests that it was not part of that ownership during the period when the park was being created – which the HER suggests was around 1840. For example, a map of 1862 shows fields within what is now the appeal site as being owned by a Mrs Grosvenor[31]. Furthermore, the appeal site contains little if any evidence of consciously designed features: the presence of three mature trees to the south of the present access drive could represent part of a planted line of trees alongside an original driveway but could equally represent a remnant hedgerow. While there is historic evidence that children walked across the appeal site from Leek to a Sunday School that was hosted at Pickwood Hall, the path that was used is no longer visible on the ground. These factors do not therefore lead me to take a different view on the definition of the parkland to that contained in the HER.

34. Bearing the above in mind, I note the appellant's concern that the Council's stated refusal reason, which cites 'significant harm to … the historic parkland character setting of the Grade II Listed Building, Pickwood Hall' effectively implies that the harm that is being alleged is to the setting of a setting. Clearly, the setting of a heritage asset is not itself a heritage asset. However, and notwithstanding the comments of the appellant's landscape witness[32], it is common ground that the appeal site (and indeed some of the housing on Milltown Way beyond the appeal site) lies within the setting of Pickwood Hall. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. It is therefore necessary to consider the effect of the appeal proposal on the setting of the listed building itself.

35. The appellant's heritage witness states that there is very limited intervisibility between the appeal site and the heritage asset (the listed building)[33]. I do not

[28] Mr Beardmore's proof of evidence para 7.04.
[29] Map attached as Mr Bevan's proof of evidence as figure 13; text at ID13.
[30] ID6 para 20.
[31] CD1.15 figure 4.
[32] Mr Rech's proof of evidence para 6.5.
[33] Mr Beardmore's proof of evidence para 6.32.

agree. I saw on my visit that the hall is visible from many points within the appeal site, most notably from the site's southernmost field which has limited screening on its western boundary, while the appeal site (and the existing housing beyond) is easily seen from the vicinity of the hall's northern wing. In such views, the site provides an open rural area that establishes a clear separation between the historic park and the housing development to the east.

36. The development now proposed would bring the urban edge much closer to the edge of the park, thereby markedly reducing the historic degree of visual separation that has existed between Pickwood Hall and the urban area of Leek. Given that such a reduction would be permanent and non-reversible, and bearing in mind the degree of intervisibility between the appeal site and the listed building that is described above, I feel that the scheme would result in more than the 'minor negative' impact on the hall's setting and significance that is stated by the appellant's heritage witness[34].

37. The main parties agree that the resulting harm would be 'less than substantial' in the terms of the Framework. I have no reason to take a different view. However, while I do not accept the appellant's assessment of harm (as set out above), I consider that the assessment of the Council's heritage witness that 'major or highly significant' harm would be caused to the heritage significance of Pickwood Hall[35] overstates the scheme's likely effect in this context. As already noted, the main aspect of the hall is to the south: in such views, the appeal development would not be seen. Views to the north and east are only available from a limited part of the building. Furthermore, in such views the urban edge of Leek – most notably the housing on Milltown Way – is already visible. That development includes no appreciable landscaping to soften the transition between town and countryside: brick boundary walls provide a hard urban edge[36]. In contrast, the appeal scheme (as suggested in the illustrative layout) offers the potential to create landscaped areas, or to augment existing planting, in the vicinity of the park boundary. In time, this would offer some mitigation potential, albeit at the cost of reducing the open character of the rural landscape that is referred to above.

38. For these reasons, it seems to me that a 'moderate' amount of harm would result to the significance of Pickwood Hall, rather than the 'major or highly significant' level stated by the Council's heritage witness or the 'minor negative' level put forward by the witness for the appellant. As already noted, this would be less than substantial in the terms of the Framework. Nevertheless, it would amount to harm to the setting of a listed building and designated heritage asset. As such, the proposal would conflict with CS policy DC2 although, as already discussed, the weight that can be afforded to that policy conflict is reduced.

Landscape and Visual Impact

39. It is common ground that the appeal site lies within an area that is identified as 'important landscape setting to settlement' in the Council's Landscape and Settlement Character Assessment (LSCA)[37], prepared by Wardell Armstrong. Such an assessment of value does not seem to me to be materially affected by

[34] Mr Beardmore's proof of evidence para 6.32.
[35] Mr Bevan's proof of evidence para 6.6.
[36] See for example figure 8 (photo viewpoint 6) of the appellant's LVIA (CD1.5).
[37] CD10.15.

the LSCA's error in respect of the 'significant public footpaths' that it shows crossing the appeal site. It is common ground that those footpaths do not exist on the ground. However, some other areas of important landscape setting identified in the LSCA also appear to lack 'significant public footpaths': such absence does not appear to have affected the areas' inclusion. It is accepted that a significant number of such areas are identified in the LSCA: however, the fact that the appeal site is not the only land around Leek that is so designated does not lessen its importance. Clearly, the value of each area depends upon its particular character and merits.

40. While the appellant contends that 'virtually all potential sites [for new development] have significant environmental constraints associated with them[38]', it is noted from the evidence produced[39] that not all of the possible sites that are the subject of the Council's current consultation exercise fall within areas that the LSCA identifies as being 'important landscape setting to settlement'. In any event, a comparative assessment of potential development sites in and around Leek is outside the scope of the present decision.

41. The landscape witnesses for the Council and the appellant have both considered the appeal scheme using the most recent Guidelines for Landscape and Visual Impact Assessment (GLVIA3). They reach different conclusions. In respect of landscape effects, the appellant's case is that these would be 'moderate adverse' at the regional/local and site levels at construction and at year 1, reducing to 'minor adverse' at year 15[40], while the Council's case is that such effects would be 'very major/major significant and adverse'[41].

42. In respect of visual impact, the appellant's view is that this would be at worst 'major adverse' at construction and year 1, reducing to 'moderate adverse' at year 15. This conclusion relates to residents of Wood Street and Milltown Way (viewpoints 1 and 4): other viewpoints are considered to experience less significant or no effects[42]. While the Council broadly agrees with the appellant about the selection of viewpoints from which a visual effect would be experienced, it considers such effects would result in a markedly greater amount of harm: conclusions of 'very major, significant and adverse' visual effects are drawn in respect of viewpoints 1, 2, 4 and 6 and 'very major/major, significant and adverse' effects in respect of viewpoint 3[43].

43. In respect of landscape effects, I agree with the Council that the appellant's landscape assessment undervalues the role of the appeal site within the landscape setting of Leek, most particularly in respect of the importance of views across the appeal site towards the town centre and the rural landscape beyond. Such views, which are discussed above, are not explicitly referenced in Appendix A of the appellant's LVIA. Indeed the urban edge is considered to be a detractor in respect of the site's landscape character. While the site does not lie on a major approach road to the town, and has limited (if any) visibility from such routes, the recreation ground is clearly an important viewpoint for the reasons already discussed. The appellant's LVIA attaches a landscape value of 'medium to high' to the appeal site. However, as was explored at the

[38] Appellant's closing submissions para 41 (ID43).
[39] See for example figure 6 of appendix 2 to Mr Rech's proof of evidence.
[40] CD1.5 appendix A.
[41] Appendix B to Mr Steele's proof of evidence paragraph B1.4.4.
[42] CD1.5 appendix B.
[43] Appendix C to Mr Steele's proof of evidence.

inquiry[44], the reasoning that supports this assessment is not fully explained in that document. Bearing in mind the importance of the site in the above-noted views, it seems to me that its landscape value is 'high'.

44. The appellant's LVIA accepts that the magnitude of change (at site level) at construction and year 0 would be 'high' but that this would reduce to 'medium' at year 15. Given that, once lost or restricted, views from the recreation ground across the site could not be regained by any proposed mitigation measures, it seems to me that a 'high' scale of change would remain at year 15. Taken together, these factors suggest that, overall, the scheme would result in a change of 'major adverse' significance, in contrast to the conclusion in the appellant's LVIA.

45. Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by (among other matters) protecting and enhancing valued landscapes. It was clarified at the inquiry that the Council considers the appeal site to be a 'valued landscape' in these terms. However, with reference to the decision in Stroud DC v SSCLG and Gladman Developments[45] it seems to me that irrespective of the value that derives from the views across the site to the town and the rural landscape beyond (as already discussed), and irrespective of the popularity of the adjoining recreation ground with local people, the appeal site does not itself contain particular physical attributes that would 'take it out of the ordinary'. On balance, it does not therefore amount to a 'valued' landscape in the Framework's terms. However, this does not alter my assessment above.

46. Turning to visual effects, I agree with the appellant that the ability to introduce a landscape buffer along the site's eastern boundary[46] would have the potential to reduce an effect of 'major adverse' significance in respect of existing residents (notably on Milltown Way) at year 0 to one of 'moderate adverse' significance at year 15. However, the appellant's conclusions in respect of users of the recreation ground ('moderate adverse' at year 0 reducing to 'slight adverse' at year 15) seem to me to be understated. In part, this is because the viewpoint that has been selected (viewpoint 3[47]) lies at the opposite side of the recreation ground to the appeal site. In fact, as already noted, the path running around the recreation ground passes much closer to the appeal site boundary: for users of that path the proposed development would appear significantly closer than is suggested by the commentary in the appendix B table in the appellant's LVIA. The visual effects would therefore be both more obvious and more significant – effects that would be amplified by the effective enclosure of the recreation ground on three sides by built development, in marked contrast to its presently open aspect to the north and west.

47. It is accepted that there is potential for intervening landscaping to be introduced. However, while this would assist in blocking some of the views of new housing from the recreation ground, it would also curtail the wider views already described. To my mind, the above factors would combine to create a 'major adverse' visual impact at year 15 in respect of views from the recreation ground.

[44] Cross examination of Mr Rech.
[45] [2015] EWHC 488 (Admin) (CD12.4).
[46] Proof of evidence of Mr Rech para 6.18
[47] Figure 7 of document CD1.5.

48. Drawing these matters together, and subject to the introduction of landscaping as noted above, I consider that the proposal would be likely to result in landscape and visual effects of 'major adverse' significance as described above. I therefore conclude that the scheme would create harm in respect of both landscape and visual impact. This would conflict with CS policy DC3.

Other Matters

49. As already noted, the Council has withdrawn its refusal reason in respect of the scheme's highway effects. Local residents refer to parking problems on nearby streets, notably Milltown Way, and point to difficulties when accessing Ashbourne Road from Pickwood Avenue. However, in the light of the submitted Transport Assessment and Framework Travel Plan[48], and subject to the payment of a travel plan contribution (as required in the submitted unilateral undertaking) and the completion of agreed works at the junction of Springfield Road and Ashbourne Road (which could be secured by a Grampian-type condition were matters otherwise acceptable), Staffordshire County Council (SCC) raises no objection to the scheme. A Highways Statement of Common Ground between the appellant and SCC has been submitted to that effect. I have seen no technical evidence that would cause me to take a different view.

50. The appeal site lies within the Ladydale Site of Biological Importance (SBI), a non-statutory designation applying to an area of agriculturally poor or semi-improved grassland and broadleaved woodland[49]. An Ecological Appraisal has been submitted in support of the appeal proposal[50] and it is common ground that the area of built development suggested in the illustrative development framework would involve the loss of habitats of only low ecological value. Furthermore, it is proposed that woodland and more significant grassland areas within the appeal site, along with grassland to the south of the site that is controlled by the appellant (identified as an ecological management area in the submitted unilateral undertaking), would be managed for their biodiversity value. Taken together, I agree with the appellant that these measures would be likely to result in net biodiversity benefits.

Overall Conclusion and Planning Balance

51. As paragraph 132 of the Framework makes clear, when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. In respect of Pickwood Hall, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

52. Given that the harm identified in respect of both the setting of the Leek Conservation Area and Pickwood Hall would be 'less than substantial' in the terms of the Framework, it is necessary – in line with paragraph 134 of the Framework – that it should be weighed against the public benefits of the proposal. In that context, it is not disputed that public benefits would arise from the appeal scheme. Most importantly, the development would make a material contribution towards meeting the agreed housing land supply shortfall

[48] CD1.6 and CD1.7 respectively.
[49] See ID25 and ID26.
[50] CD1.8.

in the District. As noted above, this is very significant. Affordable housing would be provided in line with the CS, which would also contribute towards meeting an acknowledged shortfall. The appeal site is well located in respect of the town centre and relevant facilities: it is common ground that it occupies an accessible location. Expenditure on construction would aid the local economy, local businesses would be supported and the Council would benefit through the New Homes Bonus. New footpaths could be created within the site and, as already discussed, net biodiversity benefits would be likely to result.

53. For the avoidance of doubt, I apply the paragraph 134 balance to each designated heritage asset separately. As a result of the significance of the housing land supply shortfall that I have outlined above, and notwithstanding the duty of section 66(1) referred to above, such benefits seem to me to be great enough to outweigh the 'moderate' amount of harm would result to the significance of Pickwood Hall – particularly bearing in mind the potential to introduce new (or augment existing) planting as described above. However, the harm that would be caused to the setting of the Leek Conservation Area would be significantly adverse, leading to material harm to the Conservation Area's significance. Applying the balance in paragraph 134, I consider that such harm would be of a scale that would overcome the scheme's benefits.

54. Paragraph 14 of the Framework states (unless material considerations indicate otherwise) that where the development plan is absent, silent or out-of-date planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. As discussed above, the development plan is out of date in several respects, notably in terms of LP settlement boundaries, CS policies for the supply of housing and CS policy DC2. Nevertheless, it follows from my comments above that clear and convincing justification for the harm that would be caused to the setting of the Leek Conservation Area, and hence to the Conservation Area's significance, has not been provided. In that regard, the appeal scheme would conflict with the requirements of the Framework.

55. The main parties differ as to how the paragraph 14 planning balance should be applied in the present case. As already noted, the harm that would result to the setting and significance of the Conservation Area would represent a conflict with the Framework. The Council argues that, in such circumstances, footnote 9 to paragraph 14 is engaged and that it is not therefore necessary to show that the scheme's harm would 'significantly and demonstrably' outweigh its benefits. However, bearing in mind that the Framework states that a presumption in favour of sustainable development should be seen as a golden thread running through decision-making, it seems to me necessary to examine the proposal as a whole in respect of the three strands of sustainable development. These are set out in paragraph 7 of the Framework.

56. For the reasons already discussed, the appeal scheme would provide clear social and economic benefits. However, while it is likely that net biodiversity benefits would result from the proposal, my conclusions on the three main issues above weigh against the scheme within the environmental strand of sustainable development. In addition to the significantly adverse effect on the setting of the Leek Conservation Area, and resulting material harm to its significance, the appeal scheme would cause moderate harm to the significance

of Pickwood Hall, a grade II listed building, and would lead to landscape and visual effects of a 'major adverse' significance, thereby creating harm in respect of both landscape and visual impact. Taken together, these factors substantially outweigh the net biodiversity benefits arising from the scheme and, moreover, are sufficient in my view to significantly and demonstrably outweigh the other benefits that have been described above.

57. As such, the appeal proposal would not amount to sustainable development in the terms of the Framework and would not benefit from the presumption in favour of sustainable development set out in paragraph 14. In addition to the above-noted conflicts with the CS, the proposed development would also conflict with CS policies SS1, SS1a and relevant parts of SS5a.

58. The District Council, County Council and the appellant disagree on various detailed aspects of the submitted undertaking. However, bearing the above in mind, it is not necessary for me to reach a view as to whether the relevant obligations accord with the Community Infrastructure Levy Regulations 2010.

59. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

M J Hetherington

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr John Hunter	of Counsel Instructed by Mr Rob Pattinson, Knights Professional Services Ltd for Staffordshire Moorlands District Council (SMDC)
He called:	
Mr David Bevan MRTPI IBHC	Asset Heritage Consulting
Mr Mark Steele BA DipLD CMLI	Mark Steele Consultants Ltd
Miss Rachael Simpkin BA(Hons) BTP MRTPI	SMDC

FOR THE APPELLANT:

Mr John Barrett	of Counsel Instructed by Mr Laurie Lane, Gladman Developments Ltd
He called:	
Mr Benjamin Jackson BEng MSc CIHT	Ashley Helme Associates Ltd
Mr Phil Rech BA(Hons) BPhil CMLI	FPCR Environment and Design Ltd
Mr David Beardmore MSc MA DipLD (Dist) DipLArch (Dist) DipUD DipBlgCons FRTPI CMLI IHBC	Beardmore Urban
Mr Laurie Lane BSc MRTPI	Gladman Developments Ltd
Mr John Chorlton BSc MRTPI	Gladman Developments Ltd (conditions session only)

FOR STAFFORDSHIRE COUNTY COUNCIL (SCC):

Mr John Rowe	Solicitor, SCC (conditions session only)

INTERESTED PERSONS (in order of appearance):

Councillor Charlotte Atkins	County Councillor
Councillor Pamela Wood	District Councillor
Dr Faith Cleverdon	Local resident
Mr Paul Chauveau	Owner, Pickwood Hall
Cllr Dr Darren Price	District Councillor speaking as local resident
Mr Andrew Easom	Local resident and spokesman for PALS (Pickwood and Ladydale Sites Group)

List of Documents tabled at the Inquiry

Document 1: Opening statement on behalf of the appellant.
Document 2: Opening statement on behalf of Staffordshire Moorlands District Council (SMDC).
Document 3: Historic England: Conservation Principles, Policies and Guidance.
Document 4: Historic England: Good Practice Guide for Local Heritage Listing.
Document 5: Historic England: Managing Significance in Decision-Taking in the Historic Environment.
Document 6: Historic England: The Setting of Heritage Assets
Document 7: Historic England: Understanding Place: Conservation Area Designation, Appraisal and Management.
Document 8: Judgement in Ecotricity (Next Generation Ltd) v SSCLG [2015] EWHC 801 (Admin)
Document 9: Extract from Appendix 7 of the Staffordshire Moorlands HEA.
Document 10: Appeal decision ref. APP/F1610/A/14/2213318.
Document 11: Appeal decision ref. APP/Y3940/A/14/2222641.
Document 12: Appellant's comments on Mr Bevan's proof of evidence.
Document 13: SCC HER Monument Full Report – Pickwood Park, Leek.
Document 14: Email from Mr Lane to Mr Pattinson dated 8 October 2015.
Document 15: Appeal decision ref. APP/P1615/A/14/2222494.
Document 16: Email from Ms Bayliss (SMDC) dated 12 November 2014.
Document 17: Email from Ms Bayliss (SMDC) dated 25 November 2015.
Document 18: Pre-application advice bundle from Gladman Developments Ltd.
Document 19: SMDC Statement of Community Involvement.
Document 20: Extract from Planning Statement (May 2015) submitted by Gladman Developments Ltd in respect of subsequent application.
Document 21: LGA/RTPI: 10 commitments for effective pre-application engagement.
Document 22: SHLAA site assessment form (2015) for land off Milltown Way.
Document 23: Enlarged extract of Local Plan policies map.
Document 24: Extract from SHLAA (2015) including site location maps and site assessment form for land off Thorncliffe Road and Mount Road.
Document 25: Map showing Ladydale SBI areas.
Document 26: Staffordshire Ecological Record SBI Report: Ladydale.
Document 27: List of deletions from Miss Simpkin's proof of evidence.
Document 28: Statement of Mr Easom.
Document 29: Statement of Common Ground in respect of Ecological Management Area.
Document 30: Suggested unaccompanied site visit itinerary.
Document 31: Appeal decision ref. APP/Y2430/A/13/2191290.
Document 32: Signed unilateral undertaking dated 2 December 2015.
Document 33: Email from Ms Smith (SCC) dated 24 November 2015.
Document 34: Email from Ms Curley (High Peak DC) dated 24 November 2015.
Document 35: List of suggested conditions.
Document 36: Judgement in Chase Milton Energy Limited v SSCLG [2014] EWHC 1213 (Admin).
Document 37: Judgement in Richard Pugh v SSCLG [2015] EWHC 3 (Admin)
Document 38: Judgement in Fox Land and Property Ltd v SSCLG [2015] EWCA Civ 298.
Document 39: Email from Ms Wooddisse (SMDC) dated 30 November 2015.
Document 40: Comments from SCC on unilateral undertaking.

Document 41: Bundle of statements from Dr Price, Dr Cleverdon and Cllr Atkins.
Document 42: Closing submissions on behalf of SMDC.
Document 43: Closing submissions on behalf of the appellant.

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:
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