

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

22nd November 2018

Application No:	SMD/2018/0410	
Location	Tunstead, Park Lane, Cheddleton	
Proposal	Retrospective application for erection of two sheds	
Applicant	Mr & Mrs Docksey	
Agent	Ms Billie Chell (Hewitt & Carr Architects)	
Parish/ward	Cheddleton	Cheddleton
If you have a question about this report please contact: James Stannard 01538 395400 (Ext. 4298) james.stannard@staffsmoorlands.gov.uk		

REFERRAL

The application has been called to Committee by Councillor Worthington to fully consider the proposal within the context of Green Belt policy.

1. SUMMARY OF RECOMMENDATION

Refusal

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application site comprises a small parcel of land adjacent to Park Lane, Cheddleton. The site is situated within the ownership boundary of 'Tunstead'; a large detached residential dwelling situated some 75m to the north west, but does not fall within the residential curtilage associated with this dwelling.
- 2.2 The curtilage for this dwelling is deemed to contain the garden areas and parking area within the immediate vicinity of the dwelling and a tennis court, located to the west.
- 2.3 The site lies outside of the development boundary and in the Green Belt. A site visit has confirmed that two modest sized timber shed structures and an area of loose gravel occupy the site.
- 2.4 Historic mapping has confirmed that this area of land south east of the dwelling was previously occupied by a single transparent greenhouse which has been demolished.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 This application seeks retrospective planning permission for the two timber sheds ('Shed 1' and 'Shed 2' as shown on the submitted plans) that occupy

the site, each sitting on a concrete base, following an enforcement investigation.

- 3.2 'Shed 1' covers an area of approximately 12sqm whilst 'Shed 2' covers an area of approximately 6.5sqm and is located closer to the boundary with the public highway. Both structures have a dual pitched roof and are finished in a light brown timber finish.

4. RELEVANT PLANNING HISTORY

- 4.1 No previous planning history

5. PLANNING POLICIES RELEVANT TO THE DECISION

- 5.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).
- Core Strategy Development Plan Document (adopted March 2014)

Staffordshire Moorlands Local Plan (1998)

- 5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Following consultation last year a Preferred Options Site Allocation DPD is currently out for consultation.

Adopted Staffordshire Moorlands Core Strategy DPD (26th March 2014)

- 5.3 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6a Rural area strategy
- DC1 Design Considerations
- DC3 Landscape Character
- R1 Rural Diversification

National Planning Policy NPPF

- 5.4 The following parts of the National Planning Policy Framework are relevant to this application:-

- Achieving Sustainable Development Chapter 2
- Achieving Well Designed Places Chapter 12
- Protecting Green Belt Land Chapter 13

6. CONSULTATIONS CARRIED OUT

Press Notice expiry date:

N/A

Site Notice expiry date:

5th October 2018

Local residents have been notified by letter.

Consultee	Comment	Officer response
Cheddleton Parish Council	No Objection	N/A
Severn Trent Water	No Objection	N/A

7. OFFICER COMMENT AND PLANNING BALANCE

Key Issues

- Principle of Development & Impact on Green Belt
- Design & Landscape Character

Principle of Development & Impact on Green Belt

- 7.1 The site is located outside of the residential curtilage associated with 'Tunstead', outside of the development boundary in the open countryside and in the Green Belt. As such, this application subject to strategic Core Strategy (CS) Policies SS6, SS6c, and R1 which strictly control the development of new built structures in the rural areas. With the site being in the Green Belt, this application is also subject to restrictive national Green Belt policies contained in Chapter 13 of the NPPF.
- 7.2 CS Policies SS6 and SS6c state that the rural areas will provide only for development which meets an essential local need, supports rural diversification and sustainability of the rural areas, promotes sustainable tourism, or enhances the countryside.
- 7.3 CS Policy R1 states that appropriate development should not harm the rural character and environmental quality of the area, and that within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy will still need to be justified by very special circumstances.
- 7.4 Paragraph 133 of the NPPF highlights that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 7.5 Paragraphs 145 and 146 of the NPPF set out the types of development which are exceptions to inappropriate development (and therefore considered to be acceptable in principle). The construction of new buildings in the Green Belt is considered to be inappropriate development unless they fall within one of a number of exceptions, as set out in paragraphs 145 and 146 none of which apply in this case.

- 7.6 Photographic information has been submitted by the applicant's agent for consideration which show a previous single greenhouse structure on site and remains of what appear to be previous brick structures. As the greenhouse relates to the growing of plants (horticulture) and as the remains of any previous structures are not easily visible and have blended into the landscape, the site cannot be considered as previously developed (Brownfield) land.
- 7.7 The proposed development does therefore not fall within any of the exceptions set out at paragraphs 145 and 146 of the NPPF and therefore comprise inappropriate development within the Green Belt. No very special circumstances have been submitted with the application and as such the application is contrary to paragraphs 143 and 144 of the NPPF. The principle of development is therefore considered to be unacceptable.
- 7.8 The proposed development is not situated within the curtilage of the host dwelling 'Tunstead' and does therefore not benefit from any Permitted Development rights under Schedule 2, Part 1, Class E of the General Permitted Development Order (GPDO) 2015. Even if the site was considered to fall within the curtilage of the dwelling, the structures are situated forward of the front elevation and would therefore require planning permission.
- 7.9 In line with the requirements of paragraph 38 of the revised NPPF, the Case Officer has offered solutions to the applicant which could overcome this planning issue. It was suggested that if the sheds were to be re-located within the residential curtilage of 'Tunstead' and behind the front elevation, the development may fall within the parameters of Schedule 2, Part 1, Class E of the GPDO and would therefore no longer require planning permission. However, no revisions have been forthcoming from the applicant's agent.

Design & Landscape Character

- 7.10 CS Policy DC1 sets out a list of design considerations that new development should incorporate into any new scheme. In particular new development should be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.
- 7.11 CS Policy DC3 refers to Landscape Character and states that development will be supported where it respects and enhances local landscape character.
- 7.12 Paragraph 127 states that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting
- 7.13 The proposed sheds, are randomly positioned within the site and are visible from the public highway although they are relatively modest in scale. These

structures are not thought to result in any significant harm to the character and appearance of the site or the wider rural landscape.

- 7.14 However, the fact that the proposed structures would not result in any significant harm to the character and appearance of the site or wider rural landscape is neither mitigates or outweighs the substantial harm to the Green Belt by reason of inappropriateness and impact on openness..

Planning Balance/Conclusion

- 7.15 The application seeks retrospective planning permission for two timber sheds which are located adjacent to Park Lane, Cheddleton, lying outside of the residential curtilage associated with 'Tunstead' and in the Green Belt. The application is therefore subject to restrictive NPPF policies which relate to development in the Green Belt.
- 7.16 An assessment of the application has concluded that the proposed development represents an inappropriate form of development in the Green Belt. No very special circumstances exist which outweigh the substantial harm to the Green Belt and as such the proposal represents an unsustainable form of development, contrary to CS Policies SS1, SS1a, SS6, SS6c, R1 and restrictive policies contained in Chapter 13 of the NPPF.
- 7.17 For the reasons outlined in this report, the application is recommended for refusal on grounds of inappropriate development within the Green Belt.

8. RECOMMENDATION

A That planning permission be REFUSED for the following reasons:

- 1. The development lies outside of the residential curtilage of Tunstead, and comprises an inappropriate form of development in the Green Belt. The application has failed to demonstrate any very special circumstances which outweigh the substantial harm to the Green Belt by reason of inappropriateness, and is therefore contrary to paragraphs 143-146 of the NPPF; thereby comprising an unsustainable form of development, contrary to Policy SS1a of the Core Strategy and paragraph 11 of the NPPF.**

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager - Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

