

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

**Report to Planning Applications Committee**

**22<sup>nd</sup> November 2018**

<b>TITLE:</b>	<b>PERFORMANCE ON PLANNING APPEALS</b>
<b>CONTACT:</b>	<b>DEVELOPMENT MANAGEMENT TEAM</b>
<b>WARDS INVOLVED:</b>	<b>ALL</b>

**Appendices Attached - None**

1. **Reason for the Report:** To inform members of appeals lodged and decided since the last update to the Planning Applications Committee.

2. **Recommendation**

2.1 That the report be noted.

3. **APPEALS LODGED**

**Application No.** SMD/2018/0333

**Location:** 3 Coalport Close, Cheadle

**Proposal** Single storey extension to an existing dwelling

**Level and Date of Decision:** Delegated 10<sup>th</sup> August 2018

**Recommendation:** Refuse

**Decision:** Refused

**Method of Decision:** Written Representations

**Major / minor:** Minor

**Application No.** SMD/2018/0332

**Location:** 1 Moorville Cottages, Leek Road, Cellarhead

**Proposal** Conservatory to rear

**Level and Date of Decision:** Delegated 27<sup>th</sup> July 2018

**Recommendation:** Refuse

**Decision:** Refused

**Method of Decision:** Written Representations

**Major / minor:** Minor

**Application No.** SMD/2018/0301

**Location:** Limerick Farm, Devils Lane, Longsdon

**Proposal** Proposed First Floor Extension with External Alteration to North Elevation and Internal Alterations

**Level and Date of Decision:** Delegated 20<sup>th</sup> July 2018

**Recommendation:** Refuse

**Decision:** Refused

**Method of Decision:** Written Representations

**Major / minor:** Minor

#### **4. APPEAL DECISIONS RECEIVED**

**Application No.** SMD/2018/0236

**Location:** Well Lane, Gillow Heath, Staffordshire, ST8 6QU.

**Proposal** Alteration to existing roof to raise ridge height and new vehicular access point

**Level and Date of Decision:** Delegated 14<sup>th</sup> June 2018

**Recommendation:** Refuse

**Decision:** Refused

**Appeal Decision and Date:** Dismissed 18<sup>th</sup> September 2018

**Method of Decision:** Written Representations

**Major / minor:** Minor

**Inspector:** David Fitzsimon MRTPI

**Costs awarded:** No

**Main Issues:**

- The main issue in the case is the effect of the proposal on the character and appearance of the street scene.

**Conclusions:**

The Inspector concluded:

- The excavated driveway would enable cars to be parked at a much lower ground level than the current driveway, but to my mind, the existing parking arrangements are not incongruous in the context of this suburban location. Whilst the garage itself would be set back from the highway, the excavated driveway would be readily visible from the public domain, from where it would appear noticeably out of keeping with the driveway arrangements of the surrounding dwellings. As a result, I consider that the overall character and appearance of the street scene would be unduly harmed, irrespective of the fact that it does not benefit from any special designation.

**Officer Comment:**

- This is a good decision for the Council and shows that the Inspectorate are giving considerable weight to achieving good design.

**Application No.** SMD/2017/0516

**Location:** Highfield House, School Lane, Longsdon, Staffordshire, ST9 9QS

**Proposal:** proposed dwelling

**Level and Date of Decision:** Delegated 6<sup>th</sup> September 2017

**Recommendation:** Refuse

**Decision:** Refused

**Appeal Decision and Date:** Dismissed 20<sup>th</sup> September 2018

**Method of Decision:** Written Representations

**Major / minor:** Minor

**Inspector:** Beverley Wilders BA (Hons) PgDurp MRTPI

**Costs awarded:** No

**Main Issues:**

- Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- Effect on the character and appearance of the area
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.

**Conclusions:**

The Inspector concluded:

- Paragraph 145 of the Framework states that whilst the construction of new buildings in the Green Belt is normally inappropriate development, exceptions to this include limited infilling in villages.
- The Framework does not include a definition of the term “infilling” and it appears from the evidence that neither does the CS. Consequently in determining the appeal I consider it reasonable to apply the ordinary meaning to the word infill, which is to block up a space or hole. In this case whilst there are other buildings near to the site, the arrangement of these is such that the proposal would not be infilling in a village as is permitted by paragraph 145 of the Framework. In particular the agricultural buildings to the rear and side of the site are set well back from School Lane meaning that rather than infilling development along and fronting the lane, the proposal would extend it.
- A fundamental aim of Green Belt policy, as set out in paragraph 134 of the Framework, is to keep land permanently open. The construction of the proposed dwelling of the indicative scale would result in additional built development and its footprint and bulk would inevitably lead to a loss of openness notwithstanding that there are a number of existing structures within the appeal site and some nearby built development. I therefore conclude that the proposal would lead to significant harm to the openness of the Green Belt.
- I am satisfied that a dwelling could be erected on the site in the position shown without significant detriment to the character and appearance of the area.

- The very special circumstances necessary to justify the development therefore do not exist

**Officer Comment:**

- This is a good decision for the Council and reinforces the strong stance which the Council has applied in resisting inappropriate development in the Green Belt. It also provides a useful steer on what constitutes a “infilling”.
- Also worthy of note is that she considered that whilst a dwelling could be accommodated without harm to the character and appearance of the area this was insufficient to outweigh the provisions of Green Belt policy and harm to openness and harm to the Green Belt in principle by way of inappropriateness.

**Application No.** SMD/2018/0183

**Location:** 12 Kent Drive, Endon, Staffordshire, ST9 9EH

**Proposal:** first floor extension over the existing garage to form a master bedroom suite at 12 Kent Drive, Endon, Staffordshire, ST9 9EH

**Level and Date of Decision:** Delegated 23<sup>rd</sup> May 2018

**Recommendation:** Refuse

**Decision:** Refused

**Appeal Decision and Date:** Dismissed 3<sup>rd</sup> October 2018

**Method of Decision:** Written Representations

**Major / minor:** Minor

**Inspector:** Kevin Savage BA MPlan MRTPI

**Costs awarded:** No

**Main Issues:**

The main issue is whether the proposal would affect the living conditions of occupants of the neighbouring property at 19 Cedar Crescent.

**Conclusions:**

The Inspector concluded:

- The first floor rear window of the proposed scheme would be the same width as that approved, and the position on the rear wall would be the same. The greater extent of the glazing now proposed would, however, create a more prominent feature within the rear elevation, visible at close range from the neighbouring garden below.
- Although the proposed window would be orientated towards the rear, and not directly towards the garden of 19 Cedar Crescent, the introduction of French doors and a Juliet balcony would mean the window would be likely to be used more frequently. Indeed, enjoyment of the view is put forward by the appellants as a reason for the proposed window. Occupants leaning out over the balcony would have unencumbered views at close range over the neighbouring garden. When open, the doors would also create an impression of activity within the room, with a resulting perception of overlooking for users of the neighbouring garden.
- In contrast, under the approved scheme, views would most likely be from within the room, through the glass, which would restrict the angle and directness of the views. Although the neighbouring garden would be visible, these views would not be intrusive, nor would the form of the window encourage prolonged views, as is the intention with the French doors and balcony. I therefore find that the proposed scheme would differ materially from the approved scheme in this respect, creating more direct, invasive overlooking, and a perception of overlooking given the form of the window.

**Officer Comment:**

- This is a good decision for the Council and it is encouraging to note that the Inspectorate have supporting the Council in seeking to protect the amenity of its residents.

**Application No.** SMD/2017/0268

**Location:** 1 Royal Cottages, Biddulph Common.

**Proposal:** conversion and alteration of existing redundant outbuilding to dwelling

**Level and Date of Decision:** Delegated 24<sup>th</sup> November 2017

**Recommendation:** Refuse

**Decision:** Refused

**Appeal Decision and Date:** Dismissed 16<sup>th</sup> October 2018

**Method of Decision:** Written Representations

**Major / minor:** Minor

**Inspector:** Kevin Savage BA MPlan MRTPI

**Costs awarded:** No

**Main Issues:**

- whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework; and
- whether the proposed development would provide a suitable location for housing, having regard to the provisions of the development plan and the accessibility of services and facilities.

**Conclusions:**

The Inspector concluded:

- Paragraph 146 lists certain forms of development which are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The list includes (d) the re-use of buildings, provided that the buildings are of permanent and substantial construction, and (e) material changes of use of land.
- The building is of permanent and substantial construction. Consequently, in principle, the proposal would not be inappropriate development unless it would have a greater impact on Green Belt openness and the purposes of including land within it.
- The Council in its delegated report found that the proposal would not conflict with the five purposes of the Green Belt<sup>1</sup>, and I do not reach a different view in these respects. I therefore consider that in both spatial and visual terms the proposal would not have a greater impact on the openness of the Green Belt, nor would it conflict with the purposes of including land within the Green Belt.
- Paragraph 79 of the Framework<sup>2</sup> indicates that development of isolated homes in the countryside should be avoided, unless specific circumstances are met. Of these, the appellant argues that the proposal would meet criterion c), that the development would re-use redundant or disused buildings and enhance its immediate setting
- The development would re-use an existing building. However, whilst the appellant may have chosen not to continue using the workshop within the building, I observed that it nevertheless was still being used for the storage of various equipment and materials, and in this respect is still serving a purpose. Therefore, I do not consider the building to be redundant or disused for the purposes of the Framework.
- the creation of a dwelling raises the possibility of further domestic features and paraphernalia being added to the building.

- I am not persuaded, therefore, that the proposal would lead to a demonstrable enhancement to the character and appearance of the area.
- In locational terms, the appellant indicates the site is some 2.5 miles from Biddulph and the village of Biddulph Moor. Whilst these are not long distances in absolute terms, the access to these services would be via a narrow, unmade lane in Troughstones Road which would create difficulties for access, particularly in poor weather, and occupants would be wholly reliant on private modes of transport.
- The proposal would not, therefore, represent an appropriate location for housing

**Officer Comment:**

- This is a good decision for the Council and encouraging that the Inspector has supported the Council not only on sustainability but also character and appearance grounds.

**Application No.** DET/2018/0002

**Location:** Hayes Gate Farm, Star Bank, Oakamoor, Staffordshire, ST10 3BN

**Proposal:** Change of use of an agricultural building to a dwellinghouse (Class C3)

**Level and Date of Decision:** Delegated 15<sup>th</sup> March 2018

**Recommendation:** Refuse

**Decision:** Refused

**Appeal Decision and Date:** Dismissed

**Method of Decision:** Written Representations

**Major / minor:** Minor

**Inspector:** Kevin Savage BA MPlan MRTPI

**Costs awarded:** No

**Main Issues:**

- The main issues in this case are whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO; and if so, whether the effects of the development are such as to require refusal of prior approval under paragraphs Q.2.(1) and W.(3).

## Conclusions:

The Inspector concluded:

- I consider that the proposed building operations would fall within the definition set out in Class Q.1 (i) and that they would not go beyond what would be reasonably necessary for the appeal building to function as a dwellinghouse.
- the proposal would be acceptable with respect to matter (f) of Paragraph Q.2.(1) relating to the design or external appearance of the building. In reaching this view, I have had regard to the National Planning Policy Framework<sup>8</sup>, so far as it is relevant to the subject matter of the prior approval, and find no conflict with its design related aims, set out principally in Chapter 12.

## Officer Comment:

- This is a disappointing decision for the Council and does not represent a good quality assessment by the Planning Inspectorate.
- The Inspector (within paragraph 8 of his decision) makes reference to paragraph 105 of the Planning Practice Guidance but it seems that he has referred to the out of date paragraph. The first version of para 105 stated that it is only where the existing building is *structurally strong enough* to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.
- Updated para 105 (June 2018) says that 'It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is *reasonably necessary* for the conversion of the building to residential use. Therefore it is only where the existing building is already *suitable* for conversion to residential use that the building would be considered to have the permitted development right.'
- Para 105 was updated in June 2018 and this was referred to in the Council's appeal statement.
- The Inspector discusses in his decision (including paras 11 and 12) the structural strength of the building to be converted (old para 105) but this test seems to have moved from just structural soundness to suitability.

**Application No.** SMD/2017/0694

**Location:** High View, Sutherland Road, Longsdon, Staffordshire, ST9 9QD.

**Proposal:** Change of use of an agricultural building to a dwellinghouse (Class C3)

**Level and Date of Decision:** Delegated 11<sup>th</sup> January 2018

**Recommendation:** Refuse

**Decision:** Refused

**Appeal Decision and Date:** Dismissed

**Method of Decision:** Written Representations

**Major / minor:** Minor

**Inspector:** Kevin Savage BA MPlan MRTPI

**Costs awarded:** No

**Main Issues:**

- Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt;
- Effect on the character and appearance of the area
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.

**Conclusions:**

The Inspector concluded:

- Although Longsdon does not have a defined village boundary, the Council accepts that the site lies within the village, but argues that the siting of the dwelling would not amount to 'limited infilling', due to the extent of the gap between the site and Stone Barn Farm, the next property to the north. The appellant states that the location of the appeal site in the heart of the village would constitute infill development.
- There is no definition of 'infill' within national policy or any local policy or guidance to which I have been referred. However, a straightforward interpretation of the term would indicate that the development would occupy a gap between two buildings or developments. In this case, there is an existing dwelling to one side, High View, whilst to the north is a plot of land undeveloped and open except for a small, single storey garage to the front.
- Beyond this is a tall outcrop of land covered in woodland trees, and then an open field until Stone Barn Farm is reached. Whilst I accept the outcrop acts as a physical and visual barrier within the space between the appeal site and Stone Barn Farm, the gap between the

two is nonetheless significant, and an expanse of open countryside clearly separates built development on this side of Sutherland Road. Therefore, I would not regard this gap in the built form as limited in extent or scale.

- My attention is drawn to the dwelling under construction to the far side of High View, which was considered by the Council to amount to limited infilling. I note in this case that the gap in question, between High View and the next dwelling, Brackenhurst, is smaller, and can be understood within the street scene given the visibility of the entrance of Brackenhurst and development beyond from the entrance to the site. The development of this dwelling would differ therefore from the appeal scheme, which would not be read as infilling a gap given the greater distance to Stone Barn Farm, and the more open character which exists in between.

**Officer Comment:**

- This is a good decision for the Council and reinforces the strong stance which the Council has applied in resisting inappropriate development in the Green Belt. It also provides a useful steer on what constitutes a “infilling”.
- Also worthy of note is that he considered that the Council appeared to have adopted the correct approach to it’s interpretation of “infilling” on other sites in the area.