

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Planning Applications Committee

13 December 2018

TITLE:	PERFORMANCE ON PLANNING APPEALS
CONTACT:	DEVELOPMENT MANAGEMENT TEAM
WARDS INVOLVED:	ALL

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**

None received
4. **APPEAL DECISIONS RECEIVED**

Application No. SMD/2017/0481

Location: Woodhouse Green Farm, Woodhouse Green, Rushton Spencer, Staffordshire, SK11 0RS

Proposal change the existing agricultural stables building to a private domestic residence

Level and Date of Decision: Committee 19th December 2017

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 13th November 2018

Method of Decision: Written Representations

Major / minor: Minor

Inspector: Kevin Savage BA MPlan MRTPI

Costs awarded: No

Main Issues:

- Three reasons were set out in the Council's decision notice. In summary, these stated that 1) the existing building was not appropriate, suitable or worthy of conversion, 2) the proposal would result in an isolated dwelling in the countryside, and 3) the proposed design of the building would be visually intrusive.
- Following the refusal, the Council granted permission¹ for an alternative scheme submitted by the appellant in respect of the same site. This decision represents a fall-back position. The Council acknowledges that this decision establishes the principle of the conversion of the stables to a dwelling, and the acceptability of the site's location relative to local services. Therefore, I consider that there is no longer a dispute in respect of the first and second reasons for refusal, and I shall confine my analysis to the third reason for refusal.
- Therefore, the **main issue** in this case is the effect of the proposal on the character and appearance of the building and surrounding rural landscape.

Conclusions:

The Inspector concluded:

- Given its position, and the stark differences between the existing and proposed elements in terms of materials and form, the extension would appear as an exposed and incompatible addition to the building. The glazed link would serve to further detach the extension from the existing building and increase its conspicuousness. The resulting building neither would neither wholly retain the existing utilitarian aesthetic, nor would it replace it with a more traditional appearance of a stone built farm building. Instead, it would be a mix of two styles which would result in a jarring and uncomfortable building. It would draw undue attention in views from the road and from neighbouring properties. The overall building would appear incompatible within its surroundings and would harm the character and appearance of the surrounding landscape.

Officer Comment:

- This is a good decision for the Council and has demonstrated that the committee's concerns regarding the design of the original scheme were well-founded.

Application No. SMD/2017/0406

Location: land at Albert Street, Biddulph

Proposal 'new build of 3 No 2 storey 2 bedroom terraced houses'.

Level and Date of Decision: Delegated 16th February 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 22nd November 2018

Method of Decision: Written Representations

Major / minor: Minor

Inspector: M Savage BSc (Hons) MCD MRTPI

Costs awarded: No

Main Issues:

- The main issue is the effect of the proposed development on the character and appearance of the area having particular regard to the design of the dwelling and parking provision.

Conclusions:

The Inspector concluded:

- The appeal scheme, by virtue of its incongruous rear dormers, stepped design and parking dominated frontage, would fail to respect the site and its surroundings. This would be harmful to the character and appearance of the area contrary to Policy DC1 of the DPD.

Officer Comment:

- This is a good decision for the Council and has demonstrated that again that the Council is correct in expecting high standards of design throughout the Moorlands.

- It is also noted that an application for costs was made and it is very pleasing to note that the application was dismissed, the Inspector concluding that the Council had acted reasonably in its refusal of the application

Application No. SMD/2017/0813

Location: land off Park Drive, Cheadle

Proposal 'new build of 3 No 2 storey 2 bedroom terraced houses'.

Level and Date of Decision: Delegated 16th February 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 22nd November 2018

Method of Decision: Written Representations

Major / minor: Minor

Inspector: Rachel Walmsley BSc MSc MA MRTPI

Costs awarded: No

Main Issues:

- This is the effect of the proposal on the character and appearance of the area.

Conclusions:

The Inspector concluded:

- The increased height of the roof would be modest. Although the roof would have a greater presence in the overall appearance of the house, it would not be unduly prominent to detract from the design of the house or be considered disproportionate.
- The height of the roof would be barely higher than the height of the garage to Hill Top and would not exceed the height of surrounding properties. An exception to this is in relation to Esmerelda which the development would exceed the height of. Nonetheless, given the distance of separation between the two properties, the new dwelling would not appear overly dominant or incongruous alongside this existing property.

Officer Comment:

- The scheme which has been granted on approval at Appeal is one which was initially submitted by the applicant and following proactive discussions and officer negotiations a much improved design was secured which served to better protect the amenity of the neighbouring occupier and character and appearance of the area.. The applicant then resubmitted the original scheme which was refused. Unfortunately the Inspector did not share the Council's concerns for the amenity of neighbouring occupiers and the area generally and allowed the Appeal.

Application No. SMD/2018/0116

Location: Land Adjacent to 2 Canal Cottages, Stanley Moss Road, Stanley

Proposal 'proposed detached dwelling '.

Level and Date of Decision: Delegated 16th February 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 22nd November 2018

Method of Decision: Written Representations

Major / minor: Minor

Inspector: Rachel Walmsley BSc MSc MA MRTPI

Costs awarded: No

Main Issues:

- (i) whether the proposal would be inappropriate development in the Green Belt, taking into account the effect of the proposal on the openness of the Green Belt; and,
- (ii) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Conclusions:

The Inspector concluded:

- The appellant asserts that the appeal site is within an *obviously recognisable settlement*. The site is within a cluster of properties, as described above, but this is not the same as saying that the appeal site is within a village. The Framework does not specify what comprises a village or what its limits should be. A Court of Appeal³ case found that what comprised a village for the purpose of the Framework is a matter of planning judgement for the Inspector.
- There is nothing within the evidence before me that demonstrates that the appeal site is within the settlement boundaries of the villages of Endon, Stanley, Bagnell and Stockton Brook. When travelling about the site I observed that these villages are notable settlements. I also saw that the appeal site is disconnected from them, both visually and physically. The appellant suggests that the services and facilities within these villages and within settlements further away, including Hanley and Burslem, can be accessed from the site on foot and by bus respectively. However, this does not place the site within these villages.
- Therefore, when assessing whether or not the appeal site is within a village for the purposes of Green Belt policy, I find that the site is not within a village. As such the development would not meet exception e) of paragraph 145 of the Framework.
- Exception g) concerns limited infilling or the partial or complete redevelopment of previously developed land subject to its impact on the openness of the Green Belt. The Framework defines previously developed land as *land which is or was occupied by a permanent structure*. Excluded from this definition is land in built-up areas such as residential gardens and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
- The appellant maintains that the site is garden land, relating to a former dwelling on the site. Whilst enclosed by mature planting, the site has been left to go back to nature with no evidence of cultivation. The presence of building materials and a portacabin are testament to this, that alternative uses for the site have been found.
- I note that a pile of bricks exists on site. There is nothing within the evidence before me that connects these materials to an earlier dwelling. Nonetheless, even if I was to draw a connection between the two, for the reasons above, the appeal site is not previously developed land and as such, exception g) of paragraph 145 of the Framework does not apply.
- Openness in the context of the Green Belt means freedom from development.

- The proposal would result in the creation of a dwelling with a driveway and parking area. This would result in a significant quantum of development compared with what is currently on site. As a result the proposal would have a greater effect on openness than the existing site.

Officer Comment:

- This is another very useful decision which supports the strong line which the Council has been taking in its defence of the Green Belt and also is of further assistance in the interpretation of what constitutes “limited infilling within a village”.

Application No. SMD/2017/0710

Location: 40 Fairview, Grange Road, Biddulph, ST8 7RY.

Proposal ‘retrospective permission for the construction of a lean to tractor and trailer shed’.

Level and Date of Decision: Delegated 25th January 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 23rd November 2018

Method of Decision: Written Representations

Major / minor: Minor

Inspector: Rachel Walmsley BSc MSc MA MRTPI

Costs awarded: No

Main Issues:

- whether the proposal would be inappropriate development in the Green Belt, taking into account the effect of the proposal on the openness of the Green Belt; and,
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Conclusions:

The Inspector concluded:

- Exception c) of paragraph 145 refers to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. There is no definition of 'disproportionate additions' within the Framework. Nonetheless, an assessment of proportionality should reasonably take into account the overall size increase in terms of volume and external dimensions as well as floorspace.
- The floorspace of the building is more than double that of the existing building. Furthermore, the roof profile is awkwardly juxtaposed to the existing building which altogether means that the development is disproportionate over and above the size of the original building. As such the proposal does not meet exception c) of paragraph 145 of the Framework.
- Whilst visible from the land around, including from a public footpath, the development does not appear overly dominant or incongruous to be considered out of keeping with or harmful to the character of the local landscape.
- The 'other considerations' identified carry limited weight in favour of the proposal and therefore do not clearly outweigh the substantial weight which I give to the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Officer Comment:

- This is another decision which supports the strong line which the Council takes in respect of resisting inappropriate development in the Green Belt. It is worthy of note that despite the Inspector concluding that the building would not appear intrusive or incongruous in the landscape this did not outweigh the harm done to the Green Belt by virtue of being inappropriate development in principle.

Application No. SMD/2018/0333

Location: 8 Coalport Close, Cheadle, Staffordshire, ST10 1DS.

Proposal 'single storey extension'.

Level and Date of Decision: Delegated 25th January 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 23rd November 2018

Method of Decision: Written Representations

Major / minor: Minor

Inspector: F Rafiq BSC (Hons) MCD MRTPI

Costs awarded: No

Main Issues:

- The main issue is the effect of the proposed development on the character and appearance of the host building and the area.

Conclusions:

The Inspector concluded:

- The extension proposed would adopt a mono pitch roof and avoids a flat roof form, in line with the Design Principles Supplementary Planning Document (SPD). It would, however, have a noticeably different roof pitch to the main dwelling. The wrapping around of the proposed extensions roof near the eaves level, would also not help assimilate the addition to the existing dwelling and would result in an awkward overlap. Whilst I was able to see that there is variation in the appearance of dwellings in the wider locality, these elements of the roof design would not reflect the character and appearance of the appeal dwelling or the other detached properties along this row. I have taken into account, as the Appellant has stated, that the extension would otherwise have matching eaves details, use complimentary materials, and have a similar front window to that which exists in the current dwelling, but these factors would not outweigh the harm arising from the overall roof design.
- For the reasons given above, I consider the proposal would cause substantial harm to the character and appearance of the host building and the area.

Officer Comment:

- This is another decision which supports the strong line which the Council takes in respect of resisting inappropriate development in the Green Belt. It is worthy of note that despite the Inspector concluding that the building would not appear intrusive or incongruous in the landscape this did not outweigh the harm done to the Green Belt by virtue of being inappropriate development in principle.