

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Planning Applications Committee

17th October 2019

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/2018/0466

Location: Land adjacent to Park Lodge Farm, Folly Lane, Cheddleton.

Proposal erection of up to two detached dwellings

Level and Date of Decision: Delegated. 19th October 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: dismissed 23rd July 2019

Method of Decision: Written Representations

Major / minor: Minor

**Inspector: Eleni Randle BSc (hons) MSc FRICS
FAAV MRTPI**

Costs awarded: No

Main Issues:

The main issues to be considered are i) whether the proposal would be inappropriate development in the Green Belt, ii) the impact of the proposal upon the openness of the Green Belt, iii) the impact of the proposal on the character and appearance of the area and iv) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations.

Conclusions:

The Inspector concluded:

- the proposal would fail to represent infilling given the lack of relationship to existing development and lack of development adjacent to the appeal site boundaries. The proposal would therefore be inappropriate development within the Green Belt which is, by definition, harmful and which carries substantial weight.
- Openness is an essential characteristic of the Green Belt. Impact is implicitly part of the concept of openness of the Green Belt. The absence of visual intrusion does not mean there is no impact on the Green Belt as a result. Whether any change would cause harm to the openness can depend on factors such as the scale of the development, the locational context and its spatial or visual implications.
- The site would have notable visual impact due to its location and I find that the spatial effect of the proposal would have a negative impact upon the openness of the Green Belt. The dwellings would encroach into the Green Belt into a relatively open space, away from the bulk of existing built form. Furthermore, the creation of garden areas would then lead to a domesticated appearance which would have further harmful effect on openness as an encroachment into the countryside compared to what is currently a green, open, space with a rural appearance.
- I do not find that it would be a logical extension of the existing residential development along this side of Folly Lane nor that it would be seen in the context of other development. The

proposal would result in built form being introduced within this green, open, space which would be out of character for the area with the prevailing development pattern. The proposal would be notable in views for users of Folly Lane. It would appear as an intrusion into the countryside and I find this to negatively impact upon the appearance of the immediate surroundings as a result of it being detached from, and failing to relate to, the built-up part of the village.

Officer Comment:

Again this is another decision which supports the Council in taking a strong line against inappropriate development in the Green Belt. It is notable that the Inspector emphasises the point that “the absence of visual intrusion does not mean there is no impact on the Green Belt as a result,” which is a concept which the Council has attached weight to in many of its Green Belt decisions.

Application No. SMD/2018/0038

Location: High Bent, The Hollands, Biddulph Moor, ST8 7LE.

Proposal: conversion of timber stables to form a single dwelling

Level and Date of Decision: Delegated. 23rd October 2018

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 23rd July 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

Costs awarded: No

Main Issues:

The main issues to be considered are i) whether the proposal would be inappropriate development in the Green Belt, ii) the effect of the proposal upon the openness of the Green Belt, iii) whether the proposal accords with the requirements of local policy relating to conversions and countryside development, iv) the effect of the proposal upon the character and appearance of the area, v) whether the occupants of the proposed development would have reasonable access to shops and services and vi) whether the harm by reason of

inappropriateness, and any other harm, would be clearly outweighed by other considerations.

Conclusions:

The Inspector concluded:

- I am not convinced, on the evidence before me, that the building is of permanent and substantial construction and it is highly likely the works required would go beyond that of a genuine conversion. The proposal would, therefore, fail to fall within the exception listed in paragraph 146 d) of the Framework which results in the proposal being inappropriate development in the Green Belt.
- I do not find that the proposal would preserve the openness of the Green Belt and find it would encroach into the countryside.
- no marketing exercise has been submitted to evidence that the building would be unsuitable for a commercial use. Given the building is an “off the peg” standard timber stable building it is not a building of particular merit to be safeguarded.
- I do not find that the presence of what would be a timber clad bungalow to have such a significant impact upon the character of the area, in terms of the buildings appearance, to warrant refusal. It would not be out of keeping within the rural area, and would not appear as an incongruous feature within the landscape.
- even with a consideration of conditions to control further structures and permitted development rights on the dwelling, the size of curtilage proposed will further carve up the landscape when considering the well-spaced nature of existing dwellings along The Hollands.
- The scale of the proposed curtilage will be a notable encroachment into the countryside and will harm the character and appearance of the surroundings due to the presence of paraphernalia and cars parked. The impact would be greatest in longer views across the landscape to the West. The proposal would conflict with the development principles in CS Policy SS1 which seek to deliver development which maintains the distinctive character of the Staffordshire Moorlands.
- Whilst the traffic movements for a proposed single residential dwelling of this size would be limited and the Framework does acknowledge, in paragraph 103, that opportunities to maximise sustainable solutions will vary between rural and urban areas; access to services for this site is very limited. To meet daily needs, leisure requirements etc. future occupants would need to go beyond the area, and this is unlikely to assist in maintaining the local community..... It would not be sustainable in terms of location contrary to paragraph 78 of the Framework.
- **Officer Comment:**

It is encouraging to see that the Inspector has supported the strong line which the Council has adopted in resisting the conversion of buildings which are not of permanent and substantial construction in Green Belt areas and unsustainable locations.

Application No. SMD/2019/0027

Location: 2 The Cottages, Smithy Lane, Mobberley, ST10 1TN.

Proposal extension

Level and Date of Decision: Delegated. 29th March 2019

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Allowed 29th July 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: R Cooper BSc (Hons) MCD MRPTI

Costs awarded: No

Main Issues:

The main issue is the effect of the appeal proposal on the character and appearance of the area.

Conclusions:

The Inspector concluded:

- The proposal includes multiple single and two storey extensions to the side and rear of the host dwelling and raising part of the roof. These would constitute the further evolution of the property, and whilst they are significant in scale relative to the host dwelling, in the context of the site I find the resultant dwelling would be appropriate in terms of scale and design. Furthermore, as the host dwelling is sited within a substantially sized plot, the resultant property would fit comfortably within it, without appearing cramped or overbearing, and would integrate with its surroundings.

Officer Comment:

Whilst it is disappointing that the Inspector did not concur with officers conclusions it is accepted that design issues will always be to some degree a subjective judgement on behalf of the decision maker.

Application No. SMD/2019/0045

Location: 56 Moss Park Avenue, Werrington, Staffordshire, ST9 0EP.
Proposal proposed roof space bedrooms and front porch

Level and Date of Decision: Delegated. 27th March 2019

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 5th August 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: A Denby BA(hons) DipTP MRTPI

Costs awarded: No

Main Issues:

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

Conclusions:

The Inspector concluded:

- The dormer window proposed will be a substantial addition to this roof slope extending across both the original and extended sections of the dwelling. It would be extremely prominent in the street scene and would become the overriding feature of the building
- Whilst not on the principal or front elevation I do not consider that a dormer on the roof slope fronting Shirley Avenue would be wholly out of keeping with the character of the surrounding area.

Officer Comment:

It is pleasing that the Inspector has supported the Council in seeking to achieve high standards of design in all applications including minor householder development.

Application No. SMD/2019/0060

Location: land adjacent to 1 Badnall Close, Leek.

Proposal detached garage

Level and Date of Decision: Delegated. 29th March 2019

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 6th September 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: RC Kirby BA(Hons) DipTP MRTPI

Costs awarded: No

Main Issues:

The main issue is the effect of the proposed garage on the character and appearance of the area.

Conclusions:

The Inspector concluded:

- Although set back from the road the new garage would, as a result of its height, width and siting, forward of buildings on this side of the road, result in a building that would be visually prominent and dominant within the streetscene. Its utilitarian appearance and flat roof design would be incongruous and out of keeping with the host dwelling, and its neighbours, causing harm to the character and appearance of the area. Whilst the existing trees would provide some screening of the appeal proposal from the west, they would not mitigate the harm when viewed from the south or east. In any event these trees are not in the control of the appellant and could be removed at any time, resulting in greater exposure of the garage from the west.
- The appellant has drawn my attention to other flat roofed structures in the area, including one close to the appeal site. At my site visit I observed that the buildings are relatively old, and I have no evidence as to the circumstances under which they were constructed. Accordingly, I can only attach very limited weight to this matter in my consideration of this appeal. Each planning application and appeal is determined on its merits.

Officer Comment:

This is another pleasing decision where the Inspector has supported the Council's efforts in achieving a high standard of design within the street scene. The Inspector emphasises the need to determine each case on its own individual merits

Application No. DET/2018/0043

Location: Heath House Farm Cottage, Ostlers Lane, Cheddleton, ST13 7DQ.

Proposal change of use of an existing agricultural building into a single dwelling

Level and Date of Decision: Delegated. 28th January 2019

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 13th September 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: E Griffin LLB Hons

Costs awarded: No

Main Issues:

The main issues are (i) whether the proposal would constitute permitted development in accordance with Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)(the GDPO) and (ii) whether biodiversity is a relevant consideration within this appeal.

Conclusions:

The Inspector concluded:

- The appeal building is a steel framed structure with profile sheeting to the roof. The eastern elevation which would form the front of the dwelling has an opening to the middle and walls made of brick with wood panelling on top. The other three elevations have concrete panels with profile sheeting on top and there is a second gap in the southern elevation. I do not disagree with the appellant's view that the building appears to be in good condition and it was in use for the storage of hay at the time of my site visit.
- The proposed work includes installation of windows and doors and blockwork around the perimeter to create a cavity for insulation. On

three sides of the building, the profile sheeting would be replaced with timber boards and the concrete boards with brickwork to match the existing front elevation. The corrugated sheeting to the existing roof would be replaced with grey profiled composite steel sheeting. With the exception of the concrete ground floor, the steel frame and brickwork and timber to the eastern elevation, the rest of the building would be stripped back and replaced.

- The external changes would include reducing the current gaps in the south and east elevations and creating a new gap in the west elevation. Each new gap would have double doors and surrounding feature glazing. Four new windows would be added to the north elevation. The appellant indicates that removing the concrete panels and replacing them with brickwork and replacing the roof covering are intended to improve the external appearance of the building. Whilst, visual improvements may be desirable they are not reasonably necessary for the building to function as a dwelling house. The overall changes proposed are extensive and three sides of the existing building and the roof would effectively be replaced.
- I am therefore not satisfied on the basis of the information before me that, considered cumulatively, such fundamental changes could reasonably be described as conversion as opposed to rebuilding.
- Although the Council has put forward ecological concerns as a reason for refusal, ecology is not a determinative matter within the remit of this appeal. Even if I had been minded to allow the appeal, where permission is granted pursuant to a general development order, the safeguarding of protected species and their habitats would be dealt with under other legislation where set procedures apply before commencement of any development

Officer Comment:

This is a particularly helpful decision for the Council in assisting us with interpreting the provisions of the General Permitted Development Order in respect of conversion of agricultural buildings, particularly modern portal framed structures. In particular the level of works often required in order to make these buildings habitable are tantamount to rebuilding even where the building may be in itself structurally sound.

The view with regard to ecology is disappointing, as the Council is under an obligation to have regard to protected species legislation in any decision which it makes as a public authority.

Application No. SMD/2019/0110

Location: 6 Nevin Avenue, Knypersley, ST8 7BP.

Proposal proposed demolition of rear conservatory, replacement with single story extension and rising of roof to create first floor level

Level and Date of Decision: Delegated. 9th May 2019

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Allowed 18th September 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: R Morgan 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.

Conclusions:

The Inspector concluded:

- The roofs and front elevations of the bungalows in this area have generally not been significantly altered from their original design, so although windows and doors have been changed the houses have a relatively uniform feel. Having said that, there are examples in the area where dormers have been added and other alterations made.
- I agree with the Council that in general, raising the height of the roofs of bungalows in this area could have an unacceptable effect on the character of the area, particularly where the buildings are set in more uniform rows along the streets. However, in this case the property is located at the head of a cul-de-sac, forming one of a group of bungalows set around the turning circle. The positioning of the houses relative to each other at the head of Nevin Avenue means that the common ridge height is not obvious when viewed from the road, such that it has a limited influence on the streetscene.
- I therefore conclude that the proposed development would not cause harm to the character and appearance of the area.

Officer Comment:

Whilst it is disappointing that the Inspector did not concur with officers conclusions it is accepted that design issues will always be to some degree a subjective judgement on behalf of the decision maker.

Application No. SMD/2019/0110

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Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Allowed 18th September 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: R Morgan 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.

Conclusions:

The Inspector concluded:

- The roofs and front elevations of the bungalows in this area have generally not been significantly altered from their original design, so although windows and doors have been changed the houses have a relatively uniform feel. Having said that, there are examples in the area where dormers have been added and other alterations made.
- I agree with the Council that in general, raising the height of the roofs of bungalows in this area could have an unacceptable effect on the character of the area, particularly where the buildings are set in more uniform rows along the streets. However, in this case the property is located at the head of a cul-de-sac, forming one of a group of bungalows set around the turning circle. The positioning of the houses relative to each other at the head of Nevin Avenue means that the common ridge height is not obvious when viewed from the road, such that it has a limited influence on the streetscene.
- I therefore conclude that the proposed development would not cause harm to the character and appearance of the area.

Officer Comment:

Whilst it is disappointing that the Inspector did not concur with officers conclusions it is accepted that design issues will always be to some degree a subjective judgement on behalf of the decision maker.

Application No. SMD/2018/0174

Location: Land at Cheddleton Park Avenue, Cheddleton..
Proposal 8 dwellings

Level and Date of Decision: Committee. 22nd November **2018**

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 19th September 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: Jillian Rann BA (hons) MSc MRTPI

Costs awarded: No

Main Issues:

the effect of the proposed development on:

- the character and appearance of the appeal site and its surroundings, including nearby listed buildings and conservation areas; and
- biodiversity.

Conclusions:

The Inspector concluded:

- I find that the development would cause harm to the setting of the listed buildings and curtilage structures which make up the farmstead at Grange Farm, as a result of the erosive effect it would have on the sense of separation between the farmstead and surrounding development, as experienced from other nearby vantage points further along the canalside, and more distant vantage points across the valley.
- The agricultural fields to the east of the conservation area, including the appeal site, form part of the village's rural surroundings, and provide visual separation between the historic village core and the more recent residential development that has grown up along the valley side towards it from the east. However, dense tree cover along the eastern edge of village means that there is very little inter-visibility between the site and the Cheddleton Conservation Area (the CCA), in either direction. The site is not adjacent to the CCA

boundary and, in views from the canal and from more distant vantage points, the remaining open land to the west of the site would maintain a sense of separation between the CCA and that more modern development. Therefore, the development would not harm the character or appearance, or the significance, of the CCA.

- I cannot be certain that a development of the scale and nature proposed could be carried out without significant harm to biodiversity, including with regard to protected species. Furthermore, given the level of uncertainty and the potentially significant harm which could arise to protected species in particular, I am not satisfied that such matters could be dealt with by condition in this case.

Officer Comment:

This is an excellent decision for both officers and Members and demonstrates that a robust recommendation for refusal, endorsed by Members, is sustainable at Appeal. It also demonstrates the significant weight which should be attached to any harm to heritage assets and their setting.

Application No. SMD/2019/0088

Location: Cheadle Equestrian Centre, Eaves Lane, Cheadle, ST10 1RB.

Proposal erection of a rural dwelling house for the Equine Business

Level and Date of Decision: Delegated. 18th April 2019

Recommendation: Refuse

Decision: Refused

Appeal Decision and Date: Dismissed 18th September 2019

Method of Decision: Written Representations

Major / minor: Minor

Inspector: A

Costs awarded: No

Main Issues:

- The effect on the character and appearance of the area
- Effect on Land stability
- Whether the proposal would be an isolated dwelling in the countryside and, if so, whether there is an essential need for a dwelling to accommodate rural worker(s)

- Whether the adverse effects of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework 2019 (the Framework)

Conclusions:

The Inspector concluded:

- The design, scale, massing and position of the proposed dwelling, would make it a visually prominent feature that would be seen across several hundred metres of open countryside to the east of Cheadle. When seen with the existing equestrian buildings and Stable Cottage beyond, it would have an urbanising effect on the landscape that would detract from its character and appearance.
- No Coal Mining Risk Assessment is contained in the evidence before me for this proposal. Consequently, I am not satisfied that the appeal site is or can be made safe and suitable for the proposed development.
- I am not satisfied that there is a viable business operating on the appellant's land for which there would be an essential need to provide a rural worker's dwelling. Furthermore, there is no substantive evidence before me that shows that if there was such a business, it would not be practical with some investment, for Stable Cottage to be used as such a rural worker's dwelling, without a significant risk of harm to any animals

Officer Comment:

This is an excellent decision for the Council and demonstrates that to make a case for a rural workers dwelling it is necessary to demonstrate that there is a genuine business requirement to be resident on the site.