

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

13 February 2020

Application No:	SMD/2019/0700	
Location	Land adjacent to Foxt Road, Foxt	
Proposal	New Detached Dwelling	
Applicant	Mr Titterton	
Agent	Mr Malcolm Sales	
Parish/ward	Ipstones Parish	Ipstones Ward
If you have a question about this report please contact: James Stannard tel: 01538 395400 ex 4298 james.stannard@staffsmoorlands.gov.uk		

REFERRAL

- 1.0 The application has been called in to Planning Committee by Councillor Linda Malyon to ensure that matters relating to heritage are fully considered

1. SUMMARY OF RECOMMENDATION

Refuse

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application site relates to a parcel of agricultural land to the east of Foxt Road, Foxt, which spans a length of approx. 40m and a width of 30m and benefits from an existing access via a field gate.
- 2.2 The site is bounded to the south by a row of four terraced two storey red brick houses with associated front and rear gardens, and to the east by open agricultural land.
- 2.3 To the north stands a single farm track serving Intake Farm. The western boundary is defined by a dry stone wall that borders Foxt Road. The Grade II Listed St Marks Church lies immediately opposite the site.
- 2.4 The site lies outside of the development boundary in the open countryside, although is not immediately constrained by any other land use designation.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The application seeks full planning permission for a detached two storey dwelling with a single storey ancillary garage, served by a new private driveway, and domestic garden.
- 3.2 The plans subject to assessment within this report are listed below:
- 1909-12-05 Location Plan and Revised Garage Plans
 - 1909-12-06 Revised Plans and Elevations
 - 1998-12-07 Revised Proposed Site Plan
- 3.3 The proposed dwelling sits relatively centrally within the plot, with the private driveway entering from the south a short distance from the public highway. The dwelling has a simple rectangular form spanning a width of 11.7m and a depth of approximately 7m, with a dual pitched roof, and orientated so that the principal elevation points westwards at a slight angle to the public highway.
- 3.4 The front elevation is characterised by a central entrance door, with two ground floor window either side, and three first floor windows. The rear elevation is characterised by a modest pitched gable which contains a set of bi-fold doors at ground floor level. All windows are of a consistent design and appearance.
- 3.5 As shown on the submitted Floor Plans, the dwelling has a ground floor that is made up of an entrance hall; a kitchen; utility room; and open plan living room and dining area. The first floor contains four bedrooms, one with en-suite bathroom; and a second shared bathroom.

4. RELEVANT PLANNING HISTORY

- 4.1 The site has no former 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)
- 5.2 The Staffordshire Moorlands Emerging Local Plan (Submission Version February 2018) has now been through an Examination by an Independent Planning Inspector and as such planning policies within it can be given appropriate weight, in line with paragraph 48 of the NPPF.

Staffordshire Moorlands Local Plan (1998)

- 5.3 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.

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

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

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS2 Future Provision of Development
- SS3 Distribution of Development
- SS6 Rural Areas
- SS6b Smaller Villages Area Strategy
- SS6c Other Rural Area Strategy
- SD1 Sustainable Use of Resources
- H1 New Housing Development
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- R2 Rural Housing
- T1 Development and Sustainable Transport

Emerging Local Plan Submission Version (2018)

Local Plan process

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They will be held on 4th and 5th February. The Inspector will outline the timetable for next steps in the process at the close of the hearings.

In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation
- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

Emerging Policies

5.6 The following Emerging Local Plan Policies are relevant to this application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS2 Settlement Hierarchy
- SS3 Future Provision of Housing Development
- SS9 Smaller Villages Area Strategy
- SD1 Sustainable Use of Resources
- H1 New Housing Development
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- T1 Development and Sustainable Transport

Revised National Planning Policy NPPF – The Framework (2019)

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

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

6. CONSULTATIONS CARRIED OUT

Press Notice expiry date: N/A
Site Notice expiry date: 27th December 2019

Local residents have been notified by letter.

A single representation has been made that makes reference to a mains sewer running underneath the site.

Severn Trent Water

No Objections

AES Waste

No Objections

Ipstones Parish Council

Supports application – proposed dwelling will be for local people

SCC Highways

No Objections subject to conditions

SMDC Environmental Health

No Objections subject to conditions

SMDC Conservation Officer

It is too remote from the core of the settlement and would create a linear/ribbon form of development extending out of the settlement which is not encouraged. Development should take into account the historic character of the village and protect and enhance heritage assets and their setting.

Development of this site will impact on the setting of the Listed Church – In particular the rural setting of the Church when viewed from Shay Lane and the main Foxt Road. The development will also impact on views towards the church from Footpath No.49. The Listed Church was historically set in an open, rural landscape associated only with a small school and grouping of several isolated farms. The more recent development in the vicinity has encroached on the building's setting but that does not justify more of the same. One of the key open views remaining is that extending east (across the application site) which also retains the historic field boundaries.

The form and massing of the dwelling is large and urban in form, not reflecting the local vernacular and failing to address the road frontage.

Harm to settlement character and setting of St Mark's Church

7. OFFICER COMMENT AND PLANNING BALANCE

Key Issues

- Principle of Development
- Impact on Heritage Assets

- Design & Landscape Character
- Amenity
- Highway Safety

Principle of Development

- 7.1 Policy H1 of the Core Strategy supports new housing that accords with Policies SS5 and SS6, which defined the settlement hierarchy for the Towns and Rural Areas respectively.
- 7.2 Foxt is identified under Policies SS6 and SS6b of the Core Strategy as a Smaller Village. Policy SS6b give support for new housing development which meets a local need, including affordable housing in accordance with Policy H2.
- 7.3 The supporting text to Policy SS6b states that in order to guide development an Infill Development Boundary will be defined around these settlements within which appropriate development will be allowed. The Infill Development Boundary was set to come forward in a Site Allocations Development Plan Document (DPD) which would support the Core Strategy. However, due to the emergence of the new Local Plan, this document was never published.
- 7.4 The application site lies outside of the development boundary defined on the Saved Policies Map (1998) and the Emerging Local Plan (2018). As such, the application is subject to Policy SS6c of the Core Strategy, which refers to rural areas outside of the defined development boundary.
- 7.5 Policy SS6c allows for new residential development in the rural areas outside of the towns and villages in accordance with Policy R2, which sets out the types of residential development which is supported in principle. Policy R2 restricts a new dwelling to that which meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere.
- 7.6 The Emerging Local Plan continues to define Foxt as a Smaller Village under Policy SS9. The policy seeks to enable limited housing development, including small infill schemes in accordance with Policy H1. The supporting Map showing the extent of Foxt village shows that the village has no proposed development boundary.
- 7.7 Policy H1 of the Emerging Plan states that outside the development boundaries, limited infill residential development of an appropriate scale and character will be supported provided that
- The development will adjoin the boundary of a larger village and be well related to the existing pattern of development and surrounding land uses; or

- The development is well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to a sporadic pattern of development; and
- In all cases, the development would not lead to a prominent intrusion into the countryside or have an adverse impact of significance to the character of the countryside

- 7.8 Whilst the applicant lives locally, the proposed development is an open market dwelling which is not designed to meet an essential local need as defined in the Core Strategy (i.e. an affordable housing dwelling or an agricultural workers dwelling). The application is therefore in conflict with Policies SS6, SS6c H1 and R2 of the adopted Core Strategy.
- 7.9 Further to the above, the proposed dwelling sits within a large plot which is isolated to and relatively distant from the core of the village which lies further south in the vicinity of the Fox and Goose Public House. Having regard to the Core Strategy policy, whilst infill boundaries have never been defined, it is considered that on any reasonable drawing of such a line, this site would lie outside it. Assessing the proposal against the emerging policy, the development is considered to result in sporadic development that extends the ribbon of development north of the existing terraced houses to the south, and would also lead to the intrusion into the countryside. For these reasons, the proposal conflicts with Policies SS9 and H1 of the Emerging Local Plan.
- 7.10 For the reasons outline above, the principle of development is not supported due to the direct conflict with strategic and housing policies within the Core Strategy and the Emerging Local Plan.

Impact on Heritage Assets

- 7.11 Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.12 The application site lies within close proximity to the St Marks Church which is Grade II Listed. As such, the application is subject to Policy DC2 of the Core Strategy, Policy DC2 of the Emerging Local Plan, and policies contained within Chapter 16 of the Framework.
- 7.13 Paragraphs 193-196 of the Framework sets out how a local authority should assess the significance of a heritage asset and the impact of a proposal on such an asset (including its setting). These policies stress that great weight should be given to an asset's conservation. Where a development will lead to substantial harm or total loss of an asset, consent should be refused unless there are substantial public benefits that outweigh that harm. Where a

development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

- 7.14 The site lies adjacent to St Marks Church; a Grade II Listed Building which stands on the opposite site of Foxt Road. The façade of the church faces south eastwards and is set within spacious grounds which accommodate a grave yard on all sides.
- 7.15 At the request of the Conservation Officer, the applicant has been submitted a Heritage Statement. However this is severely lacking in detail, and fails to assess the significance of this important heritage asset and the potential impacts of a two storey dwelling on its setting, as required by paragraph 189 of the Framework.
- 7.16 The Church is a dominant feature on the northern fringes of Foxt Village and is clearly visible from a number of public vantage points. The Conservation Officer notes that the Church was historically set in an open, rural landscape associated with a small cluster of buildings, and identifies key views of this Listed Building from the north and west of Shay Lane, from Foxt Road, and from the public right of way to the east which stands some 200m distant at its nearest point. The latter extends across the application site.
- 7.17 As such, any development within this gap – particularly one with two storeys, will result in harm to the setting of this Listed Building, contrary to Policy DC2 of the Core Strategy, Policy DC2 of the Emerging Local Plan. The degree of harm is considered to be less than substantial for the purposes of paragraphs 193-196 of the Framework. This harm is weighed against public benefit in the Planning Balance section of this report.

Design & Landscape Character

- 7.18 The application site is located outside of any development boundary in either the current Local Plan or the Emerging Local Plan and as such is subject to Policies SS6, DC1 and DC3 which together, aim to strictly control development to that which relates well to existing development, and which respects and/or enhances the character of the immediate and wider rural landscape. The Council's 'Design Guide' SPD and 'Design Principles' SPD provides further useful guidance for new dwellings in the rural areas of the District.
- 7.19 Paragraph 127 of the Framework states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment. Paragraph 130 goes on to states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design statements or guides in supplementary planning documents.

- 7.20 The Design Guide SPD requires new development, be it a single building or a group, to respect the 'grain' of a settlement, meaning the relationship buildings have to the street and to each other. The 'Design Principles' SPD emphasises this point, stating that new dwellings should form part of a group of buildings and not stand in isolation.
- 7.21 The site consists of a parcel of agricultural land which lies to the north of the core of Foxt Village, and forms an important open vista within the setting of St Marks Church. Existing development in the northern fringes of Foxt is sporadic. The site lies between a group of four terraced houses that are thought to date from the mid 20th Century to the south and Intake Farm to the north.
- 7.22 The development comprises a single detached dwelling has been the subject of amended plans following initial comments earlier in the consultation process from the Planning Officer. Amendments included the re-siting of the dwelling within the plot, the garage standing alone as a detached structure, and amending the architectural design showing the removal of the front central gable, the creation of a rear gable, and changes to fenestration. The original and revised plans can be viewed on the Council's website and were amendments were made prior to the benefit of comments from the Conservation Officer.
- 7.23 Whilst the design of the dwelling and its relationship with the ancillary garage is considered to be acceptable in its own right, the dwelling would stand in a relatively isolated location and be poorly related to existing development, failing to respect the existing pattern of development. Development of the site would also see the loss of an important open gap in this rural landscape. As such, the proposal is considered to conflict with Policies SS6, DC1 and DC3 of the Core Strategy, relevant Supplementary Design Guidance, and paragraph 127 of the Framework.

Amenity

- 7.24 Policy DC1 of the Core Strategy states that new development should protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, and privacy. Paragraph 127 of the Framework states that development should result in a high standard of amenity for existing and future users.
- 7.25 The proposed dwelling would sit in an open, relatively isolated location that is bounded to the west by the public highway and the east by open agricultural land. The sole residential property that has the potential to be adversely affected by the proposed development is the end terrace No.4 Foxt Road.
- 7.26 The side elevation of No.4 faces the site and contains one window at ground floor level and a second single window at first floor level. As shown on the latest plans submitted for determination, the side elevation facing No.4 Foxt Road does not contain any windows.

- 7.27 Given the distance of approx. 20m between the side elevation of the neighbour and side elevation of the proposed dwelling, it is considered that there would be no overbearing impacts, loss of sunlight, or loss of privacy, as a result of this proposal, and as such the application would accord with relevant local and national planning policies in this regard.

Highway Safety

- 7.28 Policy T1 of the Core Strategy requires new developments to be located where they can be accommodated within the existing highway network. Policy T1 of the Emerging Local Plan refers to emerging parking standards at Appendix 8, for all types of development, including residential dwellings. Paragraph 108 states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.
- 7.29 The site benefits from an existing access to Foxt Road and can accommodate three off-street parking space to serve a four bedroom dwelling, in line with the Council's emerging parking standards. The Highways Authority have subject to conditions, raised no objection to this proposal, and therefore there are not considered to be any adverse impacts to highway safety arising from this proposal.

Planning Balance/Conclusion

- 7.30 Policy S1a of the Core Strategy reflects the presumption in favour of sustainable development set out at paragraph 11 of the NPPF. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless either the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The latter situation is known as the "tilted balance".
- 7.31 The application site lies outside of the development boundary defined on the Saved Policies Map (1998) and the Emerging Local Plan (2018). As such, the application is subject to Policy SS6c of the Core Strategy, which refers to rural areas outside of the defined development boundary. Policy SS6c allows for new residential development in the rural areas outside of the towns and villages in accordance with Policy R2, which sets out the types of residential development which is supported in principle. Policy R2 restricts a new dwelling to that which meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere. The proposal does not accord with any of the categories of development in Policy R2.

- 7.32 Foxt is identified under Policies SS6 and SS6b of the Core Strategy as a Smaller Village. Policy SS6b gives support for new housing development which meets a local need, including affordable housing in accordance with Policy H2. The supporting text to Policy SS6b states that in order to guide development an Infill Development Boundary will be defined around these settlements within which appropriate development will be allowed. The Infill Development Boundary was set to come forward in a Site Allocations Development Plan Document (DPD) which would support the Core Strategy. However, due to the emergence of the new Local Plan, this document was never published. Nevertheless it is considered that on any reasonable drawing of an infill boundary line this site would lie outside of the village. Therefore it also fails to comply with Policies SS6 and SS6b
- 7.33 However, currently, the Council cannot demonstrate a 5 year supply of housing. The Framework explains that in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites policies which are most important for determining the application are regarded as being out of date and applications should be determined in accordance with the presumption in favour of sustainable development as set out above.
- 7.34 The site has been identified as being situated within the setting of St Mark's Church which is a Grade II Listed Building. The application is therefore subject to restrictive policies relating to heritage conservation within Chapter 16 of the Framework. Whilst the design of the dwelling has been amended to these changes were made without the benefit of comments from the Conservation Officer, who identified that the proposal would relate poorly to the existing pattern of development, and would result in less than substantial harm to the setting of the nearby Listed Building.
- 7.35 The Framework advises that where there would be less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case, the public benefits associated with the proposal are minimal and limited to the provision of a single dwelling in a time of acute housing land supply shortage. As such it would make minimal contribution to addressing the shortfall. There would be some modest economic benefit arising from jobs in construction, economic benefit to the construction industry supply chain and income for local shops and businesses. Whilst the applicant lives locally, the dwelling is open market and does not meet an essential local need (i.e. affordable housing or an agricultural workers dwelling), and thus fails to comply with types of residential development permitted in the rural areas under Policy R2 of the Core Strategy, and Policy H1 of the Emerging Local Plan. Benefit to the applicant is considered to be a private benefit rather than public benefit which is the requirement of the Framework.
- 7.36 The proposal therefore fails to comply with policies in the Framework that protect areas or assets of particular importance and accordingly these provide a clear reason for refusing the development proposed. Therefore the

presumption in favour of sustainable development (often referred to as the 'tilted balance') is not applicable in this case.

- 7.34 Notwithstanding this, it has been judged that the proposal is isolated both in the context of neighbouring properties and its distance from the core of Foxt Village, on a site that has an open rural character. The development would lead to a sporadic form of development and would create and extend the existing ribbon development. The application is thus considered to conflict with Policies SS6, DC1 and DC3 of the Core Strategy, relevant Supplementary Design Guidance, and Chapter 12 of the Framework as well as emerging local plan policy relating to infilling in smaller villages. The development of this open agricultural parcel of land is judged to result in harm to the setting of the Listed Building, particularly when viewed from Shay Lane to the north and west, and the footpath east of the village. The level of harm to this important heritage asset is considered to be less than substantial for the purposes of the Framework.
- 7.35 The application is not considered to result in any harm to neighbouring residential amenity or highway safety. However, the cumulative harm which has been identified substantially and demonstrably outweighs the minimal public benefits and thus the application is in conflict with Policy DC2 of the Core Strategy, and the of the Framework. For the reasons outlined within this report and set out below, the application is considered to comprise an unsustainable form of development and in line with Policy SS1a of the Core Strategy and paragraph 11 of the Framework, the application is recommended for refusal,

RECOMMENDATION: Refuse

- 1. The proposed open market dwelling does not meet an essential local need (i.e. affordable housing or agricultural workers dwelling) and is situated in an isolated location detached from the existing development and the main core of Foxt Village, on land which has an open rural character. The proposed development would introduce an urban feature which would be detrimental to the immediate, and wider open rural landscape character, contrary to Policies SS6, SS6c, H1, DC1, DC3, and R2 of the Core Strategy, the Emerging Local Plan, relevant Supplementary Design Guidance, and Chapter 12 of the Framework.**
- 2. The proposed development would be located within a parcel of land that plays an important role in the open and rural setting of the adjacent Grade II Listed St Mark's Church, and therefore results in harm to the immediate and wider setting of this heritage asset, contrary to Policy DC2 of the Core Strategy and Emerging Local Plan. The level of harm is considered to be less than substantial for the purposes of the Framework; however the minimal public benefits associated with the proposal do not outweigh this harm. The proposal therefore fails to comply with Policy DC2 of the Core Strategy, Policy DC2 of the Emerging Local Plan and the NPPF in this regard.**

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 Head of 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.



LOCATION PLAN