

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**13 February 2020**

<b>Application No:</b>	SMD/2019/0308	
<b>Location</b>	99 School Lane, Caverswall, Staffordshire, ST11 9EN	
<b>Proposal</b>	Demolition of timber garage to replace with timber garage and store	
<b>Applicant</b>	Mr Andrew Marshall	
<b>Agent</b>	N/A	
<b>Parish/ward</b>	Caverswall	<b>Date registered</b> 09.07.2019
<b>If you have a question about this report please contact:</b> Lisa Howard tel: 01538 395400 ex 4923 lisa.howard@staffsmoorlands.gov.uk		

## **REFERRAL**

The site is neighboured by the property belonging to Cllr Roberts. Therefore it is considered that the application should be determined by the Planning Committee in the interests of transparency.

## **SUMMARY OF RECOMMENDATION**

<b>APPROVE subject to conditions</b>
--------------------------------------

### **1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

1.1 The application site is located to the south west of no.99 School Lane, Caverswall and falls within the North Staffordshire Green Belt. The site comprises of a series of timber built storage sheds / garages that are owned and used by the occupier of no.99 School Lane. Vehicular access to the site is provided via the driveway that serves Mill House Farm located to the west of the application site. The driveway extends off School Lane to the south of no.99 School Lane.

### **2. DESCRIPTION OF THE PROPOSAL**

2.1 Planning approval is sought for the demolition of an existing garage / store and for the construction of a replacement store to be located adjacent to the north site boundary.

### **3. RELEVANT PLANNING HISTORY**

3.1 There is no site history directly related to the application site. The following site history is relevant to development within the residential curtilage of no.99 School Lane, Caverswall:

82/10995/OLDDC	Extension to form bedroom, bathroom and shower room	Approved
SMD/2015/0566	Proposed front, side and rear extensions and construction of a rear porch	Approved

#### **4. PLANNING POLICIES RELEVANT TO THE DECISION**

4.1 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)

4.2 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 to be consulted on in late Spring 2016.

Adopted Staffordshire Moorlands Core Strategy DPD (26<sup>th</sup> March 2014)

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

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6 Rural Areas
- SS6b Smaller Villages Area Strategy
- DC1 Design Considerations
- R1 Rural Diversification
- R2 Rural Housing
- T1 Development and Sustainable Transport

National Planning Policy NPPF

- Section 12 Achieving well-designed places
- Section 13 Protecting Green Belt Land

National Planning Policy Guidance

- Space about dwellings
- Design SPD

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

Paragraph 48 of the newly adopted NPPF states that:

“...decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

#### Local Plan process

4.4 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.

4.5 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.

4.6 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.

4.7 Given the above, the majority of policies (as modified) can be given substantial weight. However, policies that are subject to the February hearing sessions can only be given moderate weight as they are subject to outstanding objections and scrutiny.

### Emerging Policies

The following policies are considered to be relevant to this application:

- SS1 Development Principles
- 1a Presumption in Favour of Sustainable Development
- SS2 Settlement Hierarchy
- SS9 Smaller Villages Area Strategy
- DC1 Design Considerations
- T1 Development and Sustainable Transport

## **5. CONSULTATIONS CARRIED OUT**

5.1 A Site Notice was displayed and neighbours notified by letter. The last date for comments expired: 9<sup>th</sup> August 2019. No representations have been received.

### **Caverswall Parish Council:**

5.2 Caverswall Parish Council make the following comment:

1. Councillors consider the height of new build to be excessive even though the large extension barn is much larger in size and height this has been there for many years and should not be used as a reference to the new buildings height.
2. Councillors consider that a maximum 4m height would be preferable, if approved;
3. Plan drawing is not representative of true dimensions;  
Proposed building is considered to be in too close proximity to hedge and to neighbouring property.

## **Severn Trent Water**

5.3 No objection. Confirm there is no requirement for a drainage condition to be applied due to the minimal impact on the public sewerage system.

### **6. OFFICER COMMENT AND PLANNING BALANCE**

#### **Policy Context**

6.1 As with all applications, the LPA is required to determine this application in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

6.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' in line with the National Planning Policy (herein referred to as the NPPF) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- II. Specific policies in within the NPPF indicate that development should be restricted.

6.3 The Core Principles of the NPPF are set out at paragraph 8 which, amongst other things, seek to proactively drive and support sustainable economic development to deliver homes, businesses, industrial units, infrastructure and thriving local places that the country needs. High quality design should be sought and a good standard of amenity is expected for all existing and future occupants of land and buildings.

#### **Green Belt**

6.4 The land on which the development is proposed falls outside of the Caverswall and Cookshill Village Development Boundary, within the Green Belt. In accordance with policy SS6c, the other rural areas comprising of the countryside and Green Belt outside of the development and infill boundaries of the towns and villages, as defined in the Site Allocations DPD, will provide only for development which meets an essential local need.

6.5 In accordance with paragraph 145 of the National Planning Policy Framework a Local Planning Authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this are outlined at paragraph 145 and 146 and includes at paragraph 145 g) Limited infilling or the partial or complete redevelopment of previously

developed land; whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

6.6 The existing structures on the site are permanent in nature and have been in situ for a timescale that falls well in excess of the limitations set out in section 17B of the Town and Country Planning Act 1990. As such the site should be regarded as 'previously developed land' for the purposes of Green Belt assessment.

6.7 The proposed building is to sit on a footprint of 9.5m by 4.5m. A dual pitched roof is proposed with a ridge height of 4.5m and eaves level of 3m. Externally, the building is to be timber clad and the roof covering is to comprise of bitumus onduline roofing sheets. Amended plans have been sought and are awaited to show a reduction in height to 3m.

6.8 The building is to be sited on the north western side of the plot and would sit between two existing structures. It is noted that the north west site boundary is served by a mature leylandii hedge. The site is stepped in nature and accordingly the building would sit below that located to the west, and higher than that located to the west.

6.9 An existing building, albeit of smaller dimensions and found towards the southern side of the site is to be demolished. The building is sought to allow for additional storage of materials and implements currently being stored externally on the site. Although the proposal will replace an existing building on the site, despite the reduction in height which has been negotiated, the new building will be materially larger and therefore, there will inevitably be some impact on openness. However, it is considered that this could be off-set through conditions to restrict external storage and to require the planting of a native hedge to the boundary which will screen the site and clearly define it's extent to prevent further encroachment into the adjacent field and Green Belt.

6.10 Subject to the receipt of the amended plans and conditions as set out above it is not considered that the proposed development would result in greater harm to openness than that of the existing site circumstances.

#### Character, Appearance & Heritage

6.11 In accordance with policies DC1, DC3 and R1, development should be designed to respect the site and its surroundings having regard to matters of scale, density, layout, siting and landscaping. Development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement should be resisted. The Council will seek to support development which respects and enhances local landscape character.

6.12 The proposed building is of an acceptable design and scale that would adequately reflect its purpose as a general purpose storage building. The building would not be viewed in isolation and would be read within the context

of the existing site. The development would not detract from the character or appearance of the site or wider streetscene.

### Amenity

6.13 Core Strategy policy DC1 requires development to protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping. Similarly, paragraph NPPF 127f) seeks to achieve a high standard of amenity for existing and future users of the site.

6.14 The application site is bound by no.101 School Lane to the north west. A leylandii hedge serves the north west site boundary, which would offer some mitigation to views from the north east. Sufficient distance would exist between the proposed development and no.95 School Lane to the south east and Mill House Farm to the south west to achieve an acceptable standard of amenity and to avoid any overshadowing or overlooking of these properties.

## **7. CONCLUSION**

7.1 To conclude, whilst the application site is located outside of the development boundary, within the Green Belt, subject to the receipt of amended plans and the imposition of appropriate conditions, the proposed development constitutes appropriate development in accordance with paragraph 145g of the National Planning Policy Framework. This application is considered to accord with the policies contained in the Staffordshire Moorlands Core Strategy and National Planning Policy Framework.

## **8. RECOMMENDATION**

### **A. APPROVE subject to the following conditions:**

**1. The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.**

**2. The external facing and roofing materials shall match in colour, and form to those of the existing buildings on the site.**

**Reason:- To ensure that the works harmonise with the existing development.**

**3. Within one month of first occupation of the development hereby permitted, the existing garage identified for demolition on the approved site plan shall be demolished and the land restored in accordance with details that are to be first approved by the Local Planning Authority.**

**Reason:- Having regard to Green Belt policy.**

**4. Within the first planning season following the commencement of development a native hedge comprising Hawthorn 70%, Blackthorn 10%, Hazel 10% and Holly 10% shall be planted along the south western site boundary and any trees or plants which within a period of 5 years from the completion of the planting scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.**

**Reason:- To protect the openness of the Green Belt.**

**5. There shall be no external storage at the site. Any items currently stored externally within the shall be moved in-doors or removed from the site within 6 months of the date on which the building hereby permitted is brought into use.**

**Reason:- To protect the openness of the Green Belt.**

**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.**

# HM Land Registry Current title plan

Title number **SF596255**  
Ordnance Survey map reference **SJ9443SE**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **Staffordshire : Staffordshire**  
**Moorlands**

