

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**20 August 2020**

<b>Application No:</b>	SMD/2020/0094	
<b>Location</b>	3 The Cottages, Hazles Cross Road, Kingsley	
<b>Proposal</b>	Single-storey side extension	
<b>Applicants</b>	Mr and Mrs Plant	
<b>Agent</b>	Byatt Oliver Associates	
<b>Parish/Ward</b>	Kingsley	<b>Date registered</b> 21/02/2020.
<b>If you have a question about this report please contact:</b> Mr C Johnston <a href="mailto:christopher.johnston@staffs Moorlands.gov.uk">christopher.johnston@staffs Moorlands.gov.uk</a>		

**SUMMARY OF RECOMMENDATION**

**Refuse.**

**REFERRAL**

The application is brought before Planning Committee at the request of Cllrs Aberley, Fallows and Bentley in order to consider the impact of the proposal on the openness of the Green Belt.

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

1.1 The site lies within the countryside to the north-west of Kingsley village and is within "Hazles Cross", which could be described as a small rural hamlet with a group of sporadic dwellings gathered around Banks Lane, a country lane connected to Hazles Cross Road, to the west. The site comprises an end-terrace cottage which is one of a row of three cottages which lie perpendicular to Banks Lane, to the north of the side elevation of the row of three houses. The dwellings are served by a path from Banks Lane and there is no vehicular access. There are detached dwellings to the front and rear of the site (west and east) and also to the south side of the site. The site is within the Green Belt.

**2. DESCRIPTION OF THE PROPOSAL**

2.1 This is a full planning application for a single-storey side extension to provide a family room. It would have the same pitched-roof form with side gable as the original dwelling and existing single-storey side extension.

2.2 The new application, the details and documents attached to it, the plans, any comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=133324>

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

SMD/2015/0067: Single-storey side extension. Refused.

SMD/2015/0301: Pitched roof on flat-roofed side extension. Approved.

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

#### **4.1 Core Strategy Development Plan Document (Adopted 2014)**

SS1 - Development Principles

SS1a - Presumption in Favour of Sustainable Development

SS6c Other Rural Areas

DC1 – Design Considerations

#### **Emerging Staffordshire Moorlands Local Plan**

On July 20<sup>th</sup> 2020, the Council published the Inspector's final report thereby drawing a close to the examination in public. The report concludes that with the recommended main modifications, the plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework (NPPF). As such, the main modifications which accompany the Inspector's report provide a clear indication of the final policy wording when read in conjunction with the Local Plan Submission Version (2018).

In this context, the Council's position on the weight to be given to the policies (as modified) 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 the most advanced stage of preparation prior to adoption as the Inspector has concluded that the Local Plan is sound subject to the recommended modifications being made.
- The extent to which there are unresolved objections to relevant policies – the Inspector has now drawn his final conclusions and there are no further matters to resolve
- The degree of consistency of the relevant policies in the emerging plan to this Framework – the policies (as modified) have been found by the Inspector to be sound in the context of the 2012 NPPF under which the Local Plan has been examined. One of the “tests of soundness” that the Local Plan has successfully been measured against is whether it is “consistent with national policy”. Because the Local Plan has been prepared and examined under the 2012 NPPF, it should be noted that in some limited cases, its policies do not directly reflect current national policy. However, planning law requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. Current national policy is a material consideration and should be given weight accordingly. Given the above, all policies (as modified) should be given substantial weight.

SS1 - Development Principles

SS1a - Presumption in Favour of Sustainable Development

SS10 Other Rural Areas

DC1 – Design Considerations

#### **National Planning Policy Framework**

Including sections;

- 12: Achieving well-designed places  
13: Protecting Green Belt land

## **5. CONSULTATIONS CARRIED OUT**

- 5.1 A Site notice has been displayed close to the site on 5<sup>th</sup> May 2020.

### **Site Notice**

Consultation period expired: 26/05/2020

### **Press Notice**

N/A

### **Neighbour Notification**

Consultation period expired: 26/05/2020

### **Public Comments:**

- 5.2 None.

### **Kingsley Parish Council:**

- 5.3 Approval recommended.

### **Local Highways Authority (SCC):**

- 5.4 No objection

### **Severn Trent Water (SMDC):**

- 5.5 No objection.

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

### **Policy Context**

6.1 The Local Planning Authority is required to determine planning applications 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 Paragraph 11 of the National Planning Policy Framework (February 2019) states that plans and decisions should apply a presumption in favour of sustainable development. For decision-takers this means: "(c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies, which are most important for determining the application are out-of-date, granting planning permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole". NPPF para 8 identifies the three dimensions to sustainable development as

economic, social and environmental. The National Planning Policy Framework is a material consideration in planning decisions.

6.3 Policy SS1 of The Staffordshire Moorlands Core Strategy identifies that development should contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. Core Strategy policy SS1a establishes a 'Presumption in Favour of Development' in line with National Planning Policy.

### **Main Issues**

6.4 The main planning considerations with the proposal include the principle of the development i.e. Whether or not the proposal amounts to inappropriate development in the Green Belt, the impact on the character and appearance of the rural area and the impact on residential amenity.

### **Principle of Development in the Green Belt Locality**

6.5 The site is in the Green Belt where there are restrictions for new development in order to protect the openness of the Green Belt. Policy SS6c of the Council's Core Strategy requires strict control over inappropriate development in the Green Belt. The forms of development that are exceptionally allowed in the Green Belt i.e. deemed to not be inappropriate in the Green Belt, are listed in paras 145 and 146 of the NPPF and include the enlargement of buildings providing this would not result in a disproportionate enlargement of the original building.

6.6 The dwelling has previously been enlarged via three extensions. There is an existing single-storey side extension and a small front extension. This has resulted in a 50% increase in the floorspace of the original dwelling. A pitched roof for the flat-roofed side extension was added under a 2015 planning permission. This has not added any additional floorspace but has increased the volume of the building further.

6.7 In 2015, a further single-storey side extension, projecting from the existing side extension, was refused planning permission as it was considered this would have resulted in the disproportionate enlargement of the original dwelling, contrary to the Green Belt restrictions in then NPPF. The proposal would have resulted in an 89% increase in the original floorspace when factoring the floorspace already added by the previous side and front extensions.

6.8 This new proposed side extension would have a different design to the one rejected in 2015 but would nevertheless have a similar floorspace and scale to the one refused. Due to the previous extensions, it is considered that any further enlargement of the dwelling would result in a disproportionate enlargement of the original dwelling. The current proposal which would result in an increase of 89% on the original is clearly disproportionate. Neither the Green Belt policies in the NPPF or the relevant Core Strategy policies have changed since the previous refusal and therefore the new proposal is, similarly, considered to amount to inappropriate development in the Green Belt which is by definition harmful to the openness of the Green Belt. Inappropriate development in the Green Belt should only be allowed if there are very special circumstances considered to outweigh the harm to the Green Belt. It is not considered that any very special circumstances exist.

6.9 The applicant's agent has referred to examples of nearby extensions or buildings that were allowed despite contravention of Green Belt policy due to the existence of other very special circumstances which weighed heavily in the allowance of those

schemes and outweighing the harm to the Green Belt. Two of these are recent and are located in Hazles Cross and are as follows:

SMD/2018/0688: Extension to The Cattery.

SMD/2018/0577: Porch and garage at Ivy Cottage.

6.10 In the first case, it was considered a disproportionate enlargement to a cattery building would occur with the proposed extension, although this was considered to be small, discreet and seen against the backdrop of other buildings. In response to this, I consider the proposed extension to the dwelling would be less small or discreet in relation to the size of the current building it would form an extension of. However, more pertinent to the case, it was considered the extension to the cattery would enable the support/growth of the cattery business and this was considered to amount to a very special circumstance which outweighed the harm to the Green Belt. I therefore do not consider there are sufficient comparisons between the cattery case and the current house extension case that can allow the cattery case to be considered as an adequate precedent for allowing disproportionate enlargements of buildings in this area. There was clearly a factor which was particularly individual to the cattery case i.e. the significant needs of a business.

6.11 With regard to the second case, the site is adjacent and to the rear of the current application site. It involved a proposed detached garage building. New domestic garage buildings do not fall under the exceptional criteria under paras 145 and 146 of the NPPF which lists the forms of development which are not inappropriate in the Green Belt. Therefore the proposed garage was deemed to be inappropriate development in the Green Belt. However, this was approved as the case officer considered what could be built at the property under permitted development not requiring a planning permission i.e. Part 1 Class E of the GPDO relating to domestic outbuildings. The case officer considered the "fall back position" of a larger garage building which was possible to build at the site would have been more harmful to the openness of the Green Belt. This was considered to amount to a very special circumstance outweighing the harm to the Green Belt of that particular garage proposal and approval was given on this basis.

6.12 The current case differs in that the proposal relates to a house extension rather than a detached outbuilding and an extension carried out under permitted development falls under a different class in Part 1 of the GPDO (in this case Class A). There is no fall-back position for an extension under Class A at the site as there is insufficient space to extend at the rear and the house has already been extended to the side. It is not possible under Class A to extend to the front. It is possible to add a significant outbuilding to the property as a fall-back position under Class E (and which can be used as a family room required by the applicant) as an alternative to the extension. However, although there is a reasonably sized side garden at the property which can be used for this, a building here would be restricted as no part can be further forward of the front wall of the house and the rear boundary of the side garden tapers inwards, restricting space. The height of the building would be restricted to 2.5 metres if within 2.0 metres of any boundary. This is less than what is currently proposed for the extension. In summary, it is not considered an outbuilding built under permitted development at the site instead of the proposed extension would be significantly larger or more harmful to the openness than the extension proposed. The fall-back position would not be worse or equivalent in terms of Green Belt impact. Furthermore, the building would have to be detached from the main dwelling. As such it is not considered that this represents a realistic fallback option and therefore it is considered that this would not amount to the very special

circumstances needed to justify approving the house extension proposal which is deemed to be inappropriate development in the Green Belt.

### **The impact on the character and appearance of the area**

6.13 It is not considered the particular design of the extension would unduly harm the general design and character of the house. However, this factor does not outweigh the identified harm to the Green Belt openness and contravention of the Green Belt policies in operation.

### **The impact on residential amenity**

6.14 There are neighbouring dwellings adjoining and adjacent to the application site. However, as the extension would be single-storey and in view of the separation distance to neighbouring dwellings it is not considered that there would be any overshadowing impacts. Furthermore, it is located to the north of 2 of the closest neighbours (Crossmoor and The Croft). No windows are proposed in the rear elevation but large windows are proposed in the front and gable. Therefore, Ivy Cottage will be unaffected. Given the single storey nature of the proposal, the existing boundary treatments and relationship to Crossmoor and The Croft (including separation distance and orientation) it is not considered it would lead to a significant loss of privacy affecting neighbouring residential properties in this case. However, this factor does not outweigh the identified harm to the Green Belt openness and contravention of the Green Belt policies in operation.

### **Conclusion and Planning Balance**

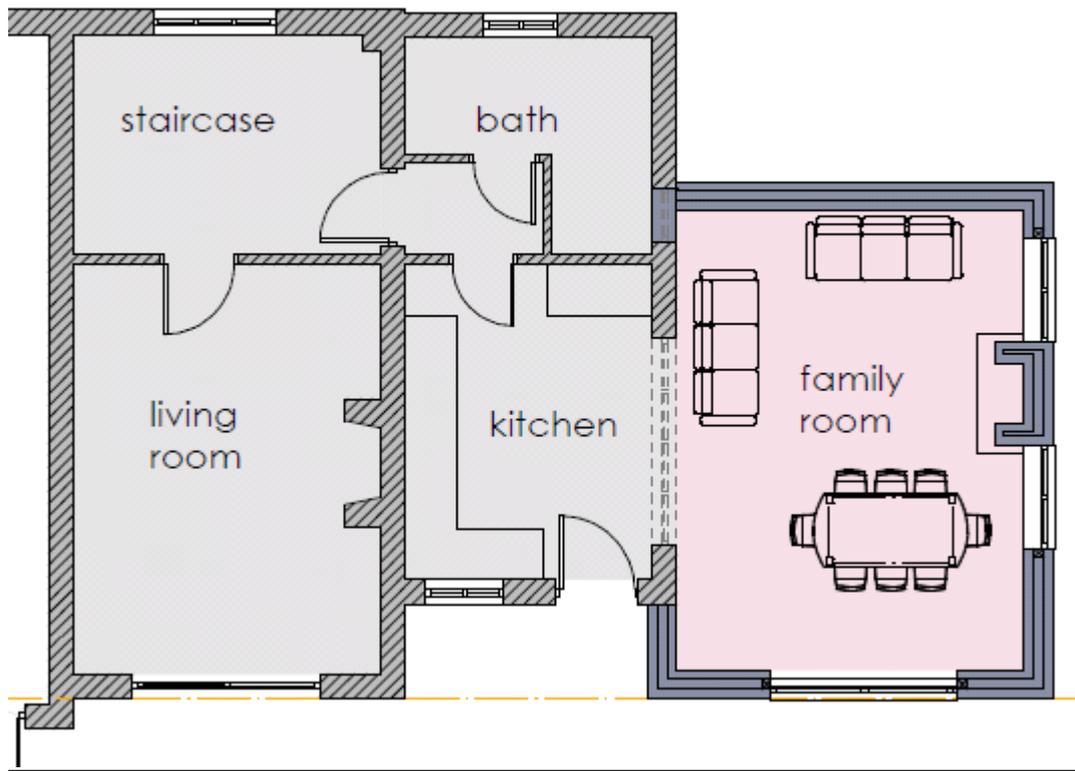
6.15 The proposal, due to the disproportionate enlargement of a building, would amount to inappropriate development in the Green Belt and there are no very special circumstances evident that can be considered to outweigh the harm to the Green Belt or operation of Green Belt policy. The proposal therefore would not comply with the Core Strategy, the forthcoming Local Plan and the government planning guidance contained in the NPPF. For the above reasons, the application is recommended for refusal due to the harm to the openness to Green Belt.

## **7 OFFICER RECOMMENDATION**

### **A. Planning Permission is refused for the following reasons:-**

1. The proposal, by virtue of the scale of the proposed extensions, together with previous extensions to the dwelling, would lead to a disproportionate increase in the size of the original dwelling and is therefore deemed in accordance with Section 13 of the National Planning Policy Framework (NPPF) to be inappropriate development in the Green Belt as it does not fall under the criteria of development listed in paragraphs 145 and 146 of the NPPF. The proposal is therefore by definition harmful to the Green Belt. Furthermore there does not appear to be any very special circumstances with this proposal that can be considered to outweigh Section 13 of the NPPF. The application also does not comply with Policy SS6c of the Council's adopted Core Strategy Development Plan Document which requires strict control over inappropriate development in the Green Belt.





side elevation - proposed



rear elevation - proposed