

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

11 February 2021

Application No:	SMD/2020/0575	
Location	Stanhopea, Mill Lane, Wetley Rocks	
Proposal	Formation of vehicular access	
Applicant	Mr & Mrs R. D. Hartley	
Agent	Mr Rob Duncan	
Parish/ward	Cheddleton	Date registered: 15 th October 2020
If you have a question about this report please contact: Ailsa Berry, tel: 07583122644, email: ailsa.berry@highpeak.gov.uk		

REFERRAL

The application is before committee as Cllr Wain requested that it be called-in if the Planning Officer was minded to recommend refusal.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site comprises a detached bungalow that was approved by Members of the Planning Committee in 2011 following an overturn of the Officer recommendation. The dwellinghouse comprised inappropriate development in the Green Belt. However the Planning Committee considered that very special circumstances existed for the dwellinghouse due to the owner's need to live in proximity to his national collection of orchids that are housed in greenhouses on the land.

2.2. The application site is located in the North Staffordshire Green Belt, on the southern side of Mill Lane, on the outskirts of Wetley Rocks.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 Full planning permission is sought for the formation of a vehicular access onto Mill Lane, replacing the existing access that is shared with the dwellinghouse to the southwest of the application site known as 'Foxdale'.

3.2 Details of the application scheme can be viewed at:

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=140944>

4. RELEVANT PLANNING HISTORY

SMD/2006/0270	Erection of a dwelling (outline) Refused 13/03/2006
SMD/2007/1345	Proposed bungalow (outline) Withdrawn 30/10/2007
SMD/2011/0088	Outline application for a detached dwelling Approved 19/04/2011
SMD/2011/0788	Erection of detached dwelling (reserved matters following outline application 11/00119/OUT) Approved 16/12/2011
SMD/2012/0015	Construction of vehicular access to serve dwelling approved under outline permission 11/00119/OUT Refused 15/03/2012 Appeal Dismissed 12/09/2012

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

5.1 The Development Plan comprises the Local Plan Development Document (adopted September 2020).

5.2 The following Local Plan policies are relevant to the application:

- SS1 Development Principles
- 1a Presumption in Favour of Sustainable Development
- SS2 Settlement Hierarchy
- SS10 Other Rural Areas Strategy
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- T1 Development and Sustainable Transport
- NE2 Trees, Woodland and Hedgerows

National Planning Policy Framework (NPPF) Revised (2019)

5.3 The following sections of the NPPF (2019) are particularly relevant to this application:

- 2: Achieving sustainable development
- 4: Decision making
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 13: Protecting Green Belt land
- 15: Conserving and enhancing the natural environment

6. CONSULTATIONS

Public response to consultation

6.1 One comment has been received from the occupier of 'Foxdale' that supports the application. They state that the existing shared access is very dangerous, it does not have good visibility on egress and there have been a number of near misses because of the poor visibility. They consider that it would be much better for them to have their own access onto Mill Lane as there would be far better visibility and much safer than the current situation which is an accident waiting to happen.

Cheddleton Parish Council

6.2 Cheddleton Parish Council support the application as it should not have been turned down originally as other applications on the same road have been granted.

SCC Highway Authority

6.3 No objection subject to conditions.

6.4 Part visibility splays are shown on drawing 1685-02. The full extents are not shown and cannot be measured. However, they are measured to 1m into the carriageway. This may be acceptable if the standard measurement to the near kerblines cannot be achieved. In this situation, 2.4m x 43m to the east measured to the kerblines can be achieved and should be provided in the interests of the safety of users of the access and of occupants of passing vehicles.

6.5 To the west, although the limits of the splay are not shown and cannot be measured, 2.4m x 43m to the kerblines is likely to be similar to the 52.7m measured to 1m offset.

6.6 Ivy on the existing wall will need to be further cut back and maintained to provide the splays.

6.7 The driveway is shown surfaced in tarmac but laid to fall to outfall to storage tank. While this is acceptable, it would be preferable to lay to fall to direct surface water to the existing grassed areas.

6.8 The gap in the wall should not be used as an access unless and until this application is approved and conditions complied with. Should approval be granted, the S184 application should be made and the access constructed as soon as possible.

6.9 Visibility at the existing access to 'Foxdale' could be improved by setting back the existing stone pillar on the boundary of the application site to a point 2.4m away from the carriageway kerblines. This boundary wall appears to be outside of the red line and would require the agreement of the owners of 'Foxdale' but would be an improvement in the safety of the existing shared access.

Severn Trent Water

6.10 No objection to the proposals and do not require a drainage condition to be applied.

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 The main issues relate to:

- Whether the proposal comprises an exception to inappropriate development in the Green Belt.
- Impact on the character and appearance of the existing dwellinghouse and the surrounding area.
- Impact on neighbouring amenity.
- Impact on highway safety.
- Impact on existing trees.

Planning History

7.2 Outline planning permission (with all matters reserved) for a bungalow to be erected within the grounds of 'Foxdale' was approved in 2011 when Committee Members overturned the Planning Officer's recommendation of refusal. The proposal comprised inappropriate development in the Green Belt but Members considered that the presence of the national collection of orchids amounted to Very Special Circumstances.

7.3 On approving the outline application, Members requested that a condition was attached that required the bungalow's access to be taken from the existing driveway serving 'Foxdale' and not directly from Mill Lane, as depicted on the indicative plans submitted with the outline application. This was requested by Members to reduce the visual impact of the proposal on the area and was duly attached as Condition 4 on the Decision Notice. The reason attached to the condition was: *'To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the Green Belt and Special Landscape Area'*.

7.4 In 2012, the applicants sought permission to relocate the bungalow's access so that it was served from Mill Lane, as originally shown on the outline application's indicative plans, rather than the shared access with 'Foxdale'. The application was determined by the Planning Committee as it was Members who had originally requested that the bungalow was served by a shared access from 'Foxdale'. Members refused the application as they considered the development to be neither essential or necessary and it comprised inappropriate development in the Green Belt and no Very Special Circumstances had been demonstrated to outweigh the harm by inappropriateness and associated visual harm to the openness, character and appearance of the Green Belt and Special Landscape Area.

7.5 The decision was subsequently appealed to the Planning Inspectorate. The Planning Inspector dismissed the appeal on the grounds that the proposal would comprise inappropriate development in the Green Belt; that it would *'cause significant harm to the character and appearance of the surrounding area'*; that *'no reasons have*

been given why an access which would cause visual harm and represent inappropriate development in the Green Belt should be permitted other than the appellant's preference for an individual access off Mill Lane'; and concluded that 'the very special circumstances necessary to justify the development do not exist'.

7.6 This application seeks approval for a similar development as was refused by Committee Members in 2012 and subsequently dismissed by the Planning Inspector.

Principle of Development

7.7 The application site is located in the Green Belt whereby policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2019) are applicable. Policy SS10 states that strict control will continue to be exercised over inappropriate development within the Green Belt, allowing only for exceptions as defined by Government policy.

7.8 Paragraphs 143 and 144 of the NPPF (2019) state *'that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'* and *'when considering a planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'*.

7.9 Paragraph 146 of the NPPF (2019) states that *'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it'*. This includes: *'b) engineering operation'*.

7.10 This policy has not changed since the 2012 application for a similar access onto Mill Lane. The Planning Inspector when considering the 2012 application stated:

'4...The NPPF also makes it clear that the essential characteristics of Green Belts are their openness and permanence and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

5. The appellant states that taking away part of the wall and replacing it in a set back position at the same height would not decrease openness. However, this does not take into account the area of hardstanding that would introduce a suburban feature to the currently undisturbed frontage and would extend into the site for a considerable distance. This extensive area of hardstanding would not preserve the openness of the Green Belt and in addition to urban sprawl would conflict with the purposes of including land in the Green Belt. The proposal would therefore represent inappropriate development for the purposes of the NPPF and in accordance with that guidance it is therefore, by definition, harmful to the Green Belt.'

7.11 The applicant maintains that the situation has changed since the 2012 application was refused and dismissed on appeal in that they have removed the section of stone wall to the front boundary and extended the existing area of hardstanding within the application site with gravel. The majority of the works have already been undertaken and therefore they consider that the proposal would not

adversely affect the openness of the Green Belt or result in sprawl and therefore it would comprise an exception to inappropriate development in the Green Belt.

7.12 It should be noted that permitted development rights were removed from the dwellinghouse and therefore the area of gravel that has been laid within the application site was undertaken without the benefit of planning permission and is therefore unlawful. The applicant's state that this has been in place in excess of 4 years. Notwithstanding this, the submitted drawings indicate that the gravel will be replaced with tarmac and this is also a requirement of the Highways Engineer.

7.13 Between the gravel area that has been laid and Mill Lane is an area of lawn within the applicant's garden and a grassed highway verge with a kerb along the edge of the road. The proposal will require a large proportion of this grass to be removed, along with the kerb stones, to create a level access onto the road. This area will also be covered in tarmac. Whilst it's regrettable that the applicants have chosen to remove a portion of the existing stone wall fronting the highway, this has obviously been done in response to the Planning Inspector's comments in respect of an '*undisturbed frontage*'. However, the remaining engineering works required to be undertaken are still considered to introduce a suburban feature into an otherwise rural area. The extensive area of tarmac would not preserve the openness of the Green Belt and would add to urban sprawl which would conflict with the purposes of including land in the Green Belt.

7.13 The proposal will still represent inappropriate development and is, by definition, harmful to the Green Belt.

Impact on the Character and Appearance of the Area

7.14 Policy DC1 refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

7.15 Paragraph 127 of the NPPF (2019) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

7.16 The proposal will result in the removal of the existing kerb stones along the road; the removal of the existing grass verge, part of applicant's lawn and the existing unauthorised area of gravel and its replacement with tarmac to the same level as the road; the continuation of the existing stone walls to form a curved entrance into the property; the erection of 2no. stone gate posts; and the erection of 2no. 5-bar gates set back between 6.5 and 8 metres from the highway (due to the varying angle of the road). The property's existing access onto the driveway of 'Foxdale' will be permanently closed.

7.17 The 2012 application that was refused and dismissed on appeal also proposed the removal of the kerb stones along the road, the removal of the grass verge and part of the applicant's lawn to create a level access from the road; a continuation of the existing stone walls to form an entrance into the site; and the construction of 2no. gate

posts. However, the extent of the tarmac was much smaller than is proposed by this application and no gates were to be erected.

7.18 In assessing the 2012 application, the Planning Inspector stated:

'7. I acknowledge that there is other residential development in this part of Mill Lane, and that nearby properties are all served by individual accesses. However, most of the residential accesses in the vicinity of the site are on the opposite side of Mill Lane to Foxdale and the long, unbroken frontage to Foxdale gives this part of Mill Lane a rural character. The new access and in particular the extent of the hardsurfacing, some of which would be clearly visible from Mill lane, would introduce a suburban feature which would injure the visual amenity of the Green Belt and detract from the high quality of the landscape. Accordingly I consider that the proposal would cause significant harm to the character and appearance of the surrounding area and would be contrary to LP policies N7 and N8.'

7.19 The current proposals would introduce a greater area of hardstanding than was proposed by the 2012 application and gates are now also proposed to be erected. The proposed development is therefore more visually prominent and in turn, more harmful to the rural character of the street scene and the openness of the Green Belt. Although the Local Plan policies have changed since the 2012 application was refused and dismissed, their content largely remains the same and therefore a different conclusion to the Planning Officer, the Planning Committee Members and the Planning Inspectorate cannot be reached. It is for these reasons that the proposed development will be contrary to policies DC1 and DC2 of the Local Plan (2020) and the NPPF (2019).

Impact on Highway Safety

7.20 Policies DC1 and T1 seek to achieve a level of parking and an access that is appropriate to the development it serves.

7.21 The Highway Engineer has assessed the application and raises no objection to the proposed development subject to the imposition of a number of conditions. The proposed extension is therefore considered to comply with policies DC1 and T1 of the Local Plan (2020) and the NPPF (2019) in respect of highway safety.

7.22 The occupier of 'Foxdale' has commented on the application outlining that the *'existing shared access is very dangerous, it does not have good visibility on egress'*. The Highway Engineer makes reference to the existing shared access in their consultation response and whilst he does not state whether the existing access is dangerous or not, he does conclude that *'visibility at the access to Foxdale could be improved by setting back the existing stone pillar on the boundary of the application site to a point 2.4 metres away from the carriageway kerbline'*. He notes the boundary wall appears to be outside the applicant's ownership and therefore the relocation of the stone pillar would require the agreement of its owners. However, given the owner of the wall has commented on the application outlining their concerns regarding the existing access onto Mill Lane and their willingness to seek an improvement to the situation, it is unlikely that this would be prevented. Such an alteration would be far

less detrimental to the visual appearance of the surrounding area and would improve the access arrangements of both 'Stanhopea' and 'Foxdale'. Whereas approval of this application would improve the access for 'Stanhopea' but 'Foxdale' would still need to utilise the existing access that is considered to be inappropriate. In this regard, highway safety would not amount to a reason to approve the application.

Impact on Residential Amenity

7.23 Local Plan policy DC1 and paragraph 127(f) of the NPPF (2019) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.24 The nearest dwellinghouse to the proposed access is sited over 50 metres away and therefore will not be adversely affected. No other dwellinghouses would be affected by the proposed development. The proposed access will therefore comply with policy DC1 of the Local Plan (2020) and the NPPF (2019) in respect of amenity.

Impact on Existing Trees

7.25 Policy NE2 seeks to protect existing trees, woodlands and hedgerows from loss or deterioration. This will be achieved by requiring them to be retained and integrated within a proposed development unless the need for and benefits of the development clearly outweigh their loss. It goes on to state that the Council will refer to its adopted Tree Strategy in the consideration of proposals and will seek to retain as many trees and as much hedgerow on site as possible.

7.26 Policy 2.2.6 of the Council's adopted Tree Strategy states that *'the Council will not normally grant planning permission for development proposals which directly or indirectly threaten trees of significant amenity unless there is overriding justification to do so'*.

7.27 Mature trees are located along the road frontage of the application site. These trees are not TPO protected nor are they protected by virtue of being sited within a Conservation Area. The proposed access will be located within a gap between two of the existing trees. A letter from a qualified Tree Surgeon was submitted with the planning application that concludes that the proposed development will not adversely affect the existing trees. No objection was raised regarding the 2012 application on these trees.

Subject to a condition requiring tree protection measures to be installed and retained during the duration of the development, it is not considered that the proposal will have a detrimental effect on the wellbeing of the existing trees. The proposed development will therefore comply with policy NE2 of the Local Plan (2020).

Planning Balance & Conclusions

7.28 The proposed development comprises inappropriate development in the Green Belt as it will adversely affect the openness of the Green Belt and conflict with the purpose of including land in the Green Belt.

7.29 A 2012 application for a similar development was refused by the Local Planning Authority and dismissed on appeal by the Planning Inspectorate as it *'would cause significant harm to the character and appearance of the surrounding area'*. The proposed development is considered to be more harmful to the rural character of this part of Mill Lane than the previously refused and dismissed application, as this scheme proposes a greater extent of hardstanding and a gate. The unauthorised area of gravel that has been laid within the applicant's garden and the removal of a section of the front boundary wall do not alter this view.

7.30 Whilst comments have been received that suggest the existing access serving both 'Stanhopea' and 'Foxdale' is dangerous or substandard, the Highway Engineer has indicated that improvements to visibility from the existing access could be achieved by relocating the existing gatepost; a development that would have far less impact on the openness of the Green Belt and the visual character of the area than this proposal. In addition, the proposed access would only be used by the occupiers of 'Stanhopea' and therefore any issues with the current shared access onto Mill Lane would still exist for the occupiers of 'Foxdale'. The proposed access is therefore not required to remedy an existing dangerous access onto Mill Lane.

7.31 There are, as the Planning Inspector previously noted, *'no reasons...[for] an access which would cause visual harm and represent inappropriate development in the Green Belt...other than the appellant's preference for an individual access off Mill Lane'*. This reason does not amount to Very Special Circumstances that clearly outweighs the harm caused reason of inappropriateness and the other identified harm to the character and appearance of the surrounding area. The application is therefore contrary to policies DC1, DC2 and SS10 of the Local Plan (2020) and the NPPF (2019).

8. RECOMMENDATION

That planning permission be REFUSED for the construction of a vehicular access onto Mill Lane for the following reason(s):

- 1. The site is situated within the North Staffordshire Green Belt. The proposed new vehicular access constitutes inappropriate development in the Green Belt and 'Very Special Circumstances' have not been demonstrated that clearly outweigh the harm by inappropriateness and associated visual harm to the openness, character and appearance of the area. The proposal is therefore contrary to policies DC1, DC3 and SS10 of the Staffordshire Moorlands Local Plan (2020) and the NPPF (2019).**

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/in formatives/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.

