

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**11<sup>th</sup> November 2021**

Application No:	SMD/2021/0586	
Location	Land at Cheadle Equestrian Centre, Eaves Lane, Cheadle, ST10 1RB	
Proposal	Erection of a rural workers dwelling	
Applicant	Jennifer Thompson, Vecthom Sports Horses	
Agent	Sammons Architectural Ltd	
Parish/ward	Cheadle	Date registered: 6 <sup>th</sup> Sep 2021
If you have a question about this report please contact: Benjamin Hurst tel: 07738506367 <a href="mailto:benjamin.hurst@staffsmoorlands.gov.uk">benjamin.hurst@staffsmoorlands.gov.uk</a>		

## **REFERRAL**

The application is before committee at the request of Cllr Mike Worthington and because members determined a previous application for similar development.

### **1. SUMMARY OF RECOMMENDATION**

<b>APPROVE subject to conditions</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The site comprises part of a private access road from Eaves Lane and a largely flat area of partly gravelled, partly grassed land, where the proposed dwelling would be constructed. The site is within a larger plot of land owned by the applicant, which includes grass fields, an outdoor equestrian exercise area, an indoor equestrian arena, a stable block, a 2-storey dwelling (Stable Cottage) with garage, and various other buildings and storage areas associated with the equine use. The existing stable building is a timber, American style barn that was built by the applicant, to replace a concrete run of old riding school stables.

2.2 The applicant's land is within a valley, which slopes upwards from Eaves Lane in the west, with the gradient increasing significantly to the rear of the 2-storey dwelling to the east of the site. The landscape is predominantly farmland, interspersed with hedgerows, narrow lanes, woodland and occasional buildings.

2.3 Eaves Lane is within the settlement of Cheadle according to the extant proposals map from 1998, the boundary for which is unchanged in this vicinity, in the adopted Local Plan. The countryside that surrounds Cheadle is described in the 'Landscape Character Assessment' (LCA) as *Ancient slope and valley farmlands* and amongst its key characteristics are *Small scale mainly ancient irregular fields bounded by*

*trees and hedgerows and Isolated properties.* The LCA also identifies a number of incongruous landscape features, which *include Localised industrial and residential development.*

### **3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL**

3.1 The application is the applicant's third attempt at seeking a planning permission to build what would be a second dwelling on her land ownership, after the first was refused and dismissed at appeal by a planning inspector, and the second was refused by members at planning committee last August. The dwelling would be located in an isolated, other rural location that is outside the settlement boundary of Cheadle. However, the applicant makes the case that it is essential for her to live in the proposed dwelling as a rural worker engaged in the commercial interest of her equestrian premises and that the existing dwelling, Stable Cottage, currently occupied by her parents, is not suitable for this function. The case relies on the rural exception policies in the Local Plan and the National Planning Policy Framework.

3.2 Members, during their discussion and debate at the August meeting, appeared to arrive at a point in considerations where they could accept that the applicant's business case and functional need for a dwelling demonstrates an 'essential need' to comply with the rural exceptions policy. However, the application was, in any event, refused because it was determined that the dwelling, as proposed, would have had an adverse impact on the character and appearance of the area by virtue of its design, scale, massing and position in a visually prominent location that would be seen across open countryside, with an urbanising effect when seen in combination with the existing buildings beyond.

3.3 The proposal with this application has been amended to address that objection by reducing the scale and massing of the proposed dwelling and improving its design, in respect of detailing and proportions, to limit the harm to the character and appearance of the area.

3.4 The site of the proposed dwelling would be roughly the same as that of the previous proposal, albeit on a reduced footprint, on the southern edge of the appellant's land, to the west of the stable building and other associated buildings. The proposed dwelling would have an 'L' shaped footprint formed by a two storey main axis with a single storey off shot at the rear. It would be constructed from facing brickwork under a Staffordshire Blue plain tile roof and would provide a modest level of accommodation comprising of an open plan kitchen, dining room and lounge, entrance hall, office, boot room and shower room at ground floor with 2 modest bedrooms and bathroom above.

The proposed dwelling would be positioned centrally within the plot with the ridge running in a north west to south east direction. It would be accessed directly off the existing track serving the Equestrian Centre with two off road parking spaces provided at the front. Private amenity space would be provided at the side and rear of the dwelling and the curtilage would be defined by a post and rail timber fence supplemented with a native hedgerow.

3.5 Details of the application scheme can be viewed at:

#### **4. RELEVANT PLANNING HISTORY**

78/05665/OLDDC Alteration to old dilapidated farm building to form stables and tack room with loft. Approved (the building that later became 'Stable Cottage').

81/09881/OLDDC Covered Riding Arena and stables (provided inside arena building) for 20 working riding school horses. Approved.

82/11438/OLDDC Conversion of existing stable block into instructor's living accommodation for temporary 2 year period. Approved. ('Stable Cottage')

83/011831/OLDDC Extension to the covered riding area building to form viewing area. Approved.

83/011853/OLDDC Line of 8 stables adjacent to indoor riding arena, to provide for the limit of 20 working horses. Approved.

84/13537/OLDDC Extension to stable block to add one stable and two hay stalls. Approved.

84/13666/OLDDC Instructor's Living Accommodation, renewed temporary permission for 5 years. Approved (Stable Cottage).

85/14412/OLDDC Full conversion to permanent instructor's accommodation in the form of a two storey three bedroom dwelling. Approved (Stable Cottage).

92/1183 Feedstore, foaling box, covered standings, catering and toilets. Approved.

91/0522 pony stalls, tack rooms and office. Approved.

SMD/2019/0088 Erection of a rural workers dwelling. Refused and Dismissed at Appeal.

SMD/2021/0296 Erection of a rural workers dwelling. Refused.

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

5.1 The Development Plan comprises of:

- The Local Plan Development Document (adopted Sep 2020)

##### Adopted Staffordshire Moorlands Local Plan - Sep 2020

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

- SS1 Development Principles
- SS10 Other Rural Area Strategy
- H1 New Housing Development

- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- T1 Sustainable Transport

## Staffordshire Moorlands Design Guide

## National Planning Policy Framework (NPPF).

### **6. CONSULTATIONS**

A site notice was posted and displayed by the applicant on the 10<sup>th</sup> September, to expire on the 1<sup>st</sup> October.

#### **Public response to consultation**

6.1 No response to date

#### **Cheadle Town Council**

6.2 It was resolved that Council would remove its previous objections to this Application, pending confirmation that modifications were made to the size and scale of the proposed development in terms of reduction, and that ownership of the property was tied in with the existing Equestrian Centre and land, and not as a separate entity.

#### **SCC Highway Authority**

6.3 No Objection. Eaves Lane is a rural lane with multiple residential properties served off it, an additional dwelling off the existing access track will not have a significant effect on the highway.

#### **Environmental Health**

6.4 No objection subject to conditions relevant to working hours, unexpected contamination, methods of demolition and construction, drainage, and lighting.

#### **Coal Authority**

6.5 No Objection providing no development is carried out before a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

#### **Severn Trent Water**

6.6 No Objection. There would be minimal impact on the public sewerage system.

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

### Introduction and Principle of Development

7.1 The provision of dwellings in isolated rural locations and the 'other rural areas', outside of the settlement boundaries of the towns and villages, should be avoided and planning permission should only be granted in exceptional circumstances. The relevant exception provided at policy SS10 (Other Rural Strategy) and H1 (New Housing Development) of the Local Plan and paragraph 80 of the NPPF, is that of a new dwelling that meets an essential local need as accommodation for a rural worker. Where members have already accepted that the applicant's business case and functional need qualifies the development against that exception, it is now necessary to consider whether this amended application addresses the remaining reason for refusal, by reducing the impact of the development on the character and appearance of the area to an acceptable degree.

### Design and Visual Impact (Character and Appearance)

7.2 It was determined that the development proposed in the previous application would be harmful to the character and appearance of the area because its design, scale, massing, and position would make it a visually prominent feature that would be seen across open countryside, with an urbanising effect when seen in combination with the existing buildings beyond. Presumably, this was considered to be a degree of harm that would not be outweighed by the benefits and needs of the applicant and the development's qualification against the provision of the policy exception.

7.3 The applicant attempts to address this objection by reducing the scale and massing of the proposed dwelling, proposing a smaller footprint and floor area, and improving design, in terms of proportions and detailing. The proposed dwelling would now have just two bedrooms with an additional dedicated office. The open plan kitchen/diner and living room would be modestly sized. The overall length of the main two storey section of the proposed dwelling has been reduced from 11.9m to 9.66 metres. The depth of the single storey outrigger at the rear has also been truncated both in terms of its width (1.1m less) and its length which has been reduced by 1.5m and the overall ridge and eaves height have been reduced further to just 6.7m and 4.4m respectively.

7.4 The application now essentially proposes a modest two bedroomed unit which would have an overall footprint of just 79 sq. metres and a floor area of 120 sq. metres. Most notably, with these size reductions the design and proportion of the proposed dwelling is much improved. Where the previous proposal was for a dwelling with a rather proportionally wide frontage, the dwelling proposed here would be a well-balanced double fronted cottage with a central entrance. The first floor and ground floor windows would have matching sizing and proportions with vertical orientation.

7.5 Where these proposed improvements are notable and would be tangible, the dwelling would occupy largely the same positioning, there are no revisions here. To that extent the development would still impose some harm to the character and appearance of the area, by introducing a visually prominent dwelling that would be seen across several hundred metres of open countryside to the east of Cheadle and, when seen with the equestrian buildings beyond, have an urbanising impact on the landscape.

7.6 However, where members accept the applicant's business case and functional need and some qualification against the policy exception, then logically there must, implicit in that, be some acceptance of harm through the intrusion of new development in open countryside. Generally, with sensitive site selection, such harm can be minimised. However, in this case there is no alternative siting that would be obviously better than the one proposed. Furthermore by reducing the scale of the proposed dwelling and improving its design and proportions, the harm to character and appearance of the area would, in all other practical respects, be addressed to what would be, on balance, an acceptable degree.

7.7 For these reasons, the revised proposal would address the reason for refusal and the conflict with the Local Plan Policies DC1 (design) and DC3 (landscape and settlement setting) to an acceptable degree.

#### Land Stability (potential presence of close surface coal workings)

7.8 The site falls within a Development High Risk Area according to the Coal Authority (CA). The property is in an area where the Coal Authority believe there is coal at or close to the surface. This coal may have been worked at some time in the past. The Coal Authority have considered a 'Coal Mining Risk Assessment' prepared by EnviroSolution Ltd, provided with the application, and confirmed that they have no objection, providing site investigations and any necessary remediation works have been carried out before development commences. The Coal Authority do not anticipate any necessary work as being beyond that which might otherwise be considered an industry standard. Therefore, for the reasons given above, it can be concluded that the proposed development would not be at an unacceptable risk from land instability and therefore there would be no conflict with paragraphs 170, 178 and 179 of the Framework. In these regards, the objection to the previous proposal has been addressed.

#### Other Considerations

7.9 The application form specifies the use of a septic tank to provide for foul drainage and a soakaway to control surface water drainage. The submitted site plan indicates the use of a packaged treatment plant with irrigation to a field in the applicant's ownership. The flow of surface water can be controlled sustainably through use of soakaway, discharging on to land under the applicant's ownership and preventing discharge on to the shared access. There is no reason why drainage cannot be dealt with in this manner under the separate building and environmental regulations. There is no issue of harm raised here.

7.10 There has not been any objection from Severn Trent Water. There is no evidence that the supply of mains water, already provided to three properties, including the equestrian buildings. This is effectively a civil matter between land owners. There is no issue of harm raised here.

7.11 The track is privately owned and maintained serving a number of properties, including the equestrian facility that has a history of commercial use. It has the expected character of a stoned rural lane or farm track, and varies in surface condition accordingly. Maintenance is essentially a civil matter between private owners and users. However, it clearly serves a number of properties and over and above existing use, the introduction of an additional single dwelling should not substantially increase maintenance demands.

### Conclusion and Planning Balance

7.12 Where members accept that the proposed development would qualify against the rural exceptions policy, the inevitable or inherent visual intrusion must impose some degree of harm to the character and appearance of the area as a consequence. Here, where there are no alternative sites that would obviously minimise that intrusion, the revisions that have reduced the proposal's scale and massing and improved its design proportions, would reduce the harm to an acceptable degree when weighed against compliance with the rural exceptions policy and the need and benefits that members may consider to be associated with the development.

7.13 Given that members have effectively previously determined that there would be compliance with the rural exception policies in the Staffordshire Moorlands Local Plan at SS10 and H1 and paragraph 80 of the NPPF, then the recommendation and advice is that this revised proposal has, to an acceptable degree, addressed the reason for refusal and conflict with the development plan in respect of Local Plan Policies DC1 and DC3 and the application should be approved.

## **8. RECOMMENDATION**

**A. That planning permission be APPROVED for the Erection of a Rural Worker's Dwelling, subject to the following conditions:**

**1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)**

**2. The development hereby permitted and described above shall only be carried out in accordance with the following approved plans numbered 2021-2584-07A; 2021-2584-08A; and 2021-2584-09A that were submitted with the application.**

**Reason:- For the avoidance of doubt and in the interests of proper planning, in**

accordance with the National Planning Policy Framework.

3. The development hereby permitted shall only be constructed using the facing bricks and roof tiles that are specified in the written detail on the plan numbered 2021-2584-07 A that was submitted with the application, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the external appearance of the development is satisfactory.

4. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and,

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason:- To address the risks posed by historic mining activity

5. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason:- To address the risks posed by historic mining activity

6. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture or forestry as defined in Section 336 of the Town and Country Planning Act, 1990, or in the keeping, trading or breeding of horses on the site, or a dependent of such a person residing with him or her, or a widow or widower of such a person.

Reason:- The site is in an area where housing other than for agricultural purposes is not normally allowed.

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.

**Reason:- In the interests of the visual appearance of the development and the amenities of the area.**

**8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A,B,C,D,E,F,G and H and/or Part 2 Class(es) A, B and C, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.**

**Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.**

**9. Development should not commence until a ground gas risk assessment has been completed in accordance with a scheme to be agreed with the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted and agreed in writing with the Local Planning Authority. If the risk assessment indicates that gas protection measures are required, details of the gas protection scheme must be submitted and agreed in writing with the Local Planning Authority prior to installation. Prior to the development being first brought into use, a validation report demonstrating completion of the works set out in the approved gas protection scheme shall be submitted to and approved in writing by the local planning authority. Prior to the development being first brought into use, a validation report demonstrating completion of the works set out in the approved gas protection scheme shall be submitted to and approved in writing by the local planning authority.**

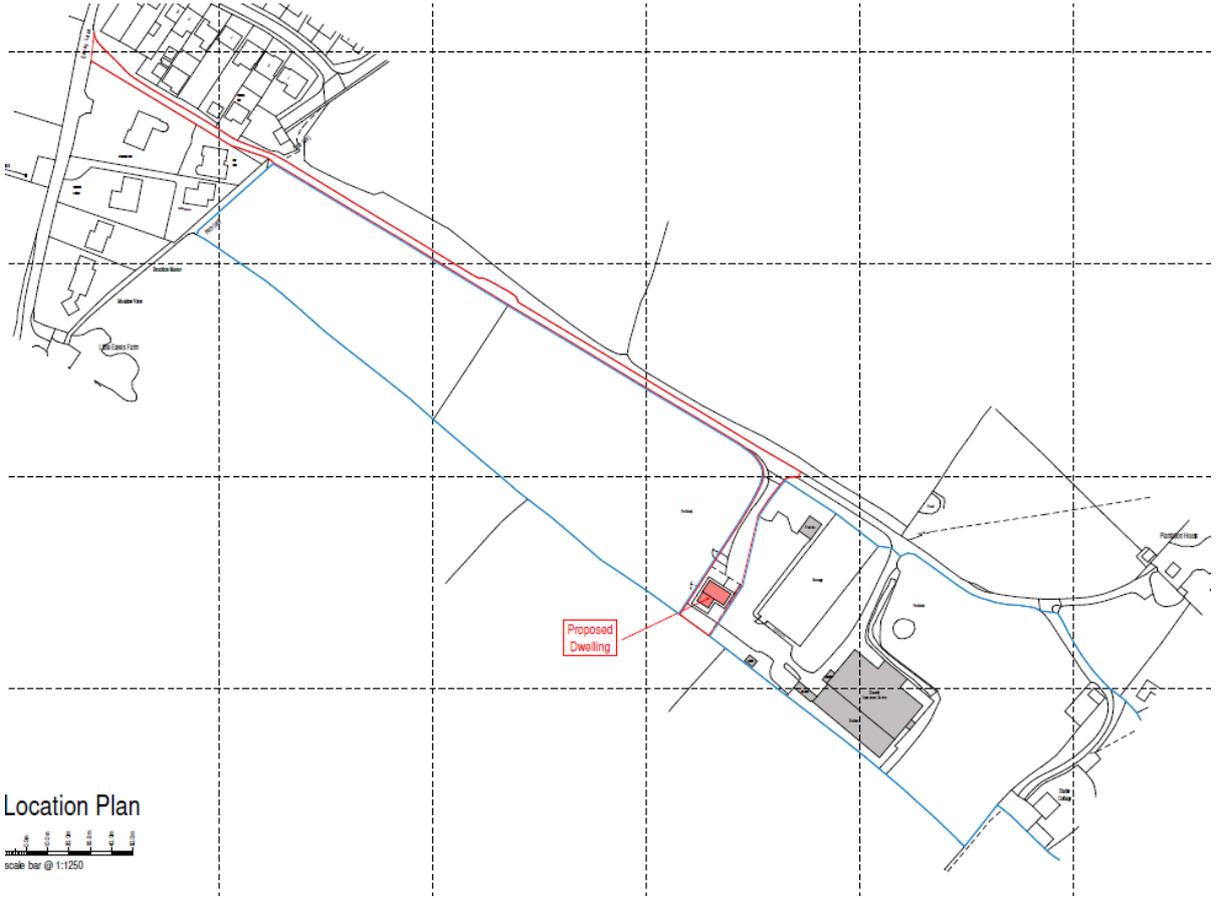
**Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.**

**10. In the event that contamination is found at any time, including surface coal measures, when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme and**

prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

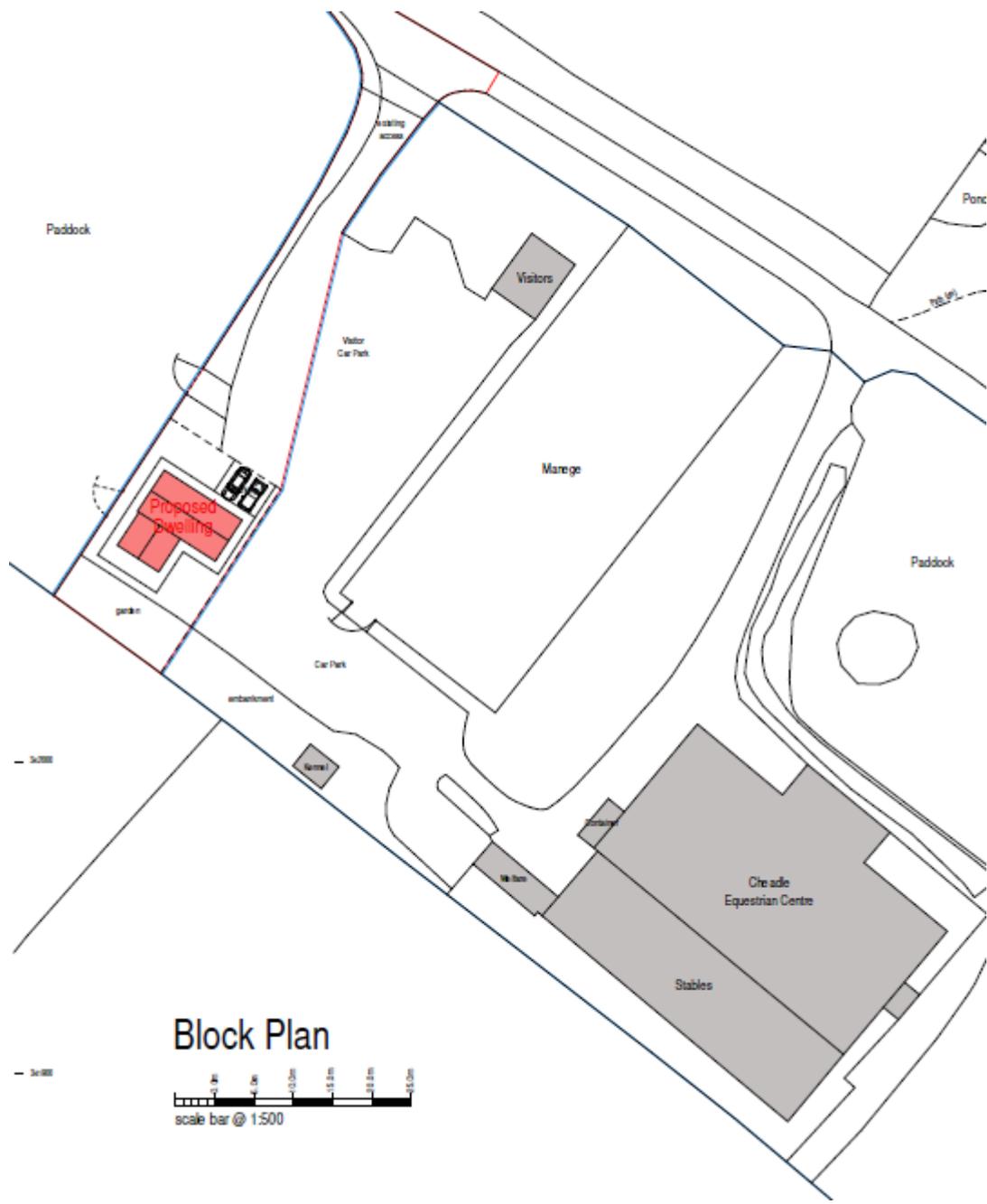
**Reason:-** To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

**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.



Location Plan

scale bar @ 1:1250



### Block Plan

