

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

11th November 2021

Application No:	SMD/2021/0099	
Location	Eleven Lane Ends, Gun Hill Road, Heaton	
Proposal	Erect a stilted timber framed dwelling	
Applicant	Mr. Martin Edge / Mrs Patricia Edge	
Agent	N/A	
Parish/ward	Heaton / Dane	Date registered 5 th April 2021
If you have a question about this report please contact: Arne Swithenbank tel: 01538 395578 or e-mail arne.swithenbank@staffs Moorlands.gov.uk		

REFERRAL

The application is a Full Minor and is referred to Committee at the request of Cllr Gill Heath (Ward Member) to consider principle and details.

1. SUMMARY OF RECOMMENDATION

Refuse

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The site is a copse of mature broad-leaved trees protected by TPO standing in a c. half acre triangle of land forming an island at the junctions of a series of minor rural roads. The boundary of the Peak District National Park runs along the field edge of the road on the north east side of the site. The location is rural with few nearby neighbouring buildings or dwellings. The nearest is White Shaw Farm 150m to the east north east where the farm house, byre and barn are Grade II Listed; also Redshaw 300m to the south east, Broad Moss Farm 300m to the west and Moss Cottage 450m to the south west.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The application describes the development as “a stilted timber framed dwelling”. It would have two bedrooms along with wet room, kitchen, dining/living/utility and store, all supported by helical pile stilts. The external building material would in part be of timber cladding and the extensive windows along with the doors would be of reflective glass, “to reflect the surrounding trees”. The lower part of the building would use a reflective cladding, again “to reflect the surrounding trees”.

- 3.2 The application asserts that no trees would be removed for the dwelling and “three trees would pass uninterrupted through the structure”.
- 3.3 The proposal is to use an “intrinsic foul/ waste system design that does not require sub terrain installation”.
- 3.4 The design is essentially flat roofed with height set at about 6m. It would have a ‘green roof’ construction understood to mean a ‘living roof’. The roof would overhang a verandah with glazed balustrade on the south west and north westerly elevations.
- 3.5 The development would occupy an area of c.197m². The majority of this would be at first floor level with only 24m² of the dwelling at ground level. The dwelling would be supported by a total of 10 ‘screw piles’, four of which would run through the corners of the ground floor element and a further six would be free-standing up to the first floor.
- 3.6 The applicant refers to the development as the ‘Barque House’ explaining that a barque is a sailing vessel with three or more masts and the idea has been inspired by “*the surrounding sailing lakes / reservoirs of Rudyard and Tittesworth*”.
- 3.7 The application is submitted with 22 plans and illustrations along with an ‘Arboricultural Implications Assessment’. However it should be noted that the latter is caveated at 4.1 that it “*has been prepared to inform the design layout of potential development and should be submitted with a planning application. When and if full plans become available this report should be updated to include a full arboricultural implications assessment (AIA)*” – this latter has not been submitted.

4. RELEVANT PLANNING HISTORY

- 4.1 None. The Council’s Trees and Woodlands Officer has been involved with numerous inquiries in relation to the land over several years and a TPO was made in July 2016.

5. PLANNING POLICIES RELEVANT TO THE DECISION

- 5.1 **Local Plan (adopted 9th September 2020)**
- SS1 Development Principles
 - SS10 Other Rural Areas Area Strategy
 - DC1 Design Considerations
 - DC2 The Historic Environment
 - DC3 Landscape and Settlement Setting
 - E1 New Employment Development
 - H1 New Housing Development
 - NE1 Biodiversity and Geological Resources
 - NE2 Trees, Woodland and Hedgerows

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

6. CONSULTATIONS CARRIED OUT

Public

6.1 The last consultation expiry date was 19th May 2021 (site notice) with, prior to that, neighbour consultation period to 28th April 2021.

6.2 Representations have been received from 12 different parties all raising objections:

- the cluster of road junctions make it an unsuitable position for a dwelling
- highway safety
- harm to trees – three recently felled
- recent clearance of undergrowth has been harmful and has removed natural regeneration
- the site is shown on maps as tree-planted from 1831 onwards
- would not fit in at all and does not meet NPPF paragraph 79 [now 80]
- does not enhance its immediate setting; is not exceptional design and is insensitive to local character, again all contrary to paragraph 79 [now 80]
- impact on woodland-nesting birds
- disturbance implications for bats
- public prominence of a design that disregards the local area
- intrusion on the setting of the Peak District National Park
- installation of service connections will further harm the woodland and trees
- impact of foul drainage system again on tree root areas
- need to preserve natural habitat against this type of encroachment
- intrusion on a local landmark and a place of beauty
- claims to be eco-friendly but can never be as eco-friendly as preserving an untouched 200 + year old historically planted woodland
- the whole design, siting and proposal in general is completely out of character and keeping with Staffordshire Moorlands area
- all accommodation being on one floor makes the building area occupied very large
- impact of construction on the surrounding trees

- no useable garden area or amenity space
- a wholly inappropriate use for a parcel of woodland
- not architecturally exceptional, nor in any way sympathetic to the local vernacular, typically gritstone and slate farmhouses and outbuildings
- would be clearly visible as a large dark lump inside the small wood
- light and noise pollution
- exposed to strong winds the development will lead to health and safety problems
- how will the three trees enclosed by the building grow and be safely retained?
- the natural woodland cycle of growth, decay and regeneration will not be able to continue safely, undermining the future longevity of the woodland
- any sailing connection in the design holds no relevance to the nature of the area, lakes and sailing absolutely do not define this area
- although these are rural minor roads the junctions at Eleven Lane Ends can be busy
- the so-called existing access was only created by the landowner around 18 months ago
- the arboriculture report states that a full and detailed arboricultural method statement would be required to support a planning application, but this has not been submitted
- it appears the tree report has not been written on the basis of the detailed proposals only references initial sketch plans
- no ecological survey has been submitted and this structure will have significant impact on the ecosystem, particularly bats and birds
- an alien structure in this setting and would not be screened
- occupiers would be entirely reliant upon private transport
- this is a complicated set of junctions heavily used by visitors to / from Tittesworth via Meerbrook

Heaton Parish Council

6.3 Objects raising the following points:

- the land is subject to a Tree Preservation Order;
- there is no water on site and no means of disposing of waste;
- to build a dwelling on this site would be inappropriate;
- it would alter the appearance of the landscape and destruct the woodland and harm the natural wildlife
- at least two peoples' ashes are interred or scattered on this plot of ground and families visited regularly so they could be near to their loved ones.

SCC Highways

6.4 No objections on Highways grounds to this proposal. The site is in a rural setting with no footways or streetlighting. All the roads are subject to a 60mph speed limit. Two conditions would be recommended:

- vegetation on the site frontage, to the west of the access, shall be reduced to, and maintained at, a maximum height of 900 mm above the adjacent carriageway level;
- the development shall not be brought into use until the access to the site within the limits of the public highway and the access drive rear of the public highway have been surfaced in 'a suitable hard material'.

Severn Trent Water

- 6.5 Minimal impact on the public sewer system therefore no objections and no requirement for a drainage condition.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Principle of Development and Main Issues

- 7.1 SS10 for the 'other rural areas' (which this location is in) says:
These areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. The Council and its partners will achieve this through the following actions...
- 7.2 Relevant to this application are the policies for housing. SS10(1) is that the Council will meet housing requirements and specific needs by (inter alia):
[first point] restricting new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with policy H1
[fifth point] allowing rural exceptions housing in accordance with Policies H1 and H3.
- 7.3 Potentially relevant to this application under Policy H1 is H1(5)(b) which in principle permits:
A new dwelling that 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.
- 7.4 Whether under the Council's adopted policies there is support in principle for a dwelling to be developed at this location therefore depends on whether it is essential at this location to accommodate a rural worker and that need cannot be met elsewhere. There is reference in the application submission to: "*The existing use of the land sold beech saplings as part of a business, the current use of the land is the sale of naturally seeded beech saplings and recreational use*" and, "*It is possible for the [sic] one acre site to become useful again as it was part of a previous farm being split*". The applicant has expressed a view that the development would contribute to rural area regeneration including through tourism as the dwelling he says would be an exemplar of design and 'off-grid' living.
- 7.5 Ordnance Survey mapping shows the site to have been a 0.584 acre enclosure entirely comprising mixed broad leaved and some coniferous trees since at least 1887 and throughout the 20thC. If there has been any kind of economic activity at this site through sale of beech saplings or seedlings it would seem to have been of the most incidental nature and has not amounted to or resulted in any planning land use change. In recent decades the site has been familiarly

known as a wooded informal copse and a landmark but with no associated activity.

- 7.6 When planning applications for rural worker dwellings are considered, for example in relation to a working farm, comprehensive financial and business case assessments will generally be submitted. Information of this kind has not been supplied. It has not subsequently been requested however, as it is judged as being beyond doubt that this half acre copse of mature trees could not sustain a business case for a rural worker. Even if the economic turnover could support a living, there would not be a necessity for on-site live-in presence in any event as it is probable that the accommodation could be met elsewhere reasonably locally and this would be sufficient for a woodland management based activity. From this it is concluded that in principle the proposal cannot meet the relevant tests of policies SS10 and H1.

Design

- 7.7 The design is specialist and intended to allow the construction with a minimised impact on the existing trees so that they are retained. The building is also intended to be highly energy efficient, though how much this is forcing this particular design is less apparent. The design is clearly unusual and does not attempt to relate to any local or known pattern. It is individual and bespoke.
- 7.8 The Councils' adopted Design Guide (2018) comments at 3.2:
In the countryside or on the edge of settlements, buildings should sit comfortably in the landscape. This is best achieved by emulating the horizontal, ground-hugging form of traditional buildings with their strong eaves and ridge lines and simple, low silhouettes parallel with the contours.
- 7.9 At 3.4 of the adopted Design Guide it is stated:
The architectural style of new development should be guided through an assessment and understanding of the character and context of the area. Sites may be capable of accommodating both contemporary and traditional forms of development that are high quality and functional. Design solutions should respond to the local tradition but without slavishly copying it.
- 7.10 Importantly, and significant to this proposal, there is recognition at 3.14 of the adopted guidance that in response to a specific brief or the particular setting a new building can be of a design form that is similar to that of the surrounding buildings "but equally could also be different to meet the scheme's specific requirements. The merits of a building's form would have to be judged on its individual qualities in terms of its suitability in the site's context".
- 7.11 There is support at 3.18 for 'sustainable' new dwellings with the first point being that they should be sited ideally within a settlement with good access to public transport but which of course this location is not.
- 7.12 The applicant has referenced in discussions NPPF paragraph 80 [formerly 79] which makes an exception to the rule to avoid isolated new homes in the countryside if the design is of exceptional quality in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

7.13 In response to NPPF 80 it is perhaps difficult to conclude that this proposal holds relevance to any aspirations more generally for the area's design standards or to see that it is "truly outstanding" and reflecting of the "highest standards in architecture". These after all must be seen as setting a very high bar indeed. Similarly it is difficult to see the scheme as an 'enhancement' to the immediate setting or holding any connection with local defining characteristics..

7.14 It is possible that the building would hold some interest as an unusual structure but chiefly it may be judged likely that it would simply seem odd and perhaps outlandish and ultimately seem an uncomfortable addition to the rural area. The structure would undoubtedly be a very noticeable development from all sides but it is especially close to the edge of the copse on the NW and SW sides. It would be unlikely to appear significantly screened at any time of year but would be all the more exposed in winter. It can be envisaged also that there may be pressure to prune back trees where they would obscure the window / verandah outlooks. It must also be considered likely that shading from the tree canopy would severely limit the success of any green roof planting as there would not be enough light to sustain the growth on the flat roof.

Amenity

7.14 There are no neighbours at such proximity that there would be likelihood of any loss to their amenity. Several may have views of it but the development could not be considered to intrude on their amenity or be overbearing at the separation distances involved.

Highway Safety

7.16 With potential scope for satisfactory parking and turning to be achieved the scheme is acceptable in highways terms. It should be noted that the entrance and parking / turning space would occupy an area within the site of c.200m², about equal to the area of the dwelling. There is therefore a corresponding need to consider the impact of the parking and turning space on the biology of the trees and the ecology of the woodland as a whole.

Response to Public comments

7.17 Public consultation on this application has resulted in a series of very well informed comments that are relevant and pertinent and which speak for themselves (as itemised and summarised above) without further elaboration. One or two of the representations however have referred to the site being within the Green Belt which it is not. Many have referred to concerns about

highways safety, however the planning assessment must ultimately take account of the Highways Officer advice.

Other matters

- 7.18 It is to be noted that the tree report is caveated as a preliminary to a further more detailed plan and construction method. It is not as yet conclusively demonstrated what the impact would be and the application is somewhat conceptual. It is however fully apparent that the c.200m² access and vehicle standing is proposed within the woodland canopy and overlying the root zone of several category B trees (as assessed by the applicant's survey). This in itself is not conducive to longterm retention of the trees and not good planning.
- 7.19 As commented by some of the objectors there is no ecology assessment with the application. There is therefore no knowledge of what ground flora may be affected; it is highly probably if not inevitable that the wood will be a bat foraging habitat and potentially amongst the trees there may be bat roosts and breeding sites. The woodland will similarly almost certainly harbour nesting birds. In the absence of any ecology assessment the LPA is unable to fully and properly weigh the implications for wildlife and biodiversity including in relation to specially protected species / species groups such as bats.

8. Conclusion and Planning Balance

- 8.1 As set out at 7.1 to 7.6 of this report there is no support in principle for this development under the Council's adopted Local Plan 2020 nor is it found to qualify under any of the Government's exceptions that might support an isolated home in the countryside such as in particular NPPF paragraph 80(e) and this is not a sustainable location for the development of a new dwelling. The proposal is therefore contrary as a matter of planning principle to policies SS1, SS10, H1 and to the NPPF.
- 8.2 As discussed at 7.7 to 7.14 the design is not found to accord with the Council's adopted design guidance and is therefore contrary to policies SS1, SS10, DC1 and DC3 and the NPPF.
- 8.3 The applicant's submitted assessment of impact on trees does not conclusively establish that the development could take place without significant adverse impact on trees, not least because the assessment itself says a further more detailed study would be required. In any event, NPPF section 15 establishes policy for conserving and enhancing the natural environment. This sets out that decisions should recognise the intrinsic character and beauty of the countryside. In this application there is a balance to be drawn between any identifiable 'need' for the development and its impacts on the natural or semi-natural environment. Buildings and trees are often problematic in proximity and to attempt a deliberate physical entwinement where it is not necessary with, as in this case minimal or zero justification, and which would do nothing for the

intrinsic character and beauty of the countryside makes the scheme contrary to policies SS1, SS10, DC1, DC3, and NE2 and to the NPPF.

- 8.4 In the absence of any ecology assessment the LPA is unable to fully and properly weigh the implications for wildlife and biodiversity including in relation to specially protected species and species groups such as bats. It has in other words not been adequately demonstrated that the proposal would not have an adverse effect on ecology. The proposal thus conflicts with the requirements to protect the natural environment and to conserve and enhance biodiversity in Policies SS1 (Development Principles), SS10 (Other Rural Areas Strategy), DC1 (Design Considerations) and NE1 (Biodiversity and Geological Resources) of the Local Plan and the NPPF.

8 RECOMMENDATION

A. Refuse for the following reasons:

- 1. There is no support in principle for this development under the Council's adopted Local Plan 2020 nor is it found to qualify under any of the Government's exceptions that might support an isolated home in the countryside such as in particular NPPF paragraph 80(e). This is not a sustainable location for the development of a new dwelling. The proposal is therefore contrary as a matter of planning principle to policies SS1, SS10, H1 of the Staffordshire Moorlands Local Plan and to the NPPF.**
- 2. The design by virtue of its form and materials is not found to reinforce local distinctiveness or contribute positively to the character of the area and does not include detailing and materials appropriate to the character of the area. It therefore fails to accord with the Council's adopted design guidance and is therefore contrary to policies SS1, SS10, DC1 and DC3 of the Staffordshire Moorlands Local Plan and to the NPPF.**
- 3. The applicant's submitted assessment of impact on trees does not conclusively establish that the development could take place without significant adverse impact on trees, not least because the assessment itself says a further more detailed study would be required. In any event, NPPF section 15 sets out policy for conserving and enhancing the natural environment in which it is established that decisions should recognise the intrinsic character and beauty of the countryside. The installation of a dwelling as a contrived structure amongst and partly around trees is not compatible with or complementary to the intrinsic character and beauty of the countryside and is thus contrary to policies SS1, SS10, DC1, DC3, and NE2 of the Staffordshire Moorlands Local Plan and to the NPPF.**
- 4. In the absence of any ecology assessment the Local Planning Authority is unable to fully and properly weigh the implications for wildlife and**

biodiversity including in relation to specially protected species and species groups such as bats and it has thus not been adequately demonstrated that the proposal would not have an adverse effect on ecology. The proposal is therefore found in conflict with the requirements to protect the natural environment and to conserve and enhance biodiversity as set out in Policies SS1, SS10, DC1 and NE1 of the Staffordshire Moorlands Local Plan and the NPPF.

Informative

- 1. Prior to the determination of the application the Council has advised the applicant that the principle of this development is unsustainable and does not conform with the provisions of the NPPF. It is considered that the applicant cannot overcome these matters of principle and therefore no amendments to the application have been requested.**

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

10. APPENDICES TO THE REPORT

10.1 The link below to the Council's website is where the detail of this application can be viewed.

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=145724>

10.2 – location plan

