

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**17 February 2022**

Application No:	SMD/2021/0706	
Location	Land Adj. Sunny View, Foxt Road, Foxt, ST10 2HN	
Proposal	Erection of a detached bungalow for a family member	
Applicant	Mr Patrick Stimpson, The Heights, Foxt	
Agent	Malcolm Sales, Churchill Suite, 51 High Street, Cheadle, Stoke-On-Trent, ST10 1AR	
Parish/ward	Ipstones	Date registered: 3 <sup>rd</sup> Nov 2021
If you have a question about this report please contact: Benjamin Hurst tel: 01538 395400 ex 4127 <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 Gill Heath. The Application was deferred from the January meeting at the request of the Applicant.

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

<b>REFUSE</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 Foxt is a small village in the countryside it is distinctly rural in character and appearance. On approach from the north or west, the existing development is sporadic and scattered, interspersed by open fields with extensive views of countryside beyond and between, until one arrives in the centre of Foxt at a central cluster of dwellings arranged around an intersection of rural lanes.

2.2 To the north of this cluster, beside the bungalow at Sunnyview, the application site would be provided to the corner of the field that is marked with drystone wall and grass verge to the roadside, significant mature trees have already been removed from the site in advance of the application. This corner of the field provides views across open countryside towards both standalone and clusters of mature trees that punctuate the landscape. The application site has a surface significantly higher than road level and the adjacent plot at Sunny View. From behind the stone retaining wall at roadside the field slopes up to a high point.

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

3.1 The application proposes the erection of a single detached bungalow, all details are provided for approval and the applicant seeks full planning permission. The application is identical in detail to a submission that was refused by members at planning committee just over a year ago in November 2020. However, with this resubmitted application it is said, with passing reference, that the bungalow would be provided for a family member to work in the applicant's horse breeding business.

3.2 The application was not submitted with any kind of case or evidence to demonstrate that the bungalow would meet an 'essential local need'. The applicant has been provided with opportunity to supplement his submission and set out his case if he seeks to rely on the rural exception policies in the Local Plan. The applicant confirms that he would not be satisfied with or accept an occupancy condition. The following statement is the extent of his response which is confirmed as his final word:

- 1 *The applicant has a business adjacent to this field for breeding pedigree horses for export and the keeping of pedigree Hereford cattle. His total agricultural/business holding is just over 100 acres.*
- 2 *The applicant does employ one worker Monday to Friday for the past 13 years to assist him on weekdays, but has no on-site help in the evenings or weekends. The applicant is now in his 70's, and cannot deal with emergencies without assistance.*
- 3 *He needs a family member on site that can assist him in the continuing use of his business, in emergencies out of normal working hours.*

3.3 The bungalow would be a large three bedroom property laid out on an L shaped footprint that would present a gable projection to the roadside at the front. It would be built using stone facing materials and plain clay tiles incorporating lintel details above windows and coping stones to roof verges. Submitted site plans and cross sections provide levels details to show how the land would be excavated by a depth of up to 1.5m over most of the plot to provide an access drive into the site with areas of parking and turning for at least three vehicles, and a levelled surface for the foundations of the bungalow. The plot would be enclosed by stone walls and the wall to the roadside front would be retained but reduced to a height of 1.5m.

3.4 The applicant did not seek any pre application advice from the Council regarding the application.

3.5 Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=128617>

### 4. RELEVANT PLANNING HISTORY

Application site

SMD/2020/0226 Erection of a detached bungalow. Refused .

Remote site to the south east of New Cottages to the south of the village

03/01413/OUT Outline permission for a workers dwelling. Approved on the condition that planning permission is first granted for an equestrian business in this location.

04/00864/FUL Use of land for equestrian business purposes. Approved 3<sup>rd</sup> Sep 2004.

06/01253/REM Reserved matters application for a workers dwelling. Approved 20<sup>th</sup> Feb 2007 (not implemented and apparently expired).

13/00980/FUL Workers dwelling for 'Provence Equestrian'. Approved 19<sup>th</sup> Aug 2014 (not implemented and apparently expired).

#### Officer Comment

The applicant has not presented any evidence or explanation relative to the planning history at the remote site to the south east of New Cottages and how it relates to the current application. It appears that the outline permission granted in 2003, expired and was not implemented. The permission was effectively renewed again with a full planning permission granted in 2014. The dwelling has not yet been built, however, aerial photographs suggest that there might have been a commencement of works on the land to keep that permission alive. While we should be alert to the point, it has not been legally determined by the planning authority and it is not a matter raised for determination with this application.

### **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 Core Local Plan - Sep 2020

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

- SS1 Development Principles
- SS9 Smaller Village Strategy
- SS10 Other Rural Area Strategy
- H1 Housing Supply
- DC1 Design Considerations to protect residential amenity
- DC2 Historic Environment
- DC3 Landscape Character

#### National Planning Policy Framework (NPPF) revised.

5.10 The following sections of the NPPF are particularly relevant to this application:

- 2: Achieving sustainable development
- 12: Achieving well-designed places.

## **6. CONSULTATIONS**

### **Public response to consultation**

6.1 4 written objections have been received, the following comments are raised:

- The site is outside Foxt village infill boundary, and development in this prominent location would have a significant detrimental impact on this part of the area
- The submission does not deal appropriately with policies SS9 and H1 in Staffordshire Moorlands Plan 2020
- The bungalow does not appear to comply with the Staffordshire Moorlands Design Guide
- There are already more than enough bungalows approved in Foxt and bungalows are not in keeping with the Foxt Conservation Area
- We need to retain the original character of Foxt and not compound past design mistakes. As this application is sited immediately opposite the Conservation boundary, this application should be refused again
- The applicant made a case in 2007 and again in 2013 that his business was in urgent need of a dwelling on a different site to the south east of New Cottages, that dwelling was not built.
- If this application were approved it would set a precedent for further development in this field creating further ribbon development
- In recent years 12 planning applications have been approved for construction in Foxt, but only 3 have been built, suggesting there is no requirement for further housing
- 2 horrendous eyesores have been created in the centre of Foxt, one of which has been created by this applicant, we don't need a third

### **Ipstones Parish Council**

6.4 Ipstones Parish Council are in support of an approval.

### **SCC Highway Authority**

6.5 The proposed property will have 3 bedrooms, off highway parking and turning for 2 vehicles will be provided as detailed on Drawing NR. 2110/20/02. This is in accordance with Staffordshire Moorlands Parking Standards which state; Detached/Semi Detached up to 3 bedrooms requires 2 spaces (2.4 x 4.8m each

space). A new vehicular access to the development is proposed from Foxt Road. Visibility to the northeast and south-west is good. The proposal would not have a detrimental impact on the highway. Therefore, no objection to the proposal subject to standard conditions.

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

7.1 The main issues relevant to this application are the same as those that were considered with the determination of the previous application in November 2020. They relate to whether the proposal would comply with the development plan strategy for the provision of housing in the countryside and smaller villages; the impact that it would impose on the character and appearance of the area, highway safety and the residential amenity of existing residents; and whether contribution to housing land supply would be outweighed by any harm.

The Development Plan strategy for the countryside and smaller villages such as Foxt and the approach to housing provision.

7.2 Foxt is identified as a 'smaller village' in the list included at SS9 of the adopted Local Plan - a village in the countryside without a defined settlement boundary where generally there would be a presumption against housing development. These are locations that are limited in facility and services and new development on a large scale would be unsustainable in these villages, as it would generate a disproportionate number of additional journeys outside the village and may undermine the spatial strategy. However, to support local population and rural employment needs in these areas the development plan strategies provide for an appropriate level of sensitive development to include affordable housing that meets identified need, dwellings that meet the essential needs of a rural worker, and limited 'infill' development.

7.3 A previous application for a dwelling on this site was refused by members in November 2020. It was determined, in accordance with the officer's recommendation, that the applicant's proposed development would not provide an affordable home against any of the recognised criteria and that the proposed development would not qualify as appropriate 'infill' development against the criteria of the housing policy H1 (such 'infill' development shall only be well related to the existing pattern of development and not create or extend ribbon development; and shall not lead to a prominent intrusion into the countryside or have an adverse impact of significance to the character of the countryside).

7.4 The applicant does not seek to provide an 'affordable' dwelling for the purposes of the Local Plan, and, as with the previous proposal, it is considered that the proposal would fail against the 'infill' criteria of policy H1. This is because it would provide a new bungalow to the north of the existing dwelling 'Sunnyview' where it would encroach into that open field, extend the existing cluster of houses, elongating it to the north toward an increasingly ribbon form. The proposed plot does not form a small gap between existing buildings and the development would not be absorbed within or relate well to the existing development pattern. With regard to both of these considerations and conclusions, there has been no material change in

circumstances. The proposal does not qualify against the exceptions of Local Plan policy SS9 and H1 as providing either an 'affordable home' or 'infill development'.

7.5 It was not part of the applicant's case, with his previous application, that the proposed dwelling would meet the essential local need of a rural worker, and consequently the proposal was not found to have any merits against that particular exception. However, with this resubmitted application the proposed dwelling is described as being for a family member to assist the applicant with his business of breeding pedigree horses and the keeping of Hereford Cattle. To comply with bullet point 5b of H1 or sub-paragraph a) of paragraph 79, the new dwelling must meet an essential local need as accommodation for a rural worker. To qualify, the need for such accommodation must be satisfactorily demonstrated and it must be shown that the need cannot be met elsewhere. Normally we would expect the evidence to demonstrate that the business is well established and viable enough to support the provision of a dwelling and its long term occupation by a full time employee into the future and that it is essential for the employee to live on site to assist the functioning of the business.

7.6 The applicant says he has a business adjacent to the site breeding pedigree horses for export and the keeping of pedigree Hereford cattle, his holding is said to be over 100 acres. The applicant is now in his 70s, he employs one worker Monday to Friday to assist him on weekdays, but has no on-site help in the evenings or weekends. He says that he needs a family member on site to assist him in emergencies out of normal working hours. Despite being given the opportunity, the applicant has not provided anymore detail or explanation around his business or case in these regards. Moreover, the applicant has made it clear that he would be dissatisfied with, and is not expecting, a rural worker's occupancy condition. A permission without such a condition would mean that the dwelling could be sold on the open market and need not be occupied by a family member or an employee working in the business. The following might be considered as criticism of the applicant's case or unanswered questions that arise:

- There was no mention of a business need little more than a year ago when the previous application was determined
- The areas or locations of the holding have not been detailed or specified, it is not clear where the main centre of activity is focused
- The use and planning history relating to the site SE of New Cottages has not been explained
- It is not clear whether it is the existing weekday employee that would occupy the dwelling
- We are not told anything about the family member, either where they live now or whether they currently have any employment elsewhere, or would be full time employed in the business
- The applicant would be dissatisfied with an occupancy condition
- There is no detail or information relating to the trading history, projections or profitability of the business
- The dwelling would not obviously be within site and sound of any core business activity or provide easy access to its functional core

7.7 With such scant information and detail the applicant has fallen short of any reasonable test of 'satisfactory demonstration' in respect of the need. He may also be able to finish building the large two storey dwelling on the nearby land to the south east of New Cottages and, thus, any stated need could potentially be met elsewhere. No analysis has been undertaken of other suitable available properties in the vicinity to accommodate a family member to assist with the business. The proposal therefore, does not satisfactorily qualify under the exception at strategy policy SS9 and H1 to meet the essential needs of a rural worker.

7.8 The development would not qualify under any of the rural exceptions criteria provided at Policy SS9 and H1. In these regards the development would be contrary to strategy policy SS9 of the Local Plan and undermine the spatial strategy for the District. There are no apparent considerations that would outweigh that conflict with the Development Plan.

#### Impact on the character and appearance of the area

7.9 Foxt is a small village in the countryside it is distinctly rural in character and appearance. On approach from the north or west the development is sporadic and scattered, interspersed by open fields with extensive views of countryside beyond and between until one arrives at a central cluster of dwellings arranged around an intersection of rural lanes. To the north of this cluster, beside the bungalow at Sunnyview, the corner of the field is marked with drystone wall and grass verge to the roadside. This corner of the field provides views across open countryside towards both standalone and clusters of mature trees that punctuate the landscape. The undeveloped field is important to the setting of the village and the locally distinct character and appearance of the area. Any new dwelling in this location would be intrusive and reduce the scale of those countryside views that make special contribution to the villages setting and locally distinct character and appearance. In these regards the development would be harmful and contrary to policies DC1 and DC3.

7.10 The application site in the corner of the field is at a significantly higher level than that of the roadside and the adjacent plot at Sunny View. From behind the stone retaining wall at roadside the field slopes up to a high point. Cross sections and site plans confirming levels details, confirm that there would be significant excavation to cut into the sloping ground to provide a building plot. But still the proposed dwelling would have a finished floor level of 11.95m above datum, an additional 1.95m above the road level at the front of the neighbouring dwelling and its driveway. A street scene cross section has been submitted which confirms this and shows how the proposed dwelling would 'sit up' above the neighbour and be overly prominent and dominant against the other dwellings to the south with a roof ridge that would stand proud.

7.11 The proposed dwelling would be built from stone while the nearest neighbours have brick and render elevations. The design of the proposed bungalow, in terms of its scale, proportions, form and arrangement of shape, makes efforts to replicate and reflect those of the adjacent property, albeit the adjacent dwelling is not of any particular design or traditional quality. Overall, however, for all of those reasons discussed above the proposal would be harmful to local distinctiveness, the

character and appearance of the area and the setting of the settlement and, as such, contrary to policies SS1, SS9, DC1 and DC3.

#### Impact on Highway Safety

7.12 The highway authority has not objected to the application. Manual for Streets states that for a road with a 30mph speed limit, a visibility splay of 2.4m rear of highway for 43m in each direction is required. The site plan demonstrates that good access visibility and standard complaint parking provision would be provided with the development.

#### Impact on Residential Amenity

7.13 The new bungalow would be provided with ample rear garden space with a boundary that would line up with that of the neighbour. Rear windows would face open countryside and the property on the opposite side of the road is set back from the roadside, approximately 30m from the plot, behind an island of common land planted with trees and providing highway verge.

7.14 The number of proposed windows on the side south facing elevation would be limited to a single kitchen window, centrally located with outlook onto the side of the neighbour's garage. The neighbour's property would not be over-looked and their amenity would not be adversely affected. Overall, the amenity available to existing and future occupiers would be satisfactory and there would be no conflict with policy DC1 of the Local Plan in these regards.

#### Planning Balance & Conclusions

7.15 It has not been satisfactorily demonstrated that the provision of a dwelling in this 'smaller village' location would meet an essential local need and the proposal would not comply with the criteria-based policy relative to infill development. It would be at odds with the spatial strategy in the development plan. Development in this location would not be sensitive to local distinctiveness and it would be harmful to the character and appearance of the settlement and its countryside setting.

### **8. RECOMMENDATION**

**A. That planning permission be REFUSED for the erection of a bungalow for the following reason(s):**

**1. The development would undermine and conflict with the Local Plan's spatial strategy for the delivery of housing by providing a dwelling in a relatively unsustainable 'smaller village' rural location that would not be exceptionally provided for by Policy SS9 of the Staffordshire Moorlands Local Plan 2020. In particular, it has not been satisfactorily demonstrated that the dwelling would meet an essential local need by providing accommodation for a rural worker; and the proposal would not meet the policy criteria in Policy H1 of the**

Staffordshire Moorlands Local Plan 2020 to be considered an 'infill development' because it would not be well related to the existing pattern of development, would create and extend ribbon development, would lead to a prominent intrusion into the countryside, and have an adverse impact of significance to the character of the countryside and settlement setting.

2. Any new dwelling in this location would be intrusive and reduce the scale of those countryside views that make special contribution to the villages setting and locally distinct character and appearance. The dwelling would relate poorly to the adjacent neighbour and the other houses in the row because it would be built on a notably higher ground level that would have a form and roof line that would appear above and unduly dominant to its neighbour. In these regards the development would be harmful and contrary to policies DC1 and DC3 of the Staffordshire Moorlands Local Plan 2020.

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.

