

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**8<sup>th</sup> June 2023**

Application No:	SMD/2023/0106	
Location	Land to the north of New House, Foxt Road, Foxt, ST10 2HJ	
Proposal	Erection of new dwelling	
Applicant	Mr Alex Saxon, 24 Collieridge Drive, Cheadle	
Agent	Malcolm Sales, Churchill Suite, 51 High Street, Cheadle, Stoke-On-Trent, ST10 1AR	
Parish/ward	Ipstones	Date registered: 27th Feb 2023
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 Linda Malyon and because the application is locally contentious.

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

**REFUSE**

### **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. Identified in the Local Plan as a 'smaller village', Foxt is not a settlement that is defined by a Development Boundary. On approach from the south or west, the existing development is sporadic and scattered, interspersed by open fields with extensive views of countryside beyond and between. The centre of Foxt is recognisable as a cluster of dwellings, a public house and St Marys Church, all arranged around an intersection of rural lanes.

2.2 The application site is approximately 600m to the south west of this village centre, forming the corner of an agricultural field in open countryside to the north of the existing 19<sup>th</sup> Century 'Woodcutters' cottages and early 20<sup>th</sup> Century 'New House'. The site is connected to the highway by an agricultural field access shared as the driveway to the dwelling 'New House' and passes a mature oak tree on the curtilage boundary. The corner of the field is enclosed by trees and hedge line. A public footpath runs parallel to the field boundary in the adjacent field.

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

3.1 The application proposes the erection of a large detached dwellinghouse with a detached garage, all details are provided for approval and the applicant seeks full planning permission.

3.2 The dwelling would be a large four bedroom property laid out on a rectangular footprint (9.5m x 14m) with two adjacent front facing gables either side of a central doorway. It would be built using brick facing materials and plain clay tiles. Window arrangements would incorporate stone lintel and sill details. The site plan does not include details of landscaping or enclosure, the designated plot would take a significant portion of the filed with a total width of 40m and a rear garden depth of 15m.

3.3 The application was submitted with a Coal Risk assessment. It does not include an arboriculturist/tree survey or an ecological survey.

3.4 The applicant has submitted the following statements in support of their application:

*I have previously lived in the village but due to house prices increasing I have been unable to afford to buy a property and move back, until the chance has come up where I have acquired a plot of land. The house is where myself and partner plan to build our forever home, a family home to raise our future family that we intend to have in the next few years. I've always been attracted to the quiet, quaint village, as I grew up here for 20 years and would love my own family to grow up in the countryside just like I did.*

*Ipstones Parish Council did not announce on their agenda that my planning application was going to be discussed at their last meeting so I was not present. The land is not in the Green Belt. I attended a subsequent meeting to assure the Parish Council that the land has been in the family for generations and that the development would not be marketed and they seemed happier. Also, the house would be closer to the village than New House and the Woodcutters.*

*This house does not need to be affordable as it a forever home for myself being built on family land, I have no intention of selling this property so it does not need to be affordable to other people. There is a housing shortage and Staffordshire Moorlands are well under their numbers. It is cheaper to build a house than to buy a house especially in the village of Foxt where the average house price is £355,000. This is a perfect opportunity for SMDC to approve another house to solve a housing issue for myself. I received advice from a planning officer before submitting, due to the welfare of the land and being from the village she saw no issue and stated that the house would be better suited closer to New House, as long as we worked on the aesthetics of this as Foxt is a mixture of stone, red brick, cladding and render.*

3.5 Details of the application scheme can be viewed at:

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

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

None relevant

#### **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
- SD4 Pollution
- DC1 Design Considerations to protect residential amenity
- DC2 Historic Environment
- DC3 Landscape Character
- NE1 Biodiversity
- NE2 Trees, Woodland and Hedgerows

National Planning Policy Framework (NPPF) revised.

#### **6. CONSULTATIONS**

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

6.1 28 written objections have been received, the following comments are raised:

- The development would set a precedent leading to destruction of countryside and wildlife habitats
- The site is outside Foxt village infill boundary, and development in this prominent countryside location would have a significant detrimental impact on this part of the area
- The large scale dwelling would not be in keeping with other existing long established development
- There is no agreement in place that permits the use of the access to 'New House' for the proposed development.
- Water run off could cause flooding at 'New House'
- The development would be too close to existing trees and construction will damage root systems

- The existing access to the highway is substandard and does not enjoy good visibility
- Already a number of recent approvals for dwellings in Foxt
- Harmful to the privacy and amenity of near neighbours
- Increased use of the access would be detrimental to highway safety and cause damage to its surface and the utility services that run beneath
- Detrimental to wildlife and ecology, trees and hedgerow
- If this application were approved it would set a precedent for further development in this field creating further ribbon development

6.2 24 written comments have been received in support, the following comments are submitted:

- The applicant lived in the village as a child he should be allowed to build a house on his grandfather's farmland to start a new family
- The applicant's family have done a lot for villagers over the years
- The application site and the nearby dwellings have a Foxt address and are part of the village
- SMDC are below their housing target
- There are no protected trees in the area
- Villages need to diversify, modernise and move forward and bring young people into the village, to bring footfall to the businesses such as pub, garage, haulage firm, village hall and church without this all of these will see a decline.
- The development would be infill close to existing dwellings

## **Severn Trent**

6.3 No objection subject to standard drainage control conditions.

## **Ipstones Parish Council**

6.4 Ipstones Parish Council: Objection, inappropriate in the open countryside, the development would not provide village infill, the village of Foxt would expand beyond its boundary.

## **Staffordshire Wildlife Trust**

6.5 Comments awaited.

## **Coal Authority**

6.6 No Objection. The application has been submitted with a Coal Mining Risk Assessment Report. The report concludes the risk associated with coal mining related issues are negligible. The dwelling would be sited outside the defined 'High Risk Area', with only a peripheral area of the dwelling's associated existing track within the High Risk Area.

## **SMDC Tree Officer**

6.7 There is a large mature Oak Tree in the neighbour's garden adjacent to the indicated access route into the field. It is stated on the application form that there are no trees/hedges on site (which is questionable), and also that there are none on adjacent land which might influence the proposal or be important to local landscape character (which is clearly inaccurate). This application should be accompanied by a tree survey/arboricultural impact assessment report in accordance with BS 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, no such report submitted.

## **Ramblers Association**

6.8 The route of public footpath 'Ipstones 52' must be respected and protected.

## **Highway Authority**

6.9 Awaited.

## **Peak and Northern Footpaths Society**

6.10 We note that the PROW Ipstones 52 runs near the site and shares the access drive for a short distance. Use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place.

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

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

7.1 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.

7.2 In this case the applicant's proposed development would not provide an affordable home against any of the recognised criteria; it would not meet the essential need of a rural worker; and 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). The application site is remote from the centre or main cluster of the village, some 600m to the south west, in what is considered to be an 'other rural' area of countryside. Here the existing development is scattered and sporadic, loosely following the line of Foxt Road, the site lies to the north of the development in open countryside, a large corner of agricultural field, where the development would encroach and be a prominent intrusion in the countryside, apparent from the adjacent public footpath, neighbouring dwellings, and various positions along Foxt Road. The development would not relate well to the existing pattern of development and would create and extend ribbon development with prominent intrusion into the countryside.

7.3 The proposal therefore, cannot be considered under the terms of the adopted Local Plan criteria, to be for infill development that is provided for or supported by policy. In these regards the development would be contrary to strategy policy SS9 and SS10 of the Local Plan and undermine the spatial strategy for the District.

7.4 However, against that context, the Council cannot currently demonstrate a 5 year housing land supply. Therefore, the policies which are most important for determining the appeal are considered to be out of date. Paragraph 11d of the National Planning Policy Framework (NPPF) is engaged. In accordance with paragraph 11d ii) of the NPPF consideration must be given as to whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

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

7.5 The existing character and appearance of the application site is that of open farmland countryside that is to the rear of, and surrounds, the loose scattering of rural dwellings to Foxt Road on approach to or leaving the village. On approach to the village from the south 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. The fields and farmland that surround these dwellings have tree lined hedgerow boundaries. This large corner of the field provides views across open countryside from the existing dwellings and positions along the adjacent footpath and Foxt Road. The undeveloped character of the field and surrounding farmland 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 prominently 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.

7.6 The proposed dwelling would be significant in size and scale when compared to the other nearby cottages. The wide double gabled front elevation, the broad end gables at side elevation, and the high roof pitch would appear dominant and overbearing. The front elevation and rear elevation are overly windowed and poorly detailed. The design of the proposed dwelling, in terms of its scale, proportions, form and arrangement of shape, makes no effort to replicate and reflect those of the adjacent property. Overall, 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, SS10, DC1 and DC3.

#### Impact on Trees and Ecology

7.7 It was noted during the assessment of the application that the submission did not include surveys or reports from a qualified arboriculturist or ecologist. The corner of the field is edged by mature tree lined hedgerow boundary and the driveway access to the dwelling would pass a mature oak tree on the neighbour's property. The hedgerow and trees potentially support ecology as wildlife and feeding corridors contribute to the character and amenity of the area. The applicant was provided opportunity to instruct a qualified ecologist and arboriculturist and to submit survey reports. Such information would have provided an expert assessment relative to the impacts of the development on these matters and assisted the considerations and determination of the authority. The applicant declined this opportunity and wishes for the application to be determined without this information. In the absence of this additional information, there must be assumed harm in these regards and conflict with policies SS1, SS10, SD4, NE1 and NE2 of the SMDC Local Plan.

#### Impact on Residential Amenity

7.8 The new dwelling would be provided with more than ample rear garden space with a boundary that would provide a 40m wide plot and a rear garden depth of 15m. Rear windows would face open countryside. The front elevation of the new dwelling would be directly behind the rear elevation of the neighbour at 'New House', just 14m from their boundary. While there would be general observation of the neighbour's property from the front of the new dwelling, there would be no direct outlook into any window that is identifiable as having 'principal' status, and as such, no specific breach of the Council's adopted 'Space About Dwelling' guidance.

7.9 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.

#### Highway Safety

7.10 The comments of the highway authority are awaited. However, it is of note that the proposed dwelling would have its own parking and turning provision clear of the highway. It would share an access that already serves a sizeable family dwelling and an agricultural field, against that context it is not obvious that use of the access would increase significantly.

7.11 Objections that challenge the rights of the applicant to access the site from existing shared arrangements essentially amount to a civil matter between landowners. For the purposes of the planning application the applicant has correctly served notice on the adjacent neighbour and submitted the correct ownership declaration confirming that part of the access land is not under his registered ownership.

### Other Considerations

7.12 Some of the objectors raise concerns over the drainage of foul and surface water, and the potential for adjacent properties to flood. The application details use of an on site soakaway to deal with surface water and the mains sewerage system to take foul water. Such systems would need to be designed to accord with relevant environmental and building regulations and conditions on a planning permission could exert controls over the design and arrangement of those systems.

7.13 The applicant mentions a pre application discussion that he had with a planning officer where positive or encouraging advice might have been received. This discussion or advice is not referenced or documented and therefore, as an unsubstantiated point of evidence it can only be attributed very limited weight in the balance of considerations. Such advice from planning officers is provided without prejudice to a full assessment and determination of a planning application.

7.14 The applicant's local connections are not matters of qualification against any of the exceptions set out in the Local Plan policy. They do not have an essential need to live or work in the countryside, that is not their case.

### Planning Balance & Conclusions

7.15 The provision of a dwelling in this countryside 'other rural' location, that is outside of the 'smaller village' of Foxt, would not comply with the criteria-based policy relative to infill development and it would be at odds with the spatial strategy in the development plan. Development in this location would not be sustainable, it would be intrusive in the countryside and harmful to the character and appearance of the area and the countryside setting of the village. In the absence of submitted detail and survey information, there is also an assumed detriment to ecology and mature trees adjacent to the development.

7.16 Whilst the Council is unable to demonstrate a 5 year housing land supply, it is considered, against the tests at paragraph 11d ii) of the NPPF, that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the small economic and community benefit associated with a very modest contribution to housing supply, when assessed against the policies in the NPPF as a whole.



## **8. RECOMMENDATION**

**A. That planning permission be REFUSED 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 or SS10 of the Staffordshire Moorlands Local Plan 2020. In particular, the proposal would not meet the policy criteria in Policy H1 of the Staffordshire Moorlands Local Plan 2020 to be considered as 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. Whilst the Council is unable to demonstrate a 5 year housing land supply, it is considered, against the tests at paragraph 11d ii) of the NPPF, that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the NPPF as a whole.**

**2. Any new dwelling in this location would be prominently intrusive and reduce the scale of those countryside views that make a special contribution to the rural surroundings; the villages setting; and the quality of the landscape character. The dwelling, by reason of its scale and design would relate poorly to the adjacent and nearby neighbours and the other houses in the row and be detrimental to the character and appearance of the area and that of the landscape. In these regards the development would be harmful and contrary to policies DC1 and DC3 of the Staffordshire Moorlands Local Plan 2020.**

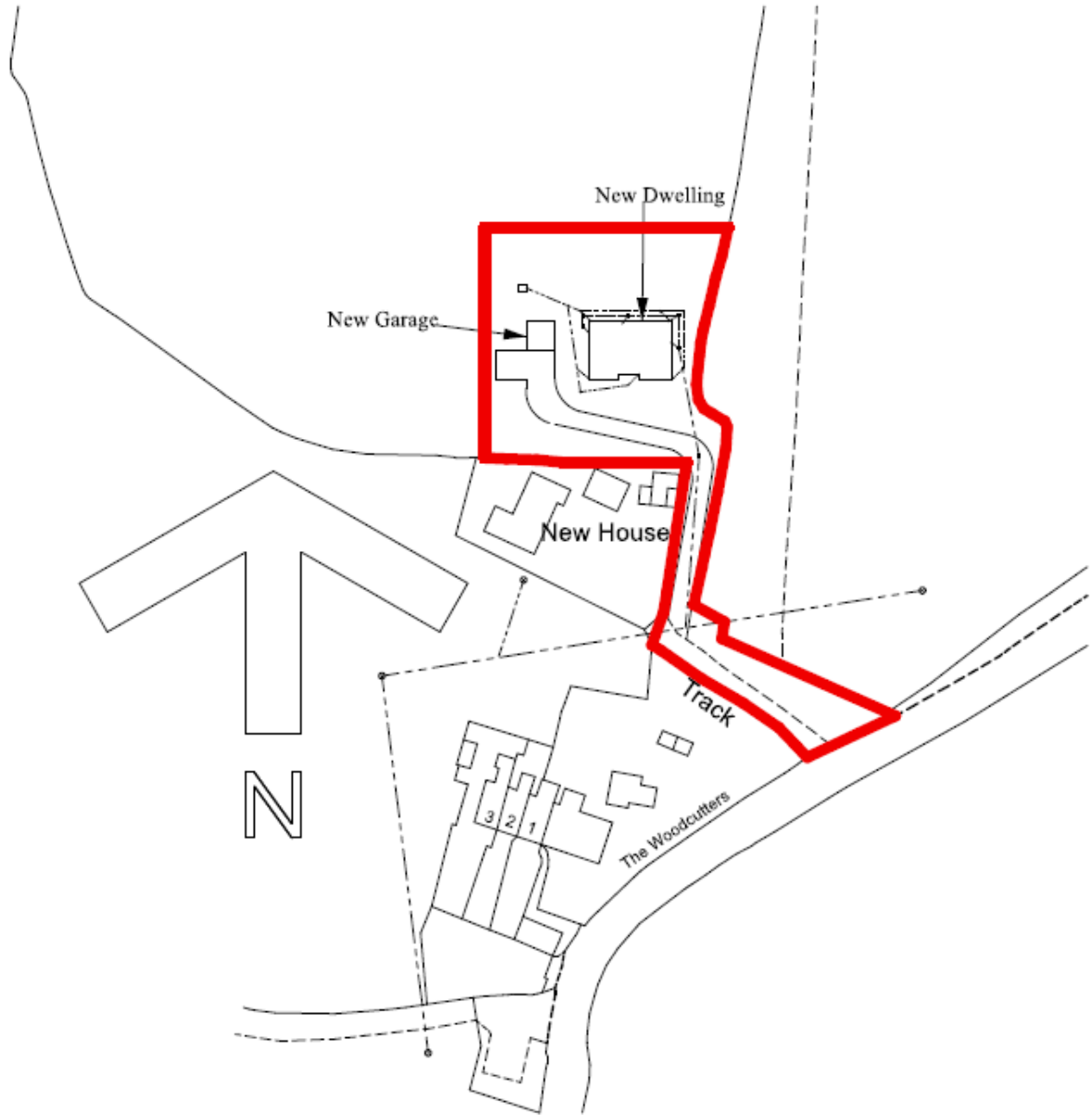
**3. Insufficient information and detail has been submitted with this application to determine the extent to which the development would impact upon or cause detriment to:**

- The health and condition of existing mature trees adjacent to the development that contribute and are important to the character and amenity of the area; and**
- The ecology and biodiversity of the area.**

**In the absence of such information and detail there are assumed harms and adverse impacts in all of these regards and probable conflict with policies SS1, SS10, SD4, NE1 and NE2 of the SMDC Local Plan and the terms of the NPPF.**

**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.**

## Location Plan



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# LOCATION PLAN