

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

8th June 2023

Application No:	SMD/2022/0372	
Location	Land at Double Gates Nursery, Sytch Road Brown Edge	
Proposal	Erection of 3no. detached dwellings and associated works including demolition of existing horticultural and equestrian buildings	
Applicant	Mr A.Beardmore	
Agent	Rob Duncan Planning Consultancy Ltd	
Parish/ward	Brown Edge	Date registered 7 th July 2022
If you have a question about this report please contact: Rebecca Bowers Rebecca.bowers@staffs Moorlands.gov.uk 01538 395400		

REFERAL

The application has been called in by Cllr Porter because it is infill in a rural location and warrants the committee decision.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application site relates to a plot of land located in Brown Edge. The site is located outside of the development boundary on designated Green Belt land. The site benefits from an existing access off Sytch Road. The site is currently occupied by a range of buildings associated with the existing horticultural nursery and livery uses on the site which, with the exception of one stable block that will be retained for domestic use associated with plot 3, are to be cleared from the site to accommodate the proposed development.

3. DESCRIPTION OF THE PROPOSAL

3.1 Consent is sought to demolish all of the buildings on the site except one stable block and erect three detached 4 bedroomed bungalows. Plots 1 and 2 will be of the same design and plot 3 is the largest of the 3 dwellings that are proposed.

3.2 The bungalows are to be constructed in red brick, with Staffordshire blue tiles to the roof, the windows and doors will be upvc. Each bungalow would benefit from an integral garage with parking for two vehicles to the front. To the rear each bungalow would benefit from its own private garden.

3.3 The application files including drawings and details of the proposals together with consultation responses can be viewed at:

at:<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=162509>

4. RELEVANT PLANNING HISTORY

4.1 Shared access (SMD/2020/0549: Retention of two stable block comprising of 3no. stables and 2no. tack rooms- Refused)

4.2 SMD/2010/01145 – Change of use from agriculture buildings (2no. cowsheds) to livery stables for 6 horses – Approved.

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan

SS 2 Settlement Hierarchy
SS 10 Other Rural Areas Strategy
H 1 New Housing Development
DC 1 Design Considerations
DC 3 Landscape and Settlement Setting
NE 1 Biodiversity and Geological Resources
T 1 Development and Sustainable Transport

Supplementary Planning Guidance

1. Space About Dwellings
2. Design Principles for Development in the Staffordshire Moorlands

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

National Planning Policy Framework

Including sections;

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

6. CONSULTATIONS

6.1 Publicity

Site Notice expiry date: Expired.
Neighbour consultation period. Expired.
Press Advert: Leek Post and Times. Expired.

6.2 Public Comments:

7 letters of representation have been received objecting to the development with the following concerns.

- Stables and tack rooms are unauthorised and share same access
- Traffic and parking
- Road is unsuitable.
- Ecology
- Overdevelopment in green belt creating extension of village boundary.
- The Layout and density is inappropriate
- Loss of light and outlook from plot 1 as its within close proximity to Rose House
- Unauthorised caravan on site
- Noise and pollution during construction

Brown Edge Parish Council:

Overdevelopment causing urban sprawl in green belt.

Waste Services (SMDC):

Coal Authority: No objection subject to conditions.

Severn Trent Water:

No objections and no drainage condition required.

Staffordshire County Council Public Rights of Way:

The submitted site plan shows the footpath incorrectly. They requested that the site plan be updated showing the correct legal line of the footpath.

Staffordshire Wildlife Trust:

Any recommendations and requirements within the ecology reports should be secured via conditions provided they are not required before determination.

Environmental Health:

No objection subject to conditions

Staffordshire County Council Highways:

No objections subject to conditions

Rambler's Association:

Footpath Brown Edge 15 passes alongside vehicular access from Sytch Road and follows the Western boundary. This path must remain safe for public use during and after development has taken place. If any alterations to the P.R.O.W is necessary then this should be reported to the Staffordshire Council.

Peak and Northern Footpaths: Supports the comments of SCC Definitive Map and Spatial Information Officer, concerning the alignment of, and the need to provide for continuous use during and after development of, public right of way Brown Edge 15.

7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Policy Context

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the Staffordshire Moorlands Local Plan adopted in September 2020.

Principle of Development

7.3 The application site is close to but outside of the development boundary for Brown Edge and is also located within the Green Belt.

7.4 The settlement hierarchy (Policy SS2) for the borough states that in Other Rural Areas, which comprise the open countryside and the green belt, development is normally unacceptable and inappropriate. Within these areas there are some groups of houses and hamlets which are not identified as 'smaller villages' because of their predominantly open character and loose-knit nature.

7.5 Policy SS10 states within the open countryside and green belt, these areas will provide only for development which has an essential need to be located in the countryside and supports the rural diversification and sustainability of rural areas. Within the green belt strict control will continue to be exercised over inappropriate development allowing only for exceptions as defined by Government policy.

7.6 Policy H 1 states that for new housing developments in the Green Belt, national Green Belt Policy will apply.

7.7 As such the principle of the development is based on whether the development is considered an acceptable form of development in the green belt.

Green Belt

7.8 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.9 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

e) Limited infilling in villages; and

f) limited affordable housing for local community needs under policies set out in the development plan (including for rural exception sites) and

g) limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.10 The NPPF defines PDL as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. However it specifically excludes land that is or was last occupied by agriculture or forestry buildings. The applicant sets out that part of the site is in use as a horticulture nursery, with livery stables elsewhere. However, there is no evidence to suggest that the site has been lawfully used for any retail/selling of plants to members of the public. As such the site appears to have been used in part of horticulture purposes, and therefore the land would not be regarded as previously developed land.

7.11 The existing site is occupied by a several structures with some being permanent buildings, one polytunnel and one caravan. These structures are scattered around the site with some areas remaining free from structures specifically at the centre of the site. For this reason when viewed from the access track and within the site, the site remains relatively open with clear views of the land beyond the site boundary

7.12 The development proposes to demolish all but one building and erect three bungalows with associated parking, and private amenity space. The retained building would become a domestic outbuilding associated with plot 3. In terms of the proposed developments impact on the openness of the green belt, individually the proposed dwellings are much larger in footprint, height and size than each of the existing structures. In addition parked cars are to be expected to the front of each dwelling. Dissimilar to the existing site the majority of the site would be occupied by the dwellings

and their curtilages including large gardens to the rear. The paraphernalia associated with a residential use would also have some impact on the openness of the green belt. For this reason, the development would have a substantial harm and a greater impact on the openness of the greenbelt than the existing development.

7.13 The applicant contends that the development of the site would amount to infill development and therefore would meet paragraph 149 (g) of the NPPF. Whilst the NPPF does not provide a definition of “infill” it is commonly held to be a gap within an otherwise built-up frontage. The site lies to the rear of properties along Sytch Road, a linear row of houses, with open fields to the south and west. Although the proposal would involve the retention of a stable building towards the western boundary of the site, the majority of the western, north west and southern boundaries would adjoin open fields and would not adjoin any built up development. Only a small part of the northern boundary would adjoin the Brown Edge settlement boundary. However, the site extends well beyond the rear boundary of the settlement, and therefore to develop the land for three dwellings would not reflect the pattern of development in the immediate area. Therefore, it is considered that the plot does not amount to infill development. As such the development would not meet paragraph 149 (g) of the NPPF.

7.14 The development does not propose to provide affordable housing to meet local needs and therefore the development would not meet the exception test under paragraph 149 (e) or Policy H1.

7.15 As such the principle of the development is considered unacceptable. There are policies in the Framework which identify when development will be regarded as inappropriate development. In this case, the development, in principle would not comply with green belt policy. It would have a significantly greater impact on the openness of the green belt when compared to the existing development and would not meet any of the exception tests under paragraph 149 of the NPPF. Accordingly, the proposals would amount to inappropriate development in the green belt, which by definition is harmful, and should only be approved in very special circumstances. The applicant has not presented any very special circumstances.

Impact on character of the area

7.16 Policy DC 3 states that the Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by:

1. Resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character.

7.17 Policy DC 1 states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council’s Design Guide SPD.

7.18 The application proposes the erection of 3 bungalows following the demolition of existing structures on the site. In terms of the design of the bungalows, they are simple gable roofed buildings which would be constructed of red brick and a Staffordshire blue slate tile. However, the development would have a ridge height of 7m, and is

considered to lead to prominent intrusion into the countryside and a significant adverse impact on the landscape character for the reasons detailed below.

7.20 The application site is physically contained on one side by a garden serving a property on Sytch Gate. The remaining sides immediately bounds the wider rolling countryside which is defined by a low post and wire fence. The narrow entrance gives the site a moderate level of seclusion and separation from the built-up form of the settlement. From long distance views the proposal would be read against the built form of the settlement and backdrop of higher ground.

7.21 Nonetheless, the site is visible from short and medium distance public vantage points. From a private road off Hammond Avenue the site would be very prominent in the view. At present the site is occupied by buildings that are relatively low level. However, the proposed development results in the erection of three large dormer bungalows which would result in greater harm to the openness of the Green Belt and in short and medium distance landscape views. This intrusion would be seen throughout the year. The site would also be visible from the public footpath (Brown Edge 15) when approaching the site from the south. When viewed from the private road and the footpath it is considered that the visual effect of the development would extend and encroach the built form of the settlement further into the open countryside, to the detriment to the visual amenity of the area.

7.22 For the reasons given, the site would have a considerable harmful effect on the open countryside to the detriment of the character and appearance of the area.

Impact on Residential Amenity

7.23 Policy DC 1 states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. Specifically protecting the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

7.24 The neighbour with the most potential to be affected by the development is Rose House as this dwelling is closest to the siting of plot 1. Plot 1 is approximately 19m from Rose House and 3m from the rear garden of this dwelling. Due to the solar orientation of the neighbouring property and the garden area it is not considered that the development (plot 1) would have a significantly detrimental impact on this neighbour to warrant refusal. Although the development proposes a dwelling that at one corner is within 3m of the shared boundary it is considered that the majority of the neighbours garden would not experience a detrimental loss of light. A ground floor window is proposed on the side elevation of the dwelling that is proposed to be obscurely glazed. This window would face a hawthorn hedge to be planted as part of the landscaping scheme. As such the development would not result in a detrimental loss of privacy. In terms of overbearing impact and loss of outlook, as a 19m separation distance can be achieved it is not considered that the development could be refused for this reason.

7.25 Plots 1 and Plot 2 are the closest of the proposed bungalows to Double Gates and Ringinglow a pair of semi detached dwellings. Plot 1 is 16m from Double gates (the

closest of the pair) and plot 2 is located much further south than Double Gates. Plot 1 is 6m from the garden area of this neighbour. As such these separation distances are sufficient to ensure the development would not have a significantly detrimental impact on this neighbour. A closed boarded fence is to be retained between the boundary so that the garden areas aren't unduly overlooked.

7.26 In terms of plots 2 and 3 both properties are considered to be located a sufficient distance away from the neighbours on Sytch Road to ensure that these plots do not have a significantly detrimental impact on any neighbouring properties. The dormers proposed on plot 3 would face the garden area of Derlwyn. This neighbour benefits from a large detached outbuilding that would screen the view of the remaining garden area from plot 3.

Amenity of Future Occupier

7.27 Each dwelling will have a gross internal floor area of no less than 124sqm and therefore meets the minimum standards set out within the DCLG Technical Housing Standards for a four bedroomed, eight-person dwellinghouse as required by Policy H1.

7.28 The occupants of the dwellings will benefit from a private amenity space that enables them to have reasonable enjoyment of their garden with a degree of freedom from unwanted social contact. The overall garden sizes meet the Council amenity standards. Similar to the assessment on neighbour amenity the application properties would not be unduly affected by any loss of privacy due to the separation distance between the proposed dwelling and the nearby residential receptors.

7.29 Concerns were raised regarding the proximity of a stables to the other dwellings and the agent has submitted amended plans which indicate that this building will not be retained for domestic use associated with plot 3.

Highways

7.30 The dwellings will be served by an existing access off Sytch Road. The highway authority has not required any modifications to the existing access. Although concerns have been raised regarding traffic and the suitability of the access in the absence of a highway objection the development could not be refused for this reason. Each plot would benefit from 3 parking spaces which is sufficient for a 4 bedroomed dwelling. As such the development is considered to have an acceptable impact on highway safety subject to conditions.

Drainage

7.31 The development proposes to discharge foul drainage to a sewage treatment plant and land drainage soakaway system for surface water. Limited information has been submitted in relation to these details and therefore a condition would be attached to the permission requiring a drainage scheme to be submitted.

Ecology

7.32 Policy NE1 in the Staffordshire Moorlands Local Plan Adopted September 2020, expects that 'all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development.

7.33 The application is supported by the submission of a preliminary ecological appraisal and an activity survey undertaken following the recommendations of the appraisal. Both the appraisal and the survey made recommendations that seek to deliver a net gain. The landscaping details propose new trees and shrubs. In addition to this, biodiversity enhancements for bats and birds, restrictions on lighting, and a landscaping scheme incorporating biodiversity enhancement features is recommended. Subject to conditions requiring these details to be submitted it is considered that the development would have an acceptable impact on ecology.

Other Matters

7.34 The site also lies within a high risk coal area. Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site may have been worked in the past and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone. Accompanying this application is Coal Risk Assessment which the Coal Authority has reviewed and confirmed that that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. This can be secured by condition.

8. CONCLUSION & PLANNING BALANCE

8.1 Paragraph 11 of the NPPF provides for a presumption in favour of sustainable development. For decision taking this means approving proposals that accord with the development plan, which is clearly not the case in this instance. Furthermore, in this case there are specific policies both within the adopted local plan and the NPPF which indicate that development should be restricted, as the site lies within the Green Belt.

8.2 The proposal represents inappropriate development in the Green Belt and as such this presents a clear reason for refusing the development to which 'substantial weight' should be attached. There would need to be very special circumstances by way of other considerations sufficient to outweigh the in-principle harm and any other harm. There are no known very special circumstances to outweigh the harm to the openness of the green belt.

8.3 The current housing land supply situation within Staffordshire Moorlands currently stands at 4.21 years supply. In this circumstance the 'tilted-balance' is normally applied (as outlined within paragraph 11d of the Framework) which sets out that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing development proposals. As the site is located within the green belt, which is a protected area under the Framework, the titled balance is not engaged.

8.4 The proposal also fails to protect and enhance the borough's character, distinctiveness and landscape quality as it would extend the built form of the settlement further into the countryside, to the detriment to the visual amenity of the area.

8.5 Overall, the benefits of the scheme would not outweigh the substantial weight given to the harm by reason of inappropriateness to the Green Belt and the wider implications to the landscape.

RECOMMENDATIONS NO.1:

That planning permission be REFUSED for the following reasons:-

1.The proposed development, in principle, amounts to inappropriate development in the green belt, which by definition is harmful to the green belt and should only be approved where very special circumstances exist. The development would have a greater impact on the openness of the Green Belt than the existing development and no very special circumstances have been demonstrated to outweigh the harm to the Green Belt. Accordingly the development fails to comply with policies SS2, SS10 and H1 of the Staffordshire Moorlands Local Plan and Section 13 of the NPPF.

2.The proposed development, by reason of its size, scale and visual intrusion, fails to protect and enhance the borough's character and distinctiveness and will result in harm to the landscape character of the countryside contrary to Policy DC3 of the adopted Staffordshire Moorlands Local Plan and the National Planning Policy Framework.

RECOMMENDATION NO.2: 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 Regulatory 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.

Informative

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations and identifying matters of concern with the application. In this instance, the nature of the planning issues were considered to be so fundamental that no further negotiation was sought with the applicant.

Site Plan

