

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

13<sup>th</sup> July 2023

<b>Application No:</b>	SMD/2022/0391	
<b>Location</b>	Garden to 'Outlands', 340 Cheadle Road, Cheddleton	
<b>Proposal</b>	Proposed detached 4 bedroom dwelling on land adjacent to 340 Cheadle Road	
<b>Applicant</b>	Mr and Mrs Shirley	
<b>Agent</b>	Mr Andrew Dukesell, DBD Architectural Consultancy Ltd	
<b>Parish/ward</b>	Cheddleton / Cheddleton	<b>Date registered</b> 12 <sup>th</sup> July 2022
<b>If you have a question about this report please contact:</b> Arne Swithenbank tel: 01538 395578 or e-mail <a href="mailto:arne.swithenbank@staffs Moorlands.gov.uk">arne.swithenbank@staffs Moorlands.gov.uk</a>		

## REFERRAL

The application is a Full - Minor and is referred to Committee at the request of former Cllr Mike Bowen and latterly by Cllr Mike Worthington in order to consider the Green Belt weighting in the planning balance and the impact on the amenity value to adjacent properties.

### 1. SUMMARY OF RECOMMENDATION

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

- 2.1 The site is within an extensive mature garden serving 'Outlands', a substantial detached dwelling set back from the main road. The site of the proposed additional dwelling is to the north side of Outlands and set behind a neighbouring dwelling at 334 Cheadle Road – Prospect House. Behind Prospect House is a stone out-building until recently within the residential unit of 334 and currently in use, or last in use, to provide bed and breakfast accommodation. This ancillary out-building was subject to an application for planning permission (SMD/2022/0462) for change of use from bed and breakfast to dwellinghouse and this was approved by delegated decision 17<sup>th</sup> November 2022.
- 2.2 Occupying land adjacent to the north of the site (and north of Prospect House) is the former Staffordshire Farmers Site. Running between the application site and Staffordshire Farmers is a single track lane which wraps around the application site perimeter and leads to Shrubbery Cottage which stands in a lone position south of Outlands.

- 2.3 The site location is within the North Staffordshire Green Belt. The surroundings outwith the above-described cluster of development to the north, west and south comprise open rural countryside. Opposite the site, across the road to the east is an area of existing development lying within the Cheddleton South development boundary of the Local Plan.
- 2.4 There is a large mature beech tree in the side garden to Prospect House which is protected by TPO (SM.269 T1) and which overhangs a proposed driveway access to the site. There is also a large conifer on the corner of the existing entrance to Outlands. There are further trees lining the lane to Shrubbery Cottage. The garden area of the application site is dominated by well grown shrubs and minor trees.

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

- 3.1 The application is to create a new detached four bedroom two storey dwelling of 330 square metres (3550 square feet) total internal floor area. Externally the dwelling would stand 16m in length x 10m in its two storey part with a single storey along the rear (west) projecting a further c.3m over which there would be balconies to either end serving first floor rooms and a large lantern roof light positioned centrally. There would be a separate detached single storey double garage 9m x 7.5m. Proposed materials for the development are red/brown brick and plain clay tiles to match the existing dwelling at The Outlands.
- 3.2 The proposal as first submitted involved creating a new vehicular access off Cheadle Road parallel to the existing entrance and alongside the boundary with Prospect House. In a slightly amended scheme the proposed drive access would be shifted closer to the existing access and share an enlarged single entrance for the road.
- 3.3 The application is accompanied by a Design and Access Statement, a preliminary tree survey and a Planning Statement – the latter received 1<sup>st</sup> April 2023.

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

- 4.1 SMD/2016/0652 – detached new 4 bedroom dwelling with detached 2 bay garage – withdrawn
- 4.2 SMD/2017/0738 – detached 4 bedroom dwelling on the land adjacent to Outlands – withdrawn
- 4.3 NB – the layout proposal plans for the above 2016 and 2017 schemes were essentially the same bearing the same plan number and origination date but with minor amendment in 2017.

- 4.4 The current proposal layout drawing PL 02 appears essentially the same but is dated 01.07.22 and has a new job reference 2234.
- 4.5 On the adjacent former Staffordshire Farmers Site: SMD/2016/0434 – outline application for residential development, all matters reserved – approved (Planning Applications Committee, 19<sup>th</sup> January 2017). NB the permission has not as yet been issued as the decision is dependent on the completion of a s.106 agreement.

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

### **5.1 Local Plan (adopted 9<sup>th</sup> September 2020)**

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS10 Rural Areas Area Strategy
- H1 New Housing Development
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

### **National Planning Policy Framework February 2019**

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt 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 7<sup>th</sup> September 2022 (site notice). A total of 10 neighbouring dwellings were notified directly by letter.
- 6.2 No public representations have been received.

## **Cheddleton Parish Council**

- 6.3 Responded to say that they are “unsure” as it is Green Belt land and the impact on the amenity value to the other buildings so they leave the decision to Officers/Members of the Planning Committee.

### **SCC Highways**

- 6.4 Recommendation Summary: Conditional

Site visit conducted on 26<sup>th</sup> July 2022

#### Background

The site is located on Cheadle Road, an A classification road (Road No. A520). Cheadle Road is a primary route connecting Stoke on Trent with Leek, it is subject to a 50mph speed limit and benefits from footways and streetlights on both sides. There are speed cameras along this stretch of the A520

#### Previous Application:

SMD/2016/0652- Detached new 4 bedroom dwelling with detached 2 bay garage – conditioned by the Highways Authority

#### Description of Proposal

Proposed detached 4 bedroom dwelling on land adj. 340 Cheadle Rd

#### Comments on Information Submitted:

The proposal is for the construction of a 4 bedroom dwelling within the garden / land adj. 340 Cheadle Rd

#### Parking:

Staffordshire Moorlands Parking Standards state: Detached / semi-detached property of 4 or more bedrooms will require 3 spaces (2.4m x4.8m each space) for residents and visitors within the curtilage of the dwelling.

The proposed garage internal dimensions of 7.5m x 8.7m meet with the minimum internal dimensions stated in the Manual for Streets and Staffordshire Moorlands Parking Standards, for a double garage which are 6m wide by 6m long

A parking and turning area are also proposed as detailed on Drawing no. PL0-2 dated 01/07/2022 and are considered sufficient for a 4 bedroom property

There is existing parking and turning for the host property (Outlands) which will remain unaffected by the proposal as detailed on Drawing PL092

#### Access:

A new vehicular access onto Cheadle Road is proposed as detailed on Drawing no. PL02 dated 01/07/2022. This drawing shows a bellmouth on to the footway. This is inappropriate for a single dwelling, where the access should be

constructed as a dropped crossing of the footway. The existing access to Outlands will remain unchanged.

Visibility:

It is noted that there is a wall with vegetation along the boundary with Cheadle Road (within the red line) this will need to be lowered to provide adequate visibility for both accesses.

Trees T2 and T2 are to be removed and the laurel to the south of the proposed access and vegetation along the entire boundary is to be cut back to improve visibility at the accesses.

The D & A statement and plan show the wall is to be lowered to a maximum of 900mm. The wall however should be lowered to 600mm. Drawing PL02 and D & A also refer to visibility of 2.4m x 160m to be provided

It is considered that the proposal would not have a detrimental impact on the highway. I therefore have no objection to the proposal subject to the following conditions.

1. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed
2. The development hereby permitted shall not be brought into use until the parking, servicing and turning areas have been in accordance with the approved plans. The parking turning and servicing areas shall there thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development
3. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the site boundary in accordance with the approved plans
4. Any gates shall be located a minimum of 5m rear of the footway and shall open away from the highway
5. Nothing shall be placed, constructed, planted or allowed to remain within 2.4m of the carriageway edge that is greater than 600mm in height above the adjacent carriageway level on the frontage of the development. Anything that is greater than 600mm in height within 2.4m of the adjacent carriageway shall be immediately removed.
6. Notwithstanding any details shown on the approved plans no development shall be commenced until revised access details indicating the following have been submitted to and approved in writing by the LPA
  - access constructed at 4m width to the rear of the footway
  - Access constructed as dropped crossing of the footway with extent of dropped crossing required at carriageway edge
7. The access shall thereafter be carried out in accordance with the approved details and completed prior to first occupation and shall thereafter be retained as such for the lifetime of the development

REASONS

All to comply with NPPF to comply with SMDC Local Plan policy DC1 in the interests of highways safety

## IMPORTANT INFORMATIVE TO BE INCLUDED ON DECISION NOTICE

The dropped crossing to the site shall be constructed in accordance with drawings to be submitted and SCC requirements. Please note that prior to the access being constructed you will require a Section 184 Notice of Approval from Staffordshire county Council. Please email [trafficandnetwork@staffordshire.gov.uk](mailto:trafficandnetwork@staffordshire.gov.uk) for further details .The link below provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway:

[https://www.staffordshire.gov.uk/highways/licences/over\\_view.aspx](https://www.staffordshire.gov.uk/highways/licences/over_view.aspx)

### NOTE TO PLANNING OFFICER

Drawing PL02 shows a bellmouth onto the footway. This is inappropriate for a single dwelling, where the access should be constructed as a dropped crossing of the footway.

The wall on the entire frontage within the red line will need to be lowered and vegetation cut back to provide adequate visibility for both accesses as noted in the D&A statement but lowered to 600mm. Drawing PL02 and D&A also refer to visibility of 2.4m x 160m to be provided.

## 7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

### Principle of Development and Main Issues

- 7.1 In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise.
- 7.2 The main issues to consider with this application are:
- whether in principle it is appropriate development in the Green Belt
  - design
  - impact on the living conditions (amenities) of neighbouring residents
  - highway safety
  - impact on trees including protected Beech T1 in TPO SM.269
  - biodiversity / protected species
- 7.3 Policy SS10 for the rural areas is that:
- “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” [inter alia]:

*restricting new-build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with H1.*

- 7.4 In the Green Belt, policy SS10(6) is that strict control will continue to be exercised over inappropriate development allowing only for exceptions as defined by Government Policy.
- 7.5 Government policy is that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt (NPPF 149). However, NPPF paragraphs 149 and 150 set out specific exceptions by which certain forms of development can be considered as being not inappropriate in the Green Belt. One of these exceptions is at NPPF 149 (e) “limited infilling in villages”.
- 7.6 In order for the exception to apply it would be necessary to find that the application site lies within a village; that the development is limited; and that it can be regarded as infilling.
- 7.7 The village of Cheddleton, a defined larger village in the Local Plan, is readily identified as comprising the areas of housing centred on the village hall, shops and recreation ground on Cheadle Road with the church, primary school and pubs to the northerly end forming the historic village core. This area comes within the Cheddleton North development boundary. The application site is some 800m south of this boundary and, whilst it is within the Cheddleton Parish and the postal address is Cheddleton, it is not obviously within the village. The area of development across the road from the site centred on Folly Lane and contained in the Cheddleton South development boundary is isolated from the village proper. Whether or not the Cheddleton south development boundary area should be regarded as ‘village’ the fact of the matter is that the application site lies outside even of this outlier area. It is notable that when the committee considered the adjacent Staffordshire Farmers Site (19<sup>th</sup> January 2017) the report described that site as “outside the settlement boundary of Cheddleton in open countryside which is also Green Belt.” Factually, the same would be true of the Outlands and its garden. In the case of Staffordshire Farmers, development was supported in principle on the basis that the site met the definition of ‘previously developed land’.
- 7.8 Taken together, the considerations at 7.7 above may reasonably be found on balance to lead to a conclusion that the application site lies outside of any village. On this basis the site cannot benefit from the exception at NPPF 149 (e) and therefore does not gain support in principle. It is not necessary to consider the other factors as each has to be met and failing on any one is terminative but for the record the proposed single dwelling is at least ‘limited’ in number. It may also be regarded as ‘infilling’ given that it is enclosed on three out of four sides by existing / approved development.
- 7.9 In the applicant’s submitted planning statement the planning adviser accepts the location is in the North Staffordshire Green Belt and that policy SS10 establishes a presumption against new building, in line with Government Policy. That is unless the proposal is found to come under one of the specific

exemptions available. The applicant's basis for the application is to regard the proposal as 'limited infilling in a village' – exemption (e) at NPPF 149. As is seen above (7.6 to 7.8) the LPA assessment is that the site is outside of any village and therefore the exemption is not available. As a larger village, Cheddleton has a defined development boundary adopted in the Local Plan and this site does not come within it. The applicant's contention is that the area of the village is not necessarily the same area as that of the defined development boundary. This is fully accepted by the LPA. Indeed, the LPA relies on this in reaching the view that the true 'village' of Cheddleton does not extend to encompass all of the land included in the development boundary. Cheddleton South is very much set apart from the village by distance and topography. Whilst the application site has some proximity to the Cheddleton South development boundary area this does not establish it as being part of the village of Cheddleton.

## **Design**

- 7.10 The dwelling would have limited visibility in the street scene but would be likely to be seen at least partially in the backdrop to Prospect House and tangentially with Outlands. Prospect House is of stone but is now white rendered to its roadside elevation with stone quoins and dressings and a mix of both concrete tile and slate roofing. Outlands is brick and clay tile. Both are substantial and imposing dwellings. The outbuilding rear of Prospect House is of stone and has traditional vernacular qualities.
- 7.11 The proposal dwelling has an 'exaggerated' scale, its broad depth necessitating a particularly high roof with ridge at 9m. Overall however its appearance may reasonably be considered of neutral impact given its set-back behind existing buildings. Importantly, the exterior finish is of red brick and clay tile roofing to match the materials used in Outlands. The roof slope of the garage however is likely too shallow for clay tiles – clarification is needed from the applicant.
- 7.12 The proposed detached double garage is shown pressed tight into the north east corner of the site against the lane to Shrubbery Cottage. As noted above there are various significant mature trees along this boundary and no information has been submitted to show how the garage may impact on these.

## **Amenity**

- 7.13 In terms of living conditions of neighbouring occupiers, the main considerations relate to the adopted Space About Dwellings standards and whether there would be sufficient separation between any principal windows and whether the building could be overbearing. Any implications for property value in financial terms would not be a planning matter and have not been considered.
- 7.14 There are two ground floor windows in the rear of the outbuilding at Prospect House recently approved SMD/2022/0462 (17<sup>th</sup> Nov 2022) to become a dwelling. Both are small windows but one of these, serving a living room, should correctly be regarded as a principal window. The expected separation



distance therefore should be 22m but in this case would be 14m. There is good hedge cover on the boundary which the proposal says is to remain. There are no first floor windows to the outbuilding. Given the small size of the window in contention and the dividing hedge the situation can potentially be accepted. Separation to the rear of Prospect House is of the order of 28m and therefore meets the Space About Dwellings guidelines – there is also the intervening outbuilding (a former barn or coach house).

- 7.15 The proposal dwelling presents a side elevation towards Outlands. There is a ground floor large sliding door window in this southerly prored elevation. The separation to Outlands is c. 28m and therefore Space About Dwellings guidelines would be met. The scheme also proposes a dividing hedgerow.
- 7.16 The proposal dwelling is large, and somewhat at odds in this respect with Prospect House, despite the latter being a substantial detached dwelling with separate coach house. However, it bears some similarity with Outlands which is also an imposing and tall red brick dwelling. Each of the properties would occupy similar reasonably generous plots and on balance the scale of the proposed development may be found acceptable.

### **Highways and Protected Tree**

- 7.17 In highways safety terms the SCC Highways response shows the scheme would be acceptable subject to revision of the entrance. This could be imposed by condition. Also, to make a safe entrance the wall to the entire frontage would need to be lowered.
- 7.18 Related to the access, in order to safely retain the TPO protected beech tree a very detailed and careful construction specification would be required. The application is accompanied by a preliminary tree overview compiled by the agent / construction designer rather than by an arboriculture specialist. This has not assessed the impacts in detail and has not established that a suitable construction specification could necessarily be achieved. The case officer observed at his site visit that the garden area rear of the highway is appreciably lower by c. 0.5m to 1.0m and the ground would need to be made up. Although the agent has proposed using a geotextile root protection fabric over the tree rooting area the additional impact of needing to raise the ground level significantly has not been assessed. It would not be appropriate to approve the application without this information being available. It may be that an alternative scheme needs to be considered, possibly by sharing an improved entrance with that to Outlands. Subsequently a revised scheme has been submitted which does re-position the proposed access further away from the protected tree. There are no details however about trees on the boundary with Shrubbery Lane and the potential impacts on these from the proposed garage construction.

## **8. Conclusion and Planning Balance**

- 8.1 It is concluded that the development cannot be supported in the Green Belt as it is found to lie outside of any village. No other potential exception is found to apply and there are no very special circumstances.
- 8.2 There are significant trees to the periphery of the development site including one protected by TPO. There is insufficient information to demonstrate that the TPO tree can be retained and an absence of adequate detail in relation to trees generally on the site including in particular those along the northern boundary. With the submission of an amended plan it can now be accepted that sufficient space between the TPO tree and any drive construction work may be available to enable appropriate tree protection measures to be incorporated and these could be required by condition. Even so this has not been established conclusively and the potential adverse impacts on the northern boundary have not been examined.
- 8.3 No biodiversity information or survey has been submitted and, although this site is garden with mainly cultivated semi-ornamental shrubs with many dense evergreens, the biodiversity impacts have not been assessed. In a large garden like this the loss of biodiversity could be at least moderately significant. No proposals have been made for mitigation and compensation and in the absence of baseline survey it would be difficult to direct these matters by condition.

## **9. RECOMMENDATION**

### **A. Refuse for the following reason(s):**

- 1. The proposed residential development of a single dwelling does not fall under the criteria of development that can be exceptionally allowed in the Green Belt listed under paragraphs 149 or 150 of the National Planning Policy Framework (NPPF) and therefore the proposal is deemed to be inappropriate development in the Green Belt which by definition, in paragraph 147, is harmful to the Green Belt and should not be approved except in very special circumstances. The Council considers that no very special circumstances have been demonstrated in the application that could be considered to outweigh the harm to the Green Belt or outweigh the operation of Green Belt policy. The proposal is therefore contrary to policies SS1, SS10 and H1 of the Staffordshire Moorlands Local Plan 2020 and the NPPF.**
- 2. There is insufficient information to establish that trees within and / or on the periphery of the site including a TPO protected beech tree close to the proposed new entrance drive can be suitably and safely retained. The Council would expect tree survey assessment and construction details to be provided in accordance with the British Standard BS 5837 – Trees in Relation to Design, Demolition and Construction or equivalent standard in order to safeguard and retain trees in accordance with**

the Council's adopted policies. In the absence of sufficient appropriate information the proposal is found contrary to policies SS1, SS2, SS10, DC1 and NE2 of the Staffordshire Moorlands Local Plan 2020 and the NPPF.

3. No biodiversity impact survey or assessment has been provided and in the large and well vegetated garden of this application site the impacts could be at least moderately significant. No proposals have been made for mitigation and compensation for biodiversity loss and in the absence of baseline survey it would be difficult to fully resolve matters by condition. The proposal is thus found contrary to SS1, SS2, SS10, DC1 and NE1 of the Staffordshire Moorlands Local Plan 2020 and the NPPF.

### **Informative**

1. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

**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=162705>**

## 10.2 – location plan

