

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

14th December 2023

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

REFERRAL

The application is a Full - Minor and is referred to Committee at the request of Cllr Mike Worthington in order to consider the Green Belt weighting in the planning balance and the impacts on amenity for adjacent properties.

It should be noted that the application in an earlier form came before the committee under item 5 of the 13th July 2023 Planning Applications Committee Meeting when it was resolved: *"That the Late Representation report be noted and the application be DEFERRED to enable the applicant to submit a tree and biodiversity report"*. It is recorded in the minutes that *"Members questioned the conclusion that the application site lies outside of the village and requested that the application was deferred until the applicant had submitted a tree and biodiversity report"*.

1. SUMMARY OF RECOMMENDATION

Refuse

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 17th 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). 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 an amended scheme PL 02E received 27th November 2023 the proposed drive access would be shifted closer to the existing access and at the road connection, with adaptation, would share the existing opening.
- 3.3 The application is accompanied by a Design and Access Statement, a preliminary tree survey and a Planning Statement – the latter received 1st April 2023. An Arboricultural Impact Assessment and a Preliminary Ecological Appraisal were received 19th October 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 02E amends the scale and form of the driveway connection to the main road and amends the position of the detached garage. It is otherwise broadly the same scheme as in the 2016 and 2017 references above.
- 4.5 On the adjacent former Staffordshire Farmers Site: SMD/2016/0434 – outline application for residential development, all matters reserved – approved (Planning Applications Committee, 19th 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 9th 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 7th 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 The following is the Highways further response, this time to the latest scheme revision in drawing PL 02E.

Recommendation Summary: Conditional

Site visit conducted on 26th July 2022

Personal Injury Collisions

Current records show that there were not any Personal Injury Collisions on Cheadle Road within 160 metres either side of the access from 01/01/2019 to 31/12/2021.

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 x 4.8m 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 is also proposed as detailed on Drawing no. PL 02E and is 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 PL 02E.

Access:

A new vehicular access onto Cheadle Road was originally proposed as detailed on Drawing number PL02 dated 01/07/2022. The drawing showed 2 individual access crossings (existing access to Outlands and proposed access to new property). A bell-mouth onto the footway was proposed. This was considered inappropriate for a single dwelling. Revised Drawing PL02E was submitted which now shows the existing access is to be widened.

The revised Drawing PL02E shows an access drive of 6.2 m wide (rear of the footway) narrowing down to form 2 independent drives each with varying widths from 3.4m to 3.1m. The width of 6.2m is considered acceptable to allow 2 vehicles to pass unhindered at the access with Cheadle Road.

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 PL 02E 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 drawing PL 02E. 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 drawing PL 02E.
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.

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 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

NOTE TO PLANNING OFFICER

This response reflects the revised Drawing PL02E received 28/11/2023.

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 the extremity of this boundary and 1.7km from the village core. Whilst the site 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 also 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 (19th 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 the Staffordshire Farmers site, the development was supported in principle on the basis that the site met the definition of ‘previously developed land’ (PDL). Whether the garden to the Outlands could be considered to be PDL depends on whether it is regarded as being in a built-up area or not. In a built-up area residential gardens are specifically excluded under the NPPF from being defined as ‘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 to be too shallow for clay tiles – clarification is needed from the applicant.
- 7.12 As previously considered (July 2023), the proposed detached double garage was shown pressed tight into the north east corner of the site against the lane to Shrubbery Cottage. It was also noted that there are various significant

mature trees along this boundary and no information had been submitted to show how the garage may impact on these. The Arboricultural Impact Assessment (received 19th October 2023) reports these to be a “Mixed species group of trees, off site, over hanging boundary. Likely constraints to rooting underneath well used hardcore driveway”. They are recorded as being of fair stem and crown condition and in good health with a future in excess of 10 years. Recommended root protection zone is given as 6.5m. In drawing PL 02E the garage has been set away from the hedge boundary by 1.0m to 1.5m and the recommended 6.5m stand off from trees is just about achieved.

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 (17th 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 prosed 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 initial SCC Highways response showed the scheme would be acceptable subject to revision of the entrance. That revision has now been provided with drawing PL 02E and has been confirmed acceptable by SCC Highways subject to their recommended conditions. These

would include a requirement for the wall to the entire frontage to be lowered to not higher than 600mm.

- 7.18 Related to the access, it was previously noted that in order to safely retain the TPO protected beech tree a very detailed and careful construction specification would be required. Whilst the agent had suggested some protective measures these were not based on specific arboricultural assessment. That has now been submitted and recommends a root-protection stand-off distance of 13.7m. Revised layout drawing PL 02E shows the new access at 13.0m separation at its closest but generally exceeding this distance comfortably. It should be noted 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 partly made up in height. It would be reasonable now, in the light of the required root protection distance and the revised plan which shows how this can be achieved to control the levels by condition.

Other matters – ecology

- 7.19 The submitted ecology appraisal describes the site base-line habitats at paragraphs 61 to 70 noting vegetation communities on site were found to be species-poor overall; the shrubberies are excellent resources for nesting birds and would provide extended nectar resources for invertebrates throughout the year. In terms of potential impacts for animal species (paragraphs 71 to 86) there would be a high risk to nesting birds in the absence of mitigation to avoid nesting season. An informative should be attached in the event of permission being granted. With regard to bats the report finds all trees on or near to the site have negligible potential to support roosting bats, with the possible exception of T1: Beech (to be retained) and T7(a): Yew (possible removal due to RPA encroachment of new drive way) but understood to be retained as shown in the tree report.

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 With the submission of specialist tree and ecology assessment reports for the site it can now be concluded that with the amended layout positions for the garage and drive in drawing PL 02E the development would be acceptable, subject to conditions in respect of these issues.
- 8.3 The implications for amenity raised as a concern by Cheddleton Parish Council have been considered above at paragraphs 7.13 to 7.16. The possible conflict for a rear ground floor window in the converted outbuilding to Prospect House is considered acceptable on balance due to an intervening boundary hedge.

- 8.4 However, these do not outweigh the “in principle” conflict with Green Belt policy and accordingly the application is regarded as being inappropriate development in the Green Belt and is recommended for refusal.

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.**

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

