

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**27 September 2018**

<b>Application No:</b>	SMD/2018/0389	
<b>Location</b>	Bluebell Barn, Church Bank, Oakamoor	
<b>Proposal</b>	Proposed extension to form ground floor bedroom and wet room for a disabled person	
<b>Applicant</b>	Mr & Mrs Arnold	
<b>Agent</b>	Mr M Sales	
<b>Parish/Ward</b>	Oakamoor / Churnet	<b>Date registered:</b> 04/07/2018
<b>If you have a question about this report please contact:</b> Mrs Laura Barnes <a href="mailto:laura.barnes@staffsmoorlands.gov.uk">laura.barnes@staffsmoorlands.gov.uk</a>		

**REFERRAL**

The application has been called in by Councillor Lucas so that the committee can consider the applicant's personal circumstances

**SUMMARY OF RECOMMENDATION**

<b>Refuse</b>
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**1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

1.1 The application relates to a barn which has been converted to residential development and has previously been extended to the side, to provide a kitchen. The application site is located within the Oakamoor Conservation Area but it outside the development boundary.

1.2 To the north the application site adjoins agricultural land associated with the barn which is bound by a river, beyond which is Churnet View Road. To the west the application site is bound by Holy Trinity Church which is a Grade II listed building. To the south the application site is bound by Church Bank which is the road leading into Oakamoor. To the east is a pair of semi-detached dwellings one of which is also Grade II listed.

**2 DESCRIPTION OF THE PROPOSAL**

2.1 The application seeks planning permission for a single storey extension to the rear of the dwelling, which is a barn conversion. The single storey extension is proposed to accommodate a ground floor bedroom and wet room.

2.2 The application, the details attached to it, including the plans, comments made by residents and any other responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=124076>

### **3 RELEVANT PLANNING HISTORY (APPLICATION SITE AND SURROUNDING AREA)**

**SMD/2005/1078** Change of use of agricultural building to dwelling WITHDRAWN 06/12/2005

**SMD/2006/0030** Conversion of barn to dwelling REFUSED 11/04/2006

**SMD/2006/0906** Conversion of barn to dwelling REFUSED 03/08/2006

**SMD/2007/0220** Conversion of agricultural barn to dwellings APPROVED 16/03/2007

**SMD/2008/1198** Relocation of wooden fodder / implement storage building used in conjunction with horses

**SMD/2010/0092** Alteration to existing agricultural building (retrospective) APPROVED 30/06/2010

### **4 PLANNING POLICIES RELEVANT TO THE DECISION**

Staffordshire Moorlands Core Strategy Development Plan Document (Adopted March 2014)

4.1 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- DC1 Design Considerations
- DC2 The Historic Environment
- T1 Development and Sustainable Transport

SPD – Space About Dwellings

SPD – Design Principles for Development

National Planning Policy Framework (NPPF)

4.2 The following NPPF sections are relevant;

Paragraphs 1-14

Section 12 & 16

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

4.3 Paragraph 48 of the newly adopted NPPF states that:

*“...decision-takers may also give weight to relevant policies in emerging plans according to:*

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

#### Local Plan process

4.4 The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

4.5 In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public will now be held this Autumn in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of 2019. At this point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

4.6 In this context, the Council’s position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

#### Emerging Policies

4.7 The following policies are considered to be relevant to this application:

- SS1 - Development Principles
- SS1a - Presumption in favour of sustainable development
- SS2 - Settlement Hierarchy
- SS10 - Other Rural Areas Strategy
- DC1 - Design Considerations
- T1 - Development and Sustainable Transport

## 5 CONSULTATIONS CARRIED OUT

Site Notice Expires:	07/09/2018
Neighbour Notification:	Expires 13/09/2018
Press Notice:	Cheadle & Tean Times (22/08/2018)

5.1 A Site notice has been displayed, a notice advertised in the local newspaper (Cheadle & Tean Times, 22/08/2018) and letters sent to neighbours.

### Neighbour comments

5.2 No objections have been received by members of the public in relation to this application. Three members of the public have written in support of this application stating the following:

- Design and visual impairment - The proposed development will not be seen from the road and has been sympathetically designed, and essentially effects no one.
- Living conditions of local people - It will substantially improve the living conditions of one local person, Mr Arnold, who is in a Nursing Home following a stroke and wishes to return home. I don't believe it will affect the living conditions of any other local people.
- Loss of privacy to others, light pollution, traffic issues, landscape and ecology - I don't consider there to be any impact on these issues.
- Effect on listed buildings and Conservation Area - The design will have little or no effect on any nearby listed buildings or the Conservation Area,
- Disabled Access - The whole point of the application is to provide disabled access and facilities for a long standing local resident and to allow him to return home from a nursing home after having a severe stroke.
- I support the application
- This proposed extension will be to enable my dad to be cared for in his own home by his family instead of being in a care home environment. The extension will be at the rear of the property and not visible to local residents. The extension will also be sympathetically built in keeping with the surrounding properties preserving the character of the village. I hope that Staffordshire Moorlands District Council have some compassion to take into

account the genuine reason for this proposed extension and allow permission for the extension to be granted.

- I fully support the planning proposal. The extension is at the rear of the property and in keeping with the main building but more importantly the reason the extension needs to be built is to get Mr Arnold back to the area he has lived in for years and back with his family so they can give him all the care and attention Mr Arnold deserves

### Consultee Responses

Consultee	Comment	Officer Response
Severn Trent Water	No objections	No further action required
Oakamoor Parish Council	<p>Oakamoor Parish Council have reviewed the application in detail, and make the following comments:</p> <ul style="list-style-type: none"> <li>• Design &amp; Construction               <ul style="list-style-type: none"> <li>○ The proposed extension is small in size and single storey - the applicants and their agent appear to have prepared a minimally sized scheme to meet their needs</li> <li>○ The proposals to build the walls in coursed stone, the roof in pitched plain blue black tiles and the door &amp; windows in timber, are congruous with the existing building, and should not create the appearance of an extension</li> </ul> </li> <li>• Visual Amenity               <ul style="list-style-type: none"> <li>○ The proposed extension will not be obtrusive, and, as a consequence of its siting, will not be easily seen from public vantage points, ie Churnet View Road and the B5417</li> <li>○ We do not foresee any negative effects on neighbours visual amenity</li> </ul> </li> <li>• Conservation Area               <ul style="list-style-type: none"> <li>○ Whilst the property lies within the Conservation Area, we do not see any adverse effect of the development on the character and appearance of the Conservation Area or its heritage assets</li> </ul> </li> </ul>	Noted

	<p>We have been made aware of substantial support from parishioners for this application. We have not been made aware of any objections.</p> <p>In conclusion, Oakamoor Parish Council support this application without reservation.</p>	
Conservation Liaison Panel	<p>REFUSE. Design guidance requires that buildings are normally converted without extension. This building has already had an extension which is its limit. A further extension harms the character of the original building. The location and design is inappropriate.</p>	<p>Impact upon Conservation Area to be weighed in the planning balance</p>
Conservation Officer	<p>The property is a converted stone/brick field barn located in the Oakamoor Conservation Area. The building is prominent in the area, visible from Church Bank and when viewed from Churnet View Road it is read as part of a cluster of buildings on the hillside next to the Listed former police station and Holy Trinity Church. The barn is a simple, rectangular stable with hay store above and the conversion allowed the construction of an extension on the eastern gable following its linear form. The building contributes to the character and appearance of the Conservation Area and forms part of the setting of nearby Listed Buildings.</p> <p>The Council's adopted guidance on the conversion of rural buildings requires conversions to work within the shell of the existing building and extensions discouraged. This property has already received a sizeable extension but it has allowed the agricultural character of the building to be retained and it compliments the form and proportions of the original barn.</p> <p>The application seeks a further extension to the barn which will be large in relation to the size and proportions of the original barn and introduce a side extension which will disrupt the linear form. The size of the extension will be more than half of the footprint of the original barn and of a width that is greater than the original gable. It will dominate the property, will conceal historic stone walling and breach the eaves. The design, proportion and siting fail to relate to the agricultural character of the building and will be visually harmful. The extension will be visible from Church Bank.</p> <p>The application has been reported to Conservation Liaison Panel who objected to the scheme.</p>	<p>Impact upon Conservation Area and Listed Buildings to be weighed in the planning balance</p>

	Harmful to the character and appearance of the Oakamoor Conservation Area and setting of adjoining Listed Buildings (less than substantial).	
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## 6 OFFICER COMMENT AND PLANNING BALANCE

### Policy Context

6.1 The Local Planning Authority is required to determine applications in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and, in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as they are material to the application and to any other material considerations.

6.2 Core Strategy policies SS1 and SS1a identify that developments should contribute positively to social, economic and environmental improvements as well as establishing a presumption in favour of sustainable development, in line with the National Planning Policy Framework where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or;
- II. Specific policies in within the Framework indicate that development should be restricted.

6.3 Core Strategy Policy SS6b relates to Smaller Villages, of which Oakamoor is one. This policy states that provision will be made only for appropriate development which meets local social or economic needs of the settlement.

### Main Issues

6.4 The key issues for consideration in the assessment of this application are;

- The principle of development;
- Impact of the proposed development on the character and appearance of the dwelling in its own right (design) and wider surrounding area/visual impact;
- Impact of the proposed development upon residential amenity;
- Impact of the proposed extension upon the character and appearance of the Conservation Area.

## **Principle of Development**

6.8 For the purposes of planning policy consideration, the application site is located outside the development boundary within open countryside. It should be determined in accordance with Policy SS6b, Smaller Villages Area Strategy.

## **Design and Visual Impact (Character and Appearance)**

6.9 Core Strategy policy DC1 requires all new developments to be of a high quality design and add value to the local area. Proposals should be designed to respect the site and surroundings and promote a positive sense of place. DC1 also requires that development should protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

6.10 The NPPF (Chapter 12) specifies that highlights the importance of good design and states that design quality should be considered throughout the evolution and assessment of individual proposals.

6.11 The Council's Supplementary Planning Guidance Design Principles for Development in the Staffordshire Moorlands – New Dwellings and Extensions to Dwellings, gives guidance about matters to be taken into consideration when assessing a proposal for good design.

6.12 The Design Guide SPD sets out that smaller buildings have fewer options for extension and can reach a threshold point beyond which further extension is not possible without destroying the original character of the building. Further, it states that when converting traditional buildings (such as the barn in this application), new uses should not normally require the construction of extensions or ancillary buildings. Similarly, the Design Principles for Development SPD states that conversions should be within the shell of the existing building, extensions will be discouraged; where essential, extensions should be small and unobtrusive. The application form which accompanies the planning application sets out that the building materials will be natural stone and a Staffordshire blue slate with timber window frames, to match with the existing dwelling.

6.13 The existing dwelling is a detached barn which already has a brick built extension to the side. It is a single storey building with a simple linear form and has a modest gable roof. The proposed extension does not respect the linear form of development and proposes an L-shaped arrangement with a gable structure at right angles to the main dwelling.

6.14 It is not considered that this type of extension is proportionate to the original barn and detracts from its simple linear form. The proposed extension ridge level is higher than the existing eaves of the barn and its width is greater than half of the original width, resulting in an over dominant extension.

6.15 Overall, it is not considered that the proposed extension is of a high quality design which accords with Policy DC1 of the Core Strategy.

## **Residential Amenity**

6.16 Policy DC1 of the CS seeks, amongst other things, to protect residential amenity. Bullet point 'f' of para. 127 of the NPPF requires a good standard of amenity for all existing and future occupants of land and buildings to be achieved.

6.17 The application is located within close proximity to Sunnyside and The Old Police House, which are a pair of semi-detached dwellings located to the east. The neighbouring dwellings sit at a lower elevation to the application site. At its closest, the barn is 17m from the neighbouring dwellings, one of which is listed. There is a small window serving the wetroom which faces towards the neighbouring dwellings. Given that the window serves a WC, it is recommended that obscure glazing is conditioned, should the application be approved, in order to preserve the amenity of neighbouring dwellings.

6.18 Overall, it is not considered that the proposed development would cause harm to neighbouring amenity and accords with Policy DC1 of the Core Strategy.

## **Heritage**

6.19 Core Strategy Policy DC2 relates to the historic environment It seeks to safeguard and enhance the historic environment including Conservation Areas by resisting development which would be harmful to its special character.

6.20 The Council's Conservation Officer has commented on the application and it has also been considered by the Conservation Liaison Panel. The Conservation Liaison Panel consider that the location and design of the proposed extension is inappropriate and harms the original dwelling.

6.21 The Council's Conservation Officer has reviewed the proposals and has expressed concerns on a number of issues. There is concern that the proposed extension will harm the character of the Conservation Area and setting of the adjacent Listed buildings. It is also considered that it will disrupt the linear form of the building, being more than half the footprint of the existing barn, having a width greater than half of the existing gable, breaching the eaves height, dominating the property and concealing the historic stone wall of the original barn.

6.22 Overall, it is considered that the proposed development does not accord with Policy DC1 or DC2 of the Core Strategy and causes 'less than substantial harm' to the identified heritage assets. Under the provisions of the NPPF this harm needs to be weighed in the planning balance against any public benefits of the scheme. In this case the benefits of the scheme will be entirely private to the applicant and therefore the harm cannot be outweighed by the benefits and planning permission should not be granted.

## **Other Matters**

6.23 This application is accompanied by documents relating to the applicant's medical health condition which means they are currently unable to live in the dwelling. There is no current advice in the NPPF relating to personal circumstances. The most recent government guidance can be found in the former PPS1:

*Unless otherwise specified, a planning permission runs with the land. Exceptionally, however, the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community, may be material to the consideration of a planning application. In such circumstances, a permission may be made subject to a condition that it is personal to the applicant. Such arguments will seldom outweigh the more general planning considerations, however.*

6.24 Officers note that unfortunately the circumstances which the applicant finds themselves in, living in a nursing home or sheltered accommodation and not being able to move back home until adaptations have been made to accommodate their needs, are not completely uncommon amongst the elderly population. Therefore it is not considered to be a particularly exceptional case which is unique to this individual. Although the personal circumstances of the applicant are a material consideration, these must be weighed against the NPPF policy in respect of heritage assets in the planning balance. As noted above the less than substantial harm must be balanced against public benefits of the scheme and the applicants personal circumstances are purely private. The benefit to the applicant would be limited to the length of their occupation of the property whereas the harm to the heritage assets and the character and appearance of the building would be permanent.

### **Conclusion and Planning Balance**

6.25 The application seeks planning permission for the extension of an existing barn conversion to provide ground floor bedroom and wetroom facilities for a disabled occupant.

6.26 The proposal would result in harm to the original character of the building and harm to the Conservation Area in which the building is located. These issues are considered to cause harm to the wider public enjoyment of the Conservation Area and amount to 'less than substantial harm' which is referred to in the NPPF. This must be balanced against the public benefits of the proposal.

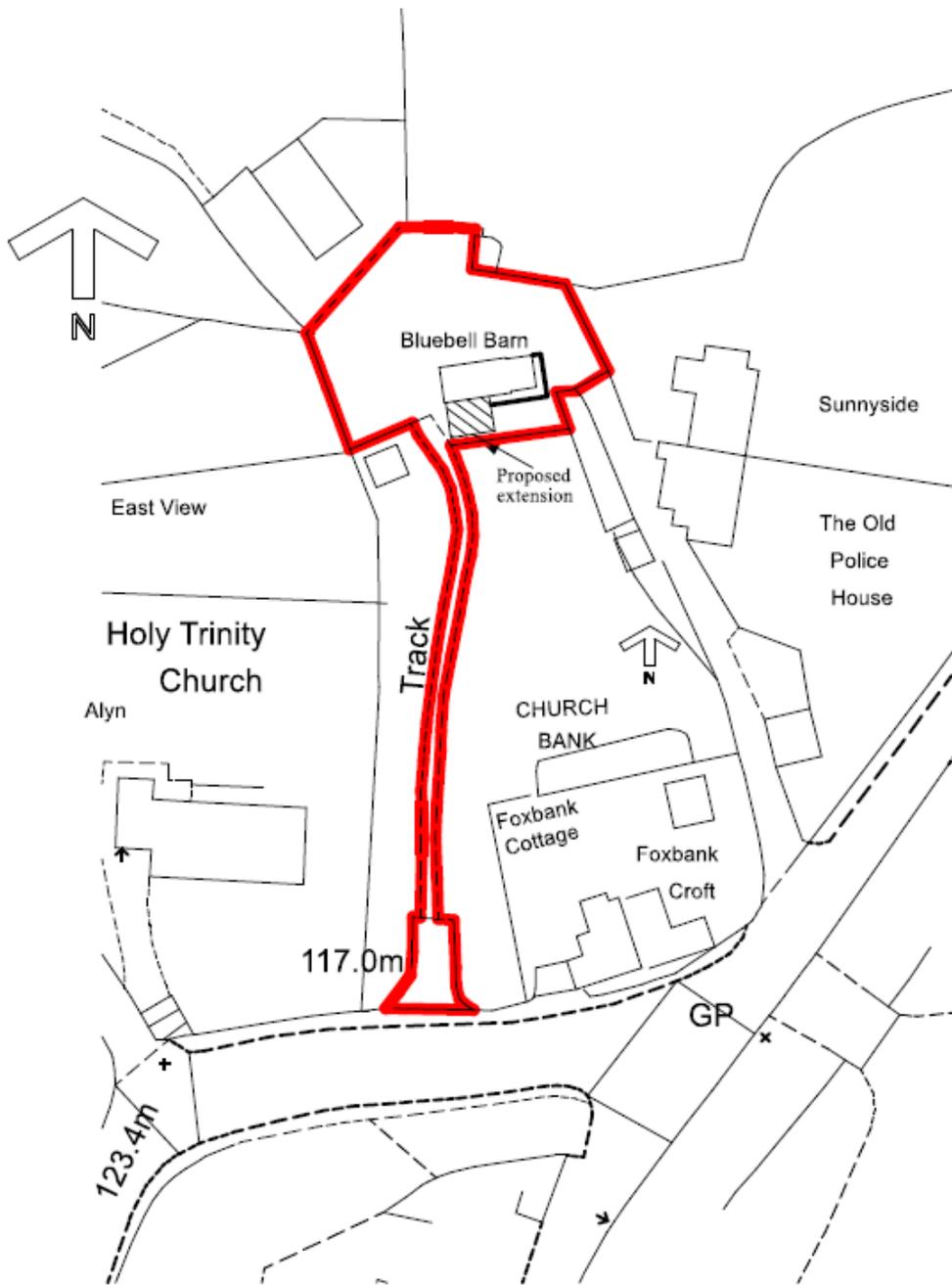
6.27 The applicant's personal circumstances are a material planning consideration which must be weighed in the planning balance. Whilst sympathy is given to the applicant's current situation, it is not considered that these personal circumstances are unique or exceptional, as unfortunately there are many people no longer able to live in their own home due to failing health and debilitating medical conditions. Therefore, whilst consideration of this circumstance has been made, it is not considered sufficient to outweigh the other material considerations in the planning balance.

6.28 It is not considered that the needs of the special medical needs of the individual outweigh the harm caused to the Conservation Area and setting of Listed Buildings in this case, as such the application is recommended for refusal.

## **7 OFFICER RECOMMENDATION**

**A. That Full Planning Permission is REFUSED for the following reasons:**

- 1. The development is harmful to the Conservation Area and setting of nearby Listed Buildings. The design is inappropriate and harmful to the original character of the dwelling because it detracts from the simple linear form, is out of proportion with the property and conceals the historic stone wall. This amounts to less than substantial harm which is not outweighed by the public benefits of the scheme. The proposal is therefore contrary to policies DC1 and DC2 of the Staffordshire Moorlands Core Strategy and NPPF policy.**



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