DELEGATED DECISION REPORT

SMD/2016/0746 **Valid 25/11/2016**	**NEW HOUSE BEAT LANE** **RUSHTON SPENCER**	**FORMATION OF A NEW VEHICLE ENTRANCE AT NEW HOUSE, BEAT LANE, RUSHTON, SK11 0QY** **(FULL - HOUSEHOLDER)**

MAIN ISSUES

- Is the proposal inappropriate development in the Green Belt?
- Would the proposal harm openness or result in any other harm to the Green Belt?
- Are there any other considerations that would outweigh any harm to the Green Belt?
  - Would any of the proposed development be permitted by GPDO
  - Highway Considerations
- Design, Appearance & Impact on Character and Appearance of the Landscape.

DESCRIPTION OF SITE

Relatively remote and isolated traditional red brick farm dwelling. The dwelling is in the green belt surrounded by countryside farm land. The dwelling has a side elevation that faces the road while its principle front elevation faces the east across garden land and open countryside. The elevation is prominent and visible for some distance from the road when approaching from the east. The elevation is visible above a traditional hedgerow and grass verge. The garden has bushes and trees.

The dwelling's existing driveway access is positioned just to the east on the outside of a curve in the road. There is a band of hard standing, some of which must form highway verge, that follows the curve in the road and allows vehicles to pull clear of the carriageway and manoeuvre. The existing drive is narrow and runs between the dwelling and the adjacent barn to a garage at the south.

PROPOSAL

To create a new access to the east by opening up a width of hedgerow, excavating highway verge and placing new hardstanding to provide a parking and turning area in an area of garden land. An assessment of historic OS maps shows that this area of garden land is outside of the curtilage boundary and must have been acquired at a later date by the property. While the curtilage boundary has been removed there is no evidence that this area of land has been used for anything other than to grow some shrubs and bushes.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS6c Other Rural Areas
DC1 Design Considerations
DC2 Historic Environment
DC3 Landscape and Settlement Setting
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 79, 80,87,88 & 90.
Section(s) 9 Green Belt

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

CONSULTATIONS

Publicity

Site Notice expiry date: 20/01/2017
Neighbour consultation period ends: 16/12/2016

Public Comments

None Received

Town / Parish Comments

Rushton PC - No Objections

Staffordshire County Council Highways

No Objection subject to conditions.

Visibility from the existing access to the west is good. To the east it is restricted, but only by the fence on top of the boundary wall of the application site, which could easily be improved. There is however, no turning area and limited scope to provide one. It is possible to draw up outside the adjacent barn and wait for traffic to clear

before reversing into the access. This requires use of land outside the applicant's ownership. I would not recommend reversing out of this existing access. The proposed access provides good visibility to the east but less good visibility to the west when compared to the existing. However, it does allow a turning area to be provided. The proposed access point is within the visibility splay of Dingle Lane. This will be acceptable if no vehicle parks within the proposed access between the gate and the carriageway.

OFFICER COMMENTS

Is the proposal for inappropriate development in the Green Belt and would there be any other harm to the Green Belt?

The proposal is for development in the Green Belt. Development should be regarded as inappropriate in the Green Belt. Exceptions to this are listed at paras. 89 & 90 of the NPPF and one of those exceptions at para. 90 includes "engineering operations….provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt". One of the five purposes of including land in the Green Belt is to assist in safeguarding the countryside from encroachment.

The development would be an engineering operation that would see the excavation of grass highway verge and the construction of a part bound, part gravel hard surface to provide an area for vehicles to turn and park. These vehicles would be parking and turning on an open and previously undeveloped area of country garden and, as such, they would harm openness, but also to that extent apparently result in a material change of use, which is development not listed as an exemption and therefore automatically inappropriate. The engineering operation therefore, would not preserve the openness of the Green Belt and because an area of hard surface would spread into and across previously undeveloped land there would be encroachment into the countryside. The proposed engineering operation therefore must be inappropriate development and by definition harmful to the Green Belt. It follows that in addition to harm by inappropriateness, the Green belt would be harmed in other ways because the development would be harmful to openness and cause encroachment into the countryside. The NPPF makes it clear that substantial weight should be given to any harm to the Green Belt and should not be approved except in 'very special circumstances' that will not exist unless there are considerations that would clearly outweigh the substantial weight attached to those harms.

Are there any other considerations that would outweigh any harm to the Green Belt?

- Considerations relevant to development permitted by the terms of the GPDO

Within the curtilage of a dwelling the provision of a hard surface for purposes that are incidental to the dwelling is permitted development. In the Green Belt the provision of that hard surface might still be inappropriate development but that would not be a constraint because it would already have deemed consent and not require the grant of planning permission.

However, in this case the hard surface to provide the driveway, parking and turning areas is outside of the historic and undoubted curtilage of the dwelling, the boundary of which is very clearly identifiable on historic maps (O.S. circa 1925 in particular). All of the hard surface would be provided on an area of land annexed and used as garden that is outside of the curtilage boundary. Therefore all of the hard surface does require planning permission and the allowances of the GPDO do not apply to this area of land.

- Highway Considerations

The applicant asks that consideration is given to the lack of off road turning facility and restricted drive width, she submits that it is necessary to either reverse in or reverse out onto a road that has national speed limit.

In consideration of the existing arrangement - Visibility from the existing access to the west is good. To the east it is restricted, but only by the fence on top of the boundary wall of the application site, which could easily be improved. There is a band of open hard standing that follows the curve of the road clear of the carriageway, it is not specifically within the applicant's ownership but is apparently open and available to assist all in manoeuvring vehicles on and off the highway. A good strip of the land must form part of the highway verge and is presumably used by the applicant, in the same way that it was used by this planning officer to inspect the site. It is possible to draw up outside the adjacent barn and wait for traffic to clear before reversing into the access and actually it does appear possible, with some manoeuvring, to use the width of land to reverse into the drive with very little encroachment beyond the edge of the carriageway. Presumably, this existing arrangement has been used and served the property, without incident, for many years.

This compared to the proposed arrangement - The proposed access would provide extensive area to park and turn three vehicles but while the proposed access would provide good visibility to the east it would be less good visibility to the west when compared to the existing. In providing the access, turning and parking area there would be significant harm to the Green Belt and (see below) to the character and appearance of the area.

On balance, therefore, highway considerations do not clearly outweigh the substantial weight that is attached to the harm Green Belt and as such they do not amount to 'very special circumstances' as defined and referred to in the NPPF.

Potentially the applicant could explore the possibility of providing a turning area within the curtilage of the dwelling to the south possibly by removing the flat roof garage at the end of the drive that causes obstruction. Removing the garage and providing hardstanding within the curtilage of the dwelling would be permitted by the GPDO.

Design, Appearance & Impact on Character and Appearance of the Landscape.

The proposed development would remove and open up a significant stretch of boundary hedgerow, a feature identified in the Landscape Character Assessment as a key characteristic of this area. Grass highway verge would be excavated and replaced with bound hardstanding, a significant expanse of which would be exposed and visible from the highway with gravel hard surfacing and parked cars beyond. In a quality landscape countryside setting this would be unduly intrusive and have a harmful urbanising impact. 'New House' presents a principle elevation of some heritage value to those approaching from the east with the dwelling apparently standing alone in a countryside setting with strong traditional architectural features appearing above, between and beyond hedgerow, trees and bushes. Removing hedgerow and locating hard surfaces and parked cars that would be in front of the dwelling and exposed to public view from the east of the property would disrupt and be harmful to the dwelling's setting and relationship with the surrounding landscape, and in turn harmful to the character and appearance of the landscape. As such, the proposal is contrary to Policy DC1, DC2 and DC3 of the Staffordshire Moorlands Core Strategy Document.

CONCLUSION / PLANNING BALANCE

The harm that the development would have on the Green Belt by reason of inappropriateness, loss of openness and encroachment plus the other harms it would have on the character and appearance of the Landscape would not be outweighed by highway consideration.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst
Recommendation Date: 20/01/2017

X

Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council