Rob Duncan
Planning
Consultancy

PLANNING STATEMENT

UPPER FERNYHILL FARM, BASFORD

FEBRUARY 2017

Site Address:
Upper Fernyhill Farm, Basford, Nr. Cheddleton, Staffordshire, ST13 7ET

Applicant:
Mr. G. Harrison

Proposal:
Retention of extension to domestic garden

Planning Statement:
Date Issued: 27th February 2017
Job Reference: RDP/2017/038

Report Prepared By:
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1. Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. G. Harrison to seek full planning permission to retain an area of land to the rear Upper Fernyhill Farm, Basford, Nr. Cheddleton as domestic garden.

1.2 The application represents a resubmission following the refusal of application SMD/2016/0055 which had been recommended for approval by the planning officer, but subsequently refused by the Development Control Manager for the following reason:

> *"The principle of domestic garden use within the countryside outside of the development and infill boundaries does not meet an essential need, and by virtue of the associated domestic planting, landscaping and paraphernalia coupled with lack of defensible boundary, as well as the form and design of the proposed terracing, retaining walls and balustrades detracts from the character and appearance of the countryside and fails to protect and improve the character and distinctiveness of the countryside and its landscape contrary to Spatial Objective SO9 and Policy SS6c of the adopted Staffordshire Moorlands Core Strategy - March 2014".*

1.3 Since that application was determined the applicant has submitted a Lawful Development Certificate application to the Local Authority to confirm that the engineering works carried out on site, including the creation of the raised terrace and the associated construction of dry stone walling and balustrading, were lawful. This Lawful Development Certificate was approved by the Local Authority (LPA Reference: SMD/2016/0396), and thus the engineering works undertaken on site are now confirmed as being lawful.

The only remaining breach of planning control is therefore the change of use of the land to domestic garden, and this application duly seeks to regularlise this situation.

2 The Site

2.1 The application site comprises a detached stone-built replacement dwelling that is located within the rural area. It is orientated north/south and has its main area of domestic curtilage to the south. It is within this area, and a parcel of land beyond that a series of engineering works have been undertaken, and a change of use of the land undertaken.

3 Planning Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The Development Plan for this area comprises the Staffordshire Moorlands Core Strategy (2014) of which the following policy is considered to be of relevance:

3.2 Policy SS6c of the Core Strategy relates to the Other Rural Areas Strategy and states that these areas will provide only for development which meets an essential local need, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. Policy SS6c goes on to state that the quality of the countryside will be conserved and enhanced by giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond positively to the distinctive qualities of the surrounding landscape.

4 Other Material Considerations

Lawful Development Certificate - SMD/2016/0386

4.1 The recently approved Lawful Development Certificate on this site is a material consideration in the determination of this revised application, as it confirms that the raised terrace, dry stone walling and balustrading on the site is lawful and thus immune from any enforcement action by the Local Authority.

5 Planning Assessment

5.1 The previous application on this site (SMD/2016/0055) to retain the domestic garden incorporated within it the associated retention of the raised terrace, dry stone walls, steps, balustrading etc. that had been constructed on the site, as well as the change of use of the land to a domestic garden. The application was recommended for approval by the Senior Planning Officer who concluded that:

> *"Despite the style of the structure not harmonising with general character and appearance of the surrounding rural area, it is not an untidy or unattractive structure and not unduly prominent or harmful to the landscape. The garden area and structure is well kept and landscaping/planting has been provided around the edge of it. The retaining walls have been built of stone which matches the approved stone materials of the recently built replacement dwelling".*

5.2 Local Authority's Development Control Manager nevertheless disagreed with the recommendation of the Senior Planning Officer, and proceeded to refuse the application on the grounds set out in paragraph 1.2 above.

5.3 Policy SS6c of the Core Strategy relates to the rural areas and states that the rural areas will provide only for development which meets an essential local need, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. It then goes on to set out what actions the Council will undertake to achieve these objectives. One such action is:

> *"Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape"*

5.4 In determining the previous application, the Local Authority had concluded that the existing approved garden to the dwelling was in excess of the amount required by the Space about Dwellings SPG, and that as a consequence the development did not provide for an essential need. Concern was also expressed about the lack of a defensible boundary to the field beyond, with steps leading down to it. The Local Authority also concluded that the provision of large garden terraces, and high stone retaining walls, created a heavily engineered and intrusive form of development within the open countryside that was of a design that did not respect the vernacular nature of the dwelling and its rural landscape setting.

5.5 The impact to the character and appearance of the landscape raised during the previous application was derived principally from the raised terrace, the dry stone retaining walls and the ornate balustrading that surrounds it. However, those engineering works have since been confirmed to be lawful by virtue of the recent Lawful Development Certificate application. The use of the raised terrace area as domestic garden is not considered to raise any fundamental landscape impact issues, nor indeed was this raised as an issue

in the determination of the previous application. It was the visual impact of the raised terrace and associated engineering works, which enclose the garden, which gave rise to concern. It is therefore submitted that the previous concerns with the proposal have largely been addressed as a consequence of the engineering works being confirmed as lawful, and that the change of use itself will not give rise to significant harm to the character and appearance of the landscape.

5.6 The applicant is furthermore willing to undertake new landscaping around the base of the lawful stone steps to provide a defensible boundary to the field beyond. Such planting can be secured by way of an appropriately worded planning condition. In doing so the change of use of the land to domestic garden will protect the quality and character of the area, and respect and respond sensitively to the distinctive qualities of the surrounding landscape, in accordance with the provisions of policy SS6c of the Core Strategy.

6 Conclusion

6.1 It is submitted that the retrospective change of use of the land to domestic garden does not raise any significant adverse impact to the character and appearance of the landscape, and that the visual impact concerns raised during the determination of the previous application have been resolved following the grant of the Lawful Development Certificate.

6.2 The Local Authority is therefore respectfully requested to grant planning permission for the development undertaken.