DELEGATED DECISION REPORT

SMD/2018/0587 **Valid 27/09/2018**	**IVY COTTAGE** **BANKS LANE** **KINGSLEY**	**PROPOSED GARAGE AND PROPOSED PORCH** **(FULL - HOUSEHOLDER)**

MAIN ISSUES

- Principle of development / Green Belt
- Design
- Residential Amenity
- Highway safety

DESCRIPTION OF SITE

The application relates to a detached two storey cottage and associated curtilage situated on the south side of Banks Lane, Hazles Cross, Kingsley. The site is within the North Staffordshire Green Belt. There are neighbouring dwellings to the west side at 1-3 The Cottages, to the north at Linden Cottage, to the east at The Sycamores and The Shadows and to the south at Crossmoor.

PROPOSAL

The proposal seeks full planning permission for the erection of a detached garage to the east side of the dwelling and a front entrance porch. The proposed garage would have a footprint of 6m x 3.25m, an eaves height of 2.3m and a ridge height of 3.8m. The front porch has a footprint of 1.975m x 1.2m, an eaves height of 2m and ridge height of 3m. Materials used in construction of both proposals would comprise reclaimed brickwork to match the existing dwelling and plain clay tiles also to match the existing.

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 Area Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
R1 Rural Diversification
R2 Rural Housing
T1 Development and Sustainable Transport

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

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

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. 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 his point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

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

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 Area Strategy
SD1 – Sustainable Use of Resources
SD5 – Flood Risk
DC1 - Design Considerations
DC3 – Landscape and Settlement Setting
SD1 – Sustainable Use of Resources
T1 - Development and Sustainable Transport

National Planning Policy Framework

Section 1. Introduction
Section 2. Achieving sustainable development
Section 4. Decision-making
Section 12. Achieving well-designed places
Section 13. Protecting Green Belt Land

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/1987/0464 – Extension to form lounge with bedroom over – Approved 03/09/1987.

CONSULTATIONS

Publicity

Site Notice expiry date: 29/10/2018
Neighbour consultation period ends: 18/10/2018
Press Advert: N/A

Public Comments

None received.

Town / Parish Comments

Kingsley Parish Council – Recommend approval.

SCC Mineral and Waste Planning Authority

No comments.

Staffordshire County Council Highways

No objections. There is inadequate space to park a vehicle in front of the garage clear of the highway while the door is opened. However, given the nature of the area and low numbers of passing vehicles, in this instance, no objections are raised by highways. Care and consideration will be required in its use to avoid blocking the carriageway at any time.

Severn Trent Water Ltd

No objection. There may be a public sewer within the application site.

OFFICER COMMENTS

Principle of development / Green Belt

The application site lies within the North Staffordshire Green Belt where restrictive development plan policies apply and accordingly Chapter 13 of the National Planning Policy Framework (NPPF) and Policy R1 (Rural Diversification) of the Core Strategy are applicable. Policy R1 states that appropriate development should not harm the rural character of the area or any sites designated for their nature conservation, or historical interest by virtue of the scale, nature and level of activity involved. Where new or replacement buildings are involved, development should have minimal impact on the countryside and be in close proximity to an existing settlement. Within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy, will still need to be justified by very special circumstances. Paragraph 145 of the NPPF states that Local Planning Authorities should regard the construction of new buildings in the Green Belt as being inappropriate.

It is considered that the proposed garage represents inappropriate development in the Green Belt since it does not fall under any of the exceptions listed in paragraphs 145-146 of the NPPF. By contrast, the proposed front porch is not considered to be a disproportionate addition over and above the size of the original building and is therefore not inappropriate development. Moreover, a porch of up to 3sqm could be constructed in this location under PD. The proposal has a floor area of 2.46sqm

In relation to the impact on the Green Belt, the proposed garage would be a modest structure given the scale of the proposal and its siting immediately to the side of the dwelling and adjacent to an office building to the rear. Given its relationship to the dwelling and position within a cluster of dwellings at Hazles Cross, the impact on the openness of the Green Belt would not be harmful. The scale of the garage in relation to the host dwelling is appropriate and it would not appear out of character with its surroundings or the wider Green Belt. The proposal would not threaten any of the five purposes of Green Belt as set out in Paragraph 134 of the Framework.

Consideration should be given to whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. The fall back position of GPDO Class E permitted development rights for the erection of a detached garage/outbuilding represents a material consideration in this case. Exercising permitted development rights would allow the Applicant to construct a detached garage of a similar footprint and in approximately the same position up to a height of 2.5m. The proposed garage projects forward of the principal elevation of the original dwelling by approx. 200mm, and therefore, in order to benefit from permitted development rights it would need to be set back slightly. Whilst such a garage would be lower in height than the current proposal (which has a ridge height of 3.8m), the difference between the two in terms of the impact on openness would be quite limited. A building having a maximum height of 2.5m would be likely to have a flat roof, which, from a design perspective, would result in a development which

would be less sympathetic to its surroundings than the current proposal, which has a pitched tiled roof. The proposal is a relatively modest garage which it is not unreasonable to expect to be provided to cater for normal domestic requirements in association with a detached property such as the one on the application site. Overall, taking into account the fall back position outlined above together with the modest impact on the openness of the Green Belt lead me to conclude that there are very special circumstances which justify the proposal and outweigh the presumption against inappropriate development in the Green Belt.

Design

Policy DC1 (Design Considerations) outlines that all new development should be of a high quality and add value to the local area and also be designed to respect the site and surrounding area, through scale, density, layout, siting, character and appearance, in line with the Council's Design SPG.

The proposed garage is considered to be of an appropriate size and scale. In views from Banks Lane the proposal will be seen against the backcloth of the existing dwelling and against the office building to the rear. The proposed porch is a modest addition which in design terms is in-keeping with this type of property and found commonly throughout the rural areas of the District. Materials used in construction of the garage and porch would comprise red facing brick and concrete roof tiles and these are considered to be in keeping with the surrounding area. It can be concluded that the proposal complies with Policies DC1 and DC3.

Residential Amenity

Policy DC1 states that new development should protect residential amenity in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

Given the siting of the garage to the east side of the dwelling and separation distances to neighbouring properties, it is not considered that the proposal would be prejudicial to the reasonable enjoyment of any of the surrounding residential properties. Similarly the porch would not detrimentally affect nearby residential amenity. The proposed development therefore accords with Policy DC1 in this respect.

Highway Safety

Policy DC1 states that development should provide a safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use.

Whilst noting that there is inadequate space to park a vehicle in front of the garage clear of the highway whilst opening the garage doors, the Highway Authority raise no objection to the proposal due to the nature of the area and low numbers of passing vehicles. The adjacent public right of way would not be affected.

CONCLUSION / PLANNING BALANCE

The proposed development would result in limited harm to the openness of the Green Belt and the principle of the development is considered acceptable having regard to the fall back position of permitted development rights, which constitute very special circumstances. The proposal is of a size, scale, form and design which is acceptable and reflective of the character of the site and surroundings. The proposed development would not harm the valued characteristics of the site nor does it raise any adverse amenity issues or highway safety concerns. The application complies with the relevant policies of the Core Strategy and the NPPF and is therefore recommended for approval.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Mark Ollerenshaw
Recommendation Date: 21/11/2018

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council