DELEGATED DECISION REPORT

SMD/2018/0623 **Valid 13/11/2018**	**CLEWLOW BANK HOUSE** **HILL TOP** **BROWN EDGE**	**DROPPED KERB/NEW ACCESS TO NEW GARDEN ROOM AT THE REAR OF THE PROPERTY** **(FULL - HOUSEHOLDER)**

MAIN ISSUES

- Would the development be inappropriate in the Green Belt?
- If so would there be any other harm to the Green Belt?
- Would the development present any danger to users of the highway?
- Would there be any harm to the character and appearance of the area?

DESCRIPTION OF SITE

Travelling to the north, Hill Top extends out of the Brown Edge settlement into open green belt. The applicant's property is one of a few cottages scattered along the roadside. The C class road is a narrow country lane that runs between grassy highway verge, dry stone wall and traditional hedgerow. It follows a route through rolling countryside, farm land with hedgerow boundaries interspersed with mature trees.

The dwelling has a side elevation that fronts the highway with a double fronted elevation that faces south with a prominent presence that, on approach, can be seen from some distance. The dwellings curtilage and garden extends to the front and rear, running parallel to the road on a plot that is approximately 0.6 metres above road level.

The application site is located to the north or rear of the dwelling's curtilage and a couple of existing outbuildings, on adjacent land. The application land is unmaintained and overgrown with some ground height behind the stone retaining wall. There are some mature coniferous trees that strengthen the sense of enclosure.

THE APPLICATION

Planning permission is sought for a vehicular access from the highway onto land that he owns to the north of, and adjoining his dwelling and its curtilage. The access is apparently required in connection with a proposal he has to build a brick and tile building to provide additional/primary living accommodation (this project is the subject of a different application for a certificate of lawfulness, dealt with at ref. SMD/2018/00625 and forms no part of the determination here).

The proposed access would see a gap opened within a stretch of traditional hedgerow and drystone wall immediately adjacent to an access onto the neighbour's land. The grassy highway verge at the base of the wall would be excavated and it must involve notable excavations to make an access, parking and driveway level with the roadside. The access and driveway would provide parking for two cars without turning space, making it a pull forward and reverse off drive space adjacent to a C Class road.

The applicant's agent was forewarned of potential problems and harms at a very early stage of the application, but there was no response. This matter was not pursued further for the reasons explained in the officer's comments below.

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
SS6 Village Hierarchy
SS6c 'Other Rural Areas' Strategy
DC1 Design Considerations
DC3 Character and Appearance of the Landscape
T1 Development and Sustainable Transport

Emerging Local Plan
SS10 'Other Rural Areas' Strategy
DC3 Landscape Character and Appearance

At the time of writing the emerging local plan had been through final examination and the Council awaits the Inspector's decision. For the purposes of determining this application there are no consequential differences between the two 'Other Rural Area' Strategies set out in SS6c and SS10. In respect of policy DC3 of the emerging local plan it is only development that leads to prominent intrusion /significant adverse impact rather than just being 'harmful' or 'detrimental'.

National Planning Policy Framework

Paragraph(s) 11 Presumption in favour of sustainable development; 108 Highway Safety; 133, 134, 143, 144, 146 Protecting Green Belt Land; 170 Protecting the natural environment.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2018/00625 Application for certificate of lawfulness in relation to a project to construct a new building to provide living accommodation. Refused.

CONSULTATIONS

Publicity

Neighbour consultation period ends: 10th December 2018.

The three closest neighbours were notified in writing.

Public Comments

None

Town / Parish Comments

Brown Edge Parish Council – No objection

Staffordshire County Council Highways

This application should be refused for the following reasons:-
The proposed development fails to make adequate provision for the turning of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to drivers having to manoeuvre into the C173 Hough Hill. It is impracticable to construct an access in the position indicated on the submitted plan that would allow the requisite visibility splays to be provided within land under the applicant's control. In conflict with NPPF paragraph 108; in conflict with SMDC Core Strategy Policy DC1; contrary to the interests of highway safety.

Application form section 8 states that parking for two vehicles with adequate turning space will be provided. However, no turning space is shown on the drawing. Visibility splays are not shown on the drawing. It is not clear that adequate visibility can be provided at this point. Provision of any visibility splay would require extensive removal of the boundary hedge.

OFFICER COMMENTS

<u>Would the development be inappropriate in the Green Belt and if so would there be any other harm to the Green Belt?</u>

The development would be an engineering operation in the Green Belt. Development in the Green Belt is inappropriate, unless it is provided for on the closed list of exceptions at either paragraph 145 or 146. One of those exceptions is an engineering operation providing it preserves the openness of the Green Belt.

However, this proposed development would introduce some harm to openness rather than preserve it, by introducing hardstanding and parking for two vehicles in an area of land that is currently free from development, it is therefore inappropriate. There is harm to the Green Belt by definition and harm to openness. There are no benefits or considerations forwarded or advanced that would clearly outweigh the substantial weight that must be attributed to any harm to the Green Belt.

Would there be any other harm to the Green Belt?

The hardstanding and parking would be introduced beyond and to the north of the existing built form of the dwelling and its outbuildings into a more open and increasingly less developed area of Green Belt as the distance from the Brown Edge village boundary increases, to this extent there is countryside encroachment. Moreover, a considerable and significantly wide gap of open undeveloped land between Clewlow Bank House and its neighbour, The Cottage, to the north, would be eroded with development that will contribute to a merging effect between these two properties. In turn, and in some small part, this type of effect contributes and gradually leads to an erosion of the open space, the consolidation of the scattered development that appears between settlements, and therefore, ultimately the merger of settlements, in this case Brown Edge to the south and Biddulph to the north.

Would the development present any danger to users of the highway?

The County Highway Authority confirm that the proposed access would be substandard. Poor visibility with no obvious control over adjacent land to make any necessary improvements and no off road turning provision to enable cars to leave in a forward gear. This presents highway danger that would conflict with policy in the Core Strategy and the NPPF.

Would there be any harm to the character and appearance of the area?

There would be harm to the character and appearance of the area becuase a significant portion of traditional hedgerow, verge side and dry stone wall, important features that make significant contribution to the quality of the locality, would be removed to reveal hardstanding and parked cars. This would be damaging to the rural and countryside character, appearance and amenity that are enjoyed by nearby residents and users of the highway. This would be an adverse impact of some significance and, as such, the development would be contrary to policy DC3 of both the SMDC Core Strategy and that of the emerging submission version of the Local Plan. Moreover if the dimension of the proposed development were increased, to improve visibility and provide turning space, this would only serve to exacerbate these harms and there are no considerations or circumstances that weigh in favour of the proposal. The proposal conflicts with NPPF paragraph 170; and SMDC Core Strategy Policy SS6c and DC3.

CONCLUSION / PLANNING BALANCE

The development would be harmful to the Green Belt, the character and appearance of the area and introduce highway danger. The development would be contrary to the development plan and the NPPF. There are no considerations or circumstances that weigh against those harms.

OFFICER RECOMMENDATION : Refuse

Case Officer: Ben Hurst
Recommendation Date: 31st December 2018

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council