DELEGATED DECISION REPORT

SMD/2019/0304 **Valid 10/05/2019**	**RIDGEFIELDS FARM LEEK ROAD CELLARHEAD**	**APPLICATION FOR VARIATION OF CONDITION 2 IN REGARDS TO SMD/2019/0049** **(FULL - MINOR)**

MAIN ISSUES

- Principle of Development & Green Belt
- Design
- Amenity

DESCRIPTION OF SITE

The application site comprises a parcel of land to the east of Leek Road (A520), approximately 1km south of Cellarhead. The site lies outside of the development boundary in the open countryside and in the North Staffordshire Green Belt.

The site is accessed directly from Leek Road through a private gate and a single track, and contains 'Ridgefields Farm'; an existing two storey residential dwelling. The dwelling is orientated so that the principal elevation faces southwards, with the side gable facing westwards towards the public highway. To the east are redundant agricultural buildings including a shippon, which is two storey in nature and connected to the eastern elevation of the property. The property is set back within the plot, some 28m from the highway.

The existing dwelling is characterised by external walls constructed of a red brick with the front elevation finished in an unsympathetic red paint, with a roof made up of traditional Staffs Blue tiles, with windows and doors finished in a white UPVC. The front elevation is characterised by a small lean-to porch. Two chimney breasts are present towards the western end of the property.

The site is bounded to the west by Leek Road and to the north by 'Croft Cottage; and its associated curtilage. Croft Cottage is a large detached two storey property which was formerly a bungalow; a replacement dwelling being granted planning permission in 2003 under SMD/2003/0364 with an ancillary garage added following approval under SMD/2007/1182. To the south and east are open agricultural fields, bordered by hedges and natural vegetation.

The site benefits from permission granted under SMD/2019/0049 for the

erection of a replacement dwelling which includes the demolition of the existing dwelling and associated outbuildings. A subsequent application to discharge all pre-commencement conditions 3, 6 and 8 relating to this application (DOC/2019/0038) has subsequently been approved.

PROPOSAL

This application seeks permission to vary Condition 2 relating to SMD/2019/0049. The condition specifies the approved plans that the development should be built in accordance with.

The variation of condition application therefore seeks consent to replace the current approved plans with amended plans. As shown on the submitted Plans and referred to in the supporting Planning Statement, the required variation amounts to the re-siting of the approved replacement dwelling 3m back towards the rear eastern boundary. No changes are proposed to the design, layout, height, scale, massing or visual appearance of the approved scheme.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory 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 local development plan for this site comprises the Saved Policies of the Staffordshire Moorlands Local Plan (1998); Staffordshire Moorlands Core Strategy (adopted 26th March 2014) and any relevant Supplementary Planning Documents (SPD's).

The Staffordshire Moorlands Emerging Local Plan (Submission Version February 2018) has now been through an Examination by an Independent Planning Inspector and as such planning policies within it can be given appropriate weight, in line with paragraph 48 of the NPPF.

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. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications is to be determined and will be subject to consultation in due course. The Inspector will then be in position to write his final report. Subject to the findings of the appointed Inspector, the Local Plan can then be adopted by the Council. This will be towards

the end of 2019 at the earliest. At this point, upon adoption, the Local Plan 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.

The revised National Planning Policy Framework (2019) sets out the Governments planning policies for England and how these are expected to be applied. As stated in paragraph 2 of the NPPF, the document is a material consideration which must be taken into account in planning decisions.

Core Strategy Development Plan Document (Adopted 2014)

SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS6 Rural Areas Strategy
SS6c Other Rural Areas Strategy
R2 Rural Housing
SD1 Sustainable Use of Resources
DC1 Design Considerations
DC3 Landscape and Character Setting

Emerging Local Plan Submission Version (2018)

SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS10 Other Rural Areas Strategy
H1 New Housing Development
SD1 Sustainable Use of Resources
DC1 Design Considerations

National Planning Policy Framework

Achieving Sustainable Development	Chapter 2
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2018/0555 Proposed erection of a single storey front extension and first floor extension and conversion of shippon to additional residential accommodation (Approved 06/11/2018)

SMD/2019/0049 Erection of Replacement Dwelling (Approved 05/04/2019)

CONSULTATIONS

Publicity

Site Notice expiry date: 24th June 2019
Neighbour consultation period ends: 4th June 2019
Press Advert: N/A

Public Comments

No comments received

Town / Parish Comments

Caverswall Parish Council – No objection subject to neighbour approval

Staffordshire County Council Highways

No Objections

OFFICER COMMENTS

Principle of Development

The site lies outside of the development boundary, in the Open Countryside, and in the Green Belt and is therefore subject to Policies SS6, SS6c and R2 of the Staffs Moorlands Core Strategy and restrictive policies contained within Chapter 13 of the NPPF.

A detailed analysis was carried out under SMD/2019/0049 in relation to whether the principle of replacing the existing dwelling with a larger dwelling was acceptable with regards to local strategic policy and national Green Belt policy. It was concluded that the fall back position of the 2018 permission represented 'very special circumstances' which were found to outweigh the harm to the Green Belt by reason of inappropriateness, and thus it was concluded that the replacement dwelling constituted a sustainable form of development in the Green Belt.

The principle of development was considered to be acceptable, subject to the replacement dwelling not resulting in the loss of an intrinsic building to the detriment of the rural landscape. Analysis undertaken within the Design & Landscape

Character section of the delegated report for SMD/2019/0049 concluded that the replacement dwelling would result in a visual enhancement of the site and as such the general principle of development has been established through the granting of permission under SMD/2019/0049.

The principle of varying the siting of the proposed replacement dwelling is therefore considered to be acceptable subject to all relevant material considerations.

Design & Landscape Character

CS Policy DC1 relates specifically to design, and requires that development should be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, character and appearance. Emerging Local Plan policies are consistent with the adopted policy.

Paragraph 127 of the NPPF states that decisions should ensure that development adds to the overall quality of an area; be visually attractive; and be sympathetic to local character and history, including the surrounding built environment and landscape.

The design aspects of the proposed dwelling and its relationship with the existing landscape character were considered at length within the report associated with SMD/2019/0049. This variation of conditions application focuses solely on the re-siting of the approved replacement dwelling some 3m further back from the public highway eastwards into the plot.

There is no regular building line in the immediate area of Leek Road given that the only neighbouring property stands immediately to the north. The plans approved under SMD/2019/0049 show the replacement building to be set back behind the building line of the neighbour.

As such, the re-siting of the proposed dwelling back 3m into the plot, is not considered to result in any material change to the overall character and appearance of the street scene or wider rural landscape, in line with CS Policy DC1 and paragraph 127 of the NPPF.

Amenity

CS Policy DC1 states that new development should protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, and privacy. The Emerging Plan Policy DC1 is consistent with the adopted policy.

Paragraph 127 states that planning should create places with a high standard of amenity for existing and future users.

The sole neighbouring property which has the potential to be adversely affected as a result of the approved dwelling being re-sited in the plot is Croft Cottage, a large detached two storey property immediately to the north. The side gable of this property faces southwards towards the site, and contains two ground floor windows, with another small window at first floor level.

In assessing the potential impacts of the replacement dwelling to the amenity of this neighbouring property it was noted that the northern elevation of the replacement dwelling contained a small ground floor window serving a Utility Room, and a small first floor window serving the en-suite bathroom serving Bedroom 1. It was concluded that subject to a condition ensuring that this window would be obscure glazed – in order to protect privacy – there would be no adverse impacts to the amenity of this neighbouring property.

A review of the decision notice has found that such a condition was not in fact included, and therefore for the avoidance of doubt, this condition will be added to this decision notice. The re-siting of the approved dwelling by 3m eastwards into the site is not considered to result in any material change to the relationship with this neighbouring dwelling nor result in any adverse harm to the residential amenity for the occupiers of the property, in relation to any loss of privacy, loss of sunlight, overbearing or overlooking impacts, in accordance with Policy DC1 of the Core Strategy and paragraph 127 of the NPPF.

CONCLUSION / PLANNING BALANCE

Policy SS1a of the adopted core strategy reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This application seeks to Vary Condition 2 relating to SMD/2019/0049 which granted approval for a replacement dwelling, to include demolition of associated outbuildings, at Ridgefields Farm, Leek Road, Cellarhead.

The variation to Condition 2 amounts to a change in the siting of the approved dwelling some 3m further back into the plot eastwards towards the rear boundary. No changes are proposed to the form, height, scale, massing or visual appearance of the dwelling.

The principle of development with regards to local strategic policies and national Green Belt policies has already been established. The key issues for this variation of conditions application amount to whether the re-siting of the dwelling would result in

any adverse harm to the character and appearance of the immediate and wider rural landscape area, and whether it would result in any adverse harm to the residential amenity of the neighbouring amenity.

The analysis contained within this report has concluded that this variation would not - subject to a condition relating to obscure glazing which was omitted from the original consent – result in any material change to the character and appearance of the site or wider rural landscape, and would not result in any adverse harm to the residential amenity of the neighbouring dwelling.

As such, the application has been found to accord with restrictive policies relating to Green Belt development and all relevant local development plan policies. In line with Policy SS1a of the Core Strategy and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions. All conditions (subject to those discharged under DOC/2019/0038) will continue to apply.

OFFICER RECOMMENDATION: Approve with Conditions

Case Officer: James Stannard
Recommendation Date: 27th June 2019

X

Signed by: JaneC

On behalf of Staffordshire Moorlands District Council