DELEGATED DECISION REPORT

SMD/2019/0653 **Valid 25/10/2019**	**THE BUNGALOW** **HEATH HOUSE FARM** **OSTLERS LANE** **CHEDDLETON**	**PROPOSED SINGLE STOREY EXTENSION TO PROVIDE CLOAKS LOBBY** **(FULL - HOUSEHOLDER)**

MAIN ISSUES

- Green belt
- Heritage
- Design

DESCRIPTION OF SITE
A single storey dwelling 15m x 6m to ridge height 4m approved in 2017 to replace a garage / store of the same plan dimensions and similar height at 3.7m.

The site is in the Green Belt and formerly in the curtilage of Heath House Farm Cottage. The Grade II Listed Heath House farm house stands in its own grounds to the NE of the application site. As a new building, detached from any Listed structure the existing new development subject of this application is not Listed and not curtilage Listed. It does however stand in the setting of the Grade II Listed Heath House.

PROPOSAL
To add a 2.2m x 2.7m porch in an off-centre position to one side of the northerly facing gable. Initially proposed in timber style finish, amended plans were requested to show materials and design details closely matching the existing new dwelling.

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
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
R1 Rural Diversification
R2 Rural Housing
T1 Development and Sustainable Transport

Local Plan Submission Version (February 2018)
SS1 Development Principles

SS1a Presumption in Favour of Sustainable Development
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
H1 New Housing Development
T1 Development and Sustainable Transport

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 is ongoing in order to determine whether the Local Plan is sound and legally compliant. 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 was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They will be held on 4th and 5th February. The Inspector will outline the timetable for next steps in the process at the close of the hearings.

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 considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation
- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

Given the above, the majority of policies (as modified) can be given substantial weight. However, policies that are subject to the February hearing sessions can only be given moderate weight as they are subject to outstanding objections and scrutiny.

National Planning Policy Framework July 2018
Paragraph(s) 1 – 14;
Section(s) 4 – Decision making; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt Land; 16 – Conserving and enhancing the historic environment.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

There is an extensive history associated with Heath House but of specific relevance are:
SMD/2017/0308 Erection of dwelling following demolition of garage/store – approved and built
SMD/2017/0320 Listed Building Consent for the erection of dwelling following demolition of garage/store – approved (as /0308 above)

CONSULTATIONS

Publicity
Site Notice expiry date: 24th February 2020
Neighbour consultation period ends: 18th November 2019
Press Advert: N/A (*Add date if applicable)

Public Comments
None

Town / Parish Comments
Cheddleton Parish Council – Other than to the timber that has been suggested it to be made out of, the Council would like it be more in keeping with the existing building and made from the same materials.

OFFICER COMMENTS

Principle of Development
In its general approach, in accordance with policies SS1 and SS1a, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Core Strategy shall be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

(a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

(b) specific policies in that Framework indicate that development should be restricted.

Policy SS6c for the rural areas supports only development which meets an essential local need and supports rural diversification and sustainability of the rural areas (or supports sustainable tourism or enhances the countryside).

In the rural areas outside of the development boundaries Policy SS6c is that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government Policy.

Subject to Green Belt requirements Policy SS6c provides for the extension of an existing rural building in accordance with policies R1 and R2.

As regards the Listed Building there is a statutory duty placed on the LPA, under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the Listed Building affected, and its setting.

An LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Conservation Area and/or a Listed Building, is conscious of the duty and has demonstrably applied it in assessing the proposal. This assessment extends to setting, the surroundings in which a heritage asset is experienced.

Historic Environment Policy DC2 of the emerging Local Plan is to give protection to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF. The emerging plan policy DC2 is relied upon due to that of the Core Strategy being non-NPPF compliant and therefore out-of-date.

NPPF paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, “great weight should be given to the asset’s conservation”.

Paragraph 194 goes on to say that: “any harm or loss [to a heritage asset] should require clear and convincing justification.”

NPPF paragraph 196 states that: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

The present building is newly developed by planning consent granted under SMD/2017/0308 and Listed Building consent granted under SMD/2017/0320. The officer report for these decisions stated:

> "The replacement scheme has been amended in order to propose a development that would result in a detached bungalow of the same proportions as the existing structure. Though the structure would be of a more permanent character, a simple vernacular has been proposed which would allow the structure to appear as an outbuilding as opposed to a residential unit."

Significantly, in order to arrive at the approved scheme a series of amendments were considered including, in the final plans, omission of a proposed porch. Understandably this would have prevented the development remaining to "appear as an outbuilding" or traditional agricultural building but would have given it a more markedly domestic residential character.

It can be accepted that the proposal is not inappropriate development in the Green Belt as the size of the extension could not be said to result in disproportionate additions over and above the size of the original building (this now being the current post-2017 building). There is therefore no Green Belt objection to the proposal.

Design and heritage impacts are discussed separately below.

Design

Clearly the addition of a porch would be likely to reverse the very outcome negotiated in the recent approved development. This background was not initially identified by the current LPA case officer, and a design amendment was requested and submitted to build the now-proposed porch in materials to match the new dwelling rather than in timber cladding as first submitted and as would be the normal or usual design approach expected.

Consideration has been given as to whether the new boundary fencing [see photo 6120] may be a factor in the assessment as it would tend to conceal the proposal in public views from the road. Again, when the porch design amendment was requested, the unauthorised status of the boundary fence was not appreciated. It is noted that the fence is itself extremely prominent and may reasonably be judged unsightly. Furthermore, it is noted that the original planning consent SMD/2017/0308 under condition 8 removed PD rights including those of the Part 2 classes – reason: "to enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and the historic integrity of the Grade II Listed Building". The high, close boarded fencing is found not to have planning consent and therefore cannot be given any weight in this assessment.

If as a result of enforcement action the fence were removed, the porch would likely be found a significantly more noticeable element again further undermining an evidently determinative factor in the original 2017 consents.

Fundamentally it is judged that the addition undermine the main point which has been to keep the replacement building simple and un-adorned – as would be the policy for conversion of a pre-existing outbuilding or a barn conversion.

The relevant design policy is DC1 which establishes that "All development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design SPD." The design SPD (2018) specifically considers Porches at 5.9:

> "Porches must be appropriate to the property and well designed. They rarely look right on small cottages and often spoil terraced properties. They detract from the basic simplicity of such buildings. In these cases, an internal porch is the better solution."

There is clearly reason to conclude here that the proposal would "detract from the basic simplicity" of this building. The point gains further significance not least because simplicity was a deliberate design intention sought for in the amendments as ultimately approved in the original development.

It will be noted that the application description as submitted is stated as "single storey extension to provide cloaks lobby" but it is difficult to see that the 2.2m x 2.6 m single-spaced room doesn't fit the definition of a porch.

As noted earlier in the report the rationale behind the decision to approve the original development was to achieve a simulation of an outbuilding subsequently converted. The adopted design guide at 5.15 for conversions states as follows:

> "The guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained. This means that in most cases the barn, mill or chapel should afterwards look like a converted barn, mill or chapel, and not like a new house or a new block of flats. When converting traditional buildings, new uses should not normally require the construction of extensions or ancillary buildings. However, if alterations are necessary and approached carefully, it may be possible to bring about a new understanding of historic buildings by making a clear distinction between what is old and what is new."

Allowing the addition of a porch would normally be considered to undermine the above objective and so it is concluded would be the case here.

The design guide deals specifically with 'Extensions' at 5.5 to 5.8 and the proposal would tend to meet the points set out but these do not fully cater for the particular combination of circumstances which arise here through the recent 2017 origin of this building.

Heritage

A parallel Listed Building application is not required with this submission as, being an entirely new building, the 2017 approved dwelling is not and cannot be classed as a 'curtilage listed' structure.

Impact on setting of the Listed Building remains a consideration. The rural outbuilding intention in the approved design is an important factor in keeping the dwelling subordinate and 'in its place' relative to the large Listed property it stands in front of. As with the consideration of design (above) the simplicity of the approved scheme was important to the acceptability of the original approval in heritage terms

and again therefore the current proposal is found inappropriate in heritage terms as it runs contrary to that outcome.

The impacts can rightly be considered ‘less than substantial harm’ but nevertheless the NPPF expects an LPA to give “great weight” to the conservation of a heritage asset – including its setting – irrespective of whether the harm is ‘substantial’, ‘total loss’ or ‘less than substantial’.

There is nothing in the application to give any ‘clear and convincing justification’ for the proposal. It can perhaps reasonably be considered ‘nice to have’ but not a necessity. The applicants have after all only recently acquired the property and have done so without it having a porch and indeed with a planning history in which a porch was specifically precluded.

There would be no public benefit from the proposal (NPPF 196) and therefore nothing to weigh in the balance to counter the heritage harm identified.

Amenity
No conflicts with neighbour amenity would arise given the separation distances and that the proposal involves only a doorway and porch window.

Highway Safety
No issues.

CONCLUSION / PLANNING BALANCE
The main issue is whether the porch is acceptable notwithstanding the care and attention to eliminate such a feature from the original consent. The point has been raised with and is acknowledged by the agent. He points out that in the earlier schemes the porch had been on the long front elevation but now on the end may be less prominent.

Ultimately however it is considered that the original intention underlying the first approval of 2017 is correct and is no less applicable to the side elevation. Notwithstanding the LPA’s request for materials to match the existing building and the revised plans submitted, were the original scheme to have been recommended for approval, Design Guide paragraph 5.6. relates. Nevertheless it is concluded that the proposal here (whichever version of materials) should be refused for the reasons discussed in the report – that the recent new building was approved specifically omitting a porch for reasons of design and heritage which remain no less relevant and the alternative now put forward does not overcome the original considerations.

Due to its unauthorised status no weight can be given to any screening impacts of the frontage fence. As a separate matter this should be referred for Enforcement attention.

OFFICER RECOMMENDATION : refuse

Case Officer: Arne Swithenbank
Recommendation Date: 11th March 2020

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council