DELEGATED DECISION REPORT

SMD/2020/0546 **Valid 02/10/2020**	**THE OLDE CHAPEL, TEMPLE ROW, WINNOTHDALE, STAFFORDSHIRE, ST10 4HB**	**RETROSPECTIVE APPLICATION FOR REGULARISATION OF THE PARKING AND LANDSCAPING AT EXISTING LAWFUL DWELLING. THERE IS NO REQUIREMENT FOR ANY PHYSICAL ALTERATION TO THE EXISTING BUILDING** **(FULL - MINOR)**

MAIN ISSUES

- Impact on the character and appearance of the existing dwellinghouse and the surrounding area.
- Impact on neighbouring amenity.
- Impact on highway safety.

DESCRIPTION OF SITE

The application site comprises a triangular-shaped plot of land located between two roads: Dale Bank Road to the east and Temple Row to the west. The property comprises a former chapel that has been used as self-catering holiday accommodation and as a dwellinghouse on an interchangeable basis, although the Design & Access Statement outlines that the property is now used solely as a dwellinghouse (the planning approval for the change of use of the building to a holiday let was not conditioned to be retained as a holiday let).

To the rear of the building is a gravel area of hardstanding that is used for the parking of vehicles, with a small landscaped garden area beyond that is on a higher ground level. The application site is in the Open Countryside.

PROPOSAL

Retrospective full planning permission is sought for the regularisation of the existing parking and landscaping that has previously been undertaken at the application site.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

SS1 Development Principles
1a Presumption in Favour of Sustainable Development

SS2 Settlement Hierarchy
SS10 Other Rural Areas Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 - 14
Section(s) 4, 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/1989/1457	Change of use of private garage to repair garage and parking for two vehicles Approved 1804/1989
SMD/2003/1267	Change of use from chapel to holiday accommodation Refused 22/09/2003
SMD/2003/1354	Change of use from chapel to holiday accommodation Refused 12/02/2004
SMD/2004/0233	Conversion of chapel to holiday accommodation Approved 11/05/2004

CONSULTATIONS

Publicity

Site Notice expiry date: 18/12/2020
Neighbour consultation period ends: 26/10/2020
Press Advert: N/A

Public Comments: None

Town / Parish Comments: None

Severn Trent Water: No objection to the proposals and do not require a drainage condition to be applied.

SCC Highways: No objections on highways grounds to this proposal

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF, 2019) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development

plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF (2019) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2019).

The property is located within the Open Countryside, whereby policy SS10 of the Local Plan is applicable. This policy only allows for development which has an essential need to be located in the countryside. The development provides off-street parking and a small garden area to the existing property, which although beneficial to the use of the property as a dwellinghouse surrounded by narrow, rural roads, does not fall within any of the criteria outlined in policy SS10. However, historic aerial photographs confirm that the development was in place in 2006 and therefore it has become lawful over the passage of time and enforcement action cannot be taken against it.

Design

Policy DC1 refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

Paragraph 127 of the NPPF (2019) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

The development was approved as a holiday let with 1no. parking space located along the western side of the property with an ‘in-out’ arrangement. The site edged red was tightly drawn around the site, terminating almost immediately to the rear of the building. The submitted Design & Access Statement outlines that shortly after gaining approval, the applicant altered an adjacent piece of land to the rear of the site to a parking area and associated domestic garden. The Design & Access Statement outlines that the land previously contained a commercial repair garage and parking for two vehicles that was approved in 1989. However, this approval was actually for the change of use of the chapel to a repair garage and was granted for a temporary 12 month period and as a personal permission to the applicant. The land to the rear of the building is therefore likely to have formed part of the adjacent field.

As previously outlined, the parking area and associated garden has been in-situ for over 14 years and this application has been submitted by the applicant to regularise the development. (There has been no involvement from the Enforcement Team). The development comprises an access to the western boundary that is covered in stone setts, with a gravel parking area beyond. A landscaped, mature garden is located adjacent to the parking area that is located on a higher ground level. The garden area is bounded by a native species mix hedgerow that separates it from the field beyond, whilst an open boarded timber fence and leylandii hedge forms the boundaries to the western and eastern roadsides.

The development involves the encroachment of the garden/parking associated with the dwellinghouse into the adjacent field. The property did not have the benefit of any private amenity space. However, 1no. off-street parking space was to be provided along the western side of the property. The materials used, complement the character and appearance of the existing building and are not unduly prominent within the surrounding rural area. Whilst normally encroachment of a domestic garden is unacceptable in the Open Countryside, the development has become lawful through the passage of time.

Amenity

Core Strategy policy DC1 and paragraph 127(f) of the NPPF (2019) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

No properties are located in close proximity of the development for it to pose any amenity issues. It is for these reasons that the development complies with policy DC1 of the Local Plan (2020) and the NPPF (2019).

Highway Safety

Policies DC1 and T1 seek to achieve a level of parking and an access that is appropriate to the development it serves.

The gravel parking area provides parking for 2-3 vehicles and exits onto Temple Row to the west. The access is covered in stone setts and a timber 5-bar gate is positioned to the rear of the stone setts.

The Highway Engineer has assessed the application and makes the following comments:

> *'The proposal is to retain the existing layout. There is adequate parking available within the site for the size of dwelling. Existing access is off the minor road.*
>
> *The access is gated, which is not shown on the drawing, but is acknowledged in the D&A. These are not set back to the usual required distance. However, vehicle speeds will be low - either approaching or leaving a junction. From observation, traffic volumes are low. Requiring the gates to be removed and*

reset would be unrelated to the scale or likelihood of any potential problem that may be caused from their current position. In this situation other factors are considered as mitigation and as such Highways raise no objection. Care should be exercised in their use.'

The development therefore does not have a detrimental effect on highway safety and complies with policies DC1 and T1 of the Local Plan (2020) and the NPPF (2019).

CONCLUSION / PLANNING BALANCE

The proposed development, whilst normally deemed to be unacceptable in the Open Countryside and contrary to policy SS10 of the Local Plan (2020), has been in-situ for a continuous period in excess of 10 years and therefore it has become lawful with the passage of time and immune from enforcement action. It is therefore not considered expedient to refuse the application in this instance. As such the application is recommended for approval.

OFFICER RECOMMENDATION: APPROVE subject to Conditions

Case Officer: Ailsa Berry
Recommendation Date: 21/12/2020

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council