

DELEGATED DECISION REPORT

SMD/2021/0286
Valid 19/04/2021

**FORMER SEVERN TRENT
RESERVOIR
TROUGHSTONES ROAD
BIDDULPH COMMON**

**PROPOSED CHANGE OF USE
OF FORMER RESERVOIR
STRUCTURE TO A SINGLE
DWELLINGHOUSE**

(FULL - MINOR)

MAIN ISSUES

- Whether the proposal comprises an exception to inappropriate development in the Green Belt.
- Impact on the character and appearance of the surrounding area.
- Impact on neighbouring amenity.
- Impact on highway safety.
- Impact on ecology.
- Impact on existing trees.

DESCRIPTION OF SITE

The application site comprises a former underground storage tank that was used by Severn Trent Water. The site previously comprised a grassed field with mature trees to the boundaries. It is sited to the east of a dense woodland, and to the south of Troughstones Road. Open fields are located to the east and south, whilst a Public Right of Way (PRoW), Biddulph Town 91 travels in an east-west direction immediately adjacent to the southern boundary of the site. The land slopes downwards from the road to the PRoW and beyond. The application site is located in the North Staffordshire Green Belt.

The submitted Design & Access Statement states that the applicant purchased the land in January/February 2020 and significant works have already taken place on the site, some without planning permission. A boundary wall, gate posts and gate have been sited along Troughstones Road; a large number of mature trees have been felled; the soil that formerly covered the roof of the tank has been removed, exposing the roof of the structure; excavation has taken place to the south of the site to create a level area adjacent to the former pumping station; a significant area of hardcore has been laid to create an access/driveway/parking/turning area; wooden sheds and structures have been erected on the land; the former pumping station appears to be being used for domestic purposes with a flue protruding from the building; various domestic paraphernalia occupies the site; and a caravan is sited on the land. A comparison of aerial photographs shows the extent of how these works have changed the character and visual appearance of the site. The Planning Enforcement Team have been made aware of the development that has taken place and will be investigating this separately.

PROPOSAL

Full planning permission is sought for the change of use of the former reservoir to a single dwellinghouse.

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
DC3 Landscape and Settlement Setting
T1 Development and Sustainable Transport
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows

National Planning Policy Framework

Paragraph(s) 1 - 14
Section(s) 4, 12, 13, 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 01/06/2021
Neighbour consultation period ends: 20/05/2021
Press Advert: N/A

Public Comments: None

Town / Parish Comments: Biddulph Town Council recommends approval. Cllr Hawley noted that the site falls within the Green Belt and re-uses an existing building. Cllr Garvey felt it was an outstanding use of an existing redundant building and the visualisations looked very good, which was echoed by Cllr Yates and Cllr Jones.

SCC Highways: No objection on highway grounds. No conditions recommended.

AES Waste: No issues regarding waste collections.

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 application site is located in the Open Countryside and Green Belt whereby policy SS10 of the Local Plan (2020) is applicable. Policy SS10 states that these rural areas will provide only for development that has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside.

Part (1) of the policy is concerned with meeting housing requirements within the rural areas, including '*restricting new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with Policy H 1*' and '*allowing the conversion or replacement of an existing rural building in accordance with policy H1*'.

Part (5) of policy H1 of the Local Plan (2020) restricts housing development in the rural areas to those listed. Criterion (d) is applicable to the proposed development, which states:

'The conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.'

The former reservoir comprises an underground tank. It is not a heritage asset, nor is it required in respect of enabling development. A letter from Northern Structural Services has been submitted to support the application that concludes that '*the structure is fit for the proposed conversion works and that it is in a stable condition*'.

It therefore can be concluded that the proposed conversion could be suitable and worthy in physical terms, but the wording of the policy means that the building must also be suitable and worthy in architectural and character terms. The same letter from Northern Structural Services outlines that the reservoir was formerly *'buried below ground level'* and *'the roof of the water tank which is at ground level and has formerly been covered with topsoil and vegetation'*. The structure was therefore a non-descript concrete water holding tank that was not visible from the surrounding area and was designed to be buried underground. The structure therefore could not be considered to be suitable and worthy in architectural or character terms and therefore the proposed conversion would not comply with part (5)(d) of policy H1 of the Local Plan (2020).

Criterion (e) of part (5) of policy H1 of the Local Plan (2020) relates to *'proposals to redevelop previously developed land provided it is not of high environmental value'*. The Glossary to the NPPF (2019) defines Previously Developed Land (PDL). It is considered that the land does not comprise PDL as it is excluded by the definition by virtue of *'land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'*. Prior to the unauthorised works that have taken place on the site, the site comprised a concrete water tank that was completely buried underground. Its roof and sides were covered in soil and the land had become overgrown with brambles and trees. The structure as built was not visible and had blended into the landscape. The site therefore does not comprise PDL and the development would not comply with part (5)(e) of policy H1 of the Local Plan (2020).

It is for these reasons that the proposed development would be unacceptable in principle and contrary to policies SS10 and H1 of the Local Plan (2020).

Green Belt

The application site is located in the North Staffordshire Green Belt whereby policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2019) are applicable. Part (6) of policy SS10 states that strict control will continue to be exercised over inappropriate development within the Green Belt, allowing only for exceptions as defined by Government policy.

The proposal is for the conversion of an existing water holding tank. However, the development will also require engineering operations to expose the southern elevation of the structure; alterations to the structure to create windows/doors within the southern elevation and to clad the southern concrete wall with stone; alterations to the roof to create a central courtyard, lightwells, rooflights and a water feature; and associated works to the surrounding land, including the provision of a garden, driveway and parking area etc.

Paragraph 145 of the NPPF (2019) outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it meets an exception. Such exceptions applicable to this application are:

- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and

(d) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (except temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development...'

Paragraph 145 of the NPPF (2019) goes on the list certain other forms of development that are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:

(b) engineering operations;

(d) the re-use of buildings provided that the buildings are of permanent and substantial construction; and

(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

A letter from Northern Structural Services has been submitted to support the application that concludes that *'the structure is fit for the proposed conversion works and that it is in a stable condition'*. It can therefore be concluded that the development will result in the re-use of a building that is of permanent and substantial construction. In order for the development to comply with part (d) of paragraph 145 of the NPPF (2019) an assessment has to be made as to whether the development will preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

In terms of the development needing to *'preserve the openness of the Green Belt'*, it is noted that this does not mean that all new development within the Green Belt will automatically affect openness, instead it is an assessment of a development's harm.

Prior to the works that the applicant has undertaken to the application site (some of which are unauthorised), the site comprised a grassed field largely covered in mature trees and brambles. The water tank could not be seen from the surrounding landscape as it was completely buried underground. The site had a narrow access onto Troughstones Road that was covered in vegetation. In contrast, the application site has now been cleared, trees have been removed, gates/walls/gate posts have been erected to the entrance that are domestic in appearance; a large area of gravel has been laid to create a driveway/turning/parking area; and some of the ground to the south of the site has been excavated to create a level area surrounding the former pumping station. In addition, in order to facilitate the building as a dwellinghouse, the southern earth bank behind which the tank is currently buried will be removed, the southern elevation of the concrete structure will be clad in stone and large floor-to-ceiling glazed windows and doors will be inserted that will serve the main living areas of the dwellinghouse. A level garden area will be created as well as a pedestrian access ramp that will lead to the gravel parking area.

The soil and vegetation that once completely covered the roof of the water tank has been exposed and it is proposed to insert lightwells and rooflights in the roof, as well

as create a centrally positioned circular courtyard that will be open and have railings positioned along the sides. A staircase will provide access between the dwellinghouse, through the courtyard to the roof, providing access to the parking area. The roof will also incorporate a water feature. The existing and proposed 'Site Sections' drawings also include excavation that has already been undertaken without planning permission, rather than the levels of the site as it was formerly. The roof will be a 'green' roof with the edges of the roof covered in gravel. No information has been provided as to the proposed use of the former pumping station building and how it forms part of the development.

The development, due to its proposed design, form, scale and materials, and due to the domestic paraphernalia associated with a dwellinghouse such as washing lines, play equipment, garden furniture etc. is not considered to preserve the openness of the Green Belt. It is also considered that the development will be contrary to part (d) of paragraph 134 of the NPPF (2019) in that the development will not '*assist in safeguarding the countryside from encroachment*'; one of the five purposes of including land in the Green Belt. It is therefore concluded that the development will not comply with the following exceptions to development in the Green Belt:

(b) engineering operations;

(d) the re-use of buildings provided that the buildings are of permanent and substantial construction; or

(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

In terms of exception (c) outlined at paragraph 145 of the NPPF (2019) in respect of extensions and alterations to an existing building, the development would not involve any extensions, and the alterations proposed will not result in disproportionate additions over and above the size of the original building. However, in order for the alterations to be undertaken, the ground surrounding and covering the building must first be excavated, which has already been deemed to affect the openness of the Green Belt and lead to encroachment.

Exception (e) outlined at paragraph 145 of the NPPF (2019) is in respect of the redevelopment of previously developed land (PDL). The Glossary to the NPPF (2019) defines PDL. It is considered that the land does not comprise PDL as it is excluded by the definition by virtue of '*land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape*'. Prior to the unauthorised works that have taken place on the site, the site comprises a concrete water tank that was completely buried underground. Its roof and sides were covered in soil and the land had become overgrown with brambles and trees. The structure as built was not visible and had blended into the landscape. The site therefore does not comprise PDL.

Even if it is subsequently determined that the site does in fact comprise PDL, part (e) of paragraph 145 of the NPPF (2019) also requires the development to '*not have a greater impact on the openness of the Green Belt than the existing development*'. As described previously, the proposed development would have a significantly greater

impact on the openness of the Green Belt than the former use of the site as a water holding tank. The proposed development would therefore not comply with this exception.

The proposed development will not comply with any of the exceptions listed in either paragraph 145 or paragraph 146 of the NPPF (2019) and therefore it comprises inappropriate development in the Green Belt.

Paragraphs 143 and 144 of the NPPF (2019) state *'that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'* and *'when considering a planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'*. No Very Special Circumstances have been advanced by the applicant and therefore the proposed development is contrary to policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2019).

Design/Visual Impact

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 Council's Design SPD outlines the Council's expectations in respect of design and states that *'alterations need to be undertaken with care. Insensitive changes can easily spoil a building...The aim is to revitalise the building without altering its fundamental character'*. It goes on to state that *'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'*.

Policy DC3 of the Local Plan seeks to protect and where possible, enhance local landscape and the setting of settlements, resisting development that will lead to a prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement.

Policy SS10 of the Local Plan seeks to enhance and conserve the quality of the countryside by giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape.

The Landscape Character Assessment outlines that the application site is located within the Potteries and Churnet Valley character area and within the Gritstone Uplands character type. The landscape is described as an *'upland gritstone landscape with strongly undulating slopes and localised steep sided valleys. The upland plateau is bleak in character with open aspect and extensive views out*

eastward towards the Manifold Valley although Leek is hidden within the Churnet valley'. The land use is 'mainly low intensity pastoral farming of sheep and cattle'. The 'Planning for Landscape Change SPG to Staffordshire & Stoke on Trent Structure Plan, identifies this landscape character type as a landscape requiring restoration'.

The alterations proposed to the water holding tank and the remainder of the application site are described within the Green Belt section above. The southern elevation of the structure will be exposed and faced in stone, whilst the roof will be flat and have a 'green' roof. Flat roofs are not a traditional feature of the Staffordshire Moorlands.

The conversion has been designed so that the earth to the rear and sides will be retained. This will ensure that the building will not be highly visible from Troughstones Road to the north. However, the roof of the structure will still project above the adjacent ground level and the land to the north of the road rises upwards. Therefore a view of the roof of the structure with its water feature, railings, rooflights and light wells will be visible, as well as the other associated works, especially the large gravelled area to the west of the structure.

A PRoW, Biddulph Town 91, follows the southern boundary of the site in an east-west direction. Some trees have been retained towards the rear boundary, however, the site adjoins an open field that is devoid of trees or development. This allows both long-distant and short-distance views to be gained from the site to the south and vice-versa. The proposal will result in the excavation of the southern bank that currently buries the tank and the insertion of 4no. floor-to-ceiling doors and windows that will serve a large open-plan living/dining/kitchen area and a porch. 2no. lightwells and 2no. rooflights, together with the central open courtyard will result in light spillage and light pollution on an otherwise isolated site that will be highly visible from adjacent PRoW, as well as both long and short distant views. It is also highly likely that external lighting will be required to ensure that the occupants/visitors are able to negotiate from the parking area to the dwellinghouse, given its isolated rural position. This will further add to the issue of light spillage and light pollution from the development.

The unauthorised changes and significant clearance work that has already been undertaken at the site has significantly altered the character and appearance of what was an overgrown greenfield site covered in grass, trees and brambles. These works help to highlight exactly why the proposed development will have a detrimental impact on the rural character of the surrounding landscape. The site was previously devoid of development and the development proposed (on top of what has already been undertaken) will erode this character even further.

It is for these reasons that the design of the proposed development is considered to have a detrimental effect on the character and appearance of the application site and the wider landscape. It detracts from the quality of the countryside, especially when compared to the former character and use of the site. The development does not respect or respond sensitively to the qualities of the surrounding landscape. The development will result in an incongruous feature on an isolated rural site with associated impacts of light pollution, light spillage, domestic paraphernalia, areas of

hardstanding, domestic planting, domestic entrance walls/pillars and parked vehicles. The proposed development is therefore contrary to policies DC1 and DC3 of the Local Plan (2020) and the NPPF (2019).

The proposed development will result in the excavation of a large amount of soil. The only reference to where this spoil will be placed is at paragraph 9.6 of the submitted Arboricultural Report that states, *'the spoil from the excavation into the tank will be taken off site and spread on an adjacent field away from any trees'*. No information is provided within the application to precisely locate where this spoil is to be placed and no existing or proposed land levels have been submitted. Insufficient information has therefore been submitted to conclude whether the disposal of the spoil will adversely affect the landscape character of the area.

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.

The application site is isolated, surrounded by fields and a woodland. Moor House Farm is located approximately 100 metres to the southwest, Millstone Green Farm is located to the east (on the opposite side of Troughstones Road). It is for these reasons that the proposed development will not have a detrimental effect on neighbouring amenity and it will comply 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 Highway Engineer has assessed the application and made the following comments:

'The proposal is to convert the redundant building into a 4-bedroom residential property. Staffordshire Moorlands Parking Standards state: Detached/Semi-detached property of 4 or more bedrooms will require 3 spaces (2.4 x 4.8m each space) for residents and visitors. The submitted Drawing 1437: 05 details 2 parking spaces however it is noted that there is sufficient parking for a property of this size within the curtilage of the site. It was observed that gates were installed and open inwards. It would appear the boundary wall has been repaired to the height of the existing/remaining wall, the proposed setts to the site access are not installed. Visibility from a point 2.4 metres rear of the highway to the north-west and south-east are restricted. The removal/cut back of the vegetation to the south-east and within land under the applicant's control would improve visibility. This is a historical access to the now redundant building, an increase in trip generation is to be expected.

It is considered the proposal will not have a detrimental impact on the adopted highway and therefore I have no objection.'

It is therefore considered that the proposed development will not have a detrimental effect on highway safety and it will comply with policies DC1 and T1 of the Local Plan (2020) and the NPPF (2019).

Trees

Policy NE2 of the Local Plan (2020) seeks to protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient or species-rich hedgerows from loss or deterioration. This will be achieved requiring existing woodlands, healthy trees and hedgerows to be retained and integrated within a proposed development; the on-site replacement of any trees that are removed with sufficient tree planting to replace or increase canopy cover on-site, as appropriate.

The Council will refer to its adopted Tree Strategy in the consideration of proposals and will in general seek to retain as many trees and as much hedgerow on site as possible.

As previously outlined, the applicant has cleared the site, felled a number of trees, excavated land and removed/cleared soil from the top of the water tank. An Arboricultural Report has been submitted to support the application however, this was undertaken after the clearance works had been completed. It is however noted that none of the trees on the application site are TPO protected, nor are they protected by virtue of being sited within a Conservation Area.

The remaining trees are located to the perimeters of the site and, subject to the erection of tree protection fencing, it is concluded that the development will not affect these trees. Only two trees are proposed for removal, however these are of low quality and their removal is considered acceptable. The Arboricultural Report makes reference to the applicant having planted several trees which were noted during the site visit and comprise mainly fruit trees.

Subject to conditions in respect of tree protection fencing to be erected and a landscaping scheme to be submitted that seeks to replace a number of the trees that have recently been cleared, it is considered that the development would comply with policy NE2 of the Local Plan (2020).

Biodiversity

Policy NE1 seeks to protect and enhance site biodiversity and expects all development, where possible, to deliver a net gain in biodiversity proportionate to the size and scale of the development.

The application site previously comprised an underground water tank with a small above ground pumping station. The site was formerly grassed with mature trees to the boundaries, however, the site had become overgrown with brambles and additional trees. The character and appearance of the site has significantly changed in the last year due to the undertaking of works (some of which are unauthorised).

A Preliminary Ecological Assessment was undertaken of the site by Elite Ecology. However, this was undertaken after the works to the site had already taken place, the site had been cleared and a number of trees had been felled.

The report states within the Executive Summary that *'there is no need for a Biodiversity Net Gain as there is no new building work being undertaken'*. This contradicts paragraph 5.5 of the report that states *'Biodiversity Net Gain needs to be ensured within the scheme of works and this will be devised once the desktop study has arrived. This will allow measures to be targeted towards species to be known in the area'*.

Given the character of the site prior to the applicant purchasing it, it is considered that Biodiversity Net Gain is required and the submission of a scheme for the approval of the Local Planning Authority should be conditioned accordingly. Subject to such a condition and a further condition in respect of the development to be undertaken in accordance with the Preliminary Ecological Assessment's mitigation measures, it is considered that the development will comply with policy NE1 of the Local Plan (2020).

CONCLUSION / PLANNING BALANCE

The proposed development is unacceptable in principle. The application site is not considered to comprise previously developed land and the structure to be converted is an underground concrete water tank that is not a heritage asset, nor is it a building that is worthy of conversion in terms of its architecture or character. The building is utilitarian and designed to be buried underground, not exposed and used to create a feature. The development is therefore contrary to policies SS10 and H1 of the Local Plan (2020).

The proposed development comprises inappropriate development in the Green Belt. Inappropriate development should not be granted unless Very Special Circumstances exist that clearly outweigh the harm by reason of inappropriateness and any other harm resulting from the proposed development. No Very Special Circumstances have been advanced by the applicant. The proposed development is therefore contrary to policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2019).

The proposed development will cause significant harm to the character and appearance of the surrounding rural landscape as it will introduce an incongruous feature with associated light pollution and light spillage into an isolated site that was previously covered in trees, grass and brambles and was devoid of development. The development will be viewed from close range from the Public Right of Way that bounds the southern boundary of the site, as well as from both short and long-distant views from the wider landscape. The development does not respect or respond sensitively to the qualities of the surrounding landscape. The proposed development is therefore contrary to policies DC1 and DC3 of the Local Plan (2020) and the NPPF (2019).

Insufficient information has been submitted in respect of the disposal of the spoil that will result from the exposure of the southern elevation of the building. It is not known where the spoil is to be disposed of or how much spoil will be generated. Therefore it is unclear whether the spoil disposal will have a detrimental effect on the landscape character of the area or otherwise.

As such the application is recommended for refusal.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Ailsa Berry

Recommendation Date: 25/06/2021

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council