

DELEGATED DECISION REPORT

SMD/2022/0058
Valid 04/02/2022

THE DORMERS
WILLFIELD LANE
BROWN EDGE

**OUTLINE APPLICATION FOR
DEMOLITION OF EXISTING
GARAGE AND ERECTION OF
DETACHED DWELLING - ALL
MATTERS RESERVED**

(FULL - MINOR)

MAIN ISSUES

- Whether the development is acceptable in principle.
- Whether the proposal comprises an exception to inappropriate development in the Green Belt.

DESCRIPTION OF SITE

The application site comprises a detached single storey garage constructed of render to the exterior walls and a pitched roof covered in Staffordshire Blue clay tiles. The garage is sited within the side garden of the dwellinghouse known as 'The Dormers'. To the front of the garage is an area of hardstanding that provides an 'in and out' driveway to Willfield Road to the northeast, whilst to the rear of the garage is part of the dwellinghouse's rear garden.

The Dormers forms part of a small ribbon of dwellinghouses but is located outside of a named village or hamlet. The application site is located in the Open Countryside and North Staffordshire Green Belt. TPO protected trees are located within the front garden of 'The Dormers', including within the application site, on the opposite side of Willfield Lane and within the garden of the adjacent dwellinghouse, 'Willfields'.

PROPOSAL

Outline planning permission (with all matters reserved) is sought to demolish the existing single storey detached garage and erect a detached dwellinghouse. This application therefore explores whether the principle of the development is acceptable.

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
- H1 New Housing Developments

National Planning Policy Framework

Paragraph(s) 1 - 14

Section(s) 4, 5, 13

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/1979/1016 Proposed double garage
Approved

CONSULTATIONS

Publicity

Site Notice expiry date: 08/03/2022

Neighbour consultation period ends: 01/03/2022

Press Advert: N/A

Public Comments: None

Town / Parish Comments: Bagnall Parish Council has no objections to this proposal.

SCC Highways: No objection subject to conditions.

AES Waste: No issues with waste collections.

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

Environmental Health: No objection subject to conditions.

OFFICER COMMENTS

Principle of Development

Paragraph 8 of the NPPF (2021) 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 (2021).

The application site is located in the Open Countryside and North Staffordshire 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 policy SS10 seeks to meet housing requirements and specific need by:

- 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; or
- Allowing the conversion or replacement of an existing rural building in accordance with Policy H 1.

Part (5) of policy H1 of the Local Plan (2020) states that only certain forms of housing development will be allowed in the other rural areas in the Open Countryside, with the only criterion applicable to the application being:

- e) Proposals to redevelop previously developed land provided it is not of high environmental value.

The application site comprises part of the residential garden of 'The Dormers'. The Local Plan (2020) and the NPPF (2021) both define '*Previously Developed Land*' as '*land which is or was occupied by a permanent structure, including the curtilage of the developed land...this excludes...land in built up areas such as residential gardens, parks, recreation grounds and allotments...*'

The site contains the existing detached garage (a permanent structure), the hardstanding associated with the driveway/parking/turning area and part of the rear and front gardens of the existing dwellinghouse. 'The Dormers' is not located within a 'village', as defined by policies SS8 and SS9 of the Local Plan. Instead it is located within a small group of 13no. dwellings and a farm that occupy a ribbon of development along each side of this section of Willfield Road. The ribbon of development has the character of a built-up area.

On this basis, it is considered that parts of the site comprise brownfield land which are not of high environmental value (i.e. the garage and areas of hardstanding) and parts (i.e. the garden areas) that comprise greenfield land. Therefore, the demolition of the existing garage and its replacement with a dwellinghouse that is contained within the brownfield parts of the site is acceptable in principle.

The application is in Outline with all matters reserved. However, a Site Plan has been submitted with the planning application that indicates an indicative footprint for the proposed dwellinghouse. The footprint includes areas of the garden that is not occupied by either the existing detached garage or areas of hardstanding and therefore it will be partially sited on greenfield land. This is contrary to part 5(e) of policy H1 of the Local Plan (2020). However, an appropriately worded condition or Informative could be attached, should permission be granted, that restricts the proposed dwellinghouse to those areas occupied by the garage and hardstanding.

The submitted Planning Statement considers the proposed development to be compliant with part 4 of policy H1 of the Local Plan. This section of the policy states:

- 'a) Within the development boundaries of the towns and larger villages, residential development and development on unidentified (windfall) sites will*

be permitted, subject to compliance with the Spatial Strategy and wider Local Plan policies.

b) Outside of the development boundaries, limited infill residential development of an appropriate scale and character for the Spatial Strategy will be supported, provided that:

- The development will adjoin the boundary of a larger village and be well related to the existing pattern of development and surrounding land uses, or;*
- The development is well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development; and*

c) In all cases the development will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside.

The application site is not located within the Development Boundary of a town or larger village and therefore (a) is not applicable. In respect of the first bullet point listed under (b), the application site does not 'adjoin the boundary of a larger village'; it is located approximately 110 metres away from the Development Boundary of the larger village of Brown Edge. Therefore the first bullet point is also not applicable.

The second bullet point listed under (b) allows for *'limited infill residential development'* providing it is *'well related to the existing pattern of development of a smaller village'*. The application site is located approximately 110 metres south of the development boundary of Brown Edge. Brown Edge is classified as a *'larger village'* by policy SS8 of the Local Plan (2020). The ribbon of development is located 220 metres north of Ball Edge. Ball Edge is not listed as a *'smaller village'* under policy SS9 of the Local Plan (2020) and therefore it comprises a hamlet. The nearest *'smaller village'* to the application site is Stockton Brook, which is located over 600 metres from the application site. It cannot therefore be said that the application site is *'well related'* to a smaller village. The second bullet point under (b) is therefore also not applicable.

Subject to the imposition of a condition that requires the proposed dwellinghouse and any parking/turning areas to be sited wholly within the brownfield parts of the site, the proposal will comply with part (5)(e) of policy H1 of the Local Plan (2020) and is acceptable in principle.

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 (2021) 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 demolition of an existing detached garage within the side garden of 'The Dormers' and the erection of a detached dwellinghouse. Paragraph 149 of the NPPF (2021) outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it meets an exception. The only exceptions possibly applicable to this application are:

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

(e) limited infilling in villages;

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

(d) Replacement Building

In respect of criterion (d), the detached garage is located within the side garden of the dwellinghouse known as 'The Dormers' and falls within the same Use Class. The application seeks Outline permission with all matters reserved however, a Site Plan has been submitted that provides an indicative footprint for the proposed dwellinghouse. No further information has been included within the application form or the Planning Statement regarding the potential number of storeys or the number of bedrooms the proposed dwellinghouse may contain.

The indicative footprint of the proposed dwellinghouse shown on the Site Plan indicates that it will be 117% larger than the existing garage. This would be '*materially larger*' than the building it would replace and therefore the indicative information submitted indicates that the proposal would comprise inappropriate development in the Green Belt. However, as this information is indicative, conditions or Informatives could be attached requiring the Reserved Matters application to be designed so that it is not '*materially larger*' than the existing detached garage. This could comprise a single storey, one bedroom, one person dwellinghouse, according to the Nationally Described Space Standards, and therefore it could comprise an exception to inappropriate development in the Green Belt.

(e) Limited Infilling in Villages

In respect of criterion (e) of paragraph 149 of the NPPF (2021), this allows for limited infilling in villages. As previously described, the application site is not located within a village, as defined by policies SS8 and SS9 of the Local Plan (2020). Instead, the application site falls within a small ribbon of development that is physically separated from Brown Edge to the north and the small hamlet of Ball Edge to the south by open fields. The ribbon of development does not have a name. Therefore, even though the proposed development will infill a gap between two dwellinghouses that front onto Willfield Road, the gap is not within a village and therefore criterion (e) is not applicable.

(g) Limited Infilling or Partial or Complete Redevelopment of Previously Developed Land

In respect of criterion (g) of paragraph 149 of the NPPF (2021), as previously outlined, the footprint of the garage together with the existing areas of hardstanding for the parking and turning of vehicles are deemed to comprise previously developed land, with the garden areas comprising greenfield land. The proposed dwellinghouse, as shown on the indicative Site Plan, would occupy part of the greenfield land and on this basis, criterion (g) is not applicable. However, as with criterion (e) above, this information is indicative. A condition or informative could be attached requiring the Reserved Matters application to be designed so that it solely occupies the land deemed to be brownfield.

Part (g) also requires consideration of whether the proposed development will have a greater impact on the openness of the Green Belt. The NPPF (2021) states that *'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*. It has been established that openness has both a spatial and visual aspect. It is also 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.

Other than the Site Plan showing the indicative location of the proposed replacement dwellinghouse, no other information has been submitted as to its scale, siting or appearance. It is therefore not possible at the Outline stage to ascertain whether the proposed dwellinghouse will have a greater impact on the openness of the Green Belt. A condition or Informative could however be attached that require the Reserved Matters application to not have a greater impact on the openness of the Green Belt. On this basis, it would not comprise inappropriate development in the Green Belt.

Subject to the imposition of conditions or Informatives that require the Reserved Matters application to either site the proposed dwellinghouse wholly within the brownfield land contained within the application site and for it to not have a greater impact on the openness of the Green Belt or not be *'materially larger'* than the existing garage, the proposed development could meet either criterion (d) or (g) of paragraph 149 of the NPPF (2021). The proposed development therefore could result in an exception to inappropriate development in the Green Belt and comply with policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2021).

Other Considerations

Consideration of Design, Visual Impact, Amenity, Highway Safety, Trees etc.

The application is in Outline with all matters reserved for subsequent approval. Therefore it is not known at this stage whether the following will be acceptable in policy terms: the appearance, scale, siting and materials of the proposed dwellinghouse; its impact on neighbouring amenity; its impact on highway safety; or its impact on existing TPO protected trees. These will be assessed at the Reserved Matters stage, should planning permission be approved for this Outline application.

Highways

The Highways Engineer has requested that the Reserved Matters include the submission of particular information in respect of the access point, parking/turning/servicing areas, surface water drainage, surfacing materials, visibility splays and off-street parking spaces in line with the Council's Parking Standards.

Trees

It is also recommended that a condition is attached, should permission be approved, that requires the submission of a Tree Survey to accompany a subsequent Reserved Matters application, due to the presence of both on-site and off-site TPO protected trees.

Planning Approval SMD/2020/0379

The submitted Planning Statement makes reference to planning application SMD/2020/0379 that was approved for the construction of 4no. dwellinghouses within the hamlet of 'Hill Top'. The approved development was considered by the Local Planning Authority to comprise '*limited infilling in a village*' and therefore it complied with both Local Plan policy and the NPPF. The Planning Statement considers that there are parallels between this application and application SMD/2020/0379 and it is therefore a material consideration.

Like the application site, Hill Top is not defined as a larger or smaller village within policies SS8 and SS9 of the Local Plan (2020), however, that is where the similarities end. Hill Top is a named hamlet, is much larger than the ribbon of development in which the application site is located and is clustered around a central nucleus which includes a public house. Hill Top has the character of a '*village*' unlike the small ribbon of development in which the application site is located. No weight is therefore given to this planning approval as a material consideration.

CONCLUSION / PLANNING BALANCE

Notwithstanding the indicative footprint of the proposed dwellinghouse (as shown on the submitted Site Plan), the development would be acceptable in principle as the subsequent Reserved Matters application could comprise a dwellinghouse that is solely located within the brownfield parts of the application site. On this basis, the development could comply in principle with criterion (e) of part (5) of policy H1 of the Local Plan (2020) and part (1) of policy SS10.

Notwithstanding the indicative footprint of the proposed dwellinghouse (as shown on the submitted Site Plan), the development could be acceptable in terms of policy SS10 and paragraph 149, chapter 13 of the NPPF (2021) in respect of the Green Belt providing the Reserved Matters application comprised a dwellinghouse that complied with either:

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; or

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

On this basis, the application is recommended for approval, subject to conditions and Informatives.

OFFICER RECOMMENDATION: APPROVE subject to Conditions

Case Officer: Ailsa Berry

Recommendation Date: 24/03/2022

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council