

From: planningcomments@staffs Moorlands.gov.uk
To: [Planning Comments \(SMDC\)](#)
Subject: Comment Received from Public Access
Date: 28 July 2022 11:59:06

Application Reference No. : SMD/2022/0359 Site Address: LAND SOUTHWEST OF Willfield Lane
Stockton Brook Staffordshire Comments by: Martin BlackwellBlackwell Consulting Limited

From:

26
Priestgate
Peterborough
Peterborough

PE1 1WG

Phone:

Email:

Submission: Objection

Comments: Planning Application SMD/2022/0359

Land South West of Willfield Lane, Stockton Brook

Representation on behalf of the owner and occupier of The Hayes, Willfield Lane, Stockton Brook by Martin Blackwell BSc(Hons) LL.m FRICS

Introduction

I have been asked to consider the planning merits of the above application by the owner and occupier of the Hayes, Willfield Lane, Stockton Brook. I am an experienced Chartered Development surveyor and have provided evidence in respect of many planning proposals, at appeal and Inquiry. I have provided advice on proposals both in Stoke on Trent and in Staffordshire Moorlands. I have inspected the application site from the Highway. The area is well known to me.

Executive Conclusion

The proposal is contrary to National and Local Planning Policy guidance and should consequently be refused. The application does not accord with adopted Local and National Planning Policy. The application will be harmful to interests of acknowledge importance. There is no general wider benefit arising from the proposed application to offset materially negative impacts. Detailed commentary and reasoning follows:

The proposal, general comment

The stated proposal is the, 'Formation of vehicular access and parking area'. The planning merits or otherwise, of this proposal are more fully considered below. However, paragraph 1.2 of the Applicant's planning statement reads, 'the applicant intends to utilise the site for horticultural purposes and the keeping of goats.' Quoting from the Applicant's tree survey, 'trees span the entire site and beyond its boundaries'. The wider 'site' is wholly unsuited to the keeping of goats; goats are renowned for causing significant damage to trees whilst in turn there are species of vegetation present that are harmful to goats. The wider 'site' would not be considered suitable by the Animal Plant and Health Agency, with whom the actual keeping of any goat would need to be registered. Furthermore the wider site is not at all suitably fenced for keeping livestock, much less so livestock which is known to climb trees.

The application is for the 'formation of a vehicular access and parking area'. However, at present in planning terms, there is nothing to access. An access to 'nothing' is not required. What might require access in accordance with the Applicant's planning statement is clearly not so.

The proposal, specific comments

As above it is very questionable what this access is actually for. There is certainly no overriding planning need demonstrated for its creation and existence. Due to the Green Belt location and other material planning considerations such an overriding need would need to be demonstrated for the application to be acceptable in Policy terms.

The proposal should be assessed against adopted Local Plan Policy, other material guidance and the National Planning Policy Framework.

The National Planning Policy Framework has four key relevant principles; these are acknowledged by the Applicant's agent, namely, to; safeguard the Green Belt, to ensure high quality design, highway safety and to lead to net gains in Bio-diversity.

Chapter 13 of the NPPF notes the great importance attached to the Green Belt (p137), once established a Green Belt boundary should only be altered in exceptional circumstances (p140). The important contribution made by the existing site and wider area to the open character in this location is reinforced by its very inclusion within the established Green Belt.

Paragraph 6.1 of the Elite report accompanying the application states; 'the trees form part of a much larger group of trees that forms a wooded area between Willfield Lane and Edgefield Lane. The trees have a high amenity and habitat value for the area and contribute to the overall character of the area and landscape'.

The proposal is harmful to the Green Belt as it will adversely impact the environment and amenity of the area (as noted immediately above), lead to a material reduction in the number of trees, negatively impact the tree root protection zones of other trees and impact negatively on bio-diversity. This proposal is therefore inappropriate. 'Inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. (NPPF paragraph 147). 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. (NPPF paragraph 148).

The Applicant's agent appears to recognise the harm that the proposal will cause and the inappropriateness of the development, by arguing that the proposal is an engineering operation which in accordance with NPPF paragraph 150 is not inappropriate. However, paragraph 150 only relates to forms of development that 'preserve its openness and do not conflict with the purposes of including land within it'. The application proposal does not preserve the openness of the area and it directly conflicts with the purpose of including the land within it.

The proposal is therefore contrary to NPPF Green Belt Policy.

Local Plan Policy SS10

The Council are obligated to exercise strict control over inappropriate development, allowing only for exceptions as defined by Policy. All development proposals are required to respect and respond sensitively to the distinctive qualities of the surrounding landscape. This proposal does not respect these characteristics. This proposal is inappropriate development as is not covered by an exceptional policy provision.

Local Plan Policy NE2 relating to trees, woodlands and hedgerows is clear; the Policy is to 'retain trees, woodlands and hedgerows, unless the benefits of the development clearly outweigh their loss'.

This proposal is contrary to Policy NE2. The proposal will see the loss of an important area of woodland and 5 individual trees of note, all of which are mature or semi-mature and in good condition. 'These trees have a high amenity and habitat value' and they 'contribute to the overall character of the area and landscape (Elite report at 6.1).

At 7.3.1 of the Elite report it is noted that 'the proposal conflicts with the necessary root protection areas of T1, T2 and T3'. This is contrary to Policy SS 10, NE2 and the NPPF.

At 7.3.2 of the Elite report it is noted that the significant ground level changes arising from the proposal, will

adversely affect the trees, this is contrary to Policy. These trees have no major structural defects or signs of disease and are all in a good condition.

When considering amenity and area impacts in the context of T1 at 7.3.6 it is concluded; T1 is a significant tree within Willfield Lane, and its removal is thought to be a loss to the overall amenity value of the immediate landscape. The loss of such a tree is a loss to the overall amenity and value of the landscape and is again contrary to Policy.

There is absolutely no mitigation or wider benefit arising from the proposal to provide any support to it in planning terms whatsoever.

Policy SS1 and Policy NE1

The proposal is contrary to both these policies. There would be a loss of bio-diversity and a negative ecological impact arising from the proposal, contrary to Policy NE2.

Policy SS1 seeks a healthy, safe, attractive, well designed and well maintained environment, development should maintain the character of the locality, and it should enhance the natural environment. This proposal is fundamentally against and contrary to these Policy aims.

Highway safety and related Policy considerations

Not only is the proposal contrary to Policy as regards the principle and location of development, its form, and impact on the surrounding area, environment, amenity and bio-diversity. It is also contrary to Policy in respect of Highway safety and established principles of ingress and egress. At the location of the proposal, Willfield Lane is subject to only a National 60 mph speed limit. The proposal is for two cars to reverse into this in order to be able to exit the site. Established principle and good design practice is that vehicles should be able to leave in a forward gear. That is not possible here. The design is inappropriate and dangerous. Willfield Lane is not free of traffic as the Applicant would suggest. In fact it is subject to more traffic than might be imagined, hence the decision historically to make the road one way. The proposed access point would conflict with established access points immediately opposite. The proposal is contrary to Policy SS1, DC1 and the NPPF in these respects.

Other material points

The Applicant's agent in making the proposal has claimed in answering 'No' to questions A and B of the Bio-diversity and Geological section of the application, that the application does not 'impact other bio-diversity features'. This would seem to be an error. The application clearly has a negative impact on bio-diversity features coupled with the loss of significant trees, identified by the survey submitted with the application.

It is also believed that Bats, roost in the trees throughout this wooded area together with other species that are protected and whose habitats are protected. No report by a licenced bat surveyor has been submitted with the application.

Conclusion

The proposal is considered contrary to National and Local planning Policy and should be refused. Specifically the proposal is contrary to the NPPF, to Green Belt Policy to policies NE1 and NE2 of the Local Plan, and to Policies SS1, SS10 and DC 1. The proposal has no justification that outweighs the significant disbenefits that would arise to Policy and to interests of acknowledged importance.

The proposal should be refused.

Martin Blackwell BSc(Hons) LL.m FRICS

Managing Director

Blackwell Consulting Limited

26 Priestgate

Peterborough

PE1 1WG

Do you really need to print out this Email? Be green - keep it on the screen.

This email is intended for the addressee(s) only and may contain sensitive, privileged or confidential information that could be protectively marked. If you are not the addressee please do not use the information in any way. If you have received this email in error please notify the sender immediately and delete it from your system. Thank you.

The Council may be required to disclose this email or any responses to it under the Freedom of Information Act 2000. The way in which we handle personal information is set out in our privacy notice and is available at <https://www.staffs Moorlands.gov.uk/YourData>
