

DELEGATED DECISION REPORT

SMD/2021/0688
Valid 26/10/2021

**LAND BETWEEN ASH
COTTAGE AND WILLAN
ROSE, GODLEY LANE,
DILHORNE,
STAFFORDSHIRE, ST10
2PF**

**OUTLINE PERMISSION WITH
SOME MATTERS RESERVED
FOR ERECTION OF A SINGLE
2 - STOREY, 3 - BEDROOM
DWELLING**

(OUTLINE - MINOR APPS)

MAIN ISSUES

- Principle of Development
- Design
- Amenity

DESCRIPTION OF SITE

This site relates to a plot of land, a part of a large agricultural field, situated within the North Staffordshire Green Belt. The site fronts onto Godley Lane and there is no existing vehicular access into the field taken directly off Godley Lane.

The washed over green belt ribbon village of Dilhorne has limited services, with no defined settlement boundary and properties scattered along the route of the road network. There is a bus stop by the Royal Oak and three buses a day during the week stop in the village, travelling between Cheadle and Hanley (Bus IN2).

This application seeks outline planning permission, with all matters reserved other than access, for one detached dwelling. Although the application description proposes that permission is sought for a two storey three bedroom dwelling, the site plan clearly states the outline shown is purely to be taken as illustrative.

The land to the north of the site is a substantial residential garden, of a similar width and depth to the proposed development site. To the south is a field access track and a property set far back off the road, so much so that visually there is an open gap equivalent to this width of the site. To the East and West is open agricultural land.

For the purposes of planning policy consideration, the application site is located within the Green Belt. The site is not within any Conservation Area and there are no Listed buildings/structures or protected trees which need to be considered.

PROPOSAL

This application seeks outline planning permission with all matters other than access reserved, for one dwelling. The application is supported by an indicative layout plan which shows the vehicular access punched through the existing hedgerow, with a gate set back 5 metres into the site. The indicative layout plan also shows the outline of a detached dwelling and turning area.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS2 Settlement Hierarchy
SS9 Smaller Villages Area Strategy
DC1 Design Considerations
H1 New Housing Development
NE1 Biodiversity and Geological Resources
T1 Development and Sustainable Transport

Supplementary Planning Guidance

1. Space About Dwellings
2. Design Principles for Development in the Staffordshire Moorlands: New Dwellings and Extensions to Dwellings

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

National Planning Policy Framework

Including sections -
2: Achieving sustainable development
6: Building a strong, competitive economy
9: Promoting sustainable transport
12: Achieving well-designed places
13. Protecting Green Belt land

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

77/04556/OLDDC Site for dwelling house. Refused.

83/12419/OLDDC Site for detached dwelling. Refused

87/00139/OLD Site for 1 dwellinghouse. Refused.

88/00382/OLD Site for 1 dwellinghouse. Refused.

12/00661/OUT (new reference is SMD/2012/0855) Erection of Two Dwellings (Outline). Refused. Dismissed appeal.

CONSULTATIONS

Publicity

Site Notice expiry date: 24/12/2021

Neighbour consultation period ends: 07/12/2021

Public Comments

No representations received within the statutory consultation period.

Town / Parish Comments

No representations received within the statutory consultation period

Staffordshire County Council Highways

No objections subject to conditions

Severn Trent Water

No objections and no drainage condition required

Staffordshire Wildlife Trust

No representations received within the statutory consultation period

Waste Services (SMDC)

No issues regarding waste collections

Coal Authority

Objects to the application

OFFICER COMMENTS

There is a requirement that applications for planning permission be determined in accordance with locally prepared development plans, unless material considerations indicate otherwise. The Staffordshire Moorlands Local Plan was adopted in September 2020.

The National Planning Policy Framework and National Planning Policy Guidance are material considerations in the determination of planning applications. The Framework sets out a 'presumption in favour of sustainable development', which means development which is consistent with the development plan should be granted without delay, unless material considerations indicate otherwise. Planning decisions must also reflect relevant international obligations and statutory requirements.

In summary, unless material planning considerations of sufficient weight indicate otherwise, decisions on planning applications must be taken in accordance with the development plan.

Policy SS1 (Development Principles) echoes the Framework and seeks to enable development that improves and meets the economic, social, and environmental objectives of the borough in line with the presumption in favour of sustainable

development. The policy supports development which locates housing with good accessibility to existing shops, community facilities and schools and with good connections to public transport, as well as encouraging the use and redevelopment of previously developed land and buildings in sustainable locations.

Policy SS2 (Settlement Hierarchy) identifies a settlement hierarchy to guide the levels and location of new development. The Local Plan and specifically Policy SS3 seek to encourage new development within and on the edge of the borough's main urban areas and key and larger villages.

Policy SS3 states that limited new development will be accommodated in the rural area set out in the Area Strategies. SS9 Smaller Villages Area Strategy being relevant to this site.

Principle of Development

There has been a number of planning applications on this site. The site is located in the Green Belt. Paragraph 147 of the NPPF states the construction of new buildings is inappropriate development in the Green Belt, with only a few exceptions permitted.

Policy H1 outlines the Local Plan locational approach to development based on the hierarchy of settlements, directing new housing to sustainable locations, with good access to services and facilities and public transport.

Policy H1 4)b and c will support infill sites and states that:

“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

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.

In line with National Planning Policy, policy H1 supports rural development that serves local needs but restricts development in the open countryside subject to a number of specific exceptions unless very special circumstances can be argued.

This proposal is seeking outline permission with all matters other than access reserved at this stage. However, indicative plans have been submitted demonstrating a sizable, detached dwelling could be accommodated within the site. In terms of the impacts on the character of the open countryside, the site is currently relatively well screened from the road by hedges and trees. Nonetheless, this proposal would be visible, introducing development on an open, verdant site which visually forms part of the open countryside. This section of Godley Lane is generally characterised as open and not a built up frontage. This proposal would be sited within a gap, creating a residential frontage of urban appearance and subsequent increased level of urbanisation. As well as the building itself, the development would

likely result insubstantial hardstanding to the front of the property, accommodating the parking area and the associated domestic paraphernalia. As such, it is considered the proposal would be unduly harmful to the character of the Green Belt.

A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to keep land permanently open. This openness is an essential characteristic of the Green Belt. Whilst the site is within an area comprising other dwellings nearby, the development must also be assessed on openness.

Paragraph 147 of the NPPF is clear "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

Paragraph 148 states "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."

No very special circumstances have been put forward by the applicant, and the Local Planning Authority are of the opinion that none would exist.

Consequently, the proposal would not be an appropriate location for development having regard to national and local planning policy and would conflict with Policy H1, SS1, SS2, SS9 of the Local Plan and the provisions of the National Planning Policy Framework.

The Appeal Decision: 2186813 APPEAL DISMISSED 10 JUNE 2013

An application for 2 dwellings has been previously refused by the LPA and at appeal, albeit at a time where the council had no 5 year HLS and prior to the adoption of the current Local Plan, however the same principles still apply notably with the inspector stating the following:

Paragraph 12 ... "the development would harm openness, developing part of a field where it fronts Godley Lane... "

Paragraph 16 ... "the essential characteristics of Green Belts are their openness and their permanence. This is supported and given great importance by the Government. There is therefore a specific policy for the Framework that indicates that development should be restricted. The need for housing or any other public benefits does not significantly and demonstrably outweigh the harm by reason of inappropriateness or any other harm, and accordingly do not amount to very special circumstances."

The Inspector assessed the limited infilling in villages and concluded that development on this site was not infill (this was at the time of the 2 gaps width definition within the previously adopted Local Plan and the Inspector assessed it against this). Policy H1 4) b and c of the current Local Plan deals with infill proposals and when assessed in terms of this policy, the development is considered not to be well related to the existing pattern of development of this smaller village and will

extend ribbon development and the development will lead to a prominent intrusion into the countryside, having a significant adverse impact on the character and appearance of the countryside.

The NPPF hasn't changed in respect of mentioning limited infill and the scheme does not comply with any of the other exceptions. There have been no changes in site circumstances or surroundings. Leading the inspector to conclude to dismiss the appeal.

On this basis the current proposal would still not present very special circumstances and would not satisfy Policies SS9 and H1 of the Local Plan which both relate to development within smaller villages.

Overall, the findings of the inspector are consistent with the considerations at play as part of this application with no material considerations that would change the position with regard to these aspects of the proposal.

Biodiversity

Policy NE1 states that development will be supported where there is no net loss of natural assets and, wherever possible, it delivers net gains within the borough, Developments likely to have an impact on protected sites, protected/priority species, priority habitats or geological sites must be accompanied by an Ecological Assessment that complies with industry best practice and guidance.

The site consists of native hedgerow and grassland, which provides suitable habitat for protected species such as badgers, great crested newts, and nesting birds. Removal of hedgerow may cause a potential loss in bat commuting and foraging habitat. The site is well connected to high quality habitats and wildlife corridors.

Due to the above, it is considered reasonably likely protected species would be present on site and affected by development. Therefore, a Preliminary Ecological Appraisal (PEA) is required, to be carried out by a suitably qualified ecologist to best practice guidelines. Any further species or habitat specific surveys recommended from this are also required. Mitigation plans and method statements of works should be submitted if evidence of protected species or habitats is found. This is required prior to determination of the application.

No ecology assessment or drainage information has been submitted to support this application. The proposal is therefore considered to be contrary to Policy NE1, SD4 and SD5 and the NPPF.

Coal Mining Risk

Fundamental concern. The site falls within the defined Development High Risk Area and that a Coal Mining Risk Assessment, or equivalent report, is required to be submitted to support this application. The Coal Authority records indicate the application site lies in an area of recorded surface coal workings, which pose a potential risk to surface stability and public safety.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, there is a necessity to submit a Coal

Mining Risk Assessment Report, or equivalent report, to support this planning application. As no relevant information has been submitted at this time the Coal Authority objects to this planning application.

Highway Safety

The Highways Authority have not objected to the proposed vehicular access, subject to conditions.

Residential Amenity

It is considered that the principle of the proposal would not have a significant adverse impact on health or quality of life, having particular regard to residential amenity. This is subject to the final design of the new dwelling considering - positions of windows, separation distances, the orientation and height of buildings and boundary treatments.

CONCLUSION / PLANNING BALANCE

It is considered that the site could accommodate a dwelling, and that a number of matters could be controlled via appropriately worded conditions in relation to the scheme, however the principle of development is a key matter for consideration. The proposal relates to residential development in the open countryside. The Development Plan provides policies by which an application is to be considered, alongside the Framework. The Council have a housing supply in excess of 5 years and therefore the Development Plan is considered to be up to date, and the strategic objectives and policies within the plan hold full weight in the decision making process.

The proposed development, by virtue of its unsustainable location, and within the open countryside goes against the development. The development type does not require a countryside location and would result new development reliant on the use of the private car, with limited access to services and facilities.

It is considered that the provision of a dwelling would make a limited contribution to building a strong, responsive, and competitive economy and towards supporting strong, vibrant, and healthy communities.

The development of a new dwelling in the open countryside is not consistent with policy and fails to support the strategic objectives of the Development Plan. Whilst the application is supported by a supporting statement for the reasons that the application should be supported, it is not considered that these matters would outweigh the conflict with the Plan. This is the 5th refusal of the application, for a similar development which has also been refused at appeal. It is not considered that there have been any circumstances that have changed to a degree which would warrant a different conclusion to the previous findings.

The proposal also fails to provide adequate information in relation to ecology, drainage and coal mining risk and is therefore contrary to SO2, NE1 and DC1 of the local plan and NPPF.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The principle of development is unacceptable for its location, being located within the Countryside causing harm to the character of the Green Belt. The application is therefore recommended for refusal.

For the reasons outlined above, it is recommended that planning permission is refused.

OFFICER RECOMMENDATION: Refuse

Case Officer: P. Twigg

Recommendation Date: 11.2.2023

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council