

Reference SMD/2022/0458 – Revised Plans uploaded to the planning portal on 22 December 2022

Once again I write to object on this planning matter for the following reasons:

1) Site History

SMD/1979/1406 Site for dwelling - Refused

SMD/2002/1370 Outline application for residential development (one dwelling) - Refused

SMD/2004/0297 Conversion of redundant barn to dwelling - Refused

SMD/2010/0587 Conversion of redundant agricultural building to one dwelling - Withdrawn

SMD/2010/1108 Conversion of redundant agricultural building to one dwelling – Refused

The last planning application was not looked at until 2011 and was appealed against. This was not concluded until mid/late 2011. Some 8.5 years later the buildings were described as commercial – **not the lawful use of the site!**

The following is taken from the previous 2010 application:

2.02 The former farmyard is occupied by four redundant portal steel framed barns and a number of smaller out-buildings which would have previously been used as livestock shelters and for general storage

3.01 It is proposed to convert the existing redundant agricultural building into one single dwelling house.

6.01 The proposals seeks to convert a redundant agricultural building to a residential use on previously developed land. An assessment of the proposals is given below, firstly in the context of the principle of converting a redundant agricultural building into residential use

6.15 The current yard to the front of the existing agricultural buildings is surfaced in concrete.

I could go on but think you get the picture now – previous use as described by the applicant/ previous agent and SDMC Planning Officer Rachel Simpkin in 2011 – agriculture! Up until 2019 we have evidence that part of the site was used for agriculture and even up to 2022 there has remained some activity of using this land for this purpose – I will go into detail on this when I speak at the planning meeting.

2) Outline Planning Permission – Access only

The outline planning granted was awarded on the site being classed as commercial. However, there has never been a lawful change of use from agricultural to commercial and there has not been evidence supplied to confirm ten years consistent and continuous use of the site.

However, there is evidence that the land has been used continuously and consistently for agricultural purposes. I urge all those reading this letter to read also my other letters:

- 25/09/2022 Public comment T Smith
- 08/09/2022 Public Comment Tracy Smith
- 23/08/2022 Public comment Tracy Smith
- 19/08/2022 Public comment Tracy Smith

along with the letters also supplied by my family members, neighbours and Checkley Parish Council, to gain a full understanding of the history of the site.

Outline planning permission was granted on false information and rather than check their own files and conduct their own investigation around change of use, SMDC planning department have chosen to believe the applicant/agent's version of events on usage of the site – with no evidence or affidavit's to support those claims. SMDC planning department have also contradicted themselves by clearly addressing the site as “agricultural” and basing planning decisions on this use in 2011 but in 2019 accepting that the site has had a continuous and consistent change of use for over 10 years; some 8.5 years later! Despite this being pointed out several times, this application is still going through! Now new evidence has been produced, thanks to digital technology, to prove the land has been used consistently and continuously for agricultural purposes from 2005 up to 2019.

This site has NEVER paid any commercial rates (795 Square Meters equates to over £27,000 a year x 10 years = close to £300,000 of unpaid rates to SMDC if it were commercial). There are no HMRC records for the site (Woodland View), no HMRC records for the applicant since 2002 and no businesses listed with HMRC at Woodland View - ever.

In the previous planning application made for outline planning permission, the site was described as a previous transport yard, akin to Coates' Transport Yard on Gorsty Hill. However, in comparison Coates' paid commercial rates and had the relevant transport licences. Despite a thorough search there has never been a vehicle operator's licence awarded to Woodland View/Mr R N Collier or the applicant's previous home. Evidence has been provided to show the applicant has not worked in transport since 1993, with income being mainly from farming. All supporting evidence (Facts - not my view or opinion) show the site was agricultural.

There was a visit to the site from enforcement in 2016 who concluded there was no evidence of commercial services being run from the site.

There is no cesspit or collection facility for effluent waste and no reports regarding land contamination – all of which would have had to be available, had this site actually been as described by Mr Rob Duncan in his planning statement in 2019 as “four commercial car repair and storage facilities”.

We have already provided photographic evidence of the use of the site and we have further photographic evidence of the site being described by the applicant himself as “agriculture” in 2019. However since the planning agent, Mr Rob Duncan became involved, the use changed overnight to commercial

Outline planning was given on access only based on “commercial being the lawful use of the site”. The Highways concluded that the lane was very narrow and unsafe but based on commercial use (which was not lawful), three houses would mean a reduction in “potential” traffic. The highways report was based on fabricated information, not FACT. The outline planning should be ripped up and started again - based on FACT.

Whilst SMDC Planning Department may argue a “Balance of probability”, this should only be given if the LPA do not have evidence to the contrary to challenge. SMDC have provided me with the evidence via FOI requests, thereby proving they had the facts and evidence to challenge and did not have to rely on the Balance of probability .

FOI also revealed a letter from the applicant/agent describing the previous uses of the site (not an affidavit/sworn statement) which had been withheld and not uploaded to the planning portal. Had that information had been made available during the time planning permission was granted, we could have challenged this at that time. I've supplied evidence of further

letters from the applicant describing the site very differently to counter these claims but SMDC, it seems, are not interested.

Many other very similar planning applications have been treated very differently to this one, so the question is (which has never been answered) why has this planning application been given favourable treatment?

Why has SMDC planning department believed the applicant/agent rather than the five neighbours who live on the lane who know the history and will all complete sworn affidavits as to the use of the buildings. We have even been in touch with old neighbours who will do the same.

3) Highways/Access – Narrow Lane does not meet Buildings regulations or DMRB regulations!

As per my previous letters, this site and the lane leading to the site does not meet with building regulations for fire access. The entrance and exit to the site does not meet DMRB regulations. The site is unsafe and unsustainable.

As above, the outline planning for access was passed on information supplied by the applicant/agent. This information was not available on the planning portal for people to make an informed decision or to challenge the information given. Those challenging this application were not given the full facts and were at a great disadvantage. There was no reason to withhold this information. Since outline planning was given and we have investigated the decision made, we have provided extensive evidence (FACT) to disprove the uses of the land and buildings. We have provided evidence, both photographic and written, including hand written notes and letters by the applicant himself to prove this land has not been commercial consistently and continuously for the past ten years (from 2009 to 2019). We have provided evidence that the applicant always referred to the buildings as “agricultural” and we have evidence to prove the land was being used for agriculture up to 2019.

With regards to safety, we have written to Highways and raised our concerns about the entrance and exit to the site. We pleaded with Mr Richard Rea from the Highways department to come out to view the site and see our concerns for himself first hand. He agreed to visit but after consultation with colleagues, contacted me the next day to say he wouldn't be coming. Letters of complaints and concerns about our health and safety have gone unanswered and the highways department constantly lay the blame firmly with SMDC planning, as they provided the information as to the usage of the land. However, this is despite the fact that the Highways Officer claimed to have made a site visit in May 2020 and classed 4ft dilapidated pig pens as the fourth commercial unit! Irrespective of who passed what, our safety concerns are real and are not being listened to. Just last week I had another near miss with a van. Had it not been for a pedestrian warning me of a van coming down Gorsty Hill at speed (which I couldn't see), I may have been in hospital or even worse. This situation will be greatly impacted by three more homes. It is an accident waiting to happen. The lane is unsuitable for three extra homes and the extra vehicles this will bring to the site.

There are no actions the applicant can take to mitigate any safety concerns raised as he does not own the lane or any land either side of the lane. The lane cannot be widened, no passing points can be added and the entrance and exit to the site cannot be changed in any way. No street lighting can be added, no access for pedestrians can be added. No safe or separate pedestrian access can be utilised for when the houses are being built, putting existing residents at a great risk.

The most recent comments made by Highways (16 December 2022) appear to be some four months behind and are based on previous plans, not the most recent ones submitted and uploaded to the portal on 22 December 2022. There have been significant changes with driveways and garages being removed; these now being replaced by a courtyard. Parking provision has been reduced but the size of the homes have increased significantly. The design now increases one house to a 4 bedded unit plus the other two remaining homes have a room described as a “snug” which, in actual fact, could be turned into a further bedroom. All homes are now larger family homes with the potential to generate even more traffic. The parking is inadequate for the size of the homes. This will lead to inappropriate parking and there is already inadequate provision for service vehicles to turn. **I'll re-iterate, the access does not meet building regulations for access for fire engines or DMRB regulations for highway splays.**

All previous planning applications based on the same site for one home (based on the correct use - agricultural) have been turned down, despite all those living on the lane being in agreement with this. It is simple madness to turn down planning for one home but then agree to three unsustainable homes to be built on an “unsafe” lane.

There are three disabled people who live on this lane who are being ignored when they state they are worried about the safety of this lane and the effect this will have on existing resident's wellbeing. Two out of the three people have conditions which qualify as a Disability under the Equality Act 2010 – taken from the government website:

“you automatically meet the disability definition under the Equality Act 2010 from the day you're diagnosed with HIV infection, cancer or multiple sclerosis.”

And

*“A5. A disability can arise from a wide range of impairments which can be:
sensory impairments, such as those affecting sight or hearing
impairments with fluctuating or recurring effects such as rheumatoid arthritis, myalgic encephalitis (ME), chronic fatigue syndrome (CFS), fibromyalgia, depression and epilepsy
progressive, such as motor neurone disease, muscular dystrophy, and forms of dementia
auto-immune conditions such as systemic lupus erythematosus (SLE)
organ specific, including respiratory conditions, such as asthma, and cardiovascular diseases, including thrombosis, stroke and heart disease
developmental, such as autistic spectrum disorders (ASD), dyslexia and dyspraxia
learning disabilities
mental health conditions with symptoms such as anxiety, low mood, panic attacks, phobias, or unshared perceptions; eating disorders; bipolar affective disorders; obsessive compulsive disorders; personality disorders; post traumatic stress disorder, and some self-harming behaviour
mental illnesses, such as depression and schizophrenia
produced by injury to the body, including to the brain”*

Section 112 (b) of the NPPF states:

Within this context, applications for development should.....:

(b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

This planning does not comply with any detail Paragraph 112 of the NPPF

The Highways Officer, David Plant, in his report dated 16 December 2022 states his conditions are set to comply with Paragraph 111 of NPPF in the interests of Highway safety. Has anyone actually read the NPPF section 9 Promoting sustainable Transport?

Section 111 states:

111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

He visited the site and his comments in an email were that it was “unsafe” and “wouldn’t like to meet someone coming the other way” but passed it anyway!

Furthermore, this planning does not meet the criteria in Paragraph 110 (a), (b) and (d). or all of 112.

Considering all the above, to think this was awarded outline planning permission for access only is a farce. There is something really wrong with how this application has been given favourable treatment.

4) Boundaries/Right of way/Covenants

The site outline plan has changed three times now. Despite SMDC planning and the applicant ignoring the fact that they were using land belonging to us as “existing access and turning”, the last two site plans have changed to exclude our land. This, in itself, proves that the original application included land which did not belong to the applicant but he failed to name us as landowners on the application form, nor did he inform us of his intention to use our land. The access originally granted was based on inaccurate site plans showing incorrect boundaries. In the most recent plans uploaded, the site plan edged red still includes neighbour’s land and those who own the land were not informed of the applicant’s intentions to use their land, nor were they named on the original application forms.

The site outline plan is not to scale and does not match the location plan – and it never has.

One of the houses is planned over an existing right of way, there is no mention of this but we have provided information to SMDC planning to evidence this. The right of way is owned by Heath House and we have been informed by the land agents that permission has not been granted or new covenants drawn up.

5) Material changes

Material changes are classed as:

- increasing the size of your extension/building
- Significantly increasing the height of your eaves or roof
- Moving a building or extension, even if it’s within the same site area
- Changing the site area (red line)
- Changes in conflict with a specific condition
- A significant change in elevation (where the proposal would appear materially different to what’s permitted)

- Inserting a new feature (such as dormer windows, which could create an overlooking problem)
- Changes that alter the nature or description of the development
- Multiple minor changes
- New works or elements that weren't part of the original application

The following has changed from outline planning permission to reserved matters:

- increasing the size of your extension/building
- Moving a building or extension, even if it's within the same site area
- Changing the site area (red line)
- Inserting a new feature (such as dormer windows, which could create an overlooking problem)
- Multiple minor changes

In fact, the position of the buildings have been moved three times now – due to the multiple material changes, both major and minor, surely a new planning application should be made and this time, with the correct details at to the usage of the site.

6) Site Layout and Scale

As per my previous comments, the third plans submitted differ significantly from the plans submitted for outline permission. The floor space has increased but the parking has not. Again the buildings are not in-keeping with the surrounding area.

The biggest question here though is why are we debating the colour of the brick or windows when the outline planning should be thrown out, as the planning was determined on false and misleading information regarding the existing use of the site.

7) Misleading information on size and scale of buildings – more lies – or is it another oversight?

Mr R Duncan's email uploaded to the portal states the following:

"Morning Chris

I would be grateful if you would find attached the revised plans for Woodland View, Gorsty Bank, Tean which I trust will now meet with your approval. The changes include:

- *3 parking spaces for plot 1 (2 of which are on the courtyard).*
- *Plots 2 and 3 have been changed from 4-beds to 3-beds. Plan depth and ridge height have been reduced for both dwellings.*
- *Side projection on the plot 2 dwelling reduced to single storey and roof reconfigured as a lean-to.*
- *Arch added to 'cart openings' on Plots 2 & 3.*
- *All three dwellings moved to the south and east.*
- *Courtyard simplified to be more akin to a 'farmyard'*

I am arranging for a bat survey of the trees proposed for removal and will circulate upon receipt."

This email would lead anyone reading it to believe there has been a reduction in the size of the homes from 4 beds to 3 beds. **This is not the case.** Here is the excerpt from the planning statement uploaded to the portal on 11 August 2022:

*"The accommodation of each dwelling will comprise of a lounge, kitchen/diner, utility, hallway and integral garage at ground floor, with **three bedrooms** (one ensuite) and family bathroom at*

first floor. The dwellings are to be constructed from red facing brickwork with a Staffordshire Blue tiled roof. Each dwelling will sit within a large area of domestic curtilage and will benefit from off-street parking provision for three vehicles".

The floor space of each home has **increased significantly** and the garages removed. There has been a **reduction in car parking spaces**, apart from the four bed roomed house. Furthermore each home now has a "snug" which could be utilised as a 4th bedroom.

There is no reduction on the size of these homes – **rather an increase with less parking provision**. Unless, of course, an attempt has been made to increase all the houses to 4 beds (not uploaded to the site) which the planning officer has declined. I've requested this information via an FOI request this week.

If it's an error - who actually accredits/quality checks this information? Why are these errors never picked up or addressed?

The address is also "Gorsty Hill", not "Gorsty Bank"

8) **Sustainability**

As already covered, this planning was described as "unsustainable" and "unsafe" by the Planning Officer and Highways Officer but was granted planning permission anyway – no-one has ever addressed this

There have been no attempts made whatsoever to build green homes with sustainable solutions.

9) **Drainage, Effluent Waste**

There remains no detailed plans on drainage, cesspits or soakaways. How can informed decisions be made until this is known? This could have a massive impact on the surrounding homes. During excessive rainfall, we had a landslide in 2020 which cost £38,000 to repair – we will forever bear the cost of that in insurance payments. The land behind these homes will be on an incline, what measures will be in place to prevent any future landslides or flooding?

If this site had been commercial – where are the detailed reports on land contamination? Why is no-one from SMDC planning enforcement concerned that there is no cesspit currently on the site to collect waste from the so-called "four commercial car repair and storage units"? Is this yet another "oversight"? If there is a toilet on site, where has that waste been going? Why are enforcement not involved?

10) **Asbestos/Clearance of the site**

The site is known to have buried asbestos – enforcement are aware. Whilst this is a condition on the reserved matters, seeing how underhand everything else has been, I have real concerns that this won't be taken seriously. It will be a very costly exercise to excavate and remove this.

11) **Bat Surveys/Ecology**

The Ecology report completed in 2019 is out of date. Furthermore when you read the report point 1.3 states the proposed development was for conversion of the building, so the whole report was based on incorrect information as this site would be a complete demolition and rebuild.

As per Staffordshire Wildlife Trust email, a holding objection has been placed until further surveys are completed. Two neighbours have reported bats currently roosting in their lofts so there are bats all around the site. From what I've read the bat surveys should take place May to September and if close to woodland (which we are), both tree and underground surveys should be carried out. There is a significant amount of bats in the area and surrounding the site which we witness every summer.

For this site to be built a number of trees will need to be taken down – a huge impact on the surrounding site. I have read with interest that application SMD/2019/0166 – a sustainable and safe site in Cheddleton. Described as an “infill” site, surrounded by many other properties, this application has been declined due to the number of trees that will have to be taken down, yet no-one has batted an eyelid at this one. There are far too many inconsistencies with this planning application versus others that are better placed. Why is this the case?

12) Special Landscape Area

In 2011, the Planning Officer at that time, Rachael Simpkin, discussed the fact that the site was in a Special Landscape Area. This seems to have been totally overlooked on this planning application altogether. These three houses impose greatly on the SLA and are materially harmful to the area. As covered above, a habitat to protected species and trees will need to be taken down, I feel the harm greatly outweighs any benefit, especially when you consider that the site is described as “unsustainable”.

In 2008 I was told (by an enforcement officer who still works for SMDC) that we lived in an area of outstanding natural beauty and the surrounding land could only be used for agriculture but, again, no-one wants to raise this anymore.

Whilst the buildings are unsightly and an aesthetically pleasing house could contribute to this site – this should be one house, not three. Three homes will take more away than they give back

13) Potential Litigation

If this planning permission goes ahead, there is a big chance this will be challenged via judicial review due to the lawful use of the site not being determined correctly. There has been no consideration on the cost of this to the public purse. It seems SMDC planning are committed to carrying on as usual with this planning permission and have no desire to address any anomalies on the evidence provided so far.

I have already written to The Head of Highways, Chief Commissioner for Police, Fire and Crime, Mr A Stokes (Chief Executive of SMDC), Mr P Marrow (Staffordshire Fire and Rescue), Mr Paul Roberts (Leader of SMDC Council) to highlight my concerns on this planning matter. I have also spoken at my local council meeting on the subject. I have tried to raise awareness. How much more of public money is going to be wasted before someone steps in and takes action?

I have copied this letter to my local MP (Sir Williams Cash) and local councillor Mark Deaville to ask for a meeting to discuss this and raise issues which I feel really need addressing. SMDC planning department need to start acting in the best interests of all the public they serve, not just the planners and planning consultants. Whilst I appreciate there is a need to work together to provide solutions to the housing markets and address housing shortages, there is still a lack of affordable homes and no improvements to the infrastructure to the villages. The amount of

building planned for Cheadle and Tean will have massive impacts on current residents with no improvements being made for wellbeing or sustainability. The majority of the homes built will be expensive and unaffordable. It seems very unbalanced presently

Regards

Tracy Smith

Cc

Sir William Cash

Councillor Mark Deaville

Mr A Roberts

Mr A Stokes