Your ref:
Our ref: SP/TheFoxResub/2023

Planning Department
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Date: 27/3/2023

Dear Sir/Madam

Application for Planning Permission: Proposed new single storey extension to rear and side of property at The Fox, Beat Lane, Rushton Spencer, SK11 0RU.

I am instructed by my client Mr Spurrell to submit this planning application.

Planning Permission for an identical form of development was previously granted at appeal ref: **APP/B3438/D/19/3237305** on 11/11/19 pursuant to planning application ref: **SMD/2019/0291**. A copy of the Planning Inspectors Decision is attached at Appendix 1.

That planning permission has now expired and therefore this submission seeks a replacement permission for the identical development. Please therefore find attached at series of plans prepared by Cartwright and Gross Architects ref:

- Site location plan ref: 765 OS
- Site Plan ref: 765 100
- Existing plans and elevations ref: 765 101
- Proposed plans and elevations ref: 765 201

Since the above appeal was allowed Staffordshire Moorlands District Council has adopted a new Local Plan (adopted September 2020). Several new planning policies have therefore replaced those the application was originally assessed against under the previous development plan.

The table below summarises the changes:

Previous relevant policies of the Core Strategy Development Plan Documents 2014.	**Current relevant Staffordshire Moorlands Local Plan Policies 2020.**
SS6c: Other Rural Area	SS10: Other Rural Areas Strategy
R1: Rural Development	n/a
R2: Rural Housing Development including extensions to rural dwellings	n/a
DC1: Design Considerations	DC1: Design Considerations
DC2: Historic Environment	DC2: Historic Environment
DC3: Landscape and settlement setting	DC3: Landscape and Settlement Setting

Despite the change in development plan, it is important to note that the overall emphasis of the 2020 local plan policies listed above have not changed. In addition, the adopted **"Staffordshire Moorlands Design Guide"** Supplementary Planning Document remains in force and has not been superseded.

Furthermore, and most importantly, it should also be noted that the Inspector for the above planning appeal was made aware of the impending policy change of the new local plan at the appeal. The Council cited the new replacement policies as part of

their appeal statement. The inspector reviewed the Councils submission and concluded as follows (see paragraph 11 of the appeal decision letter):

> *"In any event, given my views on the merits of the proposal, I am satisfied that it would also comply with the emerging policies referred to by the Council."*

Therefore, despite the change in development plan title and policy within there are no substantial material changes in planning policy content to prevent the identical assessment of the development as per the Inspector's decision.

In addition, there have been no significant changes in the National Planning Policy Framework (NPPF) or other material changes to planning circumstances which would prevent permission being granted or require a different assessment to be undertaken than previously.

Conclusion.

Given the development plan position outlined above and the precedent of the previous appeal ref: **APP/B3438/D/19/3237305** it is submitted that this application complies with the relevant policies of the development plan, associated SPD and NPPF.

As there are no negative impacts that would result from the development the proposal is therefore sustainable development for which there is a presumption in favour as set out within the NPPF.

It is therefore respectfully requested that planning permission should be granted again by the local planning authority as applied for.

If you have any queries or require further information, please do not hesitate to get in touch on the contacts below.

Kind regards

Jim Seymour

SEYMOUR
PLANNING

Appendix 1: APP/B3438/D/19/3237305 Inspectors Decision.

The Planning Inspectorate

Appeal Decision

Site visit made on 15 October 2019 by L Wilson BA (Hons) MA

Decision by C Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Appeal Ref: APP/B3438/D/19/3237305
The Fox, Beat Lane, Rushton Spencer, SK11 0RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Wain against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0291, dated 3 May 2019, was refused by notice dated 12 July 2019.
- The development proposed is a new single storey extension to rear and side of property.

Decision

1. The appeal is allowed and planning permission is granted for a new single storey extension to rear and side of property at The Fox, Beat Lane, Rushton Spencer, SK11 0RU in accordance with the terms of the application, SMD/2019/0291, dated 3 May 2019, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: labelled Ordnance Survey, 765/100 Issue A, 765/101 Issue B and 765/201 Issue B.

    3) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the details so approved.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The application site is located within the Green Belt. The Council consider that the proposal would not be inappropriate development in the Green Belt as the extension would not result in disproportionate additions over and above the

size of the original building. I have no reason to disagree with that position. The main issue is the effect of the proposed extension on the character and appearance of the host building and street scene.

Reasons for the Recommendation

4. The Fox is a detached two-storey dwelling. The property is part of a cluster of three dwellings which were previously associated with a public house. The properties differ in their form, design and character. The dwelling to the side is single storey and the property to the rear is a more substantial two-storey dwelling.

5. The Council do not object to the scale of the extension. The proposal would not dominate the existing building. The extension is set back from the principal elevation and the roof height, set below eaves level, would ensure it reads as a subordinate addition. The height of the proposal would be considerably lower than the main section of the two-storey building. The contemporary design of the scheme would be of contrast to the existing dwelling and therefore would provide a clear distinction between old and new. The historic integrity and character of the building would be retained.

6. The extensions effect upon the street scene would be limited given its height and situ to the side and rear. For the most part views of the site will be from those passing to the front and the stone "fin" wall would screen the glazed element from that aspect. When viewed from the principal elevation to the front the vernacular form of the building would appeal largely unaltered, with the two storey element and single storey side extension with a pitched roof. The scale of the extension would ensure that it does not appear as a prominent addition. Furthermore, the existing dense hedging and trees limit views of the gable from the road. In any medium or long distance views that may be available the extension would be viewed against the backdrop of the larger two storey element of the building and in the context of the general cluster of buildings at the site. In that sense it would not alter the prevailing character of the property in the wider landscape. Consequently, whilst the proposal would result in the loss of part of the gable end of the single storey element, the design and position of the extension is such that the scheme would conserve the prevailing character of the building and the rural character of the area.

7. The two main parties dispute whether the building is a non-designated heritage asset (NDHA). The Planning Practice Guidance provides advice on the process that should be followed when identifying a NDHA[1]. In this case, the building does not appear to be identified on any local list and I have not been directed to any criteria by which the Council will consider the identification of NDHAs. The PPG does state that "in some cases" NDHAs may be identified during the application process, for example, following archaeological investigations. The current application was not accompanied by any assessment of historical significance and nothing of that nature has been presented by the Council. Consequently, the process by which the Council has arrived at its conclusion regarding the NDHA is not transparent. Thus, whilst the building has some interest on account of its age and vernacular design, it is questionable whether it should be considered as a NDHA.

[1] Paragraph: 040 Reference ID: 18a-040-20190723

8. Notwithstanding that point, even if the building is a non-designated heritage asset, as suggested by the Council, the proposal would have a neutral impact and would not cause harm to the host building for the reasons set out above. Consequently, no public benefits are required to justify the proposal, having regard to paragraph 196 of the Framework.

9. The Council consider that the proposal would remove structural support which would be to the detriment of the building's integrity. The structural stability of the building would be dealt with under the Building Regulations.

10. The proposed extension would not have a significant adverse visual effect upon the character and appearance of the host building and street scene. Accordingly, the proposal would comply with Policies SS6c, R1, R2, DC1, DC2 and DC3 of the Staffordshire Moorlands Local Development Framework: A Local Plan for the future of Staffordshire Moorlands Core Strategy Development Plan Document (2014); Staffordshire Moorlands Design Guide Supplementary Planning Document (2018); and the National Planning Policy Framework.

11. In addition, the Council have submitted copies of Policies SS10, SS11, DC1, DC3, H1, SS1 and SS1a of the submission version of the emerging Staffordshire Moorlands Local Plan. From the information before me the plan has reached a reasonably advanced stage, having been examined by an Inspector in October 2018. The information also indicates that a consultation is currently underway on the main modifications that the Inspector considered necessary to make the plan sound. What is not clear, from the information presented, is whether any modifications are proposed to the policies provided by the Council. As such, it is difficult to draw a firm conclusion on the weight that should be afforded to those policies, having regard to paragraph 216 of the Framework. In any event, given my views on the merits of the proposal, I am satisfied that it would also comply with the emerging policies referred to by the Council.

Conditions

12. I have considered the conditions recommended by the Council, having regard to guidance found in the Planning Practice Guidance. Conditions 1 and 2 are necessary for certainty and to ensure that the development is carried out in accordance with the approved plans. In the interest of visual amenity, a condition relating to materials is required.

Conclusion and Recommendation

13. For the reasons given above I recommend that the appeal should be allowed.

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be allowed subject to the conditions attached.

INSPECTOR