

DELEGATED DECISION REPORT

SMD/2022/0658
Valid 21/12/2022

**LAND REAR OF THE
ROYAL OAK HIGH STREET
DILHORNE**

**OUTLINE APPLIATION WITH
SOME MATTERS RESERVED
FOR ERECTION OF A
DETACHED DWELLING
HOUSE**

(OUTLINE - MINOR APPS)

MAIN ISSUES

- Whether or not the proposal amounts to inappropriate development in the Green Belt
- The principle of the development on the edge of a small village
- The impact on the character and appearance of the area
- The impact on residential amenity
- The impact on highway safety
- The impact on ground stability

DESCRIPTION OF SITE

The site is on the western edge of the small village of Dilhorne and comprises a grassy open part of the grounds of a public house, lying to the rear of the pub building itself and next to the rear car park for the pub and adjacent to the rear boundary of the pub. The pub faces High Street to the south-east, in the middle of the village but the vehicular access to it, leading to the car park to the rear of the pub to the north-west of the building, is from New Road, to the west side of the pub. The access drive forks with one side going to the car park and the other side, which forks towards the rear boundary (with an outdoor seating area in between where the access divides), leads to the plot and further on, to a separate parking area behind three terraced dwellings to the east side of the pub (and which also face the High Street). There is a two-storey detached dwelling to the north-east of the plot (a backland dwelling with an access off the High Street) and another two-storey detached dwelling to the south-east of the plot, another backland dwelling with a separate access of the High Street. The land to the north-west of the site is open countryside. The village including the application site and the adjacent countryside is washed over by the Green Belt. The site is also within a "High Risk" former coal mining area.

PROPOSAL

This is an outline application for a 3-bed detached dwelling with details of access and layout to be determined. The details of scale, appearance/design and landscaping are "reserved matters" which will form part of a separate Reserved Matters planning application in the event that outline permission was granted for the dwelling.

The access would be the existing access to the site, using the access for the pub and separate drive to the plot. The drawings show a parking area to be provided next to the drive which would accommodate two cars. The drawings show a fairly linear footprint for the dwelling (divided into three sections with presumably the main part of the dwelling being the wider section in the middle) and would be centrally placed within the plot, with private amenity areas (i.e. gardens) shown to the north-west side (presumably the rear) and north-east to the side of the dwelling. The drawings also show the primary windows would face the private amenity areas to the north-west and north-east. The drawings also state this would be a “dormer bungalow”. The max dimensions of the footprint is 20 x 5.5 metres.

A Coal Mining Risk Assessment (assessing the impact on ground stability given historical coal mining in the area) and later on a Noise Report was submitted which assesses the impact on the proposed residents of the dwelling due to noise from the adjacent public house use (which includes a car park and outdoor seating area to the rear, closer to the plot).

A Planning Statement was also submitted which gives further details of the proposal as follows:

The site plan accompanying the application shows the erection of a detached dwellinghouse occupying a footprint of 89.3 square metres. The dwelling will be part single storey / part one-and-a-half storey in scale and will be located 5.2 metres from the north easterly site boundary.

The dwelling will have an elongated form with its long axis arranged in a broadly north / south direction. The dwelling will be designed so that its principal windows (living room, dining room, kitchen and bedroom windows) will face in a north westerly and northerly direction, with no principal windows introduced on the north easterly elevation.

The site is currently laid to lawn and forms part of an extensive beer garden serving the Royal Oak Public House.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (Adopted September 2020)

SS9 – Small Villages Strategy
SS10 – Other Rural Areas Strategy
H1 – New Housing
DC1 – Design Considerations

National Planning Policy Framework (July 2021)

Sections 5 (Housing), 12 (Design) and 13 (Green Belts).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

01/00301/FUL: Detached bungalow with garage. Refused.
01/01123/FUL: Detached dwelling. Refused.

CONSULTATIONS

Publicity

Site Notice expiry date: 14.2.23

Neighbour notification expiry date: 14.2.23

Press advert: N/A

Public Comments

Letter of objection have been received from two adjacent dwellings. The points raised are as follows:

- Lack of information regarding the level of safety of the access for motorists and pedestrians
- Lack of details to determine if the dwelling will integrate with the area and not affect its character, appearance and how the area functions
- Harm to residential amenity in terms of privacy, light provision and an overbearing nature
- Would not be infill development but more likely to be ribbon development contrary to the Local Plan policies
- Impact on well-being of neighbours
- Noise would lead to distress of animals kept at adjacent property and affect their welfare

A third letter has been received from a local resident who lives on High Street, neither supporting or objecting to the application and raising the following points:

- Sets a precedent for further new buildings
- The access in also serving the pub is unsafe and would lead to conflict with other vehicles and parking on the road
- Harm to the outlook of an adjacent dwelling

Parish/Town Council comments

Objection. The PC do not consider the proposal to amount to Green Belt infill due to the location behind the property line of the adjacent properties. The PC also objects to the reduction of the beer garden for the pub. The PC also asks the Council to look into previous refusals of dwellings in the village.

Highways Authority

No objection subject to a condition to retain the proposed parking and turning area for the dwelling.

Environmental Health

Initially an objection was raised. The following comment was provided:

There is insufficient information provided to determine the suitability of this site for residential development. The proposed dwelling site is at the rear of the Royal Oak pub, it is adjacent to the pub beer garden area and car park, therefore it could be adversely impacted by noise from those of the pub. Additionally there could be potential adverse impacts from noise breakout from the pub building including music, plant, bottle bins etc. We would recommend a site specific noise impact assessment is submitted to address these concerns. If appropriate a sound insulation scheme should also be included.

However, in response to the submission of Noise Assessment Report, the following comments were provided:

The noise assessment predicts the proposed residential site not to be adversely impacted by noise from the pub but then appears to propose an acoustic fence, which is good but does not propose a minimum glazing and ventilation specification (Section 7.0 para3). The reason given is final design of the dwelling but I'm sure as the noise levels are known then a minimum glazing and ventilation specification could be proposed.

I am happy to recommend a sound insulation condition to remove our recommended refusal but I think the applicant may want to liaise with the acoustician and specify a glazing and ventilation scheme at this stage.

Coal Authority

Initially an objection was raised as the submitted Coal Report was not considered to fully assess the risks posed by potential historic unrecorded shallow underground coal workings.

However, on receipt of an amended Coal Mining Risk Assessment Report from the applicant, the Coal Authority removed its objection, making the following comments:

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.
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A condition was therefore recommended requiring intrusive site investigations be undertaken and further information submitted for approval before building works are undertaken.

Severn Trent Water

No objection subject to a details of drainage condition being applied.

SMDC Waste Collection Service

No issues regarding waste collections. Bin`s would have to be presented on New Road.

OFFICER COMMENTS

Although the site is on the edge of a village, the village is washed over by the Green Belt. Policy SS10, the strategy for the countryside requires strict control over inappropriate development in the Green Belt. The NPPF in paras 149 and 150 lists the forms of development which exceptionally are not inappropriate in the Green Belt. The only category/criterion the proposal could fall under is “limited infilling in villages” (para 149(e)). It is accepted the site is in a village as it forms part of a pub fronting the High Street in the centre of the village. However, whether or not the proposal can be deemed to be “limited infilling” within it is another matter. “Infilling” is considered by the Council to be development between existing nearby buildings but there is no additional guidance to help determine what constitutes “limited infilling” and therefore it is a matter of planning judgement to decide whether it does or not.

The applicants have provided a plan in order to demonstrate the proposed building would be “infill” and this shows a line drawn between the corner of the single-storey rear extension of the pub, to the south-west of the site and the nearest rear corner of an outbuilding in the rear garden of the adjacent residential property to the north-east, this building being the furthest building to the rear of the house and therefore closest to the open countryside to the north-west. The proposed footprint of the building is shown to be just inside (i.e. to the south-east of) the line, on the side where there are existing buildings forming part of the village.

I do not consider the proposal would amount to acceptable infill development. The nearest buildings to the plot boundaries include the pub building (between one and three stories in height) approx. 40 metres to the south-west, a two-storey dwelling (Briardale), 10m to the east, another two-storey dwelling (Greenacres), 10m to the north-east and a small flat-roofed outbuilding in the rear garden of Greenacres next to the north boundary of the site.

The Council considers that in order for a new building to be infill development, it must be between buildings. However, the application attempts to demonstrate that it is between the pub to the south-east and the outbuilding at Greenacres to the north. This is a small single-storey flat-roofed domestic outbuilding probably put up under permitted development like other low-key garden structures such as timber sheds and greenhouses which have a “temporary” and very unsubstantial appearance, in contrast to the neighbouring very solid and much bigger, “permanent” buildings such as the host dwelling at Greenacres. It is accepted the outbuilding is a “building” but an insignificant building which does not contribute to the built form of the village. There are no other more solid significant larger buildings to the north of the outbuilding, as this is where the open countryside lies. Similarly, whilst there is a “solid” substantial building 10m to the east of the plot, the dwelling at Briardale, there are no buildings on the direct opposite side of the plot to Briardale, i.e. to the west, which again, is open countryside with no nearby buildings in this direction.

If the line shown on the drawings to demonstrate the plot is “infill” i.e. between buildings, was moved so that it would connect the pub to the nearest larger building that lies to the north-east of the application site, in this case, the dwelling at Greenacres, the line, moved further south-east towards the existing buildings in the middle of the village, only a small slither of land within the application site would be included within the line, insufficient to be able to accommodate a dwelling.

The only other recent planning decisions relating to Green Belt “infill” development in the village, was at Ash Cottage further out of the village heading north along Godley Lane which comprises rows of houses separated by green/countryside gaps i.e. “ribbon” development. An application to put one house in a 85 metre gap directly between houses facing the road was refused (SMD/2021/0688) for being “inappropriate development in the Green Belt” and an appeal was dismissed for two houses on the same site following applications in 2012 with the Inspector deeming the proposal to not be infill development. An application on a smaller site on the same road closer to the village between two houses facing the road was refused in 2004 for being inappropriate development in the Green Belt although it was noted the neighbouring houses did not form a “continuous” frontage development i.e. row of buildings facing the road. However, the current proposal differs with the above rejected proposals in that these involved actual gaps between houses facing a road rather than the more sporadic backland nature of the current application site and therefore no strong infill comparisons can be made between the cases, although I consider those rejected cases to involve sites which could be deemed far more to be “infill” plots than the current plot behind the pub as they are clearly directly between substantial buildings of solid form and appearance. Each application has to be judged on its own individual merits.

For the above reasons, I consider the proposal does not amount to “limited infilling” in a village and therefore the proposal is deemed to amount to inappropriate development in the Green Belt which is by definition in the NPPF, harmful to its openness and should not be allowed unless there are any very special circumstances which considered to outweigh the level of harm to the openness of the Green Belt. However, it does not appear there are any very special circumstances with this particular proposal for one new 3-bed market-value which could provide any benefits which could outweigh the level of harm. Despite being in a fairly sustainable location (within walking distance of a number of village services and facilities such as pubs, a bus service, church, recreation centre, school and pre-school) and helping to address a current undersupply of housing in the District, which cannot demonstrate a five-year housing land supply, these are relatively limited benefits and not enough to constitute very special circumstances.

With regard to other matters relating to the principle of new housing in this location, Policy H1 sets out the locational strategy for new housing in the District. Dilhorne is classed as a “small village” for the purposes of the Local Plan. The adoption of the Local Plan in September 2020 set out the strategy for new housing for the plan period, up to 2033 and included new allocations of land and a focus for other new housing development on the towns and larger villages. However, an element of limited new housing including in small infill sites, is part of that strategy, as outlined in the Small Villages Strategy, Policy SS9. This policy allows limited new housing in the small villages in accordance with Policy H1, ‘New Housing Development’. For the small villages, this allows new housing where it 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.”

I do not consider the proposal would comply with the above. It is already argued in the report that the proposed dwelling would not amount to “infill” development. Although the nature of the built development in the immediate area could already be described sporadic backland development and that the proposal would be no different to this, it would therefore in effect exacerbate the sporadic form of development, lacking to an even greater extent uniformity in the built environment, in contrast to, for example, a row of houses facing a street, more normally found in urban areas including villages. I also consider it would lead to a prominent intrusion in the countryside as it would be closer to the open countryside to the west. There is no defined development boundary to the village as shown in the Local Plan and therefore a judgement needs to be made on what would constitute the built edge of the village. I consider in this area, it is marked by the prominent presence of solid buildings in the form of the pub and the dwellings to the north-east of it including the two backland two-storey dwellings adjacent to the site, Briardale and Greenacres. I do not include the outbuildings in the back garden of Greenacres as these are not visually prominent solid substantial buildings and do not contribute to a clear built-up edge. The proposed dwelling would be notably closer to the open countryside to the west than the other buildings in this part of the village of solid appearance and I consider this therefore represents a prominent intrusion into the countryside and as the site is currently open grassland perhaps forming part of a large beer garden for the pub, adjacent to fields, this would have a significant adverse impact on the character and appearance of the countryside. Although the proposed building would be a chalet-type “one-and-a-half” storey dwelling which would have notably less height than the neighbouring two or three-storey buildings, it would still have a physical appearance and scale akin to a two-storey dwelling and would not be significantly less visually prominent when viewed from the open countryside.

Overall, I consider the proposal would be contrary to the Local Plan housing strategy outlined in policies SS9 and H1.

The current demonstrated supply of housing land for the District is less than five years and the Local Plan is therefore deemed in the NPPF to be “out of date” and in these instances and in accordance with the NPPF, paragraph 11 of the NPPF would need to be taken into account. This requires the granting of permission of “sustainable development proposals” unless, under para 11 d(i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area or, d(ii), “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.”

As stated at the start of this report, the proposal is deemed to be inappropriate development in the Green Belt and harmful to its openness. Therefore due to the harm to the designated Green Belt asset, para 11 d(i) applies and there is therefore

no requirement to approve the dwelling in these circumstances. Para 11d(ii) regarding allowing the development where there are no adverse harms (i.e. the “tilted balance” of the social or economic benefits outweighing environmental harms) therefore does not apply.

With regard to the impact on the character and appearance of the area, it is already acknowledged that some harm would result to the rural edge-of-small-village character and appearance of the area. As this is an outline application, there are no details of the design of the dwelling although based on the layout, to be determined under this application, a dwelling can be accommodated on the site without appearing overcrowded within its plot or lead to any other design or appearance harms. Its scale and height would be in keeping with the surrounding area which comprises a mix of building styles and sizes.

With regard to the impact on residential amenity, there is greater concern. One of the longer elevations of the proposed narrow dwelling would be placed facing (albeit at an angle) the rear (west) elevation of Briardale, where there are a number of primary windows and this elevation could be considered to be the primary outlook of the dwelling, facing the open land and countryside to the west. The placing of a chalet (1.5 storey) dwelling 14 metres in front of the west elevation and its primary windows, even at an angle, would be sufficient to lead to an intrusive and overbearing form of development when viewed from one of the primary outlooks (if not regarded as the main primary outlook) of Briardale. There would be no windows placed on the facing elevation of the proposed dwelling so there are no concerns over loss of privacy and the 14 metres distance would mean that no significant loss of natural light to Briardale would occur. However, this would not significantly abate the overall level of harm to the residential amenities of Briardale caused by the visually intrusive and overbearing nature of the development given where it is to be located. The proposed house being built just approx. 5.0 metres from the west boundary of Briardale and therefore be the same distance from the garden of curtilage area of Briardale would in my opinion exacerbate the level of intrusion experienced by the neighbouring residents. The Council’s “Space About Dwellings” SPG would require a distance of 14.0 metres between main (i.e front or rear) elevations of houses and the flank walls of other houses, hence why a “14.0 metre” line is shown in the drawings between the west elevation of Briardale and the east elevation of the house. However, the proposed east elevation, despite having no windows, cannot be deemed to be a “flank” elevation as it has a length of 20.0 metres, creating a visual impact far greater than the normal side walls of most new houses. It must also be noted that these standards are just “guidance” and need to be applied differently in differing circumstances depending on the site constraints.

Whilst the residential amenities of Briardale would be harmed, I do not consider there would be any negative impact on Greenacres as the proposed dwelling would be almost 20 metres to the side and rear and at a diagonal angle. There would be no upper floor windows facing this property and so no privacy loss would occur as well as there being no loss of light or an overbearing impact.

With regard to the amenities of the future occupants, there is sufficient space on the site for a private amenity area and garden in line with the above SPG regarding garden sizes and the dwelling would also be able to provide adequate floorspace for a 3-bed dwelling in line with the governments Nationally Described Space Standards

(NDSS). The issue of the future occupants being affected by noise from the pub and the adjacent pub garden can be addressed by sound insulation measures as recommended by Environmental Health, on the basis of the Noise Assessment Report submitted in which the section concurred with its findings. This can be achieved by way of a planning condition.

With regard to highway safety, the provision of one 3-bed dwelling on the existing pub property would not generate significant additional traffic problems. The access into the road is deemed to have a safe standard in terms of its design, width and visibility along the road in both directions. The parking provision is in line with Council parking standards requiring two spaces for 3-bed dwellings and there is ample space for cars to turn and leave the access in forward gear. There would be no loss of pub parking spaces. The proposal would not lead to any detriment to highway safety.

Finally, with regard to ground stability, a more robust amended Coal Mining Risk Assessment Report was submitted to the Coal Authority which considered that despite the High Risk category of the zone caused by significant coal mining in the area historically, the development can be provided safely without disturbance to the land or harms to its occupants providing a more intrusive investigation is undertaken and possible further measures put in place before construction. This can be achieved by way of a condition.

CONCLUSION / PLANNING BALANCE

The proposed development, despite being described as being on the edge of a village, would amount to inappropriate development in the Green Belt and would lead to a significant incursion into the open countryside and an even more sporadic form of built development to the detriment of the character and appearance of the surrounding area. It would also harm the residential amenities of the area. The proposal therefore does not comply with the Council's Local Plan or the government planning guidance contained in the National Planning Policy Framework (NPPF) and therefore should be refused.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston
Recommendation Date: 19.5.23

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council