

DELEGATED DECISION REPORT

SMD/2021/0714
Valid 28/03/2023

BANK TOP COTTAGE 1
RAKEWAY ROAD
CHEADLE

PROPOSED DOMESTIC
DETACHED GARAGE / STORE

(FULL - MINOR)

MAIN ISSUES

Impact on: the character and appearance of the area, the condition of nearby protected trees, and biodiversity

DESCRIPTION OF SITE

The property is in the 'other rural area' to the south east of Cheadle (not Green Belt). A roughly square shaped parcel of land within the applicant's ownership, adjacent to their large semi-detached rural cottage and its curtilage. The land is to the edge of an ancient woodland with woodland tree protection zone SM037W001 to the north coinciding with and covering about half of the development site. The land provides an enclosed lawn area.

The site is an existing two storey dwelling under one family ownership and occupying land and buildings identified as No1, Bank Top Cottage located in a well-established rural area on the outskirts of Cheadle served by existing infrastructure with neighbouring dwellings generally well-spaced, road facing and with varying design.

PROPOSAL

The application proposes the construction of a garage building that would be for purposes incidental to the enjoyment of the adjacent dwellinghouse. The applicant seeks planning permission after it was determined by the authority that the garage would be built on land that is outside of the dwelling's curtilage.

The building would be open fronted with green oak wooden frame and feather edged horizontal cladding. The roof finish would comprise selected timber shingles or plain double lapped tiles to match the main dwelling. Rainwater will be collected for garden use and will overflow to a sustainable garden soak away. To create a short driveway into the front of the garage some modest excavation would be necessary, approx. 0.3m.

ADDENDUM***

The original application was validated in November 2021. However, prior to determination, concerns raised over the presence of a path (um) crossing the site revealed that actually the development would be carried out over an area of land that was not under the ownership of the applicant and not registered with the land registry. The applicant had therefore, submitted the incorrect ownership declaration and the application was made invalid.

On the 28th March 2023, the applicant submitted a revised planning application form, a Certificate D ownership declaration, and evidence that they had publicised notice in

the local paper. The applicant had already contacted the Planning Manager at Hanson UK, who she believed may have a right of access across the land, and they had responded that:

we cannot confirm that Hanson owns the land on which the right of way runs itself (being the area in front of the proposed garage), Hanson certainly own the land to the left hand side of it (west). We have a retained a right of passage from the road to the freehold property / quarry boundary, but as I say I cannot confirm the area in front of the proposed garage is in Hanson's title. I will have to say this is 'without prejudice' to any more information that may subsequently come to light.

On this evidence the application was made valid again and since that time, the County Rights of Way officer has been consulted and a second planning site notice has been posted on site.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS10 Other Rural Area Strategy
DC1 Design Considerations
DC3 Landscape Character
NE1 Biodiversity
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2021/0520 Proposed erection of garage (lawfulness claim). REFUSED.

CONSULTATIONS

Publicity

Site Notice expiry date: 31.12.2021
Second Site Notice following revalidation expires: 23.05.2023
Neighbour consultation period ends: 23.05.2023
Press Advert: N/A

Public Comments

None

Town / Parish Comments

Cheadle Town Council: Object on grounds that the development would lie outside of the dwelling's curtilage.

Staffordshire County Council Highways

No objection.

Severn Trent Water

No objection.

Ramblers Association

There are two paths Cheadle 64 and 63 that should not be effected by the development. However on the definitive map there is a footpath (u m)that could be effected if used by the public.

SCC Rights of Way

The Definitive Map of Public Rights of Way for Staffordshire shows a public right of way (No. 12) adjacent to the application site. However, from the information submitted it does not appear it will be directly impacted by the proposed development.

[NB. *Planning officer's comment:* The county officer is not referring to the um path that crosses the site, which is shown on o.s. map but is not a definitive right of way.]

Staffordshire County Council has received an application under Section 53 of the Wildlife and Countryside Act 1981 to add to the Definitive Map of Public Rights of Way in this vicinity (An alleged public footpath at Rakeway Head, Cheadle - Application reference: LF604G).

The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.

OFFICER COMMENTS

Principle of Development

The property is in the 'other rural area' to the south east of Cheadle (not Green Belt). Here Local Plan area strategy SS10 applies. The strategy provides only for development which has an essential need to be located in the countryside, supports rural diversification and sustainability, supports sustainable tourism or enhances the countryside.

The applicant has a reasonable need for some form of garaging/outbuilding provision, the dwelling is a sizeable end cottage with no such facility. Located as a countryside property clearly such facility must be essentially located in the countryside. As an oak frame structure the building would provide space for two cars and some limited storage beneath a catslide roof at the rear.

To achieve strategy aims, housing requirements and needs shall be met by, inter alia, by allowing extension or additional outbuildings to dwellings provided they are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and the character of the rural area. Those matters are discussed below and considered against the relative supplementary local plan policy and Council's design guide. Importantly, relevant to the town council comment, there is no specific strategy objection to outbuilding development outside of the dwelling's curtilage, the relevant criteria is progressed within policies DC1 (Design) and DC3 (Landscape Character) of the Local Plan, and is set out below.

Design and Impact on Character and Appearance of the Area

Local Plan Policy DC1 requires all development to be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. Local Plan Policy DC3 states that the Council will protect and, where possible, enhance local landscape and the setting of settlements by resisting development which would lead to prominent intrusion into the countryside.

The building would be of, what might be described as, a traditional rural design appropriate to a modest red brick cottage and a countryside location, it would have a brick base and a tiled roof constructed with an oak frame and wide profile feather edge cladding. It would be modestly sized providing space for two vehicles.

Although the garage would be built on owned land to the side of the dwelling's original curtilage, the land does appear as a small cleared area of lawn enclosed and surrounded by trees and hedgerow, the applicant has further screened the land with a close boarded fence inside the roadside boundary. In this location the garage would be concealed and enclosed and have close and appropriate association with the dwelling and its curtilage, any intrusion beyond curtilage would be limited and it could not be described as prominent.

In these regards there would be no conflict with the criteria of policies DC1 and DC3 of the Local Plan.

Impact on Amenity

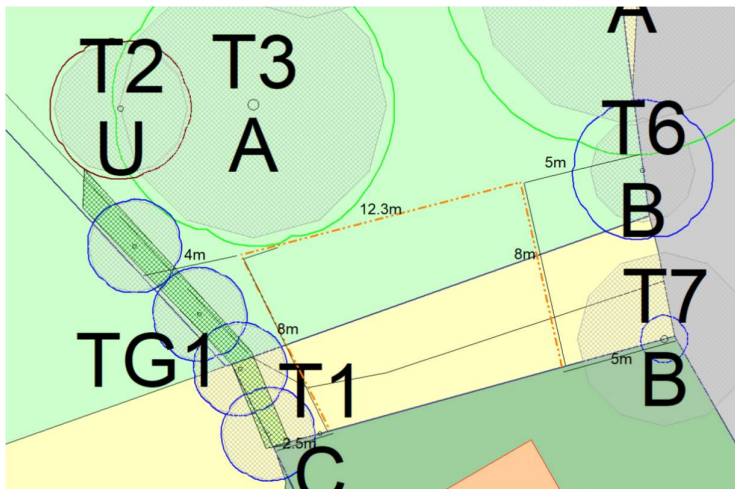
To the side and end of the applicant's dwelling the detached garage would be some distance from the adjoining two neighbouring cottages on the other side of the property to the south. No issue is raised in respect of the developments impacts on the amenity or living conditions of neighbours, there is no conflict with policy DC1 of the Local Plan in these regards.

Highway Safety

The proposed detached garage and store will be constructed within the garden of Bank Top Cottage immediately to the side of the existing driveway which is to be extended to provide access to the garage. The existing vehicular access onto Rakeway Road will remain unchanged by the proposal. The proposal will provide more off highway parking. There is no objection from the highway authority or conflict with policy T1 of the Local Plan.

Impact on Protected Trees and Biodiversity

It is noted that the development would be in the proximity of a holly mix boundary hedgerow to the west and trees to the north. Potentially some of the hedgerow and the trees to the north coincide with the woodland protection designation to the north and provide habitat for biodiversity/protected species. It was not clear from the originally submitted plans exactly how close the trees would be to the development and how they would be impacted, so a detailed tree survey from a qualified arboriculturist was requested and provided.



The survey confirms three of the holly hedge trees and five individual trees to the north are within the woodland protection zone. None of these trees would be removed and the plan shows that there would not be any encroachment on their crown spread or root protection zone.

The tree marked T1 would need to be removed to make access to the garage, however, this is outside of the woodland protection and is a Leyland cypress bush to the corner of the dwelling's curtilage/garden boundary -it is not protected and does not make significant contribution to amenity.

The tree survey identifies T2 Sycamore, young, cat U to the north of the applicant's ownership as a tree that might be felled – "The tree has extensive squirrel damage with many broken or hanging branches. It is also suppressed by the Oak". However, this tree is protected within the woodland area and is not in the way of or would not be affected by the development. If the applicant wishes to fell this tree they require separate consent from the planning authority.

The nearby trees and hedgerow have not been surveyed for bats or ecology, but the tree survey demonstrates that this development can be carried out without removing or felling them, as such there should be no disturbance to habitat. However, the applicant should be reminded that it is an offence to kill, injure or disturb a bat and to destroy any place used for rest or shelter.

OTHER CONSIDERATIONS

There is a path (um) present on the ordnance survey map that follows a route from Rakeway Road and would run across the front of the proposed garage. The County Rights of Way officer has been consulted, there is no objection to the proposal and there is no suggestion that the route is a definitive public right of way. It maybe that Hanson UK has a private or civil right of way across the land to woodland at the rear, this is essentially a civil matter and would not appear to be affected by the proposed development. Hanson UK are aware of the applicants intentions and have not raised objection or claim ownership of the unregistered land. A notice in the local paper and a planning site notice have not prompted any claim to the unregistered land or objection to the proposal.

However, the County Rights of Way Officer has also drawn attention to an application under Section 53 of the Wildlife and Countryside Act 1981 to add to the Definitive Map of Public Rights of Way in this vicinity (An alleged public footpath at Rakeway Head, Cheadle - Application reference: LF604G). The application does appear to relate to a provisional or alleged route that runs centrally through the applicant's ownership and the application site. It appears that this route would be adjacent to the proposed garage and that the development would not cause obstruction or prevent the alleged route from being adopted or provided on site.

An informative should be attached to any decision notice bringing this matter to the applicant's attention and advising them of their obligations and liabilities in respect of that.

CONCLUSION / PLANNING BALANCE

The development would meet a specific housing need for an existing householder in an 'other rural area'. The development would be well designed to respect local distinctiveness and the character of the existing cottage and rural area. Despite the development's location outside of the dwelling's original curtilage, it would not lead to a *prominent* intrusion into the countryside. Although there is proximity to protected trees and potential habitats the applicant's evidence demonstrates that the development can be carried out without harming protected trees or species. There would be no conflict with those local plan policies listed above.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date: 25/03/2022

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council