

DELEGATED DECISION REPORT

SMD/2021/0612
Valid 21/09/2021

SMITHY FARM COTTAGE
BLAKELEY LANE
DILHORNE

RETROSPECTIVE
APPLICATION FOR
RETENTION OF
HARDSTANDING

(FULL - MINOR)

MAIN ISSUES

Impact on the Green Belt and the Character and Appearance of the Area

DESCRIPTION OF SITE

Smithy Farm Cottage is a semi-detached property which lies on the northern side of Blakeley Lane. It lies within a cluster of buildings with the farmhouse to the north east, a further pair of semi's to the south west and Blake Lee a detached dwelling to the south west. It is accessed via a short unmade access track which serves this and the other dwellings excluding Blake Lee mentioned above.

The application site comprises of a 75 sq m, L shaped parcel of land which forms part of a small 450sq m field parcel which lies on the eastern side of the access track. The hardstanding covers 17% of the field. The land levels fall gradually across the site in a west to east direction.

PROPOSAL

This is a full application which seeks retrospective consent to retain an existing area of hardstanding. The application site has been re-graded to form a level area and a small area of hardstanding extending to some 75 sq metres has been provided and enclosed with a timber post and rail fence. The hardstanding is accessed via an existing field gate opening and is said, by the applicant, to be required to provide an appropriate level and secure area in order to serve the wider land holding.

In an email to the enforcement officer dated 21st April 2021, the applicant explained that the hardstanding was provided for parking that would not block the lane and to feed and water animals from - they intend on having some lambs in the future, to bring a tractor back to the site during busy periods, to maintain the land and their septic tank. They also say that when they have visitors the hardstanding is used for parking so that the turning circle is not blocked.

Once the application had been submitted the applicant's agent, in response to officer enquiry, provides an explanation for the purpose of the development which focuses only on uses connected to an agricultural use of the land - *"I can confirm that the hardstanding is in relation to the wider agricultural use of the field. It is to assist with loading and unloading sheep / animals – to prevent blocking the lane, to store agricultural machinery – the applicants have a tractor and livestock trailer which needs to be accommodated – storing it on a hardstanding as opposed to the field will ensure that the tyres don't perish. The hardstanding will also be used to isolate the animals*

both at time of illness but also before market, sheering etc and accordingly needs to be an area where they can stand without getting muddy/wet – the hardstanding area will achieve this”.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

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

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 11th Nov 2021
Neighbour consultation period ends: 11th Nov 2021
Press Advert: N/A

Public Comments

Two Objections have been received, the following points are raised:

Churnet Ward Cllr James Aberley - *The retrospective submission disrespects the process. The site harms visual amenity for the other residents, which are already close to a busy road. This car parking space, encourages more and larger vehicles to be accommodated on the lane with an adverse effect on the other residents with movement in and out, ultimately introducing more vehicles onto the a52.*

A neighbouring Blakeley Lane resident objects to the current misuse of green belt wildlife land, which they say now contains one third of its area as hardcore, setting a precedent for properties either side. They say that a 200 year hedge has been removed. They explain existing parking arrangements: *as you pull into this lane, the right side has historically been used for visitor parking only for one vehicle of each home. The far turning point is important and should be kept clear.* They are concerned that the parking area will increase vehicle numbers using lane and highway junction, increasing highway danger.

Parked vehicles are seen in the open green belt field from the main road, the public foot path and all five homes along the length of this lane that previously have enjoyed an open unbroken view.

All five domestic homes already have parking for two cars within their grounds and a visitor spot on the lane. Smithy Farm Cottage is a two bedroom dwelling and parking should be more than adequate. This sold off portion of land was part of the larger farm field, the two cottages were sold with field plots to increase profit. A week after the hardsurface was created, a car was parked on the hardsurface and another across the gate so it could not be blocked in, the pre-existing curtilage parking area was empty.

Additionally I am sent a photograph of an Audi car parked on the hardstanding.

Seven letters of support have been received:

The residents of the adjacent semi-detached cottage consider the hardsurface and fencing to be in keeping with the land and think that it will facilitate good upkeep and care of the paddock. They reason that, if the area was used for parking it would only help to keep the lane and turning space clear of cars.

A local delivery driver who regularly delivers to Blakely Lane properties explains that when cars are parked in the land this prevents him from turning around and that since the hardsurfaced parking area has been provided turning space has increased.

A visitor to the applicant's property [*possibly a family member*] supports the alterations made that he says help to maintain the parcel of land. The land can be grazed by sheep and the hard standing helps corral the animals, give firm footing helping in hoof care and to allow access for small farm machinery.

A visitor to the applicant's property [*possibly a family member*] supports the application saying that the hard standing was created for occasional parking of one car whilst they had visitors and that the hard standing also gives safer access to maintain a septic tank and helps deal with animals on the land.

A "regular visitor to the property and agricultural consultant to the applicants" can see no reason as to why the hardcore is going to have a negative impact at all. They don't think that it creates a highway danger and say that actually it allows more room for the cars to pass. They say that they are working with the applicant to investigate ways of improving biodiversity.

A visitor to the site says that by taking out the hedge and replacing with fencing and a gate they have gained better access for deliveries, maintenance on the tank if necessary and also better access to the land with a lawnmower etc. They say the applicants are both from farming backgrounds and I believe they would take due care and attention to access beyond their house with larger/agricultural vehicles. The hardcore at the front of the property is no more than a car width, the improvements are for the better and in keeping with the surrounding countryside and should not affect the surrounding properties.

The owner of the new barn conversion opposite the land has not seen an impact from this change and the ground is kept tidy.

Town / Parish Comments

Kingsley PC: Object, encroachment into the Green Belt

Dilthorne PC: Object, encroachment into the Green Belt

Ramblers Association

Footpath 25 runs close to the development and should not be blocked.

OFFICER COMMENTS**Impact on the Green Belt**

The development has occurred in the Green Belt, where it is inappropriate and, by definition, harmful, unless it is provided for by one of the exceptions that appear on the closed lists at paras. 149 and 150 of the NPPF. Para 149 provides mainly for certain types of building, however, para. 150 provides for, in particular, engineering operations and material changes of use that preserve the openness of the Green Belt and do not conflict with purposes of including land within it. One of those purposes is to safeguard the countryside from encroachment.

The operation to construct the hard surface, involving excavation machinery, might reasonably be described as an engineering operation. It is clear from the evidence given by the applicant, objectors, and those that have written in support, that the hard surface is provided as a parking area for at least two vehicles. Whether these vehicles are the cars belonging to the applicant or their visitors, they will appear to the edge of the field on the other side of the boundary with the private lane. Previously undeveloped land free from development or structure, would become frequently occupied for prolonged periods by vehicles with obvious harm to openness and encroachment into the countryside. If as the applicant says they are to introduce a tractor and other machinery to the hard surface, then, to my mind, that will only compound the issue and cause further encroachment and harm to openness.

For these reasons the engineering operation does not preserve the openness of the Green Belt and conflicts with one of the purposes of including land within it and amounts to inappropriate development. There is conflict with the NPPF and policy SS10 of the Local Plan in these regards.

The benefits advanced by the applicant - parking to alleviate congestion on the private lane and an area to assist with the agricultural use of land, does not clearly outweigh the substantial weight attributed to the harm to the Green Belt and those other harms discussed and identified below. This is particularly because the applicant's small two bed cottage already has standard parking provision and the development as a means of assisting agricultural activity would appear disproportionate on a field parcel limited to 450 sqm.

***** ADENDUM**

In response to a likely refusal, the applicant's agent has suggested that they would accept a condition that restricts the use of the hard surface to the penning, unloading and loading of animals and as a transitional arrangement to the open field; and prevents the parking of vehicles/equipment etc.

That would be a significant deviation from what the evidence suggests was the original intention for the purpose of the hard surface. The hard surface has an edge with a step off, it doesn't serve as a transitional surface within the access of the field or seem particularly helpful as an 'animal standing' area for unloading and loading. Regardless of whether the hard surface is used for either agricultural purposes or domestic parking, the test in the Green Belt is that an engineering operation should preserve openness and not cause encroachment. As a raised surface pushed out into the field the surface has a structural edge, this causes encroachment and harm to openness that would be exacerbated if it were used to pen animals. It is also considered, particularly as the hard surface is so well positioned to assist domestic parking and that there was some intent to use it as such, that in practice it would be difficult to eliminate all prohibited uses and to enforce such a condition.

The development is inappropriate in the Green Belt, the applicant's suggested condition would not introduce merits that would serve to clearly outweigh the harm to the Green Belt.

Impact on Character and Appearance

The operational development, as a band of hard surface to the edge of the field, does not, in itself, appear significantly prominent or intrusive within the landscape or countryside. From distance its presence is diminished within undulating land profiles, with views across and over hedgerow and other means of enclosure, it lies against the back drop of a higher land level and the cottages to the west. However, it is unfortunate that the stretch of hedgerow has been removed because this has exposed the bottom edge of the dwellings, adjacent buildings, the turning area at the head of the private lane, and their gardens and parking areas.

Similarly, when the hard surface is in use as a parking area or for storage relative to either the household or an agricultural activity, its presence becomes greatly increased, and those vehicles or items are exposed, elevated against the level of the surrounding field. The area becomes intrusive and apparent with obvious encroachment beyond the containment and enclosure of pre-existing development, with detriment to the character and appearance of the area and in those respects the development leads to prominent intrusion into the countryside and conflict with policies SS10 and DC3 of the Local Plan.

Amenity of neighbours

It is not considered that the hard surface has reduced the privacy of residential neighbours or would cause harm through noise and disturbance. Parking is not in itself a noisy activity. There appears to be some concern about the noise that animals on the land might make, however, animals could be kept on the land without planning permission or without the hard surface in place.

Highway Safety

The applicant and some of the supporters suggest the provision of the hard surface can only alleviate congestion on the private lane. However, the objectors describe a situation where the applicant or their visitor parks a car on the hard surface and then park a second car across the gate to prevent it from being blocked in by others, who might park to the side of the lane. This means that the car parked in the lane, covering

the gate space, rather than the space within their dwelling's curtilage, causes an obstruction within turning space.

While there is some appreciation for the point that is made, the lane is private and residents must use it in cooperation with each other, on occasion a visitor or a delivery driver may need to park to the side of the lane perhaps making arrangements more awkward. Each of the dwellings have standard compliant parking provision within their dwelling's curtilages and the lane provides for turning, passage, and the occasional visitor parking with appropriate cooperation. If the hard surface were used only to serve the dwelling and its visitors, this would not obviously increase vehicle movements along the lane or a highway danger at the access with the road.

Impact on biodiversity

Clearly by taking out the hedgerow the applicant would have had some adverse impact on biodiversity by removing established and mature habitat that cannot be easily replaced. I am unable to determine under the terms of this application whether this has resulted in a criminal offence, it does not appear as though the LPA was notified before the hedge was removed. The LPA may still be able to take action separately in respect of this.

CONCLUSION / PLANNING BALANCE

The development is inappropriate in the Greenbelt, it would not preserve openness and would conflict with one of the purposes of including land in the Green Belt. There would be harm to the character and appearance of the area with prominent intrusion into the countryside. The development would be contrary to the terms of the NPPF and Local Plan Policies SS10 and DC3.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 15th June 2023

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council