

DELEGATED DECISION REPORT

SMD/2022/0242
Valid 12/05/2022

PARK HAYES FARM
BLACKWOOD HILL LANE
GRATTON
ENDON

REPLACEMENT DWELLING
(FULL - MINOR)

MAIN ISSUES:

- Principle of Development
- Impact on Green Belt
- Impact on Visual Amenity/Design
- Impact on Neighbouring Amenity
- Impact on the Ecological Value of the Area
- Impact on Highway Safety

DESCRIPTION OF SITE:

The proposed site comprises a detached stone, render and tile dwellinghouse and its associated curtilage, situated in the Horton ward. Additionally, the proposed site is on greenbelt land, where only development of special exemption is usually allowed. The Horton 62 Public Right of Way runs along the North and East curtilage of the site, branching off into the Horton 0.1769 Public Right of Way heading East. The closest neighbour at the address The Ostlers Cottage, Blackwood Hill Lane is situated to the North-West of the site and Blackwood Old Hall Farm, Blackwood Hill Lane is located to the North. Both of the aforementioned neighbours are separated from the site by pockets of open greenbelt countryside. The curtilage of the site adjoins an area of open greenbelt land to the South. The Blackwood Hill Lane highway runs adjacent to the proposed site on the North-West.

PROPOSAL:

Consent is sought for a replacement dwelling.

This is a full application for a replacement dwelling which is proposed as a two storey detached dwelling.

The footprint of the proposed replacement dwelling is 143 sq. metres, with a floor area of 243sq metres and an overall ridge height of approx. 8m. The new dwelling will comprise of 4 bedrooms all served with en-suites, an office, lift and utility room at ground floor with a large open plan living space above with separate storage space and pantry above. A single parking space will be provided to the side of the dwelling whilst two further spaces will be provided in the area currently used.

Amended plans have been received since the original submission.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES:

Staffs Moorlands Local Plan (adopted September 2020)

SS10 – Other Rural Areas Strategy
H1 – New Housing
DC1 – Design Considerations
NE1 - Biodiversity

National Planning Policy Framework (Revised July 2021)

Sections 5 (Housing), 12 (Design), 13 (Green Belts) and 16 (Natural Environment).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS:

HNT/2021/0030 – Proposed single storey rear extension measuring 8.00m beyond the rear wall of the original dwelling, 4.00m maximum height and 2.30m height to eaves. HNT-PD.

SMD/2021/0736 – Application for a lawful development certificate for a proposed use for single storey side extensions and two storey rear extensions. CLUP-APP.

CONSULTATIONS

Publicity

Site Notice expiry date: 07/07/2022
Neighbour consultation period ends: 01/07/2022
Press Advert: 16/06/2022

Public Comments

No representations received within consultation period.

Town / Parish Comments

No comments have been received.

HCC Highways

The proposal will not have a detrimental impact on the Highway and therefore there is no objection.

Environmental Health

No objection subject to conditions.

Staffordshire Wildlife Trust

No objection – subject to conditions.

Severn Trent Water

No objection.

SCC (Public Right of Ways)

The Design and Access statement acknowledges that Public Footpath No.62 and Public Footpath No. 0.1769 Horton Parish run through the farm, although they are not depicted on any of the plans.

The attention of the developer should be drawn to the existence of the path/s and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. If the path/s do need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath/s to allow the development to commence. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path/s are still able to exercise their public rights safely and that the path/s are reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath/s must be kept in a state of repair such that the public right to use them can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.

The applicant needs to be reminded that although the access road to the property is private, the fact that the route is a public highway (footpath) takes precedence. The use by private vehicles is subject, and subordinate to, the public's right. In other words pedestrians have a public right and vehicles need to give way to them not the other way around.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Ramblers Association

No objection.

OFFICER COMMENTS:

Principle of Development and Impact on the Green Belt

Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but then goes on to list a number of exceptions. The bullet points relevant to the determination of this application are as follows:

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

The first question is whether the proposed development results in a disproportionate addition over and above the size of the original building. The planning statement provided with the application helpfully outlines the size of the existing dwelling and the proposed dwelling. With regard to the replacement of the dwelling, it is considered that floorspace calculations of the existing dwelling and proposed dwellings would be an appropriate method of determining if the replacement would be materially larger than the existing. The current dwelling has a total floorspace of 132.5 square metres. The proposed would have 243 square metres. This would represent an enlargement of approximately 59% of the existing dwelling. It is therefore considered that the proposed development would nonetheless result in a disproportionate addition over and above the size of the original building as per Paragraph 149 of the NPPF.

However, Very Special Circumstances exist for the application site as there is a lawful fall-back position. There have been two applications approved at the application site:

- 1) HNT/2021/0030 – Proposed single storey rear extension measuring 8.00m beyond the rear wall of the original dwelling, 4.00m maximum height and 2.30m height to eaves. HNT-PD.
- 2) SMD/2021/0736 – Application for a lawful development certificate for a proposed use for single storey side extensions and two storey rear extensions. CLUP-APP.

Both applications have been approved, however have not yet been built nor have works started.

The application proposes a replacement dwelling which is materially larger than the existing dwelling. However, the application site benefits from permitted development rights, whereby the two applications that have been previously approved would have a larger floor area than what is proposed under this application for planning permission. It is also realistic that if the proposal was refused, the existing dwelling would be likely to be enlarged under permitted development rights, especially as two applications have been previously approved.

It is also considered that the proposed extensions to be built under permitted development rights would sprawl against the elevations of the existing dwelling and would have a harmful impact on the openness of the green belt in comparison to the development proposed under this planning application.

The mass and bulk of the proposed dwelling are considered acceptable on all elevations, there is an increase in floor space, mass and bulk, however this does not significantly disadvantage the openness of the Green Belt over and above what could be built under permitted development.

Overall, I consider that the proposed replacement dwelling would be inappropriate development. However, given the above and the fall-back position, it is concluded that very special circumstances exist that weigh in favour of granting permission.

Impact on Visual Amenity and Design

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. In particular, the policy requires the development to be of a high quality and add value to the local area, incorporating *materials* appropriate to the character of the area.

Section 12 of the NPPF places emphasis on the requirement for development to achieve good design and that good design is a key aspect of sustainable development. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The SPD guidance says that "The key to a sensitive approach is to take note of what is there already before preparing the design and to work with the building's character"... "New buildings should use facing materials that either match or complement those of the surroundings".

The adopted Staffordshire Moorlands Design Guide 2018 sets out the parameters which new development should respond to.

Paragraph 3.8 states:

A new building should respect the scale of those surrounding it. Jumps in scale can sometimes be acceptable and can be justified if the development occurs at key locations such as on corners or at the end of vistas.

Paragraph 3.9 states:

New buildings should use facing materials that either match or complement those of the surroundings. Under certain circumstances, new materials can sometimes be used as a foil to more traditional materials to highlight and bring out other qualities.

Development in the area is generally characterised by houses which are traditional in form, comprising of other large detached farmhouses. The character of the area, is

considered to be quite strong in terms of traditional forms, architectural details and the application of facing materials.

The dwelling is set back from the road which reduces its prominence on approach and the application property is located along a street where there are minimal vantage points, furthermore due to a large amount of shrubbery and trees in the area the application site is not readily viewable from Lask Edge Road. The proposal includes a number of alterations to the dwelling increasing the footprint and roof height of the existing property. At present the existing dwelling provides a modest sized two storey detached dwelling. The proposed dwelling is to be a two-storey detached dwelling which is the same as the existing and therefore is considered acceptable. The dwelling is of a larger footprint, however this has been assessed above in the green belt section above and is considered acceptable. The orientation of the proposed dwelling is slightly different to the existing, however this will not have a detrimental impact on the character or appearance of the street scene or area. The proposed roof form of the dwelling is not too dissimilar to the existing dwelling and therefore will not have a detrimental impact in comparison to that existing on site. The proposed materials are also considered to compliment the surrounding area and is therefore considered acceptable. The proposed dwelling has similar characteristics as the existing dwelling in terms of materials, details or roof style.

Overall, the proposed development would positively contribute to the character of the host dwelling and the visual amenity of the area.

Impact on the Ecological Value of the Area

The Bat Activity Surveys revealed small numbers of two different species of bat present emerging and re-entering during the activity surveys. A Bat Method Statement with measures to remove roosts and protect bats during the demolition and replacement dwelling is built has been approved by Staffs Wildlife Trust (SWT). This includes Bat mitigation proposals, Bat sensitive lighting scheme and a GCN RAMs method statement. These measures were ultimately approved by SWT as appropriate mitigation measures by securing a condition to the decision notice.

The local planning authority must also consider if a bat licence is likely to be issued by Natural England. Three tests need to be passed in order to gain a bat licence. These are as follows:

1. The activity (i.e. the proposed development) must be for a certain purpose - for example, for scientific research or in the case of development, 'preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment '
2. There must be no satisfactory alternative that will cause less harm to the species
3. The activity must not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Staffordshire Wildlife Trust were consulted on the application and stated:

“Having reviewed the evidence presented with regard to the 3 tests under the Habitat Regulations it is felt the proposals do meet tests 1 and 2.

Current guidance now advises that householder need not provide a reasoned statement.

However, the need to upgrade the existing dwelling to an energy-efficient building would appear to be of public interest in social and economic terms, and have beneficial consequences of primary importance for the environment in helping combat climate change in the long term.

Regarding satisfactory alternative, the extensions and repairs already permitted would result in a similar impact to bats, and so would not present a less harmful option”.

A government update on 22nd December 2022 states that Reasoned Statements to demonstrate that Test 1 and Test 2 can be passed are needed to accompany a Bat Protection Licence but that there are exceptions to this requirement. There is no requirement to submit Reasoned Statements to gain a Bat Protection Licence for this development. Therefore the Council does not need to consider if the proposal would pass the three tests. I therefore consider that as appropriate protection and mitigation measures have been approved by SWT that the proposal would therefore comply with Policy NE1.

There would no significant harm to the ecological value of the site or surrounding area with the safeguards and appropriate conditions put in place.

Impact on Neighbour Amenity

Given the plot size and location of the development, the proposed extension would not adversely impact the neighbouring properties.

Impact on Highway Safety

As there is already a dwelling on site that has not been abandoned, the proposal would not lead to a significant increase in vehicle movements along the lane. The vehicular access is as existing. There is ample space on the site for cars to park and turn and the parking provision accords with the Council's parking standards. The proposal would therefore not lead to any highway safety problems.

CONCLUSION / PLANNING BALANCE:

In consideration of all the above the application is recommended for approval.

OFFICER RECOMMENDATION : Approve

Case Officer: Nicole Quinn

Recommendation Date: 20/03/2023

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council