

PLANNING STATEMENT

**MOORSIDE FARM
KINGSLEY MOOR**

JANUARY 2024

Site Address:

Moorside Farm, Clamgoose Lane, Kingsley Moor, Staffordshire, ST10 2EG

Applicant:

Mr. D. Titterton

Proposal:

Retention of outbuilding, change of use of land to residential use and
reinstatement of other residential land to agricultural use

Planning Statement:

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Report Prepared By:

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1 Introduction

- 1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. D. Titterton. Whiston to seek planning permission for the retention of a domestic outbuilding at Moorside Farm, Clamgoose Lane, Kingsley Moor, along with associated changes of use of land.
- 1.2 The proposed outbuilding has been constructed to the west of the existing dwellinghouse and comprises a modest structure occupying a footprint of 11.9 square metres and standing to a ridge height of 3.9 metres. It stands in close physical proximity to the dwellinghouse and is constructed from a brickwork plinth, with timber cladding above, and a grey tiled roof. The building has already been constructed so the proposal is part-retrospective.
- 1.3 The siting of the outbuilding has encroached beyond the domestic curtilage of the dwellinghouse that was approved under the previous application for the erection of a replacement dwelling on the site (SMD/2020/0237). To offset that encroachment, the application proposes to change some 67 square metres of the previously approved domestic curtilage into agricultural use. By resultant effect the net area of domestic curtilage on the site will be no larger than that which has already been previously approved.
- 1.4 Along the western / northwestern boundary of the site it is proposed to plant an indigenous, mixed species hedgerow as detailed on the submitted Site Plan to provide enclosure to the garden.

2 Site Location

- 2.1 The application site lies within the North Staffordshire Green Belt and comprises a recently constructed detached two storey dwelling set within a substantial curtilage. The land beyond the northern site boundary drops away in a northerly direction affording impressive views over the landscape beyond.
- 2.2 A cluster of portal framed buildings are located to the west of the site, with hedgerows and walls enclosing the other boundaries of the site. Vehicular access to the site is taken direct off Clamgoose Lane to the south, with a bank of mature trees enclosing the eastern side of the access.
- 2.3 Public Footpath Kingsley 21 runs along the southeastern boundary of the site, and will be unaffected by the proposed development.

3 Planning Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The Development Plan for this area comprises the Staffordshire Moorlands Local Plan (2020) of which the following policies are considered to be of relevance:

3.2 Policy SS10 of the Local Plan relates to the 'Other Rural Areas Strategy' and states that these areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. The policy confirms that the Council will allow extensions or additional domestic outbuildings to existing dwellings provided they are appropriate in scale and character and do not have a detrimental impact on the existing dwelling and the character of the rural area. The policy also states that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

3.3 Policy DC1 of the Local Plan relates to 'Design Considerations' and states that all development shall 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, new development should (amongst other requirements):

- be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area.

- be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance.
- protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.

3.4 Policy DC3 of the Local Plan relates to 'Landscape and Settlement Setting' and states that the Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by (amongst other requirements:

1. Resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence.
2. Supporting development which respects and enhances local landscape character, and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character evidence.
3. Supporting developments which conserve or enhance the biodiversity qualities of any natural or man-made features within the landscape, such as trees, woodlands, hedgerows, walls, watercourses or ponds.

4 Other Material Considerations

National Planning Policy Framework

- 4.1 The National Planning Policy Framework seeks to secure the delivery of sustainable development and sets out policies, *inter-alia*, in respect of safeguarding the Green Belt. The content of the NPPF has been taken into account in the preparation of this application.

Appeal Decision 3242026

- 4.2 The above appeal decision related to a previous application on the site for the erection of a replacement dwelling (SMD/2019/0521). The appeal decision established some important principles with regards to assessing the size of replacement dwellings in the Green Belt. Reference is made to this appeal decision within the Planning Assessment.

Applications SMD/2020/0237 and SMD/2020/0643 – Moorside Farm

- 4.3 The above applications followed on from the dismissal of appeal 3242026 and granted consent for the erection of a replacement dwelling on the site. Reference is made to these consents and the dimensions of the replacement dwelling within the Planning Assessment.

SMDC Landscape Character Assessment

- 4.4 The Landscape Character Assessment confirms the site to be located within the Ancient Slope and Valley Farmlands character type. The content of the Landscape Character Assessment has been taken into consideration in the preparation of this application.

5 Planning Assessment

Impact on the Green Belt

- 5.1 The application seeks planning consent to retain an outbuilding that has been created within the domestic curtilage of Moorside Farm, along with a change of use of land to and from residential use. The site is located within the Green Belt.
- 5.2 Policy SS10 of the Local Plan makes provision for the erection of additional outbuildings within the rural areas, provided they are appropriate in scale and character and do not have a detrimental impact on the existing dwelling and the character of the rural area. The outbuilding is very modest in scale and has a wholly subservient relationship to the host dwelling, and as discussed later in this statement does not have a detrimental impact on the existing dwelling or the character of the rural area.
- 5.3 Policy SS10 of the Local Plan nevertheless also confirms that strict control will be exercised over inappropriate development in the Green Belt, allowing only for exceptions as defined by Government policy.
- 5.4 Paragraph 154 of the National Planning Policy Framework makes provision for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling. The original dwelling is defined by the glossary to the National Planning Policy Framework as comprising the dwelling as it existed on 1st July 1948, or the date it was originally built if after that date.
- 5.5 The judgement in *Guildford Borough Council v Secretary of State for Levelling Up, Housing and Communities & Anr [2023]* serves to confirm that for the purposes of this assessment the original dwelling should be taken as that

which existed on 1st July 1948, rather than being based on the replacement dwelling that has been subsequently constructed.

- 5.6 The previous appeal decision on this site (Appeal Ref. 3242026) served to confirm the footprint and volume of the original dwellinghouse, and also found that it was correct and appropriate to include a number of original domestic outbuildings in that calculation. The original buildings were held to have by the Planning Inspector to have a total footprint of 155 square metres and a volume of 694 cubic metres. Those figures form the baseline of the assessment of this proposal.
- 5.7 The replacement dwelling subsequently approved under applications SMD/2020/0237 and SMD/2020/0643 had a footprint of 117 square metres and a volume of 673 cubic metres and was therefore materially smaller than the 'original' buildings.
- 5.8 The proposed outbuilding has a modest footprint of 11.9 square metres and a volume of 34.9 cubic metres. The footprint of the replacement dwelling plus the outbuilding amounts to some 128.9 square metres, which continues to represent a reduction in footprint comparative to the original dwelling (minus 16.2%). The volume of the replacement dwelling plus the outbuilding amounts to 707.9 cubic metres, and thus represents an overall increase in volume of just 2% over and above the size of the original building. These calculations are summarised in Figure 1 for ease of reference:

Figure 1 – Summary of Footprint & Volume Calculations

	Original Building	Dwelling + Proposal	Difference
Footprint	155m2	128.9m2	-16.2%
Volume	694m3	707.9m3	2.0%

- 5.9 When considered against the size of the original dwelling itself, discounting the reduction in size arising from the replacement dwelling, the outbuilding represents an increase in footprint of 7.6%, whilst in volume terms it amounts to an increase in size of just 5% over and above the size of the original building. Whichever assessment one applies, the proposal does not amount to a disproportionate addition.
- 5.10 Whilst the outbuilding is detached from the dwellinghouse, it can still be considered as an 'extension' on the grounds that it constitutes a normal domestic adjunct. Attention is drawn in this regard to the judgement in *Sevenoaks District Council v SSE and Dawe [1997]*. In that particular case a Planning Inspector had concluded that an extension to an existing outbuilding amounted to an appropriate form of development within the Green Belt as an extension to the dwelling. The Local Authority disagreed and challenged the decision, claiming that the proposal amounted to inappropriate development on account of the building being a detached outbuilding and not an extension to the dwelling. The judge held that:

*"The inspector was fully entitled to hold that **the garage was part of the dwelling, in the sense that it was a normal domestic adjunct, and thus to treat the appeal proposal as an extension of it.** The words 'extension of existing dwellings' are certainly capable, in my judgement, of having that meaning, and he was entitled to form his opinion in determining this matter in that way. The garage is an important domestic adjunct, just as the coal shed was in earlier days and, for example, an outside playroom often is. **The mere fact that any of these uses is physically separated from the main house does not prevent them from being part of the dwelling.** It is a matter of fact and degree in every case" (our emphasis)*

- 5.11 The outbuilding in this case, whilst physically separate from the main dwellinghouse, lies in close physical proximity to it (3.9 metres) and is utilised for purposes that are incidental to the enjoyment of the dwellinghouse. The outbuilding can therefore be reasonably concluded to amount to a normal domestic adjunct.
- 5.12 The very modest increase in the volume of the building comparative to the original dwelling does not amount to a disproportionate addition and consequently the outbuilding amounts to an appropriate form of development within the Green Belt. This aspect of the proposal consequently meets the requirements of paragraph 154 of the National Planning Policy Framework and policy SS10 of the Local Plan.
- 5.13 The second element of this proposal is the material change of use of a parcel of land upon which the outbuilding is partially sited. Paragraph 155 of the National Planning Policy Framework allows for the material change of use of land provided that the resultant development does not impact upon the openness of the Green Belt or conflict with the five purposes of including land within it.
- 5.14 The applicant recognises that the garden area / curtilage of the property has been enlarged beyond that which was approved under the previous applications for the replacement dwelling on the site (SMD/2020/0237 and SMD/2020/0643). However, to off-set that additional impact the applicant proposes to remove some of the approved garden area / curtilage from the site and change that land into agricultural use.
- 5.15 The area proposed for change of use into agricultural use is the same as that which has been changed to residential use, and consequently there will be no net increase in the amount of domestic amenity space / curtilage as a consequence of the proposed development. By resultant effect there will be

no greater impact on the openness of the Green Belt, nor any conflict with the five purposes of including land within it beyond that which has already been approved.

- 5.16 The change of use of the land from agricultural use to residential use is consequently held to constitute an appropriate form of development within the Green Belt in accordance with paragraph 155 of the National Planning Policy Framework and policy SS10 of the Local Plan.

Impact on the Landscape

- 5.17 The application site forms part of the Ancient Slope and Valley Farmlands character type as defined by the Local Authority's Landscape Character Assessment (LCA). The LCA describes the key characteristics of the landscape as comprising:

- Strongly undulating or sloping landscape cut by small scale steep sided stream valley.
- Small scale mainly ancient irregular fields bounded by trees and hedgerows.
- Extensive views from higher ground
- Intimate wooded valleys
- Stone buildings and drystone walls towards uplands
- Isolated properties
- Narrow winding lanes
- Parklands
- Quarrying

- 5.18 The LCA also identifies a number of incongruous landscape features which include electricity pylons, replacement of hedgerows and drystone walls with

fencing, busy roads, quarry and mining activities and localised industrial and residential development.

- 5.19 The outbuilding has not resulted in any material harm to the character and appearance of the landscape, and has a diminutive scale and close physical association to the host dwelling. Whilst it is visible from the nearby public footpath, views of the outbuilding are filtered by existing boundary treatments, and are also viewed in the context of the portal framed buildings in the background which also serves to limit the impact of the development on the character of the area.
- 5.20 The proposed change of use of the land will likewise not result in any harm to the character and appearance of the area, with the development resulting in no net increase in the area of domestic curtilage on the site. The proposed development consequently derives no harm to the character and appearance of the surrounding area or wider landscape and meets the requirements of policies DC1 and DC3 of the Local Plan.

6 Conclusion

6.1 The submitted proposal constitutes a sustainable form of development having regard to the following conclusions:

- The proposed outbuilding is appropriate in scale and character and does not have a detrimental impact on the existing dwelling and the character of the rural area.
- The proposed outbuilding constitutes a normal domestic adjunct and will not result in disproportionate additions over and above the size of the original dwelling. It therefore constitutes an appropriate form of development within the Green Belt.
- The proposed change of use of the land from agricultural to residential use, and associated off-setting to return some residential land to agricultural use, will not impact on the openness of the Green Belt or conflict with the five purposes of including land within it. It therefore also constitutes an appropriate form of development within the Green Belt.
- The proposal does not give rise to the loss of any characteristic landscape features, nor does it comprise an incongruous landscape feature in itself, and does not have an adverse impact on the character and appearance of the area.

6.2 The proposed development is consequently held to meet the requirements of policies SS10, DC1, and DC3 of the Staffordshire Moorlands Local Plan, and guidance contained within the National Planning Policy Framework and the Landscape Character Assessment.