DELEGATED DECISION REPORT

SMD/2023/0366 **Valid 20/07/2023**	**FARLEY ROUGHCOTE LANE** **CAVERSWALL**	**RETENTION OF A DOMESTIC OUTBUILDING WITHIN THE REAR GARDEN** **(FULL - HOUSEHOLDER)**

MAIN ISSUES

- Principle
- Green Belt and impact on visual amenity
- Neighbour Amenity
- Highway safety

DESCRIPTION OF SITE

The application property is called Farley, Rough Cote Lane. It is a semi detached traditional house in a location outside any village. The house is by the road fronting on to it. The application site has off-road parking facilities and has a large rear garden. The application site is located within the Green Belt.

From old ariel photographs it does show buildings on the site of the application building which appear to have an agricultural character. The majority of the roof is mono pitched with a twin sloped roof on the projecting part of the L.

Consent was refused for the retention of this building in May 2023 ref SMD/2023/0138. This application is a resubmission of the previously refused application.

PROPOSAL

Consent is sought for the retention of the unauthorised erection of a single storey building with the garden of the application dwelling. The building has a pitched roof and is used as a music room, billiard room and gym. The building is L shaped the maximum dimensions of the building are as follow it is 14.7 in width by 6.9m in depth and 3.5m in ridge height.

The back wall of the building is adjacent to the boundary with the other ½ of the semi and that property has an out building on the boundary backing on to the building which is the subject of this application.

The development has not changed when compared to the previously refused application.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan

SS1 Development Principles
SS10 0ther Rural Areas Strategy
SD1 Sustainable use of resources
DC1 Design Considerations

National Planning Policy Framework

Section 13

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2018/0114 -Double garage, application withdrawn.

SMD/2004/0291 -Two storey side extension approved in 2004 and implemented.

SMD/2023/0138 - retrospective application for the demolition of existing farm building replaced with annex. – Refused

CONSULTATIONS

Publicity

Site Notice expiry date: 17.08.2023
Neighbour consultation period ends:16.08.2023
Press Advert: N/A

Public Comments

None received within consultation period

Town / Parish Comments

None received within consultation period

Staffordshire County Council Highways

No objections subject to a condition relating to the building being domestic and associated with the main dwelling.

Severn Trent Waters

No objections

OFFICER COMMENTS

Principle of Development

The application site is located outside of any defined settlement boundary on designated Green Belt land.

Policy SS 10 states that the other rural areas comprise the countryside and the green belt outside of the development boundaries of the towns and larger villages and the open countryside surrounding the smaller villages.

Specifically, Policy SS10 states that the Local Plan shall maintain the Green Belt within Staffordshire Moorlands. Strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 states that the LPA should regard the construction of new buildings as being inappropriate in the Green Belt and identities certain exceptions. The applicant's agent states that the application meets subsection D of these exceptions. However for clarity it is considered to assess the application again C and D.

Subsection C requires that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

While the application is for a detached curtilage outbuilding, inside the domestic curtilage of a house an outbuilding can be viewed for green belt restrictions as an extension of the house It is understood that a building may add 50 % to its original floor area without further additions becoming a disproportionate addition. The house has one existing two storey side extension on to the side which will be retained (Planning permission SMD/2004/0291). Further the house enjoys a rear extension which may be permitted development. What would appear was that the original floor area of the house was 116sqm. The additions to the house already (two storey

extension adds 56sqm and the other extension adds 27sqm making a total addition of 83sqm) which is greater than 50% of the original floor area. The outbuilding has a floor area of approximately 101sqm. This additional floor area is considered to be disproportionate. Thus, it cannot be acceptable in green belt policy terms if it is considered as an extension of the house.

Subsection D requires that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

The application building was constructed on the site of a building (seen on ariel photos) This building was 44.4sqm according to the plans submitted with the application. The building which is the subject of application has a floor area of approximately 101sqm nearly a 100% increase and it is therefore considered to be clearly materially larger. As the older building on site has been demolished then it may not be acceptable to regard this building as a replacement but even if that is the case then the replacement building is materially larger.

Furthermore, the previously refused application described the original building as a farm building. The applicant agent considers the original description to be erroneous and has submitted a supporting photo and statement detailing that the building was domestic in appearance. It must be made clear that the LPA were given the use of the original building as part of the development description provided within the application form. The photo does not clearly demonstrate that the building was domestic. As such in the absence of any other evidence the LPA must accept the description of the building as being a 'farm building' Therefore the domestic building now proposed is not in the same use as the building it replaces.

The NPPF also allows for the redevelopment of previously developed land provided that it does not have any greater impact on openness. However, agricultural buildings are specifically excluded by the NPPF from the definition of previously developed land and in any event for the reasons already given, there would be a greater impact on openness.

As such, the proposed development would compromise the openness of the Green Belt, which would be reduced both physically and visually. Whilst the loss of openness would be limited, harm to the Green Belt would occur. This matter carries substantial weight.

In view of the above, the proposal would amount to inappropriate development within the Green Belt, which would have an adverse impact to the openness of the Green Belt. Where there is harm arising to the Green Belt, paragraph 147 of the NPPF states that development should not be approved except in very special circumstances. Further to this paragraph 148 of the NPPF states that very special circumstances would need to clearly outweigh harm arising to the Green Belt by reason of inappropriateness and any other harm.

Evidence of Special Circumstances

The applicants agent considers that ‘ the fall-back position under Permitted Development would give rise to the same degree of harm to the Green Belt as that which the applicant has actually constructed’

Where there is a realistic fallback position, it’s essential that the decision maker compares the effect of a proposal against the effect of what other development could lawfully take place.

The question that a decision maker will ask is if planning permission were to be refused, and the ‘fallback’ would take place would it be less desirable than that for which permission is sought. The fallback for this site is the erection of a detached outbuilding of the same use and footprint but the maximum height would be 2m to be compliant with Schedule 2, Part 1, Class E of the GDPO. The roof of the outbuilding would need to be removed and reduced to a flat roof. Internally the available head room would also be reduced. Because of this it is not considered that the fall-back position of the development would have reasonable prospect of being built out. It is also considered that the proposed development has a greater impact than the fall-back position due to the 1.5m difference in height. As such there have been no very special circumstances put forward or exist that would outweigh the substantial harm identified arising to the Green Belt.

Impact on Visual amenity

The development is a single storey outbuilding. The shallow pitched roof is not in character with the existing dwelling. This type of development is reasonably commonly constructed in the residential curtilage of houses. The building is subservient to the mass of the house, it is located in a position which is away from the road, which would have limited visual effect on the street scene. Thus it is consider that its design is an acceptable addition in the residential curtilage of the house. For these reasons it is considered that the design of the outbuilding is acceptable.

However, the proposed development as described above is considered to be an inappropriate development in the Green Belt and therefore is harmful to the openness of the Green Belt.

Neighbour Amenity

The house is located in an isolated location a distance from any neighbouring properties other than the attached neighbour, Woodpecker Cottage. The outbuilding is approximately 19m away from the neighbour’s house. It has no windows facing the neighbour. A such it is considered that the outbuilding has no significant effect on the amenity of any neighbouring properties.

Highway Safety

The proposed building would be used an outbuilding associated within the main dwelling, Farley. The development does not affect the current parking arrangements

at the property. As such the highway authority have no objection to the development subject to a condition restricting the building to be being used for domestic purposes and it not be sold or let independently from the main dwelling.

CONCLUSION / PLANNING BALANCE

In the planning balance all other factors are neutral. In the effect on the openness of the Green Belt their appears to be substantial harm. Thus, the application is recommended for refusal.

OFFICER RECOMMENDATION : That planning consent be refused

Case Officer: Rebecca Bowers
Recommendation Date: 06.09.2023

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council