

Site at Roughcote Lane, Cookshill

Erection of self build dwelling including resource efficient design



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Planning statement

1.0 Determination process and the proposed development

The determination of a planning application must be in accord with section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in together with section 70(2) of the Town and Country Planning Act 1990.

Section 38(6) obliges the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which '*indicate otherwise*'. Section 70(2) provides that in determining applications the Local Planning Authority "*shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations.*"

The proposal is to erect a single dwelling as a self build project by and for the benefit of the applicant. The dwelling will be designed using proven resource efficient design techniques with the aim of low carbon living. No detailed design work on such a dwelling has yet been done as the applicant simply seeks to establish the principle of the use.

At the design stage reference will be made to the adjacent dwellings in terms for scale, siting and materials as well as overall design themes.

The site lies in the settlement of Cookshill. The site is on the Southern side of Roughcote Lane and is vacant at present and characterised by grass. There are no buildings or other structures on site and it is free of any mature tree or shrub growth.

Access to the site is likely to be via the driveway to East of the site which also serves Cookshill Hall and 2 other dwellings.

The site is surrounded by development to all 4 sides. To the North is Roughcote Lane. To the East and South are residential developments which share a common access. To the East is another dwelling (Wren Cottage)

The whole site lies at the Eastern edge of the settlement of Cookshill and is within the district of Staffordshire Moorlands.

The site has an area of approx.0.07ha and it lies within the North Staffordshire Green Belt as the plan at the rear demonstrates.

2.0 Pre-application advice

Just over 6 years ago the applicant undertook a pre-application exercise with the council. This was not acted upon by them because of personal circumstances and the impacts of the Covid pandemic.

Since that pre-application process there has been no substantive change in local and national planning insofar as the relate to Green Belt development. There has however been the introduction of policies at national level especially to promote and support the probation of self build housing.

The officer stated the following in respect of the principle of residential development in the Green Belt:

As noted, the site lies within the Green Belt. The overall aims, objectives and policies in the Core Strategy direct development to the most sustainable locations. As regards housing development, 28% of the Council's overall housing development is to be located within the 'rural areas'.

Policy SS6b seeks to control development within the 'smaller villages'. The policy states, amongst other things, housing development is restricted to that which meets local need, including affordable housing (in accordance with policy H2). Hence, in principle, unless the proposed residential development accords with policy SS6b (and H2) development of the site for residential would not be acceptable in principle in respect of Local Plan policies.

However, the NPPF allows for certain, exceptional, forms of development within the Green Belt (which are not inappropriate development). One of the exceptions (bullet point 5, para 89) includes "limited infilling in villages..." The terms 'village' and 'limited infilling' are not defined in the NPPF. However, various appeal decisions indicate a) a site can be located within a 'village' if it reads as part of the village, even if it is not specifically within a defined settlement boundary and b) 'limited infilling' tends to refer to a small gap in an otherwise built-up frontage capable of accommodating 1 No. or 2 No. dwellings.

The NPPF is a significant change in Green Belt policy since the determination of application SMD/2017/1264 and a significant material consideration should an application be forthcoming.

In addition, para 14 of the NPPF would be engaged as the Council cannot demonstrate a 5 year supply of housing land.

I consider that the site forms part of a 'village' (there is a cluster of development, within which the site lies, that is located around the north-eastern corner of Cookshill) and that the site constitutes a gap in a built-up frontage. As such, within the context of Green Belt policy as outlined in the NPPF, the principle of the proposed development would now be acceptable.

Key aspects the officer opinion are the following:

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- The NPPF is a significant change in Green Belt policy.
- The NPPF considers as appropriate some exceptions including "limited infilling in villages.
- The terms 'village' and 'limited infilling' are not defined in the NPPF.
- Precedent indicates:

□ that a site can be located within a 'village' if it reads as part of the village, even if it is not specifically within a defined settlement boundary.

□ 'limited infilling' tends to refer to a small gap in an otherwise built-up frontage capable of accommodating 1 No. or 2 No. dwellings.

The officer concluded that the site formed part of a 'village' and that the site constitutes a gap in a built-up frontage as in infilling and accordingly it can be supported.

In respect of design, flooding, minerals, highway matter and amenity the officer stated:

.....It is noted that no details have been submitted at the pre application stage. However, the matter was briefly discussed at the meeting of 07.09.2017. Any forthcoming submission would have to consist of a dwelling in keeping with the design, size, scale and materials of properties within the vicinity of the site. To achieve the required amenity distance standards such things as the siting, footprint shape, and layout/window positioning will need careful consideration. It is noted at this stage that the footprint indicated on the plan submitted is larger than the immediate neighbouring properties and the siting may not be a sufficient distance from neighbouring properties to the east and south.

.....The site is not within a flood zone. It is advised that appropriate drainage and surface water run-off details form part of any submission.

The detailed history of the site is not known at this stage. It is possible that Environmental Health will require the issue of contaminated land to be addressed. Although the site is within a Minerals Safeguarding Area I do not anticipate that the proposed development would sterilise any future minerals extraction requirements.

.....It is noted that being able to provide a safe access into the site has been questioned previously (refused application SMD/2003/1264). However, it is also noted that no details regarding access were provided with that application.

It is recommended that a statement/note and swept-path analysis are provided regarding access, turning and parking arrangements, should an application be forthcoming. Appropriate refuse storage and collection arrangements would also need to be in place.

.....As noted above, there are residential properties located to both sides and to the rear of the site. It has not been ascertained at this stage if any of the windows on the elevations of these dwellings which face the application site serve habitable rooms.

However, it appears feasible that a dwelling could be sited/oriented/designed to be able to sit within the site (adhering to standards outlined with the SPDs) without any significant impact on neighbouring residential amenity whilst also being able to provide a suitable level of amenity for future occupants.

The officer wrapped up his opinion and advise on all planning matters and concluded:

Bearing all the above comments in mind, in principle the NPPF allows for infill development in villages in the Green Belt. I consider that the site meets such criteria and therefore the principle of a dwelling on the site is now acceptable. In addition, as the Council cannot demonstrate a 5 year supply of housing land the

Core Strategy housing policies are out of date. That said, impact on the rural, countryside landscape is still a consideration. The proposal would provide 1 No. dwelling in a rural area'. Any forthcoming application would still be required to be 'sustainable' development, in all respects, and for any benefits to outweigh any identified harm. Details of design, siting, scale and materials have not yet been submitted. It appears that it would be possible to design and site a dwelling within the plot in a manner that would be acceptable within the street-scene and the character and appearance of the area. The detailed relationship with immediate neighbouring properties needs careful consideration in order to achieve satisfactory levels of amenity and to meet policy standards. Details of access, turning and parking will be required to demonstrate that such aspects do not compromise highway safety. Details of drainage and how run-off water will be dealt with are still required. I note that I am not clear of the detailed history of the site. It may be that land contamination would be a matter that would need addressing. Such an application would provide minor economic benefits and the provision of 1 No. dwelling would be a minor social benefit. If all the matters referred to can be satisfactorily addressed, I think it would be possible for an application to receive approval.

3.0 Main planning policy considerations

Staffordshire Moorlands Local Plan - Adopted September 2020

The Local Plan sets out the development strategy, strategic and development management policies and land designations for the District. It influences how and where the Staffordshire Moorlands will develop in the future. It sets out what the District Council would like to achieve in each of the main towns and the rural areas outside the Peak District National Park. The Local Plan also provides the framework for future detailed guidance to supplement the policies. Main policies to consider are SS2, SS9 and SS10.

Policy SS 2 Settlement Hierarchy

Towns – these are the largest settlements comprising of Leek, Biddulph and Cheadle which accommodate half of the District's population and the majority of the District's services and facilities. The spatial strategy seeks to focus future growth in these settlements and to strengthen their role as service centres. These settlements will be defined by a Development Boundary.

Rural Area Larger Villages – these are the most sustainable settlements in the rural areas which generally have a good local social infrastructure, some local employment opportunities and good accessibility to the towns and larger centres. These villages also have an important role in terms of serving and supporting their immediate surrounding rural areas and smaller villages. The spatial strategy focuses the bulk of the rural development in these settlements and seeks to ensure that they are sustained and promoted as service centres. These settlements will be defined by a Development Boundary. It is recognised that there is a significant range amongst these villages in terms of their size and facilities and it is proposed therefore that the scale of development in each area should be relative to their current size and infrastructure capacity.

Rural Area Smaller Villages – these villages generally have a poor range of services and facilities and it is often necessary for local residents to travel outside the village for most of their daily needs. Development on a large scale would be unsustainable in these villages, as it will generate a disproportionate number of additional journeys outside the village and may undermine the spatial strategy. However, it is recognised that these settlements have a limited role in meeting the development requirements for the District which may assist in maintaining the vitality of the smaller villages. These settlements are not defined by a Development Boundary and only limited development of an appropriate nature will be allowed. Where relevant, Green Belt policy will also apply.

Other Rural Areas – this comprises the open countryside where development is normally unacceptable and green belt where further development is generally inappropriate. Within these areas there are some groups of houses and hamlets which are not identified as 'smaller villages' because of their predominantly open character and loose-knit nature. They also contain major developed areas which may be suitable for appropriate development or redevelopment.

The site lies within the settlement of Cookshill in real physical terms. The general approach for smaller villages is to resist large scale development but to allow only limited development of an appropriate nature.

The pre-amble to policy SS9 says:

Smaller Villages Area Strategy

6.58 The smaller villages have a more limited role as service centres, but they are vital to the rural areas particularly in terms of providing for local housing and rural employment needs. A major issue for smaller villages is the loss of local population through lack of housing opportunities. The proposed strategy for the

smaller villages therefore seeks to allow an appropriate level of sensitive development which enhances community vitality.

6.59 Development on a large scale would be unsustainable in these villages, as it will generate a disproportionate number of additional journeys outside the village and may undermine the spatial strategy. Development will be strictly controlled in order to ensure that the character and life of the settlement is not undermined. Boundaries are not defined for smaller villages, however, some are set within the Green Belt by virtue of the alignment of the Green Belt boundary. Limited development, including infill will be supported subject to this policy and Green Belt policy set out in the National Planning Policy Framework.

The above re-iterates that the boundaries for smaller villages is not always defined in the plan and that limited infill development will be supported subject to local plan policy and Green Belt policy set out in the National Planning Policy Framework.

Policy SS10 says:

Policy SS 10 Other Rural Areas Strategy

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.

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 Council and its partners will achieve this through the following actions:

Meet housing requirements and specific needs by:

Restricting new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with Policy H 1;

Allowing the conversion or replacement of an existing rural building in accordance with Policy H 1;

Allowing extensions or additional domestic outbuildings to existing 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. The Council will assess schemes having regard to the original dwelling, in cases where cumulative change has occurred;

Allowing suitable development which would secure the future conservation of a heritage asset in accordance with Policy DC 2;

*Allowing rural exceptions housing (in accordance with Policies H 1 and H 3);
Allowing community facilities where that need cannot be met in a settlement within the hierarchy. In such cases the development should be in a sustainable location close to an existing serviced settlement.*

2. Sustain the rural economy by:

Enabling the limited expansion or development of business for employment uses where a rural location can be justified

Supporting the diversification of existing farm enterprises

Supporting the development of appropriate ICT and new means of communications to enable homeworking and small businesses reliant on e-technology;

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3. Enhance and conserve the quality of the countryside by:

Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape;

Limiting uses which generate a substantial number of regular trips in areas that are not well served by public transport;

Ensuring renewable energy schemes are of an appropriate scale, type and location;

Recognising and conserving the special quality of the landscape in the Peak District National Park (in accordance with Policy DC 3);

Encouraging measures which protect and enhance the biodiversity, geological resources and heritage of the District.

4. Regenerate underused major developed areas in the countryside including: Bolton Copperworks, Froghall and Anzio Camp, Blackshaw Moor (in accordance with policies DSR 5 and DSR 6).

Development of these areas shall be complementary to and not undermine the role of the towns and larger villages nor shall it undermine wider strategic objectives. It shall also avoid or minimise environmental impacts and congestion and safeguard and enhance natural and cultural assets.

Facilitating the appropriate redevelopment of other major developed areas where the proposed development brings positive benefits to the area and any resultant environmental or highways concerns could be adequately addressed and

minimised. Such proposals will be expected to provide supporting information that demonstrates clearly that the redevelopment will complement the overall development strategy for the District.

5. Enhance tourist opportunities by:

Supporting sustainable tourism developments and measures in the Churnet Valley in accordance with Policy SS 11 and the Churnet Valley Masterplan SPD;

Allowing for small-scale tourism developments in other areas (in accordance with policy E 4);

*Establishing strong linkages between recreational and tourist resources;
Recognising and developing the close linkages to the Peak District National Park.*

6. 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.

Any development proposal that might have the potential to affect a European or Ramsar Site must itself be subject to appropriate assessment.

The policy provision (6) then allows appropriate development within the Green as defined by Government policy.

National planning policy

The NPPF was last updated in 2023. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans can provide for sufficient housing and other development in a sustainable manner. Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

The NPPF address both Green Belt and the need to provide for self build housing (see para 63) plots.

The NPFF says in respect of the Green Belt:

142. 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.

143. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

It continues:

152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. 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.

154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) 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;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings),*

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which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

Accordingly then the NPPF considers under 154 (e) that limited infilling in villages is appropriate and compliant with the aims of Green Belt policy.

The NPPF is especially keen to support and prior self build Housing. It says:

63. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes

4.0 Self build obligations

In addition to aforementioned planning policies there are new duties on Councils since April 2016. These are:

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Self-build and Custom Housebuilding Act 2015:

- *keep and publicise a Register of people who want to self/custom build in their area;*
- *have regard to Register when exercising planning, housing, land disposal, regeneration functions.*

Housing and Planning Act 2016:

- *amends/supplements Self-build and Custom Housebuilding Act 2015*
- *duty on Councils to meet demand on Register by granting 'development permissions' for enough 'serviced plots' to meet demand on rolling annual basis (three years to deliver)*
- *defines what Custom and Self Build homes are and what a 'serviced plot' is*

Self-build and Custom Housebuilding Regulations 2016

Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016

5.0 Planning matters

Is the development appropriate on this site

The site lies within the North Staffordshire Green Belt. New buildings erected to provide residential development is not permissible in the Green Belt unless it is considered to be appropriate. The NPPF and adopted Local plan support such development where the site constitutes limited infilling.

In this case the size is within the village and it surrounded on 4 sides. It is for a single dwelling only and accordingly given this fact and the small size of the site is s considered to be limited in nature.

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It accordingly submitted that this proposal is compliant with national and local planning policy. This opinion echoes that of the council's own officer who stated the following in a pre-application response` ;

Bearing all the above comments in mind, in principle the NPPF allows for infill development in villages in the Green Belt. I consider that the site meets such criteria and therefore the principle of a dwelling on the site is now acceptable.

Planning policy support for self build

As set out above national planning and ended appeal precedent are supportive especially of new homes designed and built by self builders. This gives an additional planning policy reason in this sustainable village location to support the application.

Other matters

Design

The application is submitted wholly in outline with all detail matters reserved for later approval. A dwelling in keeping with the design, size, scale and materials of properties within the vicinity of the site can be designed. The required amenity distance standards and such things as the siting, footprint shape, and layout/window positioning can all be addressed at detailed stage to ensure a dwelling can be designed and built which is both suitable for the site and this location.

Highways

Access to the site is a reserved matter. However a safe and suitable driveway lies adjacent to the site and this is used by existing residents. There are no known safety issues with this access and none were raised at pre-application stage.

A home electric charging point can be installed.

Neighbour impact

It is clearly feasible given the size of the site and its juxtaposition with neighbouring dwellings that a dwelling could be sited/oriented/designed to be able to sit within the site (adhering to standards outlined with the SPDs) . This could be achieved without any adverse impact on neighbouring amenity whilst also providing a suitable level of amenity for future occupants.

Flood and drainage

The site is within a flood zone. With carefully designed sustainable drainage for the site and use of grey water harvesting a dwelling can be built which is both not at flood more like to add to flood risk elsewhere.

There are no known ground contamination or mineral or mining risks associated with this development.

6.0 Conclusion

The application is compliant with national and local planning policy with respect to new development in the Green Belt because it is an appropriate infill.

It will provide a new site for a self builder who in this case will be the applicant and this provides an additional reason to support.

There are no design or technical objections to the application either.

Taking all of the above into account and in accord with the council's pre-application advice it is the case that the development is compliant with policy and should be permitted.



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