

DELEGATED DECISION REPORT

SMD/2024/0531
Valid 14/01/2025

FIELD HOUSE FARM
DILHORNE ROAD
FORSBROOK

**RETENTION OF ACCESS TO
SERVE EXISTING DWELLING**

(FULL - MINOR)

MAIN ISSUES

- Green Belt
- Character and appearance

DESCRIPTION OF SITE

Within the curtilage of Grade II Listed Field House the application property was granted a certificate of lawful development for conversion from a then redundant former shippon to provide additional accommodation, ancillary to the existing dwelling (SMD/2017/0020). The decision report at the time shows that the intention was understood as being to create a one bedroomed self-contained annexe. The field land subject of this current application lay outside of the certificate site abutting its northerly boundary. No separate or new access was involved.



Fig. 1 (blue arrow marks the application property)

Examination of the publicly available air photo history shows some possible indication of a change first taking place in the adjacent field by May 2020 when a narrow sweep of a possible wall or fence appears. A site visit photo in connection with SMD/2023/0536 taken 22.11.2023 for change of use from ancillary accommodation to full dwelling (approved) shows a partial fence and another shows a Low Pressure Gas tank installed. The situation is more clearly seen in an air photo from 19th May 2022 (fig.1 above) in which possibly the LPG tank is visible just north of the arrow tip.

By June 2023 an increased amount of work is apparent in the field and a further air photo from May 2024 (fig. 2) shows this more clearly, including sections of the new access route running alongside and partly beneath the canopy of a line of mature deciduous trees that form a row running out to the public road on the right (east).

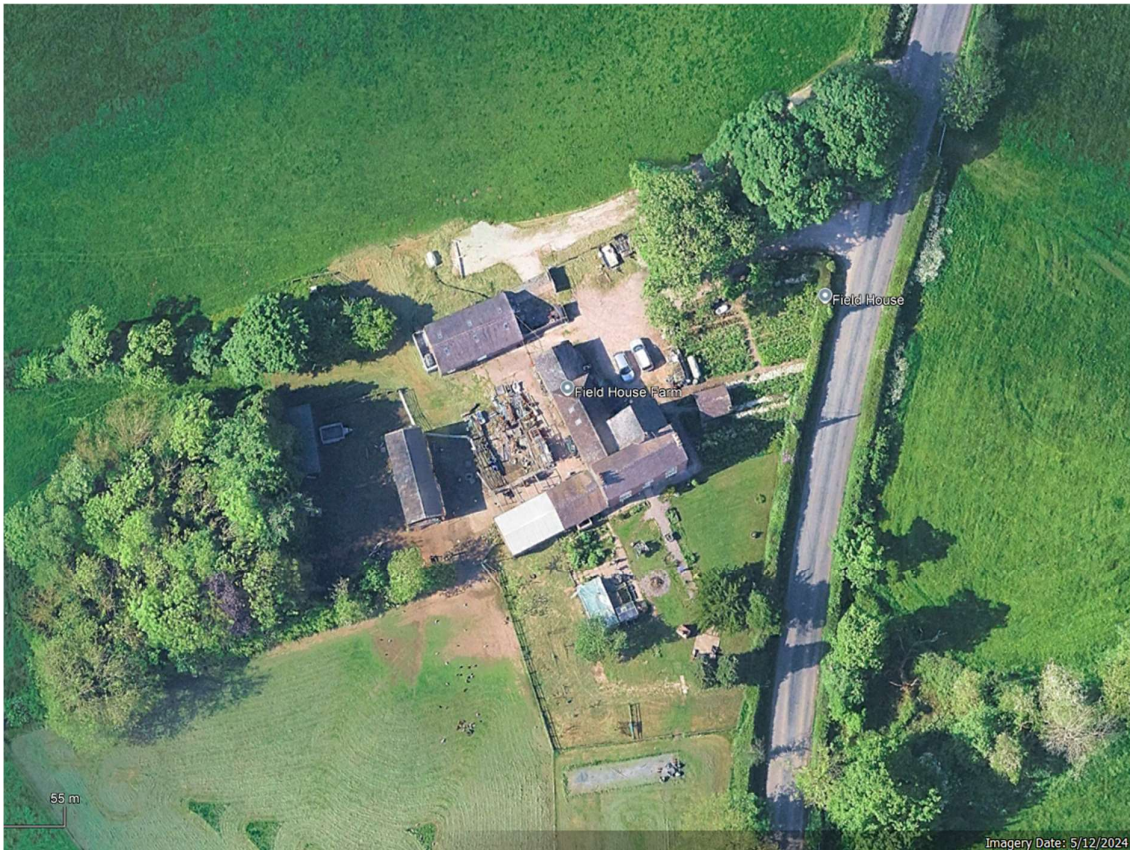


Fig. 2 – dated 12th May 2024

PROPOSAL

The LPA questioned use of the word 'formalisation' in the description of development to which the agent responded: "The term formalisation means to make something official so the track will become the access and part of the dwelling". They have declined to amend the description for example to use the word 'retrospective', but have agreed to amend the description to refer to "retention". The description makes no reference to the garden element of the application. For comparison with fig.2 an extract from the application drawing as first submitted is included at fig. 3 below. A site view as seen from the road in April 2024 is reproduced at fig.4.

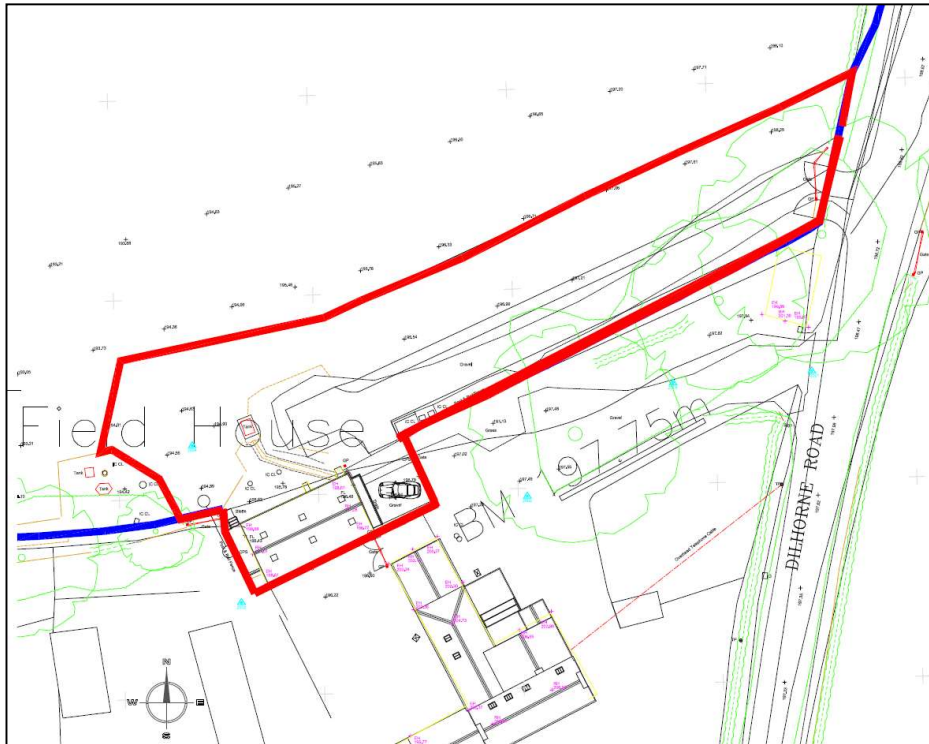


Fig. 3



Fig. 4

The LPA advised the agent that change of use to the extent shown in Fig.3 above was unlikely to be found acceptable in the Green Belt. A revised reduced proposal area has now been submitted and an excerpt of the new drawing is reproduced below at

figure 5. The scheme area enclosed by red edge scales as being approximately 274m².



Fig. 5

The application provides no information or evidence as to what was completed and when, other than the assertion that the access was made in 2023. It is not immune from enforcement action. Attention was drawn by the agent to available aerial photographs. They say, “the track was originally installed to access the septic tank at the rear of the site”.

This application seeks permission for the track to become the main access to the property so that it can have its own access, instead of using the neighbour’s access shared with that serving Field House Farm. The applicant formerly owned Field House Farm and will presumably have retained a shared ‘right of access’ without necessarily needing this second access. There is no formally submitted evidence to suggest otherwise.

A Heritage Statement accompanies the application.

BNG

PPG says: When providing reasons for the de minimis exemption, an applicant should provide sufficient evidence to support their justification. In cases where the development would be smaller than 25 square metres, the description of development, existing and proposed site plans, and the development’s area size (in square metres)

may be sufficient evidence. [It's the first sentence that is relevant here ie. the onus is on the applicant.]

From the LPA site visit it is apparent that a track access has been developed but it is also apparent that no work has taken place beyond this and land shown as garden currently remains as open field. The track can be considered retrospective and it would need to be accepted that in granting consent the statutory BNG condition cannot be applied. This is because a pre-commencement condition cannot be attached to a retrospective development. The proposal therefore has to be considered exempt from BNG requirements as set out in the PPG.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework (Dec 2024)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

03/00097/FUL [SMD/2003/0229] – conversion of redundant shippons to light industry in which the current application building formed unit 2 – approved 7th April 2003

SMD/2017/0020 – Certificate of lawful development for proposed conversion of an existing, redundant, former cowshed to provide additional accommodation, ancillary to the existing dwelling – granted

SMD/2023/0536 – change of use from ancillary accommodation to full dwelling – approved 30th May 2023

The LPA's case officer report quoted from the then Planning Agent's statement:

"The conversion of the existing building on the site to a residential annex was carried out following the grant of a lawful development certificate in 2017 (LPA Reference: SMD/2017/0020). Its existing accommodation comprises of an open plan kitchen / living space, bathroom, two bedrooms and ensuite.

"The application proposes the change of use of the building to form a stand-alone dwellinghouse. The dwellinghouse will have a gross internal floor area of 61 square metres and its accommodation will be altered to remove one of the existing bedrooms to provide a study. Otherwise the internal layout of the dwelling will be unchanged from that which currently exists. There are no changes proposed to the scale or external appearance of the building save for the insertion of obscure glazed windows in the southern elevation to replace the existing clear-glazed openings.

"To the north of the building it is proposed to provide an area of private amenity space within an existing enclosed area. One parking space is to be provided to the east of the building on an existing area of hardstanding, with **vehicular access to be shared with the existing farmhouse adjacent.**"
[emphasis added]

The approved plans were PL(0)02 location and PL(0)03 site plan.

The LPA officer report noted: The "existing enclosed area to the rear" as referred to by the agent has only come into being at some point post 2018 at which time the rear elevation wall abutted the open field. By 2020 this smaller enclosure has been apparent in air photos.

The officer report found no doubt that the proposed garden area (though limited) made the scheme inappropriate development in the Green Belt but concluded: "In this particular case the garden is found to be somewhat slight and reasonably related to the existing development at Field House. Its overall impacts given its position in the context of the existing development are somewhat minimal in terms of openness and encroachment and taken together with the benefits of a new dwelling can be accepted as providing very special circumstances sufficient to outweigh the harm in this location."

CONSULTATIONS

Publicity

Site Notice expiry date: 30.04.2025

Neighbour consultation period ends: 09.04.2025
Press Advert: 19.03.2025

Public Comments

Objection. This property was used as a storage/ commercial use for the storage of 2nd hand furniture by GFA(Greenfield Associates) Field House Dilhorne Road Forsbrook – there is no planning application for change of use. The property was then tenanted by Walk Ministries. Planning application made and granted. The building was then made solely into accommodation for staff to use overnight. The property Field House Farm was subsequently sold upon Walk Ministries vacating and relocating. The applicant sold the Farm house but retained the converted barn. As the nearest neighbour I was not made aware of application SMD/2023/0536 which was granted for the converted barn, which is now apparently known as Field House Cottage, to now be a permanent dwelling notwithstanding with the character of the listed Field House Farm dwelling. We therefore wish to object to this application on the grounds of lack of footpaths on a 60mph narrow road. The property has never been used as a separate dwelling and has always been in the curtilage of Field House Farm. It will increase traffic in the area and is on a reduced visibility bend and the proposed access is not fit for function. This is clearly an attempt to circumvent planning applications by now stating that it is a stand-alone property and if granted will be placed on the market for sale increasing number of dwellings on the greenbelt as the applicant already has his own property nearby. The property is not listed with Royal Mail as a stand-alone address. Having lived in a neighbouring property for 15 years we have never heard of a dwelling name Field House Cottage. There are no other single level dwellings in the area as all buildings are of Farm House 2 storey heritage design.

The access road and gate were created and installed without any planning application by the applicant. There was no previous gateway nor was there any hardstanding roadway to the converted barn. The entrance is on a blind bend and is hidden from the view of motorists by a small building and as such is dangerous.

Town / Parish Comments

Dilhorne Parish Council – No objection.

Severn Trent Water

No public sewers recorded at the property. Note un-mapped assets also have protection: 100mm to 225mm diameter sewers - 3m either side of the pipe, thus providing 6m protection zone across the diameter of the pipe; 300mm to 999mm diameter sewers - 5m either side of the pipe and providing 10m protective strip, across the diameter of the pipe. Any sewers greater than 999mm diameter, enjoy a protective strip of 7.5m either side of the pipe (15m across the diameter).

Staffordshire County Council Highways

Accepted subject to condition: Nothing shall be placed, constructed, planted, allowed to grow into or allowed to remain within 2.4m of the carriageway edge that is greater than 900mm in height above the adjacent carriageway level on the frontage of the

development. Anything that is greater than 900mm in height within 2.4m of the adjacent carriageway shall be immediately removed.

OFFICER COMMENTS

Principle of Development

In the Green Belt the development must be considered inappropriate unless allowed for by one of the exceptions listed at NPPF paragraph 154. Although possibly not within the spirit of what may be intended to be covered under 154h(v) the proposed garden use could potentially be considered under this exemption. The proposed access drive might properly be considered an engineering operation and thereby could be considered under 154(h) (ii). In all these cases the exempted developments are subject to a caveat. In the case of 154 (b) this reads: “as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”. For 154 (h) (ii) with regard to the Green Belt: “provided they preserve its openness and do not conflict with the purposes of including land within it”.

When considering and ultimately approving SMD/2023/0536 the LPA noted with regard to the smaller garden element then included:

Whilst the erection of a fence or enclosure (within specific limits) is permitted development, the subsequent use of the land as a garden would normally be considered to result in loss of openness and – as in the case here – does represent encroachment on the countryside. In this case the enclosed garden would be arranged in linear fashion in parallel with the building and it appears from drawing PL(0)03 to amount to about 75m². It is also somewhat tucked away round the back which will tend to limit the prominence or noticeability of the harm. These points do not however overcome the Green Belt conflict as a matter of principle and are not themselves ‘very special circumstances’ though they may perhaps play in to the ultimate conclusion.

Aside from Green Belt considerations there would also be an appearance and character impact consideration. The development of field into domestic use as garden land is often inimical to the aims of protecting the countryside. In this case the arguments about the concealment of the location, the small amount and its linear arrangement parallel to the building can more readily be advanced in favour of supporting the development.

This latest proposal as first submitted included a total site area – less the dwelling and current parking – of c.1100m². Less the garden previously accepted (75m²) this scheme would still add c.1025m² or one fifth of an acre. The area required solely for the driveway access scales from plan as being c.300m² and the application has since been revised solely to this amount (in fact to c.275m²).

Grey belt

If the application site is part of previously developed land or part of land which does not “strongly contribute” to at least one of the specified green belt purposes (a); (b); or (d) it must be regarded as grey belt.

In order to be assessed as ‘previously developed’ the land would need to have been lawfully developed. In this case only the 75m² of approved garden under SMD/2023/0536 can be classed as lawfully developed. Some development has taken place, in particular to create an access drive but this has not been carried out ‘lawfully’.

It is clear from the above and from the planning history that the site is not previously developed as defined by the NPPF.

The location however is at significant distance from any nearby towns and for this reason it is unlikely it could be said to ‘strongly contribute’ to any one or more of purposes a, b or d. It must therefore be concluded that the land is, or is part of, an area of grey belt. Even so, in order to be considered not inappropriate, the development would need to meet all the relevant tests of paragraph 155. The second of the tests (b) is for there to be a demonstrable unmet need for the type of development proposed.

In this case the type of development is domestic garden and vehicular access. However, the dwelling which would be served by these elements of the proposal already has an approved area of garden and vehicular access included as part of SMD/2023/0536. The 75m² of outdoor amenity provided in the approved development more than meets the Council’s expected minimum of 65m² stated in the adopted Space About Dwellings guidelines. With an adequate garden allocation and existing access there is nothing to demonstrate there being an ‘un-met need’. In terms of grey belt the proposal cannot be accepted as being not inappropriate.

Conclusion: as in the previous decisions at this property, creation of garden would be harmful to openness by result of all the associated impacts of its domestic use. It would therefore not be exempt under 154h(v). However, with the revision to omit garden area from the scheme the assessment turns on whether the proposed access can be considered not inappropriate by reference to 154(h)(ii), an engineering operation where openness is preserved and the development can be found not to conflict with the purposes of including land within the Green Belt. For the drive specifically it is concluded on balance that this represents a reasonable assessment – and that it is therefore not inappropriate development. There is therefore no requirement to identify very special circumstances.

Heritage

The application land is not part of the Listed Building curtilage but the dwelling, converted from the former shippon, is within the Listed Building curtilage. Though not within the curtilage, the current proposal must be considered to lie within the setting of the Listed Building.

There is a statutory duty placed on the LPA, under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the Listed Building affected, and its

setting and “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

An LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Listed Building, is conscious of the duty and has demonstrably applied it in assessing the proposal. This assessment extends to setting, the surroundings in which a heritage asset is experienced.

Historic Environment Policy DC2 of the Local Plan is to give protection to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF.

NPPF paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, “great weight should be given to the asset’s conservation”.

Paragraph 213 goes on to say that: “any harm or loss [to a heritage asset] should require clear and convincing justification.”

NPPF paragraph 215 states that: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

In the LPA’s assessment the historic significance of the Listed Building setting lies in the agrarian nature of its immediate boundary surroundings. Rural fields abut directly up to the curtilage boundary on all sides. The current proposal has the potential to disrupt this arrangement and cause heritage harm. This would be significantly more apparent if a garden was being created as first proposed. However, with the reduction of the proposal to an access lane it can be observed that the rural appearance – certainly as seen in fig.4 – remains suitably intact. There is a risk that if granted consent, permitted development rights could enable significant ‘urbanisation’. It would be critical to retain the farm-style gate and farm-style fencing in order avoid unacceptable harm to the historic setting. These are matters which need to be addressed by condition.

Design

The access is rolled hardcore rather than tarmac and this assists in maintaining the rural informality and this along with fencing and gates as noted above would need to be controlled.

Amenity

There is nothing in the application to suggest any conflict with neighbour amenity might arise.

Highway Safety

Despite the comment by the objector, the scheme can be considered acceptable in terms of highway safety given the consultation response of the Highways Authority. There would be no detrimental impact on highway safety.

Other Matters

A number of points of objection have been raised in the public representation received. These are largely addressed in the report but it can be confirmed in response as follows:

- The statutory publicity requirement for SMD/2023/0536 were met by way of site notices placed at the roadside 22nd November 2023 (see 2023 file photo 130318);
- The SCC Highways Authority consultation response considers “the proposal would not have a detrimental impact on the highway” subject to condition(s);
- Whether or not the development is made for sale on the open market is not a material planning consideration in this case;
- This application is not being made or determined with regard to any design consideration of the existing single storey shippon that already has consent. That the building is single storey is therefore not material to this decision.

CONCLUSION / PLANNING BALANCE

It is concluded that despite being within grey belt the proposal cannot be admitted as not inappropriate as it would not be providing for a demonstrable un-met need. Creation of garden would be harmful to openness by result of all the associated impacts of its domestic use, however this area of land already has planning permission by virtue of the application in 2023. It is found on balance however that creation solely of the access drive can be found acceptable as being not inappropriate development in the Green Belt by reference to NPPF 154(h)(ii).

Subject to conditions to restrict the potential domesticity and urbanisation of the development harmful to the heritage significance of the adjacent Listed Building setting the scheme can be found not to harm the heritage setting. The same is relevant and necessary in terms of minimising impact on the character and appearance of the open rural countryside more generally.

Highway visibility and gate conditions also required.

OFFICER RECOMMENDATION : Approve subject to conditions

Case Officer: Arne Swithenbank

Recommendation Date: 03.06.2025

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council