

DELEGATED DECISION REPORT

SMD/2025/0324
Valid 21/07/2025

SHAY COTTAGE SHAY LANE
FOXT

GARAGE CONVERSION INTO A
LIVING SPACE

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Principle of development
- Design and visual impact
- Amenity, including neighbour amenity
- Parking
- Coal

DESCRIPTION OF SITE

A detached dwelling located within the open countryside which benefits from off-road parking and generously sized external amenity space. The building the subject of the application is sited to the north-west of the main house, vehicular access is shared within the host dwelling. The subject building has a tiled roof, with timber walls sitting on top of a brick plinth. There are several existing window and door openings and an area of hardstanding immediately to the front of the building.

For the purposes of planning policy consideration, the application site is within the open countryside but not within the Green Belt. The site is within a high-risk, coal development area, the Churnet Valley Masterplan area and a nature conservation site. Whilst the address of the property is Foxt, the site is not within the village, it is to the north-west and divided from it by open fields.

PROPOSAL

The application proposes the conversion of an existing outbuilding to residential accommodation. The submitted plans show that the building is currently used for garaging, office and storage space provision. The proposed internal layout would include one bedroom, a bathroom, and an open-plan living/kitchen/dining area. The plan also shows a set of internal timber stairs leading to the roof space. The three existing garage doors would be replaced within timber-framed bi-fold doors and windows. The scheme shows the addition of a chimney flue to serve a proposed solid fuel stove.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan

SS1	Development Principles
SS2	Settlement Hierarchy
SS10	Other Rural Areas Area Strategy
SS11	Churnet Valley Strategy
H1	New Housing Development
DC1	Design Considerations
DC3	Landscape and Settlement Setting
T1	Development and Sustainable Transport
Appendix 2	Parking Guidance

Supplementary Planning Guidance

1. Space About Dwellings
2. Design Principles for Development in the Staffordshire Moorlands

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

National Planning Policy Framework

Including sections:

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 15 Conserving and enhancing the natural environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

06/00475/FUL Two storey side extension. Refused.

05/00705/FUL Erection of a garden room. Approved.

05/00652/FUL Replacement of existing garage/workshop with new tractor garage / workshop / office/store incorporating extension to residential curtilage. Approved.

05/00334/FUL Two storey and single storey extensions. Refused.

05/00222/FUL Replacement of existing garage/workshop to form new garage, tractor store/workshop with office above and extension to residential curtilage. Refused.

SM/2761 Extension and renovation. Approved.

SM/1745 Extension and renovation. Refused.

SM/232 Extension and renovation. Refused.

CONSULTATIONS

Publicity

Site Notice expiry date: Expired.

Neighbour consultation period. Expired.

Public Comments

- Development is too close to the boundary at 46cms, with the roof being closer at 31cms.
- The plans submitted do not give a true reflection of the distance from the shed to the boundary wall which is inches away from the adjoining properties workshop.
- There is little information in the application with regard to proposed building materials, the roof is currently wooden shale which carries a significant fire hazard being highly combustible.
- Building is a fire hazard.
- Proposed chimney will allow smoke pollution into neighbour's yard and working space and pollute air around neighbours house as the neighbour is at a lower level.
- Chimney will also impact upon residents of Black Bank Cottage which is elevated above the height of the roof line. Fumes and smoke could enter Black Bank Cottage causing an environmental pollution issue.
- Single track cannot take any more traffic as there are no passing places.
- More vehicle movements will generate more pollution in the lane.

- This is an area of ancient woodland and a nature conservation site; another dwelling will impact this.
- Garage is constructed in wood, not matching brick, stone and blue tiles like the surrounding properties.
- The building sits directly below a high voltage mains power cable.
- The current mezzanine has around a 4 foot clearance which would be further reduced with roof insulation which would only create a crawling space.

Coal Authority

No representations received within the statutory consultation period.

Ipstones Parish Council

Ipstones Parish Council considered the above application following a site meeting. Following a full discussion, Ipstones Parish Council decided to conditionally support approval of the application, requesting that the solid fuel heating be replaced by gas or oil fuelled heating. The alternative fuels being more environmentally friendly and not as unneighbourly as the log burner shown in the plans. Consideration should also be made of sewerage and wastewater disposal for the proposed development to ensure sufficient capacity is available. In addition, the Parish Councillors commented on the proximity of the development to the high Voltage overhead power lines which should also be noted both in terms of the proposed log burner chimney and safety during construction or development works.

Environmental Health

No application consultation response received.

Building Control

No application consultation response received.

OFFICER COMMENTS

Principle of Development

The building the subject of this application is situated to the north-west of the host dwelling 'Shay Cottage.' It (the application building) is a detached, timber and tile building which has several existing window and door openings of varying sizes / style. The subject building was approved under application reference 05/00652/FUL which was described as 'Replacement of existing garage/workshop with new tractor garage/workshop/office/store incorporating extension to residential curtilage.' The approval was subject to several conditions including samples of materials, removal of Permitted Development Rights, location of soakaway/septic tank and ensuring that existing parking and turning areas remained free from obstruction.

The 05/00652/FUL and 05/00222/FUL (05/00222/FUL was the initial refusal for the garage building) files show the application site boundary around the garage building. Approval of the 05/00652/FUL application essentially confirmed by default, the use of the building as ancillary domestic. The agent has submitted revised plans showing a reduction in the size of the red edge, originally, he had included all of the grassland to the west of the site within the red edge area which was incorrect as this is not curtilage land.

There are no 'in principle' objections to the use of the building for residential/living space accommodation providing that it remains ancillary to Shay Cottage, which could be controlled by condition, the reasons for the ancillary requirement are discussed later in the report.

Design and visual impact

The scheme does not propose any significant changes to the appearance of the building. The building is described on the plans as a timber-framed garage structure on a brick plinth with tiled roof. There would be some alterations to the window and door arrangement on the principal elevation and the addition of a solid fuel, stove flue. The plans do not indicate any alterations to the external roof or wall materials. There are no concerns regarding the minor changes, the character of the building remains, and the changes have no detrimental visual impact upon the site or its surroundings.

Amenity, including neighbour amenity

The application simply proposes the use of an ancillary domestic building for accommodation purposes, planning permission is not required for this. For an ancillary building there is no need for separate, private amenity space. The very nature of an ancillary building is that it will share facilities such as outdoor amenity and parking space.

In terms of neighbour amenity impact there is no change to the relationship between existing buildings, both on the site and in relation to surrounding properties. It is noted that some representations have raised concerns regarding the chimney flue, safety in relation the overhead lines, materials of the building, and neighbour amenity impacts from the burning of fuel. Unfortunately, these matters are not material planning considerations. Building Regulations and/or Environmental Health would be the authorities responsible for ensuring the suitability or otherwise of the flue and any fire risk. It is noted that planning permission is not required for the actual flue structure. Flues are not controlled by Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development order. Class G (Schedule 2, Part 1), controls the installation of chimneys and flues on dwellinghouses but the only relevant restriction within this Class is that the flue should not exceed the height of the roof by more than 1m. The proposed flue extends to approximately 30 cm above the ridgeline.

Parking

No issues in respect of parking are identified. This is residential accommodation which is ancillary to the main house. There is existing vehicular access, and no changes are proposed to be made to it. There is a generously sized parking and turning area which already serves the dwelling, the proposal does not involve removal of any of the available space. It is not considered that the use of the building for ancillary purposes would create additional traffic on the adjacent roads.

Coal

The building is situated within a High-risk, coal development area. However, the Coal Authority website confirms that householder development is exempt from needing a Coal Mining Risk Assessment.

Other matters

Members of the public have referred to the presence of overhead lines within the vicinity of the application building. It is noted that this is a civil and private matter between the power company and the applicant to address. Any potential fire risk matters are Building Control considerations. Although lying in a nature conservation site, the proposals do not involve any extension to the building, and therefore it is considered that the development would not harm biodiversity interests.

CONCLUSION / PLANNING BALANCE

The application is recommended for conditional approval. There are no 'in principle' objections to the use of an ancillary domestic outbuilding for living accommodation, however it would be necessary to attach a condition to ensure that the accommodation does remain ancillary and tied to the main house rather than being split from it. The 'tie' condition is reasonable given that this submission is not a Full application for a separate residential dwelling and the fact that external amenity and parking space is shared with the main house.

All other material planning considerations have been addressed within the report. The application is recommended for conditional approval.

OFFICER RECOMMENDATION : Conditional approval.

Case Officer: Lisa Jackson

Recommendation Date: 03.10.2025.

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council