

DELEGATED DECISION REPORT

SMD/2025/0530
Valid 18/12/2025

LAND AT BASFORD VIEW
CHEDDLETON

APPLICATION FOR THE
VARIATION OF CONDITION 2,
3 AND 9 IN RELATION TO
SMD/2024/0303

(FULL - MINOR)

MAIN ISSUES

- The impact on the openness of the Green Belt
- The impact on the visual and residential amenities of the area.

DESCRIPTION OF SITE

The application site is in the countryside a short distance to the north of the development boundary of Cheddleton and comprises a vacant square shaped plot, perhaps a former paddock, but did have two small detached single garage buildings/outbuildings placed together in the south-west corner of the site. It lies to the south of the end of a track which joins onto Leek Road (A520) a short distance to the west. The access is off the end of the track, which then becomes a public footpath which runs along the north boundary of the site. To the north of the access and to the other side of the track and public footpath is a row of five terraced Victorian dwellings which lie perpendicular to the track and path. There is a detached dwelling to the east of the site with an access off Station Road. There is a field to the west and south sides, with modern agricultural storage building next to the south boundary of the site. The access track has a number of other dwellings either side, closer to the main road. The site slopes downwards gently towards the east. The west, east and south boundaries are marked by rows of trees which are particularly large on the east and south boundaries. There is more scrubby vegetation on the north boundary. The site is in the Green Belt.

At the time of the site visit (20.1.26), the site was cleared and a new approved dwelling was being built and at an advanced stage of construction but not complete or occupied. There was a caravan present.

PROPOSAL

This is a Variation of Condition planning application to vary three conditions attached to the most recent planning permission for the replacement of garage blocks with a detached dwelling, SMD/2024/0303.

The conditions sought to be varied are Condition 2, which requires the development to be carried out in accordance with the approved plans listed, Condition 3, which requires the landscaping of the site to be carried out in accordance with the

approved landscaping scheme and Condition 9 which requires the lighting to be provided in accordance with the approved details of lighting.

The reason for the application is to seek approval to carry out a single-storey side extension to the approved dwelling. The previous approved dwelling (SMD/2024/0303) was a single-storey structure with a first-floor bedroom and study in the roofspace and on the ground floor, a living/dining/kitchen area and downstairs bathroom.

The new proposal would keep the footprint of the existing approved dwelling (which is currently nearing completion on site) and provide an extension to the east side to include a separate lounge on the ground floor and a study above, within a roof with lower ridge than existing but with slightly raised eaves to meet the current eaves due to the lower ground where the extension would be placed. A first-floor bathroom would be provided within the first-floor approved space for a study.

The footprint of the existing approved dwelling is 8.0 x 7.0 metres (56sq.m). The footprint of the proposed extension as shown on the original plans submitted with this new application would be 5.0 x 4.7 metres, adding 23.5 sq.m.

Condition 2 of the permission would therefore need to be varied to list the new proposed drawings that development would need to be carried out in accordance with. This is the purpose of the Variation of Condition planning application.

The new landscaping scheme submitted does not show any real changes from that approved in terms of planting but Condition 3 needs to be varied to refer to the new drawing number of the amended plans which show the extension encroaching into the proposed lawn area to the side but which also propose a further lawned area in place of the previous approved rear patio.

The details of lighting only differ in that additional external lighting is proposed for the new extension and therefore Condition 9 needs to be varied to refer to the new lighting plan.

The new dwelling was first approved under full planning application SMD/2022/0465, following refusals for a 2-bed chalet bungalow with detached garage under SMD/2020/0089 (on Green Belt grounds) and under SMD/2020/0447 for a very similar dwelling, again on Green Belt grounds and which was also dismissed at appeal on Green Belt grounds.

Application SMD/2022/0465 was for a considerably scaled down dwelling, a 1-bed bungalow on the siting of the garages, with a footprint of 56 sq.m, 10sq.m larger than the garages and a height of 5.0m, 2.6m higher than the garages and this was approved as it was considered this amounted to a redevelopment of a brownfield part of the site which did not have a greater impact on the openness of the Green Belt than the existing development.

A full application for a larger dwelling, SMD/2023/0264, proposing an height increase of 0.5m and higher eaves, but on the same footprint, was refused on Green Belt grounds.

A Variation of Condition application, SMD/2023/0407 (to approval SMD/2022/0465) proposed changes to the roof to allow rooms in the roofspace but no changes to the dwelling footprint and was approved.

The most recent application, another Variation of Condition application SMD/2024/0303 did not propose any changes to the previous approved dwelling and involved the repositioning of the dwelling a short distance towards the access road to the north, due to the presence of drains close to the south boundary, which the applicant did not want to build over. It also proposed changes to the landscaping scheme which included the provision of an additional boundary hedgerow along the north boundary of the site, adjacent to the site access and changes to the external artificial lighting scheme, submitted because of the revised siting of the dwelling. This was approved.

This new proposal to add a side extension was amended on 12.2.26, reducing its size by reducing the width by 0.9m resulting in an extension with a footprint of 5.0 x 3.8m, and the footprint reduced from 23.5 sq.m to 19.0 sq.m.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted Sep 2020)

SS10 Other Rural Areas Area Strategy
H1 New Housing
DC1 Design Considerations

National Planning Policy Framework (Dec 2024)

Sections 5 (Housing), 12 (Design) and 13 (Green Belts).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2024/0303: Variation of Conditions 2, 3 and 9 in relation to SMD/2023/0407. Approved 21/08/24.

SMD/2023/0407: Variation of Condition 2 of planning permission for one dwelling. Approved November 2023.

SMD/2023/0264: Full application for proposed erection of dwelling. Refused. 28/07/23

DOC/2023/0004: Discharge of conditions 3 & 9 relating SMD/2022/0465- approved April 2023.

SMD/2022/0465: Full application for proposed erection of a dwelling.- approved December 2022.

SMD/2020/0447: Full application for affordable dwelling and replacement of garages with a car port. Refused in October 2020. Appeal dismissed in 02/09/21.
Ref:
APP/B3438/W/21/3272703.

SMD/2020/0089: Full application for dwelling and replacement of garages with a car port. Refused in June 2020.

CONSULTATIONS

Publicity

Site Notice expiry date: 10.02.2026
Neighbour consultation period ends: 10.02.2026
Press Advert: N/A

Public Comments

None.

Town / Parish Comments

Cheddleton PC draw attention the 40% increase in the footprint for this dwelling and seek assurance that this is scrutinised in accordance with Green Belt development rules.

Local Highways Authority

No objection.

OFFICER COMMENTS

The principle of the development in providing a 1-bed bungalow on the site was established under a full planning permission SMD/2022/0465 following refusals for larger dwellings, including one dismissed on appeal on Green Belt grounds (see Planning History section in this report). A Variation of Condition application was submitted in 2023 (ref: SMD/2023/0407) which proposed an increase in ridge height of approx. 0.5m (and higher eaves) to allow rooms in the roofspace, but no increase in the approved 56 sq.m footprint and this was approved.

The site is in the Green Belt and Policy SS10 requires strict control over inappropriate development in the Green Belt. The NPPF in paras 154 and 155 lists the exceptional forms of development which are not inappropriate. This includes in criterion (g) of para 154:

“Limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.”

In determining application SMD/2022/0465, it was considered the domestic garage buildings existing at the time constituted “previously developed land” (PDL) and the proposed replacement of these with a 1-bed single-storey bungalow in the same part of the site and with a 10sq.m larger footprint but with a higher roof “would not have a greater impact on the openness of the Green Belt than the existing development” (the words of the same part of the NPPF in use at the time of the decision) and therefore did not amount to inappropriate development and there were no other harms identified with the proposal and the application was therefore approved.

A revised scheme proposing a dwelling of the same footprint but higher roof eaves and roof ridge was submitted as a Variation of Condition planning application under SMD/2023/0407. Again this was not considered to amount to a greater impact on the openness of the Green Belt and this was approved. This permission has been implemented and the dwelling is at an advanced stage of construction (with walls and roof provided) but was not fully completed at the time of the Case Officer site visit on 20.01.26.

This new application seeks to provide a side extension to the approved dwelling, adding 19.0 sq.m to the approved footprint of 56.0 sq.m. It has been calculated that the extension would add 87.3 cu.m to the approved 238.0 cu.m.

The NPPF in para 154 allows the enlargement of buildings providing they would not be disproportionate in relation to the original building. The applicant claims the proposed extension would not be disproportionate in relation to the new dwelling as approved and given this would result in a 36.7% enlargement and with eaves of the same height and a lower roof ridge, achieving subservience with the building as approved, I would concur with this.

However, for the purposes of Green Belt policy and the need to protect the openness of the Green Belt, I take the view that the “original building” is the garages which have been historically on the site and not the larger new-build dwelling, which in any case is not completed or occupied and to deem this building as “original” when it is in fact a replacement of an existing smaller building, would conflict with the aims of Green Belt policy in protecting its openness and including land within the Green Belt.

In this respect the new proposal, with extension, would lead to a building of 325.3 cu.m, resulting in a 221.4% increase in the size of the garages (101.2 cu.m), more than double the size of the original garages and that this would amount to a redevelopment of a brownfield site which does cause substantial harm to the openness of the Green Belt and therefore not complying with para 154 of the NPPF.

However, changes to the NPPF in Dec 2024 introduced a new para 155 which allows under certain circumstances, the development of “grey belt” land. The applicant’s agent submitted a letter 13.3.26 in the form of an Addendum to the Planning Statement, claiming the proposal should be allowed as it would comply with para 155 (i.e. as a “grey belt” site) as it would therefore not be deemed to be inappropriate development in the Green Belt. In other words, although this is an application to enlarge further an already approved dwelling, if the application was treated as a new proposal for a completely new unrestricted single dwelling, this

would no longer be deemed to be inappropriate development by virtue of the new para 155 of the NPPF.

The assessment of the proposal against para 155 is as follows:

Para 155 allows in some circumstances, some new limited residential development in

Green Belt areas in order to try and address housing need and to help the government reach its national targets for new housing (although the main focus is of course on new housing within developed areas in sustainable locations and on brownfield/PDL land).

It states that new development should not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.

With regard to (a), the NPPF definition of "grey belt" is as follows:

"Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development."

As stated above, the site is previously developed land. It is also not in an "area" or "asset" which provides a strong reason for refusing development other than it being in the Green Belt.

Para 143 sets out "the five purposes" of the Green Belt, with (a), (b) and (d) being as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- d) to preserve the setting and special character of historic towns;

In applying this to the application site, it could be deemed that development on this site, due to its location and surrounding development, would not significantly conflict with the above purposes. The site is not adjacent to a large built up area, and although it is close to Leek, to the north, the next nearest town to the south, is Cheadle which is a considerable distance away (8 miles). It is also not within the setting of a historic town. Therefore, on this basis, the site could be regarded as being "grey belt".

However, para 155 also in addition to the site being deemed "grey belt" would also require the development to not fundamentally undermine the "purposes" (taken

together) of the remaining Green Belt across the area of the plan i.e. the five “purposes” as listed in para 143, taken as a whole, which are as follows;

- 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.

Criterion (e) clearly does not apply. With regard to (c), “safeguarding the countryside from encroachment”, it is noted there are adjacent dwellings to the north and east of the site. There is also an agricultural storage building to the south. The plot to the west is vacant, but a short distance further to the west, along the Basford View Road, are further dwellings lying in a row of adjacent plots up to the main A road to the west. Furthermore, planning approvals have recently been given on the allotments plot immediately to the north-west and also to the plot immediately to west of the open plot to the west of the site (SMD/2025/0162).

The former approval (SMD/2024/0479) was recently granted on appeal following the December 2024 revision of the NPPF which introduced the new para 155 allowing development on Grey Belt sites. It was refused by the Council on the basis that despite the plot being deemed to be “grey belt”, it conflicted with criterion (c) as it was considered to amount to encroachment into the countryside. However, on allowing the appeal the Planning Inspector made the following comments:

“From my observations on the site visit, the narrow access lane, sporadic spread of built form, open fields to the north, spacious and verdant character of the local area alongside the location away from the main area of built form of Cheddleton gave the area a rural character typical of the countryside. The introduction of a dwelling, hardstanding, parked vehicles and inevitable domestication of the site would therefore result in some limited encroachment, contrary to paragraph 143(c).”

“However, to my mind this would not fundamentally undermine the purposes of the remaining Green Belt across the plan area given the size of the site and presence of other built form in the immediate area. As such, in this instance, I consider the proposal would meet the exception given in paragraph 155(a) and would not be inappropriate development in the Green Belt.”

On the basis of the above decision, the application site has significant similarities to the appeal site. It is a square shaped site of similar size and with adjacent buildings on at least two sides. There is some encroachment of the countryside beyond the footprint of the garages and despite adjacent buildings, there is some open land to the south and the west, but the resultant dwelling would be no closer to the more open parts of the countryside than the buildings to the south and west and particularly to the north and east, than other adjacent or nearby buildings.

Overall, similar to the above appeal decision, I do not consider the proposal would fundamentally undermine the “purposes” (taken together) of the remaining Green Belt across the area of the plan and therefore para 155(a) has been complied with.

With regard to compliance with the rest of para 155, the proposal would not conflict with 155(b) as there is an undersupply of housing in the District, a less than a five year supply of housing land (required by the NPPF) which currently stands at 3.51 years for the District. The proposal would also not conflict with para 155(c) as the site is in a sustainable location with easy and safe access via walking and cycling to village services and public transport in Cheddleton a short distance away. Para 155(d) does not apply as the proposal is not a major application.

Therefore, as para 155 is complied with, despite the conflict with criterion in para 154 (if the application was deemed to be considered in the light of a redevelopment of a brownfield site rather than an enlargement of an existing building), the proposal, if treated as an application for a completely new-build single dwelling proposal on a "grey belt" site, would, ultimately not be inappropriate development in the Green Belt and therefore the proposal, despite resulting in a substantially larger replacement of the original building (i.e. the garages) by virtue of an extension to the previously approved new dwelling. Therefore the principle of this new proposal is therefore acceptable, in compliance with Policy S10 and Section 13 of the NPPF.

With regard to other impacts, the extension has a form and design in keeping with the approved dwelling, as well as appearing subservient to the dwelling as mentioned above in the report, it would have matching brick and tile materials and matching detailing and fenestration, with the exception of the bi-folds and triangular study window above although these are on the east side elevation and not visible from roads and also not prominent from public footpaths.

The extension would introduce any new harms to residential amenity. It is noted the extension would project towards the existing bungalow to the east side and that bi-folds and a study window above would be placed on this elevation towards the bungalow plot to the east. Whilst this would increase the scope of overlooking of this plot, the west elevation of the neighbouring bungalow, which although being the rear elevation, only has two small secondary windows and one larger window, this being placed close to the south corner. The primary windows of the bungalow appear to be largely to the opposite side, the front elevation facing east and not towards the application site to the west. There is a separation distance of 28.0 metres between the proposed east windows and the west-facing windows of the neighbouring bungalow. This exceeds the separation distance thresholds between windows as set out in the Council's Space About Dwellings SPG and therefore the SPG has been complied with. Although this is just guidance and that it is noted views towards the neighbours would be down a slope, exacerbating the scope of overlooking of the plot, the proposed bi-folds and study window above would allow very limited views from a significant distance and at an obscure angle into the larger rear window of the bungalow and with no direct overlooking. The views into this window are further limited by the presence of trees/vegetation at the garden boundary. No objection has been received from the neighbours to the east. Overall, I do not consider the proposed extension would lead to any significant harmful level of privacy loss and no significant impact on the overall residential amenities of the area.

The revised landscaping and lighting scheme submitted to comply with Conditions 3 and 9, show only minor amendments and are acceptable.

CONCLUSION / PLANNING BALANCE

By virtue of the site now being deemed to be “grey belt” (under changes to the NPPF in December 2024) and the proposed development, comprising an enlarged version of the approved dwelling currently under construction, complying fully with para 155 of the NPPF, the proposal remains to not be inappropriate in the Green Belt and is acceptable in principle. There would be other harms caused by this amended proposal including harms to the visual or residential amenities of the area or the environment in general. The amended proposal remains acceptable and would continue to comply with the Local Plan and NPPF and conditions 2, 3 and 9 of the current approval can therefore be varied accordingly and the Variation of Condition application can therefore be approved.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston

Recommendation Date: 27.3.26

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council