

DELEGATED DECISION REPORT

SMD/2026/0324 Valid 08/07/2026	THE SHAMBLES SUGAR STREET RUSHTON SPENCER	RETROSPECTIVE ALTERATION OF AN OUTBUILDING (FULL - HOUSEHOLDER)
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MAIN ISSUES

- Neighbour amenity
- Design

DESCRIPTION OF SITE

The site consists of a single storey rural outbuilding finished in white render. The building has a pitched asbestos roof, which has been raised, hence the retrospective nature of the application. The wider site includes a detached dwellinghouse and its associated curtilage. It is considered that the outbuilding falls outside of the domestic curtilage as historic maps show that the building was originally outside of the curtilage of The Shambles.

The site is located within the smaller village of Rushton Spencer, approximately 7.5km northwest of Leek. The site is not in the Green Belt, nor a listed building or within the setting of a listed building.

PROPOSAL

The application seeks retrospective permission for the alteration of the outbuilding. The alterations include the raising of the roof ridge height from 3.94 meters to 4.21 metres, which will result in a steeper roof pitch of 40 degrees. Other alterations will be changes to the fenestrations by bricking up two windows and a door on the southern elevation, and introducing a door on the northern elevation by removing a window.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS9 Smaller Villages Area Strategy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) DM1 - 10, DP1 – 4, TR1 – 8, P1 – 6.

Section(s) 3 – Decision-making policies, 14 – Achieving well designed places, 15 – Promoting sustainable transport, 17 – Pollution, public protection and security.

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

- Design Principles for Development in the Staffordshire Moorlands
- Staffordshire Moorlands Design Guide SPD
- Space About Dwellings SPD

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- None relevant.

CONSULTATIONS

Publicity

Site Notice expiry date: 11/08/2026

Neighbour consultation period ends: 11/08/2026

Press Advert: N/A

Public Comments

One objection, raising concerns regarding the unsafe removal of the asbestos roof, the visual impact of the roof height increase, the historic use as agricultural not domestic, and the addition of a soil waste pipe which is not shown on the plans. They also raise concerns over the intended use of the building which may be beyond the scope of a simple garden room.

Town / Parish Comments

Objection: *We do not like to see retrospective planning applications.*

Environmental Health

No comments received.

Staffordshire County Council Highways

Acceptance.

OFFICER COMMENTS

Principle of Development

In accordance with Policies SS1 and SS2 of the Staffordshire Moorlands Local Plan the Council expects all new development to make a positive contribution towards the sustainability of communities and to protect and where possible enhance the

environment. The site is in the open countryside as Rushton Spencer does not have a Development Boundary. The proposed development shall therefore be assessed against policy SS9 as SS9 relates to Rushton Spencer as a Smaller Village. Policy SS9 does not specifically mention outbuildings or extensions to buildings, however the preamble to the policy states that limited development will be supported subject to compliance with other local plan policies and the NPPF.

As Rushton Spencer does not have a Development Boundary it is also classed as countryside. Policy SS10 covers the Other Rural Areas – i.e. land outside of Development Boundaries – and this allows for extensions to dwellings and additional domestic outbuildings. As this application retrospectively seeks permission for alterations to an existing outbuilding -not a dwelling – including raising the roof height it is considered an extension to an existing building. Therefore, on balance, it is considered that an application such as this for the alteration of an existing building complies with the spirit of both policy SS9 and SS10 and is therefore acceptable in principle.

Design

SMDC policy DC1 requires development to be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area; and be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, character and appearance.

Paragraphs DP3.1 and DP3.3 of the NPPF outline what is expected of good design and required for the development of high-quality places, and paragraph P3.2 provides for a high standard of amenity for existing and future users.

Staffordshire Moorlands District Council's Design Principles SPD outlines the Council's expectations in respect of design and states that outbuildings should be modest in size and height to reflect its purpose as an ancillary building. In this case, the application seeks permission to increase the height of the extension by approx. 27cm, which would take it over the 4-metre maximum allowed for outbuildings under Permitted Development rules. However, the increase would not have a detrimental impact on the overall design and appearance of the building.

The alterations to the fenestrations are also considered acceptable as they are not dissimilar to what the building looks like currently, but with the closing of windows and a door facing a neighbouring property, and instead inserting a door which would face the applicants' own land. Therefore, the proposed development is considered acceptable in terms of design.

Amenity

Paragraphs P1 – 6 of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan Policy DC1 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. The site

is bounded by the neighbouring properties known as Portobello, The Springs and Brook House. Due to the degree of separation between the outbuilding and Brook House and The Springs it is not considered that there would be unacceptable amenity harm to these properties as a result of the development.

The curtilage of the neighbouring Portobello surrounds the outbuilding on two sides and is the closest neighbouring property to the outbuilding at approx. 7.7m. With regards to overbearing effect, overlooking, or overshadowing, it is not considered that the proposed 27cm height increase would have an unacceptable impact on neighbour amenity. The outbuilding is to the northwest of Portobello, meaning additional shadows created would not fall in the curtilage of Portobello, nor would the outbuilding block daylight to principal windows. The changes to the fenestration, given the single storey nature of the building and existing boundary treatments would not result in any material increase in overlooking. The overall changes to the scale and the impact caused by this to Portobello are minimal. Therefore, it is considered that the retrospective alterations are acceptable in terms of amenity.

With regards to the asbestos, the removal of this must comply with legislation enforced by the HSE. This is addressed in the other matters section below.

Highway Safety

Paragraphs TR1 – 8 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high-quality places. Policy T1 seeks to provide safe and sustainable access and ensure that development can accommodate the required vehicular parking, in line with Appendix 2. The proposed development is not considered to have a detrimental impact on highway safety as it would not remove parking availability or create more habitable space/ bedrooms at the property. Therefore, the proposed development complies with policy T1 and the NPPF.

Other Matters

A neighbour objection raised some points which will be addressed in this section of the report.

Retrospective nature of development

Notwithstanding the working of the planning statement, the application has been described as retrospective which is accurate as the works had begun before planning permission was sought. Notwithstanding the retrospective nature of the application, it is found to comply with the relevant policies for the reasons stated above.

Unsafe removal of asbestos

Asbestos removal is strictly regulated, and the enforcing authority for this type of work is the Health and Safety Executive, not the Local Planning Authority. The granting of planning permission does not prejudice the need for the safe removal, handling and disposal of asbestos.

Increased Scale and Impact

This has been addressed in the above amenity section of the report.

Historic Use of the Building

The use of the building, past or present, is not being considered under this application as a change of use has not been applied for. The consideration is whether the alterations comply with planning policy.

Concerns Regarding the Intended Use

The plans show that the proposed use is as a storeroom. Any other use would need to be formalised in a separate application. However, a condition can be added to ensure that it remains ancillary to the existing dwelling.

Proximity to septic tank

The application is for planning permission for a new, altered roof and fenestrations and should have no impact on the septic tanks of neighbouring properties. The building is shown to be used for storage. Other uses may need separate permissions and may require building control approval which is, as the objector states, a separate regime to planning.

Concerns Regarding the Extent of the Development

No such board projecting over a boundary was witnessed during the Case Officer site visit. However, encroachment or trespass is a civil matter.

Any works carried out which are not showed on the plans can be subject to enforcement action. Therefore, the application is being assessed on the plans provided.

CONCLUSION / PLANNING BALANCE

On balance, it is considered that this application complies with policies SS9 and SS10, despite there being no explicit provision for this type of development set out within these policies. This view is taken as policy SS9 allows for limited development and new infill housing, while SS10 allows for domestic extensions and new outbuildings. Extensions and alterations to existing outbuildings is not explicitly mentioned, however it is considered to be within the spirit of what development the policies allow in these rural locations.

With regards to the design of the outbuilding, it is considered that the alterations do not negatively impact the overall physical appearance of the building or its setting, and therefore it is considered acceptable in this regard. In amenity terms, the same view is taken. The roof height increase is minimal and would not have an overshadowing or overbearing effect on neighbours due to its siting and overall height. Concerns were raised regarding the presence of asbestos and the proposed use of the building.

Conditions and informatives shall be added to the decision notice to protect neighbour amenity with regards to these concerns.

The proposal would have no impact on highway safety and therefore is acceptable in this regard.

Therefore, the recommendation is to approve, subject to conditions.

OFFICER RECOMMENDATION : APPROVE, subject to conditions

Case Officer: Reuben Berriman

Recommendation Date: 21/09/2026

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council