

### **TO:- Planning Committee**

Councillor Terry Mason , Councillor Matt Ewart , Councillor Penny Allen , Councillor Len Bates B.E.M. , Councillor Chris Benton , Councillor Barry Bond , Councillor Mike Boyle , Councillor Jo Chapman , Councillor Bob Cope , Councillor Brian Cox , Councillor Isabel Ford , Councillor Rita Heseltine , Councillor Lin Hingley , Councillor Diane Holmes , Councillor Janet Johnson , Councillor Michael Lawrence , Councillor Roger Lees J.P. , Councillor Dave Lockley , Councillor Robert Reade , Councillor Robert Spencer , Councillor Christopher Steel

Notice is hereby given that a meeting of the Planning Committee will be held as detailed below for the purpose of transacting the business set out below.

Date: Tuesday, 25 May 2021

Time: 18:30

Venue: Council Chamber Council Offices, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX



D. Heywood  
Chief Executive

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## **A G E N D A**

### **Part I – Public Session**

- |          |  |                |
|----------|--|----------------|
| <b>1</b> | <b>Minutes</b><br>To confirm the minutes of the Planning Committee held on 20 April 2021       | <b>1 - 4</b>   |
| <b>2</b> | <b>Apologies</b><br><br>To receive any apologies for non-attendance.                           |                |
| <b>3</b> | <b>Declarations of Interest</b><br><br>To receive any declarations of interest.                |                |
| <b>4</b> | <b>Determination of Planning Applications</b><br>Report of Development Management Team Manager | <b>5 - 28</b>  |
| <b>5</b> | <b>Monthly Update Report</b><br>Report of the Lead Planning Manager                            | <b>29 - 48</b> |

**RECORDING**

Please note that this meeting will be recorded.

**PUBLIC SPEAKING**

Please note: Any members of the public wishing to speak must confirm their intention to speak in writing or e-mail to Development Management no later than 1 working day before the Committee i.e. before 12.00 p.m. on the preceding Monday.

E-mails to [SpeakingatPlanningCommittee@sstaffs.gov.uk](mailto:SpeakingatPlanningCommittee@sstaffs.gov.uk)

Please see Speaking at Planning Committee leaflet on the website for full details. Failure to notify the Council of your intention to speak may mean you will not be allowed to speak at Committee.

**PUBLIC ACCESS TO AGENDA AND REPORTS**

Spare paper copies of committee agenda and reports are no longer available. Therefore should any member of the public wish to view the agenda or report(s) for this meeting, please go to [www.sstaffs.gov.uk/council-democracy](http://www.sstaffs.gov.uk/council-democracy).

Minutes of the meeting of the **Planning Committee** South Staffordshire Council held in the Virtual Meeting [Venue Address] on Tuesday, 20 April 2021 at 18:30

**Present:-**

Councillor Penny Allen, Councillor Len Bates, Councillor Chris Benton, Councillor Mike Boyle, Councillor Jo Chapman, Councillor Bob Cope, Councillor Brian Cox, Councillor Matt Ewart, Councillor Isabel Ford, Councillor Rita Heseltine, Councillor Lin Hingley, Councillor Diane Holmes, Councillor Janet Johnson, Councillor Michael Lawrence, Councillor Roger Lees, Councillor Dave Lockley, Councillor Terry Mason, Councillor Robert Spencer, Councillor Christopher Steel

**112 OFFICERS PRESENT**

Annette Roberts, Manjit Dhillon, Kelly Harris, Lucy Duffy

**113 MINUTES**

**RESOLVED:** that the minutes of the Planning Committee held on 16 March 2021 be approved and signed by the Chairman

**114 APOLOGIES**

Apologies for non-attendance were received from Councillor B Bond and Councillor R Reade

**115 DECLARATIONS OF INTEREST**

With regard to application 19/00901/FUL, the Planning Solicitor stated that in this instance South Staffordshire Council was the landowner and the Planning Committee had been granted dispensation under Section 33 of the Localism Act 2011 by the Monitoring Officer for the Members of the Committee to participate and vote.

**116 DETERMINATION OF PLANNING APPLICATIONS**

The Committee received the report of the Development Management Team Manager, together with information and details received after the agenda was prepared.

The Chairman confirmed that application 21/0006/FUL had been withdrawn by the applicant in order to submit amended plans in due course.

**19/00901/FUL – THE FIRS RESIDENTIAL HOME, WODEHOUSE LANE, GOSPEL LANE, DUDLEY, DY3 4AE - APPLICANT – MR ANIL KUMAR, NORTHGATE HEALTH CARE LTD – PARISH – HIMLEY**

Councillor R Lees as local member supported the proposed car park extension as it would alleviate parking problems at the residential home.

**RESOLVED:** that the application be **APPROVED** subject to the conditions contained in the Planning Officer's Report.

**20/00274/FUL – BROOKFIELDS FARM, CANNOCK ROAD, SHARESHILL, WOLVERHAMPTON WV10 7LZ – APPLICANT – MR**

**JOHN EVANS – PARISH – SHARESHILL**

Councillor Cope as local member supported the application.

**RESOLVED:** that the application be **APPROVED** subject to the conditions contained in the Planning Officer's Report

**20/00904/FUL – 73 OAKEN PARK, CODSALL, WOLVERHAMPTON  
WV8 2BW - APPLICANT – MISS E MORGAN - PARISH – CODSALL**

A statement in support of the application was read out by the Corporate Director Planning & Infrastructure on behalf of and supplied by Elizabeth Morgan (applicant).

Councillor J Michell as local member supported the application as the personal circumstances which were presented in support of the application were compelling.

Councillor B Spencer proposed a motion to approve the application, contrary to the Planning Officer's recommendation for refusal, as he believed taking into account the personal circumstances presented in the Planning Officer's report, he believed on balance there would be no detrimental impact on the character of the area nor a material impact on amenity of the neighbour and that the proposed extension would therefore be in accordance with EQ11 and EQ9 of the Core Strategy.

Councillor Steele seconded the motion.

The motion was carried.

**RESOLVED:** that **APPROVAL** of the application be delegated to the Development Management Team Manager to agree suitably worded conditions with the Case Officer.

**21/00011/FUL – CRANMOOR LODGE FARM, WROTTESELEY PARK  
ROAD, PERTON, WOLVERHAMPTON WV8 2HS - APPLICANT – MR  
RICHARD CARROLL - PARISH – PERTON**

Councillor N Caine as local member spoke against the application on behalf of local residents.

Councillor Allen had reservations about the impact on the quality of life of local residents of the proposed change of use from residential to office space.

Councillor Hestletine was concerned about increased vehicles on Wrottesley Park road which was regularly used by pedestrians and there was no pavement.

**RESOLVED:** that the application be **APPROVED** subject to the conditions contained in the Planning Officer's Report and to an additional condition pertaining to a lighting scheme.

Councillor Allen and Councillor Steele abstained from voting.

Councillor Boyle voted against the application.

117     **MONTHLY UPDATE REPORT**

The Committee received the report of the Lead Planning Manager informing the committee on key matters including training; changes that impact on National Policy; any recent appeal decisions; relevant planning enforcement cases (quarterly); and latest data produced by the Ministry of Housing Communities and Local Government.

**RESOLVED:** that the Committee note the update report.

The Meeting ended at: 19:45

**CHAIRMAN**



**SOUTH STAFFORDSHIRE COUNCIL****PLANNING COMMITTEE – 25 May 2021****DETERMINATION OF PLANNING APPLICATIONS****REPORT OF DEVELOPMENT MANAGEMENT TEAM MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

To determine the planning applications as set out in the attached Appendix.

**2. RECOMMENDATIONS**

**2.1** That the planning applications be determined.

**3. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	The reasons for the recommendation for each application addresses issued pertaining to the Council's Plan.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	Determination of individual planning applications so not applicable- see below for equalities comment.
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	N/A	
FINANCIAL IMPACT	No	Unless otherwise stated in the Appendix, there are no direct financial implications arising from this report.
LEGAL ISSUES	Yes	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Consequential Provisions) Act 1990 Planning (Hazardous Substances) Act 1990 Planning and Compensation Act 1991 Planning and Compulsory Purchase Act 2004

OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	Equality and HRA impacts set out below.
IMPACT ON SPECIFIC WARDS	Yes	As set out in Appendix

## **PART B – ADDITIONAL INFORMATION**

### **4. INFORMATION**

All relevant information is contained within the Appendix.

#### **Advice to Applicants and the Public**

The recommendations and reports of the Development Management Team Manager contained in this schedule may, on occasions, be changed or updated as a result of any additional information received by the Local Planning Authority between the time of its preparation and the appropriate meeting of the Authority.

Where updates have been received before the Planning Committee's meeting, a written summary of these is published generally by 5pm on the day before the Committee Meeting. Please note that verbal updates may still be made at the meeting itself.

With regard to the individual application reports set out in the Appendix then unless otherwise specifically stated in the individual report the following general statements will apply.

Unless otherwise stated any dimensions quoted in the reports on applications are scaled from the submitted plans or Ordnance Survey maps.

#### **Equality Act Duty**

Unless otherwise stated all matters reported are not considered to have any adverse impact on equalities and the public sector equality duty under section 149 of the Equality Act 2010 has been considered. Any impact for an individual application will be addressed as part of the individual officer report on that application.

#### **Human Rights Implications**

If an objection has been received to the application then the proposals set out in this report are considered to be compatible with the Human Rights Act 1998.

The recommendation to approve the application aims to secure the proper planning of the area in the public interest. The potential interference with rights under Article 8 and Article 1 of the First Protocol has been considered and the recommendation is considered to strike an appropriate balance between the interests of the applicant and those of the occupants of neighbouring property and is therefore proportionate. The issues arising have been considered in detail



in the report and it is considered that, on balance, the proposals comply with Core Strategy and are appropriate.

If the application is recommended for refusal then the proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the Core Strategy and the applicant has the right of appeal against this decision.

### **Consultations Undertaken**

The results of consultations with interested parties, organisations, neighbours and Councillors are reported in each report in the Appendix.

### **CONSULTEES**

CH – County Highways  
CLBO – Conservation Officer  
CPO – County Planning Officer  
CPRE – Campaign to Protect Rural England  
CPSO – County Property Services Officer  
CA – County Archaeologist  
CS – Civic Society  
EA – Environment Agency  
EHGS – Environmental Health Officer  
ENGs – Engineer  
FC – The Forestry Commission  
HA – Highways Agency  
LPM – Landscape Planning Manager  
HENGs – Engineer  
NE – Natural England  
PC – Parish Council  
OSS – Open Space Society  
STW – Severn Trent Water  
SWT – Staffordshire Wildlife Trust

### **5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

N/A

### **6. PREVIOUS MINUTES**

Details if issue has been previously considered

### **7. BACKGROUND PAPERS**

Background papers used in compiling the schedule of applications consist of:-

- (i) The individual planning application (which may include supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority, and from members of the public and interested bodies, by the time of preparation of the schedule.
- (ii) The Town and Country Planning Act, 1990, as amended and related Acts, Orders and Regulations, the National Planning Policy Framework (NPPF), the Planning Practice Guidance Notes, any Circulars, Ministerial Statements and Policy Guidance published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- (iii) The Core Strategy for South Staffordshire adopted in December 2012 and Supplementary Planning Documents
- (iv) Relevant decisions of the Secretary of State in relation to planning appeals and relevant decisions of the courts.

These documents are available for inspection by Members or any member of the public and will remain available for a period of up to 4 years from the date of the meeting, during the normal office hours. Requests to see them should be made to our Customer Services Officers on 01902 696000 and arrangements will be made to comply with the request as soon as practicable. The Core Strategy and the individual planning applications can be viewed on our web site [www.sstaffs.gov.uk](http://www.sstaffs.gov.uk)

Report prepared by: Development Management Team

<b>App no</b>	<b>Applicant/Address</b>	<b>Parish and Ward Councillors</b>	<b>Recommendation</b>	<b>Page</b>
<b>20/00281/FUL NON MAJOR</b>	<b>Mr Les Commins  Brookfield Farm Cannock Road Shareshill WOLVERHAMPTON WV10 7LZ</b>	<b>SHARESHILL  Cllr Frank Beardsmore  Cllr Bob Cope</b>	<b>APPROVE Subject to conditions</b>	<b>11-16</b>
<b>21/00085/FUL NON MAJOR</b>	<b>Mr and Mrs Murphy  25 Long Lane Newtown WALSALL WS6 6AT</b>	<b>ESSINGTON  Cllr Warren Fisher  Cllr Christopher Steel</b>	<b>REFUSE</b>	<b>17-22</b>
<b>21/00329/FUL NON MAJOR</b>	<b>Mrs Stephanie Hollands  22 Farleigh Road Perton WOLVERHAMPTON WV6 7RH</b>	<b>PERTON  Cllr Anthony Adam Bourke</b>	<b>APPROVE Subject to conditions</b>	<b>23-27</b>



**20/00281/FUL  
MINOR**

**Mr Les Commins**

**SHARESHILL  
Cllr Frank Beardsmore  
Cllr Robert Cope**

**Brookfield Farm Cannock Road Shreshill WV10 7LZ**

**Temporary (2 years) change of use to provide for siting of 4no. containers to accommodate feedstuffs, including hay, in connection with agricultural and equestrian activities on the holding.**

## **1. SITE DESCRIPTION AND PLANNING HISTORY**

### **1.1 Application Site**

1.1.1 The application site is located within the northern aspect of the farm complex sited close to existing buildings that form the existing farm complex of buildings associated with Brookfield Farm which extend to the south of the application site. Brookfield Farmhouse is located to the northwest of the application site. Vehicular access to the site is taken directly off the Cannock Road to the west. An existing public Bridleway runs adjacent to the site in an east/west direction.

### **1.2 Planning History**

20/00274/FUL - Temporary use of land for the siting of a mobile home and related structures including septic tank for occupation for the lifetime of Mr C J Evans only - Granted Subject to Conditions 22.04.2021

## **2. APPLICATION DETAILS**

### **2.1 The Proposal**

2.1.1. Planning permission is sought for the retention of the temporary (2 years) change of use to provide for siting of 4no. containers to accommodate feedstuffs, including hay, in connection with agricultural and equestrian activities on the holding.

2.1.2 The containers have been re-located and are sited to the north east of the buildings that make up the holding and to the east of the existing farmhouse, to allow for acceptable living for the recently approved mobile home on site.

### **2.2 Agents Submission**

2.2.1 The Agent submits a statement with the following points in support of the proposal:

2.2.2 The containers are already situated on the land concerned having been re-located from land nearby when the landowner allowed for the occupant of the mobile home to reside on the site.

2.2.3 The containers contain foodstuffs, including hay, to provide for the livestock horses and alpacas on the holding.

## **2.3 Pre-application**

No pre-application discussions have taken place.

## **3. POLICY CONTEXT**

3.1 The application site lies within the Green Belt.

### **3.2 Adopted South Staffordshire Core Strategy, adopted 2012.**

NP1: The Presumption in favour of sustainable development

Core Policy 1: The Spatial Strategy for South Staffordshire

Policy GB1: Development in Green Belt

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

Core Policy 3: Sustainable Development and Climate Change

Policy EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

Policy EQ11: Wider Design Considerations

### **3.3 Adopted Local Guidance**

South Staffordshire Design Guide Supplementary Planning Document, 2018.

Sustainable Development Supplementary Planning Document, 2018.

### **3.4 National Planning Policy Framework 2019 (the 'NPPF').**

Section 2 - Achieving Sustainable Development

Section 12 - Achieving well-designed places.

Section 13- Protecting Green Belt Land

### **3.5 National Planning Policy Guidance**

3.5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

3.5.2 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

## **4. CONSULTATION RESPONSES**

**Councillors (expired 6/05/2020):** No comments received.

**Sharesill Parish Council (expired 6/05/2020):** No comments received.

No comments have been received from interested parties and relevant periods expired.

## **5. APPRAISAL**

5.1 The proposal is brought before Members of the Planning Committee as it is contrary to Green Belt Policy GB1 and Part 13 of the NPPF.

### **5.2 Key Issues**

- Principle of Development
- Impact on openness of Green Belt
- Very Special Circumstances

### **5.3 Principle of Development**

5.3.1 The site is located within the Green Belt where there is a presumption against inappropriate development. Paragraph 143 of the NPPF states that inappropriate development, is by definition harmful to the Green Belt and should not be approved except in very special circumstances. However, there are exceptions to this position set out within Paragraphs 145 & 146 of the NPPF.

5.3.2 Policy GB1 within the Core Strategy is largely consistent with the NPPF and sets out a number of developments that are considered acceptable within Green Belt which are largely consistent with those exceptions set out within Paragraphs 145 and 146 of the NPPF.

5.3.3 Point c within Policy GB1 of the Core Strategy provides that the carrying out of engineering or other operations or the making of a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt or the fulfilment of its purposes may be considered acceptable. The proposal is therefore acceptable in principle, provided that no harm is caused to the openness of the Green Belt.

### **5.4 Impact on the Openness of the Green Belt.**

5.4.1 The key characteristic of Green Belts are their openness and their permanence. Any development proposals should not cause undue harm or loss of this openness. The Green Belt serves five purposes as defined in the NPPF.

5.4.2 The proposal is assessed as to whether the development has an impact on the openness of the Green Belt, the overall volume and the permanence of the proposal. The proposal seeks for the retention of the change of use of land for the siting of 4 no. shipping containers for a temporary period of 2 years.

5.4.3 With regards to the permanence of the building, it is considered that the proposal is a temporary building which requires limited ground works. As such it is considered that the land once the use has ceased can be remediated and that the land can be returned back to its original state. Any recommendation for approval would be subject to such a condition.

5.4.4 Overall it is considered that the impact on the openness of the Greenbelt is minimal because of the siting of the development, together with the overall permanence of the infrastructure and the traffic generation of the development. It is therefore considered that whilst the development is inappropriate for the purposes of the policy and would carry a degree of default harm, for the reasons highlighted within this section it is considered that the proposal would accord with Policy EQ4 of the Core Strategy, 2012.

## **5.5 Very Special Circumstances**

5.5.1 The Agent states that the containers are already sited temporarily on the site and have been re-sited due to the temporary siting of the mobile home on the site which was subject to planning reference 20/00274/FUL.

5.5.2 The shipping containers are noted by the Agent to contain feedstuffs associated with the agricultural operation at the site by the Applicant, indeed, buildings that are for use in association with outdoor sport and recreation such as equestrian use and buildings used for agricultural purposes are not considered to be inappropriate, it seems logical therefore that that principle should also apply here. It is therefore these considerations that amount to very special circumstances to clearly outweigh the harm to the Green Belt on such a temporary basis.

## **6. CONCLUSIONS**

6.1 The proposal is considered to be inappropriate development in the Green Belt contrary to GB1 of the Core Strategy.

6.2 Given the level of permanence together with the very special circumstances that are considered to exist, it is considered these would clearly outweigh the limited identified harm to the Green Belt subject to suitably worded conditions requiring removal in the future.

6.3 Furthermore, the proposal would not have any undue harm outside of the complex and there are no concerns arising in respect of highways impact or residential amenity. Therefore, planning permission is recommended subject to appropriate conditions.

## **7. RECOMMENDATION - APPROVE Subject to Conditions**

Subject to the following condition(s):

1. The development shall be retained in accordance with the plans referenced 0173 WS1 001 entitled 'Site Location Plan', 0173 WS1 002 entitled 'Site Block Plan', 0173 WS1 020 entitled 'As built Plan and Elevations' received by the Local Planning Authority 2.04.2020.
2. The siting of the 4 no. shipping containers hereby permitted shall be removed and the land restored to its former condition on or before 11.05.2023.
3. The containers shall be used for the storage of feedstuffs including hay in connection with agricultural and equestrian activities on the holding.

### **Reasons**

1. In order to define the permission and to avoid doubt.
2. The application site is within Green Belt and the change of use and siting is only justified by the special and temporary need for the development



3. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.



Brookfield Farm, Cannock Road, Shreshill, WOLVERHAMPTON WV10 7LZ

**21/00085/FUL  
MINOR**

**Mr and Mrs Murphy**

**ESSINGTON  
Cllr Warren Fisher  
Cllr Christopher Steel**

**25 Long Lane Newtown WS6 6AT**

**Proposed 2 Storey side and rear extension. Flat roof Extension to rear and Loft conversion**

## **1. SITE DESCRIPTION AND PLANNING HISTORY**

### **1.1 Site Description**

1.1.1 Located within the Newtown Development Boundary, the application site is a south facing semi-detached dwelling characterised by brick construction and a hipped slate roof. The dwelling sits within a long plot and is located around 8.5m from the edge of the pavement and benefits from a long rear garden of 68m and has a width of 9m at its widest point.

1.1.2 The property does not benefit from any extensions, although has a detached garage sited to the rear which sits along the shared boundary with No. 27 Long Lane. The existing parking arrangement has an area for parking to the front, side, and rear of the dwelling.

### **1.2 Relevant Planning History**

1.2.1 1979 - Replacement of existing concrete single garage by a flat roofed double garage (79/00164) - Approved

## **2. APPLICATION DETAILS**

### **2.1 The Proposal**

2.1.1 The application seeks permission for a two storey side/rear extension, single storey rear extension and a rear dormer to facilitate a loft conversion.

2.1.2 The proposed single storey extension was originally proposed to extend from the original rear wall by 6m and have a flat roof with a height of 3.25m. This aspect has been reduced through amended plans to a 4.3m projection.

2.1.3 The two storey rear extension originally projected from the original rear wall of the dwelling by 6m and would have a hipped roof above. This aspect has been reduced through amended plans to be a 3.3m projection.

2.1.4 The proposed two storey side extension has a width of 3m and has a half-hipped roof when viewed from the front. Originally the two storey aspect had a minor set back which has since been increased to 0.5m through amended plans.

2.1.5 There is a rear dormer that has a length of 7.2m and a height of 2m. The design of this dormer has not changed on the amended plans.

2.1.6 The proposed extensions are to be constructed out of render with brick along the bottom 1m of the dwelling.

## **3. POLICY CONTEXT**

3.1 The site is within the Development Boundary.

### **3.2 Core Strategy**

Core Policy 4: Promoting High Quality Design  
Policy EQ9 Protecting Residential Amenity  
Policy EQ11 Wider Design Considerations  
Policy EV12: Parking Provision  
Appendix 5 Car parking standards  
Appendix 6 Space about Dwellings  
Design Guide SPD 2018

### **3.3 National Planning Policy Framework as a whole, and in particular:**

Section 12 - Achieving well-designed places

### **3.4 National Design Guide 2021**

### **3.5 National Planning Policy Guidance**

3.5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

3.5.2 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

## **4. CONSULTATION RESPONSES**

Call - in request received from Councillor Steel

**Essington Parish Council [expired 26/02/21]** *No comments received.*

**Neighbours [expired 19/02/21]** *No comments received.*

## **5. APPRAISAL**

5.1 Councillor Christopher Steel has requested that this application be presented to the Planning Committee. Councillor Steel considers there will be no detrimental impact on the character of the area as a result of the proposed development and considers the scheme policy compliant.

### **5.2 The Key Issues**

- Principle of Development
- Impact on the character of the area
- Design of proposed extensions
- Impact on neighbouring properties
- Space about Dwellings
- Highways & Parking

### **5.3 Principle of development**

5.3.1 The property is within the development boundary where alterations to dwellings such as this can be considered to be an acceptable form of development, providing there is no adverse impact on neighbouring properties or the amenity of the area.

### **5.4 Impact on the character of the area**

5.4.1 Policy EQ11 'Wider Design Considerations' of the South Staffordshire Core Strategy states that development should "respect local character and distinctiveness, including that of the surrounding development and landscape [...] by enhancing the positive attributes whilst mitigating the negative aspects", and that "in terms of scale, volume, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area." This sentiment is also reflected within the National Design Guide 2021, which states that a well-designed development should be influenced by an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents.

5.4.2 South Staffordshire Council's adopted Design Guide elaborates on these principles and with regard to householder extensions it states generally; extensions should be subservient to the main building. The extension should respect the scale and form of the main building and its relationship to adjacent buildings, including the gaps in between them. Developers should consider the overall effect of the extension on the appearance of the building as a whole, and extensions should not detract from the original building or nearby buildings by overshadowing.

5.4.3 Furthermore, Chapter 12 of the NPPF states that "Good design is a key aspect of sustainable development", and that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area".

5.4.4 While the amended plans have positively reduced the scale of the proposed development, the design of the proposal remains wholly inappropriate and would result in an incongruous feature within the streetscene. The proposed half hipped roof extension is an inappropriate addition to the main dwellinghouse, would not relate to the character of the pair of semi-detached dwellings and is considered to have a detrimental impact to the wider streetscene.

5.4.5 It is noted there are a variety of side extensions within the wider streetscene on properties Nos. 75, 77, 83, 89, 91, 109, 111, 113 and 115. Not all of these properties benefit from planning permission, and it is likely they are historic and may not have required permission. Moreover, some of these dwellings have a flush extension that has a fully hipped roof to relate to the character of the main roof. There is one example of a half-hipped roof, although there was less symmetry for this dwelling as the attached dwelling had a front projecting extension. As such, while there are examples of side extensions further down the street, they are not considered to give a precedent in favour of the development that does not respect the character of the original dwelling or surrounding area.

## **5.5 Design of extensions**

5.5.1 When assessing the design of the proposal the above discussed planning policies are taken into consideration. The proposed roof form of a half-hipped roof is considered wholly inappropriate in relation to the character of the main dwelling, as the original roof is hipped. Moreover, the front elevation does not show a set down and set back, which would mean there may not be a differentiation between the original and proposed roof, which will erode the character of the original dwelling and un-balance the pair of semi-detached dwellings.

5.5.2 The scale of the single and two storey rear extensions shown on the amended plans satisfactorily relate to the main dwelling and may be supported within a future planning application. However, the roof of the two storey rear projection conflicts with the rear facing aspect of the dormer. As such, this arrangement is contrived and would have a detrimental impact to the character of the existing dwelling.

5.5.3 The materials proposed for the extensions are render with 1m of brickwork to the bottom aspect. As the main dwelling is characterised solely of brick, the use of render would constitute an inappropriate addition that would not relate to the character of the main dwelling. While there is a mix of form and materials within the streetscene, the use of render does not relate to the original property, nor the pair of semi-detached dwellings it is part of.

## **5.6 Impact on neighbouring properties**

5.6.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

5.6.2 The application site is half of a pair of semi-detached dwellings, the attached dwelling of which benefits from a 4m single storey rear conservatory, as approved through a larger homes planning application in 2017. The neighbouring dwelling at No. 27 Long Lane is at a slightly different angle to the application site and is sited around 3.5m from the common boundary.

5.6.3 There is a first floor side facing window on No. 27 Long Lane which likely serves a bedroom, although this window is set further from the boundary to around 5m and is east facing. Whilst this window would not have a great relationship with the proposed development, side facing windows often have borrowed light and this window would not receive a lot of light in the day. The existing gap between the side wall of the application site and this window is around 8m which would be reduced to around 5m which may be, on balance, acceptable, as there is not a minimum space requirement from side facing windows as, traditionally, habitable room windows are sited to the front and rear of dwellings.

5.6.4 As such, the proposed development would not detrimentally impact any habitable room windows and therefore would not be considered to cause a loss of light to the neighbouring properties.

5.6.5 It is therefore considered that the proposals would raise no undue concerns in respect of neighbour amenity. As such the development complies with Policies EQ9 and Appendix 6 of the Core Strategy.

## **5.7 Space about Dwellings**

5.7.1 The application site benefits from a garden length of 68m and does not have any neighbours bound to the rear. Given this, the proposed development would meet the criteria for the minimum separation distances specified within Appendix 6 of the Core Strategy.

## **5.8 Highways/parking**

5.8.1 There are no parking or highways issues in respect of this application. While the number of bedrooms will be increased from 3 to 6, this would mean 3 parking spaces are required in line with the car parking standards in Appendix 5 of the adopted Core Strategy. Although there is only one parking space to the frontage as existing, there is potential to increase the driveway and comfortably fit 3 vehicles, and therefore would not amount an additional reason for refusal.

## **6. CONCLUSIONS**

6.1 The proposal would cause harm to the appearance and character of the host dwelling and would result in an incongruous and contrived form of development. Moreover, the development would have a detrimental impact to the surrounding streetscene, and the design of the side extension is considered an inappropriate and incongruous feature.

6.2 Therefore, the development is considered to be contrary to Policy EQ11 of South Staffordshire's Core Strategy (2011), the National Planning Policy Framework and the National Design Guide. The development is not outweighed or justified by any other consideration. The application is recommended for refusal.

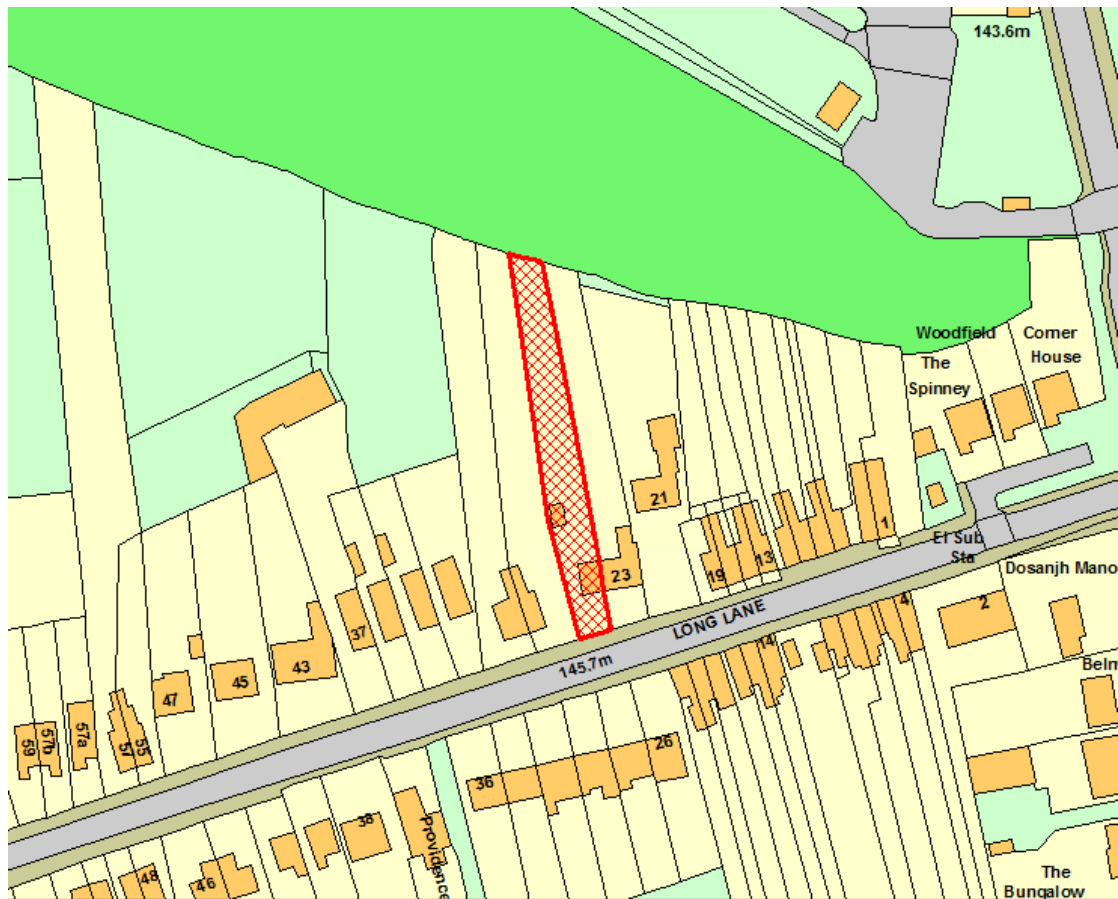
## **7. RECOMMENDATION - REFUSE**

Subject to the following reasons:

1. The proposed development would result in an inappropriate and incongruous feature in the streetscene and would detract from the visual amenity of the area, contrary to Policy EQ11 of the adopted Core Strategy and the National Planning Policy Framework.
2. The design of the proposed extension does not relate to the character of the original dwelling by virtue of the half-hipped roof and proposed render, and would result in a contrived arrangement due to the rear dormer and roof projection, contrary to Policy EQ11 of the adopted Core Strategy and the National Planning Policy Framework.

### **Proactive Statement**

The Local Planning Authority has worked in a positive and proactive manner in accord with National Planning Policy Framework 2019, paragraph 38, by attempting to seek solutions with the applicant to problems associated with the application. A solution could not be found and so the development fails both with regards to the NPPF and the adopted Core Strategy 2012.



25 Long Lane, Newtown, WALSALL WS6 6AT



**21/00329/FUL  
MINOR**

**Mrs Stephanie Hollands**

**PERTON  
Cllr Anthony Bourke**

**22 Farleigh Road Perton WV6 7RH**

**Erection of detached double garage. Double garage conversion under permitted development.**

## **1. SITE DESCRIPTION AND PLANNING HISTORY**

### **1.1 Site Description**

1.1.1 The application relates to a detached two-storey house positioned at the end of a cul-de-sac in Farleigh Road, in the main service village of Perton. There is a large drive with a grass verge running along the front boundary [northern] with trees/shrubs which continue along the side boundary [eastern]. There is also a retaining wall along part of the north and eastern boundary. To the rear there is a large enclosed amenity space.

1.1.2 The existing attached garages have been converted under permitted development rights to habitable accommodation.

### **1.2 Planning History**

1997 Garage and store, approved (97/00168)

## **2. APPLICATION DETAILS**

### **2.1 The Proposal**

2.1.1 The application proposes to erect an outbuilding in the north eastern corner of the site. The existing vegetation on the boundaries and the retaining wall would remain in situ.

2.1.2 The hipped roofed double garage would measure approx. 5.2m wide by 5.m long by 3m high (eaves 2.2m). There would be a roller shutter door on the front elevation and a side door. Matching materials would be used.

### **2.2 Applicant Submission**

2.2.1 Photographs of the site and additional information has been provided to the arboricultural officer by the applicant.

## **3. POLICY CONTEXT**

3.1 Within the Development Boundary

### **3.2 Core Strategy**

CP1: The Spatial Strategy

NP1: The Presumption in Favour of Sustainable Development

CP4: Promoting High Quality Design

Policy EQ2: Protecting the Character and Appearance of the Local Landscape  
Policy EQ9: Protecting Residential Amenity  
Policy EQ11: Wider Design Considerations  
Policy EQ12: Landscaping  
Policy EV12: Parking Provision  
Appendix 5: Parking Standards  
Appendix 6: Space about Dwellings  
South Staffordshire Design Guide 2018

### **3.3 National Planning Policy Framework**

### **3.4 National Planning Policy Guidance**

3.4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless materials considerations indicate otherwise.

3.4.2 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

## **4. CONSULTATION RESPONSES**

### **No Councillor comments [expired 21/04/2021]**

**Parish Council [20/04/2021]:** *Perton Parish Council have raised concerns that the drawings are very basic and contain no information about footings, the slope of the drive, the excavations necessary and the effect on adjacent trees.*

**Arboricultural Officer [12/04/2021]:** *Based on the additional information received I have no further comments or objections to the proposed on arboricultural grounds.*

**Neighbours [expired 21/04/2021]:** No comments received

## **5. APPRAISAL**

5.1 The application has been referred to planning committee as the applicant works for Dudley Council Planning Team, who are currently providing consultancy work for householder applications.

### **5.2 Key Issues**

- Principle of development
- Impact on neighbouring properties
- Impact on the character of the area
- Space about dwelling standards
- Parking

### **5.3 Principle of development**

5.3.1 The property is within the development boundary where new outbuildings to dwellings such as this can be considered to be an acceptable form of development, providing there is no adverse impact on neighbouring properties or the amenity of the area.

#### **5.4 Impact on neighbouring properties**

5.4.1 Policy EQ9 seeks to protect the amenity of existing and future occupants.

5.4.2 The proposed outbuilding is to be positioned a suitable distance away from any neighbouring dwellings and would be predominately screened by existing vegetation. There is no conflict with Policy EQ9.

#### **5.5 Impact on the character of the area**

5.5.1 Policy EQ11 of the Core Strategy states that proposals should respect local character and distinctiveness including that of the surrounding development and landscape. The South Staffordshire Design Guide provides that extensions should be subservient to the main building, respecting the scale and form and relationship to adjacent buildings.

5.5.2 Whilst outbuildings forward of the principal elevations are not usually looked upon favourably as they are often seen to be out of character with the local area the proposed dwelling in this instance is positioned at the end of a cul-de sac, and the outbuilding would be tucked away in the north eastern corner of the site and partially concealed given the existing vegetation along the front [northern] and side [eastern] boundary. The outbuilding would be viewable when driving to the property off Farleigh Drive, but given its low height and position, and the vegetation softening its appearance, I do not consider that any material harm would be caused on the character of the area.

5.5.3 With regards to the Parish Council comments [trees], there are no noteworthy trees near the application site and the Councils Arboricultural Officer is satisfied with the information submitted. I do however recommend that the planting on the frontage [north] is conditioned to be retained for the reasons mentioned in paragraph 5.5.2.

5.5.4 On balance I consider the proposal to be compliant with Policy EQ11.

#### **5.6 Space about Dwellings**

5.6.1 The proposal does not infringe the Councils space about dwelling standards.

#### **5.7 Parking**

5.7.1 The site has a large driveway with ample of room for the parking of at least three off road vehicles.

### **6. CONCLUSIONS**

6.1 The proposed outbuilding will cause no adverse harm on neighbouring amenity or character of the area in accordance with Policies EQ9 and EQ11. I therefore recommend the application for approval subject to a number of conditions.

## **7. RECOMMENDATION - APPROVE Subject to Conditions**

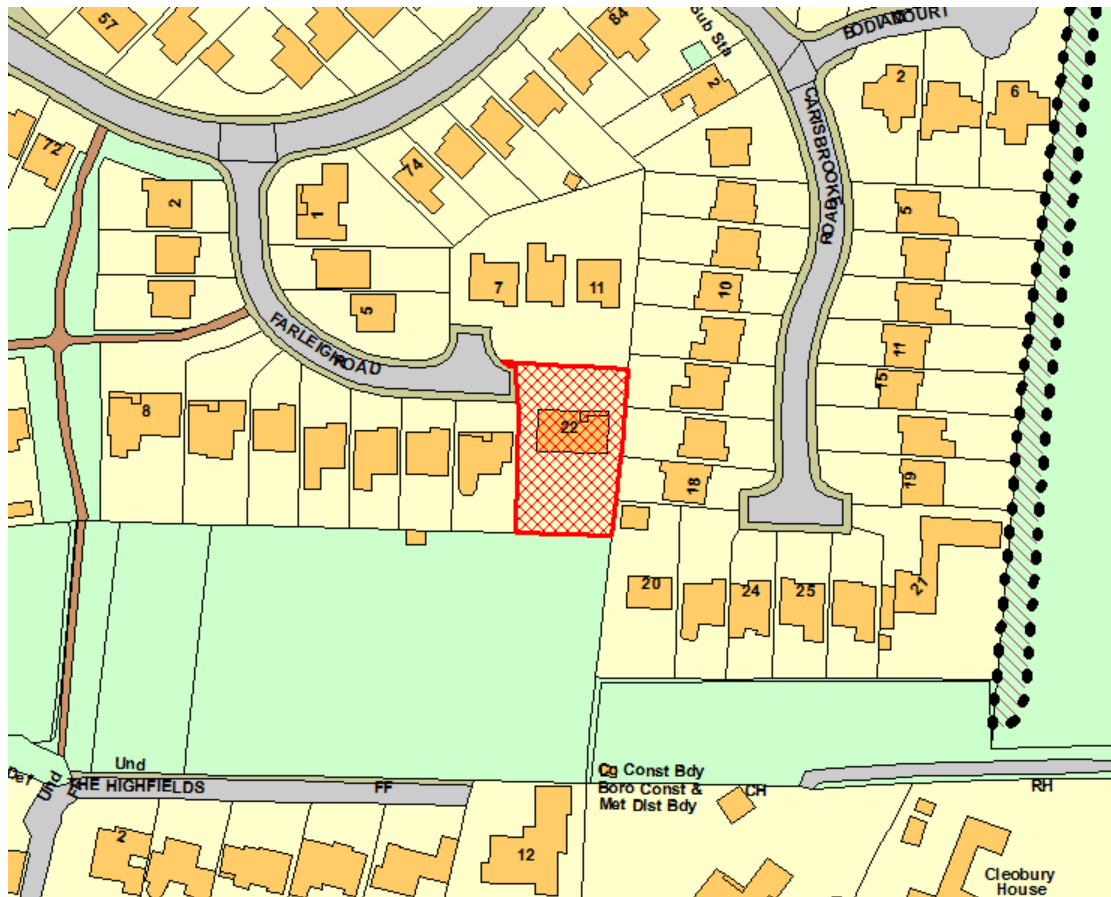
Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings: Proposed site plan, proposed side elevation, (south), proposed front elevation (west), proposed side elevation (north), proposed rear elevation (east) and proposed floor plan. received 28/03/2021
3. The materials to be used on the walls and roof of the outbuilding shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
4. No existing trees, shrubs or hedges on the sites northern boundary shall be removed for a period of 10 years following completion of the development without the prior consent of the Local Planning Authority. If any the existing planting is removed or dies within 5 years of completion of the development it shall be replaced with the same species (or alternative agreed with the Council) within 12 months of its removal and as close to the original position as possible (or elsewhere in a position agreed with the Council). The existing and any replacement planting shall be maintained for a period of 10 years respectively from completion of the development or time of planting to the satisfaction of the Local Planning Authority.

### Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.



22 Farleigh Road, Perton, WOLVERHAMPTON WV6 7RH



**SOUTH STAFFORDSHIRE COUNCIL****PLANNING COMMITTEE – 25 MAY 2021****MONTHLY UPDATE REPORT****REPORT OF THE LEAD PLANNING MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

1.1 A monthly update report to ensure that the Committee is kept informed on key matters including:

- Proposed training
- Any changes that impact on National Policy
- Any recent Planning Appeal Decisions
- Relevant Planning Enforcement cases on a quarterly basis
- The latest data produced by the Ministry of Housing Communities and Local Government

**2. RECOMMENDATION**

2.1 That Committee note the content of the update report.

**3. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	Report to Planning Committee	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	25 May 2021	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.

IMPACT ON SPECIFIC WARDS	No	District-wide application.
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## **PART B – ADDITIONAL INFORMATION**

### **4. INFORMATION**

- 4.1 Future Training** – Changes to Planning Committee were approved at the 26 March 2019 meeting of the Council to reduce committee size from 49 potential members to 21 members. As part of these changes an update report will now be brought to each meeting of the Committee. The intention has been that with a reduced size of Committee additional training will be provided throughout the year, namely before Planning Committee. Please let me know if you have any areas you wish to be considered for training.
- 4.2 Changes in National Policy** – There have been no changes since the last report.
- 4.4 Planning Appeal Decisions** – every Planning Appeal decision will now be brought to the Committee for the Committee to consider. Since the last report there have been 3 appeal decisions since the last Committee, a copy of the decisions are attached as Appendix 1, 2 and 3. These relate to:
- 1 An appeal against the refusal to reduction a TPO tree in height to 10 metres at 46 Histons Drive, Codsall, Wolverhampton WV8 2ET. The appeal was dismissed because the Inspector concluded the proposed works would significantly harm local visual amenity.
  - 2 An appeal against a refusal for the construction of a new building for use as a D1 nursery (part retrospective) drainage works to the rear of the nursery (retrospective) and associated works at Springhill House, Springhill Cottage, Springhill Lane, Lower Penn WV4 4TJ. The appeal was allowed (but costs claim dismissed) for a number of reasons; including but not limited to, the overall impact of the size increase is negligible to the openness of the Green Belt and is not an inappropriate form of development within the Green Belt even though it is a materially different building than the one that had consent. The inspector also concluded that after considering other planning matters including energy efficiency, drainage, travel plans that on balance, the benefits of allowing the scheme outweigh the conflict with the development plan; and outstanding issues can be dealt with via appropriate conditions. Officers are already engaging with the applicants to ensure conditions will be met in accordance with timescales set out.
  - 3 An appeal against a refusal for the erection of temporary structure to be used as a prototype for pre-fabricated hostel with visitor parking accessed from an existing private drive at The Croft, School Road, Trysull WV5 7HR. The appeal was dismissed because the inspector concluded that the proposal would be inappropriate development in the Green Belt and would harm the Green Belt; and the very special circumstances required to justify the proposed development do not exist.



- 4.5 Members may be aware that planning application 20/00621/OUT Land South of White Hill, Kinver, which planning committee resolved to grant planning permission on 26th January 2021, was the subject of a request to call in for determination by the Secretary of State by Gavin Williamson MP. The Secretary of State has written to the Council on 12<sup>th</sup> May 2021 and confirmed that he will not call in this application and is content that it should be determined by the local planning authority.
- 4.6 The Secretary of State for Transport has made an order granting development consent West Midlands Interchange (WMI). Documents can be seen here : <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/> Officers are now working with the site promoters to understand next steps.
- 4.7 **Relevant Planning Enforcement cases on a quarterly basis** – No update since last meeting – 78% of Planning Enforcement cases were investigated within 12 weeks of the case being logged in March. This slight drop below the 80% target and reflects several issues including the loss of a member of staff whose fixed term contract came to an end and who will not be replaced; the focus of staff time on a S106 Audit; and a significant Gypsy and Traveller incursion at Hatherton which has taken a considerable amount of officer time away from existing cases. The team continues to manage day to day workload through the triaging of cases to ensure that the necessary information is obtained from the complainant regarding the alleged planning breach before a case is logged.
- 4.8 **The latest data produced by the Ministry of Housing Communities and Local Government** – As members will recall, MHCLG sets designation targets that must be met regarding both quality and speed of planning decisions. The targets are broken into Major and Non major development. If the targets are not met, then unless exceptional circumstances apply, MHCLG will “designate” the relevant authority and developers have the option to avoid applying to the relevant designated Local Planning Authority and apply direct, and pay the fees, to the Planning Inspectorate. Details can be seen at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/760040/Improving\\_planning\\_performance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf)
- 4.9 We will ensure that the Committee is kept informed of performance against the relevant targets including through the MHCLG’s own data.
- 4.10 For Speed – the 2020 target for major developments is that 60% of decisions must be made within the relevant time frame (or with an agreed extension of time) and for non-major it is 70%. For Quality – for 2020 the threshold is 10% for both major and non-major decisions. Current performance is well within these targets and the position as set out on MHCLG’s website will be shown to the Committee at the meeting – the information can be seen on the following link tables:
- 151a – speed – major
  - 152a – quality – major
  - 153 – speed – non major
  - 154 – quality – non major

The link is here – <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

The latest position is on the MHCLG website and the key figures are below:

**Speed**

151a – majors – target 60% (or above) – result = 90.7% (data up to December 2020)

153 – others – target 70% (or above) – result = 86.4% (data up to December 2020)

**Quality**

152a – majors – target 10% (or below) – result = 6.1% (date up to March 2019)

154 – others – target 10% (or below) – result = 0.8% (date up to March 2019)

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

N/A

7. BACKGROUND PAPERS

Appendix 1 – Appeal Decision – 46 Histons Drive, Codsall, Wolverhampton WV8 2ET

Appendix 2 – Appeal Decision – Springhill House, Springhill Cottage, Springhill Lane,  
Lower Penn WV4 4TJ

Appendix 3 – Appeal Decision – The Croft, School Road, Trysull WV5 7HR

Report prepared by:

Kelly Harris

Lead Planning Manager

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## Appeal Decision

Site visit made on 4 February 2021

**by Elaine Benson BA (Hons) DipTP MRTPI**

**An Inspector appointed by the Secretary of State**

**Decision date: 13 April 2021**

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**Appeal Ref: APP/TPO/C3430/7929**

**Rear of 46 Histons Drive, Codsall, Wolverhampton WV8 2ET**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
  - The appeal is made by Amy Rhodes against the decision of South Staffordshire Council.
  - The application Ref:20/00146/TREE\_T, dated 23 February 2020, was refused by notice dated 14 May 2020.
  - The work proposed is T113, Oak – crown reduction and reduction in height to 10 metres.
  - The relevant Tree Preservation Order (TPO) is 33/1970, which was confirmed on 13 May 1971.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. These are the amenity value of the protected oak tree, the likely impact of the proposed works on that amenity and whether the reasons given are sufficient to justify the proposed course of action.

### Reasons

#### *Amenity*

3. The appeal tree is a mature oak growing alongside a protected sycamore on a grass verge just beyond the appellant's rear garden boundary. The verge is part of an access road to The Paddock at the rear. The impressive oak tree is about 18-19m tall and appears to be in good condition. It has previously been crown lifted, most noticeably on the side closest to the appellant's property. The oak is a mature and apparently healthy specimen of significant size. Along with the protected sycamore tree which backs onto the neighbouring garden, the oak makes an important contribution to local amenity. The pair of trees can be seen from a number of roads and properties to the side and rear, as well as in longer views, due to their heights and canopy spreads. The trees are also visible between and above the houses on Histons Drive.
4. Although the TPO relates to individual trees, groups of trees and woodland, it covers a very large area of Codsall. There are few other trees in the locality of the oak of a similar stature. There are smaller trees lining The Paddock and in its properties' gardens. There are also a few, mainly coniferous, trees in Histons Drive which do not have the amenity value of the protected trees.

5. The proposal is to reduce the height of the oak tree to 10m. The extent of any accompanying canopy reduction, if any, is unknown. I conclude that the proposed works would significantly harm local visual amenities. Against this context it is necessary to consider the reasons for the proposed works.

*Reasons for proposed works*

6. The reasons for the proposed works include that the appellant considers the work is required maintenance for oaks to improve their overall health and longevity. Permission has been granted by the Council for work to other trees, including oaks, with no apparent concerns about potential infection. The timing of pruning works can minimise the risk of fungal infection. The tree has grown significantly over the last 4 years. There is a lot of dead wood and many branches have fallen into the garden which is a danger for the appellant's children. The tree blocks light to the garden and to the neighbours' garden. There are many bird droppings which are a health hazard.

*Assessment*

7. Evidence of research relating to the need for works to manage oak trees as referred to by the appellant has not been provided. A reduction to 10m would be excessive and would create large wounds. In my view these works would likely harm the health of the oak and reduce its safe, long-term life expectancy. Furthermore, mature trees usually have a reduced capacity to tolerate the potentially adverse effects of pruning, particularly with regard to the development of physiological dysfunction and decay.
8. There is no dispute that tree pruning should be carried out at optimal times to reduce the likelihood of infections. However, this does not overcome the need to demonstrate firstly that works are necessary. Good pruning practice includes minimising the number and size of pruning wounds. I agree with the Council that a lack of maintenance would not necessarily result in a diseased and dangerous tree. It is more likely that pruning works would increase the opportunities for fungal infections and decay.
9. There is no verifiable evidence about the growth of the oak over the last 4 years. The height estimates noted in the tree work applications in 2017 and the present day do not indicate a significant increase in height. The dropping of dead wood, especially during windy weather is a common occurrence and care should be taken when in proximity to trees at such times. There is nothing to indicate that the tree contains more dead wood than is usual and the oak appeared to be in a good, healthy condition at the time of my site visit.
10. The oak is around 11.5m from the house and significantly overhangs the small garden and, to a greater degree, that of the neighbouring property. There would be shading of the appellant's garden for part of the day, which would be greater when the tree is in full leaf. Whilst it might well be reasonable to reduce the extent and density of the canopy, the tree works as proposed would significantly reduce the height of the oak and would result in an unbalancing of the tree, due to the number of branches remaining at a lower level on The Paddock's side of the tree. Substantiated evidence for any canopy reduction would be essential.
11. I acknowledge the appellant's concerns relating to bird droppings. Health concerns relate primarily to a build-up of dry bird droppings in an enclosed

space which does not apply to this appeal. The Council further addresses these concerns in respect of pigeons and provides research evidence which suggests that risks to human health are low. Overall, there is insufficient evidence to lead me to a different conclusion on this matter and I can therefore give little weight to these concerns.

12. There is no dispute that the Council has allowed some crown reductions of healthy trees. There will also be examples where permission has been withheld. As each application is required to be considered on its individual merits, other approvals do not set a precedent for the appeal proposal.

*Conclusion*

13. The reasons for reducing the tree by almost half of its existing height do not outweigh the harm to amenity that would result. Therefore, for the reasons set out above, the appeal is dismissed.

*Elaine Benson*

INSPECTOR





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## Appeal Decision

Site visit made on 18 March 2021

**by M Shrigley BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 April 2021**

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**Appeal Ref: APP/C3430/W/20/3253111**

**Springhill House, Springhill Cottage, Springhill Lane, Lower Penn WV4 4TJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Sandhills Investment Ltd against the decision of South Staffordshire Council.
  - The application Ref 19/00048/FUL, dated 23 January 2019, was refused by notice dated 20 May 2020.
  - The development proposed is the construction of a new building for use as a D1 nursery (part retrospective) drainage works to the rear of the nursery (retrospective) and associated works.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the construction of a new building for use as a D1 nursery (part retrospective) drainage works to the rear of the nursery (retrospective) and associated works at Springhill House, Springhill Cottage, Springhill Lane, Lower Penn WV4 4TJ in accordance with the terms of application reference 19/00048/FUL, dated 23 January 2019, subject to the conditions set out in the Schedule at the end of this decision.

### Application for costs

2. An application for costs has been made by Sandhills Investment Ltd against South Staffordshire Council. This application is the subject of a separate Decision.

### Procedural Matter

3. I note that the application has been made retrospectively. At my site visit I could see that the development subject to appeal was substantially complete and in use.

### Main Issues

4. The main issues are:
  - Whether the proposal is inappropriate development within the Green Belt;
  - The adequacy of the BREEAM standard of the building and drainage provision; and,
  - Whether Travel Plan and monitoring requirements can be met.

## Reasons

### *Whether the proposal is inappropriate development*

5. Paragraph 145 of the National Planning Policy Framework (the Framework) advises that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions are listed which include at point g) the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.
6. Policy GB1 of the Local Plan for Staffordshire, Core Strategy Development Plan Document (December 2012) (CSDPD) is aligned with the content of the Framework. The policy indicates that proposals compliant with national guidance will be permitted.
7. The appeal building has replaced an agricultural building which previously stood on the same part of the site and therefore has been erected on previously developed land. I note this was a factor in the approval of planning permission for the nursery building granted by the Council under application reference 18/00354/FUL.
8. I do not have the precise dimensions of the historic agricultural building the nursery has replaced, but the plan information and the delegated report evidenced suggests it was similar in size, albeit a different shape. There is also evidence that a further substantial sized agricultural building (a haybarn) has been demolished to the rear of the nursery, within the red edge boundary.
9. The difference between the building subject to appeal and that to which consent was granted equates to an approximate 1 metre depth increase to the approved footprint. Its overall height remains the same. As currently erected, it is therefore marginally larger than the nursery building which has already obtained planning permission from the Council.
10. The appellant refers me to a further exception relating to proportionate additions to a building within the Framework. However, the approved nursery building cannot be said to exist when applying Green Belt policy. This is because the change is an integral component of the rear elevation of the building currently erected. Furthermore, there is no substantive evidence confirming the building was completed or operational before the change subject to appeal arose. A materially different building has therefore been erected on the site.
11. Nonetheless, considering the plan information before me the nursery building erected is no larger or more conspicuous than the agricultural buildings which previously stood on the site. In gauging both the spatial and visual implications apparent, the overall impact of the size increase is negligible to the openness of the Green Belt.
12. Thus, the development does not fall outside of the exceptions listed by the Framework bearing in mind the site history and the other buildings which have been demolished. Those factors as well as there being no significant impact on openness lead me to the conclusion that the exception listed in paragraph 145 (g) is met.



13. Overall, I do not find that the appeal scheme is an inappropriate form of development within the Green Belt as defined by the Framework. It also accords with Policy GB1 of the CSDPD.

*BREAAM standard/ drainage*

14. The external dimensions of the building are referenced by the appellant to be approximately 1038 sq m. Policy EQ5 of the CSDPD seeks to encourage the inclusion of low carbon technologies and specifies that non-residential development over 1000 sq. metres should be built to the BREEAM 'Excellent' standard. The approach is broadly consistent with the provisions of the Framework which supports the transition to a low carbon future.
15. I realise that the policy does not specify if the measurement is to be taken internally or externally from a building. However, the use of an external measurement is reasonable. This is because it encompasses the higher value and the wording includes the term 'over' in its specification. I am therefore satisfied reference to the external measurement is warranted.
16. I acknowledge that the building does not achieve the BREEAM Excellent standard but is instead evidenced as being originally designed to achieve a 'Pass' rating. The appellant has stated that this is because the initial design phase did not include such provisions, and that retrospective action to achieve an excellent standard is not feasible. Furthermore, confirmation of a 'pass' rating is still subject to agreement.
17. I appreciate that there would be significant difficulty in seeking to retrofit the property to achieve such an excellent rating. Even so, the policy requirements are clear and facilitate important environmental improvements.
18. With respect to drainage matters. The existing drainage provision system serving the building is suggested by the appellant to have been in use for around 24 months. However, there is no indication from the Council or statutory consultees this arrangement is acceptable, factoring the proximity of controlled waters.
19. Nevertheless, based on the evidence before me there is no reason to discount that adequate drainage provision for wastewater would not be able to be managed or adapted in line with local requirements. Whilst there are separate consenting regimes to cover this issue, they are complementary to the controls within the planning system.
20. Therefore, subject to a condition which ensures appropriate details can be agreed and implemented the development would be able to provide adequate drainage. This would be in accordance with Policy EQ7 of the CSDPD which aims to protect ground water from pollution and to secure appropriate drainage infrastructure for all new development.
21. Overall, I find that there would be conflict with Policy EQ5 of the CS.

*Travel Plan*

22. I note that Paragraph 111 of the Framework advocates that all developments that will generate significant amounts of movement should be required to provide a travel plan. The development results in a material

uplift in traffic movements on the local highway network and therefore warrants a travel plan to ensure highway safety and transportation management interests are respected.

23. Whilst a travel plan has been submitted in the evidence neither the Council nor the Highway Authority have indicated it meets local monitoring requirements. In that context, I accept there is scope for amendment to the submitted travel plan to be agreed through a planning condition when applying the relevant tests in national guidance. During the appeal process the appellant has also provided a Unilateral Undertaking (UU) securing a financial contribution towards the travel plans monitoring costs.
24. I am satisfied that the completed obligation complies with relevant legal tests indicated in the Framework and Planning Practice Guidance. Accordingly, a combination of a condition and the legal agreement would satisfy travel plan requirements considered as a whole. Subject to such provision I find no conflict with the aims of the Framework in relation to highway safety and transportation interests.

#### *Other considerations*

25. The appellant notes that the nursery employs 28 full time staff members, and a further 3 part time staff. Thus, I recognise that the development provides significant employment opportunities and economic benefits to local people.
26. I am also cognisant that working families are reliant on childcare and that such service provision is offered to the local community. I note that there are duties incumbent under Article 8 of the Human Rights Act, and Article 3(1) of the United Nations Convention on the Rights of the Child as further matters raised which I have had regard to. Those legal provisions support the best interests of children and I accept that the nature of nursery service provision is undertaken with that aim in mind. Consequently, all those points are important considerations in my overall assessment of the acceptability of the scheme and carry significant weight.
27. The Council concur that the permission granted under 18/00354/FUL has been implemented. On that basis, the main parties also acknowledge that a fall-back position exists in that subject to alteration to the rear façade of the building it would be able to be adapted to comply with the approved plans. The appellant has indicated the intention to do that should the appeal not be successful. Therefore, in that context I acknowledge that refusal of the appeal would lead to the realistic prospect of similar development still being erected on the land.
28. I note there are public representations to the scheme covering a range of issues including, but not limited to: breaches of planning control; lighting; highway safety issues and consent for the roadworks to allow access; traffic; harm to the character of the area; as well as ecology and biodiversity impacts. I have carefully considered those points, but highway safety, character and biodiversity related matters are not in dispute and the planning history to the site is also material. The access and parking area have already been formed and implemented in accordance with previously consented details. There are also conditions which can be applied in relation to lighting and drainage.

## **Planning Balance**

29. Although there is conflict with Policy EQ5 I am cognisant that the design and build process results in considerable constraints to achieving an excellent standard, retrospectively. There are also components of the scheme which would alleviate its carbon footprint in terms of the photovoltaic roof panels installed, travel plan, cycle storage facilities implementation as well as electric vehicle charging points. I have therefore considered those aspects in my assessment, when measured against the policy shortfall evident.
30. The appeal proposal also provides important services within the area and there is realistic prospect the building could be reduced in size in accordance with the extant planning consent. Moreover, if the building had proceeded in line with the approved design and extended thereafter the main building would still have achieved a BREEAM standard rating.
31. On balance, bringing all relevant points together I find the benefits of allowing the scheme to outweigh the conflict with the development plan taken as a whole.

## **Conditions and Conclusion**

32. The Council have suggested several planning conditions which I have considered. A condition linking the approved development to the submitted plans is required for the avoidance of doubt and to allow an appropriate route for any future modifications, if required.
33. Conditions limiting the operational hours of the business as well as delivery times are necessary to protect neighbouring residential amenity. I have made minor modifications to the suggested external lighting condition which is also required to protect amenity. A condition limiting the number of children attending the nursery is required in the interests of highway safety and management of the road network.
34. Subject to modifications to allow enforceability, implementation and where appropriate retention, conditions requiring: demonstration of a BREEAM 'pass' rating; electric vehicle charging points and cycle storage facilities; travel plan monitoring implementation are necessary in the interests of enabling carbon reduction improvements and promoting sustainable transport provision.
35. The suggested drainage condition is necessary because of potential impacts to controlled waters and because it is complimentary to other consent regimes outside of the planning system.
36. For the reasons given above the appeal succeeds.

*M Shrigley*

INSPECTOR

## **Schedule of conditions**

1. The works approved under this planning permission are shown on the following plans and documents:

Amended Site Layout Plan Drawing No 700 Rev R; Amended Location Plan Drawing No 100 Rev D; Drawing No 857 Rev A 'General Arrangements Plans Elevations'; Drawing No 851 Rev B2 'Ground Floor Plan'; Drawing No 853 Rev A1 'First Floor Plans'; Drawing No HLS @Hard Landscape Scheme'; Drawing No FWD Rev B 'Foul Water Drainage'; Drawing No SWD 'Surface Water Drainage Plan'; Drawing No BN 'Bin Store Plan'; External Lighting Plan and lighting details by Lighting Design Solutions; Bin Store Plan Drawing No BN; Drainage Tank Specifications (1150-FWKCB47-BIOFICIENT 34 TO 80 SHEET); Drawing No 800 Rev C 'Elevations, Floor Plans and Signage'; Drawing No 856 Rev C 'Front and Side Elevations Showing Solar Panels'; Travel Plan by Banners Gate Dated September 2019; Sandhill Road Sign Entrance Plans; Electric Box Plan CC1429 1150-FWKCB47-BIOFICIENT 47.

2. The use hereby permitted shall only take place between the following hours: 07:30 – 18.30 Mondays to Fridays; and not at all on Saturdays, Sundays, Bank and Public Holidays. Any deliveries to the site shall take place within the above operating hours.
3. Notwithstanding the details shown on the approved External Lighting Plan and lighting details by Lighting Design Solutions 'The lighting plan' the permission hereby granted does not grant or imply consent for the installation of any additional means of lighting on the site or the building. Unless otherwise agreed by the Planning Authority.
4. Within 2 months of the date of this permission evidence of how the development has achieved a BREEAM 'pass' rating shall be submitted to and approved in writing by the Planning Authority. All measures to achieve the minimum of a 'pass' rating shall be fully implemented within 9 months of the date of this permission and retained as such for as long as the development remains in use.
5. The nursery building hereby approved shall maintain a maximum operating capacity for 105 children, unless otherwise agreed in writing by the local planning authority.
6. Within 2 months of the date of this decision, full details of how the approved Travel Plan by Banners Gate dated September 2019 shall be monitored over a 5-year period, shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented thereafter.
7. Within 2 months of the date of this decision, details of active charging infrastructure and cabling for two electric vehicles within the site car park shall be submitted to and approved in writing by the local planning authority. The approved electric vehicle charging facilities shall thereafter be installed within 2 months of approval of the details and thereafter retained for those purposes only, for the life of the development.
8. Within 2 months of the date of this decision, details for a minimum of four cycle parking spaces in a secure and weatherproof store, in an accessible location within the site curtilage shall be submitted to and approved in writing by the local planning authority. The cycle parking facility shall thereafter be installed within 2 months of approval of the details and retained for those purposes only, for the life of the development.

9. Within 2 months of the date of this decision, details of the long-term management and maintenance of foul sewage drainage provision serving the development shall be submitted to and approved in writing by the local planning authority. Within 2 months of approval the agreed foul drainage details shall then be installed, managed, and maintained in accordance with the approved details for the life of the development unless written consent is given to any variation.



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## Appeal Decision

Site visit made on 1 April 2021

**by J Williamson BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 May 2021**

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**Appeal Ref: APP/C3430/W/21/3266531**

**The Croft, School Road, Trysull WV5 7HR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Richard Sanders against the decision of South Staffordshire Council.
  - The application Ref 20/00982/FUL, dated 06 November 2020, was refused by notice dated 23 December 2020.
  - The development proposed is described as erection of temporary structure to be used as prototype for pre-fabricated hostel with visitor parking accessed from existing private drive.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt, having regard to relevant development plan policies and the National Planning Policy Framework (the Framework);
  - if the proposed development is inappropriate development, its effect on the openness of the Green Belt;
  - the effect of the proposal on trees within the vicinity of the proposal;
  - the effect of the proposal on the character or appearance of the Trysull Conservation Area and the setting of the Grade II Listed Building, The Croft;
  - if the proposed development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations that amount to the very special circumstances required to justify the development.

### Reasons

*Whether inappropriate development*

3. Policy GB1 of the Core Strategy Development Plan Document (2012), (CS), advises that new development in the Green Belt which is acceptable within the terms of national Green Belt policy, as outlined in the Framework, will normally

be permitted, where the proposal is for either of the development types listed in the policy, which are consistent with the Framework.

4. The appellant accepts that the proposal constitutes inappropriate development in the Green Belt. Paragraph 143 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

#### *Effect on openness*

5. Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and permanence; and sub paragraph 134 (c) of the Framework advises that one of the purposes of Green Belts is to assist in safeguarding the countryside from encroachment. The openness of the Green Belt has both spatial and visual dimensions.
6. The proposed building would have a footprint around 10.2 m x 8.2 m, a ridge height around 8.4 m and eaves height around 5 m. A parking area for 4 cars and associated turning area would be provided towards the front of the building, covering an area of around 10 m x 12 m in total. The site would be accessed via an existing access to The Croft off School Road and existing track into the paddock. Inevitably, the introduction of a building where there currently isn't one will reduce the spatial openness of the Green Belt. I consider the extent of harm to the spatial openness of the Green Belt to be of a moderate degree.
7. The building would be sited towards the north-western corner of the paddock, some distance from School Road. Its rear elevation would be positioned close to a collection of existing trees and shrubs planted in the north-western corner of the paddock. There are some mature trees and hedges along the north and western boundaries. There is a boundary wall around 2 m high along the eastern boundary of The Croft; and a timber fence, around 2 m high, and a traditional hedge have recently been erected and laid along the south-western boundary of the paddock. Within this context, views of the proposed building would be very limited. As such, I consider that the proposal would have a limited impact on the visual openness of the Green Belt.
8. In addition to the effect on openness outlined, I consider that the proposal would encroach into the Green Belt, thereby threatening one of the purposes of including land within it.

#### *Effect on trees*

9. As noted, there are trees within proximity of the proposed building and car parking area. I note that the Council consider insufficient information has been provided to be able to fully assess the effect of the proposal on existing trees.
10. However, the proposed building would not have any foundations; it would be temporarily fixed to the ground with "ground screws". Additionally, except for electricity, the building would not be connected to any utilities. As regards the proposed parking area, given the distance it would be from the trees, I consider a suitable surface could be installed without harming the future well-being of the trees.
11. Hence, bearing the above factors in mind, I am satisfied that the proposal would not present a serious threat to the future well-being of the trees. Should



I have been allowing the appeal I consider that conditions could have been attached requiring details of the "ground screws" and car parking area to be submitted and approved. I therefore conclude that the proposal would not have a detrimental effect on the existing trees within its proximity.

*Effect on heritage assets*

12. The site is adjacent to the Trysull Conservation Area (CA) and within proximity of The Croft, which the evidence states is a Grade II Listed Building (LB). The appellant refers to the consultee comments provided by the Conservation Officer, who is of the opinion that the proposal would not impact upon the character of the CA and that the benefits would outweigh the harm to the setting of the LB. The Council's reasons for refusal do not relate to the effect of the proposal on heritage assets.
13. However, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA; and I have a duty to give considerable importance and weight to the desirability of preserving the setting of a LB. Additionally, paragraph 184 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance; and paragraph 193 advises that great weight should be given to the conservation of such assets when considering the impact of development on the significance of a designated heritage asset.
14. The appellant has not submitted any information regarding the significance of the CA or the LB, as required by paragraph 189 of the Framework; and the Council has not provided any details of the CA or a copy of the LB listing. In my opinion, the appeal site lies within the settings of both the CA and the LB.
15. I consider the CA to partly derive its significance from buildings with a diverse range of architectural styles, constructed using a limited range of traditional materials. Additionally, the CA is set within the bounds of Smestow Brook and the surrounding landscape, which I consider contribute to the wider setting of the CA. I consider the paddock within which the appeal site lies to contribute to the significance of the LB.
16. As noted above, the proposed building would be sited such that there would be limited views of it from public vantage points. However, contrary to the opinion of the Council's Conservation Officer, I consider the proposal would affect the setting of the CA and therefore its character and appearance, though only to a minor degree. Nevertheless, any harm would not therefore preserve or enhance the character or appearance of the CA. Similarly, I consider the proposal would harm the setting of the LB; though again, I consider the extent of harm to be minor.
17. Regarding paragraph 196 of the Framework, therefore, I consider the degree of harm to both the character and appearance of the CA and the setting of the LB to be less than substantial. The Framework advises that such harm should be weighed against any public benefits resulting from the proposal.

*Public Benefits/Other Considerations*

18. As noted in the description of proposed development, the proposed building would be a prototype of a pre-fabricated hostel. It is envisaged that such a building could be used to provide accommodation utilised by, for example, the

National Health Service (accommodation for staff), Local Authorities (to house the homeless) and/or the Prison Service (to enable family members of prisoners to reside close to the prisons). The appellant has liaised with representatives from the Ministry of Housing, Communities & Local Government, the Ministry of Justice, and the Department of Health & Social Care. I consider the potential to provide future accommodation for a range of users as indicated would be a considerable public benefit; and one which I conclude would outweigh the minor harm to the character and appearance of the CA and setting of the LB I have identified.

19. I also consider the fact that the proposal seeks temporary permission for a 2-year period weighs in favour of the proposal.
20. The appellant suggests that the proposal is, in principle, no different to the situation permitted directly adjacent to the Croft, where two-storey site cabins and a car parking area have been permitted temporarily. However, I disagree with the appellant's view. My understanding is that the cabins and car park have been permitted temporarily to serve the construction of properties which have been granted planning permission. Consequently, I consider the circumstances of each site to not be comparable.

### **Planning Balance**

21. The parties agree that the proposal constitutes inappropriate development in the Green Belt, which is harmful by definition. I have found that the proposed development would encroach into the Green Belt and reduce its spatial openness to a moderate degree, and its visual openness to a limited degree. As such, the proposal would compromise the objectives of the Framework to keep Green Belt land permanently open. I have also concluded that the proposal would not threaten the future well-being of trees within proximity of the site and that the potential public benefits resulting from the proposal, as outlined, would outweigh the minor harm to the character and appearance of the CA and the setting of the LB.
22. In accordance with the Framework, however, substantial weight is attached to any harm to the Green Belt. Furthermore, the Framework advises that very special circumstances will not exist unless harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. No justification has been provided regarding why such a prototype building must be erected in the Green Belt. For the reasons given, I therefore conclude that the harms by reason of inappropriateness, encroachment, and reduction of spatial and visual openness, are not clearly outweighed by the other considerations as outlined. Consequently, the very special circumstances required to justify the proposed development do not exist. As such, the proposal does not accord with Policy GB1 of the CS or Green Belt policies in the Framework.

### **Conclusion**

23. For the reasons outlined above, I conclude that the appeal is dismissed.

*J Williamson*

INSPECTOR