

**20/00456/VAR  
NON-MAJOR**

**Mr Raymond Clee**

**HUNTINGTON**

**Cllr Chris Benton  
Cllr David Williams**

**Land west of the White House, Sandy Lane, Hatherton, Cannock, Staffordshire WS11 1RW**

**Variation of condition 2 of 19/00701/FUL to relocate access.**

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

### **1.1 Site Description**

1.1.1 The application site comprises of an irregular shaped parcel of land, situated on the northern side of Sandy Lane. It currently consists of two enclosed paddocks, with an existing field access off Sandy Lane. In total, the site provides around 1.6 hectares of grazing land.

1.1.2 Planning permission was granted last year (Ref: 19/00701/FUL) for the change of use of land to the stabling and keeping of horses, including the erection of stable building, construction of horse exercise arena, laying of hardstanding and access improvements. The approved access was sited along the northern boundary of the land.

1.1.3 The site lies within the West Midlands Green Belt and Cannock Chase Area of Outstanding Natural Beauty (AONB).

### **1.2 Relevant planning history**

19/00701/FUL - Change of use of land to the stabling and keeping of horses, including erection of stable building, construction of horse exercise arena, laying of hardstanding and access improvements – Approved.

## **2. APPLICATION DETAILS**

### **2.1 The Proposal**

2.1.1 This application seeks to re-position the access previously approved under planning permission 19/00701/FUL. The amended site access would be situated in a central position along the Sandy Lane frontage, enabling the existing telegraph pole to be retained, and reduce the extent of hedgerow removal along the road frontage. In essence, the vehicular access would be moved around 3m to the south from that approved in 2019.

2.1.2 Condition 2 of permission 19/00701/FUL referred to the approved plans, and this application seeks to vary this condition, replacing the approved site layout plan with drawing no PBA1 Rev A, showing the revised position of the site access and associated hardstanding.

2.1.3 Following concerns raised by the Cannock Chase AONB Partnership, the case officer has requested that the proposed hedgerows are relocated so that they are directly alongside the internal access road, ensuring that they follow a more natural alignment rather than the regimented pattern shown on the submitted plans. The highway authority does not raise any issues with this proposed revision. The applicant has submitted a revised plan showing the requested changes.

### **3. POLICY CONTEXT**

Within the Green Belt

Adopted Core Strategy (CS)

Core Policy 1: The Spatial Strategy

Policy GB1: Development in the Green Belt

Core Policy 4: Promoting High Quality Design

Policy EQ1: Protecting, Enhancing and Expanding Natural Assets

Policy EQ2: Cannock Chase Special Area of Conservation

Policy EQ4 Protecting and enhancing the character and appearance of the Landscape

Policy EQ9 Protecting Residential Amenity

Policy EQ11 Wider Design Considerations

Policy EQ12 Landscaping

Core Policy 11: Sustainable Transport

Policy EV7: Equine Related Development

EV12 Parking Provision

Appendix 5 Car parking standards

Appendix 7 Space about Dwellings

South Staffordshire Design Guide (SPD)

Green Belt and Open Countryside Supplementary Planning Guidance (GBOC SPD)

National Planning Policy Framework (the Framework)

Chapters 6, 9, 12, 13 and 15

### **4. CONSULTATION RESPONSES**

No **Councillor** comments.

**Hatherton Parish Council** (06.07.2020) – *No observations, provided the conditions for application 19/00701/FUL are still valid and included within the decision notice if applicable.*

**County Highways** (03.07.2020) – *No objections, subject to the conditions attached to 19/00701/FUL being re-imposed.*

**Cannock Chase AONB Partnership** (08.07.2020) – *This application seeks to move the access to the centre of the field and widen the bell mouth, which it appears would require removal of the hedge and hedge bank. Some hedge planting is proposed however, the hedges are set back from the access road.*

*The openness of the Green Belt in and around the AONB is an important element of the landscape and scenic beauty of the designated area. It is important that inappropriate development does not erode the character and setting of the AONB or give rise to impacts on the AONB itself.*

*Widening the access would result in urbanising effects, detrimental to the character of the AONB. The AONB requests that the bell mouth should be the minimum required to satisfy the highway authority on safety grounds.*

*It is strongly recommended that the proposed hedges are relocated directly alongside the sides of the access road, and the entire area between the access and the site's northern boundary is planted with native woodland, including some oak. This would reduce the impact of the site entrance, enhance the character of Sandy Lane and filter views of the proposed stables from the Lane.*

*Finally, it is noted on the Decision Notice 19/00701/FUL, Condition 5 requires submission of a Landscape Scheme. Hedge planting on the site's eastern boundary would be strongly supported as this would enhance the Settled Farmland character in this part of the AONB and filter views of the stables, exercise arena and hardstanding when viewed from Parkside Lane (north east of the site) and the Shoal Hill area.*

**Arboricultural Officer (18.07.2020)– No objections, subject to conditions.**

## **5. APPRAISAL**

5.1 The application is being referred to Planning Committee as the original application was determined by the Committee.

### **5.2 Key Issues**

- *Whether the proposal is inappropriate development in the Green Belt;*
- *The effect of the proposal on character and appearance of the area, including the landscape and scenic beauty of the Cannock Chase Area of Outstanding Natural Beauty;*
- *Highway safety/parking;*
- *The effect of the development on the residential amenities of nearby residents.*

### **5.3 Whether inappropriate development in the Green Belt**

5.3.1 The application site is situated within the Green Belt where paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 of the Framework states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes 'engineering operations' and 'material changes of use of land'. Although the precise wording of Policy GB1 of the CS slightly differs from paragraph 146, its overall aims concerning the provision of appropriate facilities for outdoor sport and recreation are broadly consistent with the Framework. As such, this policy should be given full weight in the assessment of this case.

5.3.2 This proposal seeks to amend the position of the previously approved site access, so that it occupies a central position along the Sandy Lane road frontage. There would be a very minor increase in the width of the access crossing, however, this would be minimal and not therefore adversely impact on openness or encroach out into the open countryside. The access driveway would also be retained in the position approved under 19/00701/FUL.

5.3.4 Thus, the revised access arrangements would preserve the openness of the Green Belt and the purposes of including land within it. Consequently, the proposal would not represent inappropriate development in the Green Belt and would therefore accord with Policy GB1 of the CS and the Framework.

## **5.4 Character and appearance**

5.4.1 The application site lies within the Cannock Chase Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the Framework seeks to ensure that ‘great weight’ is given to conserving and enhancing the landscape and scenic beauty of the AONB, with the Countryside and Rights of Way Act 2000 (the Act) placing a duty on public bodies to ensure that the afore mentioned objectives are satisfied. Policy EQ2 of the CS closely aligns with both the Framework and the Act in this regard.

5.4.2 The site comprises of existing paddocks situated on the northern side of Sandy Lane. It is divided up into two fields, with an existing gated access off Sandy Lane. Mature tree and hedgerow planting currently define the boundaries of the land, with the rear proportion of the site partially obscured from public views along Sandy Lane by these landscape features.

5.4.3 The previously approved access sought to extend this vehicle crossing towards the northern boundary of the land, removing a section of hedgerow along the site frontage. The revised vehicular access would be sited in a central position fronting Sandy Lane. Although it would require the removal of a small section of hedgerow to the south, it would enable the hedgerow to the north of the existing field gate to be retained. Therefore, despite the comments of the Cannock Chase AONB Partnership (CCAONBP), no additional hedgerow planting would be lost as a consequence of the development.

5.4.4 The CCAONBP has raised concerns that widening the access would result in urbanising effects, detrimental to the character of the AONB. In my view the slight increase in the width of the vehicle crossing would not have a material impact on the character of the AONB. Following the receipt of amended plans showing the proposed hedgerow planting on either side of the access and internal access track, softening the impact of the development, the revised access arrangements would blend into the surrounding landscape. Consequently, I find that the proposal would preserve the landscape and scenic beauty of the AONB. In this respect, it would also comply with Policy EV7 which seeks to ensure that, amongst other things, equine development does not have an adverse impact on the natural environment and are sympathetic to the character of the area.

5.4.5 An Arboricultural impact Assessment (AIA) was submitted with the 2019 application, describing the potential impact on existing landscape features, including two trees along the northern boundary. By positioning the access further to the south, this revised scheme would not therefore impact on these two trees. Conditions requiring the use of tree protection measures, a tree method statement and no additional tree/hedgerow removal other than those identified on the submitted plans are needed to protect these existing landscape features.

5.4.6 For the reasons set out above, the development would preserve the character and appearance of the countryside and the landscape and scenic beauty of the AONB. In this respect, it would accord with Policies EQ2, EQ4, EQ11, EQ12 and EV7 of the CS, chapters 12 and 15 of the Framework, and the expectations of the Act.

## **5.5 Highway safety/parking**

5.5.1 There is an existing field access on Sandy Lane serving the land. This proposal seeks to extend the existing access further to the south, to avoid an existing telegraph pole. The revised position of the vehicular crossing would provide good visibility in both directions for drivers exiting the site, which would not be compromised if new hedgerow planting follows the line of the internal access track. The highway authority does not raise any objections to the revised access arrangements, subject to the conditions being re-imposed from the 2019 planning permission regarding the provision and surfacing of the access and parking areas.

5.5.2 Consequently, the development would not have an unacceptable impact on highway safety and the residual cumulative impacts of the development would not be severe. As such, the proposal would accord with the Framework in this respect.

## **5.6 Residential amenity**

5.6.1 A pair of semi-detached cottages lie to the south of the application site. The amended site access would be sited slightly closer to these properties than the vehicle crossing approved last year. However, this revision would be modest and still retain a reasonable gap between the access and the boundary of the adjacent dwellings. The introduction of new hedgerow planting along the southern side of the access track would further reduce the visual impact of the works and help mitigate any potential noise from the small number of vehicles which are likely to use the access. Therefore, the proposal would accord with Policies EQ9 and EV7 of the CS and paragraph 127 of the Framework which, amongst other things, seeks to provide a high standard of amenity for existing and future users.

## **6. CONCLUSIONS**

6.1 Accordingly, I find that the proposal would not represent inappropriate development in the Green Belt. It would also preserve the landscape and scenic beauty of the AONB if the new hedgerow planting follows the line of the new access and access track, highway safety and residential amenities of nearby residents. Therefore, the proposal is in accordance with local and national planning policies set out above and I recommend the application for approval.

6.2 Turning to conditions, it is necessary to replace condition 2 imposed under the 2019 with the revised block plan. I understand that work has not commenced on the construction of the development, so condition 3 (access and highway arrangements) should be re-imposed. Condition 4 (no external lighting) and tree protection conditions (Conditions 6, 7 and 8) are also necessary, as is the advisory condition (no 9) regarding no other structures/buildings being erected on site without prior approval of the local planning authority. Finally, as a landscaping scheme has not been submitted as required under condition 5 of the 2019 consent, I shall re-impose this condition.

6.3 Therefore, for the above reasons, I conclude that planning permission 19/00701/FUL should be varied as set out in the formal decision below, on the basis that the new hedgerow planting follows the line of the access and access track:

**7. RECOMMENDATION – APPROVE**, 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 drawing Nos: Site Layout Plan Scale 1:500 PBA1 Rev B and Stable Building: Floor Plan & Elevations Scale:1:100.
3. The development hereby permitted shall not be brought into use until the following works have been constructed and completed in accordance with the approved plans:
  - the existing access to the site within the limits of the public highway has been reconstructed and completed;
  - the access drive rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 10.0m back from the highway boundary; and
  - the access drive, parking and turning areas have been provided.
4. This permission does not grant or imply consent for any external lighting on the site or its boundaries.
5. No development shall commence until details of soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include:
  - written specifications (including cultivation and other operations associated with plant establishment); and
  - schedules of plants noting species, plant supply sizes and proposed numbers/densities.

All planting comprised in the approved details of soft landscaping shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

6. In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998:2010 Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

7. Where the approved plans and particulars indicated that specialized construction work is to take place within the Root Protected Area (RPA) of any retained trees, hedgerows or shrubs, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out shall be submitted and agreed in writing by the local planning authority. The AMS shall include details on when and how the works will be take place and be managed and how the trees etc. will be adequately protected during such a process. The work shall be carried out in accordance with the approved details.
8. Other than those shown to be removed on the approved plans, no trees or hedgerows on the site or its boundary will be lopped stopped or felled without the prior consent of the local planning authority.
9. No other stables, containers, shelters, caravans or other ancillary buildings or structures temporary or otherwise shall be sited on the site without the prior approval 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. In the interests of highway safety, in accordance with the National Planning Policy Framework.
4. To preserve the landscape and scenic beauty of the Cannock Chase Area of Outstanding Natural Beauty, in accordance with Policies EQ2, EQ4, EQ11 and EV7 of the South Staffordshire Core Strategy and the National Planning Policy Framework.
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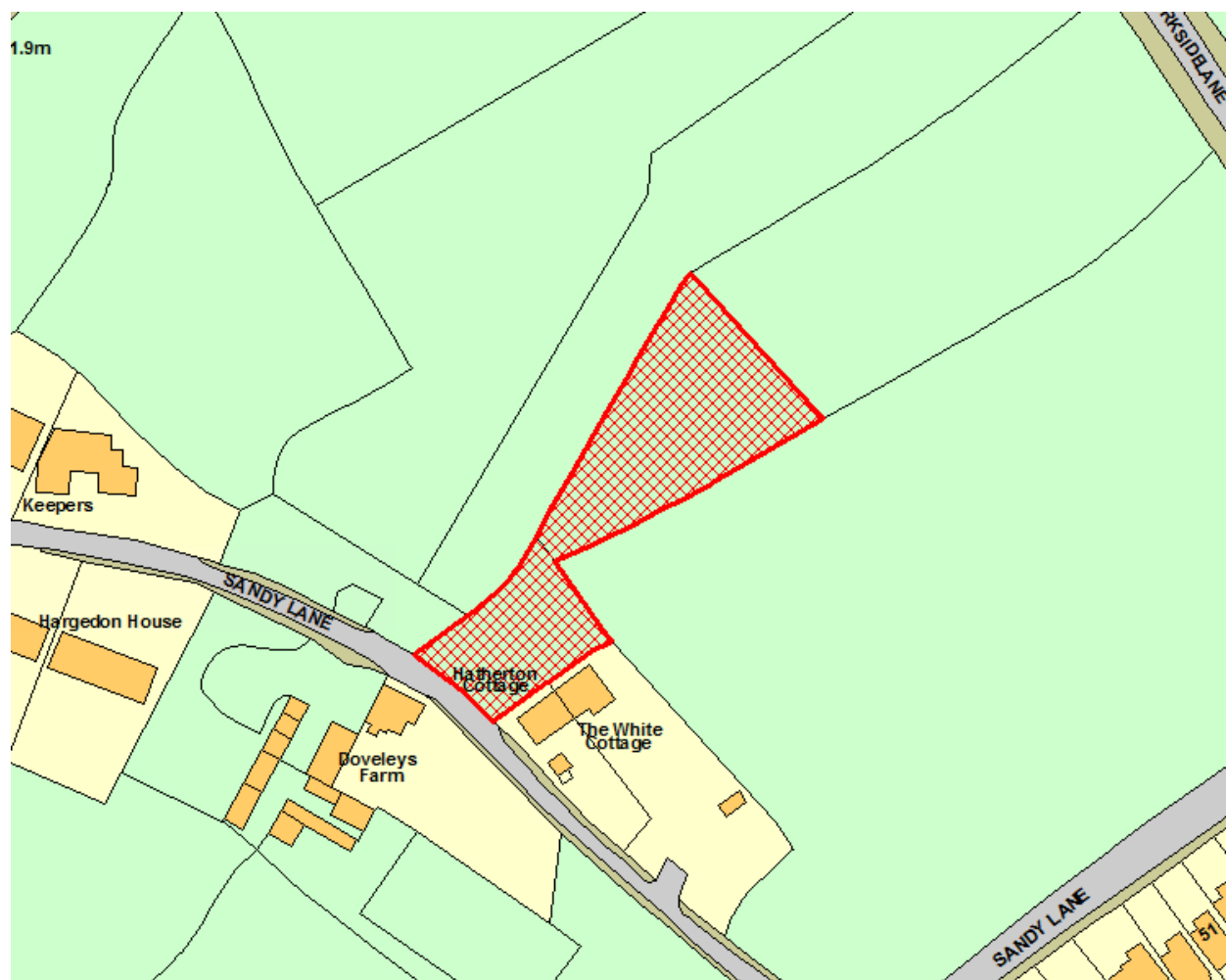
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10. Proactive Statement

In dealing with the application, the Local Planning Authority has worked in a positive and proactive manner based on seeking solutions to problems in relation to dealing with the planning application, in accordance with paragraph 38 of the National Planning Policy Framework.

**INFORMATIVE:**

The existing dropped crossing to the site shall be reconstructed in accordance with the submitted site layout plan. Please note that prior to the reconstruction works taking place you require a Permit to Dig. Please contact Staffordshire County Council, Network Management Unit, Staffordshire Place 1, Tipping Street, Stafford. ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))





Land Off , Sandy Lane, Hatherton