

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, 15 September 2020

Time: 18:30

Venue: Virtual Meeting



D. Heywood
Chief Executive

A G E N D A**Part I – Public Session**

- | | | |
|----------|---|-----------------|
| 1 | Minutes | 3 - 6 |
| 2 | Apologies
To receive any apologies for non-attendance. | |
| 3 | Declarations of Interest
To receive any declarations of interest. | |
| 4 | Determination of Planning Applications
Report of Development Management Team Manager | 7 - 78 |
| 5 | Monthly Update Report
Report of the Lead Planning Manager | 79 - 102 |

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

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.

Minutes of the meeting of the **Planning Committee** South Staffordshire Council held in the Virtual meeting [Venue Address] on Tuesday, 21 July 2020 at 18:30

Present:-

Councillor Penny Allen, Councillor Len Bates, Councillor Chris Benton, Councillor Barry Bond, 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 Reade, Councillor Robert Spencer, Councillor Christopher Steel

ALSO IN ATTENDANCE

Annette Roberts, Sue Frith, Kelly Harris, Manjit Dhillon, Simon Hawes (Staffordshire County Highways)

72 **MINUTES**

RESOLVED: that the minutes of the Planning Committee held on the 16 June 2020 be approved and signed by the Chairman with the inclusion that application number 19/00694/FUL was resolved and approved as recommended.

73 **APOLOGIES**

There were no apologies for non attendance

74 **DECLARATIONS OF INTEREST**

Councillor Spencer declared an interest in application 20/00401/FUL and took no part in consideration of this item.

Planning Solicitor, Manjit Dhillon declared a conflict of interest in application 19/00993/FUL and took no part in advising the committee on this item.

Regarding application 20/00312/FUL in which South Staffordshire District Council is both applicant and landowner, the Council's constitution and Planning Protocol enabled the Planning Committee to determine this application.

75 **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.

19/00910/FUL - PRIMROSE COTTAGE, GOSPEL ASH ROAD, BOBBINGTON - APPLICANT - MR AND MRS K HAMPTON - PARISH - BOBBINGTON

RESOLVED: that the application was approved as recommended

19/00993/FUL – LAND OFF COMMON LANE, BEDNALL –

APPLICANT – SSHA THE HOUSING PLUS GROUP – PARISH – ACTON TRUSSELL, BEDNALL AND TEDDESLEY HAY

Ms Lesley Birch (Applicant) spoke for the application.

A statement was read out against the application by the Corporate Director, Planning and Infrastructure on behalf of and supplied by Mr Keith Howell.

Councillor L Bates as local member was in support of the application based on its planning merits.

Councillor I Ford, R Reade and L Hingley supported the application.

Councillor C Steel queried why there was no condition about housing tenure/mix, only a S106. Councillor T Mason referred Councillor C Steel to paragraph 5.10.1 of the Officer report.

RESOLVED: that approval be delegated to the Team Manager to issue the decision on completion of a satisfactory Section 106 agreement and Unilateral Undertaking. If this has not been achieved by 20 September 2020 this application will be referred back to the Planning Committee.

20/00008/FUL – WEATHEROAKS, LAWNSWOOD DRIVE, LAWNSWOOD, STOURBRIDGE DY7 5QW – APPLICANT – MR AND MRS LYONS – PARISH – KINVER

A statement was read out in support of the application by the Corporate Director, Planning and Infrastructure on behalf of and supplied by Mr Dave Lyons (Applicant) and a statement against the application on behalf of and supplied by Mr Richard Jewkes (Simpatico Town Planning).

Councillor L Hingley thanked Lucy Duffy for an excellent and well balanced report and as local member supported the planning officer's recommendation to approve the application.

Councillor B Cope asked for clarity around the Government's 'back garden' infill development policy.

Kelly Harris said that this case met the current national policy framework and the District planning strategy.

Councillor Reade supported the application but noted the informative from Severn Trent who were working to identify a public sewer located within application site.

Councillor M Boyle thought more information was needed on the position of the sewers.

Councillor T Mason referred to the STW Informative, this was outside the remit of Committee

RESOLVED: that the application be approved with amended wording to condition 11.

No existing trees on the site or its boundaries shall be pruned in any way or cut down for a period of 10 years following completion of the development without the prior consent of the Local Planning Authority. If any of the existing trees are 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 hedges on the site and its boundaries shall be retained and regularly maintained at or around their current height to the satisfaction of the Local Planning Authority and shall not be removed without the prior written consent of the Council.

A site visit to agree the height of the hedge will be arranged at a suitable time for all concerned parties.

20/00303/FUL – WEST BEECH, BELL HURST LANE, WHEATON ASTON, STAFFORD ST19 9QS – APPLICANT – MR RODGER GRIFFITHS – PARISH – LAPLEY, STRETTON AND WHEATON ASTON

Councillor Cox as local member supported the planning officer's recommendation to approve the application.

RESOLVED: that the application be approved with conditions as recommended.

19/00312/FUL – WOMBOURNE ENTERPRISE PARK, BRIDGNORTH ROAD, WOMBOURNE, WV5 0AL – APPLICANT – SOUTH STAFFORDSHIRE COUNCIL – PARISH – WOMBOURNE

Mr Tom Ayres (Agent) spoke for the application.

A statement was read out against the application by the Corporate Director, Planning and Infrastructure on behalf of and supplied by Mr Alan Peace.

Councillor V Merrick, as local member spoke in support of the development as important to rejuvenate Wombourne village economy.

Councillor R Reade said whilst he heard the objections, people will shop how they want to shop and we have to move with the times. A Lidl would give a broader range of supermarkets.

Councillor M Lawrence had sympathy with the Local Member, but thought the proposal would attract more people to the area, who would then visit the village centre.

Councillor B Bond supported the recommendation for approval, but sought an amendment to the deferral. The current buildings on the site are not fit for purpose and need to go. Local members had not been consulted on the scheme, which will impact on the village centre.

The application should be deferred until a village strategy is agreed with the 7 local Members and the Parish Council to re-vitalise the centre. It needs to address car parking and include an employment strategy for the south of the District.

Kelly Harris confirmed it was each case on its own merits, most of the employment users have found a new site, pre-application consultation is not a statutory requirement, the Local Plan policies provide a village centre strategy and employment strategy. The Local Plan Review will provide the opportunity to review our approach to village centre and is the appropriate way in which members can engage with officer to consider such a future strategy.

Councillor R Lees and Councillor R Reade commented that none of it can be done as part of the application, but it can be looked at in the future.

Councillor P Allen commented the proposal would give people access to cheaper food.

RESOLVED: that deferred approval with conditions as recommended be delegated to the Team Manager to issue the decision on completion of a satisfactory Section 106 agreement, deferred subject to the application not being called in by the Secretary of State. If this has not been achieved by 20 October 2020 this application will be referred back to the Planning Committee. The application will not be formally approved until the Secretary of State has considered the application and the Committee report.

20/00339/FUL – THE COTTAGE, PARADISE LANE, SLADE HEATH, WOLVERHAMPTON WV10 NZ – APPLICANT MR K POTTS – PARISH – BREWOOD AND COVEN

Councillor D Holmes as local member supported the planning officer's recommendation to approve the application.

RESOLVED: that the application be approved with conditions as recommended.

20/00401/FUL – 43 PRINCES GARDENS, CODSALL, WOLVERHAMPTON WV8 2DH – APPLICANT – MR ROBERT SPENCER – PARISH – CODSALL

RESOLVED: that the application be approved with conditions as recommended.

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MONTHLY UPDATE REPORT AND AGREEMENT OF THE PLANNING ENFORCEMENT POLICY

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 and approve the updated Planning Enforcement Policy (Appendix 2 to the report)

The Meeting ended at: 20:30

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 15 SEPTEMBER 2020****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

Report prepared by: Sue Frith, Development Management Team Manager

App no	Applicant/Address	Parish and Ward Councillors	Recommendation	Page
19/00859/FUL NON MAJOR	Mr & Mrs D Hyde Holly House Bickford Road Whiston STAFFORD ST19 5QH	PENKRIDGE Cllr Josephine Chapman	Approve	13 - 30
19/00863/FUL NON MAJOR	Mr Patrick Dunne Land Adjacent Brinsford Bridge Stafford Road Coven Heath	BREWOD & COVEN Cllr Wendy Sutton Cllr Joyce Bolton Cllr Diane Holmes	Approve	31 - 40
20/00373/FUL NON-MAJOR	Mr and Mrs I Williams Stone House Holyhead Road Kingswood WOLVERHAMPTON WV7 3AN	PERTON Cllr Philip Davis	Refuse	41 - 50
20/00412/FUL NON MAJOR	Mr Dean Hiscox Mile Flat House Mile Flat Greensforge KINGSWINFORD DY6 0AU	KINVER Cllr Brian Edwards Cllr Lin Hingley Cllr Henry Williams	Approve	51 - 56
20/00456/VAR NON-MAJOR	Mr Raymond Clee Land west of the White House Sandy Lane Hatherton Cannock Staffordshire WS11 1RW	HUNTINGTON Cllr Chris Benton Cllr David Williams	Approve	57 - 66
20/00499/FUL NON MAJOR	Miss Bentley New House Farm Gunstone Lane Codsall WOLVERHAMPTON WV8 1EL	CODSALL Cllr Matt Ewart Cllr Meg Barrow	Approve	67 - 78

**19/00859/FUL
NON MAJOR**

Mr & Mrs D Hyde

PENKRIDGE

Cllr Josephine Chapman

Holly House Bickford Road Whiston STAFFORD ST19 5QH

Demolition of existing dwelling and replacement with two-storey dwellinghouse and retention of temporary siting of 3 no. shipping containers and static caravan during duration of build.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Application Site

1.1.1 The Application Site relates to Holly House, a 19th Century detached traditional style property; one of five substantial dwellings off the narrow rural lanes Bickford Road / Bent Lane. The existing dwellinghouse is vacant and in a very poor state of repair. Heavy vegetation screens the roughly triangular plot from the road and there are a number of mature trees across the site.

1.1.2 The site is located in Green Belt and within 10km of the Cannock Chase SAC.

1.2 Planning History

20/00215/LUP - Erection of detached double garage – Approved 23.04.2020

12/00606/LUP – Two-storey rear and single-storey side extensions and conservatory, Issued 19.09.2012

08/01047/FUL – Extension – Approved Subject to Conditions 27.11.2008
Subsequent Appeal (Reference APP/C3430/A/09/2098379) – Disputed Condition 2 relating to the removal of Permitted Development Rights pertaining to Schedule 2 Part 1 Classes A – E and Schedule 2 Part 2 Classes A – C of the Town and Country Planning (General Permitted Development) Order, 1995. The Appeal was in part allowed, however a substituting condition was proposed by the Inspector retaining the removal of PD for Classes A – E of Schedule 2 Part 1 only (extensions to the dwelling, alterations to the roof, addition of a porch and garden buildings). This proposal has not been implemented.

07/00895/FUL – Extension – Refused 15.10.2007 on Green Belt grounds

00/01126/FUL – Extension – Refused 6.10.2000 on Green Belt grounds Appeal Dismissed 23.08.2001

99/00479/FUL – Extensions – Refused 30.06.1999 on Green Belt grounds and also on the size and scale of the proposal.

77/00039 – Two dwellings with garages refused 9.03.1977

2. APPLICATION DETAILS

2.1 Planning Proposal

2.1.1 Planning permission is sought for the demolition of the existing dwelling and its replacement with a two-storey dwellinghouse, together with the retention of 3 no. shipping containers for a temporary period and the siting of a static caravan during the build.

2.1.2 The existing floor area of the dwelling is approximately 129.4m² and the volume of the dwelling as existing is approximately 332.5m³. The existing dwelling is split over two-storeys with a small single-storey rear lean to.

2.1.3 Whilst planning permission 08/01047/FUL was granted subject to the removal of permitted development rights, the proposal was not implemented. As such, permitted development rights remain intact for the dwelling.

2.1.4 The original proposal for the replacement dwelling had a floor space of approximately 309.3m² which equated to an addition of approximately 139% to the existing floorspace of the dwelling.

2.2 Amendments

2.2.1 The proposal was amended, with reduction to the width and bulk of the proposed replacement dwelling. The link between the proposed garage was also redesigned and a lawful development certificate was submitted during the course of the application process to ascertain the principle of a detached garage to the side of the proposed dwellinghouse.

2.2.2 The revised scheme proposes a replacement dwelling with a floor space of approximately 223.0m². This would be a 72.3% increase in the floor space of the existing dwelling.

2.2.3 The amended Site Plan also indicates a detached garage to the side of the proposed replacement dwelling.

2.3 Agent's Submission

2.3.1 A Design and Access Statement by Fleming Homes accompanies the application. The key points are summarised as follows:

- The house is in a complete state of disrepair and would not be financially viable to bring the house up to current standards;
- Currently access to the site is adjacent to the junction of Lapley Road and Bickford road;
- The proposal is to use the current access, which comprises of a double 5 bar timber gate;
- The new design is attempting to keep some of the original buildings character by re-using the brickwork from the existing house which is to be demolished and by having traditional bay windows, combined with a more contemporary timber clad façade.
- During the erection of the dwelling, a static caravan has been pitched on site for the applicants to live in.
- There is also temporary storage to be provided during the build by means of storage containers.
- The bulk of the landscaping around the property is to be retained.

- All existing boundary hedges, trees and fences are to be retained.

2.3.2 A Preliminary Roost Assessment by Elite Ecology dated March 2020 was received on request by officers during the course of the proposal.

2.3.4 The outcome of the PRA required a Bat Emergence and Re-entry Surveys undertaken by ARBTECH dated July 2020.

2.4 Pre-application Advice

None prior to the submission of this application.

3. POLICY CONTEXT

3.1 The site is located within the West Midlands Green Belt.

3.2 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 within the Green Belt
- Core Policy 2: Protecting and Enhancing the Natural and Historic Environment
- Policy EQ1: Protecting, Enhancing and Expanding Natural Assets
- 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
- Policy EQ12: Landscaping
- Core Policy 11: Sustainable Transport
- Policy EV12: Parking Provision
- Appendix 5: Car Parking Standards
- Appendix 6: Space About Dwellings Standards

3.3 Adopted local guidance

- Green Belt and Open Countryside SPD (2014)
- South Staffordshire Design Guide Supplementary Planning Document (2018)
- Sustainable Development Supplementary Planning Document (2018)

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

- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 16- Conserving and enhancing the historic environment

National Planning Policy Guidance, updated 2019 (the - 'NPPG').

4. CONSULTATION RESPONSES

Councillor Josephine Chapman: Concerned with the scale of the proposal and seeks to call in to Planning Committee should it be recommended for approval.

Penkridge Parish Council: Comments as follows *“Councillors had concerns that the propose new dwelling was in excess of the original footprint.”* Received 17.02.2020.

Penkridge Civic Society (Expiration 5.02.2020): No comments received.

Environmental Health: No objections subject to recommended conditions to include demolition, deliveries and construction hours, no burning, prevention measures for dust and a site survey to determine the presence of asbestos products. Received 21.05.2020.

Conservation Officer Response 2 – No objection with the following comments *“Whilst there are no objections to the demolition and replacement, a full photographic survey should be done (i.e. elevations and associated points shown on floor plans) should be done. This would then form a document that could be lodged with the Staffordshire County Council Historic Environment Record (HER). This could be covered by a condition. Following the previous comments, amendments to the scheme have carried out and there are now no conservation objections subject to the satisfactory agreement of materials. These could either be submitted prior to the determination of the application or covered by conditions at the time of determination.”* Received 9.06.2020.

County Ecologist Response 2 – No Objection subject to recommended conditions and secure of EPS licence prior to demolition.

County Highways No Objection subject to recommended conditions relating to pre-occupation conditions for access drive, parking and turning areas with approved plans, retention of garage for vehicles and cycles and informative for dropped crossing for a Section 184 Notice. Received 31.01.2020.

Severn Trent Water: No Objection with following comments *“As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.”* Received 17.01.2020.

Neighbours 05.02.2020

Site Notice expiration 12.06.2020

Seven representations have been received comprising of three in support of the proposal and four objecting the proposal. The representations are summarised as follows:

Support –

- The proposal is an improvement and enhancement to area.
- The clearing works has had a vast improvement.
- The timber gates and fencing are sympathetic to the character of the area.

Objections -

- Concerned that there are Protected Species that have not been accounted for.
- Building proposed would exceed the Green Belt guidance of 40%.
- No stated exceptional circumstances documented in the proposed application, to take into consideration and support a substantially much larger property in this location.
- The proposed external materials stated in the development plan would have a much bigger visual impact in this rural location and would not be in keeping with other properties constructed in brick and tile in small hamlet of Whiston.

- The design of the proposed replacement is not in keeping with the brick, tile and render within the immediate area.
- Fencing and steel gates are not relatable in the area.
- No problem with the demolition of the existing house but would object to it's size being any larger than the existing building.
- We believe the site is being used to run a business, with goods being stored in old shipping containers that are very unsightly.
- Shipping containers are intrusive into third-party amenity area.
- The fencing that has been used round, this is industrial looking and certainly not in keeping with a rural environment.

Amendment:

Neighbours 10.06.2020

Amended Site Notice expiration 11.02.2020

Three further representations were received in response to the amended plans. The representations are summarised as follows:

- The amended plans constitute an unacceptable replacement and is an inappropriate development within the green belt.
- Request that the shipping containers assumed to be used for business storage is to be removed.
- Object to its size being any larger than the existing building plus it's permitted development rights, all recent extensions in the area have been held to these rules, and we can see no special circumstances for these rules to be exceeded.

5. APPRAISAL

5.1 Councillor Chapman has called the application to Planning Committee

5.2 Key Issues:

- Principle of development in Green Belt;
- Whether the proposal constitutes as inappropriate development;
- Actual Green Belt harm and impact on openness
- Very Special Circumstances;
- Design and Scale;
- Ecology
- Impact on the Cannock Chase SAC
- Impact on trees
- Highways
- Other matters.

5.3 Principle of Development in the Green Belt

5.3.1 The site is located within the Green Belt. Paragraph 143 of the National Planning Policy Framework, 2019 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 as set out within Paragraphs 145 & 146 of the NPPF. Point d) of Paragraph 145 states that one of the exceptions is

the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

5.3.2 Policy GB1 within the South Staffordshire Core Strategy, 2012, whilst it predates the NPPF, is largely consistent with it. Point d) states the

limited infilling and limited extension(s), alteration or replacement of an existing building where the extension (s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces...(my emphasis).

5.3.3 The Council also has more guidance on for development within the Green Belt within the Green Belt and Open Countryside SPD, 2014. In particular, a guide for the acceptability of proportionate increase of replacement dwellings is cited under Paragraph 3.2. The guidance states that in order to judge whether the replacement would be materially larger/disproportionate, a range between 10-20% increase in existing floor space is stated. The guidance goes on to state that

'This will be the basis for making a judgment on planning applications put before the Council, however all applications will be judged on their merits on a case by case basis'.

5.3.4 There is also guidance for extensions to dwellings within Green Belt which is outlined within Paragraph 4.4 of the guidance and states that a guidance of anything above the 20-40% range of extensions will be likely to be disproportionate, simply because it would not be in proportion with the host building and therefore would be likely to have an impact on openness. This range will be applied to floor area, rather than footprint which had been used historically (for dwellings).

5.3.5 The key issues with ascertaining the principle of the proposal is whether the replacement dwelling as proposed is '*materially larger*' than the existing dwelling.

5.3.6 The existing floor area of the dwelling is approximately 129.4m² and volume of the dwelling as existing is approximately 332.5m³. The existing dwelling is split over two-storeys with a small single-storey rear lean to.

5.3.7 The original proposal as submitted proposed a 139% addition to the existing floorspace. Discussions with the Agent were undertaken and an amended scheme was submitted with a proposed floor space of approximately 223m² which is would equate to a 72.2% increase in the floorspace of the existing dwelling.

5.3.8 As previously mentioned, in Section 3 '*Replacement of existing buildings*' within the Green Belt and Open Countryside SPD, 2014 the guidance uses 10-20% increase in floor area as guide as to what constitutes materially larger than it replaces.

5.3.9 The SPD is specific with the parameters for the increase in floor area and what constitutes materially larger and the proposal would not be within these defined parameters. If using this guidance, the proposal of the replacement dwelling would be deemed inappropriate development and as such there is a presumption of refusal.

5.3.10 The proposal is therefore contrary to Policy GB1 of the Core Strategy, the guidance contained within the Green Belt and Open Countryside SPD, 2014 together with the objectives of the NPPF.

5.4 Actual Green Belt Harm and Impact on Openness

5.3.1 It is pertinent to establish the 'actual' harm to the Green Belt caused by the proposed replacement including the proposed detached garage.

5.4.2 Although identified in the NPPF as one of the essential characteristics of Green Belts, 'openness' is not formally defined. There has been much dispute in recent years in case law in defining openness.

5.4.3 *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466; [2017] 2 P & CR 1, para 18 concerned an inspector's decision refusing permission for a proposal to replace a mobile home and storage yard with a residential bungalow in the Green Belt. In rejecting the contention that it was within the exception for redevelopment which

"would not have a greater impact on the openness of the Green Belt", the inspector had expressly taken account of its visual effect, and that it would "appear as a dominant feature that would have a harmful impact on openness here".

5.4.4 The Court of Appeal upheld the decision. Sales LJ said:

"The concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach suggested by [counsel]. The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents." (para 14)

"Before us there was no challenge to the correctness of this statement of approach. However, it tells one nothing about how visual effects may or may not be taken into account in other circumstances. That is a matter not of legal principle, but of planning judgement for the planning authority or the inspector."

5.4.5 In the recent Supreme Court case *Samuel Smith Old Brewery (Tadcaster) and others v North Yorkshire County Council* [2020] reinforces this view.

5.4.6 Furthermore Planning Policy Guidance (PPG) Paragraph: 001 [2] on the factors to be taken into account when considering the potential impact of development on the openness of the Green Belt, comments

"openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume".

5.4.7 One of the essential characteristics of the Green Belt is its openness. Openness is the absence of development, notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects. It is therefore pertinent to establish the 'actual' harm to the Green Belt.

5.4.8 In assessing whether the proposal has an impact on the openness of the Green Belt, the overall width and heights of the existing dwelling and resulting dwelling are taken into consideration. The width of the existing dwelling measures approximately 10.9m, the height to maximum roof ridge measures approximately 7.4m and the length measures 8.0m.

5.4.9 In comparison, the proposed replacement would be approximately 10.6m wide, the height to maximum roof ridge would be approximately 7.5m and the length would be approximately 12.7m.

5.4.10 The replacement dwelling would be on the same footprint as the existing dwelling. It is acknowledged that there would be an increase in the rear of the dwelling. However visually, from views obtained to the rear into the enclosed and heavily screened site, it is not considered to result in a significant impact on the openness of the Green Belt.

5.4.11 The detached garage as shown on the Site Plan as proposed benefits from lawful development under planning reference 20/00215/LUP.

5.4.12 There would be no other permanent structures proposed across the site and the proposal for the replacement is therefore considered to be compact in nature within the landscape.

5.4.13 Overall it is considered that the proposal by siting, mass and scale would have a limited impact on the open character of this part of the Green Belt.

5.5 Very Special Circumstances

5.5.1 It has been established that the proposal is deemed inappropriate development in the Green Belt and as such would have default harm to the Green Belt.

5.5.2 Paragraph 144 within the NPPF states that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. These considerations are each assessed in turn below.

5.5.3 The NPPF states at Paragraph 143 of the NPPF, 2019 states that:

"Inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

5.5.4 In order for inappropriate development to be acceptable, material considerations amounting to very special circumstances must be advanced to justify a grant of planning permission.

5.5.5 Having had the opportunity to look into the planning history for the property I note a Lawful Development Certificate was issued for the property in 2012 (Planning Reference 12/00606/LUP) and I also note that the proposed developments certified at that time have not been implemented. In this instance the lawful development certificate was a legal determination to determine whether three proposed additions were lawful when assessed against the criterion under the Town and Country Planning (General Permitted Development) (England) Order, 1995 (as amended). The proposed developments comprised of a two-storey rear extension, single-storey side and a conservatory. The developments proposed were all deemed to be in accordance the legislation at that time and as such the legal determination was issued.

5.5.6 The concept of a '*fall-back position*' being a material consideration is well established through case law. The defining case law within *Mansell v Tonbridge And Malling Borough*

Council [2017] EWCA Civ 1314 – Judge Lindblom LJ sets out that PD-fallback is an established material planning consideration, providing there is a '*real prospect*' of the works being undertaken.

5.5.7 The two-storey rear, single-storey side and conservatory deemed in accordance and issued under the 12/00606/LUP has a combined floorspace of approximately 78.5m². If this is added to the existing floorspace of the property, it results in a combined floorspace of 207m². This equates to an increase in floorspace of the original dwelling of 60%.

5.5.8 In comparison, the amended proposed floor space of the replacement dwelling would measure approximately 223m², which would be 16m² larger than what can be achieved in combination with the existing floor space and the PD Fallback.

5.5.9 In light of the permitted development fall-back it is considered that the replacement dwelling would be only 16m² larger than the original dwelling, which equates to a 7% increase in the combined floorspace of the original dwellinghouse and the PD extensions.

5.5.10 In addition, a lawful development certificate has been recently approved for a detached garage to the side of the existing dwelling under reference 20/00215/LUP.

5.6 Design and Scale

5.6.1 Policy EQ4 seeks to ensure that development respects the intrinsic rural character and that the local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced.

5.6.2 Policy EQ11 states that development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles around use, movement, form and space. The Council's 2018 Design Guide has been adopted and amplifies the principles set out in Policy EQ11 of the Core Strategy.

5.6.3 The rear of the site is fairly open, however, it is not considered that the replacement dwelling on the same footprint would result in an intrusive form within the landscape. Mature vegetation encloses the site from the main road. There would be limited vantage points to the dwelling, however, it is not considered that the proposal would result in an adverse impact on the character of the street-scene.

5.6.4 Concerns were raised by officers in relation to the original proposals resulting in an over dominant and bulky form. In particular, by way of mass and scale, the originally proposed design lost the traditional cottage appeal of the existing property. Furthermore, the lack of detailing emphasised the stark contrast which is not typical in this context. The proposal was subsequently revised to reduce the overall mass of the proposal.

5.6.5 The cottage is set amongst a small number of properties that all vary in design, style and scale. However, the majority of properties within the immediate vicinity possess the character of traditional forms and they offer traditional features such as chimneys, detailing, sash windows, rendering and all are constructed in red brick.

5.6.6 The revised proposal is considered to be commensurate in scale to the plot available and to have incorporated traditional detailing to reflect the locality. The proposal seeks to include reclaimed bricks and roof tiles from the existing building within the construction of the front

elevation. Overall, the palette of modern materials including the timber are reflective and sympathetic to the character of the area.

5.6.7 The Conservation Officer was consulted on the revised proposal and has no objection to the proposal, subject to a condition for the details of materials to be used and joinery details.

5.6.8 Overall, it is considered that the proposal would accord with Policies EQ4 and EQ11 of the Core Strategy.

5.7 Ecology

5.7.1 The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main legislative framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent.

5.7.2 In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies. Natural England Standing Advice, which has the same status as a statutory planning response, states that survey reports and mitigation plans are required for development projects that could affect protected species, as part of obtaining planning permission.

5.7.3 Policy EQ1 (Protecting, Enhancing and Expanding Natural Assets) states that permission will be granted for development that does not cause significant harm to sites or habitats of nature conservation.

5.7.4 A Preliminary Roost Assessment dated March 2020 was submitted in support of the application. The County Ecologist was consulted and she requested that an emergence survey was undertaken to establish whether bats are using the property and whether a European protected species licence is required to enable the development to proceed.

5.7.5 A Bat Emergence and Re-entry Survey Report dated July 2020 was submitted. The County Ecologist was re-consulted and was satisfied with the ecology surveys submitted. The mitigation measures for bats are detailed in the Preliminary Roost Assessment (PRA) (Elite Ecology, March 2020) including lighting and erection of bat boxes.

5.7.6 As well as the above after a High Court ruling local authorities must consider all applications where European Protected Species are likely to be affected and a **European Protected Species license required**, by considering the 3 tests applicable to the Habitats Directive. The ruling stated the following:

"When dealing with cases where a European Protected Species may be affected, a planning authority... has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercises of its functions. Further the Directive's provisions are clearly relevant in reaching planning decisions, and these should be made in a manner which takes them fully into account ...".

The three tests are that:

1. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. there must be no satisfactory alternative; and
3. favourable conservation status of the species must be maintained.

5.7.7 A number of measures have been recommended for ecological enhancement and protection. In addition, prior to the demolition of the existing building, a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead is required.

5.7.8 As the development is for a replacement dwelling and having regard to the derogation tests, it is considered on these recommendations that the proposal is acceptable.

5.7.9 In addition, the replacement of the building is considered to result in the loss of potential nesting sites for birds which were noted during surveys. Species nesting on buildings do not use vegetation, therefore the ecologist has included a recommended condition for nest boxes specific to these species.

5.7.10 Overall, the proposal would offer mitigation and enhancement to identified Protected Species. The County Ecologist has no objections subject to recommended conditions. As such it is considered that the proposal would accord with Policy EQ1 of the Core Strategy.

5.8 Impact on Cannock Chase Special Area of Conservation

5.8.1 The latest Footprint Ecology Report has established that any new residential development within a 15KM buffer zone of the Cannock Chase SAC will have a significant impact on the SAC in terms of increased visitor pressure (i.e. the Zone of Influence).

5.8.2 The site is within 10km of the Cannock Chase SAC. Guidance updated in January 2020 clarifies that where a new replacement dwelling is similar in size and scale then no developer contribution is needed.

5.9 Trees

5.9.1 Policy EQ12 seeks to protect and enhance key landscape features. The site is characterised by a number of mature trees along the southern and south eastern parts of the site. A low hedgerow characterises the front of the site between the main road. These mature trees and hedgerows are considered to have a high value of amenity and characterise this rural area.

5.9.2 The Tree Officer has been consulted on the proposal and seeks for a Tree Survey to be undertaken. Any recommendation of approval would seek details for the retention of these important features within the landscape.

5.10 Highways Implications

5.10.1 Core Strategy policy EV12 parking provision requires that adequate parking is included with schemes for new housing. Appendix 5 Parking Standards provides guidance on the recommended number of vehicle parking spaces to be provided. The proposal seeks for a 4-bedroom property, therefore three-off street parking spaces would be required to accord with the Parking Standards. It is considered there is ample space to the front of the dwelling to accommodate these.

5.10.2 The existing access would remain. The Local Highways Officer has been consulted on the proposal and have no objection subject to recommended conditions and an informative. It is therefore considered that the proposal would accord with Policy EV12 and the Parking Standards set out within the Core Strategy, 2012.

5.11 SAD Standards

5.11.1 Policy EQ11 sets out the Council's Space about Dwellings (SAD) Standards in Appendix 6. For a 4-bedroom dwelling or above, the standards set out that a minimum of 100m² and a minimum length of 10.5m would need to be required. It is considered that the plot size is appropriate and there would be not conflict with the Standards.

5.12 Other Matters

5.12.1 A number of concerns have been raised in regard to the temporary siting of storage containers along the boundary and a mobile home. It has been confirmed both in the submitted Design and Access Statement and when queried from the Agent, that the containers contain the applicant's possessions from their previous residence. Conditions are proposed for the removal of these structures following completion of construction of the replacement dwelling.

6. CONCLUSIONS

6.1 It is concluded that the proposed replacement dwelling is materially larger than the existing dwelling, as defined by the Green Belt and Open Countryside SPD, which defines materially larger as between 10-20% larger than the existing building. Policy advises that replacement buildings that are materially larger are inappropriate development and carry the presumption of refusal. There has been assessment of the actual harm on the openness of the Green Belt of the replacement dwelling and proposed detached garage. It was summarised that there was limited harm to the Green Belt.

6.2 It has been assessed that a number of certificates have been previously issued by way of a two-storey rear and single-storey side extensions (under 12/00606/LUP) and a detached garage (20/00215/LUP). The extensions have a combined floorspace of 78.5m². When added to the existing property this would result in a combined floorspace of 207m². In comparison the amended proposed floor space of the replacement dwelling would measure approx. 223m² which would be an additional 16m² larger than what can be achieved in combination with the existing floor space and the PD Fallback. It is therefore considered that very special circumstances exist that outweighs the default harm caused by the by inappropriateness. Permission is therefore recommended subject to appropriate conditions.

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 plans referenced 8851.PL4 entitled 'Location Plan' received by the Local Planning Authority dated 19th November 2019 plan referenced 8851PL5 entitled 'Existing Building' received by the Local Planning Authority dated 13th January 2020, amended plan referenced 8851PL3 entitled 'Site Plan', amended plans reference 8851PL1 Rev A entitled 'Floor and Elevation Plans' received by the Local Planning Authority dated 26th March 2020 and amended plan reference 8551PL2 dated 22.04.20 entitled 'Garage' received by the Local Planning Authority dated 23rd April 2020.
3. No works hereby approved shall be commenced, until full details of the following have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
 - the bricks to be used in the construction of the external walls;
 - the render to be used on the external walls;
 - the exterior roof materials;
 - full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including fenestration and doors and proposed exterior finish;
 - full details including a sample panel of the mortar mix, colour, gauge of jointing and pointing;
 - full details of the finished floor-scape surrounding the building;
 - full details of the brick bond to be used; and
 - full details of rainwater goods, their materials and designs.
4. No works shall be commenced until the implementation of an appropriate programme of building recording and analysis has been agreed in writing with the local planning authority, to be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written brief and specification.
5. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
 - I. The parking of vehicles for site operatives and visitors
 - II. The loading and unloading of plant and materials
 - III. The storage of plant and materials used in constructing the development
 - IV. Details of the storage and removal of materials either to be removed or used within the development.
 - V. Measures to control the emission of dust and dirt during construction
 - VI. Delivery and construction working hours, restricted to Mon-Fri 8 am - 6 pm, Sat 8 am - 1pm. No working Sundays or Bank Holidays
 - VII. Noise and vibration details.
 - VIII. A site survey to determine the presence of asbestos products

The Contractor shall comply with the general recommendations set out in BS 5228: Parts 1 and 2: 1997 'Noise and Vibration Control on Construction and Open Sites', together with any specific requirements in the contract.

6. Notwithstanding any details in the application plans and documents and before the development commences, a hard and soft landscape scheme, retention of trees and hedgerows and to include details of the floorscape treatment of the access, parking and any other hardstanding areas, shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority, and the Local Planning Authority shall be notified when the agreed scheme has been completed.
7. Before the development commences a comprehensive survey shall be carried out of all the trees, shrubs and hedges on the site. A plan following the guidelines in section 5.0 of BS 5837:2012 (trees in relation to design, demolition and construction - recommendations) showing those to be retained and those to be felled shall be submitted to the Local Planning Authority for approval. All subsequent works shall be carried out in accordance with the approved details.
8. No existing trees, shrubs or hedges on the site or its boundaries shall be pruned in any way or cut down 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.
9. Demolition of the existing building shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
10. Prior to the commencement of the development, details of the type and location of biodiversity enhancement measures including 2 number house sparrow terraces of wood / concrete composite type on or integrated into north- or east- facing brickwork of the new buildings shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.
11. Prior to the commencement of the development, details of biodiversity enhancement measures including 1 no swallow cup on the new buildings with a sheltered overhang shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme

and be fully constructed prior to occupation of the buildings and retained as such thereafter.

12. All mitigation measures for bats on pages 15-16 stated within the Bat Emergence and Re-entry Surveys (Arbtech, July 2020) must be complied with.

Pre-Occupation

13. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.

Ongoing/Monitoring Conditions

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling hereby approved without the prior approval of the Local Planning Authority:
 - I. Schedule 2, Part 1, Class A - enlargement, improvement or other alteration;
 - II. Schedule 2, Part 1, Class B - addition or alteration to the roof;
 - III. Schedule 2, Part 1, Class C - any other alteration to the roof;
 - IV. Schedule 2, Part 1, Class D – porches;
 - V. Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container;
 - VI. Schedule 2, Part 2, Class A - gate, wall, fence or other means of enclosure
15. Except insofar as may be necessary to allow for the construction of the means of access, the existing hedge along the whole of the highway boundary of the land shall be retained and any plants which die shall be replaced in the next planting season with others of a similar size and shall be retained.
16. The consent includes the temporary retention of 3 no. shipping containers and a static caravan as indicated on the amended Site Plan reference 8851PL3 entitled 'Site Plan'. These shall be removed from the application site within 1 month from the first occupation of the dwellinghouse approved.

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 recording and inspection of matters of archaeological/historical importance associated with the site/building.

5. To safeguard the amenity of residential properties and living conditions of neighbouring properties and road safety during demolition and construction works.
6. To safeguard the visual amenity of the area, since development of this type would detract from the overall visual appearance of the residential area in accordance with policy EQ11 of the adopted Core Strategy.
7. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
8. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
9. To ensure that bats and their roosts are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
10. In order to enhance and protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
11. In order to enhance and protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
12. To ensure that bats and their roosts are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy EQ1 of the adopted Core Strategy.
13. In the interests of public and highway safety and convenience and to ensure that adequate parking facilities are available to serve the development and to conform to the requirements of policy EV12 of the adopted Core Strategy.
14. The site is within Green Belt within which, in accordance with the planning policies within the National Planning Policy Framework and Policy GB1 of the Core Strategy, 2012, there is a presumption against inappropriate development
15. To safeguard the visual amenity and rural character that these features provide in accordance with policy EQ11 of the adopted Core Strategy.
16. In order to define the permission and to avoid doubt.
17. Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2019.



Holly House, Bickford Road, Whiston, STAFFORD ST19 5QH

**19/00863/FUL
NON MAJOR**

Mr Patrick Dunne

BREWOOD & COVEN

**Cllr Wendy Sutton
Cllr Joyce Bolton
Cllr Diane Holmes**

Land Adjacent Brinsford Bridge Stafford Road Coven Heath

Erection of 2 amenity buildings

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application relates to an existing traveller site that is occupied by one extended family. The site is in the Green Belt, approximately 1.2km south of Coven village, with access via the western side of the A449 Stafford Road.

1.1.2 The site is bordered by the A449 to the east, the Staffordshire and Worcester Canal to the north and west, and by an open field to the south.

1.1.3 The site is bound on all sides by mature hedgerows and trees that provide effective screening. The character of the area is semi-rural with sporadic residential development along Shaw Hall Lane to the west beyond the application site boundary with the Staffordshire and Worcestershire Canal (a Conservation Area). Brinsford Farm Boat yard and repair workshop are located on the opposite side of the A449 to the east. There is a row of houses fronting the western side of the A449 approximately 70m south of the application site.

1.1.4 The application site is an allocated Gypsy site 'GT08 - Brinsford Bridge, Coven Heath'.

1.2 Relevant Planning History

2002, Change of use of land for the siting of mobile home and temporary siting of static caravan, Refused (02/01223/COU).

2003, Change of use to private gypsy caravan site for one family. Refused (03/00989/COU).

2006, Private gypsy caravan site, Refused (06/00140/FUL).

2006, Private gypsy caravan site, Refused (06/00783/FUL). Allowed at appeal on 22/11/2007 (APP/C3430/A/06/203210/NWF).

2009, Removal of condition 4 of 06/00783/FUL to allow stationing of static caravans, Approved (09/00099/VAR).

2009, Construction of day room building ancillary to gypsy site and amendments to site layout, Approved (09/00633/FUL).

2010, Use of land for the stationing of caravans for 4 residential gypsy pitches with ancillary hardstanding, fences and dayrooms, in addition to the existing planning permissions for 3 caravans and utility/dayroom, Refused (10/00392/FUL).

2011, Use of land for the stationing of caravans with revised site layout for 2 residential Irish traveller pitches and 1 transit pitch with ancillary utility building, Approved (11/00125/FUL).

2013, Erection of single loose box stable for stabling 1 horse, Approved (13/00838/FUL).

2015, Use of land for the stationing of caravans for residential purposes for additional 3 gypsy pitches, together with the formation of ancillary hardstanding and utility/dayrooms, Refused (15/00452/FUL).

2016, Use of land for the stationing of caravans forming 3 gypsy pitches, together with the formation of ancillary hardstanding and utility/dayrooms, Refused (16/00562/FUL).

2017 - The use of land for the stationing of caravans for residential purposes for additional 3no. gypsy pitches and 3no. transit pitches, together with the formation of hardstanding and utility/dayrooms ancillary to that use and conversion of the existing stable ref: 13/00838/FUL to the toilet block for the use of the transit pitches. - refused (17/00834/FUL).

1.3 Pre-Application Discussions - None.

2. APPLICATION DETAILS

2.1.1 The applicant proposes the erection of two single storey ancillary dayrooms/amenity buildings. They are proposed to be approximately 10 metres long by 8 metres wide. The day rooms are proposed to contain a kitchen/dining area, bathroom, utility area and a sitting area.

2.1.2 The buildings are proposed to be used by the extended family during the day, the existing touring caravans would be used for sleeping accommodation. The dayrooms would also facilitate the home schooling of children on the site.

2.1.3 The buildings are proposed to be constructed of brick and tile and be domestic in appearance.

3. POLICY CONTEXT

3.1 Within the Green Belt and adjacent to the Staffordshire & Worcestershire Canal Conservation Area.

3.2 Adopted Core Strategy

Strategic Objectives:

Strategic Objective 1: To protect and maintain the Green Belt and Open Countryside in order to sustain the distinctive character of South Staffordshire.

Strategic Objective 3: To protect and improve South Staffordshire's environmental assets.

Strategic Objective 4: To protect, conserve and enhance the countryside, character and quality of the landscape and the diversity of wildlife and habitats.

Strategic Objective 6: To ensure that all new development is sustainable, enabling people to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations.

Strategic Objective 8: To ensure the delivery of decent homes for members of the community including the provision of more affordable housing which matches in type, tenure and size the needs of the residents of South Staffordshire and to meet the needs of an ageing population.

Strategic Objective 13: To reduce the need to travel, to secure improvements to public transport infrastructure and services and make it safer and easier for the community to travel to jobs and key services by sustainable forms of transport, such as public transport, walking and cycling.

Core Policies:

Core Policy 1 - The Spatial Strategy for South Staffordshire

Core Policy 6 - Housing Delivery

Core Policy 11 - Sustainable Transport

Development Policies:

GB1 - Development in the Green Belt

EQ1-Protecting, Enhancing and Expanding Natural Assets

EQ3 - Conservation, Preservation and Protection of Heritage Assets

EQ4 -Protecting and Enhancing the Character and Appearance of the Landscape

EQ7 - Water Quality

EQ8 - Waste

EQ9 - Protecting Residential Amenity

EQ11 - Wider Design Conditions

EQ12 - Landscaping

H6 - Gypsies, Travellers and Travelling Showpeople

EV11 - Sustainable Travel

EV12 - Parking Provision

South Staffordshire Site Allocations Document (SAD) in respect of proposed Gypsy and Traveller Sites - 2018.

3.3 Other Policy Considerations

Planning Policy for Traveller Sites 2015

National Planning Policy Framework

South Staffordshire and Northern Warwickshire Gypsy and Traveller Accommodation Assessments (GTAA)

The Black Country & South Staffordshire combined GTAA

4. CONSULTATION RESPONSES

Councillors (expired 02.01.20) - No comments received

Parish Council (expired 02.01.20) - No comments received

County Highways (Received 10.01.20) No objections

Local Plans (expired 02.01.20) No comments received.

5. APPRAISAL

5.1 The application is brought before Committee as the proposal is inappropriate development in the Green Belt.

5.2 Key Issues

- Principle of Development
- Green Belt
- Very Special Circumstances (VSC)
- Impact upon the character and appearance of the locality
- Residential amenity
- Highways
- Impact on the conservation area

5.3 Principle of Development

Policy H6/Gypsy and Traveller Needs

5.3.1 The 2012 adopted Core Strategy contains Policy H6: Gypsies, Travellers, and Travelling Showpeople, which sets out criteria for the determination of applications for Gypsy and Travellers sites and pitch requirements up to 2028. However, this policy relates to the provision of a new pitch rather than amenity blocks on existing authorised pitches, nevertheless, this Policy is considered within the report.

5.3.2 The Policy requires the following 9 criteria to be met for additional pitches and suitable site allocations.

1. The intended occupants must meet the definition of Gypsies & Travellers or Travelling Showpeople.
2. Essential services such as power, water sewerage, drainage and waste disposal are either available or can be provided to service the site
3. The site will be well designed and landscaped.
4. Transit sites should have good access to the strategic highway network.
5. Sites for Travelling Showpeople will be large enough to accommodate ancillary yards for business uses.
6. The site can adequately and safely be accessed by vehicles towing caravan
7. The proposal, either in itself or cumulatively having regard to existing neighbouring sites.
8. Proposals shall be sited and landscaped to ensure that any impact on the character and landscape of the locality is minimised
9. Proposals must not be located in areas at high risk of flooding including functional floodplains

5.4 Green Belt

5.4.1 The application site is within the Green Belt where there is a general presumption against inappropriate development. As the site is in the Green Belt the proposal is subject to Core Strategy Policy GB1, with the approach to Green Belt set out in the NPPF a further material planning consideration. The construction of a new building should be regarded as inappropriate development. National policy within the Framework contains a general presumption against inappropriate development in the Green Belt. Such development should not be approved, except in very special circumstances (paragraph 143). Paragraph 145 and Policy GB1 of the Core Strategy sets out a number of exceptions,

5.4.2 The proposed development does not fall within the listed exceptions with the NPPF and is therefore regarded as inappropriate development. Policy GB1 and Paragraph 143 of the NPPF details that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.5 Very Special Circumstances (VSC)

5.5.1 The proposal is located in the Green Belt and therefore Very Special Circumstances will need to be demonstrated by the applicant.

5.5.2 The Planning Policy for Traveller Sites (PPTS) Paragraph 16 under Policy E states that;

"Inappropriate development is harmful to the green belt and should not be approved, except in very special circumstances"

5.5.3 Paragraph 16 of the PPTS also comments that;

"Subject to the best interests of the child, personal circumstances, and unmet need are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances."

5.5.4 The proposal is for 2 additional amenity blocks totally within the boundary of an allocated and approved gypsy site.

5.5.5 In regard to VSCs the agent has detailed that the primary function of the two amenity buildings would to provide classrooms/playrooms for the children and grandchildren and that the existing amenity building does not provide sufficient space for this to take place. The site has consent for three static caravans/mobile homes pitches, the two proposed buildings would ensure there would be an amenity building/day room for each pitch, this would ensure that each individual household has responsibility for maintenance of their own amenity building. In this case, although the households occupying the site are related, each household can furnish and the amenity building to their own taste.

5.5.6 The proposed dayrooms are of a size commensurate with the size of the families that will be using them. The need for a classroom/playroom for the children is for the best interests of the children, present facilities are insufficient for this purpose, the extent and scale of the proposal is appropriate and justifiable in this context and do therefore represent VSC.

5.5.7 As such, it is considered that VSC has been demonstrated as the application is in compliance with Policy SAD4, GB1 and the NPPF.

5.6 Impact upon Green Belt

5.6.1 Brinsford Bridge, Coven Heath is an existing gypsy site in the Green Belt. The proposal is for additional amenity buildings within the established boundary of the site. It is considered the proposal would not result in a further incursion into the Green Belt by adding the amenity blocks to the site.

5.6.2 Whilst the proposal would involve an increase in mass and buildings within the Green Belt it is considered it would have very limited impact and harm upon the openness of the Green Belt.

5.7 Impact upon the character and appearance of the locality.

5.7.1 The application site is located within the boundary of the existing authorised site along the A449 and is constrained on its north, east and western boundary. The site is well screened by the established hedgerows on its boundaries.

5.7.2 The proposed development is not therefore visible from public views or prominent within the landscape setting. The development would not therefore cause any additional harm to the visual amenities of the locality.

5.7.3 The design of the buildings, due to their single storey nature and domestic design, are considered to be sympathetic to the locality.

5.7.4 The provision of 2 amenity blocks relating would not be therefore impact adversely on the character and appearance of the locality. It is therefore considered that the development would conform with the third criteria of Core Policy H6.

5.8 Residential amenity

5.8.1 Policy EQ9 states that new development "should take into account the amenity of any nearby residents, particularly with regard to privacy [...] and daylight."

5.8.2 The proposed amenity blocks would not increase the numbers of people using the site and there is significant separation between the proposed amenity blocks and any nearby residential dwellings.

5.8.3 Due to the location of the proposed buildings and the distance from any nearby residential dwellings, it is considered that the proposed buildings would not cause harm to the amenity of any nearby residents.

5.8.4 It is considered that the proposal would not result in an enlarged site dominating the local settled community. It is considered that the proposal accords with the third and seventh criterion of policy H6 and is in accordance with the aims of EQ9.

5.9 Highways

5.9.1 The existing site access from the A449 would be utilised to serve the proposal. The proposal does not propose to increase the number of pitches but to improve existing facilities on site. The development would not therefore result in any increase in the number of vehicle movements to and from the site.

5.9.2 The site access is of a sufficient size and set back from the highway to allow safe access with towing vehicles. There is sufficient space on site to allow vehicle parking, turning and to leave the site in a forward gear.

5.9.3 County Highways have raised no objection to the application. It is considered the proposed development would not result in highway safety issues and that the proposal would be in accordance with the fourth and sixth criterion of policy H6.

5.10 Impact on the Conservation Area

5.10.1 Policy EQ3 seeks to protect the District's conservation area resources for the benefit of future generations. The application site is adjacent to the Staffordshire and Worcester Canal Conservation Area. Therefore, there is the potential that the proposal would have an impact upon the setting of the conservation area.

5.10.2 However, due to the extent of landscaping present between the application site and Conservation Area, it is considered that the proposed development would not detrimentally impact upon the setting of the Staffordshire and Worcester Canal Conservation Area, complying with Policy EQ3.

5.11 Other matters

5.11.1 The status of the applicant and his family as travellers has been established in previous applications on the site. It is therefore considered criteria 1 of Policy H6 has been met.

5.11.2 The application site is within Flood Zone 1 and therefore not at risk of flooding, this complies with criteria 9 of Policy H6.

6.0 Conclusion

6.1 The site falls within the West Midlands Green Belt wherein there is a strong policy presumption against inappropriate development. It is acknowledged that the proposed development represents inappropriate development and it is therefore essential to assess whether the factors which weigh in favour of the application override the harm to the Green Belt by reason of inappropriateness combined with any other identified harm.

6.2 Having carried out a necessary balancing exercise and taken into account it is concluded that the factors which weigh in favour of the application (i.e. the need and the limited harm to openness) clearly outweigh the identified harm in this case and as such recommend approval of the proposed development.

7. RECOMMENDATION - APPROVE Subject to Conditions

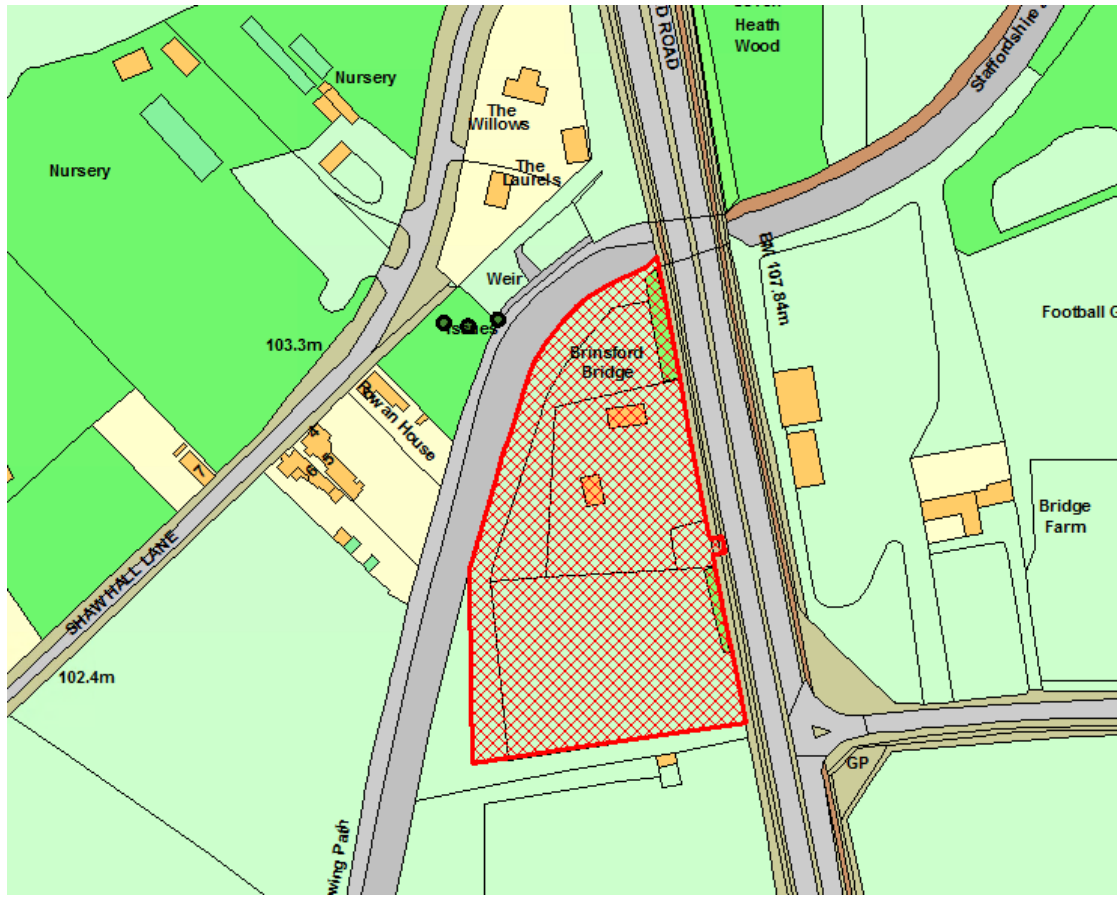
Subject to the following condition(s):

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. No works above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority.
3. Development shall be carried out in accordance with the approved details.
 - 'Site Layout'
 - 'Amenity Building' - front and rear elevations plan, received on the 2nd July 2020, scale 1:100
 - 'Amenity Building' - side elevation and roof plan, received on the 2nd July 2020, scale 1:100
 - 'Amenity Building' - floor plan, received on the 2nd July 2020, scale 1:100
4. The amenity blocks hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of the existing residential gypsy pitches and shall not be sold off, sub-let or used as a separate unit of accommodation.

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. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
3. To define the permission.
4. In order to define the permission in accordance and Policy GB1 of the Core Strategy and the National Planning Policy Framework.
5. Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2019.



Land Adjacent Brinsford Bridge, Stafford Road, Coven Heath

**20/00373/FUL
NON-MAJOR**

Mr and Mrs I Williams

PERTON

Cllr Philip Davis

Stone House Holyhead Road Kingswood WOLVERHAMPTON WV7 3AN

Demolition of two existing outbuildings and the erection of a new self-contained detached single storey dwelling.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application site is north of Holyhead Road, A464. It presently forms part of the garden of the dwelling known as 'The Stone House' a two-storey semi-detached property.

1.1.2 Adjacent to the site to the east is 'Stone Cottage' attached to 'The Stone House' the host property. To the west open farm land. To the north are the rear gardens of properties facing onto the A41, Newport Road.

1.1.3 A number of mature trees are present on the site.

1.2 Planning History:

19/00745/FUL - The development proposes the demolition of two existing outbuildings and the erection of a new self-contained detached dwelling. The existing outbuildings, a garage and store building are ancillary to the existing dwelling on the site and have been only used for domestic non-trade purposes. - withdrawn - 04 05 20

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 The application proposes the demolition of a garage and shed and the construction of a single storey three-bedroom dwelling. The building is proposed to be rectangular in shape and sited adjacent to the western boundary of the application site. The dwelling is proposed to be constructed of render with facing brickwork and tiles for the roof. Full details of the materials have not been confirmed and are stated to be confirmed at a later date.

2.1.2 The dwelling is proposed to be approximately 17.2 metres long and 6.7 metres wide, 2.3 metres tall to the eaves and 3.9 metres tall to the ridge. A porch is proposed on the eastern elevation of the building which is proposed to be approximately 1.4 metres deep and 2.5 metres wide. The dwelling is proposed to have a floor area of approximately 119m² and a volume of approximately 350 m³.

2.1.3 The two existing outbuildings proposed to be removed are a garage and a shed. The garage measures approximately 6.7 metres wide and 7.4 metres long, 2 metres to the eaves and 3.8 metres tall to the ridge. The shed measures approximately 6 metres wide and 9 metres long, being 2 metres tall to the eaves and 3.8 metres tall to the ridge. They have a

combined floor area of approximately 104m². The buildings have a combined volume of 300m³.

2.1.4 The existing shed on site is in a dilapidated condition surrounded by and overgrown by dense vegetation on all sides. Portions of the interior have collapsed due to the weight of the vegetation above.

2.1.5 An arboricultural impact assessment survey and report has been submitted to support the application. Amongst other information it details approximately 8 mature trees are proposed to be removed in order to facilitate the development. These include an apple tree, wild cherry, leylandii, Fir and a Sycamore tree as well as a group of trees which include Malus sp., Cypress sp., Cherry Laurel, Elder, Common Holly and ornamental planting.

2.1.6 The application site is proposed to be accessed via the existing vehicular access to 'The Stone House'. Two car parking spaces are proposed for the new dwelling, two car parking spaces would remain for the host dwelling.

3. POLICY CONTEXT

Within the Green Belt

Core Strategy

Core Policy 1 - The Spatial Strategy for South Staffordshire.

GB1: Development in the Green Belt.

EQ1: Protecting, Enhancing and Expanding Natural Assets

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

EQ9: Protecting Residential amenity

EQ11: Wider Design Considerations

H1: Achieving a Balanced Housing Market

Core Policy 11: Sustainable Transport

EV11: Sustainable Travel

EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space about Dwellings Standards

National Planning Policy Framework

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting Sustainable Transport

Chapter 12: Achieving well designed places

Chapter 13: Green Belt

South Staffordshire Design Guide 2018

4. CONSULTATION RESPONSES

Ward Councillor - Councillor Philip Davis (received 08/06/2020) - *I would like to call in the Planning application Ref 20/00373/FUL. The applicant Mrs Williams would like to speak in support of the application at the relevant Planning Committee meeting.*

Parish Council (received 16/06/20) - *have no objections to this planning application subject to space about dwellings. This development will have little impact or harm on the openness of the green belt because it is within an existing residential development wedge between the two roads in Kingswood*

Tree Officer (received 27 07 20) - *My previous comments still stand (made on application 19/00745/FUL); I object to the proposed due to insufficient information on regarding the effect on other trees that provide amenity and are important to the street scene.*

The scheme is likely to require further loss of trees which have not been considered by the proposal.

County Highways (expired 22 06 20) - no comments received.

Severn Trent Water *advise that there is a public 150mm foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.*

Flood Risk Management Team (received 25/08/20) - *The site is not within the uFMfSW 1 in 100 year outline and we hold no records of flooding hotspots within 20m or Ordinary Watercourses within 5m. There appears to be no significant change to the impermeable area and so little change to the surface water runoff generated by the site. The Flood Team therefore have no further comments to offer on this occasion*

Neighbours (received 06/06/20) - *one objection was received from a local resident*

The proposed construction, being on higher ground than my property, will overlook my property.

The proposal to connect the proposed dwelling to the existing drainage system is a cause for concern. The drainage system was constructed in the nineteenth century when the houses were built. It has not been adopted by the local water authority, and drainage from Stone House drains into the drains on my property. There have been problems with the drains at Stone House which have impacted on my property.

The planning proposal does not specify how mains water, or gas, will be supplied to the proposed property. The nearest water-main is outside my property, and would entail excavation of the public footpath along the length of my property, and Stone House, to provide this service to the proposed building. The gas main is further away, and on the opposite side of the road. It would require closure of the road, while excavation took place to establish a gas supply. While this was in progress, supplies to my home would be interrupted.

Stone House, and my own property, Stone Cottage, stand at the lower end of a steep rise. To the West of Stone House, and immediately adjoining the property is a large area of land that slopes down from this rise. The garden of Stone House is on higher ground than mine, and slopes downwards to my property. During heavy rainfall water flows down into my garden, and has flooded my garage and drive, as well as submerging most of my garden. As the slope from my garden to the properties East of mine is much less, it takes time for this water to eventually drain away. At least one of the houses to the East of my property has been flooded during heavy rainfall.

To erect a permanent dwelling house on land that has only held a garage and garden shed would certainly exacerbate the flooding risk to all properties below the level of the construction.

The proposal to build hardstanding for car-parking will also contribute to the flood risk. There are proposals for four cars in total to be accommodated on the property, but as it stands on a busy main road where parking is not practical, visitor parking would be required, with a subsequent higher level of hardstanding needed. This will certainly increase the risk of flooding to neighbouring properties.

The proposal to cut down mature trees, who's roots take up a great deal of groundwater, will also add to the flood risk to neighbouring properties. The proposal to plant new trees would not allieviate this problem, as it would take many years for them to grow sufficiently to be able to take up the excess groundwater.

The area is green belt, and to grant this application would set a precedent, as well as causing serious problems for the properties in the area.

There is no shortage of housing in the area. There are new homes being built in Codsall, Albrighton and Shifnal. There are two park-home sites here in Holyhead Road that provide single-storey accommodation.

5. APPRAISAL

5.1 The application has been called to Committee by Councillor Philip Davis, to enable the applicant to speak at the meeting.

5.2 Key Issues

- Principle of development
- Green Belt
- Impact upon the character and appearance of the area
- Trees
- Impact on neighbouring amenity
- Future occupier amenity
- Highways/Parking

5.3 Principle of development

5.3.1 Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth, focusing development in locations which are sustainable through limiting the need to travel and offering a choice of transport modes. This approach of guiding development to areas considered to offer the best potential for promoting sustainable development is reflected in Policy CP1 of the adopted core strategy.

5.3.2 Core Policy 1 of the Core Strategy establishes a settlement hierarchy and strategy for the area. The Policy sets out the strategic approach to the delivery of new homes in the district over the plan period. Core Policy 1 defines the 'main service villages' for the main focus for housing growth; 'Local Service Villages' for limited development, 'Small Service Villages' for very limited development and 'Other Villages and Hamlets' as not identified for housing growth.

5.3.3 The application site is located within Kingswood. Kingswood is identified to be in the 'Other Village and Hamlet' category by Core Policy 1.

5.3.4 The Core Strategy details that 'Other Villages and Hamlets' in the District have very limited if any community facilities and services and generally rely on the larger villages for schools, social care and health facilities, shops, and the provision of other goods and services. Because of the limited services available, these villages and hamlets are not considered suitable locations for development. The focus for these villages therefore will be for very limited change. Development will be limited to rural affordable housing schemes delivered through rural exception sites and the conversion and re-use of redundant rural buildings to appropriate uses.

5.3.5 The proposed development would not meet any of the exceptions that allow for new dwellings in this locations and thus there is clear conflict with Core Policy 1 of the Core Strategy.

5.3.6 There are very few services or facilities in Kingswood to meet everyday needs. The proposed additional dwelling would not alter this. Travel outside the village would therefore be inevitable. There are limited opportunities to use public transport in the location to offer a realistic or reasonable alternative to the car for most trips from this location. As such, there will be the reliance on the private car. This would be contrary to Paragraph 103 of the NPPF and Core Policy 1 of the Core Strategy.

5.4 Appropriate development in the Green Belt

5.4.1 Section 13 of the NPPF deals with protecting Green Belt land. It details the Government attaches great importance to Green Belts and the fundamental aim of the Policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 details that the construction of new buildings as inappropriate development and lists a number of exceptions.

5.4.2 The applicant contends that the development falls within the provisions of one of these exceptions. The partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

5.4.3 The applicant has made reference to the Court of Appeal judgement *Dartford Borough Council V The Secretary of State for Communities and Local Government and Others* [2017]. As the application site is within a private garden in a rural area and therefore land not in a built up area, it is accepted, based on the Court of Appeal Judgement that the application site would constitute Previously Developed Land and therefore be an exception to inappropriate development within the Green Belt as detailed by paragraph 145 g of the Framework

5.5 Impact upon the openness of the Green Belt

5.5.1 The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.

5.5.2 The proposed dwelling would result in an increase in volume of building of approximately 17% and increase of floor area of approximately 14%.

5.5.3 The Council's Green Belt and Open Countryside Supplementary Planning Document (SPD) states that in considering whether a new building is materially larger or not the floor area should fall within a 10-20% range of the existing building.

5.5.4 The proposal would on paper not constitute a materially larger development on site. However, existing buildings on site are not all of a permanent sound construction. Existing buildings on site to be replaced consist of a block work and rendered garage and a shed. Whilst the garage is of a permanent construction, it is noted the existing shed is in a dilapidated condition surrounded by and overgrown by dense vegetation on all sides. Portions of the interior have collapsed due to the weight of the vegetation above. It has been consumed by onsite vegetation and has been very much absorbed into and blended into the landscape. It is considered the shed is a temporary building and not a permanent structure.

5.5.5 Existing buildings are well screened, particularly the shed which is overgrown with vegetation. The proposed dwelling would be substantially more visible and could not be concealed in a similar manner as existing buildings. As a consequence, this would lead to the erosion of the visual openness of the locality.

5.5.6 There would be benefits to openness due to the removal of the existing outbuildings, however, these buildings, particularly the shed, are more temporary buildings and would not outweigh the harm arising to openness from a permanent form of development, the proposed dwelling. The proposed dwelling would also likely lead to ancillary domestic structures, paraphernalia and parking which would further erode the openness of the Green Belt.

5.5.7 The proposed dwelling would be larger in scale than the existing buildings and structures and would be more visible, such that the development would have a greater impact on the openness of the Green Belt.

5.5.8 It is acknowledged the site falls within the parameters of previously developed land. However, due to the overall size of the development and condition of existing temporary building on site, it would have a greater impact on openness. Consequently, the development constitutes inappropriate development as set out in paragraphs 145 and 146 of the Framework and Policy GB1 of the Core Strategy.

5.6 Impact upon the character and appearance of the area

5.6.1 Policy EQ11 of the Core Strategy states that all developments should respect local character and distinctiveness including that of the surrounding development and landscape. The policy goes on to state 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'.

5.6.2 The proposal is sited amongst a small group of detached dwellings which are well spaced in good size plots, near the road junction of the A41 and A 464. Dwellings are predominantly two storey detached and facing the public highway. In order to accommodate the proposed dwelling on the application site, the proposed dwelling has been set back from the highway and facing towards the private amenity area of the host dwelling. The proposed unconventional position and siting supports the view that the proposal is a cramped and

contrived form of development which would be harmful to the character and appearance of the area and contrary to Policy EQ11 of the Core Strategy

5.7 Trees

5.7.1 Policy EQ4 states that the rural character and local distinctiveness of the landscape should be maintained and where possible enhanced. This includes the protection of trees and hedgerows unless it can be demonstrated that removal is necessary.

5.7.2 The applicant has submitted an Arboricultural Impact Assessment in order to support the application. Amongst other information it details approximately 8 mature trees are proposed to be removed in order to facilitate the development. These include an apple tree, wild cherry, leylandii, Fir and a Sycamore tree as well as a group of trees which include Malus sp., Cypress sp., Cherry Laurel, Elder, Common Holly and ornamental planting.

5.7.3 Despite the report the Council's Tree Officer considers insufficient information has been submitted to determine the effect on the trees that remain and provide amenity to the street scene and that the scheme is likely to result in further loss of trees which have not been considered by the proposal. There are also concerns regarding the long term effect on retained trees when a new residential dwelling is in place with future occupiers wishing to remove retained trees due to shading, detritus from trees and an overbearing effect of the trees.

5.7.4 The removal of the trees would be harmful to the character and appearance of the area; the development would also put pressure on the removal of remaining trees which would be further detrimental to the character and appearance of the area.

5.7.5 The development is therefore considered to be contrary to Policy EQ4 of the Core Strategy which, amongst other things, requires the design and location of new development not to have a detrimental impact on the immediate environment and to take full account of the nature and distinctive qualities of the local landscape.

5.8 Impact on neighbouring amenity

5.8.1 Policy EQ9 of the Core Strategy states that all development proposals should take into account the amenity of any nearby residents with regard to privacy, noise, disturbance and provision of daylight.

5.8.2 The proposal is for a low-level single storey dwelling. The proposal would be sufficient distance away from adjacent dwellings to prevent any overlooking, loss of light or other issues to harm adjacent residential amenity. Appropriate boundary treatments could be conditioned on any approval to ensure protection of privacy of adjacent residents.

5.8.3 Objection comments submitted have detailed concerns regarding on site drainage, the application site is within flood zone 1 so is at very low risk of river flooding. Surface water drainage issues could be addressed by an appropriate drainage condition on any approval to mitigate any potential surface water drainage issues.

5.9 Future occupier Amenity

5.9.1 Appendix 6 of the Core Strategy sets out the Council's Space About Dwellings standards. The standards require that dwellings have access to a reasonable area of private

amenity space to provide outdoor space for activities such as gardening, garden stores and children playing. The minimum requirement for a private rear garden to a 3 bedroomed dwelling is 10.5m in length and 65 sq.m in area. The application proposes a garden of an irregular shape. Whilst it is of an irregular shape, the garden has a length of at least 11.5 metres in length and significantly in excess of the required 65 sq.m in area. The proposal would therefore comply with the Council's Space About Dwellings in terms of private amenity area and internal room sizes.

5.10 Ecology

5.10.1 A preliminary Ecological appraisal was submitted in support of the application. In regard to protected species the report detailed that, the poor structure of the building and heavy vegetation encroachment were considered to limit the overall suitability of the building for roosting bats. The buildings on site to be demolished were also assessed to have a negligible suitability to support roosting bats. There was no current evidence of breeding birds was recorded at the time of the survey; however, the assessment was undertaken outside of the active nesting period. There was no evidence that breeding birds had previously occupied the building during the internal inspection. No evidence of reptiles was recorded during the survey; however, the site supported some habitats considered suitable to support individual reptiles such as grass snake. The habitats on site are considered to be sub-optimal and limited in size with poor site connectivity in the locality.

5.10.2 In response to the recent identical application on the site withdrawn in May 2020 the Council's Ecologist had no objection to the proposal although recommended the appropriate conditions. It is therefore considered the proposed development would have no adverse impact upon local wildlife and protected species.

5.11 Highways/Parking

5.11.1 The site is proposed to be accessed via the existing site access for the dwelling.

5.11.2 Policy EV12 and Appendix 5 (Parking Standards) of the Core Strategy specify a minimum parking requirement of 2 spaces for 2 and 3 bed dwellings.

5.11.3 The plan provided indicates that the parking requirement could be accommodated within the frontage of the application site and sufficient car parking would remain for the host dwelling.

5.11.4 Whilst County Highways have not commented on this application in response to the recent identical application withdrawn may this year County Highways had no objection to the application.

6.0 Conclusion

6.1 The new dwelling would be located within an area not identified for growth, offering limited opportunities for public transport, sustainable forms of travel and public services, representing an unsustainable location for new development.

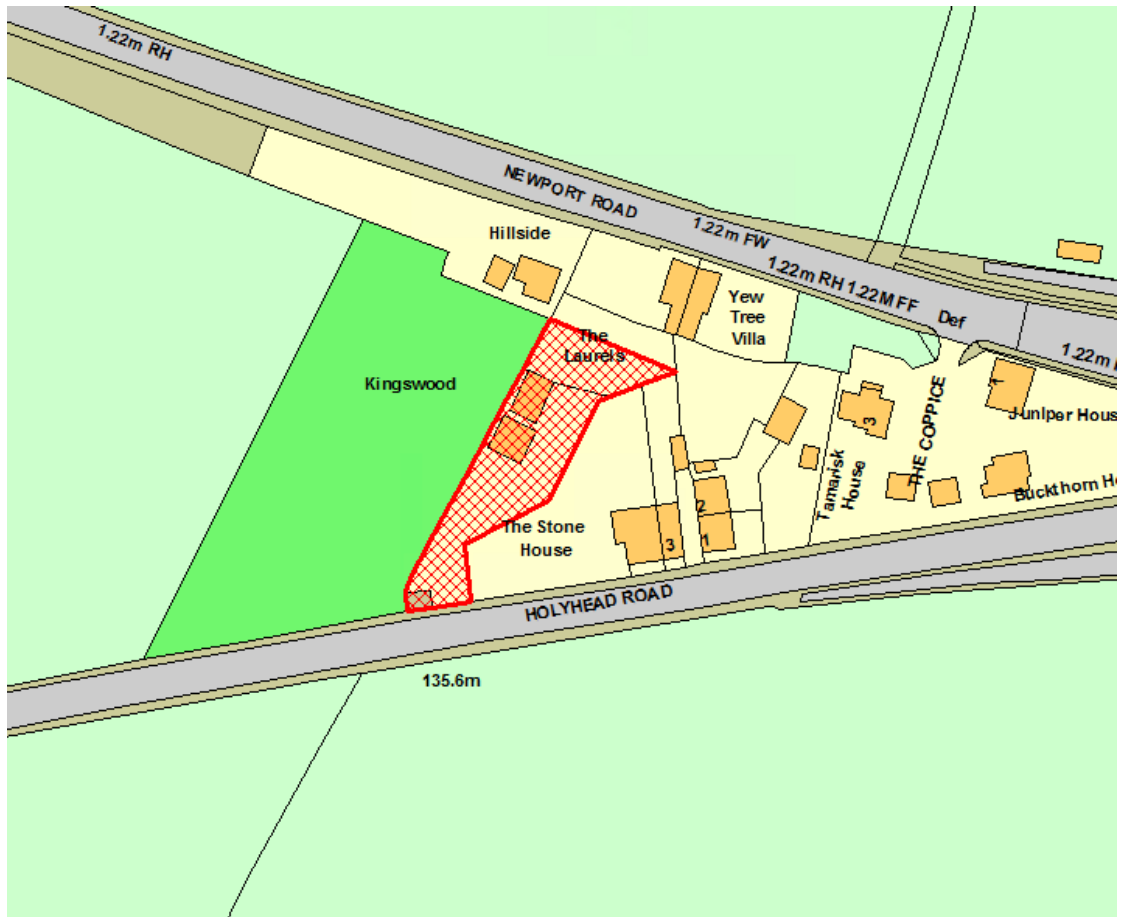
6.2 The development would constitute inappropriate development within the Green Belt that would erode its openness and conflict with the purposes of including land within it. As such it would be contrary to Policy GB1 of the CS which seeks the aforesaid aims. For similar reasons, the development does not fall within the exceptions outlined in the Framework.

6.3 The proposal is a cramped and contrived form of development which would be harmful to the character and appearance of the area and contrary to Policy EQ11 of the Core Strategy. The development is also contrary to Policy EQ4 of the Core Strategy which, amongst other things, requires the design and location of new development not to have a detrimental impact on the immediate environment and to take full account of the nature and distinctive qualities of the local landscape.

7. RECOMMENDATION - REFUSE

Reasons

1. The proposed development fails to comply with Core Policy 1 of the Core Strategy which states that Other Villages and Hamlets are not identified for growth. CP1 identifies that growth within the District should be located at the most accessible and sustainable locations in accordance with the Council's settlement hierarchy, to ensure that adequate infrastructure services and villages are available to support growth. It is noted that Kingswood has limited public transport and services or facilities to support the development. The occupants of the new dwelling would therefore be dependent on the use of a private car to gain access to everyday facilities, contrary to paragraph 103 of the NPPF.
2. The proposed development would be an unnecessary visual intrusion into the Green Belt and would be prejudicial to the openness, character and amenity of this part of the Green Belt, contrary to the policies set out in policies GB1 and EQ4 of the adopted Core Strategy.
3. The removal of the trees would be harmful to the character and appearance of the area, the development would also put pressure on the removal of remaining trees which would be further detrimental to the character and appearance of the area. The development is therefore considered to be contrary to Policy EQ4 of the Core Strategy which, amongst other things, requires the design and location of new development not to have a detrimental impact on the immediate environment and to take full account of the nature and distinctive qualities of the local landscape.
4. The proposed dwelling would appear cramped and physically constrained within the application site. The predominant character of the area is of large well- spaced properties in good sized plots. The proposal would not reflect the existing character of the area and as such would be contrary to Policy EQ11 of the Core Strategy and the National Planning Policy Framework.



Stone House, Holyhead Road, Kingswood, WOLVERHAMPTON WV7 3AN

**20/00412/FUL
NON MAJOR**

Mr Dean Hiscox

KINVER

**Cllr Brian Edwards
Cllr Lin Hingley
Cllr Henry Williams**

Mile Flat House Mile Flat Greensforge KINGSWINFORD DY6 0AU

New gates, walls, piers and railings

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Application Site

1.1.1 The application site relates to a two-storey dwelling with a detached garage and outbuildings set back from the main Mile Flat. The dwelling is constructed out of facing red brick under clay tiles with some traditional features.

1.1.2 There are a few rural properties along this stretch of Mile Flat with a range of house types and styles.

1.1.3 The site is located within the West Midlands Green Belt.

1.2 Site History

20/00376/FUL – Two-storey and single storey side extensions – Approved subject to conditions 10.08.2020.

89/01210- LPG Tank – Granted 02.01.1990

86/00343 - Access and Weighbridge – Granted 20.05.1986

2.APPLICATION DETAILS

2.1 The Proposal

2.1.1 Planning permission is sought for the erection of gates, walls, piers and railings to the front boundary of the application site. The front of the site is currently open. There would be no alteration to the existing access.

3. POLICY CONTEXT

3.1 The site is located within the West Midlands Green Belt.

3.2 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 within the 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 4: Promoting High Quality Design
- Policy EQ11: Wider Design Considerations
- Core Policy 11: Sustainable Transport

3.3 Adopted local guidance

- Green Belt and Open Countryside SPD (2014)
- South Staffordshire Design Guide Supplementary Planning Document (2018)
- Sustainable Development Supplementary Planning Document (2018)

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

- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land

National Planning Policy Guidance, updated 2019 (the - 'NPPG').

4. CONSULTATION RESPONSES

Councillors (Expiration 19.06.2020) No comments received.

Kinver Parish Council (Expiration 19.08.2020) No comments received.

Staffordshire County Council (Highways Team) (Expiration 19.08.2020): No objection subject to no infringement on highways boundary and recommendation of No Dig informative. Received 14.08.2020.

Neighbours expiration 19.08.2020

Site Notice expiration 19.08.2020

No third-party comments have been received.

5. APPRAISAL

5.1 The proposal is brought before Planning Committee as it constitutes inappropriate development as it does not fall into any of the exceptions to development within the Green Belt.

5.2 Key Issues

- Principle of development and Green Belt;
- Whether or not the proposal constitutes inappropriate development;
- Impact on the Openness of the Green Belt; and
- Highways and Parking Implications.

5.3 Principle of Development and Green Belt

5.3.1 The application site is within the West Midlands Green Belt. The main issues in establishing the principle of the development are firstly, whether or not the proposal constitutes inappropriate development in the Green Belt and secondly, if the development is deemed inappropriate, whether the harm by reason of inappropriateness, and any other

identified harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

5.4 Whether or not the proposal constitutes inappropriate development

5.4.1 The site is located within the Green Belt. 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 as set out within Paragraphs 145 & 146 of the NPPF.

5.4.2 Although Policy GB1 does not define boundary structures as inappropriate development as such, neither does it fall within any of the categories which define what development is not inappropriate.

5.4.3 In this light, the wall, piers and gate are classed as inappropriate development in the Green Belt, harmful by definition and needs very special circumstances to justify them.

5.5 Impact on the openness of the Green Belt

5.5.1 When considering any planning application, substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.5.2 The development would be set back from the main road retaining the open verge. The gate piers would measure a height of 2.0m. A low wall, constructed out of matching materials to the main house, would measure 0.9 high with railings set at the top allowing for views through, with a combined height of 1.8m. The gates would be set at a maximum height of 1.8m and would be constructed out of timber. The railings proposed atop the low set wall are visually permeable and allow for views into and out of the site.

5.5.3 Furthermore, the application site is set within a rural location and therefore renders the site vulnerable to crime. This point is considered as a material consideration with significant weight in the Green Belt argument.

5.6 Highways Issues

5.6.1 The Local Highways Authority have no objection to the scheme subject to a condition recommending that no part of the proposed wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

6. CONCLUSIONS

6.1 This proposal does not fall under any of the acceptable uses for development in the Green Belt and therefore constitutes inappropriate development. Very special circumstances therefore need to be demonstrated which warrant an exception to established planning policy, these being; the relatively open nature of the proposal and the retention of verges which allow it to blend into the landscape and the actual impact on the openness is negligible.

7. RECOMMENDATION - APPROVE Subject to Conditions:

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 plans referenced MFH/6 entitled '*Location Plan*' and MFH/5 entitled '*Gates and Walls 1*' Received by the Local Planning Authority dated 28.05.2020.
3. The development shall be constructed out of the materials specified in the approved plan referenced MFH/5 entitled '*Gates and Walls 1*' Received by the Local Planning Authority dated 28.05.2020.

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. 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.



Mile Flat House, Mile Flat, Greensforge, KINGSWINFORD DY6 0AU

**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

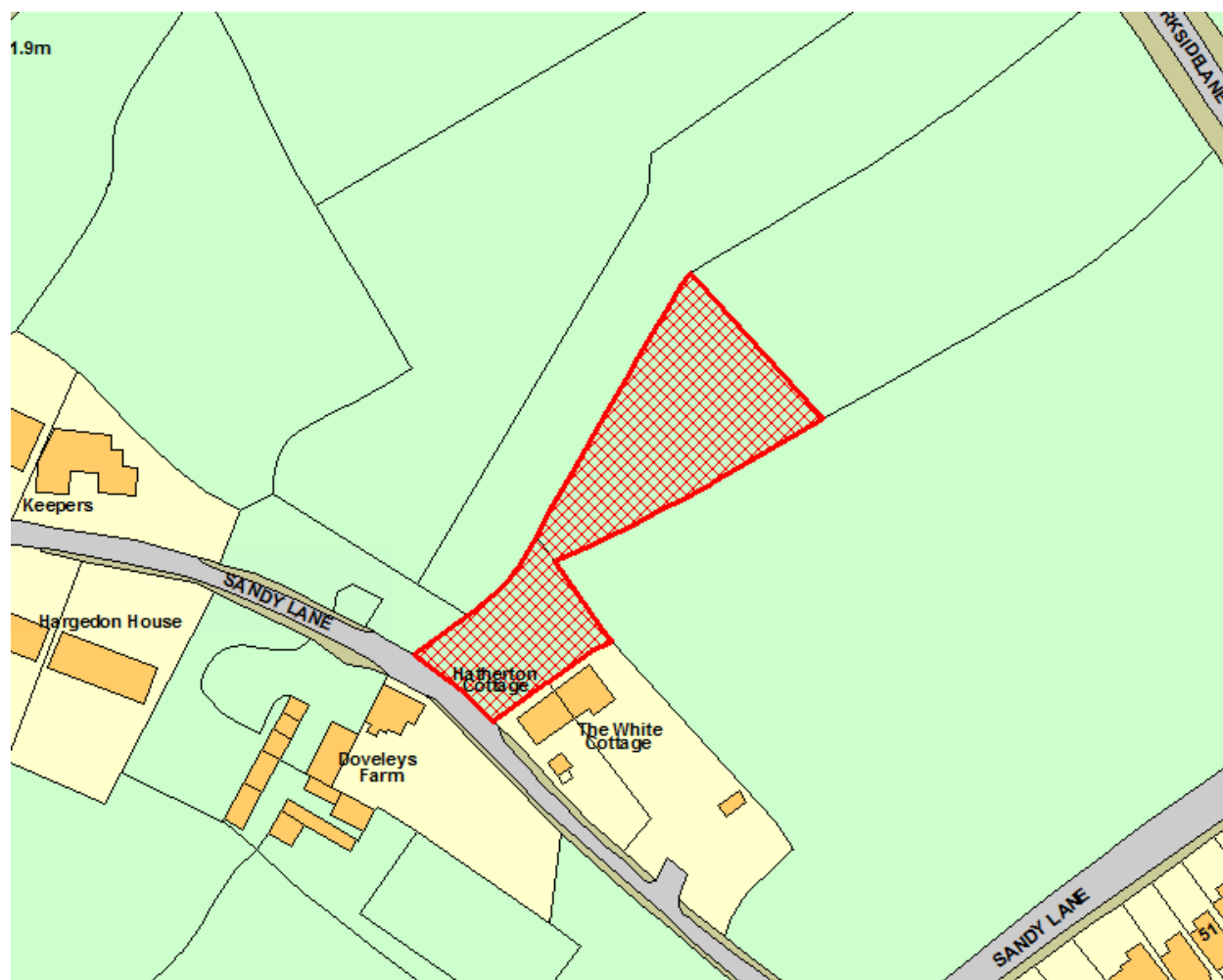
1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. In the interests of highway safety, in accordance with the National Planning Policy Framework.
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.
5. 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.

6. To preserve the landscape and scenic beauty of the Cannock Chase Area of Outstanding Natural Beauty, in accordance with Policies EQ2, EQ4, EQ11, EQ12 and EV7 of the South Staffordshire Core Strategy and the National Planning Policy Framework.
7. To preserve the landscape and scenic beauty of the Cannock Chase Area of Outstanding Natural Beauty, in accordance with Policies EQ2, EQ4, EQ11, EQ12 and EV7 of the South Staffordshire Core Strategy and the National Planning Policy Framework.
8. To preserve the landscape and scenic beauty of the Cannock Chase Area of Outstanding Natural Beauty, in accordance with Policies EQ2, EQ4, EQ11, EQ12 and EV7 of the South Staffordshire Core Strategy and the National Planning Policy Framework.
9. 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.
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)



Land Off , Sandy Lane, Hatherton

**20/00499/FUL
NON MAJOR**

Miss Bentley

CODSALL

**Cllr Matt Ewart
Cllr Meg Barrow**

New House Farm Gunstone Lane Codsall WOLVERHAMPTON WV8 1EL

Single storey rear extension, construction of new car port and access driveway

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Application Site

1.1.1 The Application Site relates to an unlisted traditional farmhouse along Gunstone Lane in Codsall. Access is currently afforded from the access to the main farm buildings from Gunstone Lane. These farm buildings are subject to a current planning proposal for their conversion (under 20/00530/FUL) and the subsequent separation of the site.

1.1.2 The site to the northern boundary with the lane is characterised by a hedgerow which runs along Gunstone Lane. A number of mature trees are present across the north western and western parts of the site. Access is afforded from the east of the dwelling with a substantial garden area south, west and north west.

1.1.3 A group of agricultural buildings lies to the south of the dwellinghouse. Access is afforded to these agricultural buildings from a second access from Sandy Lane.

1.1.4 The Application Site lies adjacent to the limits of the Codsall Conservation Area and wholly within Green Belt.

1.2 Planning History

20/00530/FUL - Demolition of existing buildings and conversion of remaining buildings with minor extensions and erection of car port. Associated garden areas with foul treatment plant and drainage field.– *Pending*

77/00041 - The Erection of Two Modern Laying Units and Egg Store approved 06.05.1977

75/00603/CCD - Residential and Ancillary Development refused 20.08.1975

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 Planning permission is sought for the erection of a single-storey garden room extension, construction of car port and new access driveway.

2.1.2 The garden room extension would measure 3.5m x 4.5m, with a shallow hipped roof. It would be constructed out of red facing brickwork under plain clay tiles both to match existing. The windows and doors would be constructed out of Deceuninck Heritage Collection flush sash PVCU double glazed windows in Oak colour.

2.1.3 The car port would have a pitched roof, measuring 4.0m to maximum roof ridge and 2.4m to eaves height. The car port would measure 6.4m in width and approximately 6.1 in length. The car port would be open fronted, with two bays.

2.1.4 The access driveway is noted to be constructed out of Permeable Tarmacadam.

3. POLICY CONTEXT

3.1 The site is located within the West Midlands Green Belt.

3.2 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 EQ3: Conservation, Preservation and Protection of Heritage Assets
- 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
- Policy EV12: Parking Provision
- Appendix 5: Parking Standards
- Appendix 6: SAD Standards

3.3 Adopted local guidance

- Green Belt and Open Countryside SPD, 2014.
- South Staffordshire Design Guide Supplementary Planning Document, 2018.
- Sustainable Development Supplementary Planning Document, 2018
- Codsall and Oaken Conservation Area Management Plan, revised 2014.

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

- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the historic environment

National Planning Policy Guidance, updated 2019 (the 'NPPG').

4. CONSULTATION RESPONSES

Councillors (Expiration 6.08.2020): No Comments received.

Codsall Parish Council (Expiration 6.08.2020): No Comments Received.

Conservation Officer): No Objection with the following comments “*No Conservation Area objections subject for recommended condition for materials to match in colour and texture of the existing dwelling.*” Received 4th August 2020.

County Highways Team: No Objection with the following comment “This development is situated off a private lane.” Received 31st July 2020.

County Public Rights of Way Team: No Objection together with comments to be included as an informative. Received 18th August 2020.

Tree Officer Request for Tree Protection and Landscaping conditions Received 24th August 2020.

Neighbours 4/08/2020

Site Notice expiration 11.08.2020

Press Notice expiration 11.08.2020 (Adjacent to Conservation Area)

Three objections have been received with the following comments:

- Major objection is the formation of the new access to the existing New House Farm property off the existing unadopted private bridle path/Gunstone Lane.
- At present there are a total of 5 individual homes served from the unadopted private bridle path/lane i.e. Cuffaboot, Inglenook, Hyde Park Cottage, Stoneleigh and New House Farm, along with an additional 4 no. gates to farmers fields, making a total of 9 access points off the bridle path. The average width is 2.8m wide.
- Concerns of additional cars using the private track.
- The adjacent properties are in a conservation area and therefore we would expect any new construction works, extensions or new build to be designed and constructed sympathetically.
- If these building proposals are to be accepted, we strongly advise the use of New House Farms other rear access which enters halfway down Sandy Lane in the vicinity of Cranley Drive. Both New House Farm car port and the barn conversion would use this access which would alleviate the added number of vehicles exiting the bridle path which is already in excess of recommended guidelines.
- We would also like on the planning conditions if approved that any construction traffic must use the existing rear access from Sandy Lane NOT off the sharp, dangerous bend at the top of Sandy Lane.
- Concerns that lane including the sharp bend along Sandy Lane that leads onto Gunstone Lane is not suitable for large construction vehicles.
- Request for the use of farms rear access to Sandy Lane and avoid Gunstone Lane

5. APPRAISAL

5.1 The proposal is to be heard at Planning Committee because the proposed car port is deemed inappropriate development within the Green Belt and contrary to Policy GB1 of the Core Strategy.

5.2 Key issues

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

- Design and Scale
- Impact on the Conservation Area
- Neighbouring Amenity
- Trees
- Highways and Parking Implications
- Standards About Dwellings Standards
- Other Matters

5.3 Principle of Development

5.3.1 The site is located within the Green Belt. Paragraph 143 of the National Planning Policy Framework, 2019 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 This is reiterated within Policy GB1 of the Core Strategy, 2012 which outlines exceptions to inappropriate development within the Green Belt which are largely consistent with the NPPF.

Proposed Extension

5.3.3 Point c) of Paragraph 145 states that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building is considered an exception to inappropriate development.

5.3.4 This is reiterated within Policy GB1 of the South Staffordshire Core Strategy, 2012 which states:

“Policy GB1: Within the South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map, development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted where the proposed development is for either:

d) limited infilling and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).”*

5.3.5 Within Section 4 ‘Alterations or extensions to existing buildings’ within the Green Belt and Open Countryside Supplementary Planning Document (SPD), 2014, anything above the 20%- 40% of the footprint over the original dwelling. (Original dwelling is that which existed on 1st July 1948).

5.3.6 There are no historic planning applications held within the Councils records.

5.3.7 The existing dwellinghouse measures approximately 202.9m² in floor space over two storeys. The single-storey side addition would measure approximately 15.8m² or 7.7% of the floorspace of the existing dwelling.

5.3.8 The SPD is specific with the parameters for the increase in floor area and what constitutes materially larger and thus inappropriate development in this Green Belt context. The proposed additions to the dwelling would not result in additions over the 40% threshold.

5.3.9 The proposed addition is therefore deemed appropriate development and would comply with Policy GB1 of the Core Strategy, 2012 and the guidance set out within the Green Belt and Open Countryside SPD, 2014.

Erection of Car port

5.3.10 It is accepted that the siting of the proposed car port would be situated within the curtilage of the dwelling, however it cannot be considered as an extension or alteration, due to its detached nature. The detached car port would not replace any existing building nor would it fall into any of the other exceptions outlined within the Policy. Outbuildings do not fall into any defined exception within the Policy.

5.3.11 As such the proposal for the car port is deemed inappropriate development within the Green Belt. The proposed car port is therefore contrary to Policy GB1 of the Core Strategy, the guidance contained within the Green Belt and Open Countryside SPD, 2014 together with the objectives of the NPPF. In order for inappropriate development to be acceptable, material considerations amounting to very special circumstances must be advanced to justify a grant of planning permission.

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. It is not considered that the proposed extension would result in a significant impact on the openness of the Green Belt. The single-storey addition would be modest in scale and would be kept within the footprint of the dwelling.

5.4.2 The proposed car port would introduce additional built development in the Green Belt where there is currently none. However, it is sited south west of the dwellinghouse near to existing outbuildings. The site here is well screened from public vantage points from the south of the site which is much more open and less domestic in character. Well screened and constructed out of informal palette of materials, it is considered the car port would have a minimal impact on the sense of openness of the Green Belt.

5.4.3 Overall, when considered in context with the main dwelling, it is considered that the proposal would have a minimal impact on the openness of this part of the Green Belt.

5.5 Very Special Circumstances

5.5.1 No very special circumstances have been put forward from the Agent to support the proposal of the Car port. As previously assessed, the detached nature of the car port means that the proposal would not fall into any of the exceptions for inappropriate developments within Green Belt.

5.5.2 It is considered that similar detached structures could be constructed across the property under Class E of the GPDO, 2015 (as amended) together with substantial extensions to the property. It is considered that this potential fall-back position carries sufficient weight in justifying the current proposal.

5.5.3 On this basis it is considered that the potential harm on the Green Belt by reason of inappropriateness would be clearly outweighed by the very special circumstances outlined above.

5.6 Design and Scale

5.6.1 Policy EQ4 seeks for development to respect the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced.

5.6.2 Policy EQ11 of the Core Strategy requires that new development "*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.*" The Council's 2018 Design Guide has been adopted and amplifies the principles set out in Policy EQ11 of the Core Strategy.

5.6.3 For clarification the application site lies outside of the Codsall Conservation Area and the development would have a negligible impact on it.

5.6.4 The single-storey side extension would have a limited impact within the character of the street scene. The proposal is appropriate by way of siting and scale and would be constructed out of sympathetic materials to the existing dwelling. Overall, the modest addition would respect the character of the existing dwelling.

5.6.5 With regards to the proposed car port the Design Guide, 2018 states that generally garages should be positioned and designed so that they do not stand out abruptly from their surroundings, especially when they are located in more rural locations. Furthermore, the SPD states that minor developments should fit in with the general pattern of the surrounding environment

5.6.6 The immediate context is characterised by a small cluster of a few substantial dwellinghouses, some listed, set along Gunstone Lane. It is not considered that there is a strong character along this stretch and a number have car ports or similar outbuildings set to the front of their dwellinghouses.

5.6.7 Set amongst existing landscaping and a recommendation from the Tree Officer for further details of landscaping, the proposal is considered to be softened by this vegetation and would have a limited impact on the character of the area.

5.6.8 Overall, it is considered that the proposals would be compliant to Policies EQ4 and EQ11 of the Core Strategy, 2012.

5.7 Impact on the Conservation Area

5.7.1 Policy EQ3 of the submitted Core Strategy recommends that for proposals within a Conservation Area will be considered against any management plan and appraisal adopted for that area and will adhere to the following principles:

- Minimising the loss and disturbance of historic materials

- Using appropriate materials, and
- Ensuring alterations are reversible.

5.7.2 Section 12 of the NPPF offer guidance in relation to development to ensure that the historic environment and its heritage assets are conserved and enjoyed for the quality of life they bring to future generations.

5.7.3 In accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regards to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses.

5.7.4 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states similarly that in the exercise of planning decisions in Conservation Areas, attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

5.7.5 The western boundary of the Application Site marks the limit of the Codsall Conservation Area. The western boundary is heavily screened. Spatially the siting of the additions to the dwellinghouse would not have a significant impact on the Conservation Area. Furthermore, the materials proposed in both proposals would be complementary to the character of the Conservation Area.

5.7.6 It is considered that the proposal would be sympathetic to the Conservation Area and would accord with Policy EQ3 and the relevant policies contained within Section 12 of the NPPF

5.8 Impact on Neighbouring Amenity

5.8.1 Policy EQ9 Protecting Residential Amenity states that 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.

5.8.2 By way of siting and proximity, there would be no conflict with Policy EQ9 of the Core Strategy, 2012.

5.9 Trees

5.9.1 Policy EQ12 seeks to protect and enhance key landscape features. The site is characterised by a number of mature trees along the southern and south eastern parts of the site. A low hedgerow characterises the front of the site between the main road. These mature trees and hedgerows are considered to have a high value of amenity and characterise this rural area.

5.9.2 As a result of the creation of the new access a small section of the hedgerow would be removed. The Tree Officer has been consulted on the proposal and seeks tree protection measures and a landscape plan to be submitted by condition.

5.10 Highways and Parking Implications

5.10.1 Core Strategy policy EV12 parking provision requires that adequate parking be included with schemes for new housing. Appendix 5 Parking Standards provides guidance on the recommended number of vehicle parking spaces to be provided.

5.10.2 The extension to the dwelling would not result in any increase in the amount of parking required.

5.10.3 A number of concerns have been received in relation to the additional access to be created. However, the creation of the new access would not result in any additional vehicular movements along Gunstone Lane with the junction between Sandy Lane. This is because the access to the dwellinghouse is already served from Gunstone Lane, from the existing access that serves both the dwellinghouse and the wider site.

5.10.4 Furthermore, under Schedule 2, Part 2, Class B of the GPDO 2015 states that:

"The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part),"

would be permitted development.

5.10.5 Gunstone Lane is a private track (reference 10172). Therefore, the proposed access constitutes Permitted Development. However, as Gunstone Lane is a private track, the Applicant is encouraged to seek permission for the creation of the access and rights over it (the Applicant already has rights presumably for the use of the track from the existing access serving the wider site).

5.10.6 The driveway and turning is acceptable to allow for vehicles to manoeuvre within the site and exit front facing.

5.10.7 Overall, it is considered that the proposal would be acceptable and would result in a negligible impact on the existing highway network.

5.11 Space About Dwellings Standards

5.11.1 Paragraph 1.10 within Appendix 6 '*Space about dwellings standards*', seeks for the appropriate level of garden amenity space for outdoor recreation. The dwelling benefits from significant garden amenity. The proposal does not infringe the Council's Space about dwellings standards.

6. CONCLUSIONS

6.1 In light of the above observations it is considered that the proposal for the extension is deemed appropriate development within the Green Belt, would have limited harm on the openness of the Green Belt and would not result in any adverse impact future neighbouring amenity. The proposed car port would be deemed inappropriate within the Green Belt as the proposal does not fall into any of the exceptions. The harm to the openness has been assessed as limited and a number of very special circumstances have been identified to clearly outweigh both the default harm and any other harms identified.

6.2 The proposal would accord with Policies GB1, EQ3, EQ4, EQ9, EQ11 and EV12 of the Core Strategy, 2012 comply with guidance in the Green Belt and Open Countryside SPD, 2014 and

accord with the relevant provisions of the NPPF, 2019. Permission is therefore recommended on this basis, it is considered that the potential harm on the Green Belt by reason of inappropriateness would be clearly outweighed by the very special circumstances outlined above subject to appropriate conditions.

7. RECOMMENDATION – APPROVE Subject to the following conditions:

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 plans referenced 1230-P-005 entitled 'Proposed Floor Plans', 1230-P-006 entitled 'Proposed Elevations' and 1230-P-007 entitled 'Proposed Car port' all received by the Local Planning Authority dated 19th June 2020.
3. The materials to be used for the extension hereby approved shall match those specified within the Application Form received by the Local Planning Authority dated 19th June 2020.
4. The facing materials to be used for the extension hereby approved shall match in colour and texture those of the existing dwelling or, as otherwise agreed in writing by the Local Planning Authority.
5. No development shall take place until details of the materials to be used in the construction of the car port hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
6. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; hard surfacing materials; where relevant. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation program]. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the local planning authority gives written consent to any variation.
7. 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.

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 visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
4. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
5. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
6. In the interests of amenity and to ensure a satisfactory form of development.
7. To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important in the appearance of the development.
8. 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.

Informative

It does not appear that any rights of way will be directly affected by the proposed development. However, it should be noted that Footpath No 3 Codsall Parish runs up the private road leading to the property.

The applicant needs to be reminded that although the lane to the property is private, the fact that the route is a public highway (footpath) takes precedence. The use by private vehicles is subject, and subordinate to, the public's right. In other words pedestrians, horse riders and cyclists have a public right and vehicles need to give way to them not the other way around.

The applicant needs to be aware that it is a criminal offence to drive a mechanically propelled vehicle on a public footpath or bridleway without lawful consent or indeed obstruct the right of way by parking a vehicle on it.

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development or use of the site if the application is approved. The surface of the bridleway must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required. The County Council is only responsible for the surface of the bridleway for pedestrians, horse riders and cyclists, not vehicles, and the applicant should be made aware of this."



New House Farm, Gunstone Lane, Codsall, WOLVERHAMPTON WV8 1EL

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 15 SEPTEMBER 2020****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	21 st July 2020	
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 each Planning Committee (starting at 5:30pm). The sessions may well change depending on what issues are on the agenda.

Given the current public health situation, we have suspended the current program, and continue to investigate how to do training remotely. We will confirm once agreed.

4.3 **Changes in National Policy:**

Planning White Paper

- 4.4 The Government is currently consulting on its **Planning for the Future** White Paper, which outlines proposals for far-reaching changes to the planning system in England. These proposals, if implemented, have the potential to see the most significant changes to the planning system since its introduction in 1947 and would have fundamental implications for the Council's Strategic Planning, Development Management and Planning Enforcement functions. The proposed changes will require wholesale replacement of current planning law with a raft of new primary and secondary legislation as well as new national planning policy and guidance.
- 4.5 In tandem with the White Paper, the Government are consulting on **Changes to the Current Planning System**. It is understood that these measures would be in place in the interim until the new planning system (outlined in the White Paper) is introduced.
- 4.6 Whilst the White Paper is not clear on when they expect the new planning system to be introduced, the consultation does indicate that they expect new Local Plans to be in place by the end of the Parliament (early 2024). Given the proposed statutory timetable of 30 months to prepare new Local Plans, this appears to suggest that these changes would need to be in place from mid to late 2021 in order to meet the Government's aim. The consultation identifies an overarching vision for a new planning system and broad proposals, but the 'devil will be in the detail' and this will only become clear once new legislation, policy and guidance are introduced. Only then will we be able to fully comprehend the implications of the new system for South Staffordshire.

- 4.7 The Government believes radical reforms are needed, citing a complex planning system where Local Plans take too long to adopt and low public trust in the system. An overarching aim appears to be a much simpler 'rule-based' planning system that leaves less scope for discretion and case by case judgment. The rule book would be a slimmed down map and data based Local Plan, all within the context of achieving the Government's principal aim of increasing housing supply and delivering 300,000 homes a year. Proposals are set out into 3 pillars and can be viewed in full here:

<https://www.gov.uk/government/consultations/planning-for-the-future>

<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

- 4.8 Members will consider the detail of the consultations, and the Council's proposed response to the consultation, in a separate Member briefing and covering report.

- 4.9 **Planning Appeal Decisions** – every Planning Appeal decision will now be brought to the Committee for the Committee to consider. There has been 4 appeal decisions since the last Committee (2 months), a copy of the decisions are attached as Appendix 1 - 4. These relates to:

- 1 The development of a log cabin on a concrete foundation in rear garden at 1 Edge Hill Drive, Perton, Wolverhampton WV6 7SN. The appeal was a Committee overturn and allowed on appeal on the basis that does not harm the living conditions of the occupiers of the adjoining residential properties and would accord with Policy EQ9 of the South Staffordshire Core Strategy (2012) which amongst other matters seeks to ensure that all development proposals take into account the amenity of nearby residents.
- 2 The conversion of the existing New Inn Public House to 1 x 5 bed house with associated amenities at the New Inns Pub, Kiddemore Green Road, Brewood ST19 9BH. The appeal was dismissed as the development would not accord with LP Policy EV9 with regard to the retention of local services and facilities in the interests of sustainable communities.
- 3 The development of a new detached dwelling house at 42 Bridgnorth Road, Wombourne, South Staffordshire WV5 0AA. The appeal was dismissed because it was contrary to the Local Plan and that the conflict with the development plan taken as a whole would not be outweighed by other material considerations. (NB officers have responded to PINS to correct the statement that at the time of appeal the Council could not demonstrate a 5YHLS.)
- 4 The demolition of existing dwelling and construction of replacement dwelling at the Meadows, Middle Lane, Oaken, Wolverhampton WV8 2BE. The appeal was dismissed because the inspector felt the benefits which arise from the appeal scheme (against the totality of the fallback proposals) do not clearly outweigh the harm to the Green Belt and very special circumstances necessary to justify the development do not exist. The inspector did however award partial costs to the appellants for 2 draft conditions (11 and 12 relating to trees and PD) as it was concluded that neither of these conditions would be necessary to make the development acceptable in planning terms. (NB officers are working with legal colleagues to understand if we have grounds to question this).

- 4.10 We are still awaiting the 2 Crematoria applied for some time ago, and the decision is still awaited. It was due by 12 September 2019. We have had no update from the Secretary of State, but have been assured by PINS that they would keep in touch with us should that position change.
- 4.11 The Secretary of State for Transport has now 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 in the process of considering the decision to understand next steps.
- 4.12 **Relevant Planning Enforcement cases on a quarterly basis** – No update from last month on performance.
- 4.13 **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
- 4.14 We will ensure that the Committee is kept informed of performance against the relevant targets including through the MHCLG’s own data.
- 4.15 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 = 89.4% (data up to December 2019)
 153 – others – target 70% (or above) – result = 86.3% (data up to December 2019)

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 – rear garden at 1 Edge Hill Drive, Perton,
Wolverhampton WV6 7SN

Appendix 2 – Appeal Decision – The New Inns Pub, Kiddemore Green Road, Brewood
ST19 9BH

Appendix 3 – Appeal Decision – 42 Bridgnorth Road, Wombourne, South
Staffordshire WV5 0AA

Appendix 4 (a and b) – Appeal Decisions – The Meadows, Middle Lane, Oaken,
Wolverhampton WV8 2BE

Report prepared by:

Kelly Harris
Lead Planning Manager



Appeal Decision

Site visit made on 7 July 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2020

Appeal Ref: APP/C3430/W/20/3245733

1 Edge Hill Drive, Perton, Wolverhampton WV6 7SN

- 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 Antonio da Silva against the decision of South Staffordshire Council.
 - The application Ref 19/00655/FUL, dated 22 August 2019, was refused by notice dated 8 January 2020.
 - The development proposed is a log cabin erection on a concrete pad foundation in rear garden. Cabin purchased flat packed and tradesmen assembly on site.
-

Decision

1. The appeal is allowed and planning permission is granted for log cabin erection on a concrete pad foundation in rear garden at 1 Edge Hill Drive, Perton, Wolverhampton WV6 7SN in accordance with the terms of the application, Ref 19/00655/FUL, dated 22 August 2019 and the plans submitted with it.

Procedural Matter

2. As noted from the appeal documentation and my site visit, the log cabin has already been erected on the site.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of the adjoining residential properties.

Reasons

4. The appeal site is located on the corner of Edge Hill Drive and The Parkway which is a residential area. There are two residential properties¹ which adjoin the appeal site. The log cabin is situated towards the bottom of the rear garden of the appeal property.
5. The Council have set out in their reason for refusal that they consider it represents an overdevelopment of the site and would be likely to prejudice the amenity of the occupiers of adjoining properties.
6. However, other than a comment that it is located within 1 metre of the neighbour and that it represents an overdevelopment of the site, it is not clear what harm would occur as a result of the development or which occupier(s) it would have an adverse amenity effect on.

¹ 3 Edge Hill Drive and 11 Naseby Road

7. From my site visit I saw that the property to the rear (11 Naseby Road) sides onto the appeal site and the log cabin is sited so it is just beyond the rear of a single storey side projection to the main dwelling. Given the juxtaposition between this property and its garden to the appeal development it is clear that the log cabin does not have an adverse impact on the occupiers of that dwelling.
8. Turning to the effect on the occupiers of 3 Edge Hill Drive, the log cabin is sited close to the side boundary at the bottom of the garden. To that extent, it would have a very limited impact on the occupiers of that property when they utilise their rear garden. However, that impact is not unacceptable. In coming to that view, I acknowledge that in combination with the existing annexe it would result in almost a continuous line of buildings close to the side boundary with No 3.
9. Finally, in relation to the overdevelopment reference it is noted the only Development Plan policy referred to by the Council relates to protecting residential amenity. Given that I have not found any harm to the occupiers of the adjoining residential properties in this respect, and that there was ample private amenity space remaining for the occupiers of the appeal property, I consider that reference to the overdevelopment of the site is somewhat confused.
10. Notwithstanding that, even if it was meant that there are too many buildings at the appeal site and this affects the character and appearance of the area, I find that the amount of space available at the appeal site, and the overall design of the log cabin is not objectionable.
11. For the above reasons the log cabin does not harm the living conditions of the occupiers of the adjoining residential properties and would accord with Policy EQ9 of the South Staffordshire Core Strategy Development Plan Document (2012) which amongst other matters seeks to ensure that all development proposals take into account the amenity of nearby residents.

Conditions

12. Given that the development has already been carried out I consider that it is not necessary to impose any planning conditions, including the one originally suggested by the Council in their officers' report to committee.

Conclusion

13. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

Appeal Decision

Site visit made on 4 August 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2020

Appeal Ref: APP/C3430/W/20/3251859

The New Inns Pub, Kiddlemore Green Road, Brewwood ST19 9BH

- 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 John Dyke of Central Homes Ltd against the decision of South Staffordshire Council.
 - The application Ref 19/00021/FUL, dated 14 January 2019, was refused by notice dated 21 February 2020.
 - The development proposed is conversion of the existing New Inn Public House to 1 x 5 bed house with associated amenities.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The site lies within the Green Belt. Although the officer's report finds that the development would be inappropriate development in the Green Belt, this is not cited as a reason for refusal.

Main Issues

3. The main issue is whether the development would accord with local policies with regard to the retention of local services and facilities in the interests of sustainable communities.

Reasons

4. The New Inns public house has been empty since it was sold by the brewery in 2017. It is in a rural location at the end of a scattered line of occasional dwellings about a mile from the village of Brewwood. It is proposed to convert the public house to a dwelling.
5. Policy EV9 of the Local Plan¹ (LP) supports the provision and enhancement of essential community facilities. It sets out criteria against which the redevelopment of community facilities are to be assessed, including a viability test.
6. The Council considers that there is insufficient evidence to indicate that the public house was marketed at a realistic price for at least 12 months, to demonstrate that its use as a public house is no longer viable or that it is a redundant facility. The appellant purchased The New Inns when marketed by

¹ Core Strategy, December 2012

- the brewery and there is nothing before me to indicate that this was not an open market sale or that anyone wishing to buy the public house to retain it as a community facility did not have the opportunity to do so. Nonetheless, three years have elapsed since the appellant purchased the property and there has been time to undertake a marketing exercise to overcome this policy test.
7. I appreciate that a CAMRA viability assessment has been provided. However, although this sets out the location of nearby public houses and their facilities, it does not include any financial information to support the appellant's arguments. In my experience a viability assessment should include a likely business model with an analysis of issues such as customer base and footfall, turnover and essential renovations. There may be many reasons why the brewery sold the premises. It does not necessarily follow that the current use is not viable in different circumstances, particularly given its extensive parking area. Interested parties have indicated that there may be people wishing to invest in the building as a public house and have also disputed the brewery's apparent reasons for its sale. These issues are not addressed by the appellant.
 8. The immediate customer base for a community facility in this location appears to me to be very small and The New Inns would compete with the nearby Oakley Arms, which offers food as well as entertainment. Nonetheless, the CAMRA assessment lists ten public houses within a 5 kilometre radius of the site. The appellant argues that this indicates the market is saturated but it could equally indicate that there is a high demand, particularly given the location's easy reach of the Birmingham conurbation.
 9. I conclude that the assessment is of limited weight and that there is insufficient evidence before me to allow me to conclude beyond reasonable doubt that the building is redundant as a community facility.
 10. The Council has sought legal advice. This analyses the text of LP Policy EV9 and highlights its lack of precision. It sets out that The New Inns should be considered to be an essential facility under this policy. It also outlines three paths by which the development might pass the tests set out in LP Policy EV9. It appears to conclude that two of the tests require proposals to pass the viability test, and the third path requires there to be alternative provision. As there is limited information before me to conclude that the public house is unviable or redundant, it remains that the development would result in the loss of a community facility and therefore fails all the tests set out in LP Policy EV9.
 11. In this regard Members have not ignored Counsel's advice. This advice clarified the policy only.
 12. Consequently, the development would not accord with LP Policy EV9 with regard to the retention of local services and facilities in the interests of sustainable communities.

Other matters

13. Paragraph 143 of the National Planning Policy Framework (the Framework) sets out that inappropriate development in the Green Belt is by definition, harmful. Although Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt, it lists exceptions, *including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*

14. LP Policy GB1 sets out criteria for the acceptability of development in the Green Belt. The over-arching test is that such development has to be acceptable within the terms of the Framework. The Local Plan precedes the Framework by some years and Paragraph 213 of the Framework sets out that due weight should be given to existing policies according to their consistency with the Framework.
15. The SPD² refers to floor area to assess the proportionality of alterations and extensions to existing buildings. However, the Framework refers to size which is a more general measure including external dimensions, floor area and volume. As such, overall size should be the consideration for assessing the proportionality of extensions and alterations, rather than just floor space.
16. In any case the SPD sets out that increases in floor area for alterations in the Green Belt should be within the range of 20 - 40 per cent. The public house has already benefited from extensions since 1948 and if the development went ahead the dwelling would have a floor area that had been extended by an additional 48 per cent above that of the original building. This would be a disproportionate increase in floor area and well beyond the range set out in the SPD.
17. The public house comprises a fairly narrow two storey structure, with a flat front elevation under a dual pitched roof. There is a series of single storey flat and pitched roof extensions attached to the sides and rear.
18. Although the proposals drawing does not have a scale bar, a comparison between the survey and proposals drawings suggests that the dwelling's ridge would be well over one metre higher than the public house's ridge. Moreover, the proposed dwelling would extend the public house's first floor at the rear, above an existing single storey extension, effectively doubling the depth of the two storey structure. Although a further rear extension would be demolished, its floor area appears to be significantly less than the proposed first floor extension. There would also be substantial changes to the roof form which would be considerably more bulky than existing.
19. As such the dwelling's scale and extent would subsume the original structure and it would have a significantly larger volume and overall size. This seems to me to amount to far more than what could be considered to be alterations and extensions, and in any case would be disproportionate compared to the size of the original building.
20. Consequently, the development would fail to comply with the exceptions set out in Paragraph 145 of the Framework as set out above, as well as LP Policy GB1.
21. Buildings that are to be extended and altered should be considered only under Paragraph 145 only. Paragraph 146, referred to in the officer's report, is concerned only with the re-use of a building, not its enlargement or alteration.
22. Paragraph 133 sets out that one of the essential characteristics of the Green Belt is its openness, and Paragraph 134 states that one of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. This development's overall size and volume would be far bulkier than the existing structure and this would detract from the openness of the Green Belt.

² Green Belt and Open Countryside SPD, 2014

The current building's typology and ad hoc extensions are not determinative in this regard. The development would therefore represent inappropriate development in the Green Belt and would have an adverse effect on openness in the Green Belt. All harm in the Green Belt carries substantial weight.

23. Paragraph 144 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, is clearly outweighed by other considerations. There is nothing before me in terms of local housing need to indicate an imperative to build a five bedroomed dwelling of this size, on this site. The current building has a pleasing cottage appearance and is reflective of its evolution over 200 or so years. It is unclear why major building works including improvements to first floor accommodation and an alleged sympathetically designed extension should amount to other considerations sufficient to clearly outweigh the harm of inappropriate development in the Green Belt.
24. However, as I have found harm in relation to the main issue it is not necessary for me to consider this issue further.

Other matters

25. Interested parties have raised a concern in relation to the development's effect on the character and appearance of the area. However, I have found harm in relation to viability and is not necessary for me to consider this further.

Conclusion

26. In the light of the above I conclude that the development would fail to comply with the relevant policies of the Local Plan. The appeal is dismissed.

A Blacq

INSPECTOR

Appeal Decision

Site visit made on 4 August 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2020

Appeal Ref: APP/C3430/W/20/3251701

42 Bridgnorth Road, Wombourne, South Staffordshire WV5 0AA

- 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 and Mrs R Lane against the decision of South Staffordshire Council.
 - The application Ref 19/00527/FUL, dated 4 July 2019, was refused by notice dated 1 November 2019.
 - The development proposed is construction of a new detached dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the area; and,
 - The living conditions of occupiers of 42 Bridgnorth Road, with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site is the rear portion of a long corner plot. Number 42 Bridgnorth Road (No 42) is an extended bungalow with roof accommodation. Its rear garden separates the series of bungalows and bungalows with roof accommodation fronting Bridgnorth Road from a line of semi-detached dwellings on the northern side of Bridgnorth Avenue. This separation between building patterns is reinforced by a garage access road at the end of the appeal site.
4. Number 42 has had significant extensions, but its elevation to Bridgnorth Avenue remains that of a dormer bungalow. The stepping down of the roof lines towards the open space at the rear is very evident in the street scene and reinforces the apparent openness at its rear.
5. The Design Guide¹ states that minor development should fit in with the general pattern of the surrounding environment, taking account of subtle variations in scale and form and contributing to a sense of cohesion and unity. With regard

¹ South Staffordshire Design Guide 2018

- to infill developments, where a street has an established pattern of building heights, developments should aim to continue to an established pattern, without creating sharp or sudden change in height or building scale. Although the underlying development pattern in this case is unremarkable, there is a particular degree of architectural consistency within each distinct frontage.
6. The appeal site adjoins a modest single storey dwelling with hipped roof (The Hyde) built as backland development at 40 Bridgnorth Road. Although this is located within the openness separating the Bridgnorth Road frontage from Bridgnorth Avenue, it is unobtrusive and largely obscured from the street scene as a consequence of its limited massing and nearby tree cover.
 7. The development before me would also be backland development, and what appears to be its principal elevation would face Bridgnorth Avenue. Its overall footprint would not be dissimilar to that of The Hyde. However, it would be a two-storey dwelling with mono-pitch roof, located forward of the Bridgnorth Avenue building line. Although No 42's side elevation has side projections, the development would also sit forward of what appears to be No 42's original flank wall. It would introduce a far greater bulk and mass within a few metres of the plot's side boundary than is currently the case. Its position and bulk in relation to the street scene would be therefore be intrusive on this backland site.
 8. Moreover, the two dwellings adjoining the appeal site, No 42 and The Hyde, are single storey or single storey with roof accommodation. They are long and low with largely hipped roof forms. The development's simple typology would be unrelated to the distinct and contrasting building patterns of Bridgnorth Avenue and Bridgnorth Road. This in itself would not necessarily be a concern. However, in combination with my concerns in relation to the development's prominence and intrusiveness, I conclude that it would fail to accord with the massing and rhythm of the underlying building pattern. Nor would it appear as a transition between two distinct building patterns as argued by the appellant.
 9. I acknowledge that the development would appear less incongruous with the simpler form of dwellings on Bridgnorth Avenue. However, as I have noted above, these dwellings effectively form a distinct building pattern separated from No 42 by the appeal site and the garage access.
 10. If considered alone the limited garden depth between the development's principal elevation and the footway would have a neutral weight in my reasoning. The Hyde does not have a street frontage, and in my experience long footway boundaries of the height suggested are not uncommon on the sides of corner plots. In a denser building pattern, the size and layout of the development's garden might be unremarkable.
 11. However, in this particular instance, it appears that the combination of maintaining lateral separation with The Hyde and providing vehicular hardstanding has pushed the dwelling uncomfortably close to the footway on Bridgnorth Avenue. Not only has this reduced garden depth but has also caused the dwelling's building line to project beyond the prevailing building line. These observations suggest a building that is effectively too large for the available space.
 12. I appreciate the arguments that development can be innovative and contemporary, and this development would make a bold statement with a high degree of architectural coherence. However even with contemporary design

styles, good design generally relates to its context. This development's scale and positioning would be unrelated to its context.

13. Although the dwellings lining Bridgnorth Road display some variation in design features there is an underlying coherence in roof style, building line and style. There is also a generous set back from the road to offset limited lateral separation.
14. I conclude that the development would have an adverse effect on the character and appearance of the area. This would be contrary to Policy EQ11 of the Local Plan (LP) which requires development to take into local character and distinctiveness, and contribute positively in terms of scale, volume and materials to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area. It would also be contrary to the Design Guide which requires development to continue an established pattern and contribute to a sense of cohesion and unity.

Living conditions

15. Number 42 has been extended to the rear and the side, and has a long narrow footprint running perpendicular to Bridgnorth Road. At the very end of this footprint there is a modest rear extension whose rear elevation would be 10.5 metres from the proposed dwelling. There are windows on three sides of this extension and the development would be seen only from the rearmost window, and then at a distance of 10.5 metres.
16. I am satisfied that views from this particular window would be one small part of the room's outlook and the development would not therefore be overbearing to such an extent as to be detrimental to the living conditions of occupiers of No 42.
17. Nor would the development obstruct direct sunlight or cause more than very minor overshadowing of No 42 except in high summer. Given the distance and relative orientation of the development and No 42, and the other windows in the extension I see no reason why the development should cause undue light loss at No 42.
18. Consequently, the development would not have an adverse effect on the living conditions of occupiers of No 42 and would not be contrary to LP Policy EQ9. This requires development to take the amenity of nearby residents into account.

Planning balance

19. The evidence before me suggests that the Council cannot demonstrate a five year housing land supply. However, the Council has not objected to the principle of development on this site and the most important policies for determining this appeal are not concerned with housing supply.
20. I appreciate that the Council may be having to find sites within the Green Belt to accommodate local housing supply but this does not justify a dwelling that would appear cramped within the site and unreflective of its surroundings. Moreover, one dwelling would make a small contribution to local housing supply.

21. Consequently, I conclude that although Paragraph 11d) of the National Planning Policy Framework (the Framework) is engaged, the adverse effects of the development would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole.

Conclusion

22. I conclude that the development would be contrary to the Local Plan and that the conflict with the development plan taken as a whole would not be outweighed by other material considerations. Therefore, the appeal should be dismissed.

A Blicq

INSPECTOR



Appeal Decision

Site visit made on 7 July 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/C3430/W/20/3244275

The Meadows, Middle Lane, Oaken, Wolverhampton WV8 2BE

- 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 & Mrs McAuliffe against the decision of South Staffordshire Council.
 - The application Ref 19/00562/FUL, dated 17 July 2019, was refused by notice dated 22 November 2019.
 - The development proposed is the demolition of existing dwelling and construction of replacement dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs McAuliffe against South Staffordshire Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - (i) whether the proposal is inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt; and
 - (iii) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development in the Green Belt

4. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 145 and 146, sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
5. New buildings within the Green Belt are inappropriate unless, amongst other matters, they would constitute the replacement of a building, providing that the

new building is in the same use and not materially larger than the one it replaces¹. The proposal would clearly be the same use as the existing, so therefore the key consideration for this exemption is whether the proposed building is materially larger than the existing building.

6. The Framework does not define what would be classed as being materially larger, but the size of the building (either in terms of footprint, floorspace or volume) are clearly important factors.
7. That said, from the evidence before me, it is clear that the proposed replacement dwelling would be significantly larger than the existing dwelling. Whilst there is a discrepancy between the Appellants and the Councils figures, even if I adopt the Appellants lower floorspace figures it would amount to around a 100% increase in size. To that end, the proposal would not accord with the exemption outlined at paragraph 145d).
8. In addition to the above, paragraph 145g) of the Framework allows for the redevelopment of previously developed land (which is the case here) providing that the proposal would not have a greater impact on the openness of the Green Belt than the existing development.
9. Therefore, in order to determine whether it would be inappropriate development it is necessary to consider whether or not the proposal would have a greater impact on openness than the existing development.

Effect on the openness of the Green Belt

10. One of the five purposes of a Green Belt, outlined at paragraph 134 of the Framework, is that it should assist in safeguarding the countryside from encroachment.
11. The appeal site is a spacious plot and currently contains a two-storey dwelling. When compared to the existing dwelling, the appeal proposal would result in a substantially larger building on the site. The increase in size and bulk of the proposal would inevitably lead to the loss of openness despite the lowering of the ground level when compared to the existing dwelling. It is also clear that in assessing a developments impact on openness, this must be taken from the existing situation.
12. Given my conclusions above, the proposal would be inappropriate development in the Green Belt as it would not accord with any of the exemptions outlined at paragraphs 145 or 146 of the Framework. Furthermore, it would also lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework, and Policy GB1 of the South Staffordshire Core Strategy Development Plan Document (2012) (CS).

Other considerations

13. The Appellants case is largely predicated that the existence of various proposals² to extend the existing dwelling represents a fall-back position which would amount to the very special circumstances necessary to justify the granting of planning permission.

¹ Paragraph 145d) of the Framework

² Permissions 20/000088/LHSHLD, 19/00328/FUL and 19/00275/LUP

14. Utilising the Appellants figures, the appeal proposal would result in a gross internal floor area of 399 square metres. The layout of the dwelling includes a kitchen, utility, dining, family, living and snug reception areas, together with circulation space and an attached garage and boiler room. At first floor, there would be 4 bedrooms, including en-suites for all bedrooms and a dressing room for the master bedroom.
15. In contrast, the fallback position would result in a total floorspace of around 493 square metres when added to the internal floorspace of the existing dwelling. There could also be a further 56 square metres of floor area for the detached triple garage. From the Appellants plans, the fallback position would include a kitchen/living area, utility, dining, study and two further family/living room areas with circulation space and an attached garage and bedroom (including an en-suite). At first floor, there would be 4 bedrooms (including one en-suite) a bathroom, toilet and a small study. There would also be two further bedrooms in the roofspace including a dormer window.
16. It is clear to me that the fallback position is a material consideration which I must take into account. Additionally, the Appellant has drawn my attention to two court cases³ which are relevant to my consideration. Whilst it is clear that the fallback position weighs in favour of the proposal, the amount of weight I can attach to it is clearly a matter of planning judgement.
17. In considering the appeal proposal against the fallback position, the totality of the fallback position provides a much greater level of accommodation, including an additional three bedrooms, additional garage space and a greater amount of ground floor living accommodation space when compared to the appeal proposal.
18. Taking this into account, whilst there is clearly a possibility that all of this fallback position could be implemented, I am of the opinion that this is unlikely given the much greater level of accommodation in the fallback position. To my mind, this therefore limits the amount of weight I can attach to it.
19. Even if, for example, not all of the fallback elements were implemented, the appeal proposal would result in a much greater level of first floor accommodation than what is currently on site, or what could be built. In my view, this is a significant factor in this case as the greater level of first floor accommodation would have a greater impact on openness than the alternative much lower building form from the fallback position.
20. I am also conscious that the appeal proposal itself would be taller than the existing dwelling. As I understand it, the existing dwelling is around 8.2 metres in height and the appeal proposal would be around 9 metres. I have noted that the appeal development would be set at a lower land level than the existing dwelling and its main ridge line would be marginally lower than the height of the existing dwelling.
21. However, one important factor in considering openness is the absence of built form. In this case, the building would be taller than the existing built form albeit that the overall impact, as a result of the lowered land/floor levels, would be somewhat reduced. In terms of its height, whilst the degree of harm is not

³ Mansell v Tonbridge And Malling BC [2017] EWCA Civ 1314 and Zurich Assurance v North Lincolnshire Council [2012] EWHC 3708 (admin)

significant, the development does nevertheless have some harm to the openness of the Green Belt even when compared to the fallback position.

22. In coming to the above views, I acknowledge that the totality of the fallback position proposals would result in a greater size of buildings than the appeal proposal. However, a large part of the extensions would be single storey and would not have the same visual effect than the much bulkier two storey appeal development.
23. The Appellant has also stated that there are numerous examples of other developments in South Staffordshire and has included details of a case at The Sheepwalks. From the information before me, the appeal proposal is different to that at the Sheepwalks as that scheme involved the removal of a commercial element and existing built form. Therefore, I can give this case only very limited weight. Moreover, each proposal must be considered on its individual merits.

Green Belt balance

24. I have concluded that the proposal would be inappropriate development and would have an adverse effect on openness. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
25. Taking into account the other considerations, whilst it could be said that there are some benefits of the appeal development over the fallback developments (such as a reduced footprint of building), there are also some negative aspects. However, the fallback position proposals do not provide a compelling reason why planning permission should be granted.
26. In considering the substantial weight given to the Green Belt, in my view the benefits which arise from the appeal scheme (against the totality of the fallback proposals) do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policy GB1 of the CS.

Conclusion

27. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR



Costs Decision

Site visit made on 7 July 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Costs application in relation to Appeal Ref: APP/C3430/W/20/3244275 The Meadows, Middle Lane, Oaken, Wolverhampton WV8 2BE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs McAuliffe for a full award of costs against South Staffordshire Council.
 - The appeal was against the refusal of planning permission for the demolition of existing dwelling and construction of replacement dwelling.
-

Decision

1. The application for an award of costs is partially allowed in the terms set out below.

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG also makes it clear that a local planning authority is at risk of an award of costs if it prevents or delays development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material planning considerations or fails to produce evidence to substantiate each reason for refusal at appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The Applicant submits that a full award of costs is justified as the Council has failed to properly exercise its development management responsibilities, by relying on reasons for refusal that it has failed to justify and which do not stand up to scrutiny. In addition, the Council has delayed a development which should clearly have been permitted having regard to the very special circumstances including inaccurate assertions and failing to evaluate the correct very special circumstances.
5. Furthermore, the Council have made suggested conditions that are not necessary or reasonable and do not comply with the guidance in the National Planning Policy Framework. It has also failed to provide adequate guidance as to what amendments would be acceptable to avoid an appeal.
6. The Council have responded that there was a debate at Committee by Members about the merits of the Very Special Circumstances which had been put

forward by the Applicant and which were assessed by the case officer in her Committee report. It is the democratic right of Councillors on the Planning Committee to query the views of the officer expressed in their report and the Committee is not obliged to accept the officers' recommendation. In this instance, the Committee did not agree with the weight the officer had attached to the Very Special Circumstances put forward by the Applicant. The Committee did not consider that they clearly outweighed the harm to the Green Belt, by reason of inappropriateness. It was therefore not unreasonable for the Committee to refuse the application for this reason.

7. In respect of the suggested conditions, it is submitted that these are similar to that in the original case officers report and that the Council were not aware of any objections to these when the committee report was drafted. Additionally, it is not considered that the suggested conditions have caused the Applicant to incur unnecessary or wasted expense in the appeal process. Furthermore, it is the Councils view that if the appeal is allowed it is up to the Inspector to determine which conditions are appropriate.
8. The Council also consider it would have been difficult for officers to provide guidance as to what amendments would be acceptable to avoid an appeal beyond suggesting that the size of the proposed replacement dwelling was significantly reduced, to comply with the Council's adopted Green Belt and Open Countryside SPD, referred to in the case officers original report.
9. It is clear to me that both parties acknowledge that a Planning Committee decision which goes against officer advice is not a reason to give an award of costs as the Committee were entitled to come to their own conclusions on the merits of the proposal. However, the key issue is whether the Council have provided sufficient evidence to substantiate their reasons for refusal at appeal.
10. As I have noted in my appeal decision, it is common ground between the main parties that the proposal would be inappropriate development in the Green Belt and as such the crux of the Applicants case was whether the fallback position provided the very special circumstances necessary to justify the granting of planning permission.
11. The assessment of such circumstances is without a doubt a matter of planning judgement based upon the merits of the other considerations which could provide such a justification. Therefore, I cannot agree with the Applicants assertion that the appeal proposal should have clearly been permitted.
12. To my mind, the Councils appeal statement has provided a sufficient justification to support the Committee's decision to refuse planning permission with an assessment being made in respect to the level of harm to openness being part of the weighing up of the fallback position.
13. In coming to the above view, I acknowledge the differences between the main parties in respect of the size of the existing dwelling, the existing plus fallback position development, and the appeal proposal. Whilst this may have caused some confusion whether the proposal represented a 100% increase or over a 110% increase in the floorspace, what is clear is that the proposal was undoubtably significantly larger than the existing dwelling.
14. In my decision, I found that there were not very special circumstances which justified the granting of planning permission and in that respect the Councils

decision was well founded. I am also satisfied that the Council have provided sufficient evidence to substantiate its reasons for refusal at appeal. As such I consider that no unreasonable behaviour occurred.

15. Turning to the other aspects of the application for costs, I accept that it would be very difficult for officers to advise what may be acceptable given the circumstances. However, it would not be impossible to seek such advice from the members of the Planning Committee.
16. That said, whilst an indication what may have been acceptable to the Council as a whole would have been beneficial, I consider that this on its own does not constitute unreasonable behaviour. Furthermore, what might be acceptable for a future proposal is not particularly relevant to the merits of the proposal before me.
17. Finally, in respect of the suggested planning conditions, three of the four conditions queried by the Applicant in the final comments are the same as those published in the committee report, whilst the fourth condition is largely a combination of more than one of the committee report conditions.
18. Draft condition 8 seeks to restrict demolition and re-development works to between October and March which is similar to that set out within the mitigation measures at paragraph 5.2 of the absolute ecology activity survey for bats document dated September 2019. Whilst it would appear unnecessary for construction works to be restricted in this manner, I cannot agree that the demolition aspect is unreasonable. Similarly, it is clear to me that draft condition 13 serves a valuable planning purpose, albeit that the stated reason for that condition is somewhat incorrect. Despite these minor issues with those conditions, I find that the Councils stance on these is not unreasonable.
19. However, in respect of conditions 11 and 12 I find that neither of these conditions are necessary to make the development acceptable in planning terms. This is particularly the case in respect of draft condition 12 as given the size and layout of the driveway there is no prospect of any highway safety or parking space issue should the garage not be used for the parking of motor vehicles. Furthermore, the conversion of the garage would require planning permission should the appeal have been allowed anyway as condition 13 would restrict such a conversion.
20. The Councils reason for condition 12 relates to the protection of trees during construction works, whereas the condition itself relates to a period of 10 years following the completion of the development. Whilst I understand the desire of the Council to protect the character and appearance of the area, I find such a condition to be excessive and unnecessary.
21. In summary, I therefore find that the Council has acted unreasonably in suggesting draft conditions 11 and 12.
22. Whilst I am not clear why the appellant didn't raise any objection to these conditions as part of the original appeal statement (these conditions are unchanged from the officers report to committee), it is clear that there has been what can be considered to be a small amount of unnecessary time in dealing with these as part of the applicants final comments submission. This is therefore resulted in the Applicant incurring unnecessary expense in commenting on these two conditions.

Conclusion

23. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated in relation to dealing with draft conditions 11 and 12 only and therefore a partial award of costs is justified.

Costs Order

24. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that South Staffordshire Council shall pay to Mr & Mrs McAuliffe the costs of the appeal proceedings described in the heading of this decision; limited to those costs incurred in contesting the draft conditions 11 and 12 from the Councils list of suggested conditions, such costs to be assessed in the Senior Courts Costs Office if not agreed.
25. The applicant is now invited to submit to the South Staffordshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Chris Forrett

INSPECTOR