

**22/00479/FUL
NON MAJOR**

Mrs Joyce Bolton

**Cllr Sutton, Cllr Bolton &
Cllr Holmes
BREWOOD & COVEN**

Dunelm Coven Road Brewood ST19 9DF

Erection of summerhouse at the bottom of the rear garden

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

1.1.1 The application relates to a two-storey semi-detached dwelling sited on the eastern side of the Coven Road to the south of the village of Brewood. There is parking to the front of the dwelling for 3+ vehicles on the driveway and a private rear garden. The dwelling is located in the Green Belt, within a strong, established ribbon of development comprising both two storey and single storey, detached and semi-detached dwellings of a similar character and style to the host dwelling dating roughly from the 1930's.

1.2 Planning history

1987: Extensions, approved (87/00483).

1988: Extension, approved (88/00047).

1991: Extensions, approved (91/01019).

2014: Extension to existing conservatory, approved (14/00971/FUL).

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 This application proposes the erection of a small summerhouse outbuilding to the southern rear corner of the applicants rear garden, sited adjacent to the boundary with the neighbouring dwelling, Hilltop. The outbuilding will have an irregular shape to fit into the corner position with each side elevation measuring 2.05 metres and a total width of 2.69 metres across the front of the outbuilding. The structure will be constructed out of wood with glazing to the front elevation and a slight pitch to the roof giving this a maximum height of 2.2 metres to the front of the structure (2.01 metres to the rear). The building will be used to meet the personal recreational needs of the occupants of the dwelling.

3. POLICY CONTEXT

3.1 Within the Green Belt

3.2 Adopted Core Strategy

Core Policy 1: The Spatial Strategy

Policy GB1: Green Belt

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

Core Policy 3: Sustainable Development and Climate Change

Core Policy 4 Promoting High Quality Design

Policy EQ9: Protecting Residential Amenity

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Core Policy 11: Sustainable Transport

Policy EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space about Dwellings

Green Belt and Open Countryside Supplementary Planning Document April 2014

South Staffordshire Design Guide [2018]

Sustainable Development SPD [2018]

3.3 National Planning Policy Framework

Chapter 12: Achieving well-designed spaces

Chapter 13: Protecting Green Belt land

3.4 National Planning Policy Guidance

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

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

4. CONSULTATION RESPONSES

No Councillor comments (expires 06.06.2022).

No Brewood and Coven Parish Council comments (expires 06.06.2022).

No Neighbour comments (expires on 06.06.2022).

5. APPRAISAL

5.1 The application requires determination by the planning committee as the applicant is a District Councillor for South Staffordshire District Council.

5.2 Key Issues

- Principle of development
- Impact on the openness of the Green Belt
- Case for Very special circumstances
- Design/Impact on character of the area
- Impact on neighbouring properties
- Space about Dwellings
- Highways/Parking

5.3 Principle of development

5.3.1 The property is within the West Midlands Green Belt. According to the NPPF, the essential characteristics of Green Belt land are its permanence and its openness. Policy GB1 of the Core Strategy and Paragraph 149 of the NPPF regards the construction of new buildings as inappropriate development in the Green Belt, unless they fall within a list of exceptions including appropriate facilities for outdoor sport or recreation and purposes directly related to agriculture or forestry.

5.3.2 It is accepted that the proposal is situated within the curtilage of the dwelling, however it cannot be considered as an extension or alteration due to its detached nature. The summerhouse outbuilding would not replace any existing building, nor would it fall into any of the other exceptions outlined within the Policy and planning permission is required for its construction as the dwelling no longer benefits from its permitted development rights.

5.3.3 As such the proposal is deemed inappropriate development within the Green Belt. 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. 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.

5.4.2 There has been much dispute in recent years in case law in defining openness. A defining case in *R (Timmins & Anr) v Gedling BC & Anr* helps to define whether the visual impact of a development could be taken into account in considering 'openness'. It was held that 'openness' is characterised by the lack of buildings but not by buildings that are un-obtrusive or screened in some way. It was also held that 'openness' and 'visual impact are different concepts', although they could 'relate to each other'.

5.4.3 The NPPG has also been updated (July 2019) with guidance on factors taken into account when considering the potential impact of development on the openness of the Green Belt. These include, but are not limited to:

- "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;
- the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation."

5.4.4 In assessing the proposal as to whether the proposal has an impact on the openness of the Green Belt, the overall volume of the proposal is assessed as follows.

5.4.5 The proposed summerhouse outbuilding would be sited within the domestic curtilage of the dwellinghouse. The outbuilding is a relatively modest wooden structure that will be sited in the rear corner of the dwellings rear garden on the existing slabbed patio area adjacent to the applicant's greenhouse. As the outbuilding will be located within the existing cluster of outbuildings, sited alongside the rear and side boundary fences and measuring a maximum of 2.2 metres in height, it will have minimal external visibility, screened from the wider area by the perimeter fences and wider landscaping currently in situ.

5.4.6 It is considered that there would be a small degree of reduction to the openness by way of the additional built form within the curtilage of the dwellinghouse. As such, it is therefore considered that as the proposal is within the green belt it would be detrimental to the purposes of including land in the green belt. However, when considered in context with the main dwelling and its siting within the rear garden alongside the existing cluster of outbuildings, it is my opinion that the proposal would have a limited impact on the openness of this part of the Green Belt.

5.5 Very Special Circumstances

5.5.1 Paragraph 148 of the NPPF states that Local Planning Authorities should ensure that 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. Given the view has been taken with regard to the proposal being inappropriate development there would need to be 'Very Special Circumstances' put forward in support of the application to justify approval.

5.5.2 Ordinarily a development such as this could be carried out under permitted development utilising the rights afforded to domestic dwellings to erect small scale garden buildings for use in connection with the occupier's enjoyment of the dwelling house. However, planning permission is required for the proposals as the property no longer benefits from its permitted development rights for outbuildings, removed at the time of a previous permission for extensions to the host dwelling. This

restriction does mean a blanket refusal of any development at the site. In this case, the dwelling sits within a well-established strong ribbon of development/cluster of dwellings, many of which also benefit from a multitude of small-scale outbuildings similar to that proposed. Furthermore, as considered above, the proposal has very limited harm to the openness of the Green Belt. As such, in regard to the planning balance it is therefore considered that there are Very Special Circumstances that clearly outweigh the harm caused to the Green Belt by way of inappropriateness.

5.6 Impact on the character of the area

5.6.1 Policy EQ4 seeks for development to respect the intrinsic rural character and local distinctiveness of the South Staffordshire landscape which should be maintained and where possible enhanced. Policy EQ11 'Wider Design Considerations' of the South Staffordshire Local Plan states 'in terms of volume, scale, 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 adopted Design Guide elaborates on these principles and with regard to new buildings it states generally; "Buildings should take account of the scale and form of neighbouring buildings and key features, ensuring that they respond positively to the street scene. New buildings should take opportunities to preserve and enhance existing rhythms in the street scene for example by incorporating subtle changes in height, size and form between buildings. Within larger developments, subtle variety in building form and scale can add interest and vitality. However, new buildings should avoid stark or sudden changes in scale."

5.6.2 The proposals would be located within the rear of the site with limited visibility from the wider public realm. To the rear of the site, some limited visibility will remain from the surrounding paddock land however, the outbuilding will sit alongside the existing boundary features and will be read within the context of the existing dwelling and surrounding outbuildings with no detrimental impact on the character of the area. As the proposals are located at the rear of the site, behind the host dwelling they will have no impact on the street scene. I consider that the proposals would be sympathetic with the appearance and character of the surrounding area and appropriate in scale, mass, design, materials, layout and siting and would therefore comply with Policies EQ4 and EQ11 of the Core Strategy.

5.7 Impact on neighbouring amenity

5.7.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. Appendix 6 sets out minimum separation distances between facing habitable room windows and towards flank walls.

5.7.2 Due to the separation distances involved, the outbuilding will have no impact on any of the existing neighbouring dwellings in respect of loss of light or overbearing impact with sufficient separation afforded by the boundary features in

situ to ensure there is no loss of privacy. No neighbouring objections have been received and therefore there are no objections under Policy EQ9.

5.8 Space about Dwellings

5.8.1 The proposal does not infringe the Council's normal space about dwellings standards.

5.9 Highways/parking

5.9.1 Policy EV12 and Appendix 5 of the Core Strategy require that highway safety and parking provision are considered as part of development proposals. The proposal does not have any impact on the existing parking or access arrangements and no additional bedrooms are proposed. As such, there are no parking or highways issues in respect of this application.

6. CONCLUSION

6.1 Whilst the principle of this proposal is inappropriate development in the Green Belt, there are very special circumstances which clearly outweigh the potential harm to the Green Belt.

6.2 The proposal would cause no material harm to the amenity of neighbouring residential properties and would be sympathetic to the character of the existing property and the surrounding area. There are no car parking or highway related concerns, and as such, I recommend this application is approved.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

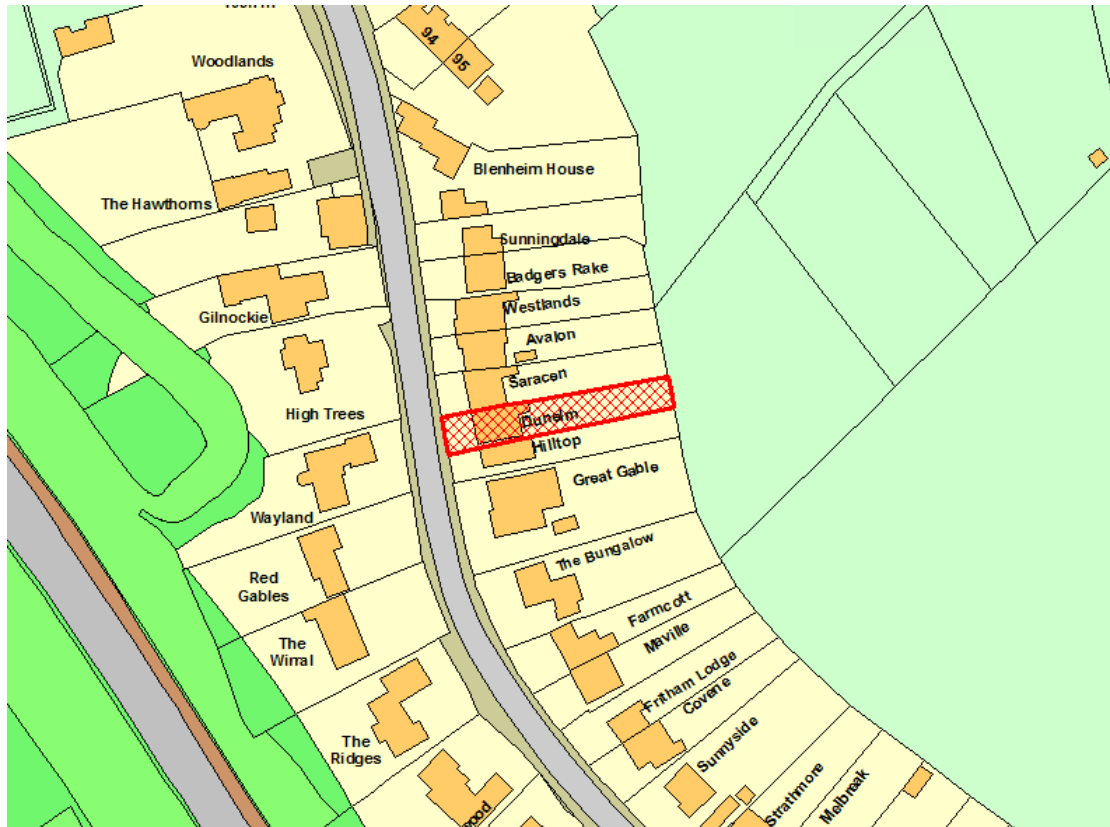
1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out strictly in accordance with approved drawings: Manufacturers specification and dimensions received 26.04.22, Block plan received 24.04.22.
3. The materials to be used on the walls and roof of the outbuilding shall be completed in accordance with the submitted details on the application form and as shown on the manufacturers specification received on 26.04.2022.
4. The outbuilding shall be used only for purposes ancillary to, and in connection with, the use of the site as a dwelling.

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

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner in accordance with paragraph 38 of the National Planning Policy Framework 2021.

Please note that the application site is within an Amber Impact Risk Zone for Great Crested Newts. Whilst the proposal is considered to be low risk, there is the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or NatureSpace) as to how to proceed.



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