

**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.
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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