

TO:- Planning Committee

Councillor Michael Lawrence , Councillor Philip Davis , Councillor Penny Allen , Councillor Len Bates B.E.M. , Councillor Barry Bond M.B.E. , Councillor Mike Boyle , Councillor Jo Chapman , Councillor Bob Cope , Councillor Brian Cox , Councillor Mark Evans , Councillor Rita Heseltine , Councillor Diane Holmes , Councillor Kath Perry M.B.E. , Councillor Robert Reade , Councillor Ian Sadler , Councillor Christopher Steel , Councillor Wendy Sutton , Councillor Victoria Wilson

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, 13 December 2022

Time: 18:30

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



D. Heywood
Chief Executive

A G E N D A

Part I – Public Session

- | | | |
|----------|---|----------------|
| 1 | Minutes
To approve the minutes of meeting of the Planning committee for 15 November 2022 | 1 - 4 |
| 2 | Apologies

To receive any apologies for non-attendance. | |
| 3 | Declarations of Interest

To receive any declarations of interest. | |
| 4 | Determination of Planning Application
Report of Development Management Team Manager | 5 - 42 |
| 5 | Monthly Update Report
Report of the Lead Planning Manager | 43 - 60 |

RECORDING

Please note that this meeting will be recorded.

Any person wishing to speak must confirm their intention to speak in writing to Development Management by 5pm on the Thursday before Planning Committee

- E-mail: SpeakingatPlanningCommittee@sstaffs.gov.uk
- Telephone: (01902 696000)
- Write to: Development Management Team
South Staffordshire Council
Wolverhampton Road
Codsall
WV8 1PX

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 Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX on Tuesday, 15 November 2022 at 18:30

Present:-

Councillor Len Bates, Councillor Barry Bond, Councillor Mike Boyle, Councillor Jo Chapman, Councillor Brian Cox, Councillor Philip Davis, Councillor Rita Heseltine, Councillor Michael Lawrence, Councillor Kath Perry, Councillor Ian Sadler, Councillor Christopher Steel, Councillor Victoria Wilson

24 **MINUTES**

RESOLVED: - that the minutes of the Planning Committee held on 27 September 2022 be approved and signed by the Chairman, subject to the inclusion of the following attendees: Councillors Allen, Bond and Evans.

25 **APOLOGIES**

Apologies were received from Councillors P Allen, R Cope, M Evans, D Holmes, W Sutton and R Reade.

26 **DECLARATIONS OF INTEREST**

Councillor M Boyle declared an interest in 22/00309/COU as a member of Cheslyn Hay Parish Council.

27 **DETERMINATION OF PLANNING APPLICATIONS**

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

22/00004/FUL – FORMER GREAT WYRLEY COMMUNITY SUPPORT UNIT, 156 WALSALL ROAD, GREAT WYRLEY, WS6 6NQ – APPLICANT – MR NAZ NATHANI – PARISH – GREAT WYRLEY

Eleanor Lovatt spoke in support of the application.

A joint statement from Christine Longmore and Jaqueline Phillips against the application, was read out.

Councillor Johnson, local member, spoke in support of the application.

Councillor K Perry, local member, did not support the application as it did not meet the housing need in Great Wyrley and was not what had originally been planned for this site.

Councillor Lawrence, local member, supported the application and believed the residential care facility would be an asset to the Great

Wyrley.

RESOLVED that

1 - subject to the owners/applicants first entering into a Section 106 agreement under the Town and Country Planning Act (as amended), to secure contributions/planning obligations towards:-

1 contribution towards Health Care Infrastructure of £37,375;

2 contribution towards Cannock Chase SAC mitigation measures (SAMMMs) of £9,298.56 plus a £100 legal administration fee;

3 Off-site affordable Housing Sum of £674,520; and

4 Framework Travel Plan Monitoring Fee of £10,000,

The application be APPROVED subject to the following conditions:

2 – if the S 106 is not signed/completed by the 15 May 2023 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined in the report.

22/00309/COU – ELWELL NURSERIES, WOLVERHAMPTON ROAD, CHESLYN HAY, WS6 7HX – APPLICANT – MR T PARK – PARISH – CHESLYN HAY

Eleanor Lovatt spoke in support of the application.

Rob Paddock spoke against the application.

Councillor David Lockley, local Member spoke against the application.

Councillor M Boyle, local Member spoke against the application and believed the development would impact on the amenity of local residents and the community.

Councillor K Perry spoke against the application.

RESOLVED that the application be APPROVED subject to the conditions set out in the Planning Officer's report.

22/00757/FUL – KINGSWOOD CENTRE, BARN LANE, KINGSWOOD, WV7 3AW - APPLICANT – MR C MARTIN - PARISH – PERTON.

A statement from Mr David Newton in support of the application was read out.

Councillor P Davies read out a statement against the application from Mr Williams, a local resident.

Councillor P Davies, local member supported the application.

RESOLVED that the application be APPROVED subject to the conditions set out in the Planning Officer's report.

22/00800/FUL – DOVELEYS FARM, SANDY LANE, HATHERTON,
WS11 1RW – APPLICANT - MR PHILIP HAMMONDS - PARISH –
HATHERTON

Mr Philip Hammonds spoke in support of the application.

RESOLVED that the application be REFUSED for the reasons given in the Planning Officer's report.

28 **MONTHLY UPDATE REPORT**

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

RESOLVED That the Committee note the update report.

The Meeting ended at: 20:45

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 13 December 2022****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: Kelly Harris - Lead Planning Manager

App no	Applicant/Address	Parish and Ward Councillors	Recommendation	Page
22/00100/FUL Non Major	Mr Ivor Dring Robins Nest Farm Dirty Foot Lane Lower Penn Staffordshire WV4 4UQ	LOWER PENN Cllr R Reade Cllr B Bond Cllr D Kinsey	Approve subject to conditions	11 - 22
22/00794/FUL Non Major	Mr & Mrs R. F Reade Hillcroft Farm Drive Fields Lower Penn Staffordshire WV4 4XY	LOWER PENN Cllr R Reade Cllr B Bond Cllr D Kinsey	Approve subject to conditions	23 - 34
22/00985/FUL Non Major	Mr & Mrs D Wilson 75 Sytch Lane Wombourne Staffordshire WV5 0LB	WOMBOURNE Cllr K Upton Cllr M Evans	Approve subject to conditions	35 - 42

22/00100/FUL

Mr Ivor Dring

LOWER PENN
Cllr R Reade
Cllr B Bond
Cllr D Kinsey

Robins Nest Farm Dirty Foot Lane Lower Penn Staffordshire WV4 4UQ

New dwelling to replace existing farmhouse including demolition of existing farm buildings and farmhouse.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application site is extensive and consists of a farmhouse, a two-storey barn, vacant farm buildings surrounded by concrete hardstanding, and approximately two thirds of the site is rough grassland. The site is accessed from Dirty Foot Lane, and is rural in character, being surrounded on all sides by open fields. Dirty Foot Lane is separated from the site to the south-west by a mature hedge, and the south-eastern boundary is formed by mature foliage and trees. The north-eastern and north-western boundaries are largely open allowing wider views of the surrounding countryside.

1.2 Planning History

1.2.1 Two similar applications to here have been submitted in recent years:

1.2.2 An application was submitted in 2017 (17/00048/FUL) proposing to demolish the existing farmhouse, two storey barn and other structures and erect a two storey six-bedroom dwelling and outbuilding. The proposal amounted to an increase in floor area of over 400% and was refused for being inappropriate development.

1.2.3 An application was submitted in 2019 (18/00412/FUL) proposing to demolish the existing farmhouse, the two-storey barn and all other structures on site (within the red line) including removal of the hardstanding. The replacement dwelling measured around 358sqm with a ridge height of around 7.8m. A fall-back position was advanced but did not amount to the very special circumstances needed to clearly outweigh the potential harm to the Green Belt by a materially larger replacement building. The application was therefore refused.

1.2.4 Other recent applications:

2000, Kitchen shower and bedroom extensions, approved (99/01025/CCD)

2017, Demolition of existing dwelling and farm buildings and construction of replacement dwelling, refused (17/00048/FUL)

2018, Permitted development of existing farmhouse dwelling, approved (18/00234)

2019, Demolition of existing dwelling and agricultural buildings and construction of replacement dwelling, refused, (18/00412/FUL) appeal dismissed (19/00010/REF)

2020, Conversion of two-storey barn to a dwelling house and associated building operations, approved (19/00986/AGRRES)

2020, A two storey rear extension and a one and half storey side extension to the existing farmhouse, approved (20/00385/FUL)

2021, Extension to two storey barn and change of use of adjacent land for residential purposes, approved (20/01038/FUL)

2021, Confirmation of lawful development for proposed out-buildings for incidental use or enjoyment under permitted development rights in respect of the existing farmhouse, refused (21/00768/LUP) n.b. the works proposed did not fall within the lawful residential curtilage of the site.

2021, Confirmation of lawful development for proposed out-buildings for incidental use or enjoyment under permitted development rights in respect of the existing farmhouse consisting of a detached garage, garden store and associated hard-standing and paving, approved (21/01050/LUP)

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 Planning permission is sought for a detached dwelling and garage including the demolition of the farmhouse and farm buildings.

2.1.2 Amended plans were received during the course of the application amending the design of the proposed dwelling, reducing the dwelling height and floorspace area. A bat and nesting bird survey was submitted during the course of the application to establish the relevant mitigation required for these species.

2.1.3 The proposed dwelling would be two storeys in height with 5 bedrooms at the first-floor level and reception room, study, kitchen, dining room and utility at the ground floor level. The proposal also includes a detached double garage.

2.1.4 The dwelling would be arts and craft style with the main rectilinear form of the dwelling measuring 7.8m x 18m. The front elevation would include a two-storey gable projecting 1.6m. The height of the building would measure 7.15m with a hipped roof and materials including plain hung tiles, render and brickwork. Tree planting is proposed along the northeast boundary of the site.

2.2 Planning Agent submission

2.2.1 The following documents are submitted in support of the application:

- 049 - 0071 Planning Statement dated March 2021
- Bat and Nesting Bird Survey dated 16.03.2022
- Phase 1 & 2 bat & nesting bird survey 18.06.2022
- 049 - 0072 Site Context dated March 2021

3. POLICY CONTEXT

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

3.2 South Staffordshire Core Strategy (2012)

Core Policy 1: The Spatial Strategy

Policy GB1: Development in the Green Belt

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment
Policy EQ4: Protecting, Expanding 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 6: Housing Delivery
Policy H1: Achieving a Balanced Housing Market
Core Policy 11: Sustainable Transport
Policy EV11: Sustainable Travel
Policy EV12: Parking Provision
Appendix 5 Parking Standards
Appendix 6 Space About Dwellings Standards
Green Belt and Open Countryside SPD, 2014
South Staffordshire Design SPD (2018)
Sustainable Development SPD (2018)

3.3 National Planning Policy Framework

Section 12: Achieving well-designed places.

Section 13: Protecting Green Belt Land

4. CONSULTATION RESPONSES

No comments received from Local Ward Members (expired 20.04.2022).

Lower Penn Parish Council (comments received 11.04.2022) Summary: Inappropriate development as set out in policy GB1 of the adopted Core Strategy. The proposal by virtue of its size, scale and design will result in an unacceptable form of development that is out of keeping with the prevailing character and appearance of the locality.

Staffordshire County Highways (received 14.04.2022) The existing farmhouse is to be demolished and replaced with a modern dwelling with vehicular movements being similar. No objection subject to conditions.

Severn Trent Water (received 01.04.2022)

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.

Ecology Officer (received 21.11.2022) No objection subject to conditions.

No comments received from neighbours (expired 20.04.2022)

Site notice: expired 20.04.2022

5. APPRAISAL

5.1 This application has been referred to Planning Committee as the proposal constitutes inappropriate development within the Green Belt, as such is contrary to Policy GB1 of the Core Strategy.

5.2 Key Issues

- Green Belt
 - Inappropriate development
 - Impact on openness of the Green Belt
 - The case for very special circumstances
- Impact on the character of the site and wider area
- Impact on neighbouring and occupier amenity
- Highways/Parking
- Ecology

5.3 Green Belt

5.3.1 The application site is within the West Midlands Green Belt. The main issue in establishing the principle of the development are firstly, whether or not the proposal constitutes inappropriate development in the Green Belt for the purposes of Core Strategy policy GB1 and the National Planning Policy Framework (NPPF); 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.

5.3.2 Inappropriate development

5.3.3 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with the exception of, 'd) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'. Core Strategy policy GB1 repeats this and makes reference to the Green Belt and Open Countryside SPD which provides a range of floorspace increase of between 10-20% where a replacement dwelling is likely to be 'not materially larger'. The guidance also highlights other factors that are considered such as height, positioning within the site and offsetting through the removal of other buildings. If off-setting is considered to be an acceptable approach by the Council, removal of Permitted Development rights may be considered.

5.3.4 The floorspace of the existing farmhouse measures 109sqm in area measured externally. The floorspace of the proposed dwelling measures 288sqm in area measured externally. The floorspace increase is therefore 164% which is significantly above the 10-20% guidance contained within the SPD and accordingly, the proposal would be contrary to policy GB1 of the Core Strategy which seeks to prevent a replacement dwelling that would be materially larger than the building it replaces. The proposed dwelling would not meet paragraph 149(d) of the NPPF and is therefore inappropriate development. The harm to the Green Belt by way of 'inappropriateness' is given substantial weight in accordance with NPPF paragraph 148.

5.3.5 Impact on openness of the Green Belt

5.3.6 The courts have ruled that the openness of the Green Belt has both spatial and visual dimensions. The proposal involves the demolition of the existing farmhouse, two storey barn and single storey sheds to the south. These would be replaced with a single dwelling with a greater mass than any of the existing buildings, albeit slightly lower in height than the existing farmhouse. The existing farmhouse and nearby buildings include many single-storey components are diffused across the site. The proposed Block Plan includes planting within the northern boundary of the site which would, over time, screen and soften the appearance of the dwelling from that direction. The dwelling is relatively screened from views from the

south, east and west due to the undulating landscape and existing trees and hedgerows. As a result, views of the site from public land are limited. Nevertheless, the proposed dwelling would, for the reasons above, cause a loss of openness undermining the purposes of the Green Belt. NPPF Paragraph 148 states that, 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'.

5.3.7 The case for 'very special circumstances'

5.3.8 The case for very special circumstances submitted by the agent consists of a fallback position of implementing extant permissions and utilising PD rights which, in the applicant's view, would have a greater impact on the openness of the Green Belt than the dwelling proposed here.

5.3.9 A certificate of lawful development (ref 18/00234/LUP) for extensions to the existing farmhouse has been approved by the LPA. The extensions were mainly single storey additions and would amount to a total of 84 sqm of floor area. A planning application has since been approved (ref 20/00385/FUL) for a two-storey rear extension and a one and half storey side extension to the existing farmhouse. The proposal would amount to a 57% increase in floorspace (171sqm total floorspace) and was classed as a disproportionate extension. However, the fallback position of 18/00234/LUP was accepted. PD rights for extensions, roof alterations and porches were removed to prevent future harm to the Green Belt.

5.3.10 Prior approval for the conversion of the barn to a dwellinghouse (ref 19/00986/AGRRES) was granted in March 2020. A planning application (ref 20/01038/FUL) for a single storey extension (to replace an existing lean-to) to the two-storey barn located to the south of the farmhouse was approved in January 2021. This included the conversion of the barn to a 3-bedroom dwelling with a defined curtilage. Householder PD rights were removed. The floorspace of the converted barn would measure 108sqm (69sqm ground floor and 39sqm first floor). The two-storey part of the dwelling would measure 6.8m in height, 5m in width and 8m in length. The single storey extension would have a mono pitch roof and measure 3.5m in height were it meets the side wall of the dwelling.

5.3.11 The permitted barn conversion and extensions to the farmhouse would, if implemented, increase the total residential floorspace across the site to 279sqm with the vacant farm buildings remaining in place. The floorspace of the proposed dwelling would be 288sqm with farm buildings removed.

5.3.12 The proposal here is for one dwelling whereas the fall-back position is for two dwellings. The conglomeration of floorspace to create a single dwelling would generally have a greater visual impact. However, the proposed dwelling is lower in height than the existing farmhouse, and also the paraphernalia associated with two dwellings and general activity e.g. vehicle movements is likely to be greater than one dwelling, which would reduce openness. The proposal generally tidies the site up and replaces the farmhouse which is an unremarkable building.

5.3.13 Regarding outbuildings, a certificate of lawful development (ref 21/01050/LUP) for out-buildings within the curtilage of the farmhouse was issued in 2021. This included a detached garage measuring 77sqm in area, an eaves height of 2.5m and pitched roof with a ridge height of 4m. The garage would be located alongside the north elevation of the farmhouse with a narrow gap in-between. A garden store was also included close to the east elevation measuring 16sqm in area. The proposed garage outbuilding would measure 53sqm which is less than the 77sqm garage which could be built adjacent to the farmhouse under

PD. The proposed garage is in slightly less prominent /exposed position within the site as medium/long views are from the north and the garage would be screened by the proposed dwelling. The garden store would be located to the rear of the dwelling and would be small in size. In my view, the proposal here would have a lesser impact than the garage allowed under PD and therefore I give it some weight in the planning balance.

5.3.14 The existing site is a redundant pig farm consisting of single storey buildings. These are for agricultural purposes however and as such, their removal can only be afforded neutral weight as agricultural buildings are not inappropriate in the Green Belt.

5.3.15 In summary, the proposal would be inappropriate development and the impact on the openness of the Green Belt as described above, is given substantial weight. The 'other considerations' include the fall-back position which is given substantial weight as the fall-back position would result in a similar or perhaps slightly greater impact on openness. The proposed garage compared to that allowable under PD is given some weight and the removal of farm buildings is given neutral weight. The opportunity for screening along the northern boundary of the site would also lessen the impact on openness.

5.3.16 The total floorspace of the proposed dwelling is similar to the fall-back position which maximises use of PD rights. Removal of PD rights for extensions should therefore be attached to any permission, otherwise use of PD rights in the future would undermine the balanced considerations above which amount to very special circumstances. This is particularly as permission 20/00385/FUL was disproportionate to the original farmhouse dwelling and PD rights were removed thus controlling future extensions should the fallback position be implemented. For these reasons I consider that PD rights for extensions and roof alterations should be removed here, and planning justification exists, as any further development is likely to have a greater impact on the openness of the green belt than the fall-back position.

5.3.17 The red line boundary, as shown on the submitted Location Plan and Block Plan, extends further northeast than any existing garden land into areas where the last use was for agriculture. To define a reasonable garden size and avoid encroachment of residential use and built form into the Green Belt this should be defined on the submitted plans and stated within a condition to avoid doubt and define the permission.

5.3.18 In conclusion, I consider that the harm to the Green Belt is clearly outweighed by the other considerations identified above. Therefore, the very special circumstances necessary to justify the development do exist in accordance with Section 13 of the NPPF.

5.3 Impact on the character of the site and wider area

5.3.1 Policy EQ11 'Wider Design Considerations' of the Core Strategy 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'.

5.3.2 Policy EQ4 states that, 'The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced... The siting, scale, and design of new development will need to take full account of the nature and distinctive qualities of the local landscape'.

5.3.3 On the approach to the site when passing along Dirty Foot Lane and through the settlement of Springhill, the majority of buildings are large, detached dwellings of traditional materials and design. The proposed dwelling would have traditional design elements such as

the hipped roof and chimney stack and include brick, tile-hanging and plain tile pitched roofs. The traditional design elements of the dwelling are, in my view, sufficient to avoid a harmful impact on the rural character of the area, subject to material details being agreed. It is therefore concluded that the proposed development would be in accordance with Policy EQ11 of the Core Strategy subject to the materials condition.

5.4 Impact on neighbouring amenity

5.4.1 Core Strategy Policy EQ9 states that the amenity of neighbouring occupiers should be taken into consideration when assessing development proposals. There are no residential properties within close proximity of the building, nor is it considered that the nature of the intended use would cause any adverse harm.

5.4.2 regarding occupier amenity, Appendix 6 of the Core Strategy sets out minimum size standards for private amenity space and internal space. The proposal would incorporate a generously sized landscaped garden and six bedrooms which would significantly exceed the minimum standards specified as well those set out in the Nationally Described Space Standards.

5.4.3 In conclusion, the proposal does not unacceptably harm the amenity of residents or occupants and is therefore in accordance with Core Strategy Local Plan Policy EQ9 and Appendix 6 - space about dwellings standards.

5.5 Highways/Parking

5.5.1 The proposed car parking provision of two garage spaces plus a large driveway with ample space for parking meets the requirements of the Core Strategy, and County Highways have raised no objections subject to conditions to secure the access drive, parking and turning areas in accordance with the approved plans. The proposal would therefore comply with Policy EV12 and Appendix 5 (Parking Standards).

5.6 Ecology

5.6.1 Policy EQ1 states that, 'Wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme'.

5.6.2 Policy EQ11 states that 'design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1'.

5.6.3 The council's ecology officer highlighted that the submitted ecology survey indicated a reasonable likelihood that bat roosts may be present and negatively affected by the proposals. As a result, a bat emergence survey/mitigation strategy was requested so that any mitigation measures could be agreed by the LPA, prior to determination. This has now been submitted and the council's ecology officer agrees with the mitigation proposed. Any permission should therefore include conditions to secure this mitigation in accordance with Core Strategy Policy EQ1.

6. CONCLUSIONS

6.1 The proposal is for a replacement dwelling that is materially larger than that which it replaces contrary to Core Strategy Policy GB1. However, for the detailed reason given above I consider that very special circumstances exist here in accordance with Part 13 of the NPPF.

The courts have held that a fall-back position exists where is a real possibility that the fall-back development is likely to implemented and I consider that it is the case here as the fallback development provides a sizable development similar in size to the proposed development. I also consider that the fall-back position should be given substantial weight as the proposed development present a more comprehensive development as opposed to piecemeal fall back development.

6.2 It is concluded that the proposed development would be in accordance with Policy EQ11 of the Core Strategy subject to the materials condition, there would be no adverse harm to the amenity of neighbours of future occupiers, and the proposal would be acceptable with regard to ecology and highways, subject to the stated conditions.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

2. The development shall be carried out strictly in accordance with approved drawings:

049 - 0001 LOCATION PLAN

049 - 0061 PROPOSED ELEVATIONS AND FLOOR PLANS - GARAGE

Received 2nd February 2022

049 - 0012A PROPOSED BLOCK PLAN

049 - 0031A PROPOSED GROUND FLOOR PLAN

049 - 0032A PROPOSED FIRST FLOOR PLAN

049 - 0033A PROPOSED ROOF PLAN

049 - 0041A PROPOSED ELEVATIONS

049 - 0042A PROPOSED ELEVATIONS

049 - 0051A PROPOSED ELEVATIONS - CONTEXT

Received 24th September 2022

3. Prior to any hardstanding being laid, a drainage scheme for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
4. The building shall not be occupied until the bat box, bat access, swallow nest sites and bird boxes are installed as set out on pages 18-19 of the Phase 1 Bat & Nesting Bird Survey (Ridgeway Ecology, June 2022.) The measures shall thereafter be permanently retained throughout the life of the development and maintained in that form unless otherwise agreed in writing with the Local Planning Authority.
5. Within 1 month of any development commencing on the site a landscape scheme 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. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur

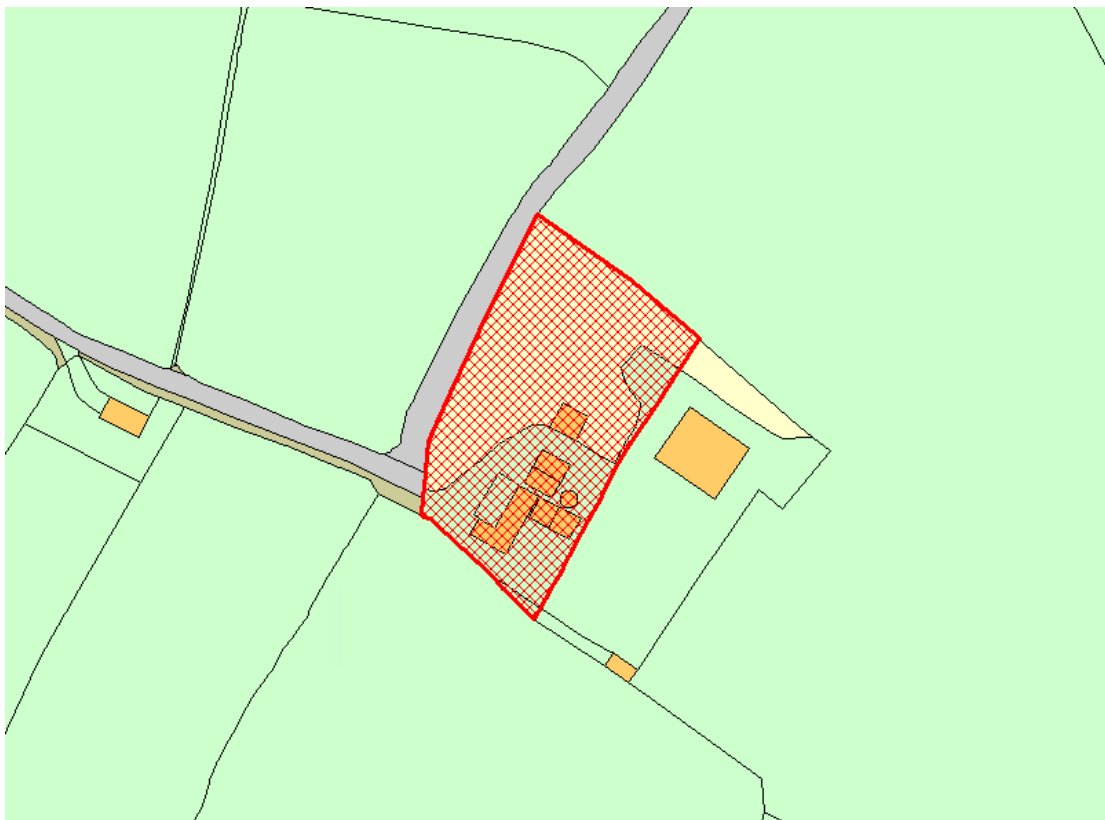
during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).

6. Within 1 month of any development commencing on the site details of all boundary treatment around and within the site shall be submitted to the Local Planning Authority for approval. The approved boundary treatment shall be built/erected concurrently with the development and shall thereafter be retained in the approved form and position throughout the life of the development unless agreed in writing by the LPA.
7. 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. Development shall be carried out in accordance with the approved details.
8. Any external lighting should be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK and should avoid illuminating trees and hedges.
9. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with approved plan 049 - 0012A PROPOSED BLOCK PLAN Received 24th September 2022.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling, the subject of this approval, without the prior approval of the Local Planning Authority:
 - a. Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
 - b. Schedule 2, Part 1, Class B - addition or alteration to the roof
 - l. Schedule 2 Class AA - enlargement of a dwellinghouse by construction of additional storeys
 - n. Class AD - new dwellinghouses on detached buildings in use as dwellinghouses.
11. Not to occupy the development or permit occupation unless and until all the buildings shown to be demolished/removed on approved plan 049 - 0012A PROPOSED BLOCK PLAN are demolished and the materials arising therefrom permanently removed from the site.
12. The garden area of the dwellinghouse shall be limited to the area south and west of the purple line within the red line boundary as shown on the approved Proposed Block Plan (ref.049-0012A) Received 24th September 2022. The area to the north of the purple line is agricultural land as labelled and shall continue to be maintained/kept in agricultural use only throughout the life of the development.
13. All site works (demolition and construction) must comply with details set out in section 5 (pages 18-19) of the Phase 1 Bat & Nesting Bird Survey (Ridgeway Ecology, June 2022).

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. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.
4. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
5. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
6. To safeguard the amenity of the 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. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
9. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
10. To control the use of permitted development rights that could undermine the decision and conflict with Policy GB1 of the adopted Core Strategy and the National Planning Policy Framework paragraphs 137 and 138.
11. In order to define the permission and to avoid doubt.
12. Further development within an extensive curtilage would undermine the permission by reducing the openness of the green belt contrary to NPPF green belt policy and Core Strategy Policy GB1.
13. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.

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 2021.



Robins Nest Farm, Dirty Foot Lane, Lower Penn, Staffordshire WV4 4UQ

**22/00794/FUL
MINOR**

Mr & Mrs R. F Reade

**LOWER PENN
Cllr R Reade
Cllr B Bond
Cllr D Kinsey**

Hillcroft Farm, Drive Fields, Lower Penn, Staffordshire, WV4 4XY

Change of use of an existing traditional farm building from a use as livery stables to a single residential dwelling.

1.1 SITE DESCRIPTION AND PLANNING HISTORY

1.1.1 The application site comprises a two-storey brick-built farm building dating from the 19th century that sits within a farmstead at Hillcroft Farm, the base for an agricultural holding of 64 Hectares. The farmstead is located at the southern end of Drive Fields, on the boundary with the City of Wolverhampton in the village of Lower Penn.

1.1.2 The wider site comprises a single storey detached bungalow, Hillcroft Farm to the south, which is linked to the agricultural holding, a part open-sided steel portal frame barn with cladding to the west and a steel portal frame barn with cladding to the northwest. To the east is Highfields farmhouse which is now separated from the farmstead physically and in ownership.

1.2 Relevant Planning History

1975 - Rebuilding of Hillcroft Farmhouse for agricultural purposes – Approved (75/00057)

1979 - Informal Public Open Space - Approved (79/00123)

1996 - Retention of use of farm buildings as livery stables - Approved (96/00296)

2002 – Agricultural building – Approved - (02/01428/AGR)

2005 - Change of use from agricultural to football pitches - Withdrawn (05/00299/COU and 05/00506/COU)

2017 - Double garage extension to existing dwelling house - Approved (17/00373/FUL)

1.3 Pre-application Advice

1.3.1 Pre-application discussions took place.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 Planning permission is sought to change the use of the existing two storey farm building from use as a livery stable to a single residential dwelling. The proposals also include the removal of single storey parts of the building. The submitted design and access statement states that the use of the traditional farm building as a livery stable has now ceased and no longer has a viable agricultural use.

2.1.2 External alterations to the building include matching newly exposed areas (from the single storey demolition) with the existing brickwork or render. Windows would be side hung

casement windows. The threshing barn openings would receive full height glazed joinery panels recessed. Lintels and cills are to be retained and all new openings would match the existing. The existing threshing barn doors on the east side would be rehung on the west elevation but fixed in an open position against the external wall. Sheetting material to the two-storey north wing would be replaced with plain clay tiling to match the west wing. Proposed rooflights would be flush fitting. The existing rainwater goods would be retained but upgraded with cast iron or extruded aluminium.

2.1.3 Internally the dwelling would comprise an entrance hallway, dining room, kitchen, drawing room, family room and study, integral double garage and store at the ground floor level. The first floor would comprise two double ensuite bedrooms, one double bedroom and bathroom, a gallery and linking bridge to master bedroom.

2.1.4 Private amenity space is proposed to the west and north of the building enclosed by a 1.8m high boundary wall. A public courtyard space defined by a low-level boundary brick wall measuring 0.9m in height is proposed to the east for access and car parking for 3 vehicles.

2.1.5 Access to the farmstead and the larger agricultural holding for agricultural purposes would be gained either via Drive Fields or alternatively via a track which links to Dirty Foot Lane to the southwest. It is proposed to provide fencing and gates to the access points to the driveways to the agricultural barns to help define the residential and agricultural areas.

2.2 Agent's Submission

2.2.1 The following documents have been submitted as part of the planning application:

- Design and Access Statement (August 2022)
- SC/324/22 Structural Report (July 2022)
- Preliminary Roost Assessment (June 2022)
- Bat Characterisation Survey (August 2022)
- GCN Habitat Suitability Index Survey (August 2022)

3. POLICY CONTEXT

3.1 The site is within the West Midlands Green Belt.

3.2 South Staffordshire District Core Strategy, 2012

- Core Policy 1 - The Spatial Strategy for South Staffordshire
- Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment
- Core Policy 3 - Sustainable Development and Climate Change
- Core Policy 4 - Promoting High Quality Design
- Core Policy 11 - Sustainable Transport
- EQ1 - Protecting, Enhancing and Expanding Natural Assets
- EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape
- EQ7 - Water Quality
- EQ9 - Protecting Residential Amenity
- EQ11 - Wider Design Considerations
- EQ12 – Landscaping
- EV6 - Re-use of Redundant Rural Buildings
- EV11 - Sustainable Travel
- EV12 - Parking Provision
- H1 - Achieving a Balanced Housing Market
- Appendix 5: Car Parking Standards

- Appendix 6: Space About Dwellings Standards

3.3 Supplementary Planning Documents

- Green Belt and Open Countryside, 2014
- District Design Guide, 2018
- Sustainable Development, 2018

3.4 National Planning Policy Framework, 2021 (the 'NPPF').

- Paragraph 11 - The Presumption in Favour of Sustainable Development
- Section 12 - Achieving well-designed places
- Section 13 - Protecting Green Belt land

4. CONSULTATION RESPONSES

Councillors No comments received (expired 06/10/2022)

Lower Penn Parish Council (received 07/10/2022) No objection to the above application providing it complies with all Green Belt, Change of Use and Planning Policies.

Ecology Officer (received 11/10/2022) No objection subject to conditions.

Staffordshire County Council Highways (received 30/09/2022) No objection.

Severn Trent Water (received 12/10/2022) No objection.

Environmental Health – No comments received (expired 06/10/2022)

Wolverhampton City Council - No comments received (expired 06/10/2022)

County Council Rights of Way Officer (Received 16/09/2022) No objection.

Ramblers Association (Received 05/10/2022) No objection.

Public representations A total of one neighbour comment was received raising concern regarding damage or wear and tear to the road during construction.

A **site notice** was posted on 16.09.2022.

5. APPRAISAL

5.1 This application is being referred to Planning Committee, due to the applicant being an elected Member of South Staffordshire District Council.

5.2 Key Issues

- Principle of the development
- Impact on the character of the site and wider area
- Impact on neighbouring and occupier amenity
- Ecology
- Highways/Parking
- Other issues

5.3 Principle of Development

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 for the purposes of Core Strategy policy GB1 and the National Planning Policy Framework (NPPF); 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. These policies are reiterated locally within the South Staffordshire Core Strategy 2012, policies CP1 (Spatial Strategy) and GB1 (Development in the Green Belt).

5.3.2 In addition to Green Belt policies, Policy EV6 (Re-use of redundant rural buildings) advises that the Council will support sustainable re-use of redundant rural buildings so long as they are in a condition capable of conversion without demolition, rebuilding, or substantial reconstruction and without detriment to the character, appearance, significance, general setting, and immediate surroundings. The Council will have to be satisfied that the building is structurally sound and capable of re-use.

5.3.3 The application proposes to convert the existing building to a dwelling including demolition of single storey extensions. National and Local Green Belt policies regarding re-use of a building are therefore relevant.

5.3.4 Core Strategy Policy GB1 B. Allows 'The re-use of a building provided that: e) the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the openness of the Green Belt or the fulfilment of its purposes.'

5.3.5 Paragraph 147 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 as set out within Paragraphs 149 & 150 of the NPPF.

5.3.6 NPPF Paragraph 150 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. These are... d) the re-use of buildings provided that the buildings are of permanent and substantial construction'.

5.3.7 The proposed conversion of the building to a dwelling would include the demolition of the single storey lean to extensions which would reduce the floorspace of the building by 145sqm. The addition that would have a visual and spatial impact is the proposed 1.8m high brick wall which would form the boundary to the garden. Other alterations and additions are minor and for the purpose of converting the building into a habitable dwelling. I consider that the reduction in the volume of built form from the removal of the single storey extensions would not be outweighed by the proposed brick wall and other minor additions. As a result, the impact on openness would be negligible and therefore the proposed change of use and alterations would not harm the openness of the green belt in accordance with Core Strategy policy GB1.

5.3.8 The application includes a Structural Survey & Feasibility Report dated 28th July 2022. The report provides a visual inspection of the relevant buildings and concludes that the existing farm building which is proposed to be converted into a residential dwelling is of substantive construction and capable of conversion without demolition and rebuilding or substantial reconstruction. No structural defects were noted in the building which would affect the refurbishment and conversion works. Minor structural works would be required as part of the conversion/current proposals which would include installation of new lintels/steel beams. An officer site visit on 03.11.2022 confirmed the findings and

conclusions of the report, that the building is permanent and of substantial construction and capable of re use in accordance with NPPF paragraph 150(d) and Core Strategy policy EV6.

5.3.9 In summary, there are minimal alterations required externally to the building and there are no extensions proposed. The proposals would therefore preserve the openness of the Green Belt in accordance with Core Strategy Policy GB1 and NPPF paragraph 150(d). The proposal is not inappropriate development and therefore does not need to demonstrate 'very special circumstances'. The proposal is also in accordance with the relevant part of Policy EV6 with regard to the building being structurally sound and capable of re-use.

5.4 Impact on the character of the site and wider area

5.4.1 Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape states, 'the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views.'

5.4.2 Policy EQ11 'Wider Design Considerations' of the Core Strategy 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'.

5.4.3 Policy EV6 'Re-use of Redundant Rural Buildings' states, 'Proposals for the conversion and re-use of redundant rural buildings must demonstrate that the building is: b) is capable of conversion without detrimental alterations affecting its character, appearance, significance, general setting and immediate surroundings'.

5.4.4 Section 5 within the adopted Design Guide 2018 outlines some of the design principles for minor developments including relevant guidance on barn conversions. The guidance states that the simple qualities of barns and agricultural buildings should be retained, with minimal fussy adornments as this tends to create a generic suburban character that disguises the building's history and interest. They should also be legible as former agricultural buildings.

5.4.5 Page 13 of the SPD provides an example of a barn conversion where original brick detailing is retained whilst simple roof lights have been used to bring light into the building without compromising the traditional form. Page 44 shows an example where the roof is left intact and uncluttered without being broken up with features such as roof lights /dormers.

5.4.6 The submitted plans show that no fussy adornments are proposed in line with the Design Guide SPD. Minimal rooflights flush with the roof are proposed to provide light internally and original openings such as the threshing barn doors would be reinstated with glazing. The existing materials and finishes are retained and the simple form of the agricultural building is enhanced with removal of the later single storey additions. The inclusion of a 1.8m high brick wall boundary to the garden would give a courtyard appearance in keeping with the rural location. I consider that householder permitted development rights for extensions should be removed here to retain the historic character of the barn which is defined by its simple form and traditional barn roof. Full use of PD rights would conflict with the District Design Guide SPD guidance on barn conversions as set out above.

5.4.7 As a result, I consider that the proposal ensures that the simple quality of the barn is retained and that the building would clearly be legible as former agricultural building. Any

permission should also include conditions to agree details of materials and also the wider landscaping and boundary treatment within the site.

5.4.8 In conclusion, I consider that the proposals would secure the future of the building whilst retaining its traditional features and legibility as an historic agricultural barn in accordance with Core Strategy policies EQ4, EQ11, EV6 and the guidance contained within the District Design Guide SPD.

5.5 Impact on neighbouring and occupier amenity

5.5.1 In accordance with Core Strategy 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.

Neighbour amenity

5.5.2 The nearest dwelling is Hillcroft Farm, a detached bungalow to the south. With regard to privacy there is a window on the north elevation of the bungalow facing the retained single storey extension at a distance of 16m. However, there are no windows proposed within the extension and therefore no privacy issues would arise. There are no windows proposed within the southern gable of the dwelling and the south elevation facing into the courtyard would be approximately 30m from the bungalow with a 0.9m high brick wall in-between. The proposed parking area would also be a sufficient distance from the bungalow to ensure privacy is retained and avoid any noise issues.

5.5.3 Highfields Farmhouse is located approximately 30m to the east of the proposed dwelling with a separate access and 2.5m high fence in-between. The distance and intervening boundary fence would avoid any amenity issues between these dwellings.

5.5.4 There are already a number of dwellings accessed from Drive Fields, a private road which runs from Langley Road to the site. The addition of one dwelling is unlikely to cause any issues to there amenity and would create less disturbance than the existing use of the building as a livery stables.

Occupier amenity

5.5.5 The floorspace of the proposed dwelling (measured internally) would comfortably meet the Nationally Described Space Standards for a 5-bedroom dwelling.

5.5.6 The area of private amenity space attached to the proposed dwelling would total approximately 200sqm which meets the council's space standard of 65sqm. The length of the proposed garden as measured from the rear of the dwelling would measure approximately 10.5m. The proposal therefore meets the minimum length criteria of 10.5sq stated within Appendix 6 'Space About Dwellings Standards'. The garden area has a satisfactory layout; being useable, providing privacy, and significantly exceeding the area standard.

5.5.7 With regard to the adjacent agricultural use, the portal framed agricultural building to the west is used for storing hay in relation to the arable and grazing of the farmland. There is likely to be some disturbance from the proximity of this use to the garden and dwelling. However, due to the existing use of the barn this is likely to be sporadic and only at certain times of the year. The inclusion of the brick boundary wall measuring 1.8m in height would provide separation and the courtyard to the front of the dwelling would provide an

alternative area of private amenity space. As a result I consider that the whilst there would be some disturbance this would not amount to a harmful impact on future occupiers.

5.5.8 In conclusion, the proposed dwelling meets the 'space about dwelling' standards and the proximity of the agricultural barn would not cause an unacceptable loss of amenity through noise/disturbance in accordance with Core Strategy Local Plan Policy EQ9. To ensure suitable privacy a condition requiring a landscaping scheme to include boundary treatment/planting should be attached to any permission.

5.6 Ecology

5.6.1 Core Strategy Policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

5.6.2 The council's ecology officer has no objections but has noted that the buildings are used as a small roost for two species of bat. As a result, conditions for bat boxes are required and a lighting condition to avoid disturbance to bat routes. Nesting swallows and house sparrows were identified which requires a replacement nesting opportunity. There is likely to be a small net gain in biodiversity with the addition of a 200sqm garden. In conclusion, the proposal is in accordance with Core Strategy policy EQ1 subject to the council ecologists recommended conditions.

5.7 Highways/Parking

5.7.1 Policy EV12 states that the Council will require appropriate provision to be made for off street parking in development proposals in accordance with adopted parking standards. These are set out in Appendix 5.

5.7.2 The proposed dwelling would contain 5 bedrooms which requires 3 parking spaces. The proposed double garage and courtyard would provide sufficient space for 3 vehicles and cycle parking in accordance with Policy EV12 and Appendix 5 which relate to parking standards.

5.7.3 With regard to highway safety, the Highways Authority have not raised any issues and do not object to the proposals.

5.7.4 There are a number of dwellings which are accessed along Drive Fields, a private road leading from the site to the public highway (Langley Road). The addition of one dwelling would add to the traffic along this road but this would be a lower trip generation than the existing lawful use of the building as a livery.

5.7.5 The neighbour representation received raised concerns that the access road could be damaged during construction and if so, should be repaired by the building contractors. However, who would pay for repairs is a civil matter rather than within the scope of this planning application. It would be necessary to use the private road to access the site for the purposes of converting the livery stable building into a dwelling and there are no planning issues in this regard.

5.7.6 It is noted that the public right of way through site would be retained, and The Ramblers Association and County Council Rights of Way Officer do not raise any objections.

An informative should be added to any permission stating that public access should be allowed at all times and remain unobstructed during the works.

5.7.7 In conclusion, the proposed change of use would provide sufficient parking and would not cause highway safety issues in accordance with Core Strategy policy EV12 and Appendix 5.

5.8 Other Issues

5.8.1 The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires Local Planning Authorities to agree with the applicant, the text of any pre-commencement conditions, prior to the determination of any application. To that end, the pre-commencement conditions have been agreed in discussion with the applicants' agent.

6. Conclusion

6.1 The proposal to convert the existing livery stable building to a residential dwelling is not inappropriate development and is in accordance with Core Strategy policy GB1 and NPPF paragraphs 149 and 150.

6.2 The proposal would result in an overall visual improvement of the building and would not harm the character of the rural area. The structural report confirms that the building is capable of conversion without rebuilding, and the proposed alterations to the building would be in keeping with the character of the area.

6.3 The proposal would result in a dwelling with adequate parking and amenity provision in line with the council's space about dwelling standards.

6.4 For the above reasons I consider the proposal to be in accordance with the development plan subject to the stated conditions.

7. RECOMMENDATION:

Approve subject to the following conditions:

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 strictly in accordance with approved drawings:

2201-S11C BLOCK PLAN
2201-S12B LOCATION PLAN
2201-S13A BLOCK PLAN SHOWING EXTENT OF DEMOLITION
Received 06th September 2022

2201-S06C PROPOSED GROUND FLOOR PLAN
2201-S07B PROPOSED FIRST FLOOR PLAN
2201-S08C PROPOSED ELEVATIONS 1
2201-S09C PROPOSED ELEVATIONS 2
2201-S10D PROPOSED SITE PLAN
Received 15th August 2022

3. Prior to commencement submission for approval of details of Bat Mitigation Plan to include details of bat boxes plus details of any reasonable avoidance measures to be taken during demolition works to protect bats. All works to proceed in accordance with the Bat Mitigation Plan and approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter throughout the life of the development.
4. An external lighting scheme, designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK to be submitted to the Council for approval prior to commencement, including a lighting contour plan that demonstrates there will be minimal impact on receptors such as bat boxes, trees and hedges. Thereafter the external lighting scheme shall be implemented in accordance with the approved plan.
5. Prior to the commencement of the development, details of biodiversity enhancement measures including 3 no swallow cups / bespoke swallow box on the existing or 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.
6. Prior to the occupation of the development, details of the type and location of biodiversity enhancement measures including 1 number house sparrow terrace 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.
7. Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season (1st March to end August.) If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.
8. The materials to be used on the walls and roof of the building shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
9. Within 1 month of any development commencing on the site a landscape scheme 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. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).
10. Within 1 month of any development commencing on the site details of all boundary treatment around and within the site shall be submitted to the Local Planning

Authority for approval. The approved boundary treatment shall be built/erected concurrently with the development and shall thereafter be retained in the approved form and position throughout the life of the development.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling, the subject of this approval, without the prior approval of the Local Planning Authority:
 - a. Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
 - b. Schedule 2, Part 1, Class B - addition or alteration to the roof
 - c. Schedule 2, Part 1, Class C - any other alteration to the roof
 - d. Schedule 2, Part 1, Class D - porches
 - g. Schedule 2, Part 1, Class G - chimney, flue or soil and vent pipe
 - k. Schedule 2, Part 2, Class C - painting of exterior

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 order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
4. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
5. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
6. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
7. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
8. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
9. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
10. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

11. To maintain the historic character of the former agricultural barn in accordance with Core Strategy Policies EQ3, EQ4, EQ11 and the District Design Guide 2018 SPD regarding barn conversions.

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.

INFORMATIVES

Public Rights of Way

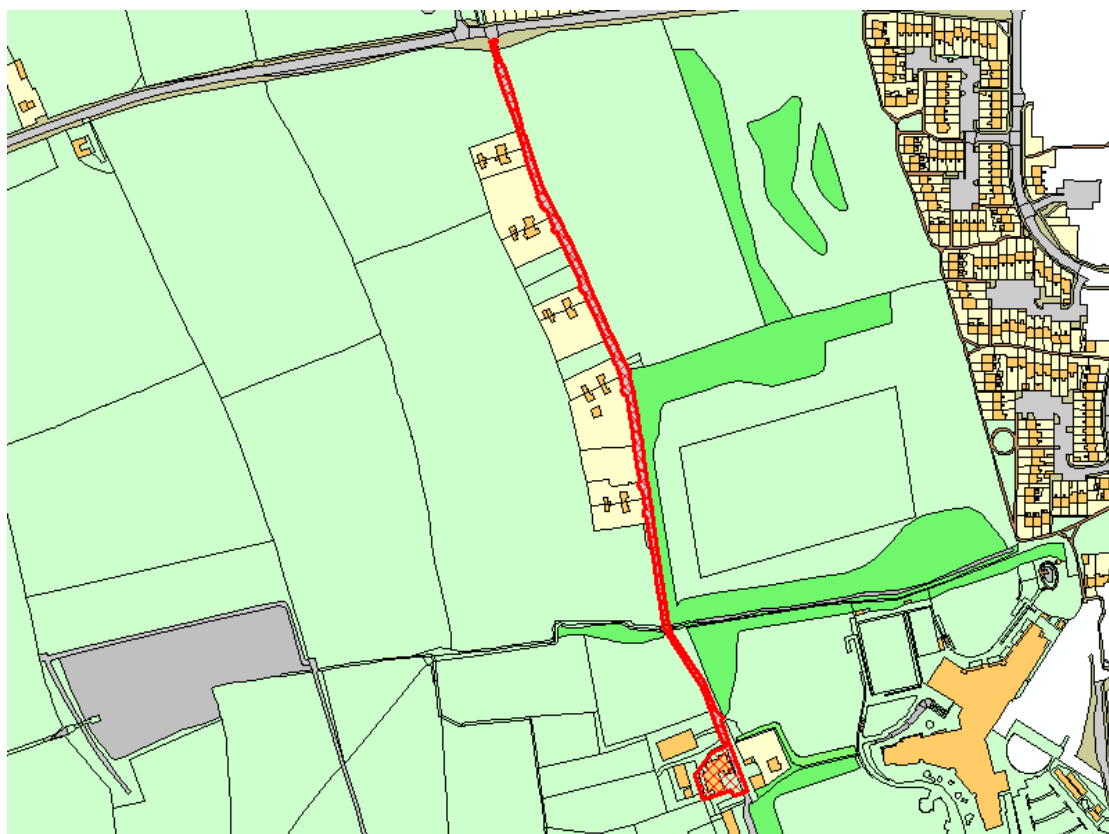
The attention of the applicant should be drawn to the existence of the paths and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network.

It is important that users of the paths are still able to exercise their public rights safely and that the paths are 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 footpaths must be kept in a state of repair such that the public right to use them 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 footpath for pedestrians, not vehicles, and the applicant should be made aware of this.

The applicant needs to be reminded that although the access road 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 have a public right and vehicles need to give way to them not the other way around.

Great Crested Newts

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.



Hillcroft Farm, Drive Fields, Lower Penn, Staffordshire WV4 4XY

22/00985/FUL

Mr And Mrs D Wilson

WOMBOURNE

Cllr K Upton

Cllr M Evans

75 Sytch Lane Wombourne Staffordshire WV5 0LB

Proposed front, side and rear extensions (regularisation of works permitted under 21/00038/FUL)

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

1.1.1 The application site relates to a detached two-storey dwelling set within a large plot on Sytch Lane. The dwelling is characterised by fronting dormer windows. The dwellinghouse is located within the defined development boundary for Wombourne. Building works are currently underway at the site associated with a previously approved development.

1.2 Planning history

2021 Proposed Extension, Approved Subject to Conditions [21/00038/FUL]

2003 Alterations and extensions to provide porch, store at first floor and pitched roofs on dormers, Approved Subject to Conditions [03/00297/FUL]

2. APPLICATION DETAILS

2.1 Pre-application advice

None.

2.2 The proposal

2.2.1 Works have commenced on the site associated with the approved application 221/00038/FUL but have not been undertaken in strict accordance with the approved scheme. This current application proposes the regularisation of modifications made to permission 21/00038/FUL which including the following:

- Removal of existing rear and side conservatories;
- Two storey rear extension at the eastern end of the dwelling, measuring 6.8m wide by 3.9m long, eaves height of 5.1m to match existing rear eaves, gable roof peak height of 7.8m to match existing rear peak height;
- Two storey side extension at the western end of the dwelling, measuring 3.9m wide by 13.6m long at the ground floor. This would encompass the existing garage. First floor extension measures 3.9m wide by 8.2m long, eaves height of 5.2m, gable roof peak height of 7.8m to match existing front peak height;
- Two storey front extension for entryway and staircase; and
- Modification to front roof dormers.

2.2.2 The application notes that the existing brick and render dwelling is to be fully rendered upon completion of the proposed works. This is not considered to require planning consent given the mix of materials to the original/host dwelling.

2.3 Amended plans

2.3.1 The full extent of the proposed development was indicated correctly on the proposed Block Plan (received 17/10/22).

2.4 Agent's submission

None.

3. POLICY CONTEXT

3.1 Within the Wombourne Development Boundary.

3.2 Adopted Core Strategy

Core Policy 1: The Spatial Strategy for South Staffordshire

Core Policy 3: Sustainable Development and Climate Change

Policy EQ9: Protecting Residential Amenity

Appendix 6: Space about Dwellings Standards

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: Parking Standards

3.3 Adopted local guidance

South Staffordshire Design Guide [2018]

Sustainable Development SPD [2018]

3.4 National Planning Policy Framework [2021]

12. Achieving well-designed places

4. CONSULTATION RESPONSES

4.1 Comments received

No comments from Ward Councillors (expired 11/11/22)

Wombourne Parish Council (received 9/11/22) no objections

Neighbour at Stonegarth (received 1/11/22) The original application for this extension (21/00038/FUL) was approved without consultation of the neighbouring properties when amended plans were submitted. In addition, there was no application title change after receipt of the amended plans. The absence of this notification provided no opportunity for the neighbouring properties to object to the application. This is currently under review via a second stage complaint and the Ombudsman. Once the application was obtained without adherence to the planning process, construction was commenced whereby the originally approved plans were used as guidance. The deviation from the original plans was so severe that after notification, the planning authority required retrospective planning permission detailing the deviations from the original amended plans. I would like to file an objection to the size and design of the window to the rear of the property in the new application. The position and size of this rear window has removed all privacy from our properties rear

garden providing an elevated view of our entire property meaning we are now completely overlooked. The window should be reduced to its originally approved size and design to minimize its impact on our property.

Senior Arboricultural Officer (received 21/11/22) I have no issue with any aspect of the regularisation of 22/00985/FUL. The tree condition(s) recommended for 21/00038/FUL cover all the relevant points and the essence of the previous Arboricultural Officer's consultation response is sound. Therefore, I would recommend simply carrying over the previous tree related conditions.

Site Notice: Not applicable.

5. APPRAISAL

5.1 This planning proposal is brought before Members of the Planning Committee as the Applicant is an elected Member of South Staffordshire Council

5.2 Key Issues

- Principle of development
- Design, scale and impact on the character of the area
- Impact on neighbouring properties
- Impact on protected trees
- Space about Dwellings
- Highways/parking
- Representations

5.3 Principle of development

5.3.1 The site is located within the defined development boundary of Wombourne identified as a 'Main Service Village' in the settlement hierarchy for the District, where for the purposes of Policy CP1 domestic extensions and alterations are accepted, providing there are no adverse impacts on neighbouring properties or the amenity of the area and subject to compliance of other development management policies.

5.4 Design, scale and impact on the character of the area

5.4.1 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.

5.4.2 The design and style of the dwellings along Sytch Lane all vary with a resultant mixed street scene. Having visited the property when construction was underway, it is apparent that the extensions are appropriate by way of siting and scale and do not overwhelm any of the surrounding properties. The extensions complement the overall form of the main property at No 75. Whilst the existing dwelling is brick and render and the proposal includes fully rendering the dwelling, render is a common material in this area and would not appear out of place. Overall, it is considered that the proposal would accord with Policy EQ11 of the Core Strategy, 2012.

5.5 Impact on neighbouring properties

5.5.1 Policy EQ9 states that new development "should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution)[...]and daylight".

5.5.2 The proposals are considered in relation to the impact on neighbouring amenity. Given the distance between dwellings, the lack of new facing windows proposed for the eastern side of No 75 and the established boundary treatment, it is not considered that there would be any impact on the nearest dwellings to the northeast at Lymore House or Stonegarth (subject to the tree protection measures as below). Whilst no objections have been received from Lymore House, the objection received from the occupant of Stonegarth is considered further within Section 5.9 below.

5.5.3 The existing single-storey conservatory and linked garage would be replaced by a two storey side extension at the southwestern end of No 75. The proposal would reduce the space between the built form within the curtilage towards the western boundary, between the application site and the neighbouring dwelling at No 73 Sytch Lane. The two-storey extension would replace the side extension and extend 3.9m from the existing side wall.

5.5.4 To note, the building line of the proposed extension at No 75 would be also brought forward, with No 73's principle building line remaining set back. Therefore, the increase in height of the built form together with the decrease in space between the siting and No 73 is assessed in full as follows.

5.5.5 The rear portion of the western side extension would be gable ended and follow the form of the existing dwelling with matching roof ridge height and eaves height. There are two first-floor windows proposed for the side extension although they are to en-suites and would be obscure glazed and conditioned as such for the life of the development.

5.5.6 It is considered the matching design of the centre gable and single storey nature of the front of the extension would compensate for any potential implication on the primary habitable windows to ground floor front and first floor side of the neighbouring property at No. 73. No objections have been received from the occupiers of No 73 Sytch Lane.

5.5.7 It is therefore considered that there would be no significant impact on neighbouring amenity. As such the proposal accords with Policy EQ9 and the guidance contained within Appendix 6 of the Core Strategy, 2012.

5.6 Impact on protected trees

5.6.1 Policy EQ4 Protecting and Enhancing the Character and Appearance of the Landscape of the adopted Core Strategy that states (in part): 'The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved'.

5.6.2 Policy EQ12 seeks to protect and enhance key landscape features. The proposed extensions and/or construction of the extensions may have a potential impact on the protected trees within the neighbouring back garden at Stonegarth. These trees are subject

to a tree protection order reference T5 & T6 (under reference 5/1975). In addition, the development is considered in regard to the protected trees along the rear of the garden area A1.

5.6.3 When the previous application (21/00038/FUL) was reviewed, the former Arboricultural Officer recommended several tree protection conditions. The current Arboricultural Officer was consulted on the current application and agreed that the tree conditions from permission 21/00038/FUL should be carried forward.

5.6.4 As aforementioned, within permission 21/00038/FUL the former Arboricultural Officer was consulted on the proposed Tree Protection Fencing which shows an area in an arc depicted where the fencing would protect. It is not considered that this would offer root protection for those trees subject to the tree protection order as such, any recommendation for approval will be subject to tree protection fencing along the entire rear area of the garden to avoid any compaction of soils or storage of materials impact on the root systems of these protected trees that may be present in the application site garden.

5.7 Space about Dwellings

5.7.1 The Core Strategy requires a garden space for a four bedroom dwelling measuring 10.5m in length and 100sq m in area. There would no increase in the number of bedrooms at the site. The rear extension would reduce the length of the garden amenity at the north-eastern end of the property, but there would be no conflict with the Standards.

5.8 Highways/parking

5.8.1 Core Strategy policy EV12 parking provision requires that adequate parking be included in development. Appendix 5 Parking Standards provides guidance on the recommended number of vehicle parking spaces to be provided.

5.8.2 The proposal would not result in an increase in the number of bedrooms at the property therefore the dwelling will remain compliant to the policy and Standards.

5.9 Representations

5.9.1 The comments received from the neighbouring property at Stonegarth have been considered, and the complainant has followed the correct procedure in contacting the Planning Ombudsman with concerns. The only concern identified in the comment that pertains to the current application relates to the size and design of the rear-facing window proposed for the two storey rear extension and the degree of overlooking of the neighbouring rear gardens. Whilst this is a retrospective application the rear extension is already the subject of approval pursuant to previous application.

5.9.2 The rear-facing window maintains the width of the window approved under permission 21/00038/FUL, with an additional half-octagonal window on top of the traditional rectangular window. The base of the octagonal section of the window measures approximately 1.8m above floor level. As such, the increase in the scale of the window from that previously approved is above a height where overlooking could reasonably take place due to its height. The window proposed is no different in terms of potential overlooking that was previously approved. Further, the window does not directly overlook the flank side wall of any neighbouring dwellings, which would call into consideration the Space About Dwellings Standards. As such, I do not find that the proposed rear-facing window will

overlook the gardens of the neighbouring properties in a manner that will materially reduce their amenity to any greater degree than the window approved pursuant to planning permission 21/00038/FUL

6. CONCLUSIONS

6.1 In light of the above observations, the proposal is considered to accord with Policies CP1, EQ4, EQ9, EQ11, EQ12 and EV12 of the Core Strategy, 2012. The proposal is therefore considered acceptable and therefore recommended for approval subject to appropriate conditions.

7. RECOMMENDATION - APPROVE Subject to Conditions

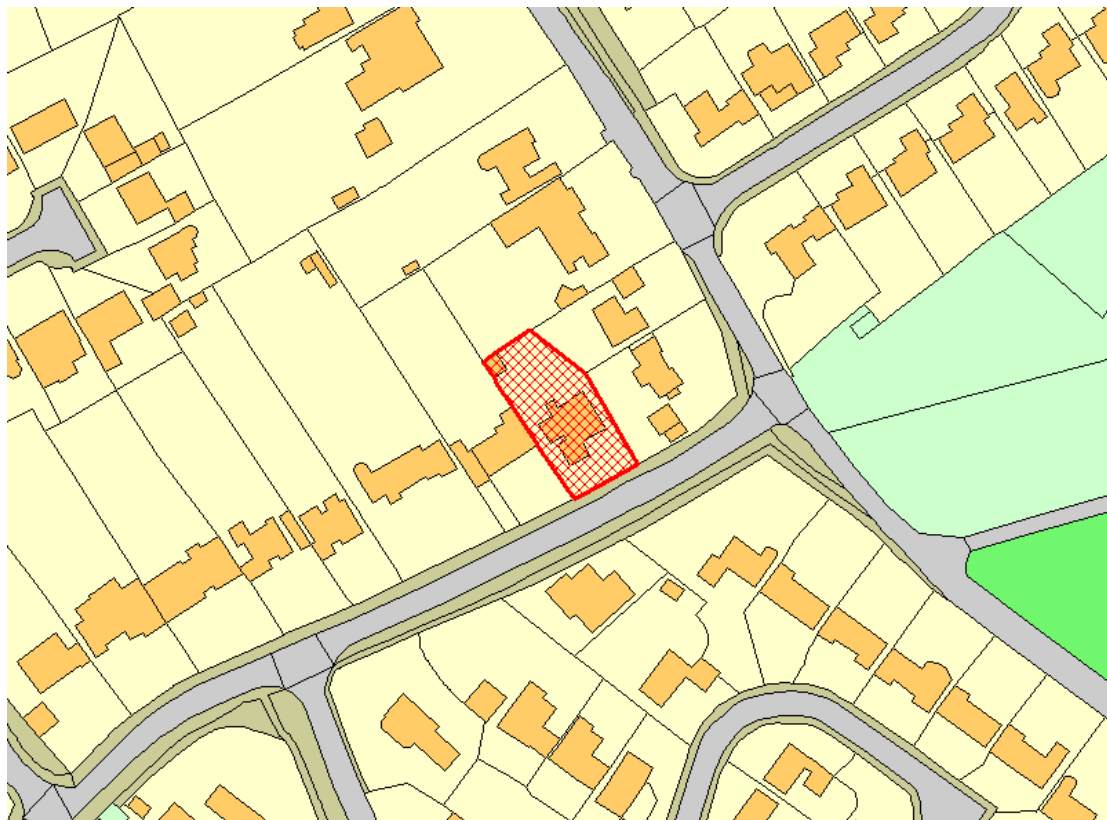
1. The development shall be carried out strictly in accordance with approved drawings: Block Plan, 19-590 Edition 3C Sheet 2C Proposed Plans and Elevations received 21/10/22.
2. The materials to be used on the walls and roof of the extension shall match those shown within the approved plans 19-590 Edition 3C Sheet 2C Proposed Plans and Elevations received 21/10/22, unless approved in writing by the Local Planning Authority.
3. Within one month of the date of this permission, Tree protective fencing shall be erected at a minimum distance of 12 times the trunk diameter (measured at 1.5m above ground level) of any tree in the rear garden of the applicant's garden and at the same calculated distance (measured from the centre of the tree) of any other tree in adjacent gardens that abut the applicant's garden and where that 'protected' distance extends into the applicant's garden, as identified within plan "Edition 1 Sheet 3 Planning" of Tree Report dated 07/19 and submitted by CJ Bradley. The Tree protection fencing shall be maintained throughout the life of the development.
4. No existing trees, shrubs or hedges on the site or its boundaries shall be 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.
5. The destruction by burning of any materials during the construction period shall not take place within 6 metres of the canopy spread of any protected trees or hedges.
6. There shall be no storage of construction materials or equipment or oil tanks within the protective fencing/root protection areas of the protected trees or hedges.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows nor velux roof lights shall be constructed within the southwest elevation. The proposed en-suite windows

within the southwest elevation shall be obscure glazed to a minimum level 3 for the life of the development.

Reasons

1. In order to define the permission and to avoid doubt.
2. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
3. To safeguard the amenity of the area and, in particular, to recognise the Tree Preservation Order in accordance with policy EQ12 of the adopted Core Strategy
4. To safeguard the amenity of the area and, in particular, to recognise the Tree Preservation Order in accordance with policy EQ12 of the adopted Core Strategy
5. To safeguard the amenity of the area and, in particular, to recognise the Tree Preservation Order in accordance with policy EQ12 of the adopted Core Strategy
6. To safeguard the amenity of the area and, in particular, to recognise the Tree Preservation Order in accordance with policy EQ12 of the adopted Core Strategy
7. To safeguard the visual amenity of the area and the privacy of residents in nearby dwellings in accordance with policy EQ9 of the adopted Core Strategy.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.



75 Sytch Lane, Wombourne, Staffordshire, WV5 0LB

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 13 DECEMBER 2022****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 Department for Levelling Up, Housing and Communities

2. RECOMMENDATION

2.1 That Committee notes 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	13 th December 2022	
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.

PART B – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 **Future Training** – Further training dates are being arranged to cover the ‘Planning Balance exercise’, and Planning Enforcement as requested in the Member questionnaire responses. Please let us know if there are other topics on which you would like training. In addition, regular training/refresher sessions on using Public Access will be organised.
- 4.2 **Changes in National Policy** – No change since previous report.
- 4.3 **Planning Appeal Decisions** – every Planning Appeal decision will now be brought to committee for the committee to consider. There have been 7 appeal decisions since my last report, copies of the decisions are attached as Appendix 1-7. These relate to:
- 1) A costs appeal relating to a quashed enforcement notice with an alleged breach of planning control as being ‘*Without planning permission, the making of a material change of use of the Land, to Land used for the siting of a caravan with a wooden extension attached to the said caravan and the siting of a container unit*’ as well as other alleged breaches associated with domestic development and earth bunds at Willow Farm, Hollies Lane, Pattingham, WV6 7HJ. The inspector on behalf of the Secretary of State has decided that a partial award of costs against the Council, on grounds of “unreasonable” behaviour resulting in “wasted” or “unnecessary” expense is justified in the particular circumstances. The inspector did however note that the extent of the award might be limited as the Council have issued a revised notice on 2nd August 2022, which has also been appealed (PINS ref: APP/C3430/C/22/3306177 and APP/C3430/C/22/3306178). Therefore, it is reasonable to conclude that a certain amount of costs incurred in these appeals are re-usable in the new appeals, which remain to be decided.
 - 2) An appeal against a refusal to vary a condition relating to the demolition of outbuildings at Upper Westbeech Farm, Nurton Hill Road, Pattingham, WV6 7HG. The appeal was allowed, and the condition varied to now state: ‘*With the exception of those shown to be retained on approved drawing 1271/A/001 Site Location and Block Plan, before the development hereby permitted is first occupied, any buildings within the red line shown on the aforementioned plan shall be demolished and the materials arising therefrom permanently removed from the site*’. The appeal variation allowed is simply to add the drawing number in and no further amendments made to the conditions. The appeal being allowed however has now given a further 3 years to the planning permission, which we are seeking legal advice on.
 - 3) An appeal against a refusal for a replacement of swimming pool marquee with single storey structure with changing facilities and garden/pool room at Mitton Manor, Penkridge, Staffordshire ST19 5QW. The appeal was dismissed as the inspector concluded that the proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of

openness. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Therefore, the appeal was dismissed.

- 4.4 In May 2020 the Secretary of State for Transport made an order granting development consent West Midlands Interchange (WMI). Documents can be seen here : <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/> Officers are now working with the site promoters to understand next steps.
- 4.5 In April 2022, PINS confirmed that the M54/M6 link road Development Consent Order (DCO) has been granted by the Secretary of State. Further information can be found here <http://infrastructure.planninginspectorate.gov.uk/document/TR010054-001195> . Latest communication suggests that site investigation works will soon start to take place on site.
- 4.6 **Relevant Planning Enforcement cases on a quarterly basis** – no update since last month. 79% of Planning Enforcement cases are currently being investigated within 12 weeks of the case being logged. This is slightly below the target of 80%. This is to be expected due to the level of old cases now being closed and the number of high priority open cases and appeals underway. The internal Service Review to look at areas for streamlining, efficiencies and service improvements is underway.
- 4.7 **The latest data produced by the Department of Levelling Up, Housing and Communities** – As members will recall, DLUHC 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, DLUHC 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
- 4.8 We will ensure that the Committee is kept informed of performance against the relevant targets including through the DLUHCs own data.
- 4.9 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 DLUHCs 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>

- 4.10 The latest position is on the DLUHC website, and the key figures are below:

Speed

151a – majors – target 60% (or above) – result = 92.7% (data up to June 2022)

153 – others – target 70% (or above) – result = 86.2% (data up to June 2022)

Quality

152a – majors – target 10% (or below) – result = 1.8% (date up to March 2021)

154 – others – target 10% (or below) – result = 0.6% (date up to March 2021)

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

N/A

7. BACKGROUND PAPERS

Appendix 1 – Costs Decision – Willow Farm, Hollies Lane, Pattingham, WV6 7HJ

Appendix 2 – Appeal Decision – Upper Westbeech Farm, Nurton Hill Road,
Pattingham, WV6 7HG

Appendix 3 – Appeal Decision – Mitton Manor, Penkridge, Staffordshire ST19 5QW

Report prepared by:

Kelly Harris
Lead Planning Manager



The Planning Inspectorate

Costs & Decisions Team

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Direct Line: 0303 444 5601
Customer Services: 0303 444 5000

Mr Justin De Vries
Moule & Co
Millridge Farm Parsons Lane
Hartlebury
Kidderminster
DY11 7YQ

Your Ref:
Our Ref: APP/C3430/C/21/3288846
APP/C3430/C/21/3288847
Date: 10 November 2022

Dear Sir

**LOCAL GOVERNMENT ACT 1972 - SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 – SECTIONS 174 AND 322
ENFORCEMENT APPEAL BY MR G S ANNING AND MRS C ANNING: LAND AT
WILLOW FARM, HOLLIES LANE, PATTINGHAM, WV6 7HJ: APPLICATION FOR
COSTS**

1. I am directed by the Secretary of State for Levelling Up, Housing and Communities to refer to the Planning Inspector's decision letter of 28th July 2022. This confirmed the quashing of the enforcement notice issued by South Staffordshire District Council on 8th November 2021. The notice concerned a breach of planning control, namely;

"(i) Without planning permission, the making of a material change of use of the Land, to Land used for the siting of a caravan with a wooden extension attached to the said caravan and the siting of a container unit.

(ii) Without planning permission, the unauthorised material change of use of the Land, to Land used for domestic residential purpose together with unauthorised operational development to facilitate the unauthorised material change of use consisting of the erection of wooden and steel mesh fencing to separate the adjoining domestic residential planning unit from the Land as marked in green on the Plan.

(iii) Without planning permission, the unauthorised operational development consisting of an earth bund located in the position outlined in blue on the attached plan."

2. This letter deals with the appellants application for an award of costs against the Council as made in correspondence of 14th August 2022 and 27th September 2022 and the Council's rebuttal made in correspondence of 5th September 2022. As these costs submissions have been made available to the parties it is not proposed to summarise them. They have been carefully considered.

Summary of decision

3. The formal decision and costs order are set out in paragraphs 11 and 12. The costs application succeeds to the extent that a partial award of costs is being made.

Basis for determining the costs application

4. In enforcement notice appeals the parties are normally expected to meet their own expenses irrespective of the outcome. Costs are awarded only on the grounds of "unreasonable" behaviour resulting in unnecessary or wasted expense.

5. The application for costs has been considered by reference to the Government's Planning Practice Guidance (PPG) on awards of costs (as published on the Gov.uk website under "Appeals"), the appeal papers, the written costs correspondence and all the relevant circumstances.

Reasons for the decision

6. All the available evidence has been carefully considered. The decisive issue is whether or not the Council's decision to issue the enforcement notice (in the form that it was) was unreasonable in the particular circumstances with the result that the appellants incurred wasted expense in the appeal process. Particular regard has been paid to the guidance at 048 of the PPG which refers to the risk of an award in the event that an enforcement notice is not accurate. The costs application is on the basis that the Council acted unreasonably by issuing an enforcement notice which was ultimately quashed on appeal.

7. The circumstances leading to the quashing of the notice have been carefully examined. The Council issued the enforcement notice on 8th November 2021. Appeals against the notice were received by the Inspectorate on the 10th December 2021 along with the supporting documents. The appeals were made under grounds (a), (f) and (g) under the Section 174 (2) of the 1990 Act. However, as a fee was paid for ground (a) solely in relation to appeal 3288847, there was no valid ground (a) appeal made in relation to appeal 3288846. The Inspector sent an email to the Council on 12th July 2022 raising concerns that the notice was not accurate and due to the uncertainty of the Council's intentions it would be unfair of the Inspector to use her powers of correction and due to this the enforcement notice would likely be found invalid. The opinions of the parties were sought and opportunity given for the Council to withdraw the enforcement notice. The enforcement notice was not withdrawn and was therefore subsequently quashed by the Inspector.

Conclusions

8. As stated above, the enforcement notice was quashed by the appeal decision of the Inspector. She did so as she felt it did not specify with sufficient clarity the alleged breach of planning control, the steps required for compliance and the land where the breach of planning control is alleged to have taken place. The Council argue in their rebuttal to the costs application that even though the notice was quashed it was not declared a "Nullity". However, the Inspector explained in her decision that whilst the notice was not a nullity it was incapable of correction so therefore is invalid.

9. In view of the evidence before him, the Secretary of State can only conclude that the Council acted unreasonably as it is their responsibility to ensure that care is taken before issuing any notice to ensure it is correct in all respects. On the evidence

before him, the Secretary of State can only conclude that the Council did not do so in this case. The Council's actions have led the appellants to incur wasted expense in appealing a notice that was later quashed. An award of costs will therefore be made.

10. As to the extent of the award, the Council have issued a revised notice on 2nd August 2022, which has also been appealed (PINS ref: APP/C3430/C/22/3306177 and APP/C3430/C/22/3306178). Therefore, it is reasonable to conclude that a certain amount of costs incurred in these appeals are re-usable in the new appeals, which remain to be decided. However, as the appellants were professionally represented, the Secretary of State is satisfied at least some quantifiable expense was incurred in the submission of these appeals. A partial award of costs will therefore be made to consider any re-usable costs in relation to the new appeals.

FORMAL DECISION

11. For the reasons given above, the Secretary of State has decided that a partial award of costs against the Council, on grounds of "unreasonable" behaviour resulting in "wasted" or "unnecessary" expense is justified in the particular circumstances.

COSTS ORDER

12. Accordingly, the Secretary of State for Levelling Up, Housing and Communities, in exercise of his powers under section 250(5) of the Local Government Act 1972, and sections 174 and 322 of the Town and Country Planning Act 1990 (as amended), and all other powers enabling him in that behalf, **HEREBY ORDERS** that South Staffordshire District Council shall pay to Mr G Anning and Mrs C Anning, their costs of the enforcement appeal proceedings before the Secretary of State, limited to those costs that are not re-useable in relation to appeals APP/C3430/C/22/3306177 and APP/C3430/C/22/3306178; such costs to be assessed in the Senior Courts Costs Office if not agreed.

13. You are now invited to submit details of those costs to Salindra Shakespeare, Technical support Officer at South Staffordshire District Council, with a view to reaching an agreement on the amount. A copy of this letter has been sent to her.

Yours faithfully

K McEntee

KEN McENTEE
Authorised by the Secretary of State
to sign in that behalf



Appeal Decision

Site visit made on 22 June 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/C3430/W/22/3294667

Upper Westbeech Farm, Nurton Hill Road, Pattingham, WV6 7HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr R Patel against the decision of South Staffordshire District Council.
 - The application Ref 21/00952/VAR, dated 1 September 2021, was refused by notice dated 22 October 2021.
 - The application sought planning permission for a replacement dwelling and glazed link to stone outbuilding to be converted as part of dwelling without complying with conditions attached to planning permission Ref 21/00098/FUL, dated 19 August 2021.
 - The conditions in dispute are Nos 4 and 5 which state that:
 - 4. With the exception of those shown to be retained on approved plan check plan, before the development hereby approved is occupied/brought into use, any buildings within the red line shown on the aforementioned plan shall be demolished and the materials arising therefrom permanently removed from the site.*
 - 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling, the subject of this approval, without the prior approval of the Local Planning Authority: a. Schedule 2, Part 1, Class A - enlargement, improvement or other alteration b. Schedule 2, Part 1, Class B - addition or alteration to the roof c. Schedule 2, Part 1, Class C - any other alteration to the roof d. Schedule 2, Part 1, Class D - porches e. Schedule 2, Part 1, Class E - outbuildings.*
 - The reasons given for the conditions are:
 - 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.*
 - 5. 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.*
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Decision

1. The appeal is allowed and the planning permission Ref 21/00952/VAR for the variation of condition 4 from planning approval ref. 21/00098/FUL at Upper Westbeech Farm, Pattingham, WV6 7HG granted on 22 October 2021 by South Staffordshire District Council, is varied by deleting condition 4 and substituting it for the condition detailed in the attached schedule.

Main Issue

2. The main issue is whether the condition is necessary and reasonable having regard to local and national policies relating to proposals affecting the Green Belt.

Reasons

3. The appeal site comprises a large detached dwelling set within a defined large plot. The dwelling is set back from the adjacent private highway and is bound by residential dwellings to the east and west, the private highway to its south and open agricultural land to its north. During my site visit I noted a number of outbuildings to the side and rear of the host dwelling. These vary in design, age and materials.
4. There is a lengthy planning history to the site, with permission originally granted in 2018¹ for a replacement dwelling. A further permission was granted in 2021² which included the removal of most of the outbuildings, apart from a stone barn and dovecote. During my site visit I noted that the 2021 permission had not yet been implemented.
5. Paragraph 54 of the Framework states planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Expanding on this, the Planning Practice Guidance (PPG) advises conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), so that it is clear exactly which rights have been limited or withdrawn.
6. The GPDO sets out the Permitted Development (PD) rights for development within the curtilage of a dwellinghouse. These rights apply generally to all dwellinghouses, with some exceptions. Given that land within the Green Belt was omitted from these exceptions, land within the Green Belt is regarded as no different in terms of the application of PD rights as land outside of it.
7. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
8. The reason for refusal is clear in that the Council wants the existing outbuildings to be removed and they seek control in assessing any future effects on the Green Belt. A detached house on a large plot could otherwise feasibly undertake a significant amount of development without the need for planning permission. The appeal site's location within the Green Belt, does not, in itself, represent an exceptional circumstance to warrant removal of PD rights. I have considered the particular characteristics of the dwelling and its surroundings.

¹ 18/00987/FUL

² 21/00098/FUL

9. The proposed dwelling would sit on a large plot and would be large in scale. It would not be a wholly conventional new build structure but a partial new build with a glazed link building to a stone outbuilding to be converted. Consequently, it would be highly sensitive to change from further, what could be quite substantial outbuildings. The presence of boundary vegetation offers some screening, but glimpses of the site are available from the adjacent private highway and via the associated access. Additionally, a right of way runs adjacent to the site to the agricultural land to the rear which would allow for close up views of the proposal. The potential future development could noticeably and significantly reduce the openness of the Green Belt in spatial terms given the scale of the building and the size of its associated curtilage.
10. With regards to the removal of existing outbuildings. It is clear from the original permission that, whilst given limited weight, the removal of outbuildings was a contributing factor to the very special circumstances afforded to allowing a materially larger replacement dwelling. Whilst the outbuildings to be removed are modest in scale and are single storey, they do contribute to the visual clutter, and their removal would improve the sense of openness, particularly to the rear garden which opens on to agricultural land.
11. I have noted that condition 4 makes reference to a plan but has not been included in the condition. As such, currently the condition is imprecise. As I have found harm to the Green Belt should the condition be removed, I will need to alter the wording to include the missing plan in order for the condition to be precise.
12. The appellant has drawn my attention to various appeal decisions relating to removal of PD rights. While there may have been good reasons to amend PD rights in those cases, here I find that the circumstances are incomparable in relation to site characteristics and the reasons for the conditions. In any event I have determined this appeal on its own merits.
13. Accordingly, the removal and variation of the conditions to retain outbuildings and restrict PD rights would not comply with Policy GB1 of the South Staffordshire Core Strategy Development Plan Document 2012 (CS) which seeks to protect the Green Belt from inappropriate and thus harmful development.

Conditions

14. I have varied the disputed condition 4 and retained condition 5 for the reasons set out. The Planning Practice Guide (PPG) indicates that, to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original permission, unless they have already been discharged. In this case, it is the conditions attached to the 2021 permission which remain relevant.
15. I have no evidence before me to suggest that any of the other conditions are no longer necessary or relevant and during my site visit, I noted that works had not commenced. I have therefore imposed all of the other conditions attached to the 2021 permission, with only minor drafting modifications where this has been necessary.

Conclusion

16. I therefore allow the appeal, deleting condition 4 and substituting with a condition which is more precise whilst, for the reasons given, condition 5 will remain.

Tamsin Law

INSPECTOR

Schedule of 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 approved drawings: 1271/P/011 Rev B received 01/04/2021, 1271/P/001 received 27/07/2021 and 1271/A/001 received 04/08/2021
3. 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 development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. With the exception of those shown to be retained on approved drawing 1271/A/001 Site Location and Block Plan, before the development hereby permitted is first occupied, any buildings within the red line shown on the aforementioned plan shall be demolished and the materials arising therefrom permanently removed from the site.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development shall be carried out under Schedule 2, Part 1, Class A (enlargement, improvement or other alteration); Schedule 2, Part 1, Class B (addition or alteration to the roof); Schedule 2, Part 1, Class C (any other alteration to the roof); Schedule 2, Part 1, Class D (porches); or Schedule 2, Part 1, Class E (outbuildings).
6. The archaeological site work shall be implemented in full in accordance with the written scheme of archaeological building recording approved under application 18/00797/COND. The development hereby permitted shall not be first occupied until the site investigation has been completed in accordance with the written scheme of archaeological building recording approved under application 18/0097/COND and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.
7. No development shall take place on the construction of the dwelling hereby approved permitted until a scheme for the provision and implementation of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be first occupied until the approved scheme has been completed.
8. No development shall take place, including any demolition works, until a Construction Vehicle Management Plan (CVMP) has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall include: Arrangements for the parking of site operatives and visitors; Loading and unloading of plant and materials; Storage of plant and materials used in constructing the development; Construction hours; Delivery routeing and hours; Recorded daily inspections of the highway adjacent to the site

access; Wheel washing measures to remove mud or debris; No parking on the private drive leading from Nurton Hill Road

9. If the development hereby permitted has not commenced by February 2023, a further ecological survey for bats must be submitted to the Local Planning Authority for written approval. The survey must: i) establish if there have been any changes in the presence of bats and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works shall then be carried out in accordance with the proposed new approved ecological measures and timetable.
10. Within 1 month of the commencement of development, details of biodiversity enhancement measures including 4 integrated bat tubes or bat boxes on 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 the first occupation of the development hereby permitted and retained as such thereafter.
11. Within 1 month of the commencement of development, details of biodiversity enhancement measures including bespoke swallow box or swallow cups under a deep, sheltered overhang shall be submitted to and approved in writing by the Local Planning Authority. These must be installed on the existing or new buildings. The approved measures shall be incorporated into the scheme and be fully constructed prior to the first occupation of the development hereby permitted and retained as such thereafter.



Appeal Decision

Site visit made on 1 November 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/C3430/W/22/3299104

Mitton Manor, Penkridge, Staffordshire ST19 5QW

- 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 Richard Barnfather against the decision of South Staffordshire District Council.
 - The application Ref 21/00959/FUL, dated 12 August 2021, was refused by notice dated 22 November 2021.
 - The development proposed is the replacement of swimming pool marquee with single storey structure with changing facilities and garden/pool room.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies,
 - The effect on the openness of the Green Belt; and,
 - Whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

3. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special circumstances 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.
4. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include appropriate facilities for outdoor sport or recreation, so long as openness and the purposes of including land within the Green Belt are not harmed. Policy

GB1 of the Core Strategy Development Plan Document (the CS) sets out a similar list of exceptions and in particular allows for, appropriate small-scale facilities for outdoor recreation which preserves the openness of the Green Belt and does not conflict with its purposes. It is clear that, in as far as it is relevant to the appeal before me, CS Policy GB1 is consistent with the Framework and that both support outdoor recreational development only where it does not adversely affect the Green Belt.

5. The proposal includes the provision of a building providing a family room, wet room and steam room, associated with the existing outdoor pool. I consider that for the purposes of the Green Belt exceptions set out above, the existing pool is outdoor recreation. I find that space for activities such as changing, washing and drying before, and after, the use of the pool would be directly related to the use of the pool and that space to achieve this would constitute an appropriate facility.
6. However, although the proposal would accommodate these activities it would also provide a significant amount of space beyond what, in my mind, would be reasonably related and appropriate to the pool. In particular, the presence of the steam room and family room do not appear to directly relate to the use of the pool, especially at the scale proposed. Although it has been suggested that the family room would be used as a space to change, given the pool would be private for the appellant and family, I do not find that it would be necessary for it to be so spacious. Therefore, I do not find the proposal would result in the provision of appropriate facilities for outdoor recreation.
7. Paragraph 137 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with permanence. The openness of the Green Belt has both a spatial and visual aspect and the absence of intrusion in one aspect does not mean that there is no impact on openness where an intrusion is found via the other aspect.
8. Although within a somewhat screened location, as a result of the dwelling and garden hedgerows, the proposed building would nevertheless have a physical presence. This would have a greater impact on the openness of the Green Belt than the existing open area of patio given the resultant height and massing of the proposed building. Whilst it is a small building relative to the Green Belt as whole, and therefore the loss of openness would be more limited, harm to the Green Belt would nevertheless occur. This matter therefore carries substantial weight.

Other Considerations

9. The appellant has made reference to the existing marquee that is present on site. Although I have been mindful of it, I note that it is a temporary structure that does not have planning permission. I note also that the appellant accepts that it has not been in place long enough to potentially receive a certificate of lawfulness. Therefore, I have not considered the proposal in comparison to the existing marquee, and it has not been determinative in my consideration.
10. Similarly, although the proposal may meet the measurements appropriate for outbuildings under permitted development, I understand that these rights have been removed under a 2008 planning permission. As permitted development rights do not apply to the site, it is not necessary for me to consider the appeal against these.

11. I note that the host dwelling is not a listed building, and that the proposal would not result in any harm to the character and appearance of the surrounding area, other than that resulting from the impact on the Green Belt. However, a lack of harm is not a benefit in itself and as such this matter carries neutral weight in my decision making.
12. The appellant has raised their intention to attach rainwater butts to the building and to ensure that it provide disabled access. These matters would provide benefits with regard to the environmental sustainability of the appeal site and the accessibility of the site for those with reduced mobility. Nevertheless, given the scale of the proposal and that it is for private use only, I attach these matters only limited weight.

Green Belt Conclusion

13. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. At most I have attached limited weight to the considerations in support of the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with CS Policy GB1 which, amongst other matters, limits development within the Green Belt. The proposal would also conflict with the Green Belt aims of the Section 13 of the Framework, and in particular Paragraphs 147 to 151.

Conclusion

14. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, and for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR

