

TO:- Planning Committee

Councillor Michael Lawrence , Councillor Bob Cope , Councillor Penny Allen , Councillor Len Bates B.E.M. , Councillor Barry Bond M.B.E. , Councillor Mike Boyle , Councillor Jo Chapman , Councillor Brian Cox , Councillor Philip Davis , 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, 21 June 2022

Time: 18:30

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



D. Heywood
Chief Executive

AGENDA**Part I – Public Session**

- | | | |
|----------|------------------------------------------------------------------------------------------------|----------------|
| 1 | Minutes
To confirm the minutes of the Planning Committee meeting held on 17 May 2022 | 1 - 2 |
| 2 | Apologies
To receive any apologies for non-attendance. | |
| 3 | Declarations of Interest
To receive any declarations of interest. | |
| 4 | Determination of Planning Applications
Report of Development Management Team Manager | 3 - 22 |
| 5 | Monthly Update Report
Report of the Lead Planning Manager | 23 - 28 |

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, 17 May 2022 at 18:30

Present:-

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

1 OFFICERS PRESENT

Annette Roberts, Kelly Harris, Lucy Duffy, Pardip Sharma (Solicitor)

2 MINUTES

RESOLVED: - that the minutes of the Planning Committee held on 19 April 2022 be approved and signed by the Chairman.

3 APOLOGIES

Apologies were received from Councillors P Davies and D Holmes.

4 DECLARATIONS OF INTEREST

There were no declarations of interest

The Solicitor advised that as the application 22/00201/FUL included land owned by South Staffs District Council, the Planning Committee had been granted a dispensation by the Council's Monitoring Officer to consider and determine the application.

5 DETERMINATION OF PLANNING APPLICATIONS

The Committee received the report of the Development Management Team Manager.

22/00201/FUL – CULVERT BENEATH RAILWAY ADJACENT TO BRIDGE AVENUE AND MYRTLE GLADE, GREAT WYRLEY – APPLICANT – NETWORK RAIL – PARISH – GREAT WYRLEY

Councillor K Perry, local member welcomed this application as intending to improve Wyrley Brook.

The Chairman as local member similarly welcomed the proposal.

RESOLVED - that the application be **APPROVED** subject to the conditions contained in the Planning Officers report

6 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

9 June 2022

Housing Communities and Local Government.

The Meeting ended at: 18:40

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 21 JUNE 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.

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

App no	Applicant/Address	Parish and Ward Councillors	Recommendation	Page
22/00381/FUL NON MAJOR	Mr Dean Hiscox Mile Flat House Mile Flat Greensforge Staffordshire DY6 0AU	KINVER Cllr Sisley, Cllr Hingley & Cllr Williams	APPROVE Subject to Conditions	9-14
22/00479/FUL NON MAJOR	Mrs Joyce Bolton Dunelm Coven Road Brewood Staffordshire ST19 9DF	BREWOD & COVEN Cllr Sutton, Cllr Bolton & Cllr Holmes	APPROVE Subject to Conditions	15-22

**22/00381/FUL
NON MAJOR**

Mr Dean Hiscox

**Cllr Sisley, Cllr Hingley &
Cllr H Williams
KINVER**

Mile Flat House Mile Flat Greensforge DY6 0AU

Temporary caravan/mobile home '2 year consent' to accommodate owners living accommodation while the demolition of the existing dwelling and a replacement new dwelling is being constructed under - 21/01190/FUL.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 This application relates to a paddock to the South of Mile Flat House, Mile Flat. The paddock is enclosed by a post and rail fence.

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

1.1.3 Planning permission was recently granted for Mile Flat House to be demolished and a replacement dwelling erected under application 21/01190/FUL

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

1.2 Planning History

2022 Retrospective planning application for demolition of Stable / Store building, constructed in brickwork, used to store motor vehicles and boat storage and replaced with entertainment bar, Approved (22/00358/FUL)

2022 Use of the land as a residential garden. The erection of a raised fish pond, toilet building and childrens play area under permitted development rights, Approved (22/00133/LUE)

2021 Proposed 4-bedroom replacement dwelling with attached triple garage, Approved 21/01190/FUL

2021 Proposed rear extension to create gymnasium and loft conversion with velux rooflights, Approved 21/00897/LUP

2021 Proposed additional storeys / extending upwards extension - two storeys
Refusal of Prior Approval 21/00388/ROOF

2021 Proposed single storey side extension and two storey rear extension Approved 21/00363/LUP

2021 Demolition of existing dwelling and replacement with a new x4 bedroom dwelling with detached garaging - Withdrawn 21/00099/FUL

2020 new gates, walls, piers and railings - Granted Subject to Conditions 20/00412/FUL

2020 Two storey side extension and single storey rear extension - Granted Subject to Conditions 20/00376/FUL -

1989 LPG Tank - Granted 89/01210

1986 Access and Weighbridge - Granted 86/00343

2. APPLICATION DETAILS

2.1 The Proposal

2.2.1 The applicants propose to site a static caravan on the land to be lived in by them during the construction of the approved dwelling granted planning permission in 2021. Throughout the course of the application the time period has been reduced from a temporary three years to a temporary two years after which time the caravan would be removed.

2.2 Agents Submission

2.2.1 A supporting statement has been submitted.

3. POLICY CONTEXT

3.1 The site is within the Green Belt

3.2 Core Strategy 2012

Policy GB1: Development in the Green Belt

Policy EQ4: Protecting and Enhancing the character and appearance of the landscape

EQ9: Protecting residential amenity

Policy EQ11: Wider Design Considerations

3.3 National Planning Policy Framework 2021 – To be read as a whole

3.4 National Planning Policy Guidance

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

3.4.2 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a

particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

4. CONSULTATION RESPONSES

No Councillor comments received. (expired 20/05/2022)

Kinver Parish Council (received 12/05/2022): *Recommend Approval subject to 1 caravan being allowed on the site for a maximum of 24 months.*

County Highways (received 18/05/2022): *Acceptance: The proposed development is for temporary accommodation while the existing dwelling is demolished and rebuilt. Therefore there will be no additional vehicular movements associated with the existing use except that of the construction work.*

Neighbours (expired 20/05/2022): No comments received.

A site notice was posted 29/04/2022

5. APPRAISAL

5.1 The application is to be heard at Planning Committee as it is contrary to Green Belt policy.

5.2 Key Issues

- Principle of development
- Impact on openness
- Very Special Circumstances
- Residential Amenity
- Other Matters

5.3 Principle of Development

5.3.1 The site is located within the Green Belt where there is a presumption against inappropriate development. Paragraph 143 of the NPPF states that inappropriate development, is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

5.3.2 The stationing of a residential caravan is considered to be a material change of use of land, which should preserve openness of the Green Belt and have no conflict with the purposes of including land within it. Paragraph 144 in the NPPF states that

when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

5.4 Impact on Openness of Green Belt

5.4.1 The proposal is assessed as to whether the development has an impact on the openness of the Green Belt, the overall volume and permanence of the proposal.

5.4.2 In assessing the visual impacts of the proposal, it is not considered that there would be any detrimental impact on visual amenity by way of siting amongst existing buildings, there would be no significant impact and it is screened from wider views.

5.4.4 Furthermore, in regards to the permanence of the building, it is considered that the proposal is for a temporary period which will require limited ground works which can be easily reversed. As such it is considered that the land once the use has ceased can be remediated and return back to its original state. Any recommendation for approval would be subject to such a condition.

5.4.5 With regards to traffic generation, there would be limited vehicular movements as a result of the development in context with the surrounding uses.

5.4.6 Overall it is considered that the impact on the openness of the Green Belt is minimal because of the siting of the development, together with the overall permanence of the infrastructure and the traffic generation of the development. However, there would be some impact on openness and as such the stationing of the mobile home would be considered as inappropriate development. Any such development cannot be approved unless there are very special circumstances that would clearly outweigh the potential harm to the Green Belt, albeit the harm would be considered as limited.

5.5 Very Special Circumstances

5.5.1 This proposal is for the temporary stationing of a mobile home. It is for occupation by the applicant as owner of the site whilst the approved works for the erection of the new dwelling take place on the adjoining land. The caravan would be removed at the end of two years. No permanent development will take place and so the harm to the openness of the Green Belt is limited to the duration of the retention of the caravan. I consider in this instance that the temporary time period amounts to very special circumstances sufficient to clearly outweigh the potential harm to the Green Belt.

5.6 Residential Amenity

5.6.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

5.6.2 The site is located away from the closest residential properties which are sited further along Mile Flat. I therefore do not consider there will be impact on the occupier's amenity.

5.7 Other Matters

5.7.1 All foul sewage is to be discharged to an existing septic tank for Mile Flat House.

5.7.2 The comments by the Parish Council have been given due consideration and the time period has been reduced to a temporary 2 year period.

6. CONCLUSIONS

6.1 The proposal is considered to be inappropriate development in the Green Belt, however very special circumstances exist that clearly outweigh the potential harm for a temporary 2 year period. The proposal will not impact on the amenity of neighbouring residential properties. I therefore recommend the application for approval subject to conditions.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The caravan and any related infrastructure shall be removed, and the land restored to its former condition on or before 24th June 2024 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
2. The development shall be carried out strictly in accordance with approved drawings: 1287 30 A received 26/04/2022

Reasons

1. 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
2. In order to define the permission and to avoid doubt.

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.



Mile Flat House Mile Flat Greensforge DY6 0AU

**22/00479/FUL
NON MAJOR**

Mrs Joyce Bolton

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

Dunelm Coven Road Brewood ST19 9DF

Erection of summerhouse at the bottom of the rear garden

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

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

1.2 Planning history

1987: Extensions, approved (87/00483).

1988: Extension, approved (88/00047).

1991: Extensions, approved (91/01019).

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

2. APPLICATION DETAILS

2.1 The Proposal

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

3. POLICY CONTEXT

3.1 Within the Green Belt

3.2 Adopted Core Strategy

Core Policy 1: The Spatial Strategy
Policy GB1: Green Belt
Policy EQ4: Protecting the Character and Appearance of the Local Landscape
Core Policy 3: Sustainable Development and Climate Change
Core Policy 4 Promoting High Quality Design
Policy EQ9: Protecting Residential Amenity
Policy EQ11: Wider Design Considerations
Policy EQ12: Landscaping
Core Policy 11: Sustainable Transport
Policy EV12: Parking Provision
Appendix 5: Parking Standards
Appendix 6: Space about Dwellings
Green Belt and Open Countryside Supplementary Planning Document April 2014
South Staffordshire Design Guide [2018]
Sustainable Development SPD [2018]

3.3 National Planning Policy Framework

Chapter 12: Achieving well-designed spaces
Chapter 13: Protecting Green Belt land

3.4 National Planning Policy Guidance

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

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

4. CONSULTATION RESPONSES

No Councillor comments (expires 06.06.2022).

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

No Neighbour comments (expires on 06.06.2022).

5. APPRAISAL

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

5.2 Key Issues

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

5.3 Principle of development

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

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

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

5.4 Impact on the openness of the Green Belt.

5.4.1 The key characteristic of Green Belts are their openness and their permanence. Any development proposals should not cause undue harm or loss of this openness.

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

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

- "openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation."

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

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

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

5.5 Very Special Circumstances

5.5.1 Paragraph 148 of the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Given the view has been taken with regard to the proposal being inappropriate development there would need to be 'Very Special Circumstances' put forward in support of the application to justify approval.

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

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

5.6 Impact on the character of the area

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

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

5.7 Impact on neighbouring amenity

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

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

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

5.8 Space about Dwellings

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

5.9 Highways/parking

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

6. CONCLUSION

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

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

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

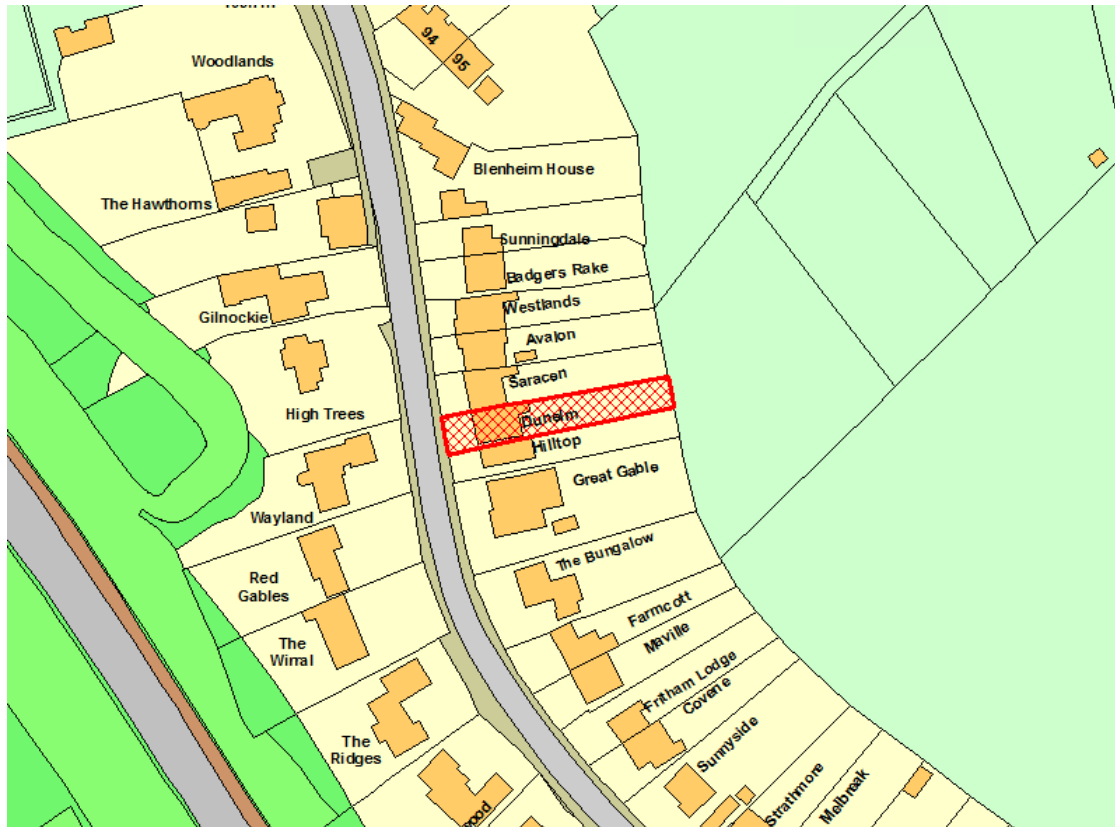
1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out strictly in accordance with approved drawings: Manufacturers specification and dimensions received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

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
4. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development

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

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



Dunelm Coven Road Brewood ST19 9DF

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 21 JUNE 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	21 June 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.
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PART B – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 **Future Training** – Changes to Planning Committee were approved at the 26 March 2019 meeting of the Council to reduce committee size from 49 potential members to 21 members. As part of these changes an update report is now being brought to each meeting of the Committee.
- 4.2 Further training dates are being arranged to cover tree applications, Planning Enforcement and Permitted Development as requested in the recent 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.
- 4.3 **Changes in National Policy** – No change since previous report.
- 4.4 **Planning Appeal Decisions** – every Planning Appeal decision will now be brought to committee for the committee to consider. There has been 1 appeal decision since my last report, copies of the decisions are attached as Appendix 1. These relate to:
- 1) An appeal against a refusal for a part retrospective householder planning application to replace 1.8m boundary fence with conifer planting and 1.2m boundary fence at 1 Oakridge Drive, Cheslyn Hay, Walsall, WS6 7QZ. The appeal was dismissed because the inspector concluded that it would harm the character and appearance of the area contrary to Policy EQ11 of the Core Strategy (2012) which amongst other matters seeks to ensure that the design of all developments is of the highest quality and respects local character and distinctiveness. It would also be contrary to the objectives of the South Staffordshire Design Guide which seeks to ensure that boundary treatment is not visually intrusive and the overarching design aims of the National Planning Policy Framework.
- 4.5 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.
- 4.6 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>
- 4.7 **Relevant Planning Enforcement cases on a quarterly basis** – 72 enforcement cases have been logged for investigation to date in the last quarter, and 65 cases closed.

83.84% of Planning Enforcement cases are currently being investigated within 12 weeks of the case being logged. This is above the target of 80%. We are going through an internal Service Review to look at areas for streamlining, efficiencies and service improvements; however, there have been a few high priority gypsy incursions that need to be managed as a priority.

- 4.8 **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
- 4.9 We will ensure that the Committee is kept informed of performance against the relevant targets including through the DLUHCs own data.
- 4.10 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>

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

Speed

151a – majors – target 60% (or above) – result = 93.1% (data up to December 2021)

153 – others – target 70% (or above) – result = 85.2% (data up to December 2021)

Quality

152a – majors – target 10% (or below) – result = 1.9% (date up to September 2020)

154 – others – target 10% (or below) – result = 0.8% (date up to September 2020)

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

N/A

7. BACKGROUND PAPERS

Appendix 1 – Appeal Decision – 1 Oakridge Drive, Cheslyn Hay, Walsall, WS6 7QZ

Report prepared by:

Kelly Harris
Lead Planning Manager



Appeal Decision

Site visit made on 9 May 2022

by Chris Forreth BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2022

Appeal Ref: APP/C3430/D/22/3290263

1 Oakridge Drive, Cheslyn Hay, Walsall, WS6 7QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs J & S Whitehouse against the decision of South Staffordshire District Council.
 - The application Ref 21/00934/FUL, dated 26 August 2021, was refused by notice dated 6 January 2022.
 - The development proposed is a part retrospective householder planning application to replace 1.8m boundary fence with Conifer Planting and 1.2m boundary fence.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located on the south-east side of Landywood Road and fronts onto Oakridge Drive. The appeal property is a semi-detached house on a corner plot. Views along Landywood Road at this point are characterised by landscaping areas on either side of the road, with the north-western side having relatively dense bushes with trees, whilst the south-eastern side is largely grassed with little planting.
4. The appeal proposal seeks to retain and alter a fence which has been erected to the side of the property. This fence was previously refused planning permission and subsequently dismissed at appeal¹.
5. The current appeal proposal seeks to relocate part of the fence so that it would be around 1.2 metres away from the pavement of Landywood Road and would be a maximum of 1.2 metres in height. There is also landscaping proposed between the relocated fence and the pavement and it is suggested that this would be in the form of conifer trees.
6. Notwithstanding that, the current appeal proposal would still introduce a form of development which encroaches into what was an open grassed area in a fashion which would be harmful to the streetscene. This is particularly the case as the projection of the fence from the dwelling would be larger than the distance of the remaining land to the pavement. As a result, it would dominate

¹ Appeal ref APP/C3430/D/21/3271363 dated 24 August 2021

the land to the side of the host property. This in turn would ultimately harm the character and appearance of the area which is exacerbated by the prominent nature of the appeal site.

7. In coming to the above view, I acknowledge that the current proposal is an improvement on the previous scheme including the addition of some landscaping to shield views of the lower fence, albeit that this is in the form of conifer trees as opposed to the type, character and scale of the landscaping on the opposite side of the road.
8. However, despite the fact that the landscaping would shield views of the fence, the overall proposal would result in the loss of the open nature of the land adjacent to Landywood Road in a manner which is not characteristic of the wider area.
9. Finally, I note that the appellant considers that the previous Inspector set out that an increase in private amenity space could be delivered on site (in a different manner to the previous proposal). Whilst this may well be the case, it does not indicate to me that the current scheme is an acceptable way to achieve that goal.
10. For the above reasons the proposal would harm the character and appearance of the area contrary to Policy EQ11 of the South Staffordshire Core Strategy Development Plan Document (2012) which amongst other matters seeks to ensure that the design of all developments is of the highest quality and respects local character and distinctiveness. It would also be contrary to the objectives of the South Staffordshire Design Guide which seeks to ensure that boundary treatment is not visually intrusive and the overarching design aims of the National Planning Policy Framework.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR