

22/00100/FUL

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LOWER PENN

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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

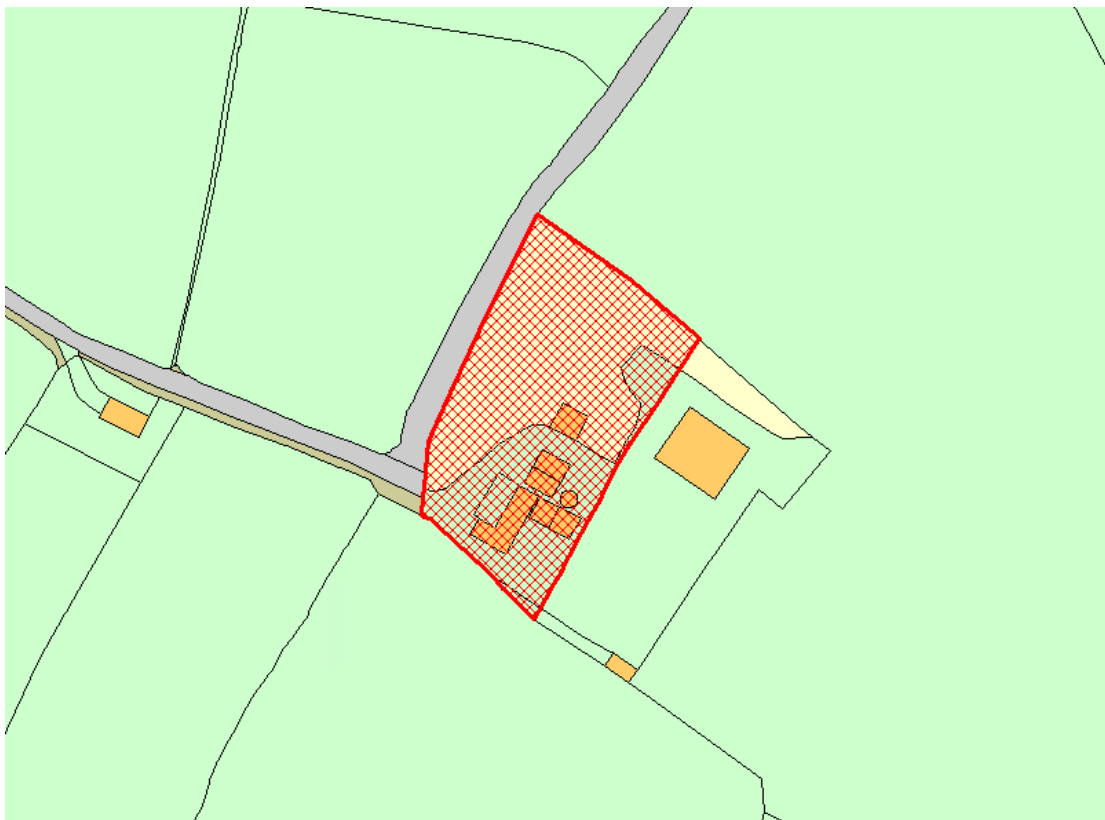
during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).

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