

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, 19 July 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 confirm the minutes of the Planning Committee held on 21 June 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 - 44 |

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, 21 June 2022 at 18:30

Present:-

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

7 **OFFICERS PRESENT**

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

8 **MINUTES**

RESOLVED: - that the minutes of the Planning Committee held on 17 May 2022 be approved and signed by the Chairman.

9 **APOLOGIES**

Apologies were received from Councillors Lawrence and Bates

10 **DECLARATIONS OF INTEREST**

Councillors W Sutton and D Holmes declared an interest in application **22/00479/FUL** and left the chamber for consideration of this item

11 **DETERMINATION OF PLANNING APPLICATIONS**

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

22/00381/FUL – MILE FLAT HOUSE, MILE FLAT, GREENSFORGE, DY6 0AU - APPLICANT – MR DEAN HISCOX - PARISH – KINVER.

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

22/00479/FUL – DUNELM, COVEN ROAD, BREWOOD, ST19 9DF – APPLICANT – MRS JOYCE BOLTON – PARISH – BREWOOD AND COVEN

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

12 **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.

7 July 2022

RESOLVED That the Committee note the update report.

The Meeting ended at: 18:50

CHAIRMAN

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 19 JULY 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, Strategic Planning

App no	Applicant/Address	Parish and Ward Councillors	Recommendation	Page
21/01247/OUT Non Major	Mr D Oakes Micklewood Stud Micklewood Lane Penkridge Staffordshire ST19 5SD	PENKRIDGE Councillor John Raven Councillor Christine Raven	APPROVE	9-20
22/00082/COU Non Major	Mr Nino Lee Land To The Rear Of Hordern Lodge Ball Lane Coven Heath Staffordshire WV10 7HD	BREWOOD & COVEN Councillor Wendy Sutton Councillor Joyce Bolton Councillor Diane Holmes	APPROVE	21-36
22/00339/FUL Non Major	Mr Nigel Brown Slade Heath Garage Old Stafford Road Slade Heath Staffordshire WV10 7PD	BREWOOD & COVEN Councillor Wendy Sutton Councillor Joyce Bolton Councillor Diane Holmes	APPROVE	37-44

21/01247/OUT

Mr D Oakes

**Councillor J Raven
Councillor C Raven
PENKRIDGE**

Micklewood Stud Micklewood Lane Penkridge ST19 5SD

A dwelling for a rural worker - for the equine and agricultural business.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application site measures 175 sq.m and consists of a square piece of agricultural land adjacent to Micklewood Lane. The site is part of a wider landholding consisting of equestrian and agricultural uses and there are a range of buildings and a menage built in a linear arrangement to the rear of the site.

1.1.2 Apart from an equestrian site situated approximately 200m further south-east along Micklewood Lane, the surrounding area is characterised by open fields in agricultural use. The M6 motorway is situated around 600m to the north-west and Penkridge Village is approximately 2.5 miles to the north-west.

1.2 Planning history

2005-2006: Stables, feed/machinery store and manège, approved following initial refusal (05/00904/FUL, 05/01022/FUL & 06/00212/FUL).

2018, The siting of a park-home for an equestrian worker (for a three-year temporary period) and the erection of a storage building (hay and farm machinery), approved (18/00686/FUL)

2020, An agricultural steel framed building, extending from the present 18.3m x 12.2m steel framed building (via the south-west facing wall) to the rear side of the existing building. For the housing of livestock, namely the lambing and housing of pedigree Poll Dorset Sheep and the rearing of commercial dairy cross beef calves. Essential to further the agricultural business operations at Micklewood Stud Farm, planning permission not required (20/00752/AGR)

2 APPLICATION DETAILS

2.1 Proposal

2.1.1 This is an outline application for a permanent agricultural worker's dwelling to support the existing stud farm and small-scale sheep and cattle enterprise. Approval is sought for access, although all other matters are reserved and would be dealt with via a reserved matters application should this application be approved.

2.1.2 The dwelling would be occupied by the applicants and would replace an existing temporary dwelling which was approved under planning application reference 18/00686/FUL.

2.2 Agents Submission

The application is accompanied by the following:

- Design & Access Statement
- Dwelling House Appraisal
- Supporting Statements
- Accounts information

3. POLICY CONTEXT

3.1 Within the Green Belt.

3.2 Adopted Core Strategy

Policy GB1: Development in the Green Belt

Policy EQ2: Cannock Chase Special Area of Conservation

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

Policy EQ9: Protecting Residential Amenity

Policy EQ11: Wider Design Considerations

Policy EV7: Equine Related Development

Policy EV8: Agriculture

Policy EV12: Parking Provision

Appendix 5: Car parking standards

Appendix 6: Space about dwellings standards

Adopted Local Guidance

Green Belt and Open Countryside SPD

3.3 National Planning Policy Framework [NPPF]

Chapter 6. Building a strong, competitive economy

Chapter 12. Achieving well-designed places

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

Councillors (expired 12/01/22) No comments received

Penkridge Parish Council (comments received 18/01/22) *Councillors said the application was within Green Belt and there was no requirement to provide on-site accommodation for a rural worker*

Environmental Heath (expired 12/01/22) No comments received

County Highways Officer (comments received 02/02/22) *Personal Injury Collisions: Current records show that there was one personal injury collisions (PIC) on Micklewood Lane within 215 metres either side of the location for the previous five years. Micklewood Lane is an unclassified road (Road No. D4395) with a speed limit of 60mph. The road is unlit and has grass verges on either side of the carriageway. The proposal is for a new dwelling with 2No. car parking spaces to replace the existing temporary consent building. The parking will be within the existing curtilage of the site. The changes proposed will not impact severely on the highways network or impact on safety of Micklewood Lane. Recommendations: I have no objection (on Highway grounds) to the proposed development.*

NatureSpace Officer (comments received 28/06/22) Summary:

- The development falls within the amber newt impact zone where there is suitable habitat and high likelihood of great crested newt presence.
 - There are 8 ponds within 500m of the development proposal and there is indirect connectivity between the development and surrounding features in the landscape.
 - The applicant has not provided any ecological information for the site at this stage.
- Therefore, it cannot be determined if there is a likely impact. As such a pre-commencement condition is required to secure further information on likely impact.

Site Notice (expired 13/01/22) Three comments of support received (dated 13/01/22), comments summarised as follows:

- The applicant's father bred horses in the area and the applicant is a blacksmith who shoes many of their friend's horses.
- We have purchased eggs and lamb produced at the site.
- Mrs Taff has supplied myself and others hay for our equestrian yard for many years
- Lambs bred at the site are sold to locals for consumption and are slaughtered to high welfare standards
- The development will be in keeping with the rural area.

5. APPRAISAL

5.1 This application is being determined at Planning Committee as the proposal for a new dwelling in the Green Belt is contrary to Policy GB1 of the Core Strategy.

5.2 Key issues

- Principle of development
- Case for Very Special Circumstances
- Impact on the openness of the Green Belt and the character and appearance of the Landscape
- Impact on the natural environment
- Impact on residential amenity
- Parking and highway safety

5.3 Principle of development

5.3.1 The site is located within the Green Belt where, in line with paragraph 149 of the NPPF and Core Strategy Policy GB1, the construction of new dwellings is considered to represent inappropriate development. Paragraph 137 of the NPPF advises that the Government attach

great importance to Green Belts, the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by

definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.3.2 As stated within Policy GB1 of the Core Strategy there are exceptions to the presumption against new buildings within the Green Belt however these are (amongst others) usually for purposes directly related to agriculture. It is not considered that a dwelling for purposes directly related to agriculture is an acceptable exception, and as such for planning permission to be granted the applicant must identify material considerations amounting to Very Special Circumstances. These considerations will be assessed against the criteria within Core Strategy Policy EV8 (Agriculture).

5.3.3 Paragraph 79 indicates that the development of isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at their place of work in the countryside. Paragraph 84 of the NPPF states that planning decisions should enable the development and diversification of agricultural businesses.

5.4 Case for Very Special Circumstances

5.4.1 The proposed dwelling does not fall within one of the categories of exception for development within the Green Belt, furthermore, paragraph 79 of the NPPF states that isolated rural dwellings should not be approved. However paragraph 79 goes on to exempt dwellings to be occupied by rural workers with 'an essential need [...] to live permanently at or near their place of work in the countryside'.

5.4.2 As explained in the Core Strategy, agriculture is an important part of the local economy of South Staffordshire, and is one of its most significant land uses. Core Strategy policy EV8 states that the Council will support proposals for agriculture and related development which is consistent with national policy by guiding development, including the design and siting of new agricultural buildings (including agricultural workers dwellings) to the least environmentally sensitive locations.

5.4.3 Neither the NPPF nor Policy EV8 specifies a mechanism for determining 'essential need' or what constitutes a viable rural 'place of work'. However, Policy EV8 specifies that permanent dwellings for 'occupational workers' will be supported where:

- There is a clearly established existing functional need which cannot be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned
- The need relates to a full-time worker
- The unit and agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so; and
- The proposal satisfies all other normal planning requirements.

Compliance with these criteria is discussed as follows:

Policy EV8 (Agriculture)

- Functional need

5.4.4 The first element of part g) requires that there is a clearly established functional need which cannot be fulfilled by another existing dwelling on the unit or any other existing

accommodation in the area which is suitable and available for occupation by the worker concerned.

5.4.5 The proposal is for a permanent agricultural worker's dwelling to support the existing stud farm and small-scale sheep and cattle enterprise. The submitted 'Dwelling Appraisal' advises that the land area owned by the applicant and their partner extends to approximately 10 hectares (25 acres). The enterprises are managed by the applicant who is a farrier and spends the majority of his day working elsewhere. He is assisted in the running of the business by his long-term partner and their daughter who is interested in the equestrian and agricultural activities at the site. The land is understood to be all laid down to grass and grazed by horses and sheep although during the summer some of the land is cropped for hay. The applicants run the site alongside the use of 4 hectares of grazing land at Four Crosses, Watling Street.

5.4.6 At present the equestrian business currently owns 10 mares, 1 foal, 2 sports horses and 2 stallions. There are also visiting horses in livery for foaling and covering. In addition to equestrian activities taking place the applicant's partner keeps a flock of 20 ewes and have reared calves on the holding in the past although calving stopped in 2020 due to the pandemic. The site benefits from a main stable block with 9 loose boxes and a storage area, a 60m x 30m arena, an agricultural building and a livestock building that was erected this year.

5.4.7 An independent assessment has been commissioned by the Council, the author of which notes that in many cases, a foal can be born without human intervention however each foaling needs to be carefully monitored in the event that the mare gets into difficulties. There are also many illnesses that can occur, especially when stabled, such as colic, or a horse becoming cast in their stable, where a human may need to intervene. The livestock kept on the holding, albeit modest in quantity, carries some weight towards the overall need to live on site. Whilst it would not likely be sufficient on its own for a permanent dwelling at this scale, it will aid monitoring ewes when they are lambing, and the care for young calves.

5.4.8 On the basis of the number of brood mares kept on the holding, together with the need to provide round the clock care to both owned and visiting mares and monitoring of the livestock, it is considered that there is a functional need to live on site.

5.4.9 The proposed permanent dwelling is close to the existing buildings on site and would replace temporary accommodation which has been on site for approximately 3 years. The site is located away from the settlement boundary of Penkridge and there are no existing dwellings within a reasonable distance of the site. In the opinion of the Council's independent assessor, it is considered that it would be necessary to live within sight and sound of the stables and farm buildings where the most intensive operations take place.

- The need relates to a full-time worker

5.4.10 The second requirement is that the need relates to a full time worker. The information submitted in terms of functional need demonstrates that a site presence is required on a 24/7 basis to supervise the equestrian uses, livestock and attend to any emergencies.

- Whether the agricultural operation is financially sound

5.4.11 Turning to the third requirement of Policy EV8 part g), the applicant needs to demonstrate that the unit and agricultural activity have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so.

5.4.12 Financial information covering a 3 year period has been provided which demonstrates that, unsurprisingly, the business has been impacted by the pandemic however has been able to increase profits year on year. The accounts information for the previous year are considered to be reflective of a viable business.

5.4.13 As no balance sheets were provided it was initially unclear how the investment in the business has been funded or why the business has such a low expenditure with no costs shown for expenses such as electricity, fuel, machinery etc. Following discussion with the planning agent, the following information was submitted:

- Water

5.4.14 There is an on-site borehole.

- Electricity

5.4.15 This is presently supplied by a diesel generator. The need for electricity is primarily in relation to the mobile home, and so is the diesel is considered as a private expense. For the future in terms of electricity and heating, the thought is to have solar panels to the roofs of the buildings and a ground source heat pump.

- Insurance

5.4.16 The primary insurance for the site is for the mobile home, but then also with provision for the buildings and public liability. As a primary a private expense this is not funded by the business.

- Other fixed costs for year ending April 2021

5.4.17 These were low and minimal (zero in some instances) due to Covid with no movement/transport regarding horses however such costs have arisen for the latest year. In respect of the maintenance and upkeep of the site (and investment regarding the latest building) this is very low because the work is undertaken by the applicant and his long-term partner, as the applicant is a qualified farrier and steel fabricator

- Bedding

5.4.18 There are no costs because a farmer takes the manure off-site in exchange for supplying straw. Likewise, the same person will take some surplus hay in exchange for supplying straw.

5.4.19 The independent assessor has reviewed this additional information and notes that the latest accounts demonstrate a good level of profits. Whilst it is still unusual to have such low costs, the occupants of the site appear to be very self-sufficient. They note that it is also quite common in an agricultural/rural context to exchange goods and services as opposed to

buying and selling, and the representations received seem to confirm the applicant's claim that goods and services are being exchanged.

- Whether the proposal satisfies all other planning requirements

5.4.20 Finally, the fourth criterion of Part g) of EV8 requires the applicant to demonstrate that all other planning considerations have been satisfied. These will be addressed in the following sections of the report.

5.4.21 It is recognised that the restriction of inappropriate development in the Green Belt should be afforded significant weight, however in this instance however I consider that sufficient justification has been provided to suggest that there is a genuine need for a workers dwelling on site which cannot be met by another dwelling. The development would support a business that contributes to the local economy which should also be afforded significant weight.

5.4.22 I therefore conclude that this temporary dwelling complies with the criteria set out within Policy EV8. Other matters that weigh in the balance of considerations are discussed as follows.

5.5 Impact on the openness of the Green Belt and the character and appearance of the Landscape

5.5.1 Policy EQ4 states that 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.

5.5.2 Policy EQ11 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[.] In terms of scale, [design] 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.

5.5.3 As previously mentioned, the site already contains several buildings, one of which is a large agricultural/livestock building measuring 5.65m in height. These buildings are arranged in a linear fashion adjacent to the south-eastern site boundary. The proposed dwelling would sit in front of the existing buildings, roughly 25m away from the highway.

5.5.4 Given the relatively modest extent of the application site and the presence of existing buildings adjacent to and behind it, it is considered that a modestly sized dwelling would likely have a limited impact on the openness of the Green Belt or the visual amenity of the wider landscape, subject to detailed design, scale and massing which would be agreed at reserved matters stage should this application be approved.

5.5.5 The provision of a permanent dwelling might have more impact on the landscape than the existing temporary dwelling (a park home) in terms of visibility, scale and massing however a permanent dwelling is likely to comprise of a higher quality design, materials and appearance than the existing temporary dwelling. As such, it is considered that its ultimate impact on local landscape character is likely to be equally acceptable.

5.5.6 It is therefore considered that the proposal complies with Policies EQ4 and EQ11.

5.6 Impact on the natural environment

5.6.1 Policy EQ1 states that permission will be granted for development that will not cause significant harm to sites or habitats of nature conservation, which includes the protection of trees and hedgerows. Policy EQ2 states that permission will only be granted where the proposal will not lead directly or indirectly to an adverse effect on the integrity of Cannock Chase Special Area of Conservation (SAC).

5.6.2 The application site lies within the 0-15km zone of influence for the Cannock Chase SAC. Any application which involves a net dwelling increase within the 0-8km zone of influence of the SAC is required to provide mitigation in the form of a charge for any additional dwellings proposed. Accordingly, the applicant has agreed to enter into a Unilateral Agreement which would be invoked should planning permission be granted. A Habitat Regulation Assessment has also been carried out and Natural England have raised no objections to the proposal.

5.6.3 The dwelling would be situated on an area of existing grassland and no existing trees or hedgerows would be affected, however should this application be approved, a landscaping condition could be added to secure biodiversity enhancements on the site.

5.6.4. The development falls within the amber newt impact zone where there is suitable habitat and high likelihood of great crested newt presence. The Naturespace Officer notes that no ecological information has been submitted in this regard therefore a pre-commencement condition is required to secure further information on likely impact.

5.7 Impact on residential amenity

5.7.1 Policy EQ9 states that new development 'should take into account the amenity of any nearby residents, particularly with regard to privacy [...] and daylight.' Appendix 6 goes on to specify standards for the amenity space around and between dwellinghouses.

5.7.2 There are no other dwellings within view of the site, and the application site is of sufficient size to accommodate a dwelling and a reasonable area of amenity space. The proposed dwelling would be quite close to buildings containing animals, but since it would be occupied only by the applicant and their family there is no conflict with Policy EQ9.

5.8 Parking and highway safety

5.8.1 Core Strategy Policy EV12 and Appendix 5 set out the Council's parking standards. The site is of sufficient size to accommodate a dwelling and associated parking areas and the development would utilise the existing site access. As such, the County Highways Officer has raised no objections on highway safety grounds.

6. CONCLUSION

6.1 This proposal is inappropriate development in the Green Belt and therefore harmful by definition, however a case for Very Special Circumstances has been put forward which is considered to demonstrate a genuine need for a permanent dwelling on site to serve the existing equestrian and agricultural enterprise. The proposal would support the growth of a rural business that contributes to the local, rural economy and would not be detrimental to the openness of the Green Belt or the visual amenity of the landscape. In addition, there are

no concerns arising in respect of the natural environment, residential amenity, or highway safety. On that basis approval is recommended.

7. RECOMMENDATION - APPROVE Subject to Unilateral Undertaking for the Cannock Chase SAC payment

Subject to the following condition(s):

1. The development which this permission relates must be begun not later than whichever is the later of the following dates:
 - a. The expiration of three years from the date on which this permission is granted;
 - b. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before the development commences, and within 3 years of the date of this permission, full details of the following reserved matters shall be submitted to the Local Planning Authority:
 - a. The Layout - The way in which buildings, routes and open spaces are to be provided within the development and their relationship to buildings and spaces in the vicinity of the site;
 - b. The Scale - The height, width, length and overall appearance of each of the proposed buildings, including the proposed facing materials, and how they relate to their surroundings;
 - c. The Appearance - The aspects of a building or place which determine the visual impression it makes;
 - d. The Landscaping - The treatment of private and public space and the impact upon the site's amenity through the introduction of hard and soft landscaping.
3. The development shall be carried out in accordance with the approved drawings: Drawing Number. 200_01 Site Location and Block Plan received 23/11/21
4. As part of the reserved matters application and prior to the commencement of the development hereby approved (including vegetation clearance, site investigations and enabling works), a Preliminary Ecological Appraisal shall be submitted to, and approved in writing by the local planning authority. This shall include, but not necessarily be limited to, an assessment to determine if a licence or non-licensed method statement route is required for great crested newts and consider the following options:
 - a standard European Protected Species Licence from Natural England (which is likely to require a full survey);
 - joining the district licensing scheme; or
 - the use of Reasonable Avoidance Measures (RAMS)

5. The occupation of the development shall be limited to a person solely or mainly working, in connection with Micklewood Stud and their spouse and any resident dependents.
6. This permission does not grant nor imply consent for the existing park home shown on the approved plan 200_01.

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. The application is in outline only.
3. In order to define the permission and to avoid doubt.
4. In order to protect any protected species on site in accordance with Policy EQ1 of the Core Strategy, paragraphs 174 and 180 of the NPPF, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.
5. To define the permission, to avoid doubt and because the development is inappropriate in the Green Belt, and would otherwise be contrary to Policies EV8 and GB1 of the adopted Core Strategy.
6. 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.

INFORMATIVES

The Council notes that planning permission 18/00686/FUL has expired, and the existing park home is unauthorised. To avoid enforcement action, this should be removed or a fresh planning application should be submitted for it's retention.

Development Low Risk Area Standing Advice - The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

The applicant is reminded that, should the preferred option for great crested newt mitigation be to be covered by South Staffordshire Council's District Licence, a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed would need to be submitted as part of a future reserved matters application, so that the required planning conditions can be attached to reserved matters consent. If the applicant needs to be covered for works before reserved matters, they would need obtain either a non-material amendment

or variation of condition (to be agreed with the local planning authority) to allow these conditions to be added.



Micklewood Stud Farm Micklewood Lane Penkridge Staffordshire ST19 5SD

22/00082/COU

Mr Nino Lee

**Councillor W Sutton
Councillor J Bolton
Councillor D Holmes
BREWOOD & COVEN**

Land To The Rear Of Hordern Lodge Ball Lane Coven Heath WV10 7HD

Change of use of land to use as a residential gypsy caravan site accommodating 4 pitches, including laying of hardstanding

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The 0.18 ha. application site is located 0.2 km west of the A449 just north of its junction with the M54 motorway. It is approximately 1.8 km south of the village of Coven, and 1km north of community facilities and shops at Fordhouses, Wolverhampton.

1.1.2 The whole application site is allocated within the adopted Site Allocations Document (2018) for one Gypsy and Traveller pitch, adjoining the Hordern Lodge Mobile Home Park. The proposed development would be accessed directly off Ball Lane, via the existing access driveway through the Mobile Home Park. This matter has been agreed with the applicant and can be controlled by planning Condition.

1.1.3 Established screening hedges bound the site on all sides and there is a small amenity block on site.

1.2 Planning History

2004, use of building as dwelling, Refused (04/01027/LUE).

2005, use of building as dwelling, Refused (05/00500/LUE).

2012, retention of access road, Refused (12/00173/FUL).

2018, One additional gypsy and traveller pitch, approved (18/00618/FUL).

2019, Application for a variation of condition to allow 6 additional caravans, withdrawn (19/00706/VAR).

2020, Change of use of land to use as a residential gypsy caravan site accommodating two pitches, including laying of hardstanding and erection of two ancillary amenity buildings, approved (20/00601/COU).

1.3 Pre-Application Discussions

1.3.1 Written correspondence with agent.

2. APPLICATION DETAILS

2.1 Proposal

2.1.2 The application proposes 4 permanent Gypsy and Traveller pitches comprising a maximum number of 6 caravans in total across the 4 pitches. This would comprise a twin unit mobile home and a touring caravan space on each of the 2 larger pitches with existing planning permission, and two single units on the 2 additional smaller pitches. Each pitch

would have two car parking spaces. It is proposed that the existing timber outbuilding (details approved under application 20/00601/COU for 2 pitches) on the site would be retained for the use of the 2 smaller pitches as a shared amenity/utility building for the extended family use of the site. The larger twin units would have all necessary amenities within the mobile homes so that no additional separate amenity building would be needed for these pitches.

2.1.2 The larger mobile homes come under the definition of The Caravan Sites Act 1968 of max. size 20m x 6.8m x 3.05m internal height. There is some amenity land surrounding the mobile homes to allow for play and other domestic uses.

2.1.3 The site is screened on all sides by 1.8m high fencing and conifer hedges.

2.2 Agents Submission

2.2.1 Supporting statement

Planning permission has been granted for two gypsy and traveller pitches on the current application site under application reference 20/00601/COU. This permission has been implemented and one of the pitches is occupied. The current application is to provide two further pitches within the already approved area for two now adult grandchildren of the applicant to cater for the extended family needs.

The approved twin unit mobile homes will accommodate the necessary amenities for their occupants. The existing amenity building on site will serve the needs of the proposed two smaller single unit mobile homes.

Access is proposed from Ball Lane, through the existing Hordern Park estate drive, and no access will be permitted via Meadow Lane.

The proposed site is almost completely enclosed by screening conifer hedging and, although there is no requirement that gypsy and traveller sites should be hidden visually, this site would be well screened even during the winter and would not impact on the character or appearance on the area.

Agent Planning Considerations.

The adopted South Staffordshire Site Allocations Document (SAD 2018) allocates the application site for the provision of one pitch. However, the SAD only identifies sufficient land to satisfy gypsy and traveller accommodation need identified in relation to an outdated Gypsy and Traveller Accommodation Assessment, 20 pitches in the period 2018 to 2028. The latest GTAA is dated August 2021 and identifies the need for 121 additional residential pitches for travellers that meet the planning definition. The GTAA 2021 identifies a 5-year requirement of 72 pitches for those meeting the planning definition.

The Local Authority's preferred strategy is to meet gypsy and traveller accommodation needs by intensification or extension of existing gypsy sites. The current proposal follows this strategy by making better use of an existing gypsy site.

The application site is within the Green Belt where, despite the fact that the site is allocated for one gypsy pitch, the additional gypsy pitches proposed must be regarded as inappropriate development. Planning permission should only be granted if the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by

material considerations which weigh in favour of the proposal such as to constitute the very special circumstances necessary to justify approval.

In this case the Local Authority, in allocating the site for the provision of a gypsy pitch and proposing to rely on intensifying the use of existing gypsy sites to meet future need, must regard the unmet need and lack of alternative sites as comprising the exceptional circumstances necessary to outweigh harm to the Green Belt and, justify allocating Green Belt land for the provision of gypsy pitches.

Planning permission reference 20/00601/COU was made subject to a condition limiting occupation of the second pitch to occupation by Nicole Jones and her daughter. Nicole is the applicant's granddaughter and reservation of a pitch for one granddaughter out of many has caused friction within the extended family. Nino and Elaine have six children all with families of their own. They have numerous grandchildren and great grandchildren, some of whom already need pitches as they form households of their own. In these circumstances, the applicant is reluctant to nominate particular grandchildren for special treatment. The extra pitches would no doubt be limited to occupation by gypsy and travellers under the legal planning definition and, the available pitches would then be allocated on a first come, first served basis to avoid any dispute as to who should occupy the new pitches.

On balance, the considerable unmet need for gypsy and traveller sites evidenced by the latest GTAA, the acknowledged shortage of alternative sites, the absence of a five-year supply of deliverable land, and the personal needs for accommodation of the extended Lee family, clearly outweigh the harm to the Green Belt by reason of inappropriateness and very limited loss of openness. Very special circumstances therefore exist to justify granting of planning permission.

3. POLICY CONTEXT

3.1 Within the Green Belt

3.2 Adopted Core Strategy

Strategic Objective 1: To protect and maintain the Green Belt and Open Countryside in order to sustain the distinctive character of South Staffordshire.

Strategic Objective 3: To protect and improve South Staffordshire's environmental assets.

Strategic Objective 6: To ensure that all new development is sustainable, enabling people to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations.

Strategic Objective 8: To ensure the delivery of decent homes for members of the community including the provision of more affordable housing which matches in type, tenure and size the needs of the residents of South Staffordshire and to meet the needs of an ageing population.

Core Policy 1 - The Spatial Strategy for South Staffordshire

Core Policy 6 - Housing Delivery

Core Policy 11 - Sustainable Transport

GB1 - Development in the Green Belt

EQ1- Protecting, Enhancing and Expanding Natural Assets

EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape

EQ11 -Wider Design Conditions

EQ12 -Landscaping

H6 - Gypsies, Travellers and Travelling Showpeople
EV11 - Sustainable Travel
EV12 - Parking Provision

Adopted Site Allocations Document - SAD 4 Gypsy and Traveller Pitch Provision.

3.3 Joint Strategic and Site Allocations Local Plan Review (including Gypsy & Traveller provision assessment and future allocations).

Issues & Options consultations were undertaken between 8th October 2018 and 30th November 2018. The Preferred Options consultation stage, commenced on the 1st November 2021 for a period of 6 weeks ending on 13 December 2021 (adjusted to account for Covid administrative impacts and consideration of the July 2021 revised NPPF), under the provisions of the revised 2020 Local Development Scheme programme.

Progress is continuing with the Local Plan Review with responses to the Preferred Options consultation that began in November 2021 currently being reviewed. The next public consultation will be the Publication Plan which is due to be consulted on in Autumn 2022. Submission of the plan is then expected early 2023 and adoption estimated to be by the end of 2023.

The Local Plan Review will include allocations for gypsy and traveller pitches and a new criteria-based policy that planning applications for new pitches will be considered against. The evidence base underpinning proposed allocations is the Council's Gypsy and Traveller Accommodation Assessment (GTAA) 2021 and Pitch Deliverability Study (PDS) 2021. The GTAA identified a need for 121 new pitches for households that met the planning definition over the period 2021-2038, and a five year need of 72 pitches.

The Preferred Options identified 42 deliverable pitches towards this 5- year requirement informed by the PDS 2021. The Council is continuing to review options to increase supply through its plan-making including through the Duty to Cooperate, assessment of publicly owned land and through discussions with proposed housing allocations in advance of the Publication Plan consultation.

3.4 Other Policy Considerations:

Planning Policy for Traveller Sites
National Planning Policy Framework
Designing Gypsy and Traveller Sites - A Good Practice Guide Communities and Local Government
Gypsy and Traveller Accommodation Assessments (GTAA's)

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

Cllr. Wendy Sutton (Comments received 07.03.2022) *If approval is being considered, I reserve the right to call in this application before the South Staffordshire Planning Committee.*

Parish Council - (No comments received, expired 03.03.2022):

Local Plans (Comments received 06.04.2022).

Introduction

The proposal seeks permission for the change of use of land to a residential caravan site accommodating four pitches on an area of hardstanding with access proposed via Ball Lane. The site currently consists of 2 authorised pitches, so this proposal seeks an additional 2 pitches above that currently consented.

The site was originally allocated for 1 pitch in the Site Allocations Document (2018) with a subsequent application approved to meet this allocation (18/00618/FUL). Following this, an application for an additional pitch was approved in 2020 (20/00601/COU). The National Planning Policy Framework (NPPF) and Planning Policy for Traveller's Sites (PPTS) imposes a duty on Local Planning Authorities (LPA's) to provide Gypsy and Traveller pitches and plots to meet evidenced need over a plan period. The above proposal however is within the West Midlands Green Belt.

National Policy

While the NPPF is based upon presumption in favour of sustainable development, it is clear from the framework that Green Belt Policy cannot be overridden by this presumption (see paragraph 11 and footnote 7). Likewise, the PPTS Paragraph 16 under Policy E further enhances this stance by stating;

"Inappropriate development is harmful to the green belt and should not be approved, except in very special circumstances"

Paragraph 16 of the PPTS also comments that:

"Subject to the best interests of the child, personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt and other harm so as to establish very special circumstances".

South Staffordshire Local Plan

The 2012 adopted Core Strategy contains Policy H6: Gypsies, Travellers and Travelling Showpeople which sets out criteria for the determination of applications for gypsy and traveller sites and pitch requirements up to 2028. The Site Allocations Document (SAD) which was found sound in 2018, delivers the residual requirements from Policy H6, with the allocations to meet these requirements set out in Policy SAD4. The application site in question was allocated within the SAD for 1 pitch. The SAD allocated pitches to ensure that the pitch requirements identified in the Core Strategy were met. New provision for gypsies and traveller has therefore come through the plan led system, namely the SAD. Additional

provision will come through the Local Plan Review to enable sites to be located in the most sustainable locations where the need is the greatest.

The latest published evidence of need for gypsies and travellers in the District is the Council's 2021 Gypsy and Traveller Accommodation Assessment where a 5-year unmet need of 72 pitches was identified. Whilst it is acknowledged that the 2021 GTAA is yet to be tested through Local Plan examination, this forms part of the evidence base for the Council's emerging Local Plan and clearly indicates a substantial unmet need.

Principle of the development

The site is in the Green Belt. Planning Policy for Traveller Sites (2015), the NPPF and Core Strategy policy GB1 all note that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The PPTS clearly states that traveller sites in the Green Belt are inappropriate development.

Following consideration of the proposal against the PPTS (2015), Core Strategy Policy GB1 and the NPPF it is considered that the proposal constitutes inappropriate development in the Green Belt, and therefore 'Very Special Circumstances' are required in order for the application to be acceptable.

Very Special Circumstances

The applicants have submitted a supporting statement setting out the grounds for a positive consideration of this proposal. This includes personal need of the applicant's family, the unmet need of the GTAA, that the proposal is in line with the Council's strategy of meeting unmet needs through existing site intensification, and the site-specific characteristics and how these result in very limited impact on the openness of the Green Belt.

Paragraph 16 of the PPTS states:

'Traveller sites (temporary or permanent) in the Green Belt are inappropriate development...subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'.

Core Strategy Policy H6 consideration

The case officer will need to consider the proposal against each of the criteria in Policy H6 and be satisfied that each of these have been met, in order for the proposal to be considered in conformity with the policy. As set out above, the proposal will be harmful to the Green Belt and therefore very special circumstances will need to be demonstrated in order to conform to both Core Strategy Policy GB1 and Policy H6 (criteria 8(a)).

Conclusion

The proposal is for a change of use that would see 4 pitches permitted on an existing gypsy and traveller site (currently authorised for two pitches). The applicant states that the additional pitches are to meet the needs of their grandchildren and make the case that the site is almost totally enclosed by hedges which limits its impact on the character of the wider area. They also argue that the proposal would result in site intensification of an authorised site which is in line with the Council's strategy for new pitch provision progressed through the

Local Plan Review. The case officer will need to weigh up all these factors against the harm to the Green Belt in determining whether the very special circumstances to justify the proposal exist.

Environmental Health (Comments received 07.03.2022) *No objections to the proposed development. If planning permission is granted, the applicant would need to apply to the Local Authority for a caravan site license and therefore comply with the conditions of the site license including the positioning of the units and separation distances.*

County Highways - (Comments received 02.03.2022) *There are no objections on Highway grounds to the proposed development subject to conditions being included on any approval. The proposed development is located in an existing Caravan site situated in a semi-rural location. The site is accessed off an unclassified road subject to a speed limit of 30 mph. There are no recorded vehicular accidents at this location in the last 5 years.*

Ramblers Association (Comments received 02.03.2022) *No Objections. The Change of Use of the land will have no adverse effect on Public Right of Way No. 39 of Coven Parish. It is a footpath which passes close by the development site. However, the Applicant should note that the public footpath should not be obstructed in any way.*

County Countryside & Rights of Way Officer (Comments received 14.02.2022) *The application documents do not acknowledge the existence of Public Footpath No. 39 Brewood and Coven Parish which runs adjacent to the proposed development site, just outside the eastern boundary of the site. It does not appear from the submitted documentation that the footpath will be directly impacted by the proposals.*

The attention of the developer should be drawn to the existence of the path 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. If the path does need diverting as part of these proposals the developer would need to apply to the LA under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The County Council will need to be formally consulted on any proposal to divert this footpath. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to consult section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

The Ramblers Association (Comments received 02.03.2022):

No objections. The Change of Use of the land will have no adverse effect on Public Right of Way N. 39 of Coven Parish. It is a footpath which passes close by the development site. However, the Applicant should note that the public footpath should not be obstructed in any way.

Severn Trent Water (Comments received 01.03.2022) *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.*

Catchment Team Comments: Within SPZ3 of multiple sources - STW requests that EA guidelines and general binding rules on septic tank are followed (e.g., whether a discharge permit is required). STW also recommends a routine maintenance programme for the septic tank.

1 neighbour (received on 14.02.2022). *Has no objections in principle but expresses the following concerns:*

Extra traffic generated will have to come through Hordern Park. This is badly potholed, and the extra traffic would make this worse. The other concern is that the evergreen conifers surrounding need to be maintained at a height that does not block out natural light to my property.

3 neighbours object (received 25.02.2022 & 03.03.2022) *on the following grounds:*

- The applicants have repeatedly requested this development and have been denied for the same reasons, that the access is through Hordern Park and will create unacceptable traffic and pollution to residential park homes all occupied by retired people and any increase in pollution would be detrimental to health.*
- Poor condition of the tarmac and potholes on the approach Hordern Park estate road. Remedial action is needed.*
- The applicants already cause disturbance with lorries and trailers, and this would increase if the application were approved.*
- Disputes on the site are on-going.*
- The proposed site will impact negatively on my amenity (tarmac lorries, dogs, possible fires etc).*
- The applicants live in better mobile homes than ours and this is just a way to extend their park as they have done previously.*

5. APPRAISAL

5.1 The application is to be determined by Planning Committee if the scheme is contrary to national and local Green Belt policy.

5.2 Key Issues

- Principle of development
- Impact on openness
- Very special circumstances
- Impact on landscape
- Impact on highways
- Impact on neighbours
- Appraisal Summary

5.3 Principle of development

5.3.1 The proposed site is allocated in the 2018 adopted Site Allocations Document for one pitch. Planning permission for one additional pitch was granted in 2020 under application reference 20/00601/COU within the existing screened confines of the allocation site. Only approximately 50% of the allocated site is occupied by the two approved pitches. The site is within the West Midlands Green Belt.

5.3.2 This site has physical capacity to accommodate the two additional mobile homes proposed without encroaching beyond the defined boundaries of the 2018 Site Allocation. These boundaries are defined by existing screen fencing and established conifer hedges. Therefore, the proposed development will not encroach into open Green Belt land.

5.3.3 The proposal is for an extended family site comprising a total number of four mobile homes (two already permitted double units plus two additional proposed single units), two touring caravan spaces and use of the existing timber building as the amenity building for the additional two mobile homes. There is no conflict with either relevant NPPF Policy or the criteria of Policy H6 of the adopted Core Strategy.

5.3.4 The development would assist in meeting the acknowledged shortfall in provision against identified needs for additional pitches, without causing additional significant harm by loss of openness or encroachment into the Green Belt.

5.3.5 In line with Central Government advice, the application must be considered on its merits as a 'windfall' site, as with any housing proposal, in the context of relevant Development Plan and National Planning Policy. Core Strategy Policy H6 is the relevant adopted Local Plan Policy that sets out a series of criteria against which proposals for new/extensions to existing gypsy sites should be assessed. The criteria can be summarised as follows:

1. The applicants must meet the definition of gypsy and travellers;
2. Essential utility services are available to serve the site;
3. Site is designed to protect the amenities of proposed occupiers/ amenities of neighbouring properties;
4. Transit sites should have good access to highway network;
5. Sites for Travelling Show people should be large enough to accommodate ancillary yards for business use providing there is no adverse impact on residential amenity;
6. The site can be adequately and safely accessed by vehicles towing caravans, is well related to the established local highway network and adequate space within the site to accommodate vehicle parking, turning space and to accommodate the occupants of the site;
7. The development is of an appropriate scale so as to not put unacceptable strain on infrastructure or dominate the nearest settled communities and avoid problems of community safety arising from poor social cohesion;
8. Should be suitably landscaped to limit impact on landscape character of the area;
9. In the Green Belt proposals should not be demonstrably harmful to openness;
9. Should not be located in areas at high risk of flooding.

5.3.6 The proposal satisfies the site selection criteria set out in adopted Core Strategy Policy H6. The applicants have gypsy and traveller status; satisfactory services and adequate access are available (safe and satisfactory access is provided from the public highway and the Highways Officer raises no objections subject to standard conditions. The maintenance of the private driveway approach is a civil matter); the site is well screened by established

landscape features and sustainably located; the proposed density and layout would not compromise neighbour amenities; the established hedgerow boundaries and location of the site in proximity to existing development ensure that there is minimal Green Belt impact; and the site is not subject to flood risk.

5.3.7 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.

5.3.8 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 the 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 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."

5.4.3 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 the existing caravan and the site is bounded by a mature hedge.

5.4.4 It is acknowledged that the caravan are of a temporary nature however the permission would be for permanent pitches.

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 existing use of the site, the mature screening on the site boundaries 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 homes 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 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 The recognised gypsy and traveller status of the applicants, their personal needs for a settled base for health and education, the Best Interests of Children, acknowledged shortfall in current 5-year supply in pitch provision and lack of suitable available alternative sites are all factors that weigh significantly in favour of the proposal. Furthermore, as considered above, the proposal has 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 landscape

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'.

5.6.2 The proposed additional caravans would be within the visually contained limits of the SAD allocated site, contained by existing hedgerows, and will not encroach into the open rural landscape.

5.7 Impact on Highways.

5.7.1 Policy EV12 and Appendix 5 of the Core Strategy require that highway safety and parking provision are considered as part of development proposals.

5.7.2 The site has safe and convenient access and there is suitable provision of parking. Subject to the imposition of conditions as recommended by the County Highways Officer, there are no sustainable highways objections.

5.8 Impact on Neighbours

5.8.1 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

5.8.2 Whilst I have given full consideration to the comments submitted by the neighbours, the maintenance of the private driveway approach is a civil matter.

5.8.2 The site is well screened by established landscape features which provide privacy screening. A maximum height could be controlled through the provisions of High Hedges legislation as with any residential property, if necessary. The proposed density and layout would not compromise neighbour amenities. All other points raised have been covered in the relevant sections of this report.

5.9 Appraisal Summary

5.9.1 The pitches would provide a settled base for the applicant's extended family with convenient access to schools, health services and a range of services and amenities. It would also provide convenient access to the strategic highways network for work travel convenience.

5.9.2 There is an acknowledged shortfall in the 5-year provision of Gypsy & Traveller pitches in South Staffordshire. The most recent independent assessment, the 2021 GTAA published in August 2021, demonstrates a need for an additional 121 pitches for households meeting the definition of gypsies and travellers for the period 2021-2038. 72 of these pitches need to be delivered in the first 5-year period 2021-2025. The proposed Preferred Options make provision for the allocation of 42 pitches. This is a shortfall that must be given weight in the planning balance of the determination of applications and appeals. Each application should be considered on its merits under the provisions of adopted criteria-based policy. In this case that is Policy H6 of the adopted Core Strategy.

5.9.3 This application performs well against each criterion test of Policy H6, particularly in that the site is well contained in the Green Belt Landscape, its area is already included in the adopted SAD as a Gypsy and Traveller Site, and the amount of additional development proposed, and its location would not be materially harmful to the openness of the Green Belt to a degree that would warrant justifiable objection.

5.9.4 There are no alternative, suitably located sites available that could meet the needs of the applicants extended family.

5.9.5 The proposed development will assist by reducing the shortfall by the provision of two additional permanent pitches in a location with low Green Belt and landscape impacts and with good sustainability and accessibility credentials.

6.0 CONCLUSION

6.1 The proposal is in accordance with Core Strategy Policy H6 and is allocated as a Gypsy and Traveller site within the adopted Site Allocations Document (Site GT20). The proposed development with two additional pitches within the screened physical confines of the site will have minimal Green Belt impact and Very Special Circumstances exist to warrant approval, namely Gypsy and traveller status, family need for a settled base for education and health, combined with a lack of alternative site availability, and a lack of a demonstrable current 5-year supply.

6.2 The proposal will assist in meeting the delivery aims of the Development Plan and is in accordance with NPPF and PPTS policy and guidance for Gypsy and Traveller development. I therefore recommend the application for approval.

7. RECOMMENDATION - Recommendation APPROVE

Subject to the following condition(s):

1. The development shall be carried out strictly in accordance with the approved plan named 'Proposed Site Layout' received on 26th January 2022.

2. Within one month of works commencing on site details of external materials for the surfacing of driveways and parking spaces, shall be submitted to and approved in writing by the LPA. The development shall be carried out and maintained in accordance with the approved details.
3. The site shall not be occupied by any persons other than Members of the Lee extended family (as detailed in the supporting Design and Access statement) who are gypsies and travellers as defined in the National Planning Policy for Traveller Sites.
4. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans.
5. No commercial activities shall take place on the site including storage of materials.
6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
7. No more than 6 caravans, of which no more than 4 may be a static caravan/mobile homes, shall be stationed on the site at any time.
8. No vehicular access to the development shall be permitted via Meadow Lane.

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. 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
4. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
5. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
7. 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
8. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 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.

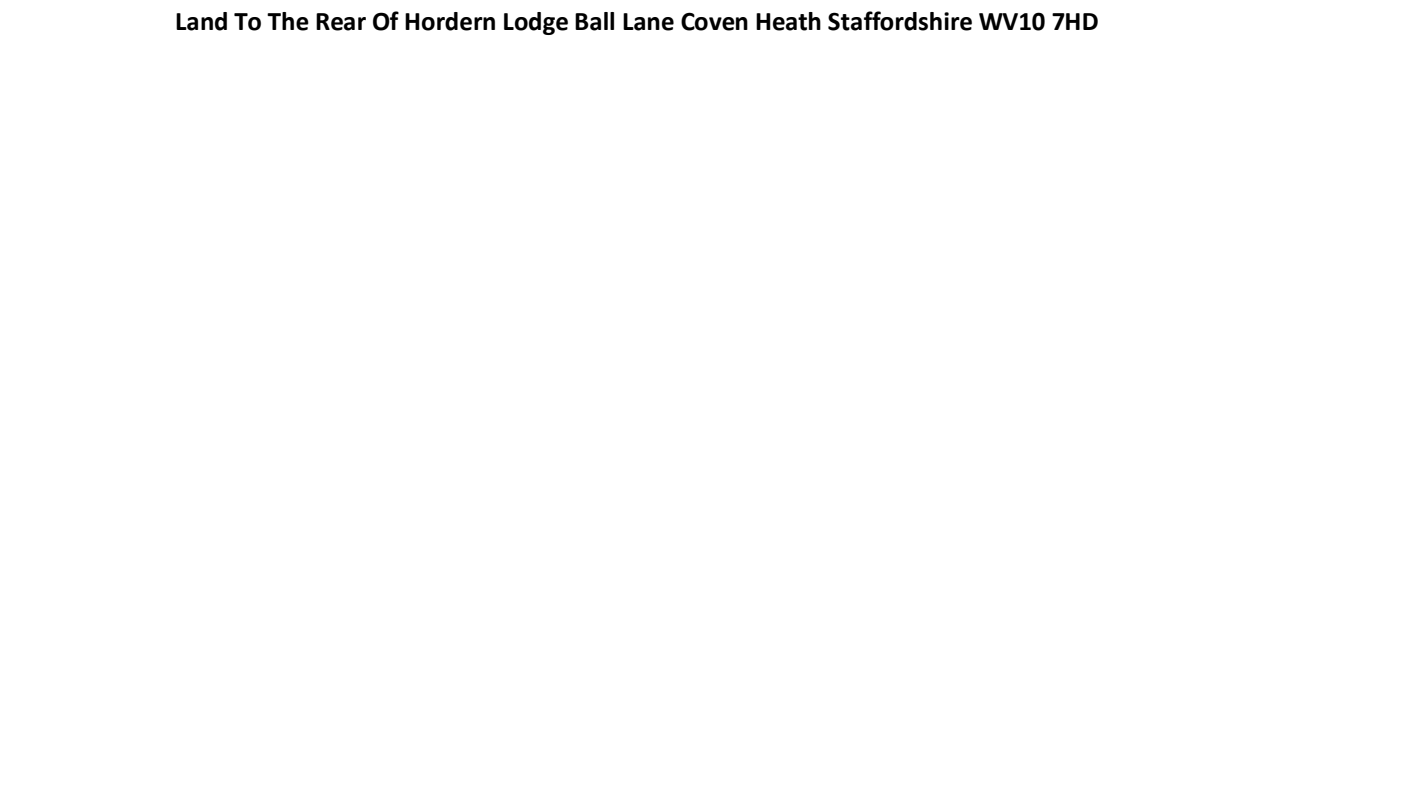
INFORMATIVES

PUBLIC RIGHT OF WAY

A public right of way is adjacent to the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may only be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990, provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

ECOLOGY

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



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**22/00339/FUL
MINOR**

Mr Nigel Brown

**Councillor W Sutton
Councillor J Bolton
Councillor D Holmes
BREWOOD & COVEN**

Slade Heath Garage, Old Stafford Road, Slade Heath WV10 7PD

Construction of first floor office space, above existing single storey office

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 This application relates to an existing industrial premises occupied by N D Brown Limited. The site is an operating centre for an HGV hire fleet where the company maintains and repairs the vehicles and undertakes administrative operations.

1.1.2 The current site comprises a two-storey pitched roofed main office building to the front, parallel to Old Stafford Road, with a single storey building attached to the rear and a large workshop building with 7 roller doors further to the rear. There is a large hardstanding area at the southern end of the site, a large percentage of which is used for parking.

1.1.3 The site is located on Old Stafford Road in Slade Heath, which contains a strip of sporadic, mainly residential development. There is a bungalow, Bramble Cottage, within the applicant's ownership to the north, a railway to the east, and open fields to the south and west.

1.2 Planning history

2017 First floor office extension, Approved [17/00699/FUL]

2008 Replacement extension, Approved but not implemented (permission lapsed)
[08/00556/FUL]

2008 Renewal of temporary change of use to offices, Approved, [08/00074/FUL]

2007 Replacement extension, Refused [07/01154/FUL]

2006 Fencing to garage premises, Approved [06/00851/FUL]

2006 Temporary change of use to offices, Approved [06/00618/COU]

2006 Replacement extension, Approved [06/00617/FUL]

2005 Replacement extension, Approved [05/01338/FUL]

2003 Outline permission for residential development, Refused by the Secretary of State,
[03/00654/OUT]

1993 2.4 High Security Fence, Approved [93/00062]

1953-1957 Various applications for buildings, loading bay, workshop, office and store serving the garage, Approved [CRDC 981, 1247, 1309, 1999.]

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 Planning permission is sought for a first-floor extension to the existing single storey office which sits behind the main office which fronts onto Old Stafford Road. The purpose of the extension is to ensure the site remains viable for the business and also to enable continued expansion. The extension would sit over the existing footprint of the single storey

office building. The eaves and ridge heights and grey metal cladding would match that of the existing workshop to the rear.

2.1.2 The plans have been amended during the course of the application removing a window from the north elevation of the existing 2 storey office building which was included in error. The agent has also confirmed that the small windows proposed on north elevation are 1.8m above floor level which is also confirmed on the submitted elevation plans.

2.1.3 Internally the extension would create 120sqm of office space at the first-floor level with access from the first floor of the existing office building which itself has access to the general office/canteen and main workshop beyond.

2.1.4 Access onto the application site would be as existing from Old Stafford Road and 17 parking spaces are shown along the southern boundary of the site. It is noted that this area is already used for parking. An additional 6 full time employees are envisaged and therefore the spaces would be utilised by new and existing employees.

2.1.5 The applicant has submitted a Design and Access Statement in support of the application.

3. POLICY CONTEXT

3.1 Within the Green Belt

3.2 Adopted Core Strategy

Core Policy 1: The Spatial Strategy

Policy GB1: Green Belt

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

Core Policy 9: Rural Diversification

Policy EV5: Rural Employment

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

Councillors: No comments (expired 28.04.2022)

Brewood & Coven Parish Council: No comments (expired 28.04.2022)

Environmental Health: No comments (expired 28.04.2022)

Country Highways: (Received 29.04.2022) *Site Visit Conducted on 28-Apr-2022 1. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan. Reasons. 1. In the interest of highway safety. The proposed development is located in a semi-rural area and accessed off an unclassified road subject to a 40-mph speed limit. There are no recorded vehicular accidents at this location in the last 5 years.*

Neighbours: No comments (expired 28.04.2022)

A site notice was displayed on 07.04.2022.

5. APPRAISAL

5.1 The application requires determination by the planning committee as the application is contrary to policy GB1 of the Development Plan.

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
- Highways/Parking

5.3 Principle of development

5.3.1 Policy GB1(d) of the adopted Core Strategy and Paragraph 149(g) of the NPPF states that if the site is located within the Green Belt, extensions or alterations to buildings can be considered to be an acceptable form of development provided that it does not result in disproportionate additions over and above the size of the original building.

5.3.2 The Green Belt and Open Countryside Supplementary Planning Document (SPD) provides guidance on what is likely to be 'proportionate', in the context of extensions and alterations, as between 20 and 40 percent of the original floor area of the building. Cumulative extensions beyond 40 percent of the original building are likely to be

disproportionate to the original building, representing inappropriate development in the Green Belt where very special circumstances would then need to be demonstrated to justify this type of development.

5.3.3 The existing series of buildings on site all appear to date after 1948, and the earliest part recorded by the Council is the single storey (pitched roof) general office/staff room/canteen section which would form the ground floor of the proposed extension here. This single storey section therefore represents the "original" part of the building for the purposes of carrying out the floor area calculations required for Policy GB1. Since the original building the site has had a number of additions including a large warehouse type workshop building to the rear. Whilst the proposed extension here would be dwarfed by the development already permitted and implemented, in combination, the proposal would amount to a disproportionate addition.

5.3.4 As a result, the proposal is inappropriate development in the Green Belt, and in-line with the NPPF, very special circumstances will need to be demonstrated (considered further below).

5.4 Impact on the openness of the Green Belt.

5.4.1 The essential characteristic of the Green Belt is its openness and permanence; and serves five purposes as defined in the NPPF:

- 1) To check unrestricted sprawl of large built up areas;
- 2) To prevent neighbouring towns merging into one another;
- 3) To assist in safeguarding the countryside from encroachment;
- 4) To preserve the setting and special character of historic towns; and
- 5) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.4.2 The proposal would not cause sprawl of a built-up area, and would not cause neighbouring towns from merging, satisfying the first and second purpose.

5.4.3 With regard to purposes four and five, the site is not within an historic town and would not jeopardise urban regeneration as the proposal would serve an existing site in commercial use.

5.4.4 With respect to the third purpose, there would be some encroachment into the countryside because the proposal would add additional bulk and massing to the building, thus reducing the openness of the Green Belt. However, the extension would not be readily visible from the streetscene and would fill in a gap between two higher parts. The extension would be on the existing footprint of the building and would match the eaves and ridge height of the existing workshop building. As a result, I do not consider that the extension would be prominent and that the impact on the openness of the Green Belt would be very limited both spatially and visually.

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 The justification for the proposal rests on the need to accommodate office space to support the expansion of N.D. Brown Limited's business (supplying and maintaining specialist road repair / maintenance vehicles) and remain competitive within its current location. The proposal would support the rural economy and employment in accordance with Core Strategy Policy EV5.

5.5.3 The supporting statement states that N.D. Brown Ltd have operated on the site for in excess of forty years during which time the commercial highway maintenance vehicle hire / sales have continued to expand from what would have originally been a relatively small commercial garage outfit to what existing today.

5.5.4 Previous extensions have been permitted, with the purpose of supporting the business, as constituting 'very special circumstances'. I see these proposals as no different in that regard and that the harm to the Green Belt is very limited here whereas previous additions such as the large warehouse to the rear or the two-storey building fronting the highway were more prominent.

5.5.5 It is therefore considered that allowing an established business to accommodate extra staff to meet current need, very special circumstances have been demonstrated to clearly outweigh the proposal's limited harm to the Green Belt. The proposal is therefore in accordance with NPPF paragraph 147 and 148.

5.6 Impact on the character of the area

5.6.1 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'.

5.6.2 The proposed extension would be positioned behind the existing two storey building and would continue the form of the existing workshop building to the rear with matching eaves and overall height as well as materials. The extension would be viewed against the backdrop of the existing offices and service buildings to the rear, thereby reducing any visual impact.

5.6.3 The proposal would be in keeping with existing building acceptable with regard to scale, volume, siting and materials, with no demonstrable harm on the visual amenities of the street scene or the surrounding area, in accordance with Policy EQ11.

5.7 Impact on neighbouring amenity

5.7.1 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. Appendix 6 sets out minimum separation distances between facing habitable room windows and towards flank walls.

5.7.2 The only property close by is residential property Bramble Cottage (a bungalow) which lies directly north of the existing premises. The proposed extension, built directly above the existing single storey part of the building would undoubtedly cause some additional overshadowing on this neighbour. The extension would raise the height of the building by 2m, however any such impact over and above the existing situation would be limited as the building already dominates with the existing workshop running alongside the garden and any additional shadowing is likely to fall on the roof of the bungalow rather than any windows, as they are already within the shadow of the building. The proposed windows on the north elevation are 1.8m above finish floor level to provide natural daylight into the building, without the potential for overlooking.

5.7.3 In conclusion, the proposal would not be harmful to the amenities of neighbouring properties and is therefore considered compliant with Policy EQ9.

5.8 Highways/parking

5.8.1 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.

5.8.2 The proposal would not result in the loss of any existing car parking spaces; however the Council's car parking standards require 2 additional car parking spaces for the net-increase in office floor space proposed (40sqm) which equates to 6 spaces. With the extensive existing space within the site including a parking area to the south and rear of the main building, the existing supply is likely to absorb this demand. It is also noted that an additional 6 employees are anticipated with the remaining office space being taken up by existing employees.

5.8.3 Highways do not object to the proposals subject to a condition requiring that the development not be brought into use until the parking and turning areas have been provided in accordance with the approved plans.

5.8.4 In conclusion I consider that the proposed first floor extension is in accordance with Policy EV12 and Appendix 5 which relate to parking standards.

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 harm to the Green Belt.

6.2 The proposal would cause no significant harm to the amenity of neighbouring residential properties, be sympathetic to the character of the surrounding area and provide sufficient parking space. As such, I recommend the approval of this application.

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:

2033-082-01A EXISTING FLOOR PLANS
2033-082-02B EXISTING ELEVATIONS AND SECTIONS
2033-082-03B PROPOSED GROUND AND FIRST FLOOR PLANS
2033-082-04C PROPOSED ELEVATIONS AND SECTIONS
Received 27 May 2022

2033-082-SK1A LOCATION PLAN
2033-082-SK2 EXISTING BLOCK PLAN
2033-082-SK3 PROPOSED BLOCK PLAN
Received 30 March 2022

3. The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
4. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan.

Reasons

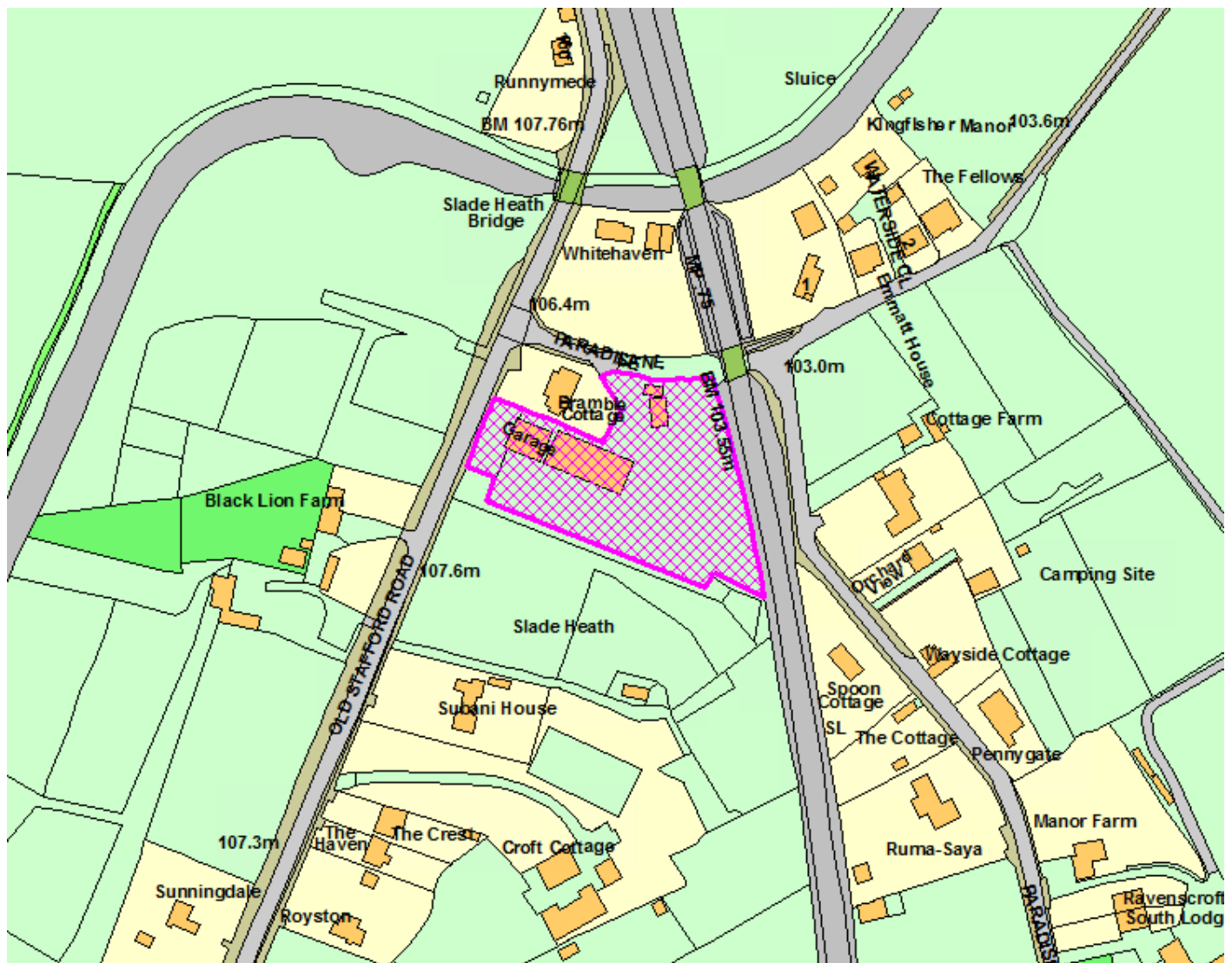
1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
4. In the interest of highway safety.

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.

Informatives

Great Crested Newts - 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.

Development Low Risk Area Standing Advice - The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority



Slade Heath House Old Stafford Road Slade Heath Staffordshire WV10 7PD

SOUTH STAFFORDSHIRE COUNCIL**PLANNING COMMITTEE – 19 JULY 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	19 July 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 have been 3 appeal decisions since my last report, copies of the decisions are attached as Appendix 1-3. These relate to:
- 1) An appeal against a refusal to allow a development to be carried out without complying with conditions related to BREEAM standards at Sandhill Day Nursery, Springhill Lane, Lower Penn WV4 4TJ. The appeal was dismissed because the inspector did not accept that appellants case that there would be difficulty in retrofitting the property in order to achieve a 'Pass' rating as the work required would be disrupting to the current operation of the business and could necessitate the building being demolished. The inspector noted that it was apparent from paragraph 16 of the previous appeal decision that the building was originally designed to achieve a 'Pass' rating. As such the inspector concluded that the disruption of the scale suggested by the appellant seems unlikely, and even if some disruptive additional works would now be required, it does not justify setting aside a long established policy on the basis that the development has proceeded without complying with the condition.
 - 2) An appeal against a refusal for a single storey detached outbuilding at Pennwood Lodge, Pennwood Lane, Penn Common WV4 5JJ. The appeal was dismissed because the inspector concluded that there were no other considerations to outweigh the harm the development would cause to the Green Belt by virtue of its inappropriateness, and to openness. Consequently, the very special circumstances necessary to justify the development do not exist.
 - 3) An appeal against a refusal to allow the demolition of existing stables and storage buildings and replace with a new single-storey dwelling at land and buildings north of Stone Cottage, Wolverhampton Road, Pattingham WV6 7AF. The appeal was dismissed because the inspector concluded that the proposal would have a greater

impact on the openness of the Green Belt than the existing development, which would be significantly harmful. The inspector also concluded that there were no other considerations to outweigh the harm the development would cause to the Green Belt by virtue of its inappropriateness, and to openness.

- 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** – no update since last report. 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 = 90.6% (data up to March 2022)

153 – others – target 70% (or above) – result = 86.1% (data up to March 2022)

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 – Sandhill Day Nursery, Springhill Lane, Lower Penn WV4 4TJ

Appendix 2 – Appeal Decision – Pennwood Lodge, Pennwood Lane, Penn Common WV4 5JJ

Appendix 3 – Appeal Decision – Land & buildings north of Stone Cottage, Wolverhampton Road, Pattingham WV6 7AF

Report prepared by:

Kelly Harris
Lead Planning Manager



Appeal Decision

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2022

Appeal Ref: APP/C3430/W/22/3293616

Sandhill Day Nursery, Springhill Lane, Lower Penn WV4 4TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr D Basra against the decision of South Staffordshire District Council.
 - The application Ref 21/00947/VAR, dated 27 August 2021, was refused by notice dated 17 February 2022.
 - The application sought planning permission for construction of a new building for use as a D1 nursery (part retrospective), drainage works to the rear of the nursery (retrospective) and associated works, without complying with a condition attached to planning permission granted by appeal Ref. APP/C3430/W/20/3253111, dated 21 April 2021.
 - The condition in dispute is No. 4 which states that: *"Within 2 months of the date of this permission evidence of how the development has achieved a BREEAM 'pass' rating shall be submitted to and approved in writing by the Planning Authority. All measures to achieve the minimum of a 'pass' rating shall be fully implemented within 9 months of the date of this permission and retained as such for as long as the development remains in use."*
 - The reason given for the condition is: *"in the interests of enabling carbon reduction improvements."*
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Due to the issues involved and the information already provided by the parties, I consider the appeal can be determined without the need for a site visit. The appellant and the Council were consulted on this approach and neither have objected to the appeal proceeding on this basis.

Main Issue

3. The main issue is whether the condition is necessary and reasonable having regard to the requirements of Policy EQ5 of the South Staffordshire Core Strategy (2012) and its aim to minimise the environmental impact of development.

Reasons

4. Policy EQ5 states that non-residential development over 1000m² should be built to BREEAM 'Excellent' standard. The appellant states that the development measures 1038m² externally but 958.6m² internally. These figures are not

disputed. The policy is not specific as to whether the 1000m² threshold should be an internal or an external measurement.

5. The appellant has provided emails from two BREEAM professionals who have confirmed that net internal area is used for BREEAM assessments. However, the threshold for when that assessment is triggered is a separate matter to what area that assessment is based on. There is no inconsistency. It simply means that, when the requirement for the assessment is triggered, the assessment is based on the internal area.
6. The Inspector of the previous appeal also acknowledged that the policy does not specify if the 1000m² should be an internal or external measurement, but considered that the use of an external measurement is reasonable. From the evidence provided, I see no reason to come to a different view.
7. The appellant advises that there would be difficulty in retrofitting the property in order to achieve a 'Pass' rating as the work required would be disrupting to the current operation of the business and could necessitate the building being demolished. However, it is apparent from paragraph 16 of the previous appeal decision that the building was originally designed to achieve a 'Pass' rating. As such the disruption of the scale suggested by the appellant seems unlikely. In any case, even if some disruptive additional works would now be required, this does not justify setting aside a long established policy on the basis that the development has proceeded without complying with the condition.
8. In summary, the condition is reasonable and necessary to minimise the environmental impact of development, as required by policy EQ5.

Conclusion

9. For the reasons given above, and taking account of all other considerations, I conclude that the appeal is dismissed and the condition be retained in its original form.

Andrew Owen

INSPECTOR



Appeal Decision

Site visit made on 21 June 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2022

Appeal Ref: APP/C3430/W/22/3293634

Pennwood Lodge, Pennwood Lane, Penn Common WV4 5JJ

- 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 Harjinder Singh against the decision of South Staffordshire District Council.
 - The application Ref 21/01053/FUL, dated 28 September 2021, was refused by notice dated 3 December 2021.
 - The development is a single storey detached outbuilding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The detached outbuilding was under construction at the time of my site visit. Therefore, as the development has commenced, I have considered this appeal on a retrospective basis.

Main Issues

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

Reasons

Inappropriate development?

4. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. One of which is the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces. Part A. d) of Policy GB1 of the South Staffordshire Core Strategy (2012) is consistent with this.
5. It is agreed by both parties that the outbuilding currently under construction is positioned in the same part of the site where previously there was a wooden shed. Indeed, this is indicated on the plans which show it as totalling 11m². The appellant advises the outbuilding subject of this appeal amounts to 120m².

6. The plans also show a second outbuilding (11m²) and a garage (70m²) which amount to a further 81m² of built form to be removed. However, extensions to the dwellinghouse, granted planning permission¹ in 2018, also involved the removal of the garage. The Council advise the footprint of the garage was accounted for in granting permission for the extension, which is not disputed by the appellant. As such, the floor area of the garage cannot be taken into account for the floor area of the new outbuilding. The second outbuilding is no longer on site and I have no details of it, such as when it was removed or whether it was a permanent structure.
7. The Council's Green Belt and Open Countryside Supplementary Planning Document (SPD) advises that replacement buildings which are more than 10-20% larger than the buildings they replace would be considered materially larger. Even if the floor area of the second outbuilding was included in the calculations, the outbuilding now on site would be over five times larger than the previous ones. This is far in excess of the advice in the SPD and therefore the development can be considered materially larger than those buildings it replaced. As such the development fails to accord with the SPD, policy GB1 and paragraph 149 of the Framework. It is therefore inappropriate development.
8. In this way, it differs from the detached basement garage² and outbuilding³ which both benefit from extant planning permissions which, from the details before me, were not materially larger than the buildings they replaced.
9. Paragraphs 147 and 148 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.

Openness

10. Openness can be perceived spatially and visually. Spatially, the increase from 22m² to 120m² would be considerable. By occupying space that was previously undeveloped, the development has inevitably reduced the openness of the site. Visually, the outbuilding has limited presence in public views. It is largely hidden by the hedge along the verge of Pennwood Lane, although a limited view is possible when in front of the site access. Nonetheless, overall, there is considerable harm to openness, to which, as set out in the Framework, I give substantial weight.

Other considerations

11. I recognise that since the submission of the appeal, the Council have granted a planning permission⁴ which effectively restores permitted development rights, available under Class E, Part 1, Schedule 2 of the GPDO⁵, to the dwelling. Although the appellant suggests the outbuilding falls within the limitations in Class E such that it would be permitted development, no evidence is provided to support this assertion. I therefore give it little weight.
12. The Council consider the development has no adverse effect on the rural character of the area, or the amenity of neighbouring occupants. Nonetheless, the absence of harm in these regards does not carry positive weight in favour

¹ Planning permission Ref. 18/00440/FUL

² Planning permission Ref. 20/01063/FUL

³ Planning permission Ref. 20/01017/FUL

⁴ Planning permission Ref. 22/00241/VAR

⁵ The Town and Country Planning (General Permitted Development) (England) Order 2015

of the development. Similarly, the fact that the development represents a very small proportion of the property and is significantly smaller than the host dwelling is also of little consequence.

13. I accept other buildings, such as facilities for outdoor sport, could be much larger than the outbuilding and be considered not inappropriate. But those are very different forms of development covered by different parts of paragraph 149 of the Framework. They have no bearing on my consideration of this appeal.

Green Belt balance

14. I find that there are no other considerations in this case that clearly outweigh the harms the development causes to the Green Belt by virtue of its inappropriateness and to openness. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

15. The development conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR



Appeal Decision

Site visit made on 21 June 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2022

Appeal Ref: APP/C3430/W/22/3292621

Land & buildings north of Stone Cottage, Wolverhampton Road, Pattingham WV6 7AF

- 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 Andrew Jeavons of F W Blanton Will Trust against the decision of South Staffordshire District Council.
 - The application Ref 21/01108/FUL, dated 13 October 2021, was refused by notice dated 22 November 2021.
 - The development proposed is demolition of existing stables and storage building and erection of new single-storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Inappropriate development?

3. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate development subject to a number of exceptions. One of which (part g) is the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. Policy GB1 of the South Staffordshire Core Strategy (2012) does not specifically identify the redevelopment of previously developed land as an exception. But it does refer to national planning policy generally, so it is not inconsistent with the Framework.
4. The existing development at the site comprises a stable and storage building which, at the time of my site visit, were both in a state of disrepair. The Nissen style storage building had gaps in the sheeting and was overgrown with vegetation. The stables had holes in the roof, gaps in the timber-boarded walls

and windows missing. Neither appeared to have been used for some considerable time. The wider site was also very overgrown with some grass, but mainly weeds, providing little opportunity for grazing. It didn't appear that the planning permission¹ granted April last year for the change of use from agricultural to equestrian use had been implemented, and there is no substantive evidence to suggest it has. Indeed, the comments from some nearby residents would support my view.

5. Nonetheless, if that planning permission has been implemented, the site would have a lawful equestrian use. The buildings on it could therefore render the site 'previously developed land' as defined in Annex 2 of the Framework, if they comprise permanent buildings. The appellant has provided evidence which suggests that both buildings have been in situ since the 1990s. Though, as noted above, both buildings are in poor condition, they appeared structurally sound and their longevity on site would suggest a good degree of permanence.
6. However, even if the site was previously developed land, the proposed development would only accord with paragraph 149 g) if it would not have a greater impact on the openness of the Green Belt than the existing development.
7. Spatially, the proposal would represent a reduction in terms of the footprint and volume of built form. However, in terms of height, both existing buildings are significantly lower and of less visual bulk than the proposed dwelling would be. Moreover, this increase in height leads to the proposal have greater visual prominence. Views from the road may remain to be limited by the slope up the access drive to the site, but from other viewpoints, including from neighbouring properties, the proposal would have a greater visual impact. The smaller curtilage indicated on the plans, and the fact that the dwelling would be close to the neighbouring houses is of little benefit as these aspects alone would be visually comparable to the existing situation.
8. Overall, the development would have a greater impact on the openness of the Green Belt than the existing development which would be significantly harmful. Consequently, the proposal would fail to accord with paragraph 145 g) of the Framework. It is therefore inappropriate development.
9. Paragraphs 147 and 148 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.

Other considerations

10. Paragraph 148 of the Framework adds that very special circumstances will not exist unless the harm to the Green Belt, in this case by reason of inappropriateness, is clearly outweighed by other considerations. The appellant has not offered any other considerations in this regard.

Other Matters

11. The part of the site in which the dwelling would be located is just outside the Pattingham Conservation Area, and I understand there are listed buildings nearby. However as I am dismissing the appeal for other reasons, I need not

¹ Ref 21/00135/COU granted 1 April 2021

assess the development in terms of its impact on the setting of those heritage assets.

Green Belt balance

12. As there are no other considerations that clearly outweigh the harms the development would cause to the Green Belt by virtue of its inappropriateness, the very special circumstances needed to justify the development do not exist.

Conclusion

13. The proposal conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is dismissed.

Andrew Owen

INSPECTOR

