

**Please ask for:** Mrs. W. Rowe  
**Extension No:** 4584  
**E-Mail:** [wendyrowe@cannockchasedc.gov.uk](mailto:wendyrowe@cannockchasedc.gov.uk)

13 August, 2019

Dear Councillor,

**PLANNING CONTROL COMMITTEE**  
**3:00 PM, WEDNESDAY 21 AUGUST, 2019**  
**COUNCIL CHAMBER, CIVIC CENTRE, CANNOCK**

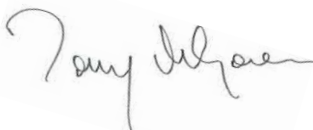
You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

The meeting will commence at 3.00pm or at the conclusion of the site visit, whichever is the later. Members are requested to note that the following site visits have been arranged:-

<u>Application Number</u>	<u>Application Description</u>	<u>Start Time</u>
CH/19/154	<i>Court Bank Farm, Slang Lane, Cannock Wood, Cannock, WS15 4RY – Proposed erection of a storage building (390sqm) for the equestrian enterprise.</i>	1:40pm
CH/19/093	<i>Land off Stokes Lane, Norton Canes, Cannock, WS12 3HJ – Proposed change of use of land for the keeping/stabling of horses.</i>	2:20pm

Members wishing to attend the site visits are requested to meet at the entrance to Court Bank Farm (located at the junction of Slang Lane/Ivy Lane), Slang Lane, Cannock Wood, WS15 4RY, at 1:40pm, as indicated on the enclosed plan.

Yours sincerely,



**T. McGovern**  
**Managing Director**

To Councillors:-

Cartwright, Mrs. S.M. (Chairman)

Allen, F.W.C. (Vice-Chairman)

Crabtree, S.K.

Smith, C.D.

Dudson, A.

Startin, P.D.

Fisher, P.A.

Stretton, Mrs. P.Z.

Fitzgerald, Mrs. A.A.

Thompson, Mrs. S.L.

Jones, Mrs. V.

Todd, Mrs. D.M.

Layton, Mrs. A.

Woodhead, P.E.

Pearson, A.R.

## **A G E N D A**

### **PART 1**

#### **1. Apologies**

#### **2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

#### **3. Disclosure of details of lobbying of Members**

#### **4. Minutes**

To approve the Minutes of the meeting held on 31 July, 2019 (enclosed).

#### **5. Members' Requests for Site Visits**

#### **6. Report of the Development Control Manager**

Members wishing to obtain information on applications for planning approval prior to the commencement of the meeting are asked to contact the Development Control Manager.

#### Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text [View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.](#)

- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

### **SITE VISIT APPLICATIONS**

<u>Application Number</u>	<u>Application Location and Description</u>	<u>Item Number</u>
1. CH/19/154	<i>Court Bank Farm, Slang Lane, Cannock Wood, Cannock, WS15 4RY</i> – Proposed erection of a storage building (390sqm) for the equestrian enterprise	6.1 – 6.21
2. CH/19/093	<i>Land off Stokes Lane, Norton Canes, Cannock, WS12 3HJ</i> – Proposed change of use of land for the keeping/stabling of horses	6.22 – 6.43

### **PLANNING APPLICATIONS**

3. CH/19/053	<i>Aldene, 7 Stafford Brook Road, Rugeley, WS15 2TY</i> – Application to vary Condition 3 (to allow use of Annexe by non-householders) as a one-bedroom holiday let. Pursuant to CH/13/0449	6.44 – 6.64
4. CH/19/206	<i>446 Littleworth Road, Cannock, WS12 1JB</i> – Proposed driveway alterations with retaining wall	6.65 – 6.80





equestrian enterprise – Court Bank Farm, Slang Lane, Cannock Wood, WS15 4RY.

**34. Application CH/18/366: Car Park to former Globe Inn, The Globe Site, East Cannock Road, Cannock, Hednesford WS12 1LZ – Proposed car wash on former public house car park**

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.22 of the Official Minutes of the Council).

*(Councillor P.E. Woodhead arrived at the meeting at the start of this item.)*

Members were reminded that this matter had been deferred from the previous meeting to allow discussion of the wording of the reasons for refusal following receipt of further information from the Development Control Manager. As such, Members were advised that only those present at the last meeting could take part in the discussion and voting on this matter.

RESOLVED:

That the Application be refused for the following reasons:

1. Although the application site was situated on the edge of an industrial area, the streetscene along the A460 Old Hednesford Road in the vicinity of the site, and particularly on the north side of the road, was characterised by semi-mature green frontages with trees and shrubs which had ensured that industrial buildings had integrated well with their surroundings.

The proposed car wash, associated structures and machinery, would, by virtue of their stark, functional design, layout and appearance and lack of landscaping, together with the associated temporary structures, contrast sharply with the character of the streetscene, resulting in a detrimental impact on the visual amenity of this location, contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127 (a) and (b) of the National Planning Policy Framework.

Given the above, it was clear that the proposal comprised poor design that failed to take the opportunities available for improving the character and quality of the area and the way it functioned, and as such, was inappropriate and failed to comply with paragraph 130 of the National Planning Policy Framework.

2. The proposed change of use of the site from vacant land to a car wash facility would increase water run off onto the adjacent highway, and as such, would exacerbate the existing flooding problems already experienced on the A460 under the railway bridge to the south of the application site. As such, the proposal would be contrary to paragraph 127 (a) and 160 (b) of the National Planning Policy Framework.
3. The introduction of a car wash facility on the vacant site in an already busy location with an entrance to a hot food take-away opposite would lead to an intensification of vehicle movements within the immediate vicinity to the

detriment of highway safety of existing and future users of the highway network. As such, the residual cumulative impacts arising from the proposal on the local highway network would be severe, contrary to paragraph 109 of the National Planning Policy Framework.

*(Councillors S.K. Crabtree, Mrs. V. Jones, Mrs. C.E. Martin and P.D. Startin did not take part in the discussion or voting on this item having not been present at the 10 July 2019 meeting.)*

**35. Application CH/19/093: Land off Stokes Lane, Norton Canes, Cannock, WS12 3HJ – Proposed Change of Use of Land for the Keeping/Stabling of Horses**

Consideration was given to the report of the Development Control Manager (Item 6.23 – 6.43 of the Official Minutes of the Council).

RESOLVED:

That the application be deferred to enable a site visit to be undertaken arising out of Members' ongoing concerns regarding the fencing surrounding the application site.

**36. Application CH/19/198: The Ascot Tavern, Longford Road, Cannock, WS11 1NE – Application to Vary Conditions 7 & 15 of CH/18/240 (Traffic Management Scheme & Approved Plans)**

Consideration was given to the report of the Development Control Manager (Item 6.44 – 6.70 of the Official Minutes of the Council).

The Development Control Manager circulated the following update to the Committee:

*“Following completion of the report for the Committee agenda, Officers have noted that condition 1 relating to implementation period is incorrectly worded.*

*The regulations state that Section 73 applications cannot be used to vary the time limit for implementation, this must be consistent with the original permission.*

*As such, condition 1 should read as follows:-*

*The development to which this permission relates must be begun not later than 27<sup>th</sup> February 2019 to comply with planning permission CH/18/240.*

*Reason:*

*To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.”*

Prior to consideration of the application, representations were made by Mark Dauncey, speaking on behalf of the applicant.

RESOLVED:

That the Application be approved subject to the conditions contained in the report, including the amended wording to the condition outlined above.

- 37. Application CH/19/201: Rugeley B Power Station, Power Station Road, Rugeley, WS15 2HS – Outline Planning Application for the Creation of Development Platform and the Demolition of Existing Office Building and Environmental Centre, Site Clearance, Remediation and Mixed-use Development of Land at the Former Rugeley Power Station.**

Consideration was given to the report of the Development Control Manager (Item 6.71 – 6.72 of the Official Minutes of the Council).

RESOLVED:

That the Committee accepts the applicant's invitation to attend a site visit at the former Rugeley Power Station. Officers to make the formal arrangements and provide further information to the Committee accordingly.

The meeting closed at 4:38pm.

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CHAIRMAN

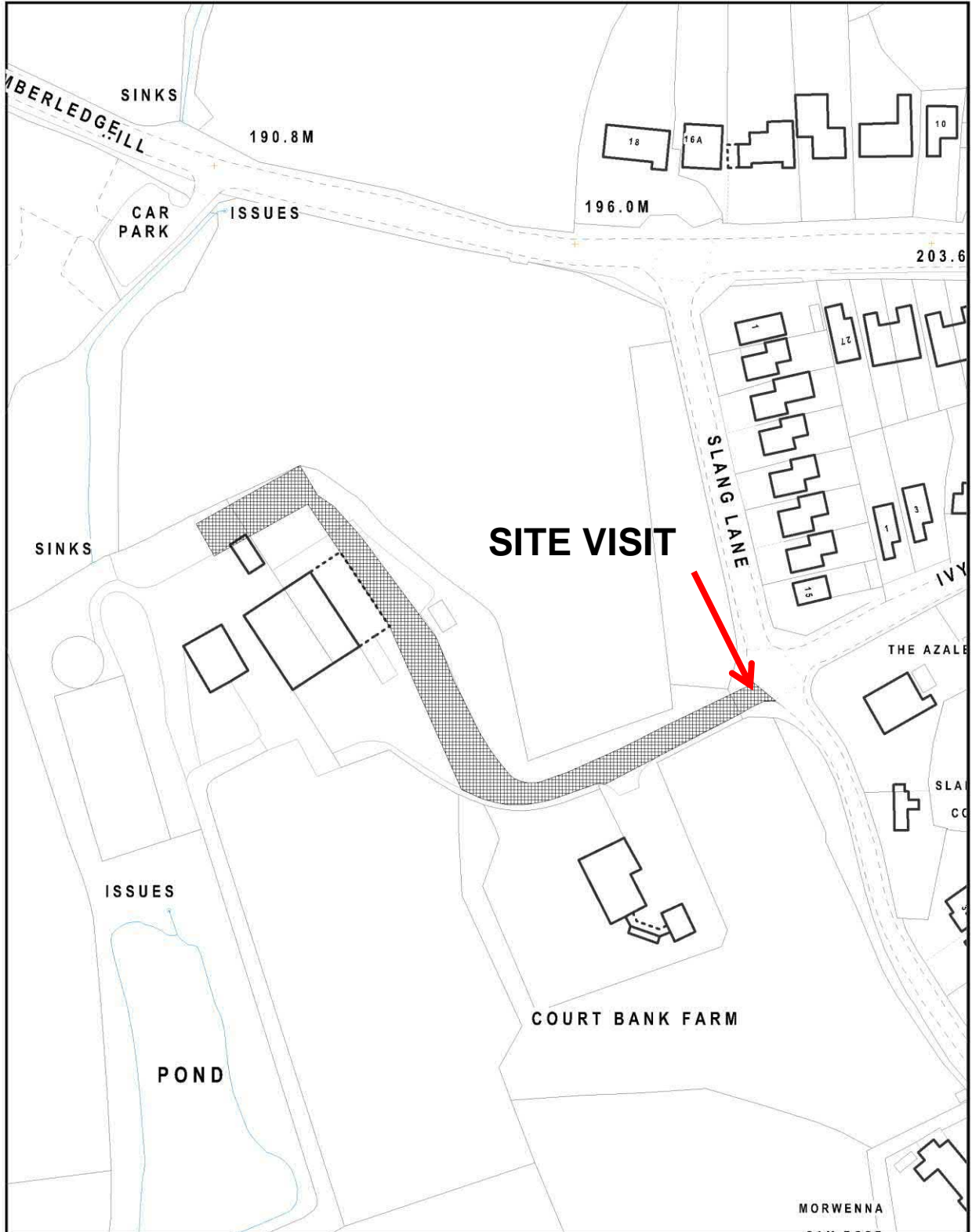




**Application No:** CH/19/154

**Location:** Court Bank Farm, Slang Lane, Cannock Wood, Cannock, WS15 4RY

**Proposal:** Proposed erection of a storage building (390sq m) for the equestrian enterprise

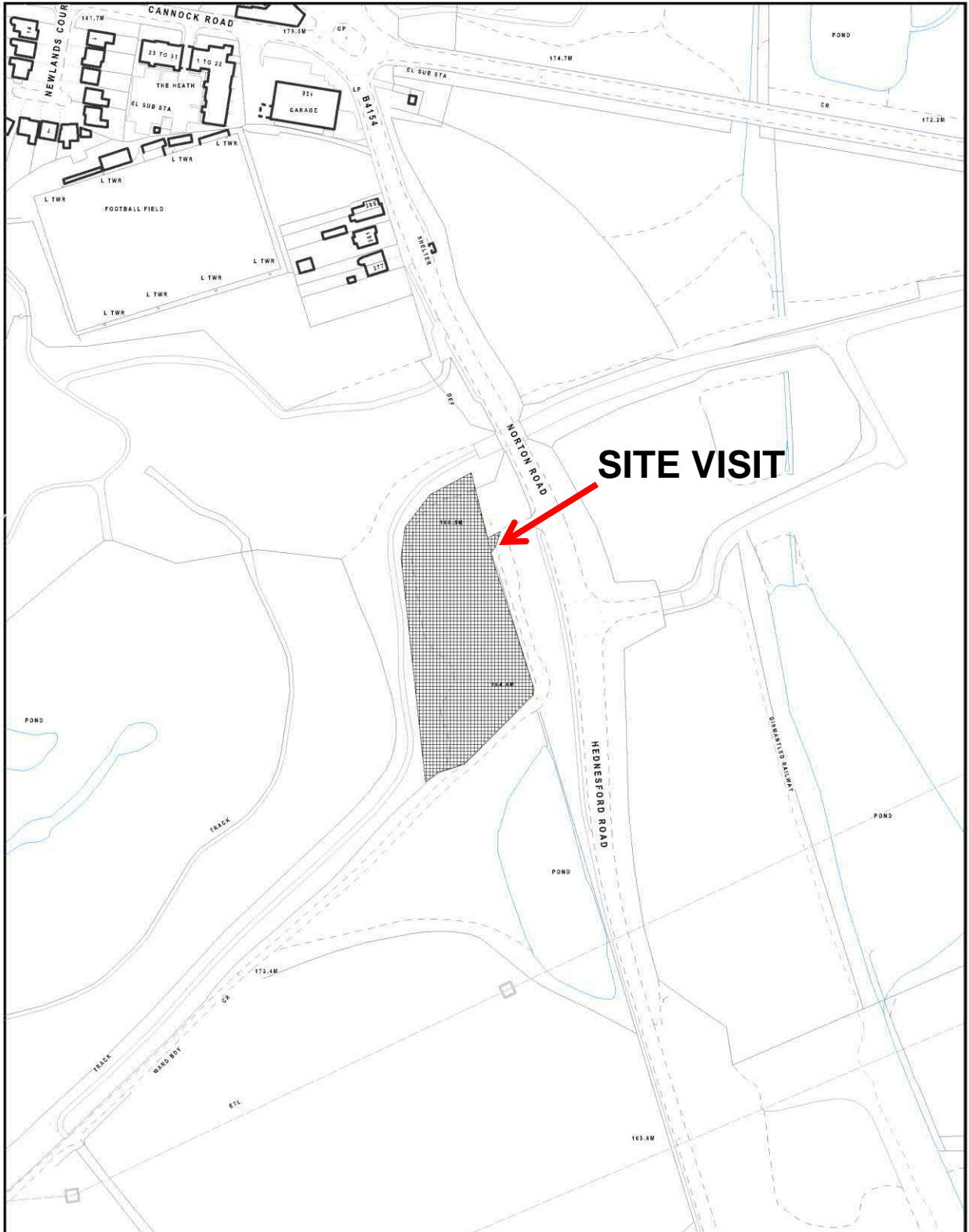




**Application No:** CH/19/093

**Location:** Land Off, Stokes Lane, Norton Canes, Cannock, WS12 3HJ

**Proposal:** Proposed Change of Use of land for the keeping/stabling of horses



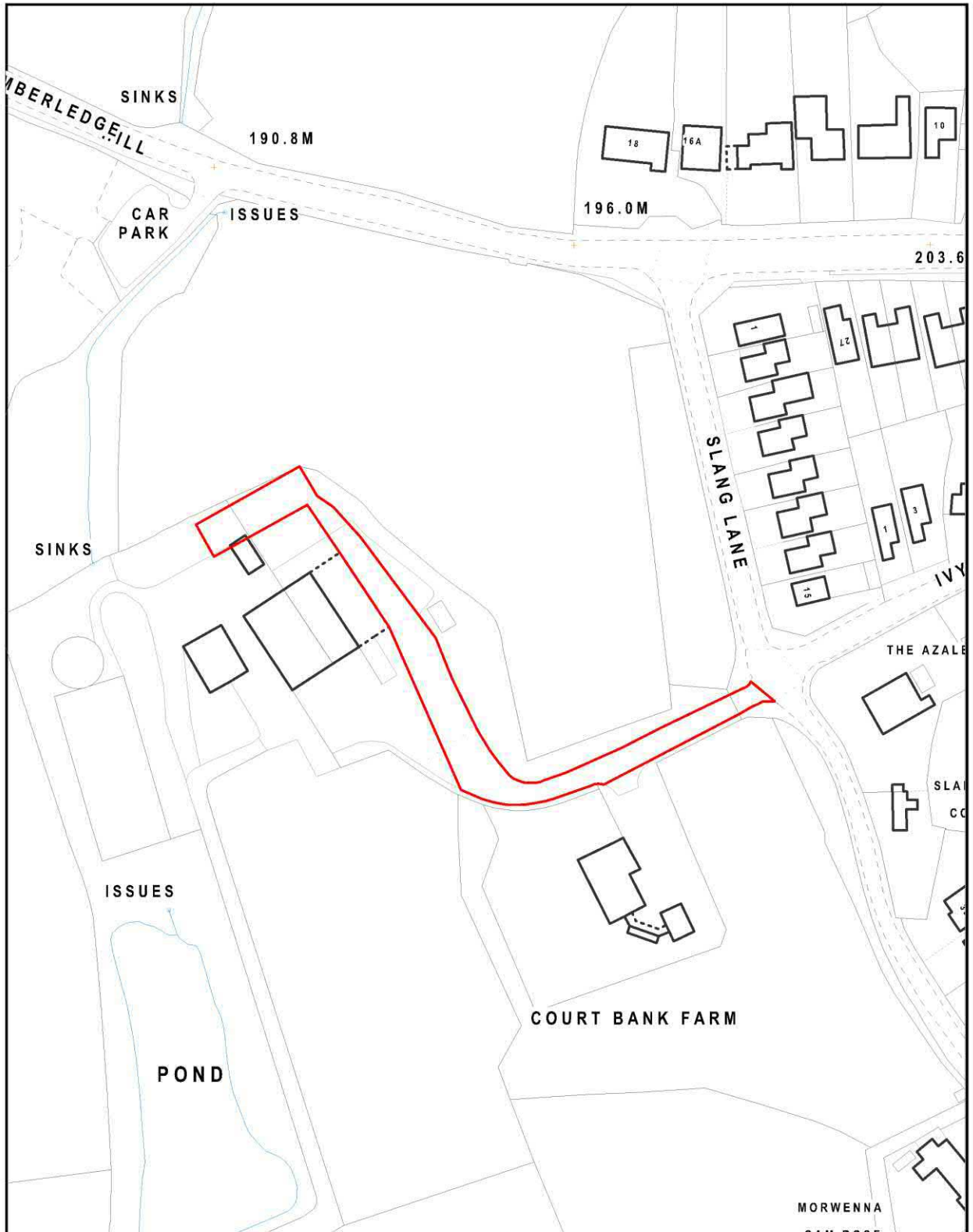


**Application No:** CH/19/154

**Location:** Court Bank Farm, Slang Lane, Cannock Wood, Cannock, WS15 4RY

**Proposal:** Proposed erection of a storage building (390sq m) for the equestrian enterprise

**ITEM NO. 6.1**



PLANNING ISSUE

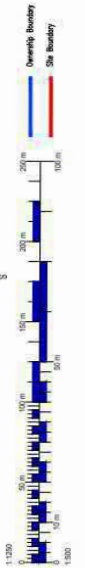
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**BLOCK PLAN**  
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**LOCATION PLAN**  
Scale 1:1250



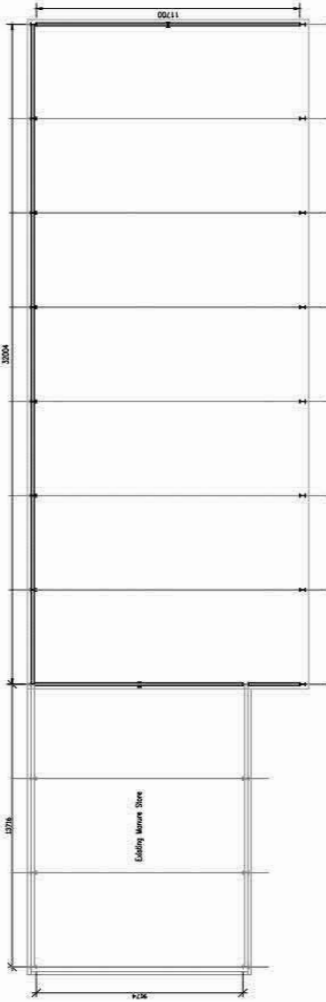
**acorus**  
rural property services

Mr and Mrs Newton  
 Court Bank Farm, Cannock Wood,  
 WS12 4RT  
 Proposed Storage Building  
 Site Location and Block  
 AS SHOWN ON April 19 05  
 PLAN NO. 200-01  
 www.acorus.co.uk  
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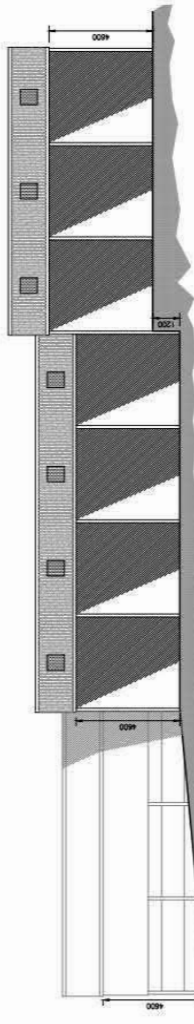


PLANNING ISSUE

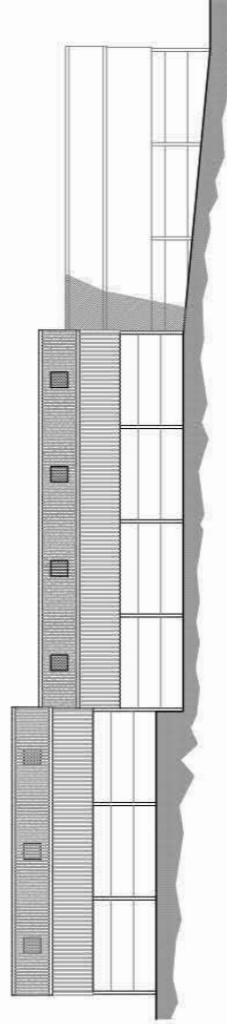
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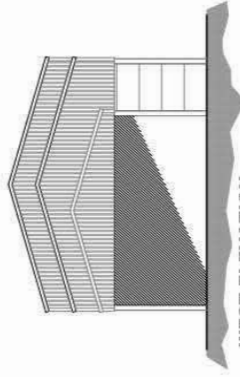
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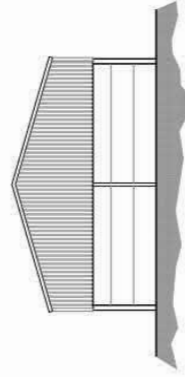
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NORTH ELEVATION  
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WEST ELEVATION  
 Scale 1:100



EAST ELEVATION  
 Scale 1:100

**ACORUS**  
 rural property services  
 Proposed Storage Building  
 Court Bank Farm, Connock Wood,  
 AS SHOWN ON April 19, 2011  
 AA  
 AA-ROLES/NB/TON 200-02 A

Mr and Mrs Newton  
 Court Bank Farm, Connock Wood,  
 AS SHOWN ON April 19, 2011  
 AA  
 AA-ROLES/NB/TON 200-02 A

www.acorus.co.uk



<b>Contact Officer:</b>	<b>Audrey Lewis</b>
<b>Telephone No:</b>	<b>01543 464 528</b>

**PLANNING CONTROL COMMITTEE**

**21 AUGUST 2019**

<b>Application No:</b>	CH/19/154
<b>Received:</b>	25-Apr-2019
<b>Location:</b>	Court Bank Farm, Slang Lane, Cannock Wood, Cannock, WS15 4RY
<b>Parish:</b>	Cannock Wood
<b>Description:</b>	Proposed erection of a storage building (390sqm) for the equestrian enterprise
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Refuse for the following reasons:-

**Reason(s) for Recommendation:**

The site is in the West Midlands Green Belt wherein there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should only be allowed where very special circumstances have been demonstrated to exist. Very special circumstances can only exist where the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

The proposed development by virtue of its siting and design comprises would fail to preserve the openness of the Green Belt and therefore constitutes inappropriate development in the Green Belt. In accordance with paragraph 144 of the NPPF substantial weight should be afforded to the harm to the Green Belt.

In addition to the above the proposed building, by virtue of its industrial character, scale and location would result in harm to the landscape qualities of Cannock Chase Area of Outstanding Natural Beauty, and therefore is contrary to Policies CP3 and CP14 of the Local Plan.

Furthermore, the considerations put forward by the applicant relate mainly to matters of convenience which attract little weight and;

It is considered that the harm to the Green Belt and to the Cannock Chase Area of Outstanding Natural Beauty is not outweighed by other considerations such that very

special circumstances have been demonstrated to exist to support approval of the proposal.

**Conditions (and Reasons for Conditions):****Reason for Refusal of Planning Permission**

In accordance with paragraph (38) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

**Consultations and Publicity*****External Consultations*****Cannock Chase AONB Unit****Proposed Site and Development**

The site lies within the AONB, within the landscape character type Settled Plateau Farmlands, as described in the Review of Cannock Chase AONB Landscape Character Framework, characterised by rolling farmland, with medium sized hedged fields, with clustered settlement. Horse pasturing is common in the area. The site is overlooked by residential properties on higher ground on the east side of Slang Lane and by farmsteads to the north of the site. There is informal access vial Nun's Well Car Park (CCDC) onto land to the west of the site.

The proposal is for an extension 32m x 12.2m x 4.6m to eaves, stepped to respond to existing ground levels. The building would be located to the north of stabling blocks, directly adjacent to a hedge field boundary with hedgerow trees. Construction is proposed of concrete panel walls with green steel box profile sheeting above to match the adjoining building- The application does not refer to tree removal, however, it does appear that much of the former hedgerow along the site boundary has been removed leaving only trees with higher level canopies, and development would be directly alongside the site boundary, potentially leading to further tree loss. As a result of vegetation removal ,on the site boundary existing development on the site is not well screened from the surroundings and the proposed development would be visible from receptors (at properties and road users) on Slang Lane, Cumberledge Hill, Nun's Well open space and properties to the north of the site.

**AONB Issues-**

The main issue for the AONB are: -

- The impact of the proposed development on the landscape and scenic beauty of the AONB.
- Potential impact due to removal of trees



The recently published Cannock Chase AONB Management Plan 2019—2024, sets out in Policy LCP1 that “Development proposals within the AONB should be of high quality design and environmental standards, respecting local distinctiveness, be complementary in form and scale with their surroundings, should take opportunities to enhance their setting and minimise their carbon footprint and negative impacts on the local environment.”

The proposed building would potentially result in over—development of the site; it would be visually intrusive and have a detrimental effect on the character of this part of the AONB; hence the objection.

If the local authority considers the principle of an additional storage building could be acceptable, I recommend the footprint and the height of the proposed building should be reduced, so that any extension appears subservient to existing development—Proposed rooflines should be lower than those of existing buildings to the south, to minimise visual intrusion and detrimental landscape impacts. Elevations that indicate both existing and proposed buildings would assist in making an informed judgement on the application. For the proposals to be acceptable I advise it will also be essential for the application to demonstrate that mitigation measures will be put in place to minimise landscape and visual impact. To ensure there are no long—term detrimental effects on landscape character and visual mitigation is achieved, a Tree survey and Tree protection plan are recommended to secure tree retention, along with landscape proposals that reinstate the boundary hedgerow with appropriate native planting.

#### County Highways

No objections

#### Cannock Wood Parish Council

The Council has no objections to the plan but would hope that the District will ensure that the development is an abutment and not an extension and also request that screening is put in place to improve the street view and block the lights to residents.

#### Cadent

Although Cadent Gas does have a pipeline in the vicinity, the proposed development is outside the criteria requiring National Grid to carry out any improvements.

#### ***Internal Consultations***

##### Planning Policy Officer

The location lies within the Cannock Chase Area of Outstanding Natural Beauty (AONB) and the Green Belt just outside of the Cannock Wood Settlement Boundary. The proposed building would be sited adjacent to an existing set of farm buildings. Nearby tree coverage provides limited screening of the site to protect some of the existing views of the landscape, especially from the west.

The National Planning Policy Framework (NPPF) 2019 states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission

should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraphs 133 – 147 in the NPPF set out the purpose of the Green Belt and what types of development are appropriate within it, Policy CP1 in the Cannock Chase Local Plan – Local Plan (Part 1) 2014 supports this stance.

The NPPF (2019) states that great weight should be given to conserving the landscape in the AONB. Policy CP3 in the Local Plan requires high quality design and integration with the existing environment. The proposal should show how it forms appropriate development within the Green Belt to a design in keeping with its surroundings and preserve the landscape and character of the AONB.

The Design SPD (Supplementary Planning Document) (p63-66, April 2016) contains design guidance on Equestrian Development. It notes that key design principles should include care with siting and design.

#### Environmental Health

No adverse comments are offered from Environmental Protection regarding this matter in principle. If there any any proposals to install any additional external lighting in conjunction with this development then the scheme should be designed to ensure that there is no overspill or glare off site to the detriment of other properties within the vicinity.

#### ***Response to Publicity***

The application has been advertised by site notice and neighbour letter. Two local Councillors have called the application in for a site visit and for consideration by Committee.

Nine letters of representation have been received from local residents on the following grounds:

- The site is already overdevelopment of the Green Belt and the AONB.
- The proposed building is more than double the size of the building, it purports to be an extension to. It is an abutment, not an extension – has this been to gain an easier path through the planning process?
- The planning application states the building will not be seen from any public road, footpath, or bridleway, or other public land. This is incorrect – please see photographic evidence, which demonstrates the changes in the site and increased impact on the streetscene dated from 2012 onwards to current date.
- The proposal is too big, sited in an inappropriate location and will compound the negative effect on the surroundings already caused by this facility.

- The application should be refused on the grounds:
  - It is an abutment, not an extension.
  - Massing
  - Excessive footprint
  - Excessive height
  - Overdevelopment of the site
  - Inappropriate development of AONB and greenfield land
  - Negative impact on streetscene.
- Further loss of visual amenity to residents living in the AONB.
- Further development will make the site look like an industrial estate. The building materials proposed are wholly industrial in nature and no attempt has been made to use vernacular design or materials and no attempt at screening.
- The application gives rise to doubt as to whether the ultimate use of the proposed structure will be used to expand the business then requiring further on site storage and so on, expanding the industrialisation across further the valley.
- Two years ago what was supposed to be the final building for waste from the stables was granted planning permission, as the site was well screened and would not affect the streetscene. (Please refer to the enclosed photographs that demonstrate this is not the case).
- Residents are now faced with a building 18 ft high and 18 ft by 20 ft floor area in full view from Slang Lane and Cumberledge Hill.
- The planning support statement says that the building is to be used for the storage of hay produced at the farm. It is difficult to see where this hay is being grown.
- Planning application CH/15/0025 was for a building which included storage of hay and bedding materials.
- As soon as planning permission was granted previously, the hedges and trees were torn out by the landowner and floodlights were installed creating a distraction to motorists at night. Planning permission was not obtained for the lighting.
- Park Gate stables are now erecting floodlights which shine directly on the back of houses in Cumberledge Hill. As some of the light travels through branches, this creates a flashing effect on the bedroom windows of the affected houses.
- The mature trees on the northern boundary will be affected by the proposed building.
- Concern in relation to the SHLAA allocation for future potential mixed use and the landowner's future intentions for the site and possible impacts on the AONB with regard to residential/expanded business uses.

- If there is a small area of B1(c) activities are being undertaken on the site, then the classification should be limited to that area and not the entire site. Conditions should be imposed to prevent further 'creep' of this designation across the site and to control further developments if the business varies.
- The developments at the site has driven out wildlife and ruined the area.
- Increase in traffic and noise of machinery.

### **Relevant Planning History**

1. CH/01/0781 Change of use from existing agricultural storage building - Full - Approval with conditions - 20/2/2002.
2. CH/13/0354 Retention of stable block. Full - Approval with conditions 29/11/2013.
3. CH/15/0025 Demolition of existing buildings and construction of larger replacement equestrian building for stabling (12 horses) and storage of hay and bedding materials, creation of midden and alterations to site levels. (Amended proposal). Full - Approval with conditions - 22/04/2015
4. CH/15/0225 Erection of a roof over manure store - Full - Approval with conditions - 16/09/2015.
5. CH/15/0322 Proposed installation of two ponds and erection of boathouse within existing lake. Full - Approval with conditions 30/09/2015.
6. CH/15/0322/A Discharge of Conditions 2 (Materials) & 3 (Pond Detail) for Approved Planning Application Discharge of conditions - Full Approval 03/02/2016.
7. CH/17/025 Extension of existing ménage. Full - Approval with conditions - 24/03/2017.

### **1 Site and Surroundings**

- 1.1 The application site comprises an area within Court Bank Farm, which comprises grazing land and an equestrian centre. The wider site comprises a dwelling, storage and equestrian buildings, ponds, woodland and grazing area accessed from Slang Lane, Cannock Wood.
- 1.2 The storage and equestrian buildings are grouped within a 'compound' to the north of the site with an expanse of grass and woodland to the south and west of the farmyard. There is a single dwelling to the east of the site 45m back from Slang Lane.

- 1.3 The compound comprises a block of three buildings that are currently used as livery stables. The site was originally used for agricultural purposes however it was converted to an equestrian operation in 2002.
- 1.4 The application site is lower than the nearest highway (Slang Lane) and residential properties, as the land slopes down towards the pond to the south west of the application site. The farmyard is visible, in part, from a public footpath around 300m to the south. It is also visible from the houses around Hayfield Hill and the southern part of Cannock Wood.
- 1.5 There is a mature hedgerow along the boundary with Slang Lane and a number of mature trees around the site; some of which are covered by Tree Preservation Orders.
- 1.6 The landscape character is one of rolling grassed hills with hedgerows, woodland and isolated trees. The area is at the edge of Cannock Wood where there is a clear boundary between the rural and the urban defined by the properties fronting Slang Lane with the application site being within the rural area.
- 1.7 The site is within the Green Belt and the AONB and outside of the Cannock Wood settlement boundary. It is also located within a Mineral Safeguarding Area.

## **2 Proposal**

- 2.1 The applicant seeks consent for the proposed erection of a storage building (390sq m) for the equestrian enterprise. The building would measure 32m long x 11.7m wide and would be a maximum height of 6.3m (4.6m to eaves). It would be located adjacent to the existing manure store measuring 13.7m long x 9.2m wide and of similar height. Due to the differing ground levels the combined length of the resultant 45.7m long building would be stepped in 3 sections. The building would be located adjacent to the northern edge of land within ownership of the applicant.
- 2.2 The materials of the building would comprise concrete panels with green box profile sheeting above. The roof would comprise grey reinforced fibre cement roof sheeting with UPVC rain water goods.
- 2.3 The purpose of the building is to provide a dry storage area for cover for hay and bedding that is currently stored and bagged outside in open storage area, which is located adjacent to the manure store.
- 2.4 The application is accompanied with supporting information and a supporting statement. The statement explains that the large amounts of hay and bedding could not be kept in the stable block because of insufficient room and the Fire Service advise it would be a significant fire risk. In addition, to enabling hay and bedding to be covered and bagging taking place under cover the building would also provide additional space for a second farrier and relocated washdown area, which is currently situated in the Midden.

- 2.5 The supporting statement makes a case that paragraph 145 (b) of the NPPF allows provision of appropriate facilities in connection with outdoor recreation, provided that the facilities preserve the openness of the Green Belt. It states that the building footprint would be less than 1% associated with a major equestrian business extending to 117 acres is a facility which preserves the openness of the Green Belt. In order to justify the proposal it compares the proposed building to those of an agricultural business, which allows permitted development buildings that could be built up to an area of 465 sq m every 2 years.

### 3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

- CP1 - Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design
- CP14- Landscape Character and Cannock Chase Area of Outstanding Natural Beauty.

#### 3.3 National Planning Policy Framework

- 3.4 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

- 3.5 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

- 3.6 Relevant paragraphs within the NPPF include paragraphs: -

- 8: Three dimensions of Sustainable Development
- 11-14: The Presumption in favour of Sustainable Development
- 47-50: Determining Applications
- 124, 127, 128, 130: Achieving Well-Designed Places
- 143-145 Protecting Green Belt
- 172 Conserving and Enhancing the Natural Environment
- 212, 213 Implementation

### 3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards,  
Travel Plans and Developer Contributions for Sustainable Transport.

Manual for Streets.

Cannock Chase AONB Management Plan 2019-24.

## 4 Determining Issues

### 4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area, including the AONB and Green Belt.
- iii) Impact on residential amenity.
- iv) Impact on highway safety.

### 4.2 Principle of the Development

4.2.1 The proposed development is located within land designated as an Area of Outstanding Natural Beauty and Green Belt, wherein the case of the latter, there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts, adding that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the essential characteristics of Green Belts are their openness and permanence.

4.2.2 The stages in taking decisions on applications within the Green Belt are as follows:

In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.

If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.

If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.

4.2.3 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt must be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and the AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

- 4.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 and 146 of the NPPF. Paragraph 145 relates to new buildings.
- 4.2.5 The NPPF, paragraph 145 states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include, amongst other things: -
- “(b) the provision of appropriate facilities (in connection with the existing use of land) for outdoor recreation [amongst others], as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - (c) the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original building.”
- 4.2.6 Firstly, it is common ground between the applicant and officers that the planning statement points out that the proposal is for a new building, rather than an extension and therefore ‘consideration under paragraph 145(c) is not relevant.’ However, if it were to be considered as an extension, the proposal would fail to comply with the NPPF, as it would form a much larger extension than the existing building to be extended and therefore would form a disproportionate addition.
- 4.2.7 As such, the proposal should be considered under the relevant paragraph 145(b) of the NPPF that is the whether the proposal would constitute the provision of appropriate facilities for outdoor recreation which would preserve the openness of the Green Belt and which would not conflict with the purposes of including land within it.’
- 4.2.8 In this respect it is worth considering issues surrounding the concept of openness as it applies to the determination of planning applications. Openness is the absence of built form and as such any new development would have the potential to impact on openness. Whether development detracts from openness will therefore depend on its size, scale and design. However, impacts on openness equally depend on the openness of the locality. Not all parts of the Green Belt are open, as the designation can wash over hamlets, villages and farmyards all of which already contain buildings and other forms of development.
- 4.2.9 It is noted that the building would be some 32m in length, 11.7m in width and would be a maximum height of 6.3m (4.6m to eaves). It therefore would constitute a building of considerable mass within this rural location. It is noted that it would be situated adjacent to the existing midden building and near to the main stable block which would serve to ameliorate its impact on openness. However, this in itself, would not serve to eliminate the impact on openness, given the overall height, sale and mass of the proposed storage building compared to these buildings. It would therefore serve to substantially increase the amount of built form on the site.
- 4.2.10 The applicant has put forward the assertion that the building footprint would be less than 1% associated of this major equestrian business which extends to 117 acres, and in this respect it would preserve the openness of the Green Belt.



Officers can confirm that such contextual assessment has been accepted on occasion by the Planning Inspectorate.

4.2.11 Whilst there is certainly some merit in the contextual argument that the provision of the storage building would help to preserve a wider the openness of the area of Green Belt this approach does have its limits.

4.2.12 In the first instance since the change of use from agricultural storage building to stables and associated facilities and the construction of a manege and horse walker in 2001 the site has witnessed a substantial increase in built form, including a replacement equestrian building for stabling (12 horses) and storage of hay and bedding materials and the creation of midden in 2015. At that time the Planning Statement made the assertion that:

“The new building with [sic] provide 6 stables and provide the necessary covered storage facility at the farm for hay, straw and bedding materials- which at the present time has to be stored outside.”

4.2.13 Officers can confirm that the part of the building which was intended for the storaghe of hay etc is now used for additional stabling. As such the contextual argument could be used time and again, that is the proposed storage building could be used to provide more stables resulting in another application for a storage building on the grounds that it would preserve the openness of the wider site.

4.2.14 In addition to the above, and perhaps more fundamentally, the applicant has clearly stated that people who have horses at the stables are responsible for their own livery and bring their own food. This is the reason for requesting such a large building as each person has their own row which they need access to. As such there is little, or no, relationship betweenh the need for the building and the land within the applicant’s ownership as they would say if the building was used to store a hay crop from the wider land.

4.2.15 In addition to the above it is considered that in absolute terms a building of the dimensions proposed, in the location indicated could do no other than fail to preserve the openness of the Green Belt. In accordance with paragraph 144 of the NPPF is required to give substantial weight to the harm by reason of inappropriateness.

4.2.16 Having had regard to the above it is considered that the proposal constitutes inappropriate development. Inappropriate development is harmful, by definition, to the Green Belt, and should not be approved unless very special circumstances exist to justify approval of the approval. Furthermore, paragraph 144 of the NPPF goes on to state that ‘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.

4.2.17 This report will then go on to consider whether any other harm arises from the proposal, before looking at any considerations advanced by the applicant and then going to determine whether the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

#### 4.3 Design and the Impact on the Character and Form of the AONB

4.3.1 In respect to issues in relation to design and impact on the character and form of an area Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

Local Plan Policy CP14 relates to landscape character and the AONB.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state:-

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that the Design SPD sets out clear expectations and guidance in respect to equestrian facilities.

4.3.6 Finally, paragraph 172 of the NPPF states 'Great Weight should be given to conserving and enhancing the landscape and scenic beauty in ..... [amongst other things] Areas of Outstanding Natural Beauty ... which have the highest status of protection in relation to these issues.

4.3.7 In this regard, the AONB Unit has been consulted on the proposals. They object and have stated:

'The proposed building would potentially result in over-development of the site; it would be visually intrusive and have a detrimental effect on the character of this part of the AONB; hence the objection.'

4.3.8 There have been a number of objections from local residents, who object to the proposal's potential impact upon the visual amenity of the AONB.

4.3.9 The scale and mass of the proposed building design, combined with the proposed materials comprising concrete and metal sheets would appear industrial in design, particularly as it would form one of several existing buildings, which comprise similar materials within the equestrian compound. When viewed together, they would give the overall appearance of a group of industrial units. The proposal would be sited at the edge of the applicant's land, where hedges have been removed, making it clearly visible from views along Slang Lane, Nun's Well and Cumberledge Hill, due to this lack of landscape screening and differing ground levels. It is therefore considered that the proposed building of industrial design and proportions would have a detrimental impact upon the open greenfield nature and character of the AONB.

4.3.10 Therefore, having had regard to Policy CP3 and CP14 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would not be acceptable in respect to its impact on the character and form of the Green Belt and AONB area. Given that paragraph 172 of the NPPF states 'Great Weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty' it is considered that substantial weight should be given to the harm to the character and form to the AONB.

#### 4.4 Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties".

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 There have been objections received from the neighbouring residents in relation to loss of amenity on the grounds of loss of open greenfield outlook, increased noise from machinery/vehicles and light pollution. In respect to outlook the comments made are in fact comments in respect to loss of view, rather than outlook. Loss of a private view is not a material consideration.

- 4.4.4 The Environmental Protection Officer has no objections to the proposal, however, states that if there any any proposals to install any additional external lighting in conjunction with this development, then the scheme should be designed to ensure that there is no overspill or glare off site to the detriment of other properties within the vicinity.
- 4.4.5 Noise from cars and machinery would be intermittent and unwittingly caused by visitors and employees using the site. However, as the bedding and hay is already stored out in the open in the area proposed to be covered by the building, it is considered that the proposed containment of the materials would reduce noise caused by the forklifts, other machinery and equipment from transferring to the surrounding dwellings, and would not exacerbate the existing situation.
- 4.4.6 No lighting is proposed by the submitted scheme, however, it could be conditioned to prevent glare, if permission is granted for the development. Existing light spillage into the windows of surrounding dwellings can be reported to the Council's Environmental Protection Team to control light pollution.
- 4.4.7 As such, it is considered that no demonstrable harm would result from the proposal to the amenities of the occupiers of the surrounding residential properties and therefore the proposal would comply with Policy CP3 of the Cannock Chase Local Plan.

#### 4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 There has been an objection raised on increased traffic, however, the County Highways Officer has no objection to the proposal.
- 4.5.3 The application site is located some distance from the public highway. The existing access arrangements to the site would not be altered and the existing parking area within the application site would not be reduced in area or affected by the proposal. In addition the proposal would only be a for a building to store materials that are already stored on site and this in itself would not generate traffic movements.
- 4.5.4 It is therefore considered that the proposal would not have a detrimental impact upon highway or pedestrian safety.

#### 4.6 Other Issues Raised by Objectors

- 4.6.1 With regard to the issue raised relating to impact upon wildlife, the site is not known to support any protected species and the proposal relates to an existing hard-surfaced area. Furthermore, no lighting is proposed by the scheme. It is therefore considered that the proposal would not cause significant impact upon habitat, nor wildlife.

4.6.2 Loss of trees and hedges – Hedges have been removed bordering the site. The application states that there would be no loss of trees, or hedges affected by the proposal. However, there are trees outside the application site's periphery, which would be likely to be affected by the foundations of the proposed building. As this report recommends refusal, the applicant has not been requested to provide further information to investigate this issue further. Should Committee Members be minded to approve the proposal, a tree survey and consultation with the Council's Arboriculturist would be required before a final decision is made.

#### **4.7 Considerations Put Forward by the Applicant**

4.7.1 Given that the applicant considers that the proposal would not constitute inappropriate development he has not advanced any comprehensive statement that very special circumstances exist which would justify approval.

4.7.2 Notwithstanding the above the planning statement submitted by the applicant states that under Class A, Part 6 Schedule 2 of the General Permitted Development Order 2015, agricultural buildings of up to 465 sq metres could be constructed without the need for planning permission every 2 years. However, this only applies to buildings intended for agricultural purposes and on agricultural land (and would require the Prior Approval from the Local Authority due to the Article 2(3) land). Therefore the permitted development rights would not apply in this instance because the land had planning permission for change of use to an equestrian facility granted during 2001 and is sited on Article 2(3) land. This fall-back position therefore does not exist and cannot be cited as development that could potentially cause worse harm than that of the proposal being considered by Committee Members.

4.7.3 The purpose of the building is to provide a dry storage area for cover for hay and bedding that is currently stored and bagged outside in open storage area, which is located adjacent to the manure store. Whilst the inconvenience to users of the stables is noted it is also noted that this is not so severe that it has presented use of the facilities which on a visit by officers appeared to be well used.

4.7.4 The submitted statement explains that the large amounts of hay and bedding could not be kept in the stable block because of insufficient room and the Fire Service advise it would be a significant fire risk. Officers would respond that although this may be the case this issue should have been considered by the applicant when designing the stables so that the hay storage was not put adjacent to the stables.

4.7.5 The applicant has stated that in addition, to enabling hay and bedding to be covered and bagging taking place under cover the building would also provide additional space for a second farrier and relocated washdown area, which is currently situated in the Midden.

#### **4.8 The Test of Very Special Circumstances**

4.8.1 As stated above it is considered that substantial weight should be given to the harm to the Green Belt and to the harm to the character and form of the AONB.

- 4.8.2 In respect to the considerations advanced by the applicant it is considered that these amount to matters of convenience and, or bad, design (ie storage of hay alongside livestock) which may be overcome by a redesign of the facilities or by management of the site to avoid fire risk. As such it is considered that little weight should be afforded to these considerations.
- 4.8.3 As such it is considered that the harm to the Green Belt and to the character and form of the AONB has not been clearly outweighed by other considerations such that very special circumstances have been demonstrated that would justify approval of the application.

## **5 Human Rights Act 1998 and Equalities Act 2010**

### ***Human Rights Act 1998***

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

### ***Equalities Act 2010***

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;  
Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## **6 Conclusion**

- 6.1 The site is in the West Midlands Green Belt wherein there is a presumption against inappropriate development. Inappropriate development is by definition

harmful to the Green Belt and should only be allowed where very special circumstances have been demonstrated to exist. Very special circumstances can only exist where the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

- 6.2 The proposed development by virtue of its siting and design comprises an inappropriate building incompatible with the landscape qualities of Cannock Chase Area of Outstanding Natural Beauty, and therefore contrary to Policies CP3 and CP14 of the Local Plan.
- 6.3 In accordance with paragraph 144 of the NPPF substantial weight should be afforded to the harm to the Green Belt. Furthermore, substantial weight should be afforded to the harm to the AONB. Furthermore, the considerations put forward by the applicant relate mainly to matters of convenience which attract little weight and it is considered that the very special circumstances have not been demonstrated to exist to support approval of the proposal and the application should be refused.

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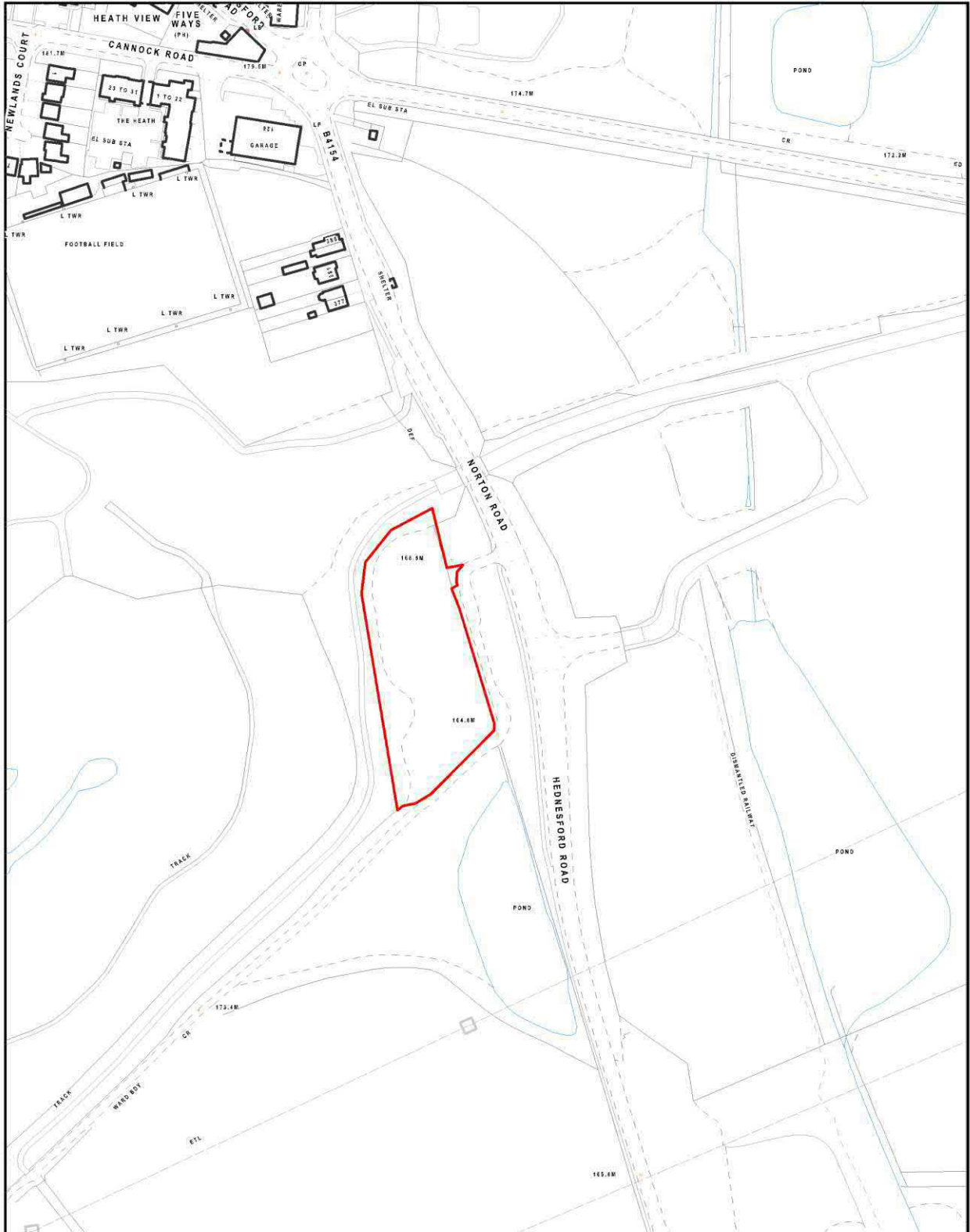


**Application No:** CH/19/093

**Location:** Land Off, Stokes Lane, Norton Canes, Cannock, WS12 3HJ

**Proposal:** Proposed Change of Use of land for the keeping/stabling of horses

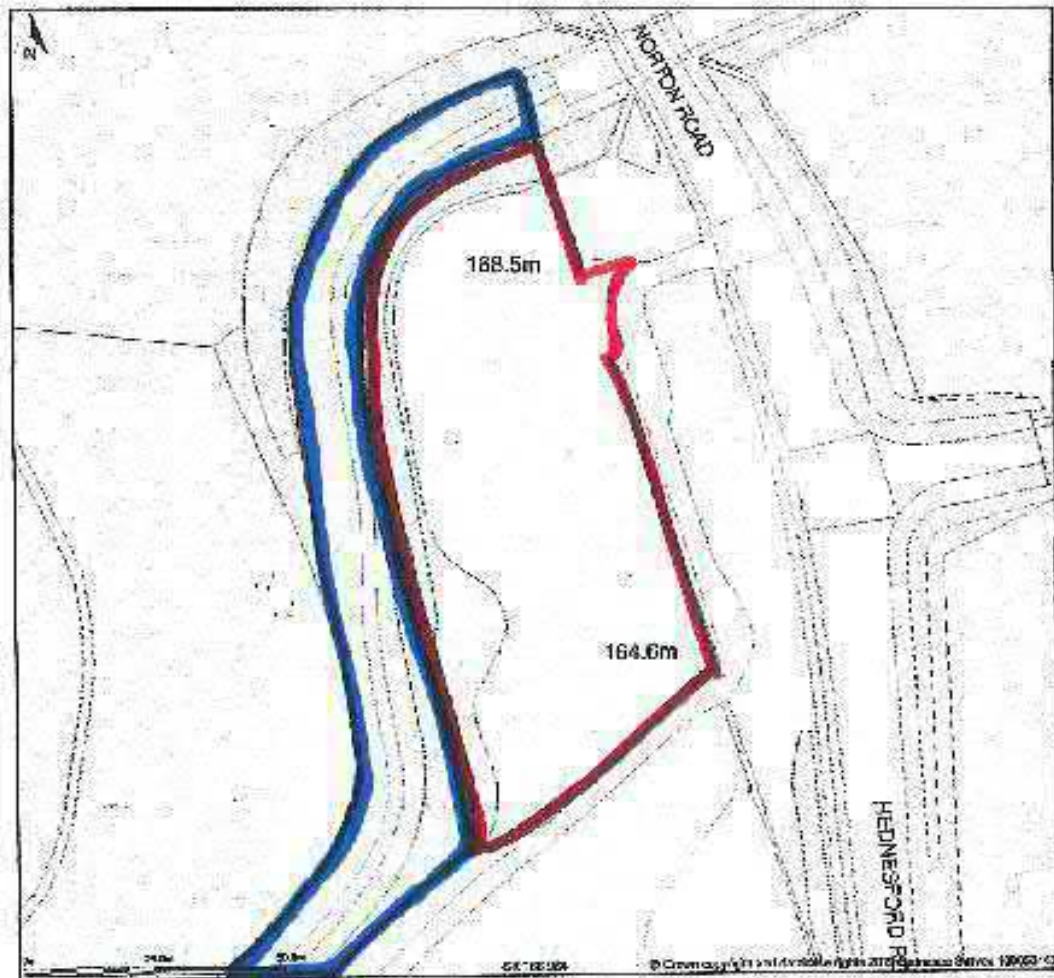
**ITEM NO. 6.22**



# Location Plan



Stokes Lane, Cannock, Staffordshire, WS12 3HJ



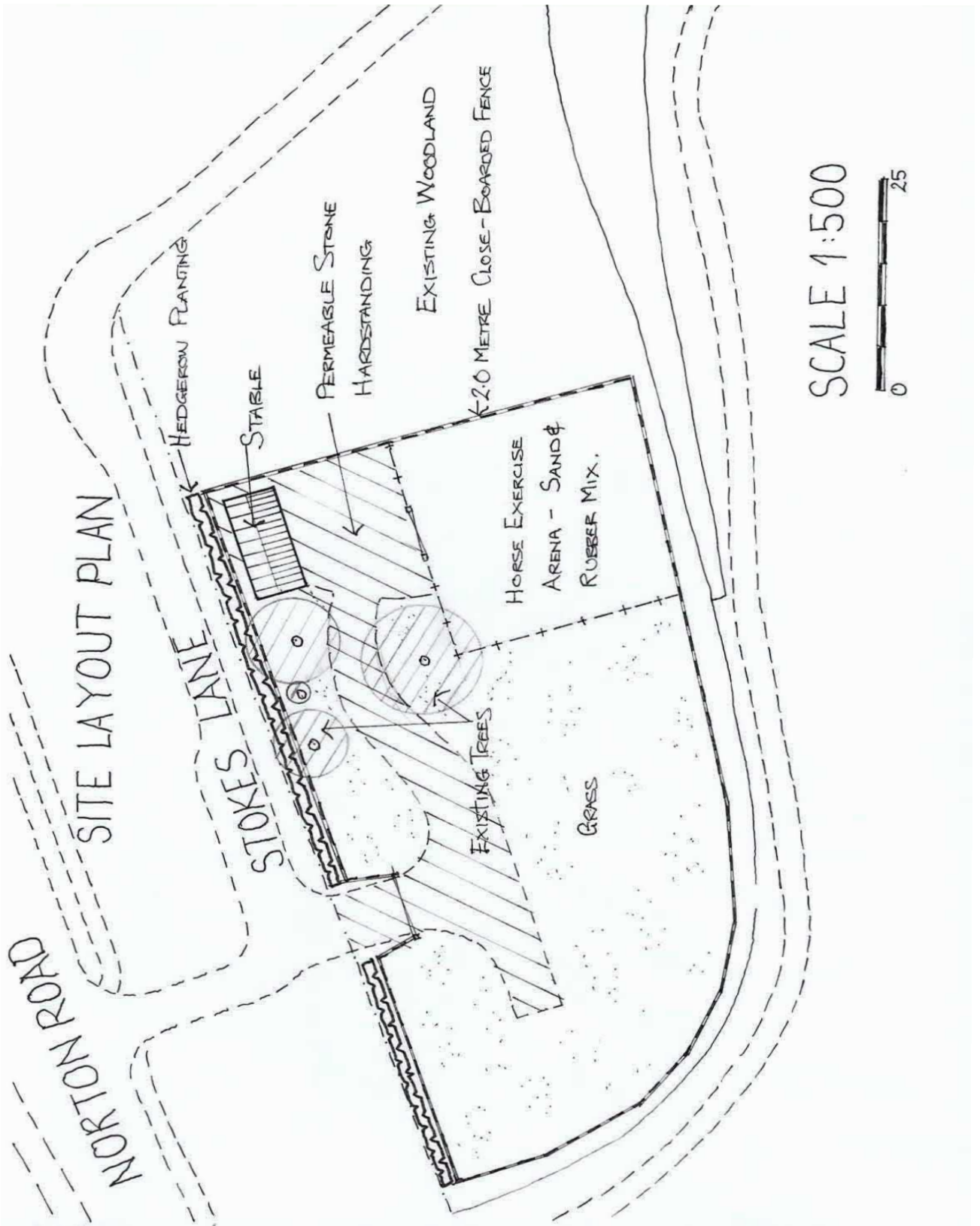
This Plan shows areas bounded by 401560.00, 309043.70, 431700.94, 309043.70 in (in a sector of 128.99), 0.955104, SK 300 954. The representation of a road, track or path is an evidence of a right of way. The representation of features is this is no evidence of a property boundary.

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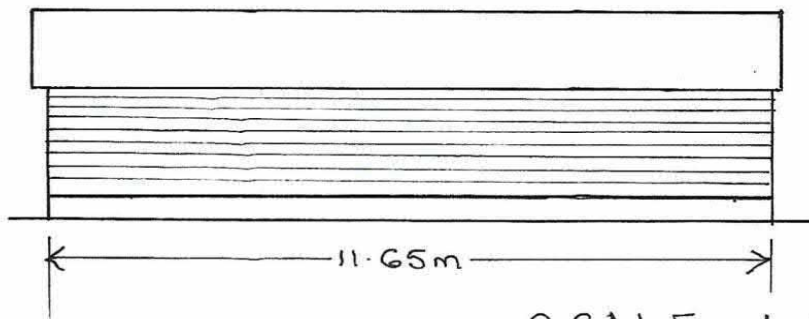
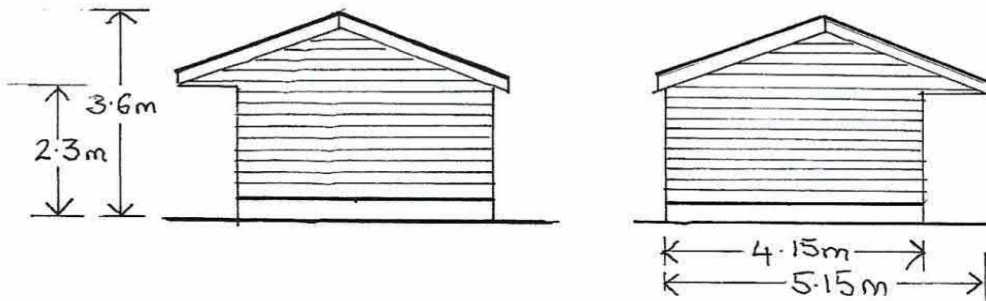
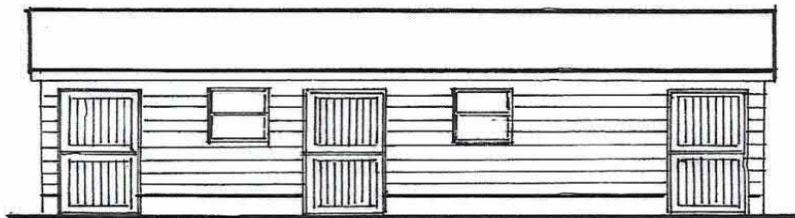
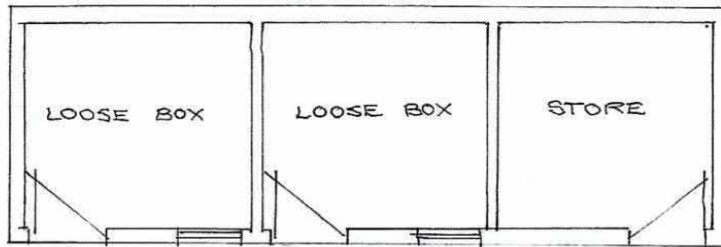
# Site Plan



# Floor Plan and Elevations

STABLE BUILDING.

FLOOR PLAN & ELEVATIONS



SCALE 1:100

<b>Contact Officer:</b>	<b>David O'Connor</b>
<b>Telephone No:</b>	<b>01543 464 515</b>

**PLANNING CONTROL COMMITTEE  
UPDATE REPORT  
21 AUGUST 2019**

<b>Application No:</b>	CH/19/093
<b>Received:</b>	04-Mar-2019
<b>Location:</b>	Land off Stokes Lane, Norton Canes, Cannock, WS12 3HJ
<b>Parish:</b>	Heath Hayes Norton Canes
<b>Description:</b>	Proposed change of use of land for the keeping/stabling of horses
<b>Application Type:</b>	Full Planning Application

## UPDATE

The current application was brought before Planning Control Committee on 26 June 2019. The application proposed the erection of a stable building, horse exercise arena and the construction of an associated access track. Members raised concerns in relation to the fencing that had been erected on the site and deferred determination of the application to permit Officers further time to discuss potential improvements and fencing to the site frontage with the applicant.

Although the applicant was advised of Planning Committee's preference for a more open style traditional form of fencing this suggestion was declined. However the applicant was amenable to the suggestion of a living willow style fence.

The applicant has subsequently provided further details in the form of a Living Willow Fence specification that could be secured by conditions to the front of the site. If the fence as submitted was provided, this would assist in screening the domestic fencing that has been erected at the site and would in turn improve the appearance of the site and offer natural screening. Officers assess the improvement offered would be beneficial to the character and appearance of the area and as such conditions to secure this improvement within 3 months of the date of any consent being granted are recommended within this report.

Also in line with the Minutes from 26 June 2019 Planning Control Committee, if Members are minded to approve the proposed development a condition relating to a Manure Management Plan as recommended by the Council's Environmental Health section is also included.

A copy of the original Officer report is attached at Appendix 1 of this report.

**RECOMMENDATION:**

Approve Subject to Conditions within the Original Officer Report and the further two conditions stated below:-

Prior to the development hereby permitted being brought into use, a Manure Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the use of the stables shall be carried out in full accordance with the approved Manure Management Plan for the life of the development.

Reason:

In the interests of controlling foul waste water run off, trees and the amenity of the site.

Within three months of the date of this consent, the proposed Living Willow Hedge to the front of the application site as referenced within submitted details received by email on 10 July 2019 shall be planted along the entirety of the site frontage with Stokes Lane. Thereafter any trees removed, dying or becoming diseased shall be replanted within the next available planting season for a period no less than 5 years from the date of this consent.

Reason:

In the interests of the visual amenity of the area and in order to comply with Local Plan Policy CP3.

## APPENDIX 1

**Copy of the Officer Report Presented to Planning Control Committee  
on 26<sup>th</sup> June 2019**

<b>Application No:</b>	CH/19/093
<b>Received:</b>	04-Mar-2019
<b>Location:</b>	Land Off, Stokes Lane, Norton Canes, Cannock, WS12 3HJ
<b>Parish:</b>	Heath Hayes Norton Canes
<b>Description:</b>	Proposed Change of Use of land for the keeping/ stabling of horses
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

The application proposes the erection of stable building, horse exercise arena and the construction of an associated access track. Whilst the site is within the designated Green Belt where new buildings are usually strictly controlled, the development is for an outdoor sport and recreation purpose that falls within the permitted list of exceptions set out within NPPF Para 145(b). As such in principle the development is considered acceptable. In design terms, the positioning of the building close to adjacent woodland, the maintenance of the trees on site and the general proportions of the building are of a scale that ensure limited wider landscape impact. Subject to conditions to better pin down tree mitigation, landscaping, lighting, and CCTV amongst others, the development is considered to constitute appropriate design in this setting. Consideration of the highway implications is also assessed within this report, but the relevant standards are found to be met and no objections are raised by the County Highways Authority given the limited scale and intensity of development proposed.

Taking the above factors into account it is considered the development is in accordance with the adopted development plan, relevant locally set standards and the NPPF.

**Conditions (and Reasons for Conditions):**

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

## Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. Prior to the erection of the stable or the riding arena hereby permitted, an amended site plan showing a relocated stable building and resized riding arena that are positioned outside the root protection areas of retained trees shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved plans.

## Reason:

In the interests of minimising root disturbance and severance to retained trees and in the interests of minimising the wider landscape impacts associated with the development in accordance with Local Plan Policy CP3.

3. Prior to the erection of the stable building hereby permitted, a scheme detailing all soft landscaping including proposed species for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'. Thereafter the development shall be carried out in accordance with the approved details within the first planting season following the completion of the development.

Any trees or plants which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the following planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

## Reason

In the interest of visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

4. Notwithstanding the details referenced within the submitted Tree Report and prior to the construction of the vehicular driveway access, hardstanding or horse riding arena, precise details of the extent and specification for the proposed Cell Web 'no dig' membrane and precise details of the proposed utilities routing to the site shall be submitted to and agreed in writing by the Local Planning Authority, Thereafter the development shall be carried out in accordance with the approved details.

## Reason

The existing vegetation makes an important contribution to the visual amenity of the area and damage to it should be avoided. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.



5. Prior to the erection of any lighting within the development hereby permitted, details of the proposed lighting including the proposed location, type of cowling and lighting intensity shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed lighting scheme shall be implemented in accordance with the approved details.

Reason

To ensure that the brightness of any lighting erected does not have an adverse impact on protected species, highway safety and the night time character of the area in line with Local Plan Policy CP3.

6. Prior to the erection of the stable building hereby permitted, details of the proposed CCTV shall be provided showing the specification and proposed location of the CCTV cameras. Thereafter the development shall be carried out in accordance with the approved details prior to first use of the development.

Reason:

In the interests of site security and discouraging crime in line with Local Plan Policy CP3.

7. Without the express consent of the Local Planning Authority, there shall be no barbed or razor wire, lighting, lighting columns or additional fencing erected or positioned on the site beyond that expressly permitted by the Local Planning Authority as part of this consent.

Reason:

In the interests of the character and appearance of the area in line with Local Plan Policy CP3.

8. No trees or hedges shown as retained on the 1:500 Site Plan dated as received 22 May 2019 shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP14, CP12 and the NPPF.

9. The development hereby permitted shall be carried out in accordance with the following approved plans:  
The amended 1:500 Site Plan dated as received 29 April 2019 subject to the requirements of Condition 2 of this notice

The amended Elevations and Floorplans dated as received 23 May 2019  
The Post and Rail Fence Details dated as received 4 March 2019  
The Vertical Boarded Fencing (Ref PBA4) dated as received 4 March 2019

Reason

For the avoidance of doubt and in the interests of proper planning.

## **Consultations and Publicity**

### ***External Consultations***

#### Staffordshire Wildlife Trust

No response received

#### Historic England

No comments offered

#### Heath Hayes & Wimblebury Parish Council

No objections

The site is within the Green Belt but the application is considered suitable agricultural development. There should be a condition restricting the number of vehicles on the site to a maximum of 2. Conditions should also be added to prohibit any means of human habitation such as caravans, tents and restrictions in terms of storage. The Arboricultural Impact Assessment recommendations should be followed, particularly with regard to services, should they be required.

#### Norton Canes Parish Council

No objections relating to the equestrian development proposed but we would comment that we would not wish to see this land developed in future for the residential use for gypsies/ travellers.

#### Coal Authority

No objection

The Coal Authority's general approach where development is proposed within a Defined High Risk Area is to recommend the applicant submits a Coal Mining Risk Assessment with the application. However when considering this particular proposal, whilst there are potential mining features within the application site, the specific part of the site where development is proposed actually falls outside of the defined High Risk Area. Therefore we do not consider a Coal Mining Risk Assessment is necessary and we do not object to this proposal. An informative note should be added to any decision highlighting the presence of potential unrecorded coal mining hazards.

#### Staffordshire County Highways Authority

No objections subject to conditions

The proposal is for 2 No. loose boxes only. The traffic generated from this would be negligible given the low level of horses on the site. The Highway Authority consider the

current access off Norton Road (including visibility) to be acceptable given the limited quantum of development proposed.

#### Police Crime Prevention Officer

No objections, following comments are made:

Rural crime is both a local and national issue, the theft of trailers and horse tack being particularly prevalent. The documents provided state that it is intended to house tack within the proposed structure which offers very little crime resistance and is set in a location that actually assists offenders.

#### Illumination

The building should have all elevations and recesses illuminated with a series of vandal resistant, high-pressure sodium lamps, operated by photoelectric sensors, mounted at the highest inaccessible point.

#### Roof

Should construction dictate installing a lightweight roofing system, I recommend installing one certificated to STS 202 BR1. LPS 1175 SR 1 which is less vulnerable to intrusion by cutting through the deck, attempts to gain access through the roof can be prevented by fixing expanded metal to the topside of rafters.

#### Walls

Composite panels, profiled metal cladding and wooden walls are all vulnerable to forced entry. The first 2m height of all walls, internally or externally, should be brickwork or materials of similar strength. All grilles should use security screws or bolts.

#### Perimeter Doors

The minimum Association of British Insurers (ABI) and Police security standard for perimeter doors is that they should comply with STS 202 BR2, LPS 2081SRB or LPS 1175 SR2, the opening leaf of perimeter double doors must be fitted top and bottom with key operated rack mortise bolts and the meeting styles should be rebated.

### ***Internal Consultations***

#### Planning Policy

No objections.

#### Environmental Health

No objections.

Appropriate arrangements will be necessary for the disposal of liquid and solid wastes and a manure management plan is recommended.

#### Environmental Services

The following comments are made:

The site was formerly well treed, forming a screen to the former haulage road and has recently been cleared of the majority of trees. This has resulted in opening up views from the main road across the site.

In relation to trees and the Tree Report provided:

- The proposal is site the stable within the root protection of the trees on the site. What is the extent of the incursion and will this have long term impacts? The tree report provided does not consider this. More details regarding the proposed foundations if within the root protection area of the trees should also be provided.
- The no dig surface proposed should cover the length of the area not just the specific sections and specific details of the produce specification proposed should be provided so it can be secured by condition.
- How will services on the site be provided? If along the driveway, this will impacts existing trees.
- The Tree Protection Barriers proposed do not sufficiently protect the trees on site.
- The horse exercise area cuts into the Root Protection Area of Tree 3 as shown and no consideration of this impact is given in the report.
- Horse fouling, root compaction and the browsing action of horses could impact the potential for tree retention.

The proposed stable is generally in keeping in revised design however the inclusion of a tall 2m close boarded fence around the site perimeter is not in character with the area. It is domestic in appearance and considerably increases the visual prominence of the site to the detriment of the local area.

### ***Response to Publicity***

Site notice posted and adjacent occupiers notified in line with Development Management Procedure Order 2015 requirements. In response 3 No. individual letters were received and in summary these raise the following matters:

- We do not have concerns about stabling but would suggest a condition should be added that stipulates 'no caravans, tents or living accommodation (even temporary accommodation) shall be permitted on the land'. We are concerns that as there is already a Travelers camp on Stokes Lane, the stables will soon be joined by a caravan and over time will become an unofficial Travellers Camp Site.
- The fenced nature of the site, the ornate gates proposed and the effort made to stone up the site in a level way clearly indicate there will be Traveller's caravans put on the site.

## Relevant Planning History

1. CH/08/0001: Installation of a wind farm, comprising three wind turbines, control building Full – Withdrawn. 08/05/2009.
2. CH/97/0254: Proposed modification to the working and restoration County Reg 3 - No Objections. 09/24/1997.
3. CH/89/0503: Opencast coal and clay extraction and restoration to woodland Full – Approval. 06/13/1990.

## 1 Site and Surroundings

- 1.1. The application site is located close to the junction of Stokes Lane and Hednesford Road (B4515 turning into Norton Road just to the north of the application site). The site occupies a slightly set down position from Hednesford Road and is now a cleared parcel of land located to the west - and accessed from - Stokes Lane. The site was recently cleared of vegetative cover and the majority of trees that existed with a domestic style 2m fence now having been erected around the site.
- 1.2. The site is located within the defined Green Belt, is within a known contaminated land area, High Risk Coal Mining designation area and is within a defined Minerals Consultation Area. The site is also in the defined Norton Canes Neighbourhood Plan Area.
- 1.3. The context of the site is relatively rural in character, well landscaped and undeveloped with the exception of the main roads in the area and the previous Coal Haulage Road to the north of the site. Views across the site are apparent from Hednesford Road to the west and the elevated land known as Fair Lady Coppice to the east of the site.

## 2 Proposal

- 2.1 The amended application proposals seek full planning permission for the erection of a stable building and horse exercise area and the associated change of use of the land to enable use for equestrian purposes. The development proposed involves the erection of a pitched roofed 5.15m x 11.65m stable with a height of 3.6m that would be constructed on a brick plinth with timber walls and doors. A horse exercise area 25m x 26m surfaced in sand and shredded rubber is also proposed along with compacted stone hardstanding access and turning area.

### 3 Planning Policy

3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

- CP1 - Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design
- CP10 – Sustainable Transport
- CP12 - Biodiversity and Geodiversity
- CP14 – Landscape Character and Cannock Chase AONB

3.3 National Planning Policy Framework

3.4 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

3.5 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

- |                     |  |
|---------------------|--|
| 8:                  | Three dimensions of Sustainable Development          |
| 11-14:              | The Presumption in favour of Sustainable Development |
| 47-50:              | Determining Applications                             |
| 124, 127, 128, 130: | Achieving Well-Designed Places                       |
| 145-146             | Green Belt Developments                              |
| 172                 | Landscape and Scenic Beauty in Protected Areas       |
| 212, 213            | Implementation                                       |

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016. Notably pages 63-66 regarding equestrian developments.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport

## 4 Determining Issues

4.1 The determining issues for the application are:

- Principle of development
- Design and Landscape Character Considerations
- Trees
- Highways Considerations
- Crime and Vandalism Considerations
- Other issues:
  - Potential use for Gypsy and Traveller Site
  - Erection of fencing
  - Coal Mining Risk

### 4.2 Principle of development

4.2.1 The proposal is for the change of use of land and development of an equestrian stable including the provision of a stable building, riding arena and associated access track. Whilst clearance of vegetation from the site has been undertaken, this work was not development within the terms of S.55 of the Town and Country Planning Act 1990 and so does not fall to be considered within this application as a material consideration taking account the starting point for these submissions is the cleared site.

4.2.2 Local Plan Policy CP1 and CP14 refer to the application of relevant National Policy when considering development within the Green Belt. Para 134 of the NPPF states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.2.3 In this case of most relevance to the proposals is the desire to safeguard the countryside from encroachment. In particular NPPF Para 144 makes clear that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.' Para 145 goes further and states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;....'

- 4.2.3 Officers assess that whilst the development of a stable is a new building, in principle the use and building functionally fulfils an outdoor sport and recreation purpose so as to fall within the exception criteria stated in Para 145(b) of the NPPF. The building is modest in scale and is otherwise positioned to minimise its effect on the openness of the Green Belt being screened by adjacent woodland and is not considered to represent a substantial encroachment into the countryside that would impact the permanence of the Green Belt.
- 4.2.4 Also of relevance is the construction of the horse exercise area and the access track proposed. In this regard, in principle Para 146 of the NPPF states that other forms of development are also 'not inappropriate' in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of the items listed in Para 146 is 'Engineering Operation' which in this case could include the formation of the access track and riding arena. These items are not judged to substantially impact the purpose of safeguarding the countryside from development in this case, have a limited effect on openness and would not be likely to affect the permanence of the Green Belt in the long term.
- 4.2.5 Accordingly, in principle both the construction of the building and the associated facilities are considered to align in principle with the exceptions within National Green Belt Policy as referenced. In turn, the development is considered to accord with Local Plan Policies CP1 and CP14 in principle.

#### 4.3 Design and Landscape Character Considerations

- 4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -
- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale, appearance, landscaping and materials;  
and
  - (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.
- 4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -
- Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;



- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

4.3.5 To assist with considering equestrian developments, the Council has produced a Design Supplementary Planning Document. Equestrian developments are considered on page 64. Extracts from this state:

- Freestanding buildings need to be sensitively located to minimise their effect on their surroundings and where possible they should be sited so they closely relate to existing screening ... additional screening may be required.
- Stables need to be of a size that are comfortable for their purpose but not large enough to enable easy conversion to other uses.
- Materials used in the construction of stables should be sensitive to their countryside location. The use of stained wood on traditionally designed and constructed buildings can be acceptable ... Stables constructed of brick and tile should be purpose built with the use of plain tiles and bricks that reflect the local character of the area.
- Boundary treatments, external lighting, hardstanding and clutter should be carefully controlled.
- Riding arenas can appear intrusive in the natural landscape so need care in terms of siting, design and surfacing materials. Materials should be carefully considered.

4.3.6 The amended scale of the building in this case closely accords with the recommendations made within the Council's Design SPD. The building and riding area are also proposed in a location that is immediately adjacent the wooded area retained to the south of the site, thus containing wider landscape visibility. The applicant also proposes additional landscaping along the site frontage albeit the details provided could be more precise. The Council could also require that any additional lighting be submitted to and agreed by the Council in order to minimise potential for light spill and ecological disturbance. The materials to be utilised in the stable accord with those suggested in the Council's Design SPD being predominantly timber with a black roof made from Onduline sheeting.

4.3.7 The main negative factor associated with the development is the highly domestic fencing enclosing the site that is not appropriate in an otherwise green landscape. Whilst this is the case, Members will need to also recognise that much of this fencing is permitted development under Part 2 Class A of the General Permitted Development Order 2015 being 2m (or in some cases just

over). Hence the applicant was entitled to carry out this fencing work and the fenced and cleared site is in effect the legitimate starting point for the current submissions (albeit this is with the exception of the fencing fronting Stokes Lane). The Council would be within their rights to insist the fencing adjacent the highway to the front of the site is taken down to 1m in line with permitted development requirements and this option is open to Members. However Officers also note the competing security considerations that would be apparent from only a 1m fence. The applicant instead seeks to provide screening along the external face of fence to the site frontage. This in time would soften the appearance of the fence but Officers accept this approach is not ideal and conveys some landscape impact whilst the hedging matures. Officers would highlight it would have been preferable if the applicant had discussed the full proposals with Officers before proceeding with the erection of the fence so a coordinated approach could have been assured.

4.3.8 It is also relevant that in line with the Council's Local Plan Policy CP10, the Local Plan Proposals Map envisages a new recreational footpath / cycle route in the area immediately to the south of the site linking in with Coal Haulage Road. This route is not affected by the current application directly. Indirectly however, this would promote additional pedestrian movements westwards towards Norton Lane in the long term and thus places increased importance in the quality of the landscape experienced by users of the proposed route.

4.3.9 Taking the above factors into account, whilst the proposals are not ideal in landscape terms subject to more precise soft landscaping details to the site frontage and submission and agreement of lighting details prior to erection, Officers consider the proposals as a whole - and excluding much of the fencing that has been erected under Permitted Development - do not have a significant impact upon the landscape character of the area or the Green Belt. Accordingly, having had regard to Local Plan Policies CP3, CP10 and CP14 the proposal, on balance, is considered acceptable.

#### 4.4 Tree Considerations

4.4.1 The site previously contained a number of trees. These were not subject to TPO and were lawfully removed as part of site clearance work. The site still contains 3 No. trees, all Silver Birch with an amenity category 'B' according to the submitted Tree Report. These trees assist in screening the site from the main road and these will help soften the appearance of the site more generally.

4.4.2 Criticism has been made of the submitted tree report by the Council's Tree Officer in that the report lacks detail regarding utilities routes into the site, clarity regarding the extent of the no dig surface proposed, formal confirmation of the type of 'Cell Web' membrane proposed to try and avoid root compaction. Questions are also raised regarding avoidance of encroachment into root protection areas by the stable building and the riding arena.

4.4.3 Officers consider it would be highly desirable in landscape terms to ensure long term retention of the trees that remain on site. Therefore the issues above were put to the applicant's agent by email on 4 June 2019. At the time of writing this report, no response has been received.

4.4.4 It is envisaged that minor changes such as slight changes to the size of the riding arena, repositioning of the stable and additional details from the applicant would likely address the above concerns. Such detail could be secured by condition prior to erection of the building, and could include the slight reorientation of the building and more specific details regarding root protection. In the absence of any response from the applicant's agent on the issues raised, this route appears the most appropriate and would ensure the Council takes the required steps to ensure the long term protection of the trees. Subject to these conditions, it is considered the development proposed would accord with Local Plan Policy CP12.

#### 4.5 Highways Considerations

4.5.1 The site is located on the inside of a shallow bend off Hednesford Road. Officers noted that the access emerging from the site had some impeded visibility as a consequence of vegetation in the highway verge. Specifically the issue of visibility was raised with Staffordshire County Council Highways Authority. In response as part of their role as a Statutory Consultee, Officers were assured that specific assessment of this visibility issue was undertaken and that given the minimal level of traffic associated with two stables, no objections would be raised to the use of the site for equestrian purposes. Accordingly there are considered to be no substantive highway safety issues subject to the conditions set out by the Highways Authority.

#### 4.6 Crime and Vandalism Considerations

4.6.1 Upon visiting the site, it is apparent the site is somewhat isolated from opportunities for natural surveillance. Whilst the site is adjacent to a road, this is a 40mph road on a bend such that surveillance by a casual observer is problematic. At the same time, the road promotes an awareness of the site and an awareness of potential for criminal opportunity with means of escape in a variety of directions. It was also noted the extensive fencing erected further restricts surveillance whilst not particularly providing security given the low level in certain areas. Supported by the observations from the Police, these factors could contribute to rural crime which is both a local and national issue, with the theft of trailers and horse tack being particularly prevalent. Recommendations are made by the Police consultee to include lighting, CCTV, steel roof decking, reinforced walls and high security doors to assist in restricting criminal opportunity.

4.6.2 The above matters were put to the applicant who considers he has a good relationship with his neighbours and they keep him informed of any activity on the site. The applicant also proposes to install CCTV and that since his activity on the site, a noticeable reduction in fly tipping has been apparent. In the applicants view, surveillance cameras and the regular presence on the land are likely to deter criminal activity.

4.6.3 Officers assess the CCTV proposed would go some way to deterring criminal behaviour. At the same time Officers consider that additional barbed wire, high intensity lighting, lighting columns and more industrial type fencing for example, would be undesirable in this location. Therefore conditions should require provision of the details of CCTV proposed along with submission and agreement

of any other security measures before their installation. This ensures the Council retains some degree of proportionate control over such measures which could impact on the wider character of the area if implemented poorly. Subject to these conditions, Officers consider this approach represents a proportionate response to the scale of risk posed to the development.

#### 4.9 Other Considerations

##### Potential for use as Gypsy and Traveller Site

4.9.1 A number of respondents and the Parish Council's consulted highlighted concerns about uses beyond the proposed use for stabling – including use as a Traveller Site. Members should note the application in law must be determined on the basis of the submission. It is not a material consideration to 'suppose' that a person might do something other than is suggested in their application. Therefore to be clear, the use as travellers accommodation is not a component of the application submitted and would require separate permission of its own, if an unauthorised use was to occur. Further assessment and separate planning permission would then be required in terms of compliance with planning policy and other material considerations.

4.9.2 Request has been made that Officers consider utilising conditions that prohibit temporary living accommodation such as caravans, tents or other forms of living accommodation from the land. It is questionable if such a condition meets the test of necessity given that permission would be required for such a use in any event. As such, Officers recommend that a condition restricting living accommodation is not attached to any permission granted.

##### Erection of Fencing Around Site Periphery

4.9.3 During the course of the application submissions a fence was erected around the site. In nearly all cases, all landowners benefit from deemed consent to carry out fencing works on their land subject to certain restrictions. This right is given at the national level Part 2 Class A of the General Permitted Development Order 2015 which permits fencing up to 1m adjacent a highway and 2m elsewhere. This right extends to all land except listed buildings. Therefore whilst the application had been submitted, approx. 75% of the fencing erected benefits from being permitted development. Only the front face of the fencing onto Stokes Lane would technically require planning permission. Therefore in assessing the current application, Officers and Members are advised to take a balanced view of the impact of the fencing that takes account of the fact that 75% of the fencing around the site already lawfully exists.

##### Coal Mining

4.9.4 The site is within a known Coal Mining Risk Zone. The applicant has not provided a site specific Coal Mining Risk Assessment describing the approach to be adopted to deal with residual risks from Coal Mining. The Coal Authority have considered whether such a report is required in this case. It is suggested when considering this particular proposal, whilst there are potential mining features within the application site, the specific part of the site where development is proposed actually falls outside of the defined High Risk Area. Therefore a Coal Mining Risk Assessment is not considered necessary and the Coal Authority do not object to this proposal.

**5 Human Rights Act 1998 and Equalities Act 2010*****Human Rights Act 1998***

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

***Equalities Act 2010***

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.
- 5.3 By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 5.4 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 5.5 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

**6 Conclusion**

- 6.1 The application proposes the erection of stable building, horse exercise arena and the construction of an associated access track. Whilst the site is within the designated Green Belt where new buildings are strictly controlled, the development is for an outdoor sport and recreation purpose that falls within the permitted list of exceptions set out within NPPF Para 145(b). As such in principle the development is considered acceptable.
- 6.2 In design terms, the positioning of the building close to adjacent woodland, the maintenance of the trees on site and the general proportions of the building are of a scale that ensure limited wider landscape impact. Subject to conditions to better pin down tree mitigation, landscaping, lighting, and CCTV amongst others, the development is considered to constitute appropriate design in this setting. Consideration of the highway implications is also assessed within this report, but the relevant standards are found to be met and no objections are raised by the

County Highways Authority given the limited scale and intensity of development proposed.

- 6.3 Taking the above factors into account it is considered the development, on balance, is acceptable having had regard to the adopted development plan, relevant locally set standards and the NPPF.

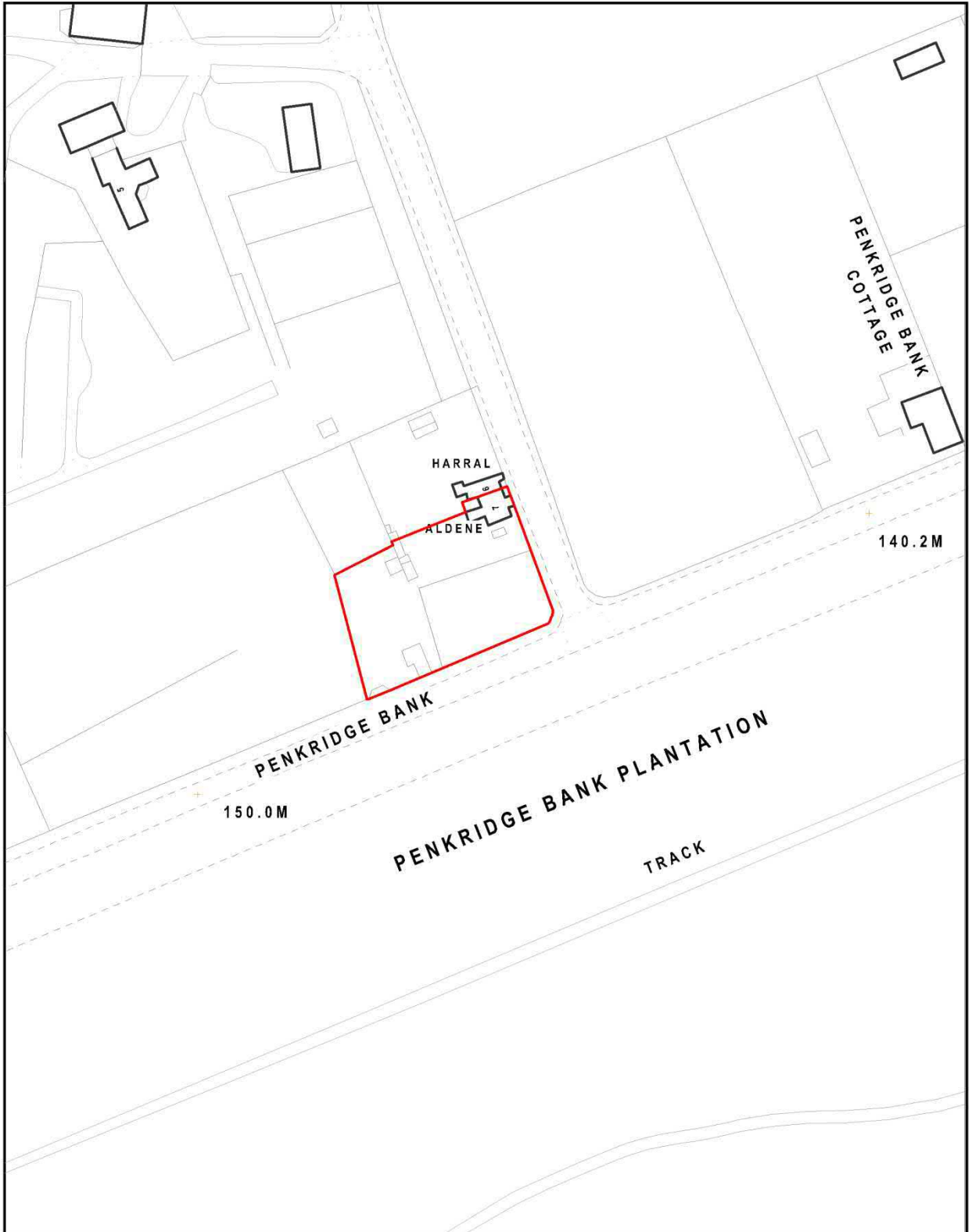


**Application No:** CH/19/053

**Location:** Aldene, 7, Stafford Brook Road, Rugeley, WS15 2TY

**Proposal:** Application to vary Condition 3, (to allow use of Annexe by non householders) as a one bedroom holiday let. Pursuant to CH/13/0449

**ITEM NO. 6.44**



# Location Plan

*GH11310449*

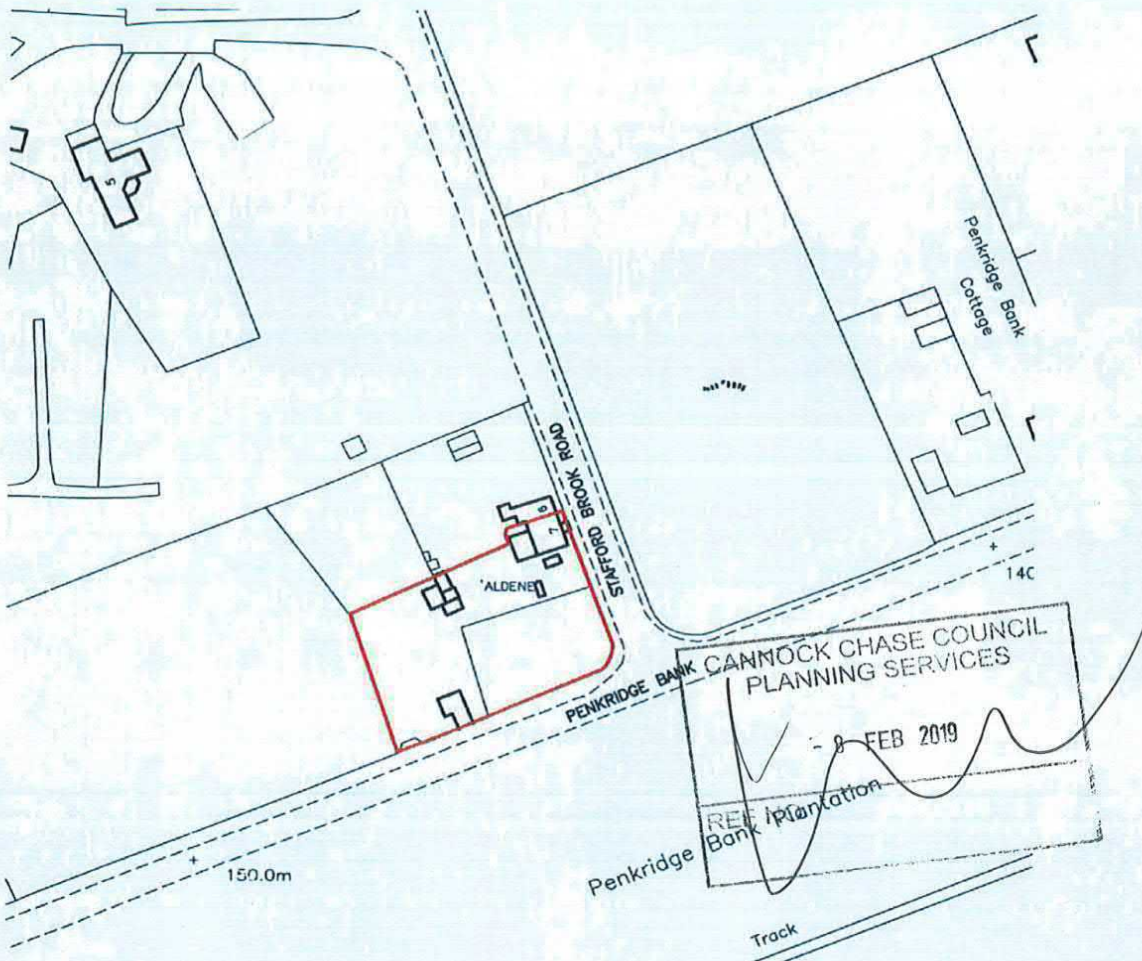
CANNOCK CHASE DISTRICT  
COUNCIL  
PLANNING SERVICES  
*19 FEB 2019*

Project name:	Site no:	Accessed by:
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**JOHN  
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**location plan**  
**1:1250**

CLIENT  
**MRS.S.JONES &  
MRS.H.TAYLOR**  
'ALDENE'  
Stafford Brook Road  
Rugeley  
WS15 2TY

NOV 2013



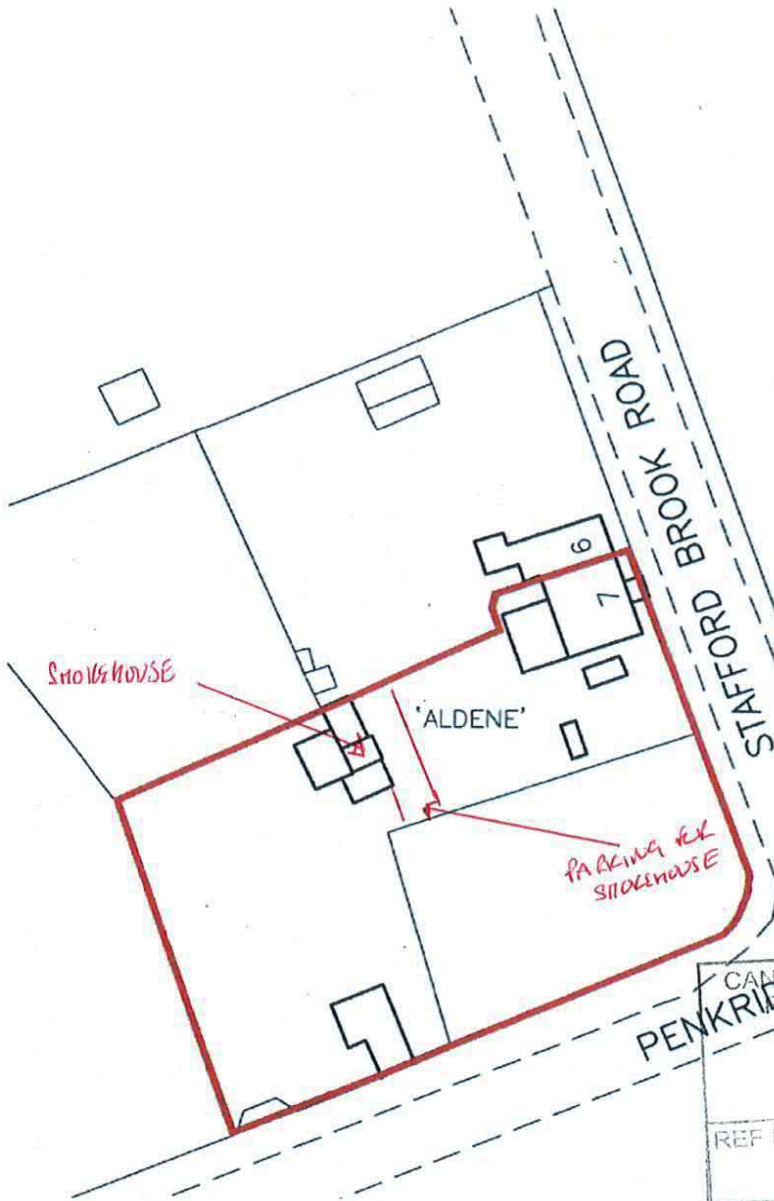
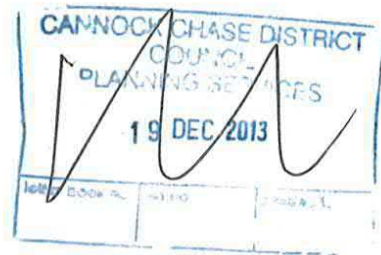
# Existing Site Plan

CH/13/0449

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**existing site plan**  
**1:500**

CLIENT  
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MRS.H.TAYLOR**  
'ALDENE'  
Stafford Brook Road  
Rugeley  
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NOV 2013

# Elevations

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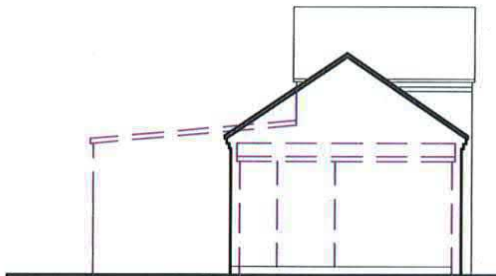
**PROPOSED FRONT ELEVATION 1:100**

CANNOCK CHASE COUNCIL  
PLANNING SERVICES

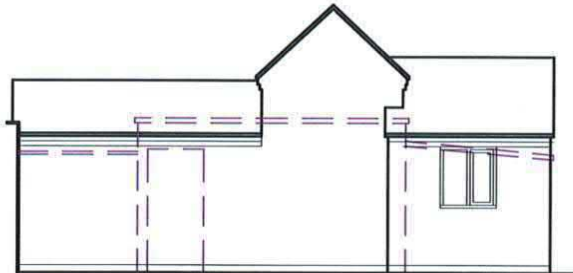
8 FEB 2010

REF NO

CH/19/053



**PROPOSED SIDE ELEVATION 1:100**



**PROPOSED REAR ELEVATION 1:100**

0 1M 2M 3M 4M 5M

Clay roof tiling, white painted bwk +  
white upvc external doors and windows  
all to match existing

**GRANNY ANNEXE**  
proposed elevation 1:100

CLIENT

**MRS.S.JONES &  
MRS.H.TAYLOR**

'ALDENE'  
Stafford Brook Road  
Rugeley  
WS15 2TY

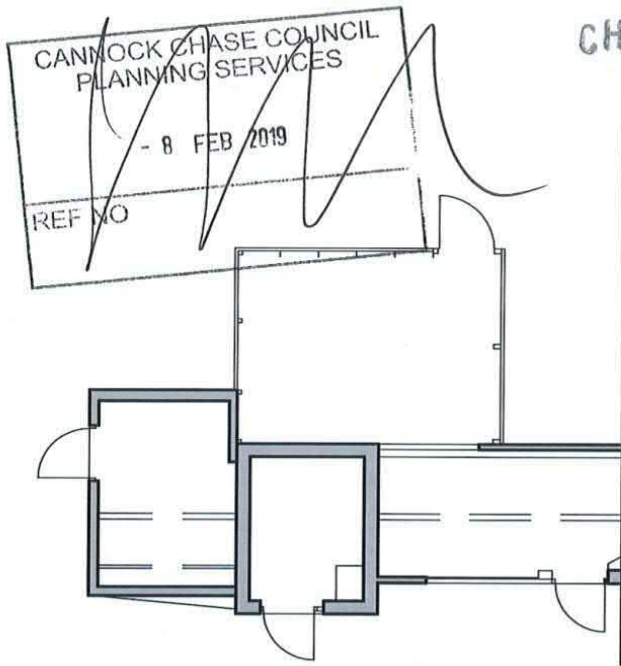
CONTRACT

**TWO STOREY SIDE  
EXTENSION & NEW  
ROOFS TO MAIN  
HOUSE & CONVERSION  
TOGETHER WITH SINGLE  
STOREY REAR  
EXTENSION OF EXISTING  
OUTBUILDING/BARN  
TO GRANNY ANNEXE**

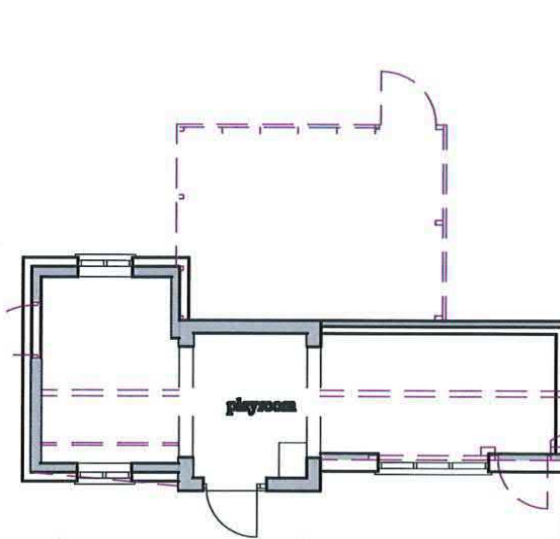
REV A  
General conditions

NOV 2013  
dr no

# Floor Plans



existing ground floor plan 1:100



proposed ground floor plan 1:100

CH/19/053

**JOHN REYNOLDS & ASSOCIATES LTD**

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**GRANNY ANNEXE**  
existing + proposed floor plans 1:100

**CLIENT**

**MRS.S.JONES & MRS.H.TAYLOR**

'ALDENE'  
Stafford Brook Road  
Rugeley  
WS15 2TY

**CONTRACT**

**TWO STOREY SIDE EXTENSION & NEW ROOFS TO MAIN HOUSE & CONVERSION TOGETHER WITH SINGLE STOREY REAR EXTENSION OF EXISTING OUTBUILDING/BARN TO GRANNY ANNEXE**

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<b>Contact Officer:</b>	<b>Claire Faulkner</b>
<b>Telephone No:</b>	<b>01543 464 337</b>

**PLANNING CONTROL COMMITTEE**

**21 AUGUST 2019**

<b>Application No:</b>	CH/19/053
<b>Received:</b>	08-Feb-2019
<b>Location:</b>	Aldene, 7 Stafford Brook Road, Rugeley, WS15 2TY
<b>Parish:</b>	Brindley Heath
<b>Description:</b>	Application to vary Condition 3 (to allow use of Annexe by non-householders) as a one bedroom holiday let. Pursuant to CH/13/0449
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

S106, then Approval with Conditions

**Reason(s) for Recommendation:**

In accordance with paragraphs (186-187) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/or the National Planning Policy Framework.

**Conditions (and Reasons for Conditions):**

1. The approved landscape works shown on Dwg. Title. Planting Mitigation Plan dated 8/7/19 shall be carried out in the first planting and seeding season following the completion of the wider development of the site. Thereafter, the planting shall be maintained for the life of the development.

**Reason**

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

2. No means of illumination to the holiday let shall be brought into use until a scheme for external illumination has been submitted to and approved in writing by

the Local Planning Authority. Any means of external illumination employed shall be in accordance with the approved scheme.

**Reason**

In the interests of protecting the rural character of the area from light pollution.

3. The development hereby permitted shall not be brought into use until the access drive to the rear of the public highway has been surfaced in a bound material. The surface shall thereafter be maintained in a bound material.

**Reason**

In the interests of highway safety. To comply with the principles set out in the National Planning Policy Framework.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

**Location plan**

Planting Mitigation Plan dated 8/7/19

**Reason**

For the avoidance of doubt and in the interests of proper planning.

## **Consultations and Publicity**

### ***External Consultations***

#### Brindley Heath Parish Council

Strong Objections.

1. Reuse of the building as a holiday let will constitute inappropriate development in the Green Belt. Its impact will be harmful to the openness of the Green Belt.
  - The proposed use of the smokehouse will have a materially greater impact on openness than the use defined by condition 3 of planning permission CH/13/0449. The activity associated with a holiday let and increased use of the driveway and parking area will reduce the openness of the site.
  - Access to the site can be hazardous as the development is situated at a busy junction and Penkrudge Bank Road is a very fast road.
  - There are no very special circumstances stated in the application to justify the development and outweigh the harm that will result.
2. Reuse of the smokehouse as a holiday let will have an adverse impact on the character and appearance of the Cannock Chase Area of Outstanding Natural Beauty.

- There will be increased use of the access and driveway for vehicular parking.
- The development will lead to other changes to the rear garden in connection with holiday accommodation (outdoor areas, garden furniture, etc). The rear garden will become far more developed without the need for further planning approval.

3. Use as a holiday let will have a harmful effect on neighbours.

- Holiday units have the potential to create considerable noise and activity which will be very close to the boundary with Harral.
- Holiday lets will naturally involve outdoor activities and comings and goings in the evenings. Holiday makers will be less aware of the potential for noise and disturbance.
- Incidence of overlooking or harm regarding privacy

4. Impact on SSSI:

- More people staying close by and changes to the layout of the garden could impact the nearby SSSI. Implications of the proposal are uncertain but could be significant.

The smokehouse is an important historical building within the county and Members consider that it has already been spoiled, particularly with the addition of UPVC windows. They would like to see it carefully preserved for uses connected with the main dwelling only, not occupied as a holiday let.

The Parish Council would like to ask that the application is determined by the District Council's Planning Control Committee.

Natural England

No objection

European site – Cannock Chase SAC

No objection.

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

### Cannock Chase SSSI

No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

### Protected Landscape

Cannock Chase AONB.

The proposed development is for a site within or close to a nationally designated landscape namely Cannock Chase AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies. We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

### AONB Unit

No objection.

The site lies within the AONB, within the landscape character type Forest Heathlands, as described in the Review of Cannock Chase AONB Landscape Character Framework, characterised. The site is locally open to views from the road network.

The proposal is for a change of use to previously developed outbuilding towards the rear of the Site. Application CH/18/081 granted approval for construction of a detached residence with separate garage fronting Stafford Brook Road, for which construction is underway. The plot on the corner of Stafford Brook Road and Penkridge Bank has also been cleared, apparently in association with these works, which has included removal



of trees and shrubs that filtered views of the house and annex from Penkridge Bank and Stafford Brook Road. Approval has also been granted under CH/13/0449 for the outbuilding. Neither plans submitted with this application or Application CH/18/081 indicate clearly proposals for the external areas within the Site.

The main issue for the AONB are:

- The impact of the proposed development on the landscape and scenic beauty of the AONB
- Potential impact due to removal of trees

The recently published Cannock Chase AONB Management Plan 2019-2024, sets out in Policy LCP1 that “Development proposals within the AONB should be of high quality design and environmental standards, respecting local distinctiveness, be complementary in form and scale with their surroundings, should take opportunities to enhance their setting and minimise their carbon footprint and negative impacts on the local environment.”

The applicant has since submitted a landscape scheme to mitigate against the loss of vegetation within the site. The AONB Unit have confirmed that they welcome the scheme and suggested a few alterations including reducing the hardstanding and changing plant species all of which the applicant has complied with.

### ***Internal Consultations***

#### **Planning Policy**

The Policies Map 2014 shows that the location is within the Cannock Chase Area of Outstanding Natural Beauty and the Green Belt. The National Planning Policy Framework (NPPF) 2018 states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraphs 133 — 147 in the NPPF set out the purpose of the Green Belt and what types of development are appropriate within it, while paragraph 172 and Policy CP14 in the Local Plan say that great weight should be given to conserving the landscape in the AONB. With regards to the design of the scheme, regard should also be paid to Policy CP3, Policy CP16 and the Design SPD.

Given that a net increase in dwellings is proposed the development may need to mitigate its impact upon the Cannock Chase SAC (Local Plan Part 1) Policy CP13 and a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils policy/ guidance.

### ***Response to Publicity***

Adjacent occupiers were notified and a site notice was posted. 1 letter of representation has been received.

The concerns raised are summarised below:

- The application CH/13/0449 approved works to the former 'smokehouse' as a playroom, to be used ancillary to the residential use of the dwelling and shall not be severed either physically or functionally to form a separate self contained unit.
- The windows and doors of the 'smokehouse' shall be set back into their openings by 500mm.
- A scheme detailing the external environment adjacent the southern boundary shall be submitted to the Planning Department.
- The light pollution created as a consequence of the use of the former 'smokehouse' is detrimental to the adjacent neighbour and the wider AONB.
- The use of the 'smokehouse' would infringe on the safety and privacy of the adjacent dwelling and the character of the area.

### **Relevant Planning History**

CH/18/081: Demolition of existing dwelling and construction of replacement detached dwelling. Approved.

CH/13/0449: Two storey side and single storey rear extension to main dwelling including external alterations to main building including the increase in height and incorporation of dormers; alterations to the outbuildings, including part reconfiguration and external alterations to create a games room. Committee approved.

### **1 Site and Surroundings**

- 1.1 The application site occupies a prominent position located to the immediate rear of the highway within close proximity to the junction with Penkrige Bank Road and Stafford Brook Road.
- 1.2 The former 2 bedroom dwelling which previously occupied the site has been demolished and a replacement two storey dwelling is currently under construction.
- 1.3 The outbuilding to the middle of the application site was a former 'smoke house' and has since been converted to provide a holiday let. The smokehouse was initially granted planning permission for conversion into a games room under planning permission CH/13/0449 and was conditioned to be used as a games room in association with the host dwelling only.
- 1.4 The site is within the Green Belt and Area of Outstanding Natural Beauty. The application site also lies within a Mineral Safeguarding and is considered to be within a low risk boundary as designated by the Coal Authority.

**2 Proposal**

- 2.1 The application is for the variation of condition 3 of planning permission CH/19/053 to allow the former smoke house to be used as a holiday let.
- 2.2 The former smokehouse would provide one bedroom accommodation and includes a small kitchen area and bathroom. The unit would remain in the rear garden of Aldene and would share the access off Stafford Brook Road.
- 2.3 It is noted that the works for the conversion of the building have already been carried out.

**3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014).
- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.
- 3.4 Cannock Chase Local Plan (2014):
  - CP1 - Strategy – the Strategic Approach
  - CP2 - Developer contributions for Infrastructure
  - CP3 - Chase Shaping – Design
  - CP6 - Housing Land
  - CP7 - Housing Choice
  - CP13 - Cannock Chase Special Area of Conservation (SAC)
  - CP14 - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2018) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.
- 3.7 The NPPF (2018) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three Dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
143-147:	Proposals affecting the Green Belt
172:	Conserving and Enhancing the Natural Environment
212, 213	Implementation

3.9 Other Relevant Documents

- Design Supplementary Planning Document, April 2016.
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- Cannock Chase AONB Management Plan 2019 – 2014

## **4 Determining Issues**

4.1.1 The application proposal is to vary Condition 3 of planning permission CH/13/0449 to allow the use of the annexe by non householders as a one bedroom holiday let.

4.1.2 Condition 3 of the permission states

“The outbuilding referred to as the “smoke house” shall only be used as a playroom ancillary to the residential use of the main dwelling and shall not be severed either physically or functionally to form a separate self-contained unit and shall be permanently retained within the residential curtilage of Aldene.”

4.1.3 The reason for applying the condition was stated as

“To help define the planning permission and to comply with Local Plan Policy CP3 - Chase Shaping, Design and the NPPF.”

4.1.4 This was attached to the permission as the applicant had originally applied for a conversion of the old smoke house to a granny annex and then amended the proposal to, amongst other things, “alterations to the outbuildings, including part reconfiguration and external alterations to create a games room”.

4.1.5 However, although a condition may be attached to a permission this does not preclude that it cannot be amended or removed at some later stage. Any such proposal to do so would need to be determined on its own merits.

4.1.6 In respect to the above it is noted that the Planning Practice Guidance states when planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However, new issues may arise after planning

permission has been granted, which require modification of the approved proposals. Where these modifications are not fundamental or substantial, but still material in nature, a developer may seek to obtain approval for the changes through the provisions of Section 73 of the 1990 Town and Country Planning Act.

4.1.7 Section 73(2) of the 1990 Act states: —

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

4.1.8 The determining issues for the proposal are whether the proposed variations to conditions would be acceptable in respect of their impact on: —

- i) The principle of the proposed development in the Green Belt,
- ii) The impact on the Area of Outstanding Natural Beauty (AONB),
- iii) The Impact upon the Special Area of Conservation
- iv) The impact on amenity
- v) Access and Parking

4.2 Principle of the Development

4.2.1 Under planning permission CH/13/0449 consent was granted for works to the former 'smokehouse' so that it could be used for the purpose of providing a playroom'. However, condition 3 of that permission restricted the use of the building "as a playroom ancillary to the residential use of the dwelling" and added that it "shall not be severed either physically or functionally to form a separate self contained unit". The reason for this condition was to clearly define the planning permission.

4.2.2 The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraphs 133 of the NPPF state that the Government attaches great importance to Green Belts, adding that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the essential characteristics of Green Belts are their openness and permanence.

4.2.3 The stages in taking decisions on applications within the Green Belt are as follows.

- a) In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.
- b) If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.
- c) If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.

4.2.4 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt to be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

4.2.5 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 and 146 of the NPPF. Paragraph 145 relates to new buildings whilst paragraph 146 relates to other forms of development and states

“Certain other forms of development are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. These are:

- (d) the re-use of buildings, provided that they are of a permanent and substantial construction.”

4.2.6 The lists contained within these paragraphs are closed and therefore are fixed.

4.2.7 In this instance, it is noted that the building is constructed of brick and was reputedly built in the early C19th and therefore clearly is of permanent and substantial construction. Therefore the change of use to holiday accommodation need not be inappropriate provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The next sections of the report deal with these issues.

4.2.8 Assessment of the Impact on the Openness of the Green Belt and the Purposes of Including Land Within the Green Belt

4.2.9 In this respect it is worth considering issues surrounding the concept of openness as it applies to the determination of planning applications. Openness is the absence of built form and as such any new development would have the potential to impact on openness. Whether development detracts from openness will therefore depend on its size, scale and design. However, impacts on openness equally depend on the openness of the locality. Not all parts of the Green Belt are open, as the designation can wash over hamlets, villages and farmyards all of which already contain buildings and other forms of development.

4.2.10 In this instance the proposed change of use of the building relates to an existing building located within the curtilage of the dwelling known as 'Aldene', which in

itself is located within a little cluster of buildings to the north of the junction of Stafford Brook Road and Penkridge Bank.

4.2.11 The proposed use would not increase the volume, scale or massing of the building. Furthermore, any activity associated with the use as an holiday would take place within the curtilage of the existing dwelling which is already formally laid out as a garden and which already is subject to a range of domestic paraphernalia and domestic uses. As such the use of the smoke house as a 1 bedroom holiday cottage would have an imperceptible impact on, and therefore preserve, the openness of the Green Belt.

4.2.12 In respect to the impact on the purposes of including land within the Green Belt, it should be noted that paragraph 134 of the NPPF states that the Green Belt serves five purposes: -

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.2.13 Again given that the building, subject to this application, would not increase and that the intended use of the outside amenity area would fall within the established curtilage of the existing dwelling at Aldene it is considered that the proposal would not conflict with any of the purposes set out above.

4.2.14 Given the above, it is concluded that the proposed variation of condition to allow the use of the building as a holiday let would not constitute inappropriate development in the Green Belt and therefore is acceptable in principle.

#### 4.3 Design and impact on the Character and Form of the Area and AONB

4.3.1 The site is located within the Cannock Chase Area of Outstanding Natural Beauty. Paragraph 172 of the National Planning Policy Framework gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. Applications should be assessed as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

4.3.2 Paragraph 172 of the NPPF sets out that great weight should be given to conserving the landscape and scenic beauty of an AONB. This is continued in Local Plan Policy CP14 which states:

"Development proposals including those for appropriate development within the Green Belt ... must be sensitive to the distinctive landscape

character and ensure they do not have an adverse impact on their setting through design, layout or intensity.”

4.3.3 Furthermore, in respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, that developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.4 In addition Policy LCP1 of the Cannock Chase AONB Management Plan 2019 – 2024 sets out that

“development proposals within the AONB should be of high quality design form and environmental standards, respecting local distinctiveness , be complementary in form and scale with their surroundings, should take opportunities to enhance their setting and minimise their carbon footprint and negative impacts on the local environment.”

4.3.5 Given the above it is noted that the wider site has been cleared of a large extent of vegetation which has allowed views of the entire site to the detriment of the wider area. However, the applicant has submitted a landscape scheme with which to address the concerns raised by the AONB Unit. The scheme includes:

- Removing existing Leylandii and to replace it with Betula Pendula.
- Remove the remaining Lingusttrum Ovalfolium along Penkrige Bank Road and replace it with 75 Fagus Sylvatica, Corylus Avellana and Carpinus Betulus hedgerow, also to be mirrored with 54 plants along the side of the host dwelling,
- A further 5 English variety Malus would be planted to the corner to restore the orchard,
- The metal Cheshire fencing would be repaired and extended around the corner of the site,
- Under planting of the fencing with Narcissus pseudonarcissus and Hyacinthoides non-scripta is also proposed.

4.3.6 The AONB Unit welcomed the scheme in terms of landscape mitigation. The proposed hardstanding for the holiday let would comprise a single access along the boundary with the host dwelling and would comprise of free draining stone and gravel. The hardstanding would terminate at the holiday let and allow a small turning area for the vehicles to manoeuvre.

4.3.7 Given that the holiday let could lead to some slight intensification of the use of the site over and above that of a single family, it may result in the applicant wishing to provide some form of illumination to assist visitors to the site especially during the dark winter months. Whilst the applicant has not requested any form of illumination it is noted that this could be provided by portable lights which would not in itself require permission. Although the distance from the SAC/



SSSI precludes any significant impact on their special interest, means of any external illumination could affect the rural character and general amenity of this relatively dark area. As such it is considered reasonable to control all means of illumination of the holiday let.

4.3.8 Therefore, having had regard to Policies CP3 and CP14 of the Local Plan and the appropriate sections of the NPPF it is considered that the proposal, subject to the attached conditions would not have a significant impact on the character and form of the area and that of the Cannock Chase AONB.

#### 4.4 Impact upon the Special Area of Conservation (SAC).

4.4.1 The Council has a duty as a responsible authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that the decisions it makes on planning applications do not result in adverse effects on the integrity of the Cannock Chase Special Area of Conservation (SAC), which has internationally protected status under the Regulations for its unique heathland habitat.

4.4.2 Under the provisions of the Habitats Regulations, the planning authority has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process and has concluded that it would contribute to visitor pressure on the SAC. However, as with other developments which contribute towards visitor pressure on the SAC (e.g. dwellings) mitigation can be secured by a payment towards a package of measures to manage visitor pressure on the SAC. The financial requirement for SAC Mitigation is normally secured via a s106 agreement.

4.4.3 Therefore, subject to a section 106 agreement to secure the SAC payment it is considered that the proposal would be acceptable in respect to its impact on the Cannock Chase SAC.

#### 4.4.4 Cannock Chase SSSI

4.4.5 Natural England were consulted on the application and considered that the proposed development would not damage or destroy the interest features for which the Cannock Chase SSSI has been notified and therefore raised no objection.

4.4.6 As such, there would be no significant detrimental impact on the Bio-diversity and geo diversity of the site or the Cannock Chase Special Area of Conservation in accordance with policies CP12 and CP13 of the Cannock Chase Local plan and the appropriate sections of the NPPF respect to its impact on the character and form of the area and that of the Cannock Chase AONB.

#### 4.5 Impact upon Residential Amenity

4.5.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes onto include the protection of the "amenity enjoyed by existing properties". This

is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

- 4.5.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users. The only neighbouring dwelling to the application site is the adjoining dwelling (Harral), located to immediate north.
- 4.5.3 The shared boundary with Harral comprises of mature planting which has recently been thinned by the applicant however, they would still prevent any views across the neighbouring property. There are no additional windows proposed in the holiday let over and above those previously approved and these look directly being at a more oblique angle with the nearest distance being approximately 17m.
- 4.5.4 Whilst the activity on the application site would be intensified as a consequence the holiday let provides one bedroom accommodation for adults only and therefore any additional activity would be marginal and insufficient to warrant refusal.
- 4.5.5 As such the proposal would ensure that a high standard of amenity would be retained for existing and future users and as such the proposal would be in accordance with Policy CP3 of the Local Plan and Paragraph 127(f) of the NPPF.

#### 4.6 Access and Parking

- 4.6.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.6.2 In this respect the proposal would provide 1 x one bedroom holiday let within the curtilage of Aldene. The existing access off Stafford Brook Road would be used and the internal driveway extended to provide a small area of parking and turning.
- 4.6.3 As such, it is therefore considered that the proposal would not be detrimental to highway safety and would accord with paragraph 109 of the NPPF.

#### 4.7 Other Issues

- 4.7.1 Only issues relating directly to the condition (i.e. a change of use to allow holiday accommodation) are material to the determination of this application. Therefore issues such as impacts on a non designated heritage asset, drainage, flood-risk, mineral safeguarding and ground contamination are not material to the determination of this application as they have no bearing on the proposed change of use.

**4.8 Objections raised that are not already covered above:-**

- 4.8.1 Concern has been raised stating that there are no very special circumstances stated in the application to justify the development and outweigh the harm that will result. Your Officers confirm that the development does not constitute inappropriate development within the Green Belt and therefore the applicant is not required to demonstrate that Very Special Circumstances exist to justify the approval.
- 4.8.2 An objector has stated that the windows and doors of the 'smokehouse' should be set back into their openings by 500mm. Your Officers confirm that these comments are noted however, the condition to which this relates is not subject to this application. As such no weight should be attributed to this consideration.

**5 Human Rights Act 1998 and Equalities Act 2010*****Human Rights Act 1998***

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

***Equalities Act 2010***

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would make a neutral contribution towards the aim of the Equalities Act.

**6 Conclusion**

- 6.1 Having regard to the above it is considered that the proposed variation of condition to allow the use of the former smoke house as a one bedroom holiday let in this location would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. As such, the proposal would not constitute inappropriate development within the Green Belt and is therefore acceptable in principle at this Green Belt location.
- 6.2 The site is within a residential curtilage adjacent existing dwellings and boundary screening. In addition the application makes provision for the incorporation of new landscaping that would mitigate against the existing loss of vegetation and strengthen the existing landscape features in the locality.
- 6.3 In all respects the proposal is considered acceptable and it is therefore recommended that the application be approved subject to the attached conditions and the completion of a section 106 agreement.



**Application No:** CH/19/206

**Location:** 446, Littleworth Road, Cannock, WS12 1JB

**Proposal:** Proposed driveway alterations with retaining wall

**ITEM NO. 6.65**



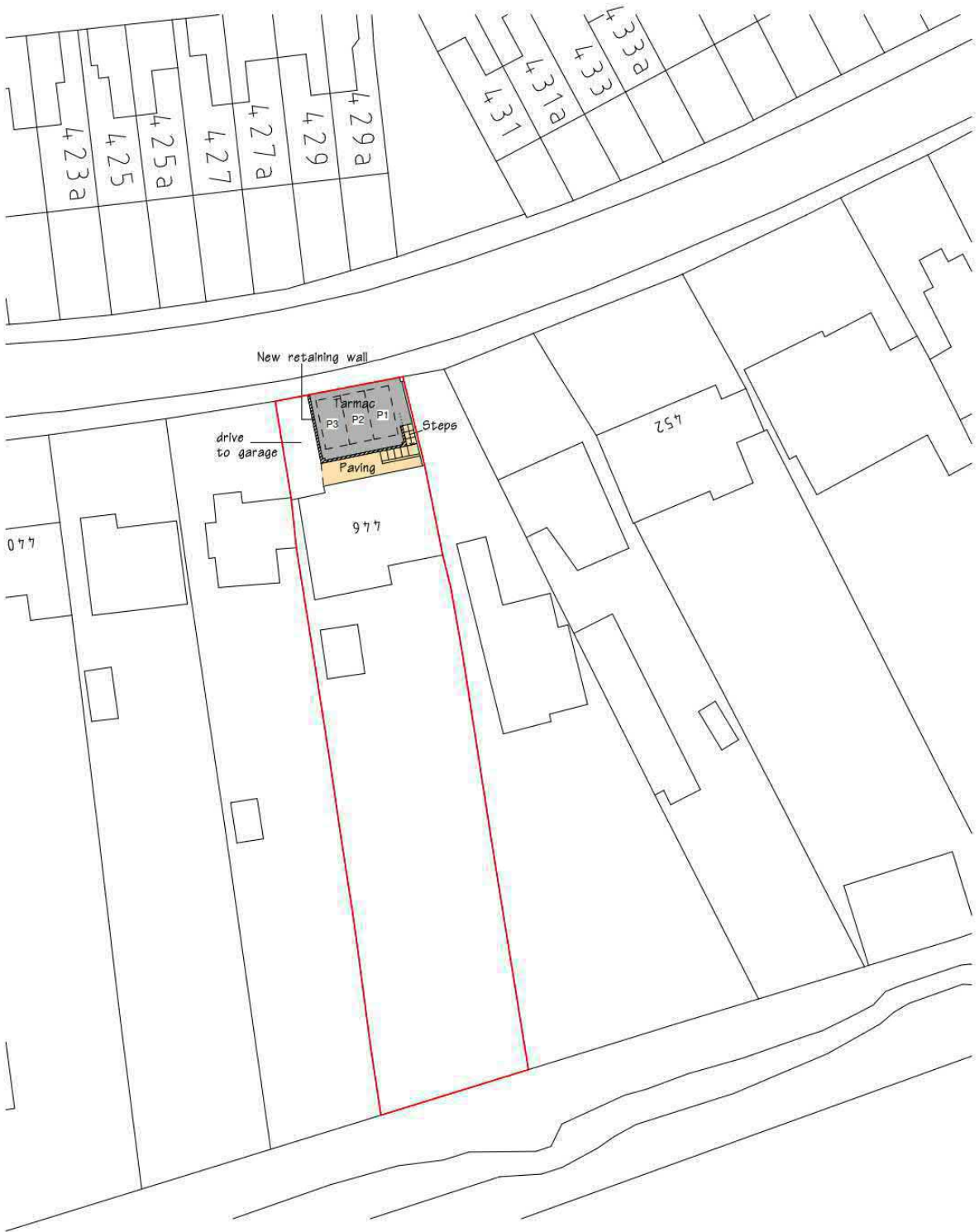
# Location Plan



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## Location Plan 1:1250

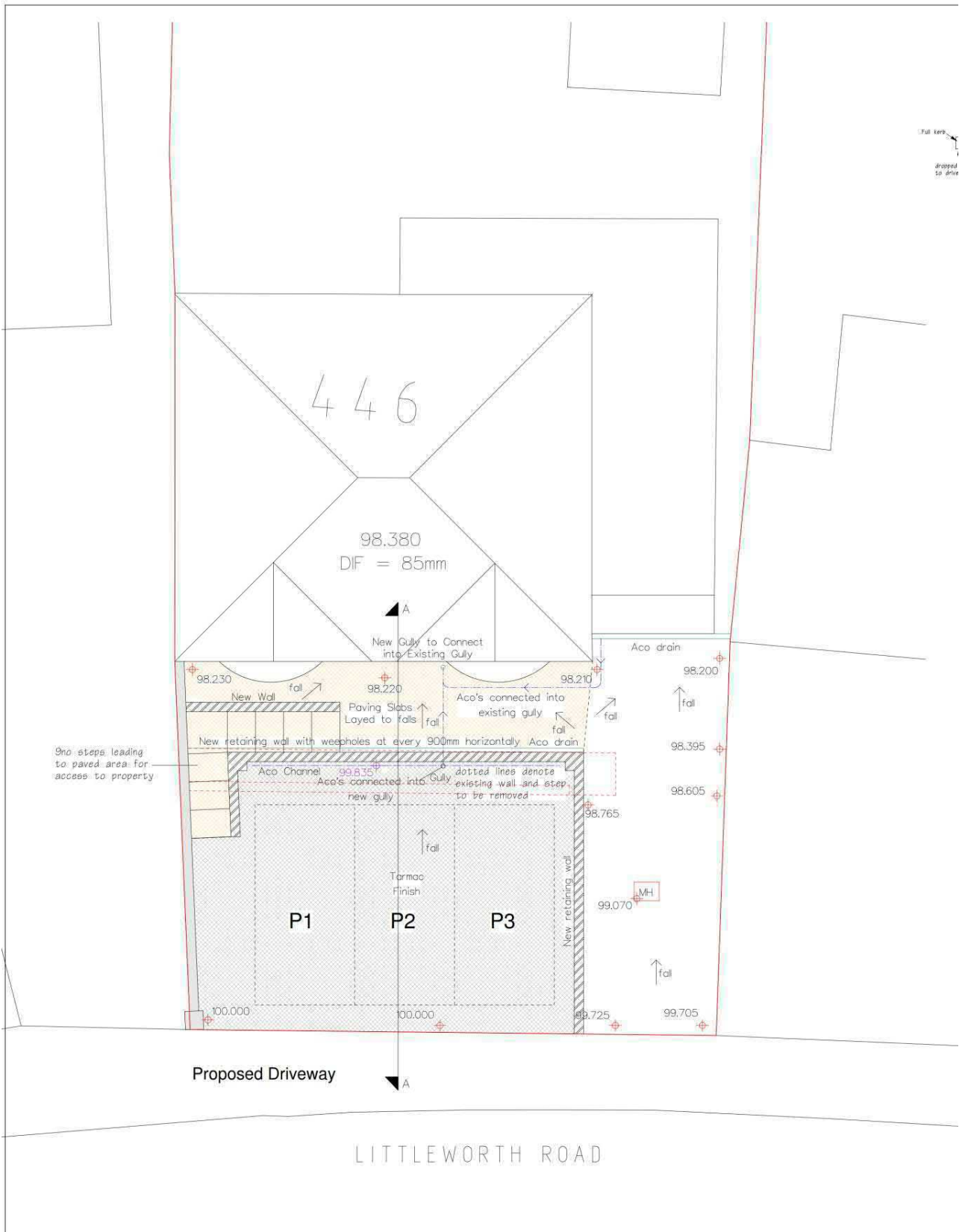
# Block Plan



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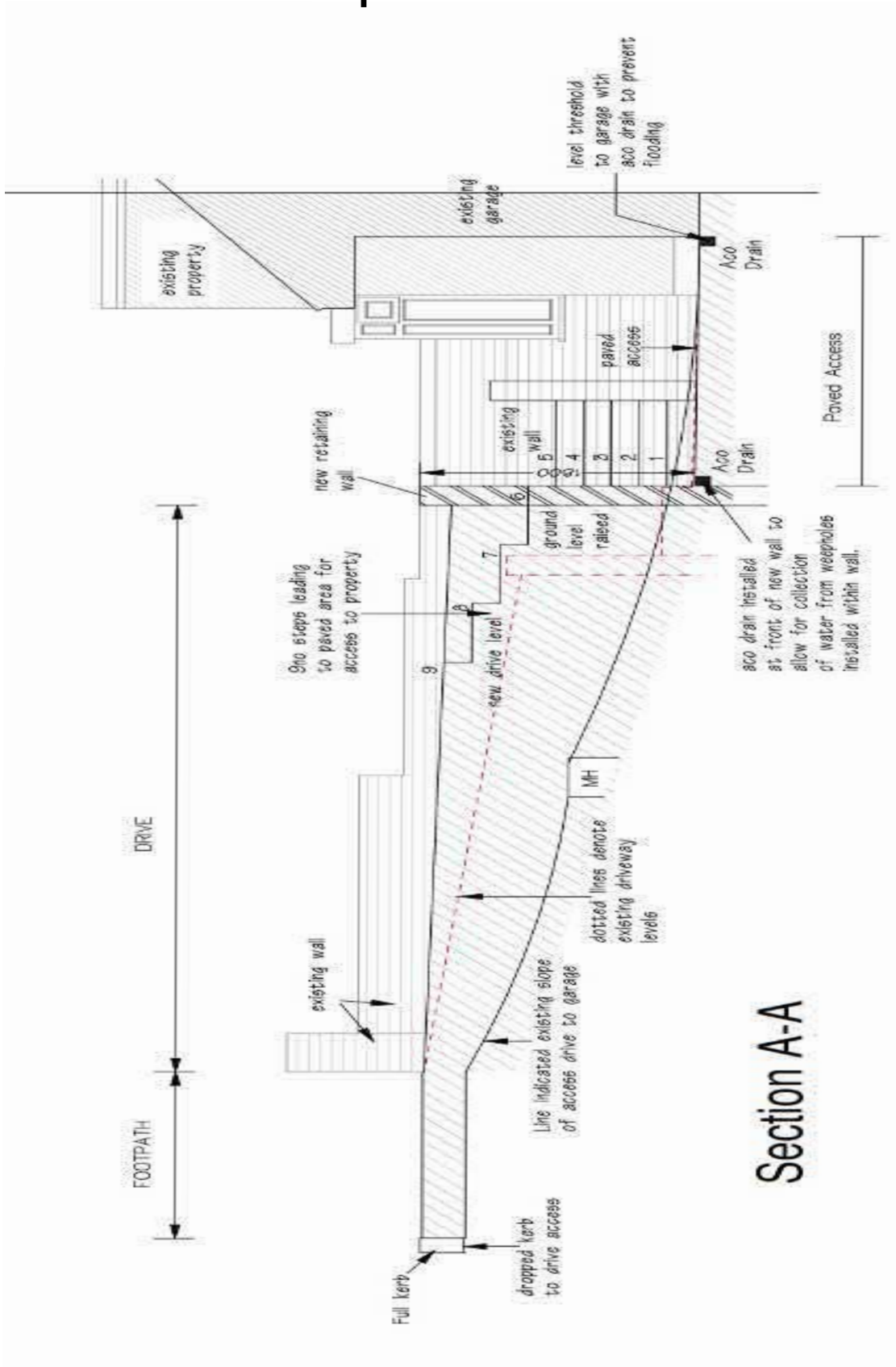
## Block Plan 1:500

# Site Plan





# Proposed Section



## Section A-A

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<b>Contact Officer:</b>	<b>Sam Everton</b>
<b>Telephone No:</b>	<b>01543 464 514</b>

**PLANNING CONTROL COMMITTEE**

**21 AUGUST 2019**

<b>Application No:</b>	CH/19/206
<b>Received:</b>	31-May-2019
<b>Location:</b>	446 Littleworth Road, Cannock, WS12 1JB
<b>Parish:</b>	Non-Parish Area
<b>Description:</b>	Proposed driveway alterations with retaining wall
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

**Conditions (and Reasons for Conditions):**

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

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. No part of the development hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

**Reason**

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

2361-01 Rev B deposited 30/05/2019

**Reason**

For the avoidance of doubt and in the interests of proper planning.

**Consultations and Publicity*****External Consultations***

None.

***Internal Consultations***

None.

***Response to Publicity***

The application has been advertised by site notice and neighbour letter. One letter of representation has been received from the occupier of No 444 objecting to the application and is summarised below:-

- The proposal is not of good, sympathetic or visually aesthetic design. It does not respect the character of the adjoining and neighbouring residential properties in scale, height, depth nor visual impact along this road.
- Refers to the Council's Design Guide SPD –Hazelslade and Rawnsley Key Local Design Principles; PPS7 and Cannock Chase local Plan Policies CP4, CP12, CP14. [Members should note that reference to document PPS7 appears to refer to Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, Department for the Environment for Northern Ireland (2008). Members are advised that this document does not apply to England].
- The proposed development is over-bearing, out of scale, unattractive and out of character in terms of it's appearance compared with existing driveways in the vicinity. Parked vehicles, especially taller vehicles at this proposed excessive height and depth would be visually dominating and resemble an off-road carpark.
- Present and future occupants will have two window views of a large, blank brick wall and the underside of motor vehicles which would be unattractive, imposing, overbearing, and oppressive to live with.
- All the property frontages along this side of Littleworth Road are sloped front to rear, siting lower than the path and road as well as along the hillside to varying

degrees. The proposed driveway alterations will impact the residents of 448 as the bungalow is set further back than 446, it is lower on the hillside therefore would be dominated by the proposed driveway. Our property frontage at is 14" lower than 446 at the same frontage line and any increase to height and depth of the driveway will have a significant detrimental impact.

- The height of the proposed driveway would result in a loss of privacy to neighbours front garden and living rooms.
- The proposed height of the retaining wall is insufficient to provide screening against overlooking.
- The height of the proposed driveway would have an overbearing impact on neighbours.
- If the proposal went ahead, we would need to at least double the height of our fencing and this would cause overshadowing to our living room. Why would we do that? Why should we suffer any monetary costs that are direct consequences of this poorly thought out driveway planning proposal?
- Why not level the height to the mean height between the present highest and lowest points across the present driveway and keep the forward projection as it is? Place a condition of good quality fencing for privacy screening of the maximum height possible within planning at two metres, set it on the top of the new lower retention walls at the side and front. This would level their driveway off preventing the additional overlooking and loss of privacy into our garden and living room.
- Makes reference to Article 1 and 8 of the Human Rights Act. The proposal would impact on neighbours Human Right to the peaceful enjoyment of their property.
- Makes reference to PPS 7 QD 1 para 4.13, 4.38 and A31. [Members should note that reference to document PPS7 appears to refer to Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, Department for the Environment for Northern Ireland (2008). Members are advised that this document does not apply to England].
- The proposed height and forward projection of this driveway will increase air and noise pollution into neighbours properties.
- Expresses concern in respect to noise generation, vibration and pollution as the proposal would bring vehicles nearer to the shared boundary. Refers to the Noise policy Statement for England. The application does not include a noise impact assessment.
- The proposal would direct surface run-off water alongside neighbours fence and should be directed away.
- Expresses concern regarding ground stability and drainage and states that any new surfacing used in the proposed driveway should be retained by separate means other than the use of the neighbours fence. Also refers to Government

Legislation, The Land Drainage Act, Surface Water laws, Reasonable Use Rule, Careless Water damage and Civil Law Rule.

## **Relevant Planning History**

CH/12/0367

Raised rear patio area

Approved 09/01/2013

## **1 Site and Surroundings**

- 1.1 The application site comprises a detached bungalow located on Littleworth Road, Cannock.
- 1.2 The dwelling features a hipped roof with two gable ends to the front elevation and is finished in a white render and brown roof tiles and uPVC fenestration. To the front of the property is a tarmac driveway which is in a poor state of repair, uneven and slopes down to the front of the property from the highway and which is bordered by 1.8m close boarded fencing on the western elevation and a low-level brick wall on the eastern elevation.
- 1.3 The street scene is predominantly residential and comprises a row of terraced properties on the northern side of Littleworth Road and both two storey and single storey detached dwellings on the southern side of the Road. Many of the properties on both sides of Littleworth Road have created extensive areas of hardstanding to the front in both tarmac and paving, which in some cases has resulted in the whole front garden being converted to hard standing. The ground levels of these areas of parking in respect to the adjacent highway differs from some being level to others being on a gradient.
- 1.4 The site is unallocated within the Local Plan however it does fall within the Forest of Mercia, a Minerals Safeguarding Area and a Coal Authority High Risk Area.

## **2 Proposal**

- 2.1 The application seeks planning permission for alterations to the driveway which involves levelling out the drive and the erection of a retaining wall measuring up to 1.8m in height from the natural ground level. In effect the proposal would increase the height of the lowest part of the existing drive by 0.5m and bring it 0.8m towards the house.

## **3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014), the Minerals Local Plan for Staffordshire (2015 – 2030) and the

Hednesford Neighbourhood Plan (2017). Relevant policies within the Local Plan include: -

- CP1 - Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design

Relevant policies within the minerals plan include: -

- Policy 3 - Safeguarding Minerals of Local and National Importance and Important Infrastructure

### 3.3 National Planning Policy Framework

3.4 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

3.5 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.6 Relevant paragraphs within the NPPF include paragraphs-

- 8: Three dimensions of Sustainable Development
- 11-14: The Presumption in favour of Sustainable Development
- 47-50: Determining Applications
- 124, 127, 128, 130: Achieving Well-Designed Places
- 212, 213 Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

Manual for Streets.

## **4 Determining Issues**

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Minerals safeguarding

## 4.2 Principle of the Development

4.2.1 The site is on both unallocated and undesignated land and contains an existing dwellinghouse. The proposal is for an alteration to the driveway which is in the curtilage of the existing dwelling and is therefore acceptable in principle subject to the considerations listed below.

## 4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state:-

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a



development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

- 4.3.5 The proposal would involve the levelling out of that part of the existing driveway, immediately in front of the host dwelling, which would result in a raised hard surface bound by retaining walls. That part of the drive serving the garage to the right hand side of the property would remain unaltered.
- 4.3.6 The concerns raised by the neighbour in respect to design are noted, however it should also be noted that frontages along Littleworth Road are varied and comprise both large open paved and tarmac driveways and front gardens with areas of lawn and soft vegetation. Furthermore, there is a range of gradients of these drives with some being level and some having a marked gradient. The proposed alterations would fall well within the above design parameters that already exist within the street scene, would only marginally increase the levels (0.5m) and would not result in the loss of feature of interest.
- 4.3.7 As such the proposed levelling out of the drive would not be out of character when viewed in the wider context of the existing street scene detract from the character of the street scene.
- 4.3.8 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### 4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 Due to the differences in ground levels between the highway and the dwelling the ground level of existing driveway would in effect be raised 0.5m and brought forward towards the house by 0.8m. This would mean that the additional 0.8m length of the proposed driveway would be raised approximately 1.4m. Members are referred to the cross section A-A on the submitted drawings which have been included in the agenda pack which demonstrates the differences between the existing and proposed cross sections.
- 4.4.4 Given the angle of view obtained from this extended part and the fact that there is still the intervening drive it is considered that any additional degree of overlooking from within the site would be marginal. Furthermore, when taken in

the wider context of what could be potentially seen from passers-by going up and down Littleworth Road the overall additional degree of overlooking is not considered significant either with, or without, the existing tree screening within the front garden of No444.

- 4.4.5 The neighbour's comments in regards to overbearing impact as a result of parking of tall vehicles on the proposed drive are noted. However, officers would comment that any vehicles parked on the drive would be at least 7m from the nearest window. In addition, whilst officers note that a range of higher vehicles could be parked within the property (such as camper vans, caravans and vans) this situation would not be significantly different to what can normally occur in residential environments.
- 4.4.6 The neighbours comments in respect to noise, pollution and vibration are noted. However, it should be noted that the proposal would not increase the capacity of the site to accommodate vehicles. The only difference in the above issues could therefore only arise as a result of the increase in the height of the driveway. Officers consider that given the existing slope of the driveway and the context of the vibration. Pollution and noise of vehicles travelling at speed along the adjacent Littleworth Road any impacts resulting from the proposal would be insignificant.
- 4.4.7 Therefore, it is considered that the proposed driveway alterations would not adversely impact on the amenity of occupiers of the surrounding dwellings. It is therefore considered that the design of the proposal is acceptable and it would meet the requirements of the NPPF, Policy CP3 of the Cannock Chase Local Plan and the Council's Design SPD.

#### 4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The proposed driveway alterations would not reduce the existing on-site parking provision; three spaces would be available to the front with access to the existing garage retained.
- 4.5.3 In addition, the visibility splays would remain unobstructed.
- 4.5.4 As such the proposal complies with the Council's Parking Standards and would not have an adverse impact on highways safety.

#### 4.6 Mineral Safeguarding

- 4.6.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.

4.6.2 Policy 3.2 of the Minerals Local Plan states that:

'Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.6.3 The development would fall under Item 1 within the exemption list as an application for householder development and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

#### 4.7 Issues Raised by Neighbours Not Covered Above

4.7.1 If the proposal went ahead, we would need to at least double the height of our fencing and this would cause overshadowing to our living room. Why would we do that? Why should we suffer any monetary costs that are direct consequences of this poorly thought out driveway planning proposal? Officers consider that there is no planning reason to justify raising the heights of any walls or fences. However, should a third party wish to protect their privacy over and above that provided by the planning system that is matter for themselves, unless planning permission is required for the works.

4.7.2 The neighbour's question- Why not level the height to the mean height between the present highest and lowest points across the present driveway and keep the forward projection as it is? Place a condition of good quality fencing for privacy screening of the maximum height possible within planning at two metres, set it on the top of the new lower retention walls at the side and front. This would level their driveway off preventing the additional overlooking and loss of privacy into our garden and living room.

Officers would advise that the proposal should be determined on the basis of what has been applied for. The erection of new fencing is not considered necessary as there would be no significant degree of overlooking over and above the present situation.

4.7.3 The application does not include a noise impact assessment.

Officers would advise that a noise impact assessment is not required for the type and scale of development proposed.

4.7.4 The proposal would direct surface run-off water alongside neighbours fence and should be directed away.

Officers would advise that the submitted plans show drains towards the front of the property and not alongside the neighbours fence. Any surface water would run down towards the host property.

- 4.7.5 Any new surfacing used in the proposed driveway should be retained by separate means other than the use of the neighbour's fence. The proposal does not include any proposal to use the neighbours fence to secure surfacing as it is separated by the drive to the garage.

## **5 Human Rights Act 1998 and Equalities Act 2010**

### ***Human Rights Act 1998***

- 5.1 The applicant has stated that the Council has responsibilities under the Human Rights Act particularly Protocol 1 which states that a person has the right to peaceful enjoyment of all their possession which includes the home and other land and Article 8 which states that a person has the substantive right to respect for their private and family life.
- 5.2 The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest. The recommendation set out in this report is considered to be compatible with the Human Rights Act 1998 after balancing the rights outlined in the Act and the need to exercise the development control function in the public interest.

### ***Equalities Act 2010***

- 5.3 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

**6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.