

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

28th March 2024

Application No:	SMD/2024/0012	
Location	Land at Park Lane, Cheadle	
Proposal	Outline application for erection of 3 dwellings including details of means of access	
Applicant	Mr Mark Bullock	
Agent	Mr Jim Malkin, JMI Planning	
Parish/ward	Cheadle / Cheadle West	Date registered 15 th Jan 2024
If you have a question about this report please contact: Arne Swithenbank tel: 01538 395578 or e-mail arne.swithenbank@staffs Moorlands.gov.uk		

REFERRAL

The application is a Full – Minor and is referred to the Planning Applications Committee at the request of Cllr Kate Mills in order to consider the Green Belt assessment.

1. SUMMARY OF RECOMMENDATION

Refuse

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The site is one half of a rural green paddock where Park Lane emerges into the countryside on the north side of Cheadle. It is an attractive and secluded location sheltered by gently rising ground to its north east and to its west / south west. It is apparent from early maps that the field of which the site is part was historically part of a medieval strip field system serving the settlement. Trees and hedges demarcate the boundaries of the larger field. There is an especially well developed mature hedgerow along the high banked boundary with the modern day side lane named Nursery Close on the south east edge of the site.
- 2.2 Park Lane is an unclassified road which connects with the main A521 at The Terrace / Town End some 250m to the south east from the site. Park Lane continues generally north ward beyond the site as a private lane to serve further sporadic properties including The Poplars and Cedar Villa which overlook from neighbouring positions to the north west and north respectively. The public status of Park Lane changes to that of Public Footpath (Cheadle 46) from the cemetery entrance some 80m south east of the site.

- 2.3 The site lies outside the adopted development boundary for Cheadle and is within the North Staffordshire Green Belt.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The proposal is in outline only for three dwellings with all matters reserved save for access. An indicative block plan illustrating a possible layout accompanies the application and this shows the point of connection with Park Lane (public footpath).
- 3.2 There is also a Planning Statement to accompany the application (18pp). This suggests 'indicatively' that at a future reserved matters stage one of the dwellings would be an 'accessible' bungalow along with two further dormer bungalows. The statement sets out how the applicant intends the scheme to assist with his personal circumstances in the 'accessible' bungalow supported by family members (son and daughter) in the adjacent two dwellings.
- 3.3 In response to LPA interim feed-back a revised plan to show a visibility splay was submitted 1st March 2024 and the applicant has also been advised of the need for an Ecology assessment of the site.

4. RELEVANT PLANNING HISTORY

- 4.1 SMD/1981/0755 [81/10461/OLDDC] – site for a bungalow – refused.
- 4.2 SMD/1981/1097 [81/10023/OLDDC] – Site for residential development – refused.
- 4.3 Not part of the current proposal site but immediately adjacent and within the north east corner of the larger original field, now separately fenced out, there was a succession of refused applications in the 1980s for a single bungalow. Refused more recently, also on this adjacent corner, was SMD/2021/0074 again an outline application for a single bungalow but with all matters reserved save for access.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS10 Other Rural Areas Area Strategy
- H1 New Housing Development
- DC1 Design Considerations
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows

T1 Development and Sustainable Transport

National Planning Policy Framework December 2023

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 5 – Delivering a sufficient supply of homes; 8 Promoting healthy and safe communities; 9 – Promoting sustainable transport; 11 – Making effective use of land; 12 – Achieving well designed and beautiful places; 13 – Protecting Green Belt land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

6. CONSULTATIONS CARRIED OUT

Public

6.1 The latest consultation expiry date was 8th February 2024 (site notice). A total of six neighbouring dwellings were notified directly by letter.

6.2 In response to the neighbour / site publicity two representations raising objections have been received from neighbours at The Poplars and at Glenshee, Park Lane on the following grounds:

- Green Belt
- Access noting Park Lane is unadopted at the entrance point and very narrow and visibility poor
- No services to the site and if Planning Permission is allowed it would cause great pressure to the present system and disrupt the whole area.
- Neighbour privacy as the dormers of the two bungalows on the higher ground of the site would overlook neighbouring properties
- Coal Authority should be consulted
- Contrary to NPPF Green Belt protections
- the field has moved to a natural biodiverse state with protected species present
- the field contributes significantly to the local amenities as people from town walk the adjacent footpaths daily to enjoy the area
- increase in traffic on narrow lane

Cheadle Town Council

6.3 No response received.

SCC Highways

6.4 The following is the Highways Authority consultation response 14th Feb 2024.

Recommendation Summary: Refusal

Site visit conducted on 2nd February 2024

Personal; Injury Collisions

Current records show no personal injury collisions within 50 metres of the proposed site access during the period between 16/01/2017 and 31/12/2022.

Background

Park Lane (road no. D1150), Cheadle is an unclassified road subject to 30mph speed limit which is street-lit and has some footway provision leading up to the A521. Park Lane is public highway to the west up to the point it divides into two. The site is within walking distance to Cheadle Town Centre and a bus service and comprises a small area of field/paddock off Park Lane on the outskirts of Cheadle.

Previous Applications:

SMD/2018/0268 - Proposal consisted of developing former garage/workshop site into two 4No bedroom dwellings - Conditioned by the Highway Authority.

SMD/2017/0587 - Develop former garage/workshop into two 5 No. bedroom dwellings – Conditioned by the Highway Authority.

Description of Proposal

Application for Outline Planning Permission with some matters reserved - for erection of 3 dwellings including details of means of access.

Comments on Information Submitted:

I consider there is enough space within the site to accommodate suitable parking provision serving each detached dwelling. However, this must be demonstrated on a revised plan at reserved matters stage. From the drawing, there appears to be a garage serving each dwelling. A single garage should have internal dimensions of 3m x 6m and a double garage should have internal dimensions of 6m x 6m. Due to the gradient of the site, we require a surface water drainage interceptor at the access.

Access

The proposed development would involve the creation of a new vehicular access off Park Lane (road no. D1150) which would be wide enough for two vehicles to pass each other. However, we require visibility splays of 2m x 43m in both directions from the access, which should be kept clear of obstructions above 600mm from the carriageway level. Furthermore, should any gates be installed at this access, they should be set back 5m rear of the public highway.

Lastly, the access driveway should be surfaced in a bound material for at least 5m rear of the public highway.

However, we cannot currently approve this application for determining the access, as there are no visibility splays demonstrating a safe and suitable access.

Recommendation

The application should be refused (on highway grounds) for the following reasons:

The application fails to demonstrate a safe and suitable access can be achieved in serving the proposed development.

Reasons: - In the interest of highway safety and contrary to the aims of the National Planning Policy Framework (NPPF), paras. 110-112.

SMDC waste collection services

- 6.6 No issues regarding waste collections.

Severn Trent Water

- 6.7 No objection subject to condition that the development hereby permitted shall not be commenced until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority, and that the scheme shall be implemented in accordance with the approved details before the development is first brought into use. Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. Also add informative re possible un-mapped public sewers on the site.

7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Principle of Development and Main Issues

- 7.1 In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise.
- 7.2 The site is located within the open rural countryside and Green Belt. In terms of whether the principle of development could be acceptable the Council's adopted policy in relation to the Green Belt at policy SS10(6) is to follow the

guidance presented in the NPPF. This establishes that the construction of new buildings – in this case three dwellings – would represent inappropriate development in the Green Belt. It is the Council's policy to exercise strict control over inappropriate development within the Green Belt and allow only for exceptions as defined by Government policy. A specific list of possible exceptions is presented at paragraphs 154 and 155.

- 7.3 Although not quoting the full wording, the applicant's planning agent refers to paragraph 154 (e) to suggest this development meets the exception of infilling. However, this exception is specific only to 'villages' which would not apply here where the land is an intact part of the rural field fringes to Cheadle. Critically in any event the proposal here involves expansive plots to form the three dwellings and on this basis is not 'limited'. Above all however this is simply not 'infilling' and although the term is not defined in the planning guidance it must necessarily mean the insertion of development between two end stops to fill a gap.
- 7.4 Park Lane where it comes within the development boundary has been developed as a classic ribbon of periodic expansion to the town. Existing development ends at Nursery Close which marks the limit of the defined development boundary. Whilst Cedar Villa lies further on alongside the lane there is a substantial gap of some 70m between this and the boundary of the last development in the town – The Nook on Nursery Close. The proposal does not infill this gap but would spread partially into it.
- 7.5 The Poplars occupies a plot some 30m to 50m south west of Cedar Villa and is separated from it by open field land. The Poplars and Cedar Villa are lone properties in the rural Green Belt surrounding Cheadle. Although the separations are relatively short they stand apart from each other and stand apart from the extremities of the built up development of Park Lane. This development would not neatly infill a limited gap where the limits could be seen as being defined and contained by the next adjacent existing development but instead would be stacked rather amorously across the field slope.
- 7.6 Green Belt land at the extremities of towns is at the front line of Green Belt protection as it is often here that the pressures will be greatest. The fundamental aim of Green Belt policy is to prevent urban sprawl. The openness and permanence of Green Belt are its essential characteristics. If strict adherence to Green Belt policy is not observed the piecemeal attrition of the surrounding countryside will ensue. The NPPF defines five purposes served by the Green Belt and this proposal would conflict with three of them, perhaps most especially (c) to assist in safeguarding the countryside from encroachment; but also very evidently (a) to check the unrestricted sprawl of large built-up areas; and (d) to preserve the setting and special character of historic towns.
- 7.7 There are no 'very special circumstances' put forward in the application. Reference is made to the applicant's personal circumstances (see 3.2 above) but, however regrettably, infirmity and declining health are unfortunately very common situations for a large proportion of the population. The proposal here

may be personally desirable to the applicant but this is not a sufficient basis to outweigh the harm to the Green Belt – and any other harms (see below).

Character and appearance / Design

- 7.8 The site and the field of which it is part has an attractive and secluded character. It gains height relative to Nursery Close and developments further south on Park Lane. The very strong mature boundary hedge on the south east edge – which is somewhat raised on an embankment above Nursery Close – creates a strong defining edge to the town development boundary. Land to the east and north east of the Park Lane edge of the site rises to overlook the site and from there public footpath no.47 enables people to enjoy and appreciate the undeveloped qualities of the location. The proposed development would result in obvious loss of rural qualities and amount to an intrusion of the urban scene into the rural.
- 7.9 As an outline application matters of design fall largely to be determined at the reserved matters stage but the position of the access into the site and its route within the site are set for determination at this stage and DC1 is relevant to this. Whilst in other respects the submitted plan is ‘indicative’ only it can be noted that this arrangement of the dwellings across the land would create a very suburban small estate appearance. Whilst this may to some extent emulate some layouts found on Park Lane within the development boundary the indicative layout only serves to emphasise how in this more obviously rural position a housing scheme of this form would be very much out of place.

Amenity

- 7.10 In terms of living conditions of neighbouring occupiers, the main considerations would stem from the adopted Space About Dwellings standards and whether there would be sufficient separation between any principal windows and whether the development could be overbearing or otherwise unduly intrusive. The indicative layout shows how adequate separations might be achieved between the new dwellings within the development. At the same time it needs to be noted that the land levels climb to the south west and are also higher relative to the existing dwellings which face across from Nursery Close. Although at this stage no measured topographic details have been submitted it is readily apparent that the land heights mean that any dwellings at the south west (two are shown) would overlook those set lower to the north east. At the reserved matters stage it may be found that dormers are unacceptable.
- 7.11 There have been some representations raising concerns with overlooking towards existing dwellings on Park Lane. There is a risk of this being problematic at least for the Nursery Close properties which face the site. The concern has been raised in relation to a further away property and whilst it is likely there would be intervisibility between windows it is perhaps unlikely that the separations involved could be considered overbearing or invasive on privacy. There should however be greater concern about the impacts on Nursery Close. In the indicative layout a two storey or ‘dormer’ bungalow is shown end on to the front elevation of one of the Nursery Close bungalows with

a separation of about 15m. Whilst on a flat site with buildings of similar scale this could potentially represent an adequate separation, here the proposal site is appreciably elevated relative to the Nursery Close bungalows presenting a significant risk that the development could be overbearing towards these existing bungalow dwellings.

Highways

- 7.12 A number of objectors have raised concerns about the restrictive narrowness of Park Lane and poor visibility. Although to date the SCC Highways recommendation is refusal for lack of visibility splay details a revised plan has been submitted and an up-dated SCC comment is expected.

Other matters

- 7.13 The report in the issues discussed should be found to have covered the majority of the criticisms of the scheme raised in the representations.
- 7.14 The absence of any ecology information or assessment means that the proposal should be refused on this basis.
- 7.15 Concern has been raised about coal mining risk. The location however is in a 'low' risk zone and the Coal Authority standing advice requires their informative be used:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

8. Conclusion and Planning Balance

- 8.1 This site is within the Green Belt where new development would be inappropriate and therefore harmful by definition. The proposal does not qualify for any of the exceptions provided for in the NPPF nor are there 'very special circumstances' to clearly outweigh the harm to the Green Belt and other harm. As discussed at 7.8 and 7.9 there would be harm to the rural character and appearance of the location and 7.10 and 7.11 summarise a series of concerns whereby there would be harm to the living conditions for occupiers of neighbouring dwellings (neighbour amenity) in particular for those on Nursery Close.

- 8.2 Policy SS10 and the Framework 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. For the reasons above in this case the harm to the Green belt to which substantial weight must be given together with harm to the visual qualities of the location, and harm to residential amenity are not clearly outweighed by the personal circumstances of the applicant as referred to in the applicant's submitted planning statement. No detailed explanation of the applicant's needs has been provided. A recommendation of refusal is therefore made.

9. RECOMMENDATION

A. Refuse for the following reasons:

- 1. This site comprises agricultural land. It is greenfield and lies within the Green Belt. The proposal represents inappropriate development in the Green Belt which is harmful by definition. The development would, in addition compromise openness by replacing open field land with housing development which would be urban in character. Openness and permanence are, the NPPF confirms, the essential characteristics of the Green Belt. The fundamental aim of Green belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore there would be conflict with at least one of the main purposes of including land within the Green Belt namely that of safeguarding the countryside from encroachment. The totality of the Green Belt harm is significant and Local Planning Authorities are required to give substantial weight to any harm to the Green Belt. It is not considered that the personal circumstances of the applicant in so far as they have been put forward amount to the very special circumstances to clearly outweigh the harm to the Green Belt and other harm. It is for these reasons that the proposal is contrary to Policies SS1; SS2; SS10 and H1 of the Staffordshire Moorlands Local Plan and advice in the National Planning Policy Framework.**
- 2. The proposal is found harmful to the character and appearance of the area and to the visual amenity the location currently provides to recreational users of the public footpaths along Park Lane, footpath 46, and along footpath 47 which enjoys an elevated view from a short distance to the north east. The proposal is therefore found contrary to Staffordshire Moorlands Local Plan policies SS1; SS2; SS10 and H1 and to the NPPF.**
- 3. The proposal risks an unacceptable impact on the living conditions for existing residential neighbours including those of Nursery Close towards whom the proposal site is appreciably elevated relative to the Nursery Close bungalows presenting a significant risk that the development could be overbearing towards these existing bungalow dwellings and it is not safe on the information available to conclude**

otherwise. The proposal is therefore found contrary to Staffordshire Moorlands Local Plan policies SS1; SS2; SS10; H1 and DC1 and to the NPPF.

4. Owing to the absence of ecological or biodiversity survey and assessment of the existing site the application is found contrary to Staffordshire Moorlands Local Plan policies SS1; SS2; SS10; H1; DC1; NE1 and NE2 and to the NPPF as there is insufficient information to assess the potential for biodiversity loss as a result of the development.

Informative

1. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

B In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision

10. APPENDICES TO THE REPORT

10.1 The link below to the Council's website is where the detail of this application can be viewed.

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=177025>

10.2 – location plan

