

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**17<sup>th</sup> October 2024**

Application No:	SMD/2024/0310	
Location	Springfields Farm, Hulme Lane, Werrington, ST3 5BH	
Proposal	Retrospective change of use of land to garden and retention of patio and steps.	
Applicant	Mr C Taylor	
Agent	Rob Duncan Planning Consultancy Ltd	
Parish/ward	Werrington	Date registered: 03.07.2024
If you have a question about this report please contact: Chris Johnston tel: 01538 395400 ext. 4123 <a href="mailto:christopher.johnston@staffsmoorlands.gov.uk">christopher.johnston@staffsmoorlands.gov.uk</a>		

## **REFERRAL**

The application is before committee because it has been called in by Councillor Worthington so that the impact on the Green Belt can be assessed.

### **1. SUMMARY OF RECOMMENDATION**

**REFUSE**

### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The site is in the countryside to the south of Werrington, about half a kilometre from the village development boundary and which is reached via country lanes from the village. It comprises a detached two-storey dwellinghouse, once part of a farm, Springfields Farm, located on the east side of Hulme Lane and which now is primarily used as an ice cream shop and café with the main building lying to the north-east of the house and with the car park to the rear of it. The house faces the road. The access is shared with the ice cream/café use and lies adjacent to the site to the north. There are garden areas to the front and rear of the house. There is rectangular plot to the south side of the house also included within the application site which is part of a field but has been fenced off with timber post-and-rail fencing along the south edge and close-boarded 1.8m high timber and concrete post type fencing along the east and west edges, with the west fence alongside an existing road-side hedgerow. The side plot is separated from the house by a drystone boundary wall. Within this side plot is a paved patio area with steps leading up towards the house (a small section of drystone wall has been removed to allow access to the steps from the house), a paved path off it leading up to a gate on the east boundary (towards the former farm buildings), a soil/planter area next to it and the remainder of the side plot is a recently provided lawn (arial photo's show the plot was removed of all vegetation before the lawn and new hard-standings were provided.

### **3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL**

3.1 This is a full retrospective planning application to retain the new side garden area use of land and associated patio and hardstanding works which are unauthorised.

3.2 The application files including the drawings, report and other details of the proposal together with consultation and notification responses can be viewed on the Council website at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=179370>

### **4. RELEVANT PLANNING HISTORY**

SMD/2023/0422: Conversion of former agricultural building to retail use and associated formation of parking area and vehicular access improvements (part retrospective). Approved. January 2024.

SMD/2024/0147: Change of use from retail to mixed use of retail and cafe within Use Classes E(a) and E(b). Approved. June 2024.

SMD/2024/0309: Retention of toilet block. Approved. September 2024.

SMD/2024/0388: Variation of Condition 17 of SMD/2024/0147. Pending.

### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The Development Plan comprises:

Adopted Staffordshire Moorlands Local Plan - Sep 2020

5.2 The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS10 Other Rural Areas Strategy
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting

National Planning Policy Framework (NPPF).- December 2023

Section 12: Achieving Well Designed Places

Section 13: Protecting Green Belt Land

### **6. CONSULTATIONS**

6.1 A site notice was posted and displayed on Hulme Lane, a short distance to the north of the site access on 16.7.24 inviting comments within 21 days from the date it was posted. Letters were also sent out to adjacent residential properties shortly after the new application was received and 21 days was given for comments in response.

### **Public response to consultation**

6.2 Two nearby residents have objected to the application, raising the following points:

- Overdevelopment of the residential site
- Out of keeping with the area
- Contravention of Green Belt policy
- Trees have been removed

### **Werrington Parish Council**

6.3 Objection on the grounds of overdevelopment.

### **SCC Highways Authority**

6.4 Recommendation Summary: Acceptance

Site Visit Conducted on: 10-Jul-2024

### **NOTES TO PLANNING OFFICER**

Application is to COU land to garden.

Proposal should not interfere with visibility splay required under SMD/2023/0422.

This will have no impact on the highway.

### **SMDC Environmental Health**

6.5 No objection but recommends a condition requiring details of any lighting to be submitted for approval.

## **7. OFFICER COMMENT AND PLANNING BALANCE**

### **Introduction**

7.1 The main issues with the proposal are as follows:

- The impact on the openness of the Green Belt.
- The impact on the character and appearance of the area.

### **Whether or not the proposal amounts to inappropriate development in the Green Belt.**

7.2 The site is in the Green Belt and Policy SS10 of the Local Plan, the strategy for

the countryside, states there will be strict control over inappropriate development in the Green Belt. The NPPF in paragraphs 154 and 155 lists the exceptional types of development which are not inappropriate in the Green Belt and which are therefore not harmful to its openness. Changes of use of land are listed but only provided they preserve its openness and do not conflict with the purposes of including land within it. The area of the site being used as new garden for the house was formerly part of an open field, an agricultural use. The change of use to a domestic garden involving new development such as the areas of hardstanding, steps and a path undoubtedly has a significant impact on the openness of this area of land. It does not preserve the openness of the Green Belt and results in encroachment into the countryside and therefore does conflict with the purposes of including land within the Green Belt.

7.3 Furthermore, such domestic uses also give rise to even greater impacts than those caused by development such as hardstanding, such as the siting of play equipment, outdoor furniture and other domestic paraphernalia. During the site visit by the Case Officer, a large circular paddling pool was present and other photo's show outdoor sofa's on the plot. Although these are not permanent structures but moveable items, such items do have an impact connected to the particularly new use of the land as a domestic garden and do impact on the openness of the Green Belt and cause further encroachment.

7.4 The NPPF states that inappropriate development in the Green Belt is by definition harmful to the openness of the Green Belt and should not be approved unless there are very special circumstances which are considered to outweigh the harm to the Green Belt. It is not considered there are any such very special circumstances for this particular case. The application is contrary to Policy SS10 and Section 13 of the NPPF and therefore the application should be refused, the works removed and the land restored to open agricultural field.

#### **The impact on the character and appearance of the area.**

7.5 The area of land developed as a domestic garden was historically part of an open field with a typical open agricultural field character and appearance, sitting adjacent to a traditional stone boundary wall defining the edge of the field and marking the residential curtilage of the dwelling and former farm, a clear boundary between the two. The domestic sprawl into this area including the formation of paving and steps creating a solid structure up to 1.0m in height above the field ground level, removal of a section of dry stone wall to allow direct access from the house into the new garden and the placing of domestic items and other paraphernalia described above is considered to be harmful to the traditional rural character and appearance of the area. The land to the south of the former farm is very rural in character as it heads further away from the large village of Werrington. Hulme Lane, which has a typical country lane character, continues by about half a kilometre before the next dwelling, or even building, is visible. This section of the lane is very open in character and appearance. The change of use and works in this direction from the south elevation of the dwelling alter the rural character of this area to its detriment. Although there is a continuous hedgerow along the east side of Hulme Lane, it is possible to see the new garden and works above the hedge. This area of land is also visible further along the lane to the north from the access and

current front boundary of the residential curtilage (over a 1.0 m stone wall).

7.6 The change of use and associated development is harmful to the rural character and appearance of the area and therefore does not comply with Policy DC1 'Design Considerations' or Policy DC3 'Landscape Character and Settlement Setting'.

### **Conclusion and Planning Balance**

7.7 The unauthorised change of use and works constitute inappropriate development in the Green Belt which by definition is harmful to the openness of the Green Belt and there are no very special circumstances considered to outweigh the harm. Furthermore, the change of use and works, representing a domestic encroachment into an open agricultural field in an area of open countryside are out of keeping with the area and harmful to the rural character and appearance of the area. The development does not comply with policies SS10, DC1 or DC3 of the Local Plan and are also contrary to Section 13 'Protecting Green Belt Land' of the NPPF and therefore this retrospective application is recommended for refusal.

## **8. RECOMMENDATION**

**A. That the application be REFUSED for the following reasons:**

**1. The site is in the Green Belt. Policy SS10 'Other Rural Areas Area Strategy' of the Council's adopted Local Plan requires strict control over inappropriate development in the Green Belt. The NPPF in paras 154 and 155 list the exceptional forms of development which are not deemed to be inappropriate. The change of use of land is listed but only providing this preserves its openness and does not conflict with the purposes of including land within it. The Council considered that the change of use of part of an open agricultural field into a domestic garden together with associated works including hardstanding patio area, steps and path significantly impacts on the openness of the Green Belt and fails to safeguard the countryside from encroachment. The NPPF does not allow such development unless there are very special circumstances. The Council does not consider there are any very special circumstances. The development is contrary to Section 13 of the NPPF, 'Protecting Green Belt Land' and Policy SS10 of the Staffordshire Moorlands Local Plan.**

**2. The development, by virtue of its form, height and siting of permanent solid hard-standing areas, together with items associated with the domestic use of land such as the siting of outdoor furniture, play equipment and other domestic paraphernalia on part of an open agricultural field, is harmful to the rural character and appearance of this part of the countryside and does not comply with policies DC1 'Design Considerations' and DC3 'Landscape and Settlement Setting' of the Staffordshire Moorlands Local Plan.**

**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/in formatives/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.

