

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

12th November 2024

Application No:	SMD/2024/0227	
Location	Land at Heath House Lane, Lower Tean	
Proposal	Change of use of an agricultural building to a dwelling with a basement extension	
Applicant	Mr J Jeffery	
Agent	Miss Megan Askham Planning Design Practice Ltd., Derby	
Parish/ward	Checkley / Checkley	Date registered 20 th May 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

This is a full minor application for a two-bedroom dwelling. The site was subject to a previous decision by the committee at its meeting on the 9th March 2023 and is referred on this basis.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 With three sides clad in sheet metal this is a small modern steel framed, open-fronted field shelter or store in a field corner position set-in some 20m from an entrance gate from Heath House Lane, an unclassified minor road (D1328). The building is 9m x 6m with a further 1.4m canopy overhang to the open front. The heights are 2.5m at the rear and 3.6m at the front inner edge of the canopy which then tilts down slightly to the front. There is a concrete floor with a step-down part way along between the left (north west) and right (south east) ends.

2.2 The building stands in close contact with a mature hedge to the rear (north east) long elevation and the field boundary to the road is also strongly hedged.

2.3 Land bordering to the rear (outside the application ownership) is shown in the Staffordshire Heritage Environment record as being "landscape park around Heath House which was in existence by 1836". Heath House is a Grade II* Listed building (first Listed 1967) some 500m to the NE. The South Lodge to

Heath House stands as a now separate private dwelling some 50m north of the application building and is to be regarded as being curtilage Listed.

2.4 There are no further near neighbours. The proposal site and the existing building with its wider landscape setting is seen clearly from the 20thC residential fringes of the smaller village of Lower Tean which lies across the fields some 400m to the south west.

2.5 There are clear views to the site from the public road junction of Teanhurst Road with Uttoxeter Road. Here the site is seen to figure strongly in its proximity to South Lodge and in turn with Heath House itself.

2.6 The Council's Landscape and Settlement Character Assessment places the location in the Dissected Sandstone Uplands Landscape Character Type (LCT). In terms of Landscape Quality the location is within an area assessed as being of 'very high' landscape quality (level 5 in the County-wide context). In addition this location is noted in the character assessment as being within an area that has the very highest sensitivity to impacts of landscape change.

2.7 Contrary to officer recommendation the committee granted consent under DET/2022/0044 for the conversion of the field shelter /store to a dwelling and resolved:

1. That the information set out in the Late Representation report be noted;
2. That, contrary to officers' recommendation, the application be APPROVED for the following reasons:
 - a. That the proposed development would not affect the setting of Heath House; and
 - b. That the application satisfies the GPDO (2015) Schedule 2 Part 3 Class Q criteria.
3. The following conditions be applied to the planning consent:
 - a. Adequate screening measures, including that the trees to the rear of the development should remain;
 - b. Climate change mitigation measures.

3. DESCRIPTION OF THE PROPOSAL

3.1 This new proposal is for a two bedroom dwelling formed by the construction of an additional underground basement. Under the previous prior-approval application the single storey building would have provided one bedroom on the ground floor. A below-ground level window served by a light-well would be dug externally to the sides of each end-elevation. The underground rooms would have a window facing into the light well. These would presumably provide a means of escape from either room and would allow some restricted daylight to the rooms (but no view).

3.2 In addition to the Planning Statement there is a structural appraisal dd 16th March 2020 (which had also been submitted with the three preceding

applications at this site). Also submitted is a short letter (18th April 2024) from a ground works contractor which says:

- we would advise a permanent metal sheet or a contiguous bore pile arrangement to form and retain the basement detail;
- this can be achieved with a mini piling rig offering minimal disturbance to the existing structure and the surrounding area;
- this would provide structural and earthwork support for the reduced level excavations down to the formation depth;
- the reinforced structural pad can then be cast along with appropriate edge thickening to its perimeter for the block work / concrete wall construction;
- drainage can be discharged from the proposed basement via a rising main system discharging into a septic or treatment tank;
- we can design the propping schedule for the existing building along with all associated tanking, water-proofing and reinforcement details in due course.

3.3 Some clarifications and revisions have been obtained from the agent in terms of the site areas involved, boundary details, Ground Water Source protection and with regard to Biodiversity Net Gain (BNG). A biodiversity site metric calculation has been submitted (revised 07.10.2024) along with a BNG Habitat Enhancement and Management Plan.

4. RELEVANT PLANNING HISTORY

- 4.1 10/00801/FUL – construction of barn/sheep shelter including new access – refused
- 4.2 11/00067/FUL – construction of barn/sheep shelter including new access – refused
- 4.3 11/00476/FUL – construction of barn/sheep shelter including new access – approved
- 4.4 DET/2015/0022 – change of use of agricultural building to a dwelling house (Use Class C3) a Class Q application – withdrawn – the then building was larger than the earlier consents had allowed so was not authorised
- 4.5 SME/2015/0082 – Enforcement Notice: without planning permission, the erection of a steel framed shed [to the extent that it exceeded the earlier consent]
- 4.6 23rd June 2016 – enforcement appeal decision – the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under s.177(5) of the 1990 Act as amended.
- 4.7 DET/2020/0018 – prior approval for change of use of agricultural building to a dwelling house including alterations to front elevation – August 2020 – refused

- 4.8 DET/2020/0053 – conversion of Agricultural Building to a dwelling under Class Q of the General Permitted Development Order – December 2020 – refused
- 4.9 DET/2022/0044 – Change of Use of Agricultural Building to one Dwellinghouse (Use Class C3), and for building operations reasonably necessary for the conversion – approved contrary to recommendation

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The development plan comprises the adopted Staffordshire Moorlands Local Plan Document; Supplementary Planning Documents (SPD), Supplementary Planning Guidance (SPG), and supporting evidence documents.

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- H1 New Housing Development
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

Checkley Neighbourhood Plan (made 15th May 2024)

- HSG1 Housing and site allocations
- HSG2 Housing mix
- DES1 Design
- DES3 Landscape and Rural Character

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 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 Neighbour consultations issued for response by 14th June 2024. Site notice posted for responses by 11th July 2024. Press notice posted for response by 24th July 2024.
- 6.2 Representations have been received from 10 members of the public / households raising issues and queries – 5 raising objections and five in support.

Objections

- The land should remain agricultural
- The addition amounts to 'mission creep' relative to the original consent
- The applicant is applying on the basis that in time they will acquire permission for a much larger property than the original application.
- By continued submission of repeat applications the applicant is attempting to wear down opposition
- Questions basis of the original consent due to no agricultural activity being evident
- The proposed rebuild of the 'barn' is situated next to the historic parklands of Heath House and forms one of the protected views, as established by the Neighbourhood Plan.
- It is also situated next to a Historic lodge house in the open countryside.
- There is no agricultural motive or justification for this proposal: the land has never been used for farming since it was purchased by the applicant some years ago. The applicant has no local connections and it is clear that it has been bought for speculative purposes.
- The proposed plans are unnecessary as the plans approved were completely sufficient for the applicant's declared needs
- The location is well outside any defined village boundaries as established by the Neighbourhood Plan

Support

- The need for more housing means we should be promoting small scale developments like this, enabling old un-used agricultural buildings to be put to good use.
- The basement would not be visible.
- The appearance of the barn would not alter and would be no different in its setting, size or height than that of the approved scheme.
- Making good use of a disused agricultural building
- This is a small scale development that will contribute to local demand for housing in this rural area
- This is in a sustainable location as it is close to an existing small estate and other properties.
- Would be perfect for someone looking for a small holding

Parish Council

6.3 Checkley Parish Council:

- the proposed plans are materially different from those granted under DET/2022/0044 (the Class Q scheme);
- yet note 5 of the permission is that the development must be in strict accordance with the approved plans and any variation will constitute unauthorised development;
- therefore the Parish Council is of the opinion that the Prior Approval Granted by the Planning Committee for change of use of the agricultural building to one dwelling (Use Class C3), cannot apply to this Application;
- the proposed works and incorporation of a new basement go well beyond what could reasonably be described as conversion under Class Q – see eg Hibbitt judgement;
- proposal will amount to a re-build;
- In such circumstances when considering a subsequent planning / pre-application to change the use of an agricultural building to a dwelling with alterations and extensions or complete rebuilds the Planning Officer may view a previous approval under Class Q as a material planning consideration / fall-back position although the weight to be given will depend on the circumstances. For the avoidance of doubt, the argument that an approval under Class Q would have been given will not suffice.
- also concerned that there is no real mention of the surrounding heritage assets, their significance, landscape assessment or consideration of setting in this scheme. There are 9 listed structures in this vicinity that are relevant to the proposed development and the site is also closely associated with Checkley Neighbourhood Development Plan Local Green space LGS9: The Tumulus, Heath House Lane. Therefore NPPF guidance notably paragraph 194 has not been adhered to. The scheme shows a structure that is seen to fragment the context of this vicinity and doesn't look to become subservient or well-integrated. This in heritage terms is seen as harm.
- Staffordshire Moorlands Local Plan Policy DC2 The Historic Environment seeks to ensure that sites and areas of particular heritage value are both safeguarded for the future and, where possible, enhanced both for their own heritage merits and as part of wider heritage regeneration proposals. The policy requirements apply to all types of development.
- Also refer to Checkley Neighbourhood Development Plan (CNDP) item 2.3 states Ensure future housing responds to needs and supports sustainability. With sympathetic development including affordable housing and retirement properties, to preserve the visual attractive character of the landscape and high-quality agricultural land.
- Acknowledges the submitted documents but lists further information that should also be supplied that hasn't been eg biodiversity
- CPC look favourably on barn conversions to dwelling houses to provide accommodation for extended families but do not support barn conversions to dwelling houses for sale or profit in unsuitable rural locations where there may

exist a possibility of additional conversion of other vacant barns on the site to dwelling houses, as the Planning History demonstrates, resulting in the beginning of a housing development.

- CPC are therefore of the opinion that this Application for Full Minor Planning Permission is invalid as a result of the aforementioned lack of detail and if the Applicant is unable to provide the required supporting information CPC would fully support the Planning Officer in Refusing the application.

SMDC Waste Collection Services

- 6.4 No issues regarding waste collections. Bins would have to be presented at the road side.

SMDC Environmental Health

- 6.5 No objection subject to conditions to address: control of noise and pollution risks during construction; unexpected contamination; soil quality at completion. EH notes that the site has historically been used as an out building / hardstanding and may have some associated contamination from previous uses. EH advises that a full contamination assessment would appear too onerous, however, it would be advisable that all soft landscaped / garden areas are tested for contaminants (including asbestos screening) to ensure suitability for the end use.

Staffordshire County Council Highways

- 6.6 Particulars of development: Change of use of an agricultural building to a dwelling with a basement extension.

Location of development: Barn off Heath House Lane, Lower Tean, Staffordshire, ST10 4HA.

Recommendation summary: Conditional.

Site Visit Conducted on: 12-Jun-2024

1. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the site boundary in accordance with details to be first submitted to and approved in writing by the Local planning authority. The access shall thereafter be surfaced in accordance with the approved details.

2. The development hereby permitted shall not be brought into use until details of the parking and turning areas have been first submitted to and approved in writing by the local planning authority. The parking and turning areas shall

thereafter be provided in accordance with the approved plans and retained for the life of the development.

Reasons: To comply with NPPF Paragraph 114; to comply with SMDC Local Plan Policy DC1 and T1; in the interests of highway safety.

Notes to planning officer: Parking is not specifically shown, but there is adequate space within the blue line to park vehicles.

Site is not in a sustainable location. Though as highways have previously recommended approval, for the time being this recommendation will be maintained.

Current records show that there were no Personal Injury Collisions on Heath House Lane within 215m either side of the access in the previous five years.

SMDC Heritage Conservation Officer

- 6.7 Has previously objected to the development at this site. Concerned by lack of consideration for a number of surrounding heritage assets, their significance, landscape assessment or consideration of setting in this scheme and therefore NPPF guidance notably paragraph 194 has not been adhered to.
- 6.8 The proposal would detrimentally impact on the rural setting of the landscape park and setting of the lodge and southern entrance to the estate. Indeed there is a strong sense of the rural farmland setting as a hallmark characteristic at this location, well separated from the defined residential area of Lower Tean to the south west.
- 6.9 The site adjoins land recorded as being of heritage significance as “landscape park around Heath House which was in existence by 1836”. Heath House is Grade II* Listed and the erstwhile South Lodge to Heath House stands 50m north of the application building and is regarded by the LPA as being curtilage Listed with Heath House.

7 POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

Policy Context

- 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 Development Plan for the Staffordshire Moorlands District Council consists of the adopted Staffordshire Moorlands Local Plan Document (September 2020) with regard also being given to the provisions of the National Planning Policy Framework (NPPF); the Council's adopted Supplementary Planning Guidance documents: 'Space About Dwellings' and 'Design Principles'; the adopted Design Guide (2018) a Supplementary Planning Document and the Council's Local Plan Supporting Evidence Document: Landscape and Settlement Character Assessment (2008).
- 7.3 Development boundary mapping has now been adopted in accordance with the new Local Plan (September 2020). The Local Plan places this location in the Other Rural Areas area policy governed by SS10. Policy SS10 for the rural areas is that:
- "These areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside".

Principle of Development and Main Issues

- 7.4 There is no 'essential need' for a dwelling at this location. There is though provision in Policy SS10 to support the conversion or replacement of an existing rural building provided that this would be in accordance with Policy H1.
- 7.5 Policy H1 establishes a baseline which says that:
- "All development will be assessed according to the extent to which it provides for high quality, sustainable housing and to which it meets identified housing needs, having regard to the location of the development, the characteristics of the site and the economics of provision."
- 7.6 Provision is made at H1(5)(d) to support:
- "The conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets."
- 7.7 The application building stands as described at 2.1 (above) and was erected sometime following the 11/00476/FUL consent (27th July 2011). It is known to have been under construction as of 8th October 2011 (LPA air photo archive). It is not a building which in terms of design style would normally be assessed as being suitable and worthy in architectural and character terms for conversion.
- 7.8 The consent granted by the committee under the Permitted Development prior approval process for a conversion in accordance with Class Q of Schedule 2 Part 3 to the GPDO (2015) is a material consideration with this proposal. This means a one-bedroom single storey conversion of the existing building can be

carried out subject to the work being completed by 10th March 2026 (this being the three year anniversary of the prior approval consent). The terms of Class Q conversion also limit the amount of surrounding land that can be included in the permission. Condition 2 of the Class Q consent stipulates in this case that the area shall be no greater in amount than an area equivalent to the plan area of the building, namely 67.5m².

Principle

- 7.9 To conclude, in terms of principle, the proposal does not achieve support under the Council's relevant planning policies SS10 and H1.
- no essential need is demonstrated
 - does not support rural diversification or sustainability of the rural areas
 - does not promote sustainable tourism
 - does not enhance the countryside
 - as a conversion involving subterranean bedrooms only, this is not high quality sustainable housing (see Design below)
 - in its architecture and character the existing structure is not recognisably worthy or even a particularly suitable building for conversion
 - there are no heritage conservation benefits to weigh in support of the scheme but there are in fact some disbenefits (see Heritage below)

Main issues

- 7.10 The main issue is whether the fact of the Permitted Development consent for a one bedroom dwelling is a sufficient 'material consideration' to outweigh any dis-benefits of this larger scheme which is not eligible as Permitted Development under Class Q and which is contrary to the Council's adopted planning policies. In particular it would be appropriate to consider whether this enlarged scheme proposal would in some way make a better development overall than that which can be achieved under the Permitted Development scheme as allowed under the Class Q consent DET/2022/0044.

Design and amenity (living conditions)

- 7.11 There are three main differences with the proposal scheme from that allowed under the prior approval. Firstly the number of bedrooms is increased from one to two and secondly these are provided entirely underground. The above ground accommodation is fully taken up with open plan lounge and kitchen space. Thirdly, a significantly increased outside space is included in the site red edge taking this from 70m² to c.195m². (Nb for the purposes of this comparison the driveway access route has been excluded as it is the same in both schemes.)
- 7.12 The effect of doubling the number of bedrooms is to immediately expand the potential impacts of the development owing to the increased number of people that can be accommodated. Whilst the expected parking provision (as recommended in the Guidance at Appendix 2 to the Local Plan) remains at the minimum of two vehicle spaces the potential impacts of the site's occupation and use are inevitably increased. This could especially arise if for example the

accommodation were used for holiday let purposes (though there is no intimation of a holiday let intention in the submissions).

- 7.13 Design policy DC1 and new-housing policy H1 and indeed the NPPF all emphasise the importance of 'good design' both as matters of outward appearance and in terms of the living conditions that are created. It is notable for example that the Class Q Permitted Development regime expressly requires the Local Planning Authority to consider whether there would be adequate natural light in all habitable rooms and paragraph W(2A) lays down that the local planning authority "must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwelling". Methods of calculating natural light and whether it is adequate to a room are not stipulated.
- 7.14 With this development the basement windows would be modestly sized at c.1m wide by 0.75m deep in glazed area. The highest part of the window would be set 0.6m below ground surface level. For bedroom 2 the window faces north west and towards an area which above ground level is in part allocated (necessarily) for the required vehicle parking. The window of bedroom 1 faces south east and with this orientation might benefit from slightly better light levels. One accepted method of judging the adequacy of light from a window is to consider from what proportion of the room space it may be possible to see the sky. It can readily be appreciated that the zone of visible sky would be greatly restricted in these two basement rooms.
- 7.15 The Council's adopted Space About Dwellings Guidance classifies a first and second bedroom as 'principal rooms'. Section A3.4(5) sets the distance required between a principal window and any site boundary or any solid obstruction where this is higher than the top of the window. The stated minimum separation requirement is given as needing to be at least 6.0m. In this case the separation is just 0.7m from the surrounding solid ground and as already noted the tops of the windows are 0.6m below ground level.
- 7.16 In conclusion the scheme is severely at odds with the Council's expected design criteria for principal room windows and would not provide a reasonable or appropriate level of amenity for occupiers.

Heritage

- 7.17 Notwithstanding the conclusion of the March 2023 committee that the scheme then under consideration would be acceptable in heritage terms, this remains an important consideration in this planning assessment. Historic Environment Policy DC2 of the Local Plan is to give protection to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF. NPPF paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, "great weight should be given to the asset's conservation". Grade II* Listed Heath House and its setting and the setting of South Lodge as a curtilage listed building are relevant 'designated' heritage assets.

7.18 It was remarked in the earlier report that the introduction of a dwelling with all the inevitable domestic comings and goings and curtilage effects – the trappings and paraphernalia of a domestic habitation – would bring noticeable change to the ambient characteristics of this location. As an undisturbed relatively tranquil rural location within the setting of the historic landscape park land of Heath House and indeed the setting of the Grade II* Listed Heath House itself, the development should be seen as certainly undesirable in terms of protecting the heritage and should be considered harmful in that it would undermine and erode the well surviving historic character of this location. As noted at 7.12 (above) the increased accommodation capacity of this new proposal and increased site area must be seen as having the potential to intensify the impacts and concerns as previously outlined. These conflicts amount to heritage harm which in the terms of the NPPF should be regarded as amounting to “less than substantial harm”. To make this harm acceptable in the planning assessment (in accordance with NPPF 208) it would be necessary to identify an appropriate countervailing public benefit of the development. The contribution of a further dwelling to the housing supply might normally be considered of some benefit albeit a very small contribution relative to the overall need but in this case it would be wholly inappropriate to credit a public benefit when the proposal is so profoundly at odds with the basic minimum design standards as discussed at 7.14 to 7.16 (above).

Other matters

Transport and highways

7.19 Based on the advice of the Highways Authority there are no issues subject to their recommended conditions.

Environmental Health

7.20 Acceptable and no issues subject to their recommended conditions.

Ground Water Source Protection

7.21 The inclusion of a basement excavation has led to consideration of the site’s location within a designated Ground Water Source Protection Zone. The Environment Agency has provided advice that pollution prevention best practice measures should be followed but that there is no requirement for the EA to be formally consulted for this scheme.

Ecology and BNG

7.22 In event of approval conditions would be necessary to protect the existing prominent hedgerows. The applicant’s ecology adviser has recommended that a 1.2m root protection zone would need to be established.

7.23 A calculation of the base line BNG ‘metric’ has been submitted during consideration of the application. In event of approval the statutory condition

under BNG legislation would require the submission of a BNG implementation and management plan and a draft scheme has been provided.

Representations

- 7.24 The objections and comments in support have been noted and the points raised should be found to have been effectively covered in the report. Points raised in objection on grounds of this being a speculative finance-driven venture and the owner / applicant not having close connection with the area are not material planning considerations.

8. Conclusion and Planning Balance

- 8.1 Contrary to the fundamental and basic expectations of the Local Plan the proposed accommodation would provide a very poor standard of living conditions for occupiers due to its only two bedrooms being underground and served by very constrained below-ground windows. The windows would provide only very restricted natural light and would result in an oppressive internal living environment.
- 8.2 Concerns remain that the altered building, changed from its low-key use as a one-time small field shelter to use as a dwelling, would significantly change the character and appearance of the area and in turn bring harm to the setting of the adjacent South Lodge, a curtilage Listed Building to the Grade II* Heath House and to the general wider setting so as to detract from the historical setting of Heath House and the significance of its parkland surroundings. The small field shelter in its current use is a low-key structure but if the comings and goings and all the activities associated with a dwelling were introduced – such as permanent parking of vehicles, night time domestic lighting, garden and associated outdoor domestic garden furnishings and activities – the agrarian and field nature of the location would be significantly altered. The impacts are not neutral and should be assessed as harmful. In the categories set out in the NPPF the development would be regarded as causing ‘less than substantial’ harm. An LPA is expected then to weigh against this any public benefits of the development. In this case the creation of a single dwelling may normally be considered to bring some public benefit in terms of housing supply though the contribution – a single dwelling – relative to the overall need is limited. In this case, due to the inadequacy of light and oppressive window surroundings for the two principal bedrooms it is not appropriate to regard the development as beneficial. As such the proposal cannot be found to outweigh the identified harms to heritage.
- 8.4 Notwithstanding the previous committee decision it remains the Planning Officer’s considered assessment that the compromised external appearance of the development – a shed brought into use as a dwelling with large glazing panes – has no place or linkage to the rural building tradition and would be wholly at odds with its location relating neither to its field position nor to any understood expectations a rural dwelling design. The expansive glazing when illuminated from within at night time and winter evenings has the potential to

further accentuate the oddity of the building's position and out-of-place form as a dwelling in this location.

- 8.5 Although the Council is currently unable to demonstrate a five year housing supply this is only of partial relevance in this case. The NPPF sets out at paragraph 11 that proposals which conflict with specific policies in the NPPF designed to protect assets – including designated heritage assets – should not be approved where the policies give a clear reason for refusing the development. In terms of the landscape harm to this highest quality landscape, and one found to have the very highest level of sensitivity, the so-called 'tilted balance' should be exercised. It is then a matter of weighing the benefits of, in this case, a single dwelling relative to the harms identified. It is concluded that provision of a single dwelling relative to the overall number required across the District is not of such significance as to outweigh the harms to landscape which have been identified.

9. RECOMMENDATION

A. Refuse for the following reasons:

- 1. The two proposed basement bedrooms are the only bedrooms for this proposed dwelling and would each be served by a single below-ground level window opening into a light well excavated externally to the exterior wall sides. The resulting principal windows would face directly on to the retaining wall structure at a distance of just 0.7m with the wall top 0.6m higher than the top of the windows. The Council's adopted Space About Dwellings Supplementary Planning Guidance expects a minimum separation of at least six metres (6.0m) for any solid object higher than the top of a facing principal window. The very short separation distance in this design would result in a very oppressive living environment for occupiers and would severely reduce the available light to each of the two principal bedrooms. The proposal is therefore found contrary to SS10; H1 and DC1 and to the NPPF.**

- 2. The conversion and use of the building for a dwelling and the creation of an expanded residential curtilage at this location would bring a marked and harmful change to character and appearance strongly at odds with the rural field siting and agrarian use of the land in turn bringing harm to the setting of the adjacent South Lodge, a curtilage Listed Building to the Grade II* Listed Heath House, and to the adjacent surrounding historic park land setting including to Heath House itself. In the relevant wording of the NPPF there is found to be 'less than substantial harm' as a result of these impacts and in accordance with the NPPF 'great weight' is given to the importance of conserving these heritage assets. Without the counterbalance of a public benefit the proposal is found contrary to the Staffordshire Moorlands Local Plan 2020 policies SS1, SS10, DC1, DC2 and DC3 and H1.**

3. The external appearance of the development would be of a compromised design with no place or linkage to the rural building tradition of the area and therefore wholly at odds with its location relating neither to its field position nor to any understood or recognised expectation of a residential dwelling. In strict design terms the proposal is found contrary to Staffordshire Moorlands Local Plan 2020 policies SS1, SS10, DC1, DC2 and DC3 and H1.

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.

Informative

1. The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has nonetheless met the requirement in Paragraphs 38 of the National Planning Policy Framework.

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.

[Planning Application - Staffordshire Moorlands District Council](#)

10.2 Land at Heath House Lane, Lower Tean – location plan

