

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**12<sup>th</sup> December 2024**

<b>Application No:</b>	SMD/2024/0459	
<b>Location</b>	Land at Park Lane, Cheadle	
<b>Proposal</b>	Outline application for erection of a self-build single dwelling including details of means of access	
<b>Applicant</b>	Mr Mark Bullock	
<b>Agent</b>	Mr Jim Malkin, JMI Planning	
<b>Parish/ward</b>	Cheadle / Cheadle West	<b>Date registered</b> 18 <sup>th</sup> Oct 2024
<b>If you have a question about this report please contact:</b> Arne Swithenbank tel: 01538 395578 or e-mail <a href="mailto:arne.swithenbank@staffs Moorlands.gov.uk">arne.swithenbank@staffs Moorlands.gov.uk</a>		

## **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 stated in the application form as 0.09 ha but scales from the submitted plans as being c.0.15 hectares (0.4 of an acre) in area within a part 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 northward 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 a single dwelling 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 A preliminary ecological appraisal has been submitted to accompany the application. The application claims exemption from the new Biodiversity Net Gain (BNG) requirements on basis they say of being a 'self-build' development.
- 3.3 In a short covering letter accompanying the application the planning agent makes reference to the committee's deliberations in relation to an earlier refused application in outline for three dwellings at this site; refers to the applicant's personal health conditions as a reason for the development and asserts that the proposal represents Green Belt 'infill'. The agent makes reference to an approved development for a single dwelling on a pocket of previously developed land under SMD/2023/0341 at Manor Park Farm some 300m to the north and draws comparison with a builder's yard said to be operating nearby.

### **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.
- 4.4 SMD/2024/0012 – outline application for erection of 3 dwellings including details of means of access – refused (Planning Applications Committee 20<sup>th</sup> June 2024).

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

## 5.1 Local Plan (adopted 9<sup>th</sup> September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS10 Other Rural Areas Area Strategy
- H1 New Housing Development
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- 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 28<sup>th</sup> November 2024 (site notice). A total of eight neighbouring dwellings were notified directly by letter.
- 6.2 In response to the neighbour / site publicity, representations raising objections have been received from neighbours at five addresses on Park Lane on the following grounds:
- Green Belt harm
  - none of the Green Belt exceptions apply
  - land in the Green Belt nearby has history of previous refusals
  - the applicant previously said three dwellings were needed due to needing carers to live nearby – has this need gone away?
  - if a single dwelling is approved further proposals will follow
  - precedent

- decision should be based on the law and not personal bias
- difficulties of access as Park Lane is unadopted at the site entrance point and very narrow with poor visibility
- even a wide visibility splay won't help here
- 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.
- harm to ecology and biodiversity
- the proposed eight trees will block light
- privacy for neighbours and concern that dormers could be added
- 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 which is already busy

### **Cheadle Town Council**

- 6.3 Cheadle Town Council have noted the reasons for refusal of the previous Application SMD/2024/0012, and is in full agreement with that decision. Given the Green Belt and other policies identified, Cheadle Town Council would support refusal of this new Application on the same grounds.

### **SCC Highways**

- 6.4 SCC Highways were consulted 18<sup>th</sup> October 2024 for response by 8<sup>th</sup> November 2024. A formal 'form X' response has not been received but in an e-mail dated 2<sup>nd</sup> November 2024 the Highways Authority has advised: (i) The proposed visibility splay is in line with the requirement of a 30mph road and therefore acceptable; (ii) The road itself is narrow with no physical footways but the road is classified as Cheadle 46 footpath; (iii) No objection on the access only application.

### **SMDC waste collection services**

- 6.5 No issues regarding waste collections.

### **Severn Trent Water**

- 6.6 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.

- 6.7 Planning Practice Guidance and section H of the Building Regulations 2010 establish a surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable then satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water is to enter the foul or combined water systems by any means.

### **Coal Authority**

- 6.8 We have reviewed the site location plan provided and can confirm that the site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make. However, in the interest of public safety, it is requested that the Coal Authority's Standing Advice note is drawn to the applicant's attention, where relevant: *The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).*

### **Environmental Health Officer**

- 6.9 No objection subject to conditions securing a construction and environmental management, soil testing, unexpected contamination and lighting.

### **Ecology advice – Staffordshire Wildlife Trust**

- 6.10 Holding objection. The submitted ecology appraisal recommends an update habitat survey at a suitable time of year and we would concur with this recommendation given the original survey was in February.
- 6.11 The report also recommends that trees and hedges on site are retained. It is not clear from the scheme proposals provided to date if the mature tree and hedgerows are to be retained. As the tree is identified as holding some potential for roosting bats and the hedgerows as being of Principal Importance, we would request this is clarified and any impacts identified and addressed.
- 6.12 Further detail is required on the likely impacts of the scheme on certain protected / priority species (bats; reptiles; amphibians; nesting birds; Brown Hare; Hedgehog) to ensure impacts are identified and suitable mitigation measures are feasible. A Ground Level Tree Assessment (GLTA) should also be completed on the mature sycamore tree, unless there is a clear justification for this further assessment not to be required.

- 6.13 If potential impacts on habitats and species are confirmed, a suitable precautionary working method statement will be required. This could be secured by condition. A suitable landscape and ecology management plan and ecologically sensitive lighting plan should also be provided and again could be secured by condition.
- 6.14 Certain building-specific design details are also recommended to be incorporated but these could be addressed in the event of a reserved matters application.
- 6.15 Provided the LPA is content that the application meets the relevant criteria for self-build, then we agree that the proposal is exempt from Statutory BNG.

## **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 a single dwelling, 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 NPPF paragraphs 154 and 155.
- 7.3 In the covering letter the applicant's planning agent suggests this development meets the NPPF Green Belt exception of infilling. However, this exception is specific only to 'villages' which would not apply here where the land is within an intact part of the rural field fringes to the town of Cheadle. Although the term infilling is not defined in planning guidance it is commonly accepted that it must necessarily mean the insertion of development between two end stops to fill a gap. Here the proposal in effect would extend the ribbon of existing development along Park Lane but it does not infill 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 Council's defined and adopted 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 would instead ‘bleed’ out in an uncontained and somewhat random way into this next field.
- 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 follow. 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 The application proposes that the dwelling will be designed and built to lifetime homes standards and that this could be secured by condition. The agent’s letter refers to the applicant having a specific health condition which would be assisted by modern accessible design standards in the living space. The application does not however attempt to establish a case of ‘very special circumstances’. There is nothing to show why it is necessary to breach the Local Plan policy for the Green Belt in order to make an ‘accessible’ home. Individual personal circumstances are not normally an appropriate material planning consideration and however regrettably, infirmity and declining health are unfortunately very common situations for a large proportion of the population. No evidence has been provided as to why the applicant is unable to find suitable accommodation, either in an existing dwelling within the town or to locate a suitable building plot in an area which is not Green Belt and which complies with planning policy. 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 environment.

- 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 seen that the development would be an urbanising intrusion.

### **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. Space About Dwellings expects a minimum of 14m separation between principal windows and an end or 'flank' wall. The indicative plan show c.16m between the proposal gable end and the facing front elevations of the bungalows in Nursery Close. The relative levels do however need to be taken into account as the proposal site is appreciably elevated relative to Nursery Close and risks being overbearing. At the reserved matters stage it may be found that dormers are unacceptable.

### **Highways**

- 7.11 A number of objectors have raised concerns about the restrictive narrowness of Park Lane and poor visibility. The SCC Highways response has noted the narrowness of the road – classified footpath Cheadle 46 but finds the access acceptable based on the visibility splay dimensions as submitted.

### **Other matters**

- 7.12 For the 'Preliminary Ecological Appraisal' dated April 2024 a ground vegetation species survey was conducted on the 22<sup>nd</sup> February 2024 and the survey report notes this was undertaken at a time of year considered suboptimal for identifying some botanical species. They concluded that the proposed development would be unlikely to have an ecological impact beyond the boundaries of the application site provided that noise, lighting and pollution management plans are compiled and adhered to. They found the field sward was clearly species-diverse despite the poor survey timing and despite the close cropping due to grazing. Site hedgerows should be retained to provide continued connectivity to the wider landscape and beyond and should be protected from light-spill. The hedges are likely to be utilised by commuting



and foraging bats and the mature sycamore at the entrance to the application site on Park Lane is of an age and maturity to support roosting and foraging bats and nesting birds. A disused one-time but potential future badger sett was noted. The site was found beneficial to a range of other wildlife including reptiles and amphibians. Biodiversity net-gain calculations should be compiled.

- 7.13 The concerns of the Wildlife Trust as advisers to the Council for this application need to be noted.
- 7.14 Location of the proposed development in a coal mining area which may contain unrecorded coal mining related hazards must be noted and the advice of the Coal Authority should be observed.
- 7.15 Objectors are especially concerned by the precedent they see being set if this development were allowed. Usually planning will respond that it is each application on its merits and a decision on one should not be taken as proving the case for another. With this proposal there is though at least one significant sense in which allowing this development could promote the basis for more. The report carefully establishes that this proposal should not be assessed as 'infilling' but if the proposal were to be allowed on that basis it could become difficult to argue that another follow up was not also infilling. Moreover, with each incremental advance there would come a point whereby a genuine case of infilling would likely be created. The objectors point out that this applicant previously sought a three-dwelling development and they anticipate that desire will remain.

## **8. CONCLUSION AND PLANNING BALANCE**

- 8.1 This site is within the Green Belt where new development is inappropriate and therefore by definition, harmful. 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 in the report eg 7.8 and 7.9 there would be significant harm to the rural character and appearance of the location and 7.10 highlights a potential for harm to the living conditions for occupiers of neighbouring dwellings 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.
- 8.3 The submitted ecological assessment, though conducted 'out-of-season', has confirmed that the site contributes positively to local biodiversity. A better timed

survey would almost certainly confirm appreciable further interest both in plant life and, to some extent overlooked in the report, breeding birds, especially in the perimeter hedgerows. Strong biodiverse hedgerows are very difficult to retain successfully in development sites where responsibility is apportioned to successive neighbouring owners who tend over time to impose their individual preferences. The significant west boundary hedgerow of this site is highly worthy of retention both for biodiversity and landscape character reasons but must be considered at significant risk from a development of this kind. Overall it cannot but be concluded that the development would be harmful to biodiversity. Given that the site is in any event not one which can be supported as a matter of principle, there is no case to make to accept the biodiversity loss inherent in the development of this 0.15 hectare of land into housing. The applicant's ecology report concludes that ecological enhancement should accompany the development and should amount to at least a 10% net gain on the existing land. Whilst the applicant is declaring exemption from the otherwise now statutory Biodiversity Net Gain requirement, on the basis of being a "self-build" unit, Policy NE 1(5) expects all developments where possible to seek to deliver a net gain. It has not been demonstrated how this could be achieved on this site.

8.4 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, by definition, harmful. The development would, in addition, compromise openness by replacing open field land with a 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 harmful 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, H1, DC1 and DC3 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. The proposal is therefore found contrary to Staffordshire Moorlands Local Plan policies SS1; SS2; SS10; H1 and DC1 and to the NPPF.
4. A submitted preliminary ecological survey has identified a range of ecological benefits in the site and its component habitats for wildlife including amphibians, reptiles, birds and mammals including protected species and priority species and that the field vegetation is species diverse and even so is likely to have been under-recorded due to the out-of-season survey timing. The proposed development would result in a diminution of ecological value and wildlife benefits inherent on the land and in the absence of any indication of how this could be avoided let alone made to result in a net gain to biodiversity the development is found contrary to Staffordshire Moorlands Local Plan policies SS1; SS2; SS10; H1; DC1; NE1 and NE2 and to the NPPF.

### **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.

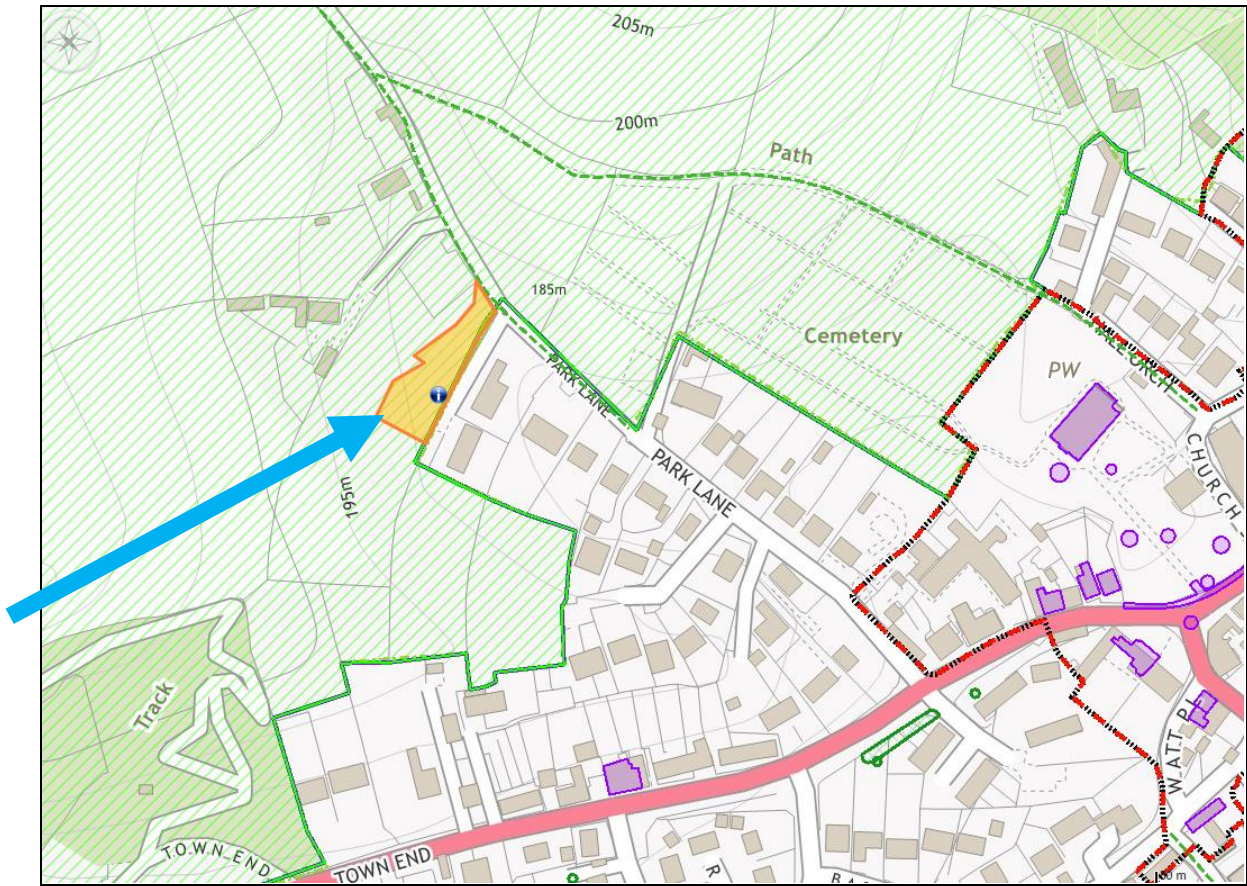
**B** In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so 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.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=180007>

## 10.2 – location plan



Cheadle