

Agenda Item:	5.1
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Site:	Cherry Tree House, Smithy Lane, Admaston, WS15 3NJ
Proposal:	Retention of driveway continued use of agricultural land as garden and farm building as garage and car port

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

[Hyperlink to Application Details](#)

Application Number:	P/2020/00206	
Planning Officer:	Barbara Toy	
Type of Application:	Detailed Planning Application	
Applicant:	Mr J Hough & MsT Hurst	
Ward:	Bagots	
Ward Member (s):	Councillor G Hall	
Date Registered:	06 March 2020	
Date Expires:	29 April 2020	
	A time extension has been agreed with the applicant until 30 th June 2020 to allow the application to be reported to the Planning Committee	
Reason for being on Agenda	Significant Public Interest	
Officer Recommendation	Approval subject to conditions	

1. Executive Summary

- 1.1 The application site comprises 3983sqm of land set on the eastern side of Smithy Lane and to the south of Cherry Tree House. The land was formerly agricultural land that is now in use as part of the residential curtilage of the house. The former agricultural building set on the western side of the land is

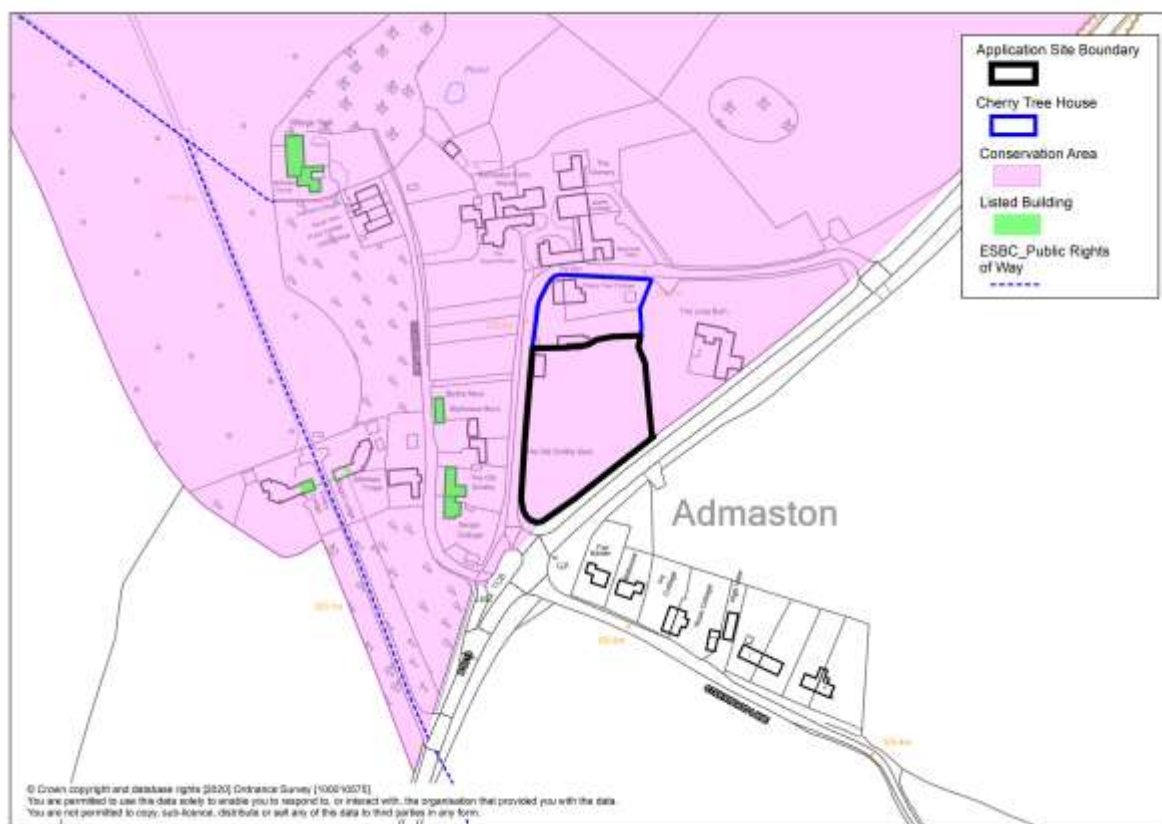
now in use as a garage and car port, with vehicle access via a new gated access to the south west of the site off Smithy Lane.

- 1.2 The site sits outside the settlement boundaries as defined within the Local Plan and is within the Admaston conservation area.
- 1.3 This is a retrospective application for the continued use of the land as part of the residential curtilage of Cherry Tree House, the continued use of the former agricultural building as a garage and car port and the retention of the new gated access.
- 1.4 During the course of the application a metal storage container set to the north of the vehicle access has been removed from the site and no longer forms part of the application.
- 1.5 Statutory consultees have raised no technical objections that cannot be overcome by way of planning conditions.
- 1.6 Blithfield Parish Council have raised no objections. 14 objections have been received from 9 addresses.
- 1.7 It is considered that the inclusion of the land as an extension of the residential curtilage of Chery Tree House would have no adverse impact on the landscape character of the area, in compliance with Local Plan Policies.
- 1.8 The land is enclosed on two sides by Smithy Lane and the B5103, which separates the land from any other agricultural land. At 3983sqm the site is not considered large enough to be viable as an agricultural holding in its own right and due to its separated nature is not practical as part of a larger agricultural holding.
- 1.9 The garage and car port building was approved and built as an agricultural building in 2017, prior to its use for residential purposes. The re-use of this rural building for domestic garaging requires no external changes.
- 1.10 It is considered that the design and layout of the site is appropriate for its location and has no adverse impact on the character or appearance of the area, in accordance with policies SP1, SP24 and DP3 of the Local Plan.
- 1.11 The change of use of the land from agricultural to domestic curtilage has no adverse impact on the amenities of the surrounding residential occupiers and no adverse impact on the character or appearance of the conservation area or adjacent listed buildings in the vicinity in compliance with policies SP1, SP25, DP1, DP3 and DP5 of the Local Plan.
- 1.12 The design and layout of the new access is considered appropriate to ensure no adverse impact on highway safety and conversion of the agricultural building to provide garaging/car port is appropriate to provide parking for the dwelling, in compliance with Policy SP35 of the Local Plan and the Parking Standards SPD.
- 1.13 All the existing hedgerows surrounding the site will be retained to ensure that there is no significant harm to biodiversity resulting from the development.

- 1.14 Taking into consideration the environmental, social and economic impacts of this scheme it is considered that the proposal is acceptable and would be in accordance with relevant policies within the Local Plan, East Staffordshire Design Guide, Parking Standards SPD, and the NPPF.
- 1.15 In light of the above conclusions on the planning merits of the case the application is recommended for **approval** subject to conditions.

Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

Map of site



2. The site description

- 2.1 The site is situated on the eastern side of Smithy Lane and comprises approx. 3983sqm of land set to the south (rear) of Cherry Tree House, a detached dwelling. The land is now used as part of the residential curtilage of Cherry Tree House, formerly part of a much larger agricultural holding. There is a detached former agricultural storage building set along the western boundary of the land, now used as a garage and car port. Vehicle access to the site is via a new gated access on the western boundary off Smithy Lane to the south of the garage building, with a gravel driveway leading from the access to the garage and car port building. The land to the east of the site beyond the driveway is fenced off as a small paddock area. The whole of the site is now used ancillary to Cherry Tree House and is no longer in agricultural use.

- 2.2 The site is bounded to the west by Smithy Lane, to the south by the B5013, to the north by Smithy Lane and Cherry Tree House and to the east by The Long Barn detached residential property. There is high mature hedging to the east, west and southern boundaries.
- 2.3 The site is situated within the small village of Admaston and within the Admaston Conservation Area. Sedge Cottage, The Old Smithy and Blythe Moor (Blythmoor Barn) are 3 Grade II listed dwellings off School Lane to the west of Smithy Lane and the application site. Further residential properties are situated to the north of Smithy Lane beyond Cherry Tree House.
- 2.4 The site sits outside of settlement boundaries as defined in the Local Plan, to the south west of Blithfield reservoir just off the main B5103 which runs between Abbots Bromley and Rugeley.

3. Planning history

- 3.1 **P/2016/00922** - Demolition of existing agricultural building to facilitate the erection of a replacement agricultural building to form an animal shelter and storage building. Refused 19-10-2016
- 3.2 **P/2017/00301** – Demolition of existing agricultural building to facilitate the erection of a replacement agricultural building for animal shelter and storage building (amended scheme). GSC 31-05-2017.

4. The Proposal

- 4.1 This is a retrospective application for the continued use of the former agricultural land as part of the residential curtilage of Cherry Tree House, continued use of the former agricultural storage building as a garage and car port and retention of the new gated access off Smithy Lane.
- 4.2 During the course of the application a metal storage container set to the north of the vehicle access has been removed from the site and no longer forms part of the application.
- 4.3 The new access has been formed in the same position as the original gated access to the land. The access has been widened slightly (less than 1m) with the removal of a small section of hedging and the gate set back 4.6m from the road behind a paved hardstanding area, with 1m high palling timber fencing either side up to the gate, with new hedge/shrub planting in front of the fencing. The gate comprises a secure automatic 5 bar gate.
- 4.4 The former agricultural storage building (approved in 2017) is now being used as a domestic garage and car port. The building has 4 sections, two secured by double wooden doors to form a double garage and two bays remaining open to the frontage to form a car port for two vehicles. The building is of timber construction with a tiled gable roof (maximum height 5.3m). The building was constructed in accordance with the plans approved in 2017.
- 4.5 Beyond the gravel driveway to the east of the site is a paddock area enclosed by fencing, which includes a small chicken coup and is now used ancillary to the house.

List of supporting documentation

4.6 The following documents have been provided as part of the application:

- Application form
- Location, block plan, site layout and elevations Drawing 7650-1
- Design and Access Statement
- Heritage Statement/Assessments of Significance

4.7 The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Parish Council	Blithfield Parish Council Three Parish Councillors had no objections but two Councillors did object and will be writing direct with their objections.
5.3	SCC Archaeology	Although there is some degree of historic environment interest associated with this area, but given the scale and nature of the development no archaeological concerns are raised.

Internal Consultees		Response
5.4	Conservation Officer	<p>The site is situated within the Admaston conservation area and there are several listed buildings to the west of the site in School Lane. Given the distance and level change between the site and the listed buildings it is unlikely that any of the structures to be retained on the site would be visible from within these sites. There is no particular historic or functional relationship between the site and the listed buildings owing to the robust boundaries between the site and the buildings. There are other listed structure further west beyond School Lane, which would be unaffected by the proposals.</p> <p>The site is well screened to the boundaries and the existing buildings have little presence outside of the site.</p> <p>The removal of permitted development rights for within the domestic curtilage is recommended together with a condition to ensure that the existing boundary hedging is retained at or above its present height to ensure no further alterations to the character of the area without planning consent as well as a landscaping condition to ensure that additional hedging be planting inside the palling fencing at the new access.</p> <p>Subject to the above conditions it is considered that the proposals would not result in harm to the special</p>

		significance of the listed buildings or the historic character or appearance of the conservation area.
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6. Neighbour responses

- 6.1 14 letters of objection have been received from 9 addresses, including more than 1 letter from 2 separate residents.

Neighbour responses	
Principle	Retrospective, works already completed unlawfully Agricultural use should be maintained Agricultural use to domestic use in the conservation area is harmful to the historic setting Land should be return to a pasture, domestic use not appropriate in the countryside Farmers tenancy cancelled, should return to agricultural land.
Natural Environment	Gateway made larger by removing hedging, gate set back with large wooden pillars and a modern gate Planting around the access not native and inappropriate Hedging should be retained and replanted to maintain the setting Loss of trees (without consent) when works undertake
Access and Parking	New access close to bend in the road Original driveway access to house sealed off No justification for an additional garage
Amenity	Height of the building is overwhelming and out of scale Loss of light from the height of the building Garage building could easily be converted to residential use Not an agricultural building, modern stylish building, previous agricultural building lower than the boundary hedge and was used for lambing The metal storage container is out of place in the conservation area, it is visible from outside the site Metal storage container now removed, is this a “sop” to allow the rest of the application to be granted?

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP8 Development Outside Settlement Boundaries

- SP24 High Quality Design
- SP25 Historic Environment
- SP29 Biodiversity and Geodiversity
- SP35 accessibility and Sustainable Transport
- DP1 Design of New Development
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP8 Tree Protection

Supplementary Planning Documents/Guidance

- East Staffordshire Design Guide
- Revised Parking Standards
- Separation Distance and Amenity
- Re-use of Rural Buildings

8. Assessment

8.1 It is considered that the key issues relevant to the determination of this application are:

- Principle of the Development
- Impact on the Character and Appearance of the Area
- Impact on the Amenities of the Surrounding Occupiers
- Access and Parking
- Impact on Heritage Assets

9. Principle of Development

9.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

9.2 Paragraph 251 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

- 9.3 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.
- 9.4 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:
- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
 - it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
 - retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
 - re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
 - integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
 - designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
 - high quality design which incorporates energy efficient considerations and renewable energy technologies;
 - developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
 - does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
 - creates well designed and located publicly accessible open space;
 - would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
 - would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
 - uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
 - safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
 - would result in the removal of contamination and other environmental problems associated with the site.

- 9.5 Strategic Policy 8: Development Outside Settlement Boundaries provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. It states that development outside settlement boundaries will not be permitted unless it meets with certain criteria, which includes:
- the appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD
 - Being ‘otherwise appropriate in the Countryside’
- 9.6 Development that meets with the first set of criteria are then subject to further criteria which include:
- The proposed development must not adversely affect the amenities enjoyed by existing land users, including, in the case of proposals for development close to an existing settlement, the occupiers of residential and other property within that settlement.
 - Proposals do not introduce considerable urban form
 - The detailed siting of the proposed development and its associated environmental impact are compatible with the character of the surrounding area,
 - The design of the buildings, structures and materials are visually well-related to the proposed site and its setting with careful choice of materials, landscaping, massing of buildings and attention to local architecture and roofscape design.
 - Landscaping associated with the proposal takes into account both the immediate impact and distant views of the development.
 - The proposed development will not have an adverse impact on the transport and highway network and provides adequate access for all necessary users
- 9.7 Policies SP24 and SP8 of the East Staffordshire Local Plan states that development proposals must contribute positively to the area in which they are proposed and reinforce character and identity through local distinctiveness. Policy DP1 expands upon this aim with specific reference to the design of new development.
- 9.8 Policy DP3 of the East Staffordshire Local Plan further states that extensions of residential curtilage within the countryside will only be permitted where they do not adversely affect landscape character by the intrusion of urban features.
- 9.9 In this case it is considered that the inclusion of the land as an extension of the residential curtilage of Chery Tree House would have no adverse impact on the landscape character of the area. All the existing mature boundary hedging that encloses the site has been retained, maintaining the character of the area and ensuring no views of the site from the main road or from Smithy Lane apart from glimpsed views through the vehicle access gate and of the roof of the building above the hedge line. The use of the land for residential purposes therefore complies with Policy DP3 of the Local Plan. A condition is recommended to ensure that the boundary hedging is retained and maintained at or above its existing height, to ensure that the site remains compatible with the surrounding character of the area.

- 9.10 The land is enclosed on two sides by Smithy Lane and the B5103, which separates the land from any other agricultural land. At 3983sqm the site is not considered large enough to be viable as an agricultural holding in its own right and due to its disconnected nature is not practical as part of a larger agricultural holding.
- 9.11 The land adjoins the rear (southern) boundary of the residential curtilage of Cherry Tree House for the full width of the site and an extension of the residential curtilage is considered to be an appropriate use of the site.
- 9.12 The garage and car port building was approved and built as an agricultural building in 2017, prior to its use for residential purposes. The re-use of this rural building for domestic garaging required no physical changes and is appropriate and in compliance with Policy SP8 of the Local Plan.

10. Impact on the Character and Appearance of the Area

- 10.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 10.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide. Policy SP8 sets out design and layout criteria in order to minimise impacts on the countryside.
- 10.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.
- 10.5 As previously described the site is enclosed to the east, south and west by high boundary hedging which screens the site from views from Smithy Lane and the B5103. Only glimpsed views of the site can be seen from Smithy Lane at the gated access and the roof of the garage/car port building above the hedge. Views of the site have not changed as the building was constructed (with the benefit of planning consent) in 2017. A condition is recommended to ensure that the boundary hedging is retained and maintained at or above its existing height, to ensure that views of the site remain as existing.
- 10.6 Objectors have commented about trees being removed from the site. This has been investigated by the Enforcement Officer. Whilst trees were removed

without consent, the tree officer confirmed that they would have raised no objections to their removal if submitted as an application.

- 10.7 The original vehicle access to Cherry Tree House was previously sited just to the north of the garage/car port building, once no longer required it was fenced and a new hedge planted to continue the hedging for the full length of the boundary along Smithy Lane, in keeping with the character of the area.
- 10.8 Whilst the site remains as an open paddock with only a driveway and the existing building in situ, it is recognised that as part of a residential curtilage the character of the site could be fundamentally changed by domestic paraphernalia. It is therefore recommended that all residential permitted development rights for the site be removed so that the Local Planning Authority will have control over any future additions to the land to ensure the character of the area is not adversely affected.
- 10.9 It should be noted that the metal storage container that formed part of the original submission has now been removed from the site following discussions with the applicant about its visual inappropriateness in a domestic setting and within the conservation area.
- 10.10 The 5 bar gate installed at the new access is considered an appropriate design for this rural location. A condition is recommended to ensure that additional native planting is provided inside the palling fencing either side of the new access to ensure that over time the fencing has a green backdrop, appropriate for its location.
- 10.11 It is considered that the design and layout of the site is appropriate for its location and has no adverse impact on the character or appearance of the area, in accordance with policies SP1, SP8, SP24 and DP3 of the Local Plan.

11. Impact on the Amenities of the Surrounding Occupiers

- 11.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 11.2 The change of use of the land from agricultural to residential curtilage has resulted in no new structures on the land, indeed the metal storage container that can often be found in commercial and farm environments has now been removed from the site. Whilst objectors have made comments about the height and design of the garage/car port building it must be recognised that this is an existing structure that was granted planning consent on the basis that its size and design was appropriate for the site and therefore cannot be considered under this application.
- 11.3 All the objections raised are from residents in School Lane which sits to the west of Smithy Lane at a lower level, with all the properties backing onto Smithy Lane, the closest being approx. 38m from the boundary of the site. Taking into consideration the separation distances it is not considered that the proposed use of the land for domestic purposes would result in unacceptable harm to residential amenities enjoyed by existing neighbouring occupiers. Furthermore, there is sufficient separation to protect the future privacy of the

applicants from issues of overlooking'. There is boundary hedging on either side of Smithy Lane between the houses in School Lane and the site and given the limited changes in the site layout it is considered that the views of the site from upper floor windows would not be dissimilar to its previous agricultural use.

- 11.4 It is considered that the change of use of the land from agricultural to domestic curtilage has no adverse impact on the amenities of the surrounding residential occupiers.
- 11.5 Whilst objectors have noted the use of quad bikes and bonfires at the site causing a nuisance, these are activities that could just as easily be related to an agricultural use of the site as a domestic use. Notwithstanding the above members are considering the retrospective development of the site. The nuisances raised by the objector can be if deemed appropriate be controlled through other environmental framework provisions.

12. Access and Parking

- 12.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 12.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 12.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 12.4 The new vehicle access to the site as a whole (the land and Cherry Tree House) has been formed in place of the gated access to the land. Whilst the design of the access has been changed with the gate set back behind a hardstanding the point of access to the land is not new.
- 12.5 The proposals have resulted in one vehicle access to the site along Smithy Lane rather than the previous two. The previous access to the house has been closed, fenced and hedging planted to ensure no further use.
- 12.6 The hardstanding created ensures that a vehicle can sit off the highway whilst the gate is opened to ensure no adverse impact on the free flow of traffic in

the highway. This is indeed an improvement over the previous gated access for the agricultural land, where the gate was positioned at the back of highway and any farm traffic could have blocked the road whilst the gate was opened. It should also be noted that the new gate is automatic, so the residents of the property can open it as they approach, ensuring highway safety.

- 12.7 The garage/car port provides storage for 4 vehicles which more than meets the required parking requirements for the property required by the Parking Standards SPD.
- 12.8 The original detached domestic garage for Cherry Tree House is situated to the east of the main house off the northern section of Smithy Lane (round the bend in the road). This structure is used for domestic storage, bikes, trailer etc, with the gated access to it no longer used for vehicles.
- 12.9 It is considered that the design and layout of the new access is appropriate to ensure no adverse impact on highway safety and conversion of the agricultural building to garaging/car port is appropriate to provide parking for the dwelling.

13. Impact on Heritage Assets

- 13.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 13.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 13.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 13.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.

- 13.5 Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 13.6 The site sits within the Admaston conservation area and lies to the east of a number of Grade II listed dwellings in School Lane. The historic context of the surroundings was taken into consideration in the determination of the application in 2017 for the garage/car port building when it was approved as an agricultural building. Indeed only a small element of the tiled gable roof is visible from outside of the site above the boundary hedging. The change of use of the building from agriculture to domestic garaging has little if no adverse impact on the character or appearance of the conservation area.
- 13.7 Given that the site is well screened from views from outside of the site by the existing boundary hedging it is considered that the only potential impact on the conservation area would be the additional of any domestic paraphernalia. It is therefore recommended that all residential permitted development rights for the site be removed so that the Local Planning Authority will have control over any future additions to the land to ensure the character and appearance of the conservation area remains unaffected by the use.
- 13.8 In this case, Section 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged and as set out above the impacts of the proposal have been given full consideration.
- 13.9 It is therefore considered that the use of the site as residential curtilage has no adverse impact on the conservation area or listed buildings in the vicinity in compliance with Policies SP25 and DP5 of the Local Plan.

14. Biodiversity

- 14.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 14.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 14.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 14.4 In this case all the existing hedgerows surrounding the site will be retained to ensure that there is no significant harm to biodiversity resulting from the development.

15. Conclusions

- 15.1 It is considered that the inclusion of the land as an extension of the residential curtilage of Chery Tree House would have no adverse impact on the landscape character of the area, in compliance with Policy DP3 of the Local Plan.
- 15.2 The land is enclosed on two sides by Smithy Lane and the B5103, which separates the land from any other agricultural land. At 3983sqm the site is not considered large enough to be viable as an agricultural holding in its own right and due to its separated nature is not practical as part of a larger agricultural holding.
- 15.3 The garage and car port building was approved and built as an agricultural building in 2017, prior to its use for residential purposes. The re-use of this rural building for domestic garaging is therefore in compliance with Policy SP8 of the Local Plan and the Re-use of Rural Building SPD
- 15.4 It is considered that the design and layout of the site is appropriate for its location and has no adverse impact on the character or appearance of the area, in accordance with policies SP24 and DP3 of the Local Plan.
- 15.5 The change of use of the land from agricultural to domestic curtilage has no adverse impact on the amenities of the surrounding residential occupiers in compliance with policies DP1 and DP3 of the Local Plan
- 15.6 The design and layout of the new access is considered appropriate to ensure no adverse impact on highway safety and conversion of the agricultural building to provide garaging/car port is appropriate to provide parking for the dwelling, in compliance with Policy SP35 of the Local Plan and the Parking Standards SPD.
- 15.7 It is considered that the use of the site as residential curtilage has no adverse impact on the conservation area or listed buildings in the vicinity in compliance with Policies SP25 and DP5 of the Local Plan.
- 15.8 All the existing hedgerows surrounding the site will be retained to ensure that there is no significant harm to biodiversity resulting from the development.
- 15.9 Taking into consideration the environmental, social and economic impacts of this scheme it is considered that the proposal is acceptable and would be in accordance with relevant policies within the Local Plan, East Staffordshire Design Guide, Parking Standards SPD, Re-use of Rural Buildings SPD and the NPPF.

RECOMMENDATION

- 15.10 **Grant planning retrospective planning consent subject to the following conditions:**

1. Compliance with the approved plans (Standard Condition No. 0002).

The development hereby permitted is carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

Location, Block Plan, Site Layout and Elevations Plan Drawing 7650-2 dated as received on 09-06-2020

Design and access Statement dated as received on 26-02-2020

Heritage Statement/Assessments of Significance dated as received on 26-02-2020

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the rural locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP8, SP24, SP25, SP29, SP35, DP1, DP3, DP5 and DP8, the East Staffordshire Design Guide, Parking Standards SPD, Separation Distances and Amenity SPD, Re-use of Rural Buildings SPD and the National Planning Policy Framework.

2. Retention of Boundary Hedging (Bespoke)

All the existing hedging to the boundaries of the site shall be retained and maintained at 2.5m or above for the lifetime of the development.

Reason: In order to maintain the character of the area and ensure no adverse impact on the character or appearance of the Admaston conservation area in accordance with East Staffordshire Local Plan Policies SP24 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

3. Landscaping (Bespoke)

Within 3 months of the date of this decision a scheme of native planting to the inside of the palling fencing either side of the access hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with East Staffordshire Local Plan Policies SP1, SP8 SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

4. Implementation of Landscaping (Bespoke)

All planting, approved under condition 4 shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with East Staffordshire Local Plan Policies SP1, SP8 SP24, DP1 and DP3, the East Staffordshire Design Guide and the National Planning Policy Framework.

5. Retention of Garage/Parking Space (Bespoke)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage accommodation and car port parking hereby approved shall be made available at all times for the parking of vehicles in relation to the residential use of the premises unless planning permission for any alternative use has first been granted by the Local Planning Authority.

Reason: To ensure adequate off-street parking exists to serve the development to avoid vehicles parking on the adjoining road and obstructing the free flow of movement of traffic in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35.

6. Removal of PD Rights (External Alterations & Curtilage Buildings) (Bespoke)

Notwithstanding the provisions of Classes A, B, C, D, E and H of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the residential use hereby permitted shall not be altered or extended, no new windows shall be inserted, no satellite dishes shall be affixed to any building and no buildings or structures shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the site its rural surroundings and the Admaston conservation area in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, SP8, DP1, DP3 and DP5 and the Re-use of Rural Buildings SPD, the East Staffordshire Design Guide, and the National Planning Policy Framework.

Informatives:

003a: Engagement

003a: Engagement (Proactive)

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

007a: Ecological Responsibilities

The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

16. Background papers

16.1 The following papers were used in the preparation of this report:

- Papers on Planning Application file ref: P/2016/00922
- Papers on Planning Application file ref: P/2017/00301

- The Local and National Planning Policies and Supplementary Planning Documents outlined in the report above

17. Human Rights Act 1998

- 17.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

18. Crime and Disorder Implications

- 18.1 It is considered that the proposal does not raise any crime and disorder implications.

19. Equalities Act 2010

- 19.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

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