

Committee Report for P/2021/01280

Application Number	P/2021/01280	
Planning Officer	Emily Summers	
Application Type	Detailed Planning Application	
Site Address	Big Barn Hollybank Farm Yoxall Road Woodhouses Yoxall DE13 8NR	
Proposal	Change of use of paddock to domestic curtilage and retention of garden shed in alternative position	
Expiry Dates	Weekly List	6/12/2021
	Neighbours	21/4/2022
	Consultations	9/12/2021
	Site Notice	16/12/2021
	Newspaper Advert	N/A
Reason for going on the Agenda	Significant objection raised	
Application not Determined within Statutory Time Period - Reason	On-going amendments to submission and re-consultation with neighbours	
Environmental Assessment	Screening opinion undertaken	No
	Schedule 1 or 2	N/A
	EIA Required	N/A
Relevant Planning Policies/Guidance	Government Documents	The National Planning Policy Framework The National Planning Practice Guidance

	Local Plan Policies	<p>Strategic Policies</p> <p>Principle 1 – Presumption in Favour of Sustainable Development NP1 – Role of Neighbourhood Plans SP1 – East Staffordshire Approach to Sustainable Development SP2 – Settlement Hierarchy SP8 – Development outside Settlement Boundaries SP24 – High Quality Design SP29 – Biodiversity and Geodiversity SP35 – Accessibility and Sustainable Transport</p> <p>Detailed Policies</p> <p>DP1 – Design of New Development DP3 - Design of Residential Development DP7 – Pollution and Contamination DP8 – Tree Protection</p>
	Supplementary Planning Documents	<p>East Staffordshire Design Guide Separation Distance and Amenity Supplementary Planning Document Re Use of Rural Buildings Supplementary Planning Document Parking Standards Supplementary Planning Document</p>
	Other Policies/Guidance	<p>Yoxall Neighbourhood Plan Policies D1 and D2</p>
Relevant Planning History	<p><u>History of Application site</u></p> <p><u>Big Barn</u></p> <p>P/2019/01497: Installation of 5 No. additional rooflights, installation of vertical boarding and opening lights above existing doors on front elevation, removal of existing window to rear, erection of a canopy to the front elevation, raising of rear garden wall, erection of bin and garden stores and extended patio area to front – Approved (01.05.2020)</p> <p><u>History of Wider Site</u></p> <p><u>Long Barn</u></p> <p>HO/31628/002/SM: Erection of a single storey side extension to form double garage– Approved (15.04.2009)</p> <p>P/2021/01599: Erection of a timber framed porch to the front elevations, installation of patio doors to rear elevation to replace window and installation of two roof lights to the rear elevation. Approved (14.02.22)</p> <p><u>End Barn</u></p> <p>P/2010/00613: Erection of a single storey side extension to form garage and installation of patio door and window – Approved (6.7.2010)</p>	

	<p>P/2014/00725: Installation of 5 additional rooflights to existing roof - Approved (8.07.2014)</p> <p>P/2020/01089: Installation of one rooflight and one window to the South elevation, erection of a 2 metre high fence to the West elevation and retention of one rooflight to the South elevation Approved (3.12.2020)</p> <p>P/2021/01267 – Retention of 1.8m high woven willow fencing to courtyard, erection of a 1.6m high brick wall and gate to courtyard, installation of 2m high double gates to garden, increasing threshold size and installation of double field gates to big paddock and installation of single field gate between small and big paddock - Approved (30.11.2021)</p>
<p>Consultation Responses</p>	<p>ESBC Environmental Health - no objection subject to precautionary condition in relation to land contamination.</p> <p>Cadent - no objection to the application but request an informative to be added to any decision notice to point out that there are gas pipelines and associated equipment within the vicinity of the application site.</p>
<p>Parish Council</p>	<p>No comments received in relation to the application.</p>
<p>Neighbour Responses</p>	<p>Representations were received from three local residents raising objection in relation to the initial submission - as detailed in the proposals section - on the grounds summarised below;</p> <p>Principle</p> <ul style="list-style-type: none"> - Sets a precedent for similar development - Curtilage cannot be separated or disconnected from the parent dwelling by a road or other means of shared or public access (GPDO 2015). - Cannot be described as residential curtilage. - Examples are cited of refusals of applications for increased residential curtilage in East Staffordshire where the Planning Officers found the change of use would have a significant and harmful effect on the surrounding open countryside <p>Residential Amenity</p> <ul style="list-style-type: none"> - Shed causes significant overlooking and loss of privacy - The property has already been granted an increase to its domestic curtilage - Use of land as garden has caused significant disturbance to the occupants of an adjoining property and to the enjoyment of private garden <p>Visual Amenity</p> <ul style="list-style-type: none"> - The Councils 'Re-use of Rural Buildings' Supplementary Planning Document states that garden sheds can be visibly harmful to the character and appearance of the surrounding countryside - Leads to harmful urban and domestication of the original Staffordshire

	<p>Homestead and open countryside</p> <ul style="list-style-type: none"> - Completely incongruent to the general barn development and pattern of development - Would be visible across the open countryside and from the public highway - There are no similar agricultural buildings or any other buildings within the open countryside <p>Other Matters</p> <ul style="list-style-type: none"> - Pre-application advice was provided despite of the pre-application and enquiry service being suspended - The drawings submitted show the incorrect land boundary - Certificate B not issued correctly - Drawings are incorrect - No details relating to the 'cut in' of the land and any retaining details - No details of foundations, base of building - Ground instability and drainage issues <p>Further to the submission of the revised scheme (as detailed below), including the correction of the drawings (where relevant) and the appropriate serving of the Certificate B the local residents were re-consulted on the scheme. Any further comments received will be reported to members on the Update Sheet.</p>
<p>Human Rights Act Considerations</p>	<p>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 issues have been taken into account in the determination of this application.</p>
<p>Crime and Disorder Implications</p>	<p>It is considered that the proposal does not raise any crime and disorder implications.</p>
<p>Equalities Act 2010</p>	<p>Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.</p>
<p>Planning Officer's Assessment</p>	<p>Site and Surroundings</p> <p>Big Barn, is one of three residential dwellings (along with Long Barn and End Barn) which are former barns/outbuildings associated with Hollybank Farm and are located to the north of Yoxall Road (B5016) at Woodhouses. The converted dwellings are accessed via a shared private driveway some 140m in length from Yoxall Road. Hollybank Farm itself lies to the west and retains a separate vehicular access. There are a number of other sporadic dwellings fronting onto and off Yoxall Road, otherwise the locality is a predominantly an agricultural landscape.</p> <p>Big Barn occupies a central position to the western side of a shared courtyard area with Long Barn to the north and End Barn to the south. Big Barn has a rear garden area and patio area to the front (on to the courtyard). The converted dwellings and their immediate environs have undergone alterations and additions since the original permission for their conversion from agricultural use was granted as is reflected in the planning history (as set out above).</p>

The application site consists of a grass paddock area located to the eastern side of the courtyard area serving the 3 No. residential dwellings, with the applicants living in 'Big Barn' (to the west) having to cross the courtyard to enter the land. The application land measures approximately 11m by 18m and the timber shed (the subject of re-positioning with this application) has been erected in the north-east corner. The paddock is enclosed on all sides by post and rail timber fencing of approximately 1.5m – 2m in height with a gated access to the courtyard. There is an existing conifer hedge and a 2m high close boarded fence to the northern boundary (located within the garden area of Long Barn). Levels gently rise across the site (west to east).

The site is located outside settlement boundaries and thus in open countryside (as defined by Policy SP2 of the Local Plan) and is within Flood Zone 1. The site is in the parish of Yoxall and thus subject to the Neighbourhood Plan for that Parish.

Proposal

Planning permission is sought for the retention of a change of use of the paddock to domestic curtilage to serve the residents of Big Barn and for the repositioning of the existing garden shed. The submission arose in the light of a Planning Enforcement investigation.

The existing timber shed proposed to be retained and repositioned measures 3m in depth by 2.3m (in width) with a pitched roof to a maximum height of 2.6m above ground level (eaves height of 2m). The shed has been painted grey and has a door to its western front (facing towards the courtyard). The applicant proposes to relocate the shed some 1m to the south of its present position, 1.2m away from the northern boundary fence. The repositioning of the shed will allow for maintenance to its northern side and also allow improved access to the existing conifer hedge.

The plans also include the repositioning of an existing gate within the existing boundary fence (however this does not require an application for planning permission).

The proposals has been amended during the course of the application. Initially the application as submitted proposed the removal of the timber shed and its replacement with domestic storage building with the land 'cut in'. The scheme was revised following concerns about the impact of the ground works on the trees to the neighbouring site.

The scheme also originally included submissions for a change of external materials (from timber to brick) in relation to the storage building proposed to the rear of the host dwelling as part of the 2019 planning permission (ref: P/2019/01497). The applicant will now be likely to seek to progress that matter by way of a non-material amendment application which will be subject to separate consultations with local residents upon receipt.

Assessment

The main considerations in the determination of this application are;

- Principle of the proposal/Impact on visual amenity
- Impact on residential amenity

- Highway safety
- Other Matters

In relation to these material considerations the **Development Policy Context** is as follows:-

Policy SP1 of the Local Plan lists principles in determining whether proposals constitute sustainable development. One principle is that proposals are located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity or causing highway safety issues. Another principle is that proposals are designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping.

Policy SP2 of the Local Plan identifies the settlement hierarchy for the Borough.

Policy SP8 of the Local Plan states that development outside settlement boundaries will not be permitted unless it meets with several criteria:

- essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or
- providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycle or by public transport; or
- in accordance with a 'made' (i.e. legally in force) Neighbourhood Plan; or
- development under the Rural Exception Sites policy (see Policy 18 on Exception Sites); or
- Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
- infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
- development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
- provision for renewable energy generation, of a scale and design appropriate to its location.
- otherwise appropriate in the countryside.

Development meeting with the first set of criteria set out in Local Plan Policy SP8 are then subject to further criteria which seek to minimise the impact on the countryside and neighbouring occupiers.

Policy SP24 of the 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 SP27 of the Local Plan states the proposals in flood risk areas will only be permitted where they would not cause unacceptable harm.

Policy SP29 of the Local Plan seeks to protect, maintain and enhance the biodiversity and geodiversity of the Borough.

Policy SP35 of the East Staffordshire Local Plan relates to accessibility and

sustainable transport, this is supplemented by the Parking Standards Supplementary Planning Document.

Policy DP1 of the Local Plan states that planning permission will normally be granted for development which responds positively to the context of the surrounding area and in itself exhibits a high quality of design and is compliant with the East Staffordshire Design Guide.

Policy DP3 of the Local Plan requires new development to have no materially adverse effects on neighbouring properties through issues including overlooking, loss of light to principal windows or private amenity space or create an overbearing impact. The Local Plan policies are supplemented by the East Staffordshire Design Guide and the NPPF (in paragraph 130) indicated that developments should have due regard to the future amenities of residents.

Policy DP3 of the East Staffordshire Local Plan requires amongst other things that *'Outside Settlement Boundaries extensions to existing dwellings will only be permitted if buildings for uses ancillary to the dwelling are modest and designed specifically for that purpose. And furthermore states that extensions of residential curtilages within the countryside will only be permitted where they do not adversely affect landscape character by the intrusion of urban features.'*

Policy DP7 of the Local Plan indicates that new development should not give rise to levels of pollution in respect of noise or light, or contamination of ground, air or water.

Policy D1 of the Yoxall Neighbourhood Plan seeks to ensure that development in and around Yoxall village must protect, complement or enhance the historic rural character of the settlement and its hinterland.

Policy D2 of the Yoxall Neighbourhood Plan states that new development must deliver good quality design.

The Re-Use of Rural Buildings SPD details with the re-use of rural buildings and sets out general design guidance on how to approach conversion work without destroying the rural character of the building. The SPD further states that any curtilage around a converted traditional agricultural building should be kept to a minimum in terms of size and should ideally be located where they are not directly visible from adjoining or nearby highways. It further states that the effect of a variety of garden sheds can be visually harmful to the character and appearance of the surrounding countryside and therefore is essential to provide appropriate storage space within the existing fabric of the buildings.

The Separation Distance and Amenity Supplementary Planning Document seeks to improve the overall space standards for new residential developments to ensure that existing and future residents have a good levels of amenity and privacy to enjoy the place where they live.

Principle and Visual Amenity

It is considered that in principle the use of the land for garden area comprises 'other acceptable development' outside settlement limits having regard to Policies SP8 and DP3 of the Local Plan. Further, it is considered that the retention of this relatively small area of paddock land in residential use does not adversely affect the local landscape character given that it is adjacent to the courtyard which serves the barn conversions and is directly adjacent to the

residential curtilage of Long Barn to the north. Furthermore given the distance from the public highway and intervening trees and boundary treatments this would give limited visibility in the wider locality.

It is also recognised that the complex as a whole has lost some of its original character of a traditional rural farmstead through modifications and alterations including domestic boundary treatments and additions and modifications to the dwellings. Therefore the retention of the modest shed, albeit in an alternative position, given the domestication of the site as a whole does not significantly adversely impact the character of the wider rural locality. Outbuildings themselves are commonplace in paddock areas throughout rural areas and in this instance it is considered that the shed as retained and repositioned would not be obtrusive; even viewed within a domestic context. The building would be viewed against backdrop of an established hedgerow and would in terms of size and scale appear visually subservient to the existing dwellings on site, and as such will not adversely affect the character and appearance of its environs.

This stance in relation to additional development at the site does represent a consistent approach in terms of other decisions that have been granted on the wider site; with each case necessarily considered on their own individual merits. It is also noted that the Re-use of Rural Buildings SPD does not preclude the addition of outbuildings in such locations.

It is nevertheless recognised in the interests of visual amenity that permitted development rights ought to be removed from the land so that the impact of any future development proposals can be similarly be assessed by the Local Planning Authority on their own merits.

Residential Amenity

Given its modest scale and having regard to its relationship with adjoining and surrounding properties, the retention of the garden shed in the proposed alternative position would not have any significant overbearing, overshadowing or overlooking impacts on the existing adjoining dwellings. The scheme would be compliant with the guidance set out in the ESBC Separation Distances and Amenities Supplementary Planning Document.

The continued use of the shed albeit repositioned would be unlikely to give rise to any significant increase in terms of noise and activity over and above the existing situation. As such its use for domestic purposes is unlikely to have a significant material impact on residential amenities.

It is noted that the existing dwelling has limited residential amenity space – a small rear courtyard and an area to the front of the property and therefore the retention of the parcel of land as residential amenity space allows for the applicants to have a proportionate space in which to conduct residential amenity activities, with the retained shed allowing for additional domestic storage.

No external lighting is proposed and a suitably worded condition would ensure that any future lighting proposal could be fully assessed.

Given the application site could be subject to contamination the Borough Council's Environmental Health section have recommended that a precautionary condition is added to ensure suitable reports are carried out and mitigating measures undertaken if required during the development.

	<p>Highway Safety and Parking</p> <p>The retention of the land for domestic curtilage and the repositioned garden shed (for domestic purposes) is unlikely to generate any further traffic and subject to a condition ensuring that the accommodation remains ancillary to the main dwelling house then the proposal would not have a harmful impact on the highway safety or impact on the capacity of the highway network.</p> <p>Heritage Assets</p> <p>The nearest listed building – at Woodhouse Farmhouse (which is Grade II listed) – lies some 90 metres to the west of the application site. Given the separation distance involved, and intervening built features comprising Hollybank Farm and its former outbuildings (Long Barn/Big Barn/End Barn), it is not considered that the retained garden land/shed will have any material impact on the setting of the listed building in question. As such the statutory duties under Section 66(1) and under Section 72 are not engaged.</p> <p>Other Matters</p> <p>The proposals do not impact on trees on the adjacent neighbouring land and it is considered that there are no material implications for biodiversity. The site falls within Flood Zone 1 and there are no implications for flooding.</p> <p>It is also noted that local residents raise concerns that the scheme sets a precedent for similar development and cite examples of application refusals for increasing residential curtilages in the borough where the Planning Officers found the change of use would have a significant and harmful effect on the surrounding open countryside. It would also of course be possible to identify cases where garden land extensions have been approved by the Borough Council. All such cases, are however of course, like this application determined on their own merits and for the reasons set out in this report it is considered that this scheme is acceptable and therefore it is <u>recommended that planning permission be granted subject to conditions.</u></p>
<p>Planning Officer's response to Parish Council and Local residents</p>	<p>No response is required given the Parish Council did not make any formal representations.</p> <p>With regard to the residents submissions it is considered that the material planning concerns raised have been appropriately addressed in the Assessment section of this report. Local residents have also raised procedural matters that have been addressed by way of separate correspondences through the Council's Complaints procedure.</p>

Conclusion	For the reasons set out above, the scheme as revised will not adversely affect the appearance of the locality, the amenities of neighbouring properties or the highway safety and as such it is in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP29, SP35, DP1, DP3 and DP7, Yoxall Neighbourhood Plan, the East Staffordshire Design Guide, Re-Use of Rural Buildings SPD, Separation Distances and Amenities SPD, the East Staffordshire Car Parking Supplementary Planning Document and the National Planning Policy Framework.
Engagement	<p>003a: Engagement (Proactive)</p> <p>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.</p>
Section 106 required?	No
Recommendation and condition(s)	<p>GRANT PLANNING PERMISSION, subject to the following conditions.</p> <p>Condition 1 (Approved Plans)</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with other conditions of this permission:</p> <p>Location Plan at scale 1:1250 dated as received 31st March 2022 Existing Block Plan at scale 1:100 dated as received 31st March 2022 Existing Cross Section at scale 1:100 dated as received 31st March 2022 Proposed Cross Section at scale 1:100 dated as received 31st March 2022 Proposed Elevations at scale 1:100 dated as received 31st March 2022</p> <p>Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s), biodiversity interests in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP8, SP24, SP27, SP29, SP35, DP1, DP3, DP7 and DP8, the East Staffordshire Design Guide, Yoxall Neighbourhood Plan Policies D1 and D2 and the National Planning Policy Framework.</p> <p>Condition 2 (Lighting)</p> <p>There shall be no external lighting installed in relation to the development/domestic curtilage use hereby approved unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: To safeguard the visual and residential amenities and the wildlife habitats of the locality in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP29 and DP7 and the National Planning Policy Framework.</p>

Condition 3 (Ancillary Use)

The domestic curtilage use and re-positioned garden shed hereby approved shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Big Barn.

Reason: To protect the amenities of occupiers of adjoining properties and the character of the rural locality in general in accordance with the East Staffordshire Local Plan Policies SP1, SP8, DP1, DP3 and DP7, Yoxall Neighbourhood Plan and National Planning Policy Framework.

Condition 4 (Removal Of Permitted Development Rights)

Notwithstanding the provisions of Class E 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 no buildings or structures shall be erected within the extended 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 rural locality and residential amenities in accordance with East Staffordshire Local Plan Policies SP1 , SP8, SP24, DP1 and DP3, the Re-use of Rural Buildings Supplementary Planning Document, the East Staffordshire Design Guide, and the National Planning Policy Framework.

Condition 5 (Contaminated Land)

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by a competent person in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11' (or subsequent replacement due in January 2020). Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which is subject to the approval in writing of the Local Planning Authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with East Staffordshire Local Plan Policies SP27 and DP7 and the National Planning Policy Framework.

**Recommended
informative(s)**

Informative 1 (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.

Informative 2 (Cadent Gas)

Cadent have advised that there are gas pipelines and associated equipment within the vicinity of the application site. The applicants are advised to contact the plan protection team prior to any works commencing on site.
Email: plantprotection@cadentgas.com Tel: 0800 688588

For further information contact: Emily Summers
Telephone Number: 01283 508646
Email: dcsupport@eaststaffsbc.gov.uk