



chartered town planners

01564 730 191

info@progressiontownplanning.com

the dairy . packwood road . lapworth . b94 6ej

## PLANNING STATEMENT



**RTPI**

Chartered Town Planner

<b>OUR REF</b>	PPL.WOOWS138DG
<b>DATE</b>	07/04/2021
<b>SITE ADDRESS</b>	Maple Brook Cottage Lower Lane WS13 8DG
<b>PROPOSAL</b>	Erection of boundary wall and entrance gates



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## 1. INTRODUCTION

We have been instructed to submit a planning for the erection of a front boundary wall and entrance gates at Maple Brook Cottage Lower Lane WS13 8DG.

The proposed wall and entrance will be of a brick construction with piers inserted at various points along its length. The gates will be timber and are of a sliding design.

The proposed wall will run around the front of the property. This includes land fronting Lower Lane and the adjoining road.

The wall is 1.800 metres high with brick piers at 1.875 high. This is above the limits set out in the GPDO on land adjacent to a highway. A small part of the wall is on land that could be described as being adjacent to the highway. This triggers the need to obtain planning permission for the development in its entirety.

The proposed development is of a design and construction that is sympathetic to the rural character of the area. There is also an example of very similar development at Keepers Cottage that is located opposite the application site. The development therefore does not harm the openness of the Green Belt, the purposes of including land within it or the character of the area.

The wall and entrance, other than the small part of it that is adjacent to the highway could be carried out as Permitted Development with some minor alteration. The wall is 1.800 metres high and the piers are 1.875 metres high. They are set back by a minimum of 4 metres from the highway. The entrance gates and 1.8 metre high wall around them are set back by 6 metres. The majority of the development cannot reasonably be described as being adjacent to the highway and could be erected under the GPDO Permitted Development allowances.

There is therefore a fall-back position open to the applicant to erect the majority of the development as Permitted Development.

The submission of the application shows the intent to carry out the development. It is therefore reasonable to assume that the fall-back position will be used if planning permission is not granted.

The approach taken by the applicant in seeking consent for the wall including the small part this is adjacent to the highway provides a far better design solution without compromising the character and setting of the Green Belt.

The proposed development can therefore be supported.

2. **SITE AND SURROUNDINGS**

The application property is a detached dwelling house on the corner of Lower Lane. The site location plan is set out below.



The existing property is a traditional dwelling that has been extended over time



The application site is within the Green Belt.

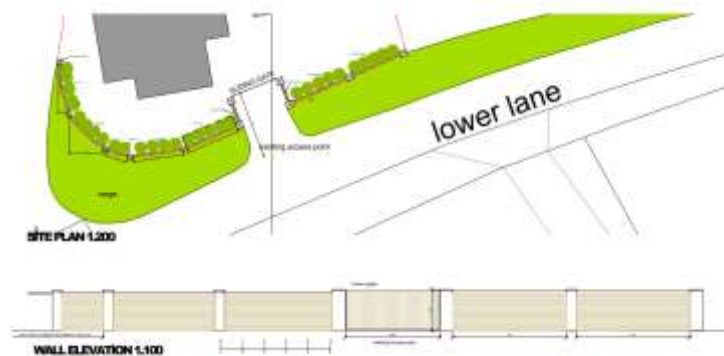
Maple Brook Pumping Station is located on the opposite side of the road.

The character of the surrounding area is rural with dwellings fronting the roads within the area.

3. **PROPOSED DEVELOPMENT**

The application proposes to erect a front boundary wall and entrance gates.

The proposed site layout and elevations are set out below.



The development includes a brick wall with piers between and timber sliding entrance gates.

The wall is 1.800 metres high the brick piers are 1.875 metres high. A section of the wall at the junction of Lower Lane is adjacent to the highway triggering the need to obtain planning permission for the development.

The remainder of the wall and gates are set back from the highway by some distance. They are designed to be within the height restrictions (2 metres) set out in the GPDO that control Permitted Development.

The wall is of a rustic design. The materials that will be used are sympathetic to the character and setting of the area.



Cavendish Cottage,  
Multi Tumbled  
73mm wire cut  
Bond old english

#### 4. **RELEVANT PLANNING POLICY**

It is necessary to consider the policies of the Lichfield District Local Plan and the National Planning Policy Framework when considering the proposed development.

##### **Lichfield District Local 2015**

Policy NR2 deals with development in the Green Belt. It states,

##### **Policy NR2: Development in the Green Belt**

Within the Lichfield District portion of the West Midlands Green Belt, as defined on the policies map, opportunities to enhance the beneficial use of the Green Belt will be supported. This may include opportunities to provide access, for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity, or to improve damaged and derelict land.

All development within the Green Belt must retain its character and openness. Inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The construction of new buildings is regarded as inappropriate in the Green Belt, unless it is for one of the exceptions listed in the National Planning Policy Framework.

In addition, limited infilling within Green Belt villages will be allowed, with appropriate 'infill' boundaries being determined through the Local Plan Allocations document, which may, where appropriate, be informed by local community-led plans.

Policy BE1 deals with High Quality Development.

#### Policy BE1: High Quality Development

All development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on:

- The significance of the historic environment, such as archaeological sites, sites of historic landscape value, listed buildings, conservation areas, locally listed buildings and skylines containing important historic, built and natural features (in conjunction with Policy NR5);
- Reducing carbon emissions, by appropriate use of sustainable design and renewable energy schemes (in conjunction with the relevant sections of Core Policy 3, & Policies, SC1 and SC2);
- The built vernacular. New development, including extensions and alterations to existing buildings, should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views;
- Public safety, health and reducing inequality, including the latest 'designing out crime' principles;
- Amenities, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance;
- The natural environment. Effective hard and soft landscaping including tree planting will be required and should be implemented in an integrated manner, making use of green corridors for movement of people as well as for biodiversity (in conjunction with Core Policy 13, NR3, NR4 and NR6); and
- Sustainable transport. New development should be located in areas which have good safe access to public transport to reduce the need to travel by private car and should optimise choice of sustainable travel, particularly walking, cycling and public transport, creating new public transport nodes where necessary (in conjunction with Core Policies 3 & 5 and Policy ST1).

New development will have a positive impact on the public realm and ensure high quality, inclusive design. This will be achieved by an appreciation of context, as well as plan, scale, proportion and detail. Specifically designed features, including public art where appropriate, should be integrated into developments in order to enhance the bespoke nature and individuality of design solutions.

Strategic Priority 14 deals with the built and historic environment

## 12 Built & Historic Environment

### Strategic Priority 14

To protect and enhance the District's built environment and heritage assets, its historic environment and local distinctiveness, ensuring an appropriate balance between built development and open space, protecting the character of residential areas, protecting existing open spaces and improving the quality of and accessibility to open space and semi-natural green spaces.

### National Planning Policy Framework (NPPF) February 2019

Paragraph 127 of the NPPF deals with design. The most relevant criteria set out in the policy that affects the proposed development is set out below.

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Paragraph 134 of the NPPF sets out the 5 purposes of including land within the Green Belt. These purposes are:

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns from merging into one another;*
- *To assist in safe guarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in urban regeneration by encouraging the recycling of derelict and other urban land.*

Paragraph 143 of the NPPF confirms that inappropriate development is by definition harmful to the Green Belt and should not be approved except in Very Special Circumstances.

Paragraph 144 goes on to state:

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

Paragraph 145 goes on to confirm the circumstances where the erection of new buildings can be supported within the Green Belt. This includes:



- ***The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.***

There is no specific reference to development that includes the erection of boundary treatments.

The erection of walls and means of enclosure usually fall within the parameters of Permitted Development that is included in the GPDO. The relevant controls are set below.

## PART 2

### Minor operations

#### *Class A – gates, fences, walls etc*

#### **Permitted development**

***A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.***

#### **Development not permitted**

**A.1** Development is not permitted by Class A if—

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—
  - (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not

(a) 1980 c. 66. See in particular sections 36, 328 and 329; section 36 was amended by Schedule 4 to the Local Government Act 1985 (c. 51), Schedule 2 to the Housing (Consequential Provisions) Act 1985 (c. 71), Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11), section 64 of, and Schedule 4 to, the Transport and Works Act 1992 (c. 42), Schedule 6 to the Countryside and Rights of Way Act 2000 (c. 37) and S.I. 2006/1177. There are amendments to section 329 but none are relevant to this Order.

create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;

- (ii) in any other case, 1 metre above ground level;
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

The proposed development is higher at one point adjacent to the highway than is permitted resulting in planning permission being required to carry out the development.

The development could however proceed as Permitted Development with some minor amendments.

This fall-back position is a material consideration in the planning process.

## 5. RELEVANT PLANNING HISTORY

There is one application listed on the Council's online search relating to the site



Property History [Help with this page](#)

Maple Brook Cottage Lower Lane Chorley Lichfield Staffordshire WS13 8DG

[Save search](#) [Refine search](#) [Print](#)

Address **Property History (3)** [Constraints \(8\)](#) [Map](#)

**Planning Applications (1)**

- Extension to front elevation  
Ref. No: 15804 | Status: PERCON

The application grants consent for a front extension to the property.

## 6. PRINCIPAL ISSUES

The application brings forward the following issues,

- ***Whether the proposed development is appropriate in the Green Belt***
- ***Whether Very Special Circumstances exist to support the development if it is considered to be inappropriate in the Green Belt***
- ***Design***
- ***Other relevant matters***

7. **AMPLIFICATION OF PRINCIPAL ISSUES**

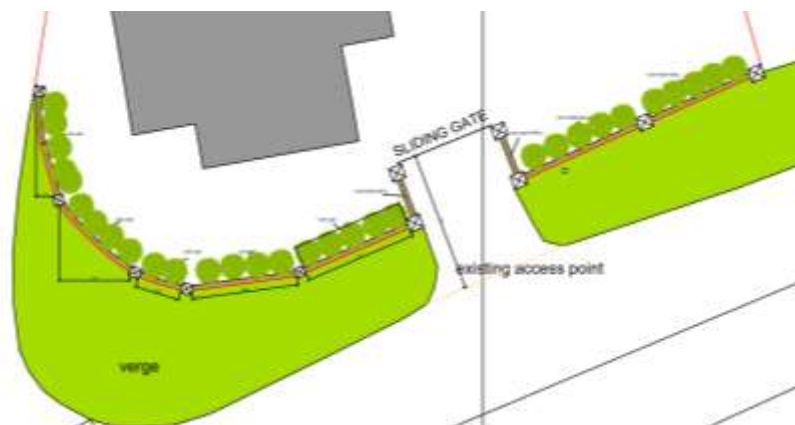
The issues raised by the application are concerned with the principle of the proposed development in the Green Belt, the appearance of the proposed development and the impact it has on amenity.

The application site is controlled by the policies of the NPPF and the Local Plan that dictate what new development is appropriate in the Green Belt.

Paragraph 145 of the NPPF confirms that extensions to existing buildings in the Green Belt is appropriate provided that the extension does not result in disproportionate additions over and above the size of the original building.

There is however no policy within the NPPF or Local Plan that refers to the erection of walls or other means of enclosure.

The development requires planning permission as a small part of the wall is over 1 metre high on land adjacent to the highway. The remainder of the wall is set back from the highway where walls of up to 2 metres high are permitted. The proposed wall is therefore inappropriate development by definition. However, the proposal must be looked at in context with significant weight given to the fall-back position that is open to the applicant. The proposed site plan gives a good oversight into what triggers the need for consent. It is set out below.



There are two brick piers and a section of wall on the corner of Lower Lane. The piers are 1.875 metres high and the wall is 1.800 metres high. One pier and part of the wall is directly adjacent to the highway extending out to being within 2 metres of the highway. The other piers and wall are at least 4 metres away from the highway. The access gates and 1.8-metre-high entrance wall is 6 metres back from the highway. Therefore, it is just a small section of the wall that requires planning consent. The remainder of the development could therefore be provided as Permitted Development.

Notwithstanding this, the fact that planning permission is required and, that the development does not fall within any of the operations set out in paragraph 145 of the NPPF means that the development is inappropriate by definition.

Inappropriate development can be permitted if the harm caused by inappropriateness and any other harm is clearly outweighed by other considerations.

In this case, it is simply the principle of the development that is inappropriate. There is no other harm.

Paragraph 134 of the NPPF sets out the reasons for including land in the Green Belt. The application relates to a boundary wall within an existing residential curtilage. The wall is set against the backdrop of the existing property. There is no conflict with the openness of the Green Belt or the purposes of including land in it.

The fall-back position that is open to the applicant acts as Very Special Circumstances that support the proposed development.

The use of PD allowances as a fall-back position exists if there is intent to use them. The fact that the application to build the wall has been submitted is sufficient evidence to show a clear intent to use PD allowances to erect a boundary treatment if planning permission is refused.

The GPDO sets out height restrictions for boundary treatments of no more than 1 metre on land adjacent to the highway and 2 metres elsewhere in domestic settings.

There is no definition of the term adjacent within the GPDO. Each case is assessed on its own merit.

A small section of the development is located close or adjacent to the highway at the junction of Lower Lane. It is reasonable to say that this part of the development is adjacent to the highway and therefore requires consent as it is over the 1.0 metre allowance set out in the GPDO.

The remainder of the wall is set at least 4 metres back from the highway. The gates and wall around them are set back a maximum of 6 metres with a maximum height of 1.875 metres. Therefore, other than the small section of wall at the corner of the site, the remainder of the development cannot reasonably be considered to be adjacent to the highway and is within the height restrictions set out in the GPDO.

The applicant therefore has a strong fall-back position that outweighs any harm to the Green Belt that is brought about by the development.

The development can therefore be approved without comprising Green Belt planning policy.

### **Design Issues**

The proposed development has been designed to follow the simple rural character of the area. It will be similar to the design of gates and walling that exists at Keepers Cottage

A photograph of the walls and access at Keepers Cottage is set out on the next page of the statement.



The development therefore complies with the requirements of relevant design policies.

#### **Other Relevant Matters**

The proposed development will not harm the visual or residential amenities of neighbouring properties.

The application raises no issues of highway safety, access or vehicle parking.

The development uses the existing access. The wall is set back from the highway allowing clear visibility in both directions.

The sliding gates are set back 6 metres into the site. This allows vehicles to pull off the road when waiting for the gates to open ensuring that there is no interference with the safety and free flow of traffic.

8. **SUMMARY AND CONCLUSION**

The application proposes a boundary wall and new entrance gates to a residential property in the Green Belt.

Planning permission is required as a small part of the boundary wall exceeds a height of 1.0 metre adjacent to the highway.

The development is inappropriate in the Green Belt by definition.

The erection of the wall and entrance gates does not harm the openness of the Green Belt or conflict with any of the purposes of including land in the Green Belt.

The fact that the development could be carried out as Permitted Development with some alteration gives the applicant a strong fall-back position that outweighs the usual presumption against inappropriate development in the Green Belt.

The design of the wall and entrance is in keeping with the existing character of the area. Similar development exists close to the application site.

The application raises no issue of amenity or access.

We therefore request that planning permission is granted for proposed development.