

PLANNING STATEMENT

Mrs I A Burford

1.0 INTRODUCTION

1.1 This Planning Statement has been prepared to accompany a planning application submitted to Lichfield District Council by Mrs Burford

The application seeks planning permission to convert the former hair salon to the east of 37 Stockhay Lane, Hammerwich into a dwelling house with associated works.

The Application Site

1.2 The application site is located on the southern side of Stockhay Lane, Hammerwich. The application site comprises of two buildings that lie to the east of 37 Stockhay Lane. The first building, known as The Cottage and stables, is shown in photograph 1 below. It comprises of a brick and tile building with adjacent timber shed. As the planning history below confirms, it was last used as a hairdresser's salon.

Photograph 1

1.3 The second building is known as the outbuilding and is shown in photograph 2 below. This comprises of a single storey flat roofed building constructed in walls that are clad in uPVC cladding. The building is being used as a storage building. The buildings are surrounded by extensive areas of gravel.

Photograph 2

1.4 The application site is located within Green Belt. It is not subject to any other Landscape environmental or heritage designation.

1.5 The planning history of the application site is summarised in the table below:

Application No.	Description of Development	Decision Date
07/00103/COU	Change of use of annexe Building to hair and beauty salon	Approved 03.04.2007

14/00257/COU	Change of use from hair Salon to residential (ancillary to existing dwelling)	Approved 20.06.2014
14/00256/CLE	Certificate of Lawfulness (existing): use of outbuilding as a storeroom	Approved Unknown

The Proposed Development

1.6 Planning permission is sought for the

Conversion of the former hair salon and erection of a detached garage. The proposed dwelling is to be sited within the vicinity of the existing buildings. Access to the proposed dwelling will utilise the existing vehicular access to the site which is shared with 37 Stockhay Lane. For the proposed building see plan. A detached garage is to be constructed in the same materials and is to be located to the east of the proposed dwelling.

Size/Amount

1.7 The existing buildings within the application site comprise:

Building Footprint (m²) Volume (m³)

Hairdresser's building 80.8 329.5

Outbuilding Store 90 306.2

Total 170.8 688

This planning application is accompanied by the following:

1. Flood risk assessment
2. Bat and bird survey
3. Topical survey
4. Structural survey
5. Planning drawings
6. Tree Report

1.8 For the proposed buildings see plan

1.9 proposed conversion building footprint – see plan

Scale

1.10 The cottage building has a maximum ridge height of some 6.9m, the outbuilding has a maximum ridge height of some 3m. The proposed garage has a maximum ridge height of some 4.2m.

Access

1.11 The proposed development will utilise the existing access serving 37 Stockhay Lane together with the current application site.

Trees

1.12 No trees of landscape or ecological significance are to be removed.

Bats

1.13 A Bat Survey of the existing buildings has been undertaken by S Christopher Smith that is submitted as an application document. The survey concludes:
'There is no evidence of bats using the portacabin building as a place of shelter.

There is no evidence of bats using the timber shed as a place of shelter.

There is no evidence of bats using the two storey brick building as a place of shelter.

There is evidence of bats using the stable building as a place of shelter.

There was no evidence of birds nesting in the buildings.

There is a roosting opportunity under the ridge tiles of the stables building where three small elongated bat droppings were found and when investigating a ted with an Endoscope.

Emergence surveys were complete at the stables to prove how many bats are using these features as a place of shelter and to provide sufficient evidence for a licence for the demolition/change of use of the buildings to be obtained from Natural England.

A method of working should be put in place with contractors to ensure that in the event of bats being found they will not be injured.'

1.14 It will be noted that the stable building is not proposed to be demolished. The recommendations to the Bat Survey can be secured through the use of an appropriate condition upon the stable building being converted and any condition regarding a Bat house would be complied with.

Flood Risk

1.15 A Flood Risk Assessment has been undertaken and is submitted as an application document. The Flood Risk Assessment concludes (paragraph Section7):□

There is no evidence of historic flooding at the site.

In line with updated model outputs undertaken by JBA using J Flow the site is located wholly within Flood Zone 1.

Based on the review of flood levels and the site's topography, the development area is considered to be at low risk of fluvial flooding. Furthermore, no fluvial flood plain storage will be lost as a result of the proposed development, therefore, there is no increase in fluvial flood risk downstream.

The proposed development is at low risk of surface water flooding in accordance with EA mapping.

The site is not considered to have high susceptibility to ground water flooding in accordance with the strategic Flood Risk Assessment.

Raised floor levels have been suggested to be set at 450mm above surrounding ground levels to prevent the ingress of surface water flows resulting from over loaded drainage.'

1.16 The recommendations of the Flood Risk Assessment can be secured through the use of appropriate conditions upon any planning permission that may be granted.

2.0 PLANNING POLICY

National Planning Policy Framework 2019 (The Framework)

2.1 Paragraph 89 states that the extension or alteration of a building is appropriate development providing that it does not result in disproportionate addition over and above the size of the original building.

2.2 Paragraph 90 explains that the re-use of buildings is appropriate development in Green Belt provided that the building is permanent and substantial construction.

2.3 The application site within the Green Belt. The Government's policies concerning the Green Belt are contained in the National Planning Policy Framework (the Framework) and in particular Section 13.

2.4 Paragraph 196 of the Framework reconfirms the requirement that (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 of the Town and Country Planning Act 1990) applications for planning permission Must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 196 of the Framework confirms that the Framework "is a material consideration in planning decisions".

The Development Plan

2.5 The Development Plan includes the Lichfield Local Plan Strategy 2008–2029 that was adopted in February 2015.

2.6 The following policies are considered to be relevant to the determination of This application:

Policy conversion

Policy CP3-Delivering Sustainable Development

Policy CP14-Our Built and Historic Environment

Policy H1-A Balanced Housing Mix

Policy NR2-Development in the Green Belt

Policy NR3-Biodiversity, Protected Species and their Habitats

Policy BE1-High Quality Development

Supplementary Planning Documents

2.7 Lichfield District Council have adopted the following supplementary planning documents that are considered relevant to the determination of this appeal:

Sustainable Design Supplementary Planning Document adopted December 2015. The document includes guidance regarding space made dwellings and amenity standards for all development and parking standards.

Biodiversity and Development Supplementary Planning Document. This was adopted on 17May2016.

Trees, Landscaping and Development Supplementary Planning Document adopted17May2016.

3.0 PLANNING CONSIDERATIONS

The main issues in this application are:

Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant Development Plan policies.

Whether the proposal would provide a suitable site for housing, having regard to the site's location and its proximity to local services and facilities.

If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Issue 1: Inappropriate Development

3.1 The application site is located within Green Belt. Local Plan Strategy Policy NR2 indicates that within Green Belt, the construction of new buildings is regarded as inappropriate unless it is for one of the exceptions listed in the Framework.

3.2 Section 13 of the Framework sets out the Government's approach to development in the Green Belt. It is clear (paragraph 133) that the Green Belt is seen as very important and the protection of the essential characteristics of openness and permanence are a clear priority. Furthermore, it advocates (paragraph 143) that inappropriate development is, by definition, harmful to

the Green Belt and should not be approved except in very special circumstances.

3.3 Paragraph 145 of the Framework states that Local Planning Authorities should regard the construction of new buildings as inappropriate development unless it falls within the list of exceptions set out in paragraphs 145 and 146. Of particular relevance to this application is paragraph 145(g) that states that the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, is not inappropriate development, provided that there is no greater impact on the openness of the Green Belt than the existing development.

3.4 The Glossary to the Framework defines previously developed land as “land Which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed), and any associated fixed surface infrastructure.” It excludes land that is occupied by agricultural buildings and land that was previously developed but where the remains of a permanent structure have blended into the landscape.

3.5 The application site evidently comprises of three buildings that are of permanent construction; the hairdresser’s salon, the studio/storage and a garage. These are the three buildings that are to be converted. The site may therefore, be described as being previously developed. It may be argued that the application buildings have most recently been used for residential purposes; it will be noted that the definition of previously developed land provided at Annexe 2 of the Framework only excludes “residential gardens” in “built up areas”. It should also be noted that paragraph 145(g) of the Framework does not state that the scale or size of previously developed sites is A relevant qualifying factor.

3.6 On the basis that the appeal site comprises previously developed land, bullet point (g) of paragraph 145 of the Framework applies. Paragraph 145(g) also requires that any development of previously developed land should not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

3.7 The word “openness” is not defined in the Framework. This lack of definition allows for some freedom of interpretation. Part of the fundamental aim of Green Belt policy is to prevent urban sprawl, with the intention of helping to protect the countryside. An assessment as to whether “openness” is preserved by a proposal in the Green Belt is a matter of judgement based on the merit of each case. It would be reasonable to conclude that “openness” is preserved if there is no significant arm caused to the status quo.

3.8 The application site will secure an improvement to the openness of the Green Belt by securing a reduction in the amount of building in terms of both its volume and footprint.

3.9 Conversion of the red brick outbuilding does fall with one of the exceptions stated in Core policy 6 and confirmed in an email through previous discussions.

3.10 the structural survey shows that the building is capable of conversion and does not require substantial re-building.

3.11 It has been established through case law the Green Belt is not a landscape designation. It is a policy which has a spatial function. It is delivered through Green Belt land fulfilling the five purposes set out in paragraph 134 of the Framework. The visual impact of the development proposal is evidently a material consideration but is different from a consideration of harm to the five purposes of including land within the Green Belt. The Courts have held that the word “openness” is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs. Whilst volumetric matters may be a material concern, the concept of openness can also have a visual dimension. 14

3.12 The proposed dwelling will be sited within the footprint of the existing buildings. The proposed development will not therefore encroach beyond the established site boundaries. The proposed development will not result in encroachment into the surrounding country side or result in urban sprawl. It is respectfully submitted that the proposed dwelling neither results in encroachment into the countryside nor has a detrimental urbanising effect.

3.13 Attached as Appendix 1 is an appeal decision relating to the erection of a replacement dwelling at Sabaar Lodge, Shenstone End. In the Sabaar Lodge appeal it was proposed to replace a bungalow with a 2.5 storey dwelling. The replacement dwelling had a footprint of substantially less than the bungalow. Commenting on the difference in height of the proposed replacement dwelling to the bungalow that was to be replaced, the Inspector noted (paragraph 12) that the proposal “would result in a more prominent dwelling on the site”. However, the Inspector went on to state (paragraph 13):” However, the proposal complies with the Council’s policy on the size of replacement dwelling in the Green Belt and the Council conceded under cross examination that in so doing openness would not be unduly affected.

Issue 2: Housing Strategy: Sustainable Development

3.14 The A5190 Lichfield Road in the vicinity of the application site is a public transport route. Bus services 10A, 60, 61 and 62 provide regular services to Lichfield and Cannock and destinations in between. The nearest school to the

Site is Fulfen Primary School some 800 metres to the north of the site. At Swan Island Burntwood Local Centre, which is located some 800 metres to the north west of the site, there are a range of shops, a doctor’s surgery and a wide range of community facilities. This is within the 800 metres “preferred maximum” threshold distance from town centre journeys on foot and is also

within the 1,000 metres “Acceptable” threshold distance for commuting trips on foot, as notes within Table 3.2 of the IHT Guidelines “Providing for Journeys on Foot”. Within 5km of the site, an accepted threshold for journeys by bicycle, it is possible to reach all employment locations within Burntwood and those in Lichfield and Brownhills.

3.15 The development would thus be served by a reasonable range of services accessible to the site by walking, cycling and bus. Whilst car borne travel may still be the most common form of transport, alternative modes would be likely to be used more than in association with the current lawful use of the site; furthermore, car trips will be relatively short. Consequently, the application site is located where the need to travel can be minimised and the use of sustainable modes can be maximised.

3.16 The Framework recognises (paragraph 103) that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Moreover, a significant consideration here is that the development would re-use previously developed land; It would also potentially reduce the number of trips to and from the site as a consequence of removing the lawful equestrian use.

Character and Appearance of the Area

3.17 The proposed dwelling is of a simple rural design which would procure a positive improvement in the visual appearance of the application site. Within the vicinity of the application site there is variety in terms of the age, design and type of dwellings. There is no distinctiveness of design that needs to be followed. The proposed dwelling would therefore be consistent with the varied pattern of development in the vicinity of the site. The design of the dwelling is such that it would result in a reduced impact to the openness of the Green Belt by removing a relatively unsightly building and a large area of hardstanding and replacing them with a development specifically designed for the location. In this way, the visual amenity of the Green Belt would be significantly improved.

3.18 The proposed development would improve the impact of the development upon the Character and appearance of the area.

Conclusions

3.19 The proposed development will secure the complete redevelopment of a Previously developed (brownfield) site within the Green Belt.

3.20 The reduction in the amount of building within the site and the quality of the residential development proposed, will significantly enhance the openness of the site.

3.21 The proposed dwelling is of a bespoke design. The design of the proposed dwelling is consistent with the character and appearance of dwellings to be found in the vicinity of the site. The design of the dwelling would significantly

enhance the appearance of the site to the benefit of the openness of the Green Belt in its location within a rural area.

3.22 The proposed conversion would represent a marked improvement to the visual appearance of the site. In these circumstances it is submitted that the proposed development represents an appropriate form of development in terms of paragraph 146(d) of the Framework. The proposed conversion also secures the complete redevelopment of a previously developed brownfield site without the proposed development having a greater impact on the openness of the Green Belt or prejudicing the purposes of including land within it.

3.23 The application proposals provide for the redevelopment of the previously developed (brownfield) site. It is submitted that the proposed development would not have a greater impact upon the openness of the Green Belt and the purposes of including land within it than the existing builders' yard. In these circumstances, it is submitted that the proposed development is not inappropriate development. The proposed development would therefore accord with the objectives of the Framework.

3.24 The proposed development would accord with paragraph 146(d) of the Framework insofar as it will secure the redevelopment of previously developed land. The proposed development would have no greater impact upon the openness of the Green Belt. The proposed development therefore accords with Local Plan Policy NR2. Planning permission should therefore be granted.
CET/JAG/4866
7 March 2019

4.0 APPENDICES

Appendix 1 : Appeal Reference: APP/K3415/A/08/2076277 – Site at Sabaar Lodge, Birmingham Road, Shenstone, Wood End,

Appeal Reference: APP/K3415/A/08/2076277
Site at Sabaar Lodge, Birmingham Road, Shenstone, Wood End,
Staffordshire, WS140LG

Appeal Decision

Inquiry held on 11 November 2008
Site visit made on 11 November 2008

by Ian Radcliffe BSC (Hons) MCIEH DMS

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay

Bristol BS1 6PN

0117 372 6372

email: enquiries@pins.gsi.gov.uk an Inspector appointed by the Secretary of State

Decision date:

14 January 2009 for Communities and Local Government

Appeal Ref: APP/K3415/A/08/2076277

Sabaar Lodge, Birmingham Road, Shenstone Wood End, Staffordshire

WS14 0LG

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Mr P. Christodoulou against the decision of Lichfield District Council.

The application Ref 08/00302/FUL, dated 16 March 2008, was refused by notice dated 13 May 2008.

The development proposed is the erection of a replacement dwelling.

Procedural Matters

1. The parties agreed at the Inquiry that the appeal concerned the following drawings; JA/315/01/D, JA/315/02/A, JA/315/03/A, JA/315/04/C, JA/315/05/A, JA/315/06/B, JA/315/10B, JA/315/11/B, JA/315/12/C, JA/315/13/B, JA/315/14/B, JA/315/15/A. My consideration of the case and my decision are based on these drawings.

Applications for costs

2. At the Inquiry applications for costs were made by Mr P. Christodoulou and Lichfield District Council against each other. These applications are the subject of separate Decisions.

Decision

3. I allow the appeal, and grant planning permission for a replacement dwelling at Sabaar Lodge, Birmingham Road, Shenstone Wood End, Staffordshire WS14 0LG in accordance with the terms of the application, Ref 08/00302/FUL, dated 16 March 2008, and the plans listed above, subject to the conditions set out in the schedule at the end of this decision.

Background Information

4. An extant permission (07/00094/FUL dated 28 March 2008) involving part demolition and extension of the present building would have a larger footprint than the existing house but no increase in height.

Main issues

5. The main issues are;

whether the proposal is inappropriate development for the purposes of PPG2 and development plan policy;

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the effect of the proposal upon the openness of the Green Belt; and, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

6. The appeal site is occupied by a detached dormer bungalow in the West Midlands Green Belt and is within an area of open countryside. Planning Policy Guidance Note 2 'Green Belts' (PPG2) advises that replacement of an existing dwelling would not be inappropriate provided the new dwelling is not materially larger than the dwelling it replaces. Policy D5B of the Structure Plan advises inappropriate development will not be permitted except in very special circumstances. Policy E4 of the Local Plan advises that replacement dwellings are not inappropriate development where they comply with certain criteria. These criteria are contained within policy DC7 and can be split into two parts. Firstly, in relation to the status of the dwelling, they require that the use of the property has not been abandoned and that it is not worthy and capable of retention through renovation. Secondly, in relation to the scale of the house, the size of a replacement dwelling is limited to a maximum increase of 50% of the ground floor area of the original dwelling, or a 30% increase of the volume of the original dwelling, whichever produces the lesser externally measured volume.

7. In relation to the first part of the policy it is common ground that the dwelling has not been abandoned. The Local Plan gives no guidance as to how 'worthy and capable of retention' should be assessed. In my assessment, the Council's interpretation of the policy, namely that if a dwelling exists and is capable of retention that permission will be refused, would prevent the replacement of dwellings in the vast majority of situations. This is because there are very few dwellings that are not abandoned that are not capable of renovation. As a consequence, I concur with the comments of the inspector (Ref: APP/K3415/A/07/2038409) that there must be an element of flexibility in the application of this policy.

8. In terms of the worth of the dwelling, the Council has stated that it has a unique design. However, the house has no special status. It is not listed nor is it of listable quality, and it is not within or close to a conservation area. The design of the dwelling, with its simple gabled shape, use of render and style of windows and doors, very much reflects the 1970's period in which it was constructed. Whilst not unattractive there is nothing that I have seen, read or

heard that leads me to the conclusion that, anymore than any other house of this era, it is worthy of retention.

9. Turning to whether the property is capable of retention, the building survey has identified that it is structurally sound but requires what, for a dwelling of this age, can be considered to be normal maintenance. It is therefore capable of being retained. No costings have been provided to the Council for the re roof, replacement of all the windows, insulation and possible replumbing and rewiring. However, based upon my experience, renovation would be more cost effective than demolition and replacement of the dwelling. Notwithstanding my

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findings on this matter, I see little practical or policy benefit of requiring the retention of a building that is not worthy of retention and no longer meets the needs of its owners.

10. In relation to the second part of the policy, the dwelling has not been extended since its construction. It was accepted by the Council that the increase in volume of the replacement dwelling would comply with the 30% limit and that the footprint of the proposal would be smaller than the existing dwelling. The proposal would therefore comply with this part of the policy.

11. For the reasons given above, I conclude that the proposed conversion dwelling would not represent inappropriate development in the Green Belt and so would comply with the objective of policy D5B of the Structure Plan, and policies E4, DC7 of the Local Plan and PPG2.

Openness

12. PPG2 advises that the most important attribute of the Green Belt is its openness.

Other matters

Character and appearance

14. The countryside in the vicinity of the appeal site is characterised by large open hedged fields, spinneys and sporadic linear development. The appeal site is well screened with only glimpsed views of the existing dwelling. Whilst the taller height of the proposal would be more prominent, the landscape has no special status or designation. Furthermore, policy E5 of the Local Plan which sought to retain and enhance the character of the Green Belt is not a policy that has been saved from the Local Plan. I therefore attach no weight, outside that of openness, to the effect of the development on the character of the Green Belt.

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keeping with the size of the plot. I conclude that the dwelling represents good design sought by national guidance and criterion 4 of policy DC.1 of the Local Plan. This is a benefit that weighs in favour of the proposal.

Sustainability

16. The appellant has offered to construct the dwelling to Code 3 of the Code for Sustainable Homes and to secure this commitment by the attachment of a suitably worded condition. The construction of a dwelling to such a standard is supported by national guidance, and so, is a matter that also weighs in favour of the proposal.

Conditions

17. In order to ensure that the development complements its surroundings further details on landscaping, boundary treatments and the submission of samples of materials to be used on external surfaces are required. To ensure that any planting becomes well established it needs to be well maintained. Furthermore, the trees on the site which contribute to the mature landscaping and are to be retained need to be protected. In the interests of achieving a satisfactory relationship between the development, adjoining land and the highway, details of the finished floor levels are necessary.

18. To ensure highway safety the driveway and turning area needs to be in place before first occupation. Given the increase in size of the proposal over the existing dwelling it is necessary in order to protect the Green Belt to restrict permitted development rights over future enlargement of the dwelling, ancillary buildings or other structures. The shortage of Sustainable Home assessors means that it is reasonable to give a longer compliance period for certification of the house. I have required all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of Circular 11/95 'The Use of Conditions in Planning Permissions'. Given that satisfactory drainage is required by Building Regulations I can see no reason, in this particular instance, why the approval of drainage provision should be duplicated by condition.

Conclusion

19. For the reasons given above the scheme would not represent inappropriate development in the Green Belt and would cause little harm to openness. It is therefore, not necessary to determine whether any very special circumstances exist. The appearance of the proposal would better reflect the form of nearby houses and it would be a sustainable home. These material considerations in favour of the appeal are sufficient to outweigh the small degree of harm to openness that I have described. I conclude that the appeal should therefore be allowed.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used

in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local

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planning authority. Development shall be carried out in accordance with the approved details.

3) No development hereby approved shall commence until a detailed landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall indicate the position and species of all existing trees and identify all those specimens to be retained. The approved landscaping scheme shall be carried out in accordance with the approved details.

4) Any trees or plants that are planted as part of the landscaping scheme 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 approval to any variation.

5) No development shall commence until temporary protective fencing is installed;

i) 9.5m from the two sycamore trees in the rear garden closest to the development hereby permitted

ii) at the crown edge of the cherry closest to the house hereby permitted in the front garden

The temporary fences shall be erected to BS5837:2005 and shall be retained throughout the construction period. Within the protected areas no materials, plant, vehicles or machinery shall be stored, nor cement mixing, storage, change in levels, excavation, trenching, discharge of materials or passage of vehicles shall occur, or fires shall be lit.

6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are first occupied. Development shall be carried out in accordance with the approved details.

7) No development hereby approved shall commence until details of surface treatment of the driveway and turning space, and any other hard surfaced areas, have been submitted to and approved in writing by the Local Planning Authority. The surface treatment shall thereafter be implemented in accordance with the approved details before the dwelling hereby permitted is first occupied.

8) No development hereby approved shall commence until details of the finished floor levels of the approved dwelling including their relationship to the levels of adjacent land and the highway, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no enlargement of the dwelling shall be made, nor shall any buildings, enclosures or other structures required

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for a purpose incidental to the enjoyment of the dwelling be erected within the curtilage of the dwelling, without the prior permission of the Local Planning Authority by means of a planning application.

10) The dwelling shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). A final code certificate shall be issued within eight months of the development being brought into use.

Ian Radcliffe

Inspector

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APPEARANCES
FOR THE LOCAL PLANNING AUTHORITY:

Mrs Bal Nahal Solicitor, Lichfield District Council
She called
Sue Hodgkinson
BA(Hons), MA
Senior Planning Officer, Lichfield District Council

FOR THE APPELLANT:

Mr Richard Kimblin Of Counsel

He called

Mr Christopher E. CT Planning, Trafalgar House, 20a Market Street,
Timothy Lichfield, Staffordshire WS13 6LH
BSc(Hons), Dip TP,
MRTPI

DOCUMENTS SUBMITTED AT THE INQUIRY

1 Letter of notification of the time, date and location of the Inquiry,

and list of persons notified.

2 Appeal Decision Ref APP/K3415/A/07/2038409.

3 Appeal Decision Ref APP/K3415/A/08/2062738.

4 Suggested Code Level 3 Sustainable Homes condition.

5 Letter dated 15 December 2006 from the Council to the

appellant's architect regarding a replacement dwelling on the appeal site.

6 Correspondence from the appellant and Council to the Planning Inspectorate lobbying for and against an inquiry in relation to the appeal.

7 Letter dated 2 November 2006 from the appellant's architects to the Council regarding a replacement dwelling on the appeal site.

PLANS SUBMITTED AT THE INQUIRY

A JA/315/12 C Appeal Scheme – street elevations and elevation comparison

B JA/315/19 A Approved Extension Scheme -street elevations and elevation comparison

Issue iii: Very Special Circumstances

20. Having regard to the submissions made in respect of Issues i and ii it is the case of the applicant that the proposed development would comprise the redevelopment of previously developed land and that the development would not have a greater impact upon the openness of the Green Belt than the existing development. Consequently the proposed development is consistent with paragraph 145(g) of the Framework together with Local Plan Policy NR2. Consequently, there is no requirement to set out Very Special Circumstances.

Issue iv: Whether a Suitable Location for Housing Development

21. The application site is located outside of a designated Settlement Boundary and is within the countryside. In the previous application (19/00380/FUL) the Planning Authority in its second reason for refusal consider that due to its location, the proposed development would be unacceptable as it would lead to the future occupiers being over-reliant upon motor vehicles to access key facilities.

22. The issue of redeveloping previously developed sites for housing outside of Settlement Boundaries has recently been considered in an appeal at Derry Farm, Shenstone (Ref: APP/K3415/W/18/3217357 – Appendix 3). In that appeal the Inspector found that the site was 1km from Shenstone with its

services and facilities. He observed that there was a bus stop near the site allowing access to Burton, Lichfield and Sutton Coldfield. He went on to state (Paragraph 14):

“...I find that there would not necessarily be an over-reliance on private transport and that the site would be a suitable location for the proposed development having regard to access to services and facilities. The proposal would therefore not be contrary to LP Core Policies 1, 3 and 6 or Strategic Priority 1: Sustainable Communities.”

23. The application site has access to services and facilities comparable to, if not better, than Derry Farm. The A5190 Lichfield Road in the vicinity of the application site is a public transport route. Bus services 10A, 60, 61 and 62 provide regular services to Lichfield and Cannock and destinations in between. The nearest bus stop to the application site is on Farewell Lane, some 22m to the north of the site.

24. The nearest school to the site is Fulfen Primary School some 800 metres to the north of the site. At Swan Island Burntwood Local Centre, which is located some 800m to the north west of the site, there are a range of shops, a doctor's surgery and a wide range of community facilities. This is within the 800 metres “**preferred maximum**” threshold distance from town centre journeys on foot and is also within the 1,000 metres “**Acceptable**” threshold distance for commuting trips on foot, as noted within Table 3.2 of the IHT Guidelines “**Providing for Journeys on Foot**”. Within 5km of the site, an accepted threshold for journeys by bicycle, it is possible to reach all employment locations within Burntwood and those in Lichfield and Brownhills.

25. The development would thus be served by a range of services accessible to the site by walking, cycling and bus. Whilst car borne travel may still be the most common form of transport, alternative modes would be likely to be used more than in association with the current lawful use of the site; furthermore, car trips will be relatively short. Consequently, the application site is located where the need to travel can be minimised and the use of sustainable modes can be maximised.

26. The Framework recognises (paragraph 103) that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Moreover, a significant consideration here is that the development would reuse previously developed land; it would also potentially reduce the number of trips to and from the site as a consequence of removing the lawful equestrian use.

27. In the light of the Inspector's conclusions in the Derry Farm appeal (see Appendix 3) and having regard to the accessibility to local services and facilities from the application site, it is respectfully submitted that the application site is suitably located for the proposed development and has reasonable access to local services and facilities. In these circumstances the proposal is consistent with Core Policies 1, 3 and 6.

Issue v: Protected Species

28. This application is supported by an updated Bat and Bird Survey that has been produced following emergence surveys having been undertaken. The survey concludes:

There is no evidence of bats using the portacabin building as a place of shelter.

There is no evidence of bats using the timber shed building as a place of shelter.

There is evidence of bats using the two storey brick building as a place of shelter. A Common pipistrelle was seen to emerge from under the ridge tiles on the building on the 7th May 2018. A possible emergence from the verge by a Common pipistrelle bat occurred on the 21st May 2018.

There is evidence of bats using the stables buildings as a place of shelter. Two Common pipistrelle bats were seen to emerge from the ridge tiles on the 21st May 2018.

There was no evidence of birds nesting in the buildings.

There is a roosting opportunity under the ridge tiles of the stables building where 3 small elongated bat droppings were found when investigated with an endoscope.

A Bat Low Impact Class (BLIC) license will be required from Natural England, if planning permission is granted, before demolition can occur.

A method of working should be put in place with contractors to ensure that in the event of bats being found they will not be injured.

29. The recommendations of the Bat and Bird Survey can be secured through the use of appropriate conditions. In the light of the findings of the revised survey from Mr Christopher Smith, it is submitted that the proposed development will not have an adverse impact upon protected species and as a consequence the proposed development is entirely consistent with Policy NR3 together with the Biodiversity and Development Supplementary Planning Document.

30. It will be noted from the Planning Officer's Report to the previous application (19/00380/FUL – Appendix 2) that there were no objections to the proposed development on highway grounds from Staffordshire Highways. Staffordshire County Council Rights of Way raised no objections in terms of having any impact of the development upon Public Footpath No. 16 that is partly routed across the private driveway leading to the site.

31. There were no objections relating to flood risk from the Lead Local Flood Authority and the Environment Agency; there were similarly no objections from Severn Trent Water.

30. It is also noted that the Planning Authority raised no objections on issues in

relation to any impact of the proposed development on the living conditions of neighbouring properties.

Conclusions

34. The design of the proposed dwelling respects the rural character of the area by virtue of its design and proposed materials of construction.

35. The proposed buildings respect the rural character of the area by virtue of their design and proposed materials of construction. In these circumstances the proposed development would not have a greater impact on the openness of the Green Belt than the existing buildings. Consequently, the proposed development would be consistent with paragraph 145(g) of the Framework and would not constitute inappropriate development in the Green Belt. As such the proposed development would be consistent with Local Plan Core Policy 1 and Core Policy NR2.

36. In terms of issues of sustainability, the application site is located within 1km of the Swan Island Shopping Centre; it is located close to a bus route and is within easy walking and cycling distance of the services and facilities throughout Burntwood. In such circumstances occupiers of the proposed dwelling would not be over-reliant on private transport. Therefore, the application site is in a sustainable location for the proposed development of one dwelling. In these circumstances the proposed development would be consistent with Local Plan Core Policies 1, 3 and 6 together with Strategic Priority 1: Sustainable Communities.

37 Finally, the approved planning application of the Builders Yard, rear of 176 Birmingham Road, Shenstone, and of which was granted as it complies with Paragraph 89 of the NPPF is consistent with this application in the light this and the of the above circumstances planning permission should be granted.

Addendum Statement in addition to the above

In addition to the above statement, the further benefit of a dwelling and not a Hair Salon (previous use) would be the reduced traffic to the property also reducing the pollution to the area as well as foot traffic

There is soon to be a consultation regarding Hammerwich and local people having the opportunity to remain in the area close to family and community ties. This application should be considered with that in mind. The benefit of a dwelling would allow the applicant to remain in the area.

Core Policy 1 of the Local Plan Strategy seeks to locate new growth in sustainable settlements and identifies 5 key rural settlements to accommodate growth. The policy states that smaller villages will accommodate housing to meet local needs – this

means that the development will meet local need as the applicant will be able to remain in the area she lives and works and with family members around.

Core Policy 6 of the Local Plan Strategy expands upon Core Policy 1 with regard to the provision of housing within the District. The policy identifies Lichfield City, Burntwood and the key rural settlements as the focus for residential development. The policy sets out the residential development that will only be permitted in the remaining rural areas, such as, infill development within village settlement boundaries; affordable housing delivered through rural exceptions; changes of use and conversion schemes; small scale development support by local communities, identified through the Local Plan Allocations document or community led plans; agricultural, forestry and other occupational workers dwellings.

Policy Rural 1 states that smaller villages will deliver housing to accommodate local needs and that 5% of the District's housing will be met within the village boundaries through the conversion of existing buildings and to meet identified local needs on rural exception sites. These sites will be considered through the Local Plan Allocations and community led plans. Policy Rural 2 states that support will be given to small scale development to meet local needs where the need is clearly and robustly evidenced by the local community.

This application may also be classed as an infill as there are houses all around it. It is both a change of use and a conversion but the building of a new house would not impact on the area and would give local jobs in much needed time of this deepening recessions with the impact of Covid 19, it is a small scale development that will support the local community with work and which is also supported by the local community as there were no objections from them. This is not a development where developer will be making vast amounts of money, it is practical, supported and will benefit the area. It complies with Policy Rural 2 which states that support will be given to small scale development to meet local needs where the need is clearly and robustly evidenced by the local community. The applicant is part of the local community.

Core Policy 1 of the Local Plan Strategy seeks to locate new growth in sustainable settlements and identifies 5 key rural settlements to accommodate growth. The policy states that smaller villages will accommodate housing to meet local needs. The applicant has lived in this area and indeed on this land for almost 30 years and the applicant would meet a local need as she would be able to remain in the area where she works.

This is a small scale development support by local communities, identified through the Local Plan Allocations document or community led plans; agricultural, forestry and other occupational workers dwellings.

It can also be suggested that it is an infill as there are houses to the right, left and in front.

The Council stated in the previous application that 'it presently demonstrate a robust 5 year housing supply and as such the development plan carries full consideration and

there are considered to be no benefit in the release of land outside settlement boundaries in unsustainable locations. As such, the scheme is considered to comprise development that goes against the aims of the Development Plan and therefore is recommended for refusal'.

This does not apply as the land is not being released, a property is already there and it can be converted and does not compromise development that goes against the aims of the Development Plan and therefore should not be considered or recommended for refusal.

The further below example is a property where planning permission in greenbelt was granted in June 2018 replacing a building that could have been converted but actually allowed a new build within green belt:

As mentioned at 37 above the approved planning application of the Builders Yard, rear of 176 Birmingham Road, Shenstone, and of which was granted as it complies with Paragraph 89 of the NPPF is consistent with this application in the light this and the of the above circumstances planning permission should be granted.

Finally, Appletree Farm, 2 Burntwood Road, S7 0JG has recently been converted from a barn to a house and this property is on the main road whereas the application property is set back off the road. The building work to this property was completed just a few weeks ago.

Notwithstanding the above, discussions with LDC planning department have already taken place with regards to a conversion being acceptable and therefor this application is being made on that advice.

APPENDICES

Appendix 1 : Decision Notice 19/00380/FUL dated 7 May 2019

Appendix 2 : Planning Officer's Delegated Report in respect of application 19/00380/FUL

Appendix 3 : Appeal Decision APP/K3415/W/18/3217357

Land adjacent to Derry Farmhouse, 26 Birmingham Road, Shenstone, Lichfield, WS14 0JR

CET/CMF/5321

22 August 2019

Decision Notice 19/00380/FUL

Demolition of Existing Buildings and Erection of 1 No. 4-Bedroom Dwellinghouse and Detached Garage with Associated Works
37 Stockhay Lane, Hammerwich,
Burntwood, Staffordshire

APPENDIX 1

DEVELOPMENT SERVICES

District Council House
Frog Lane, Lichfield
WS13 6YZ

APPLICATION NO: 19/00380/FUL
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

