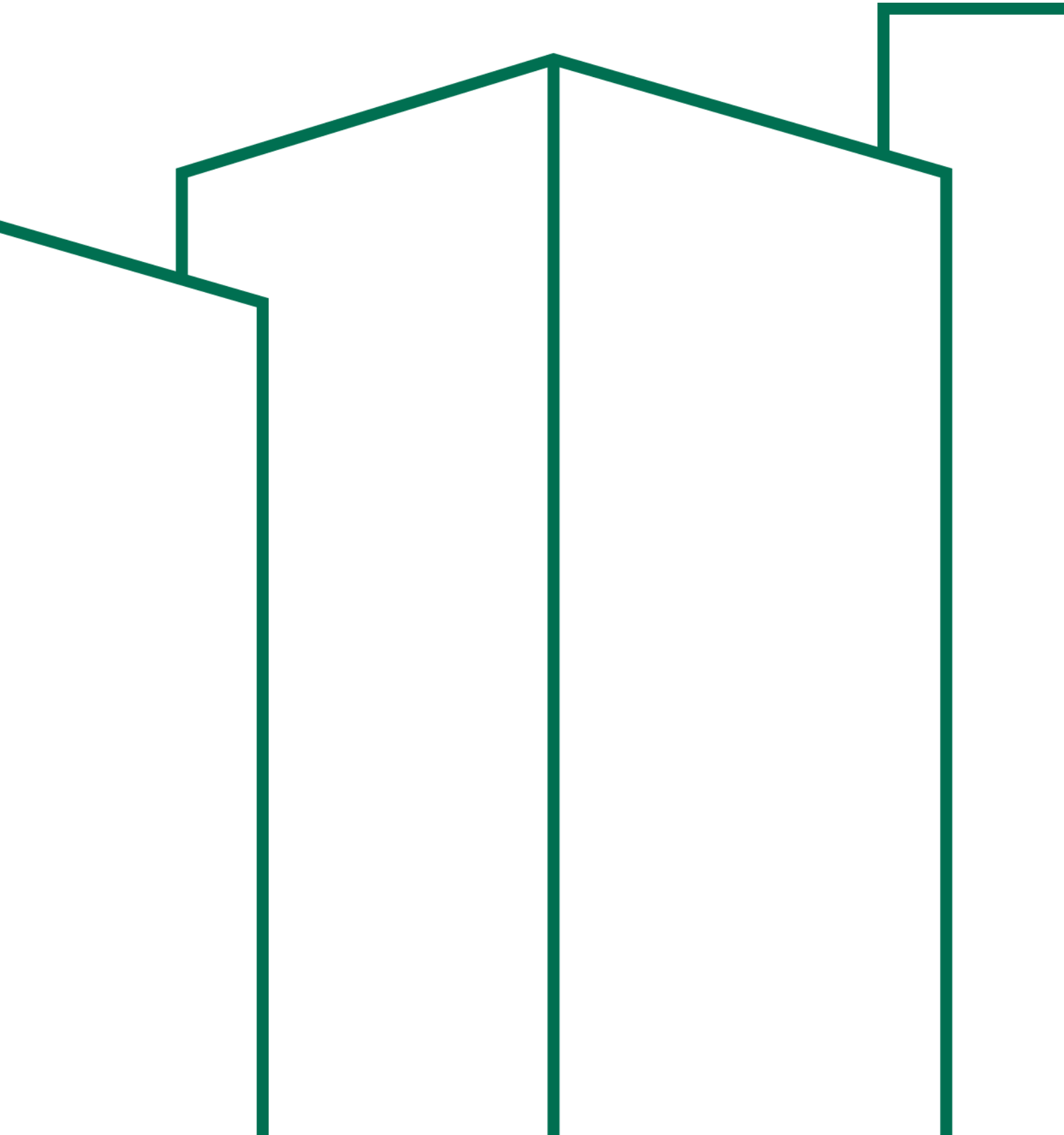




PLANNING STATEMENT

Mr A Kirby
Land north 176 Birmingham Road
Shenstone Wood End
Lichfield Staffordshire
WS14 0NX

Erection of a single dwelling on land to the north of 176 Birmingham Road



1.0 INTRODUCTION

1.1 This planning statement has been prepared on behalf of Mr A Kirby, to accompany a full planning application submitted to Lichfield District Council for the erection of a single dwelling on land to the north of 176 Birmingham Road, Shenstone Wood End.

Site Planning History

1.2 Outline planning permission (ref: 20/00194/OUT) was granted in March 2021 at appeal (ref: APP/K3415/3261119 – Appeal A) for the erection of a single detached dwelling with associated works with access and layout to be considered. A copy of the Appeal Decision is included in Appendix 1. Thereafter, a reserved matters application for the appearance, landscaping, layout and scale (Ref:22/00484/REM) was granted in June 2022 (A copy of the delegated report is included in Appendix 2).

1.3 Condition 1 of the appeal decision required **“An application for the approval of the ‘reserved matters’ shall be made within one year from the date of this permission and the development shall be begun either before the expiration of two years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.”** As development has not commenced the permission is now lapsed. As such this revised full application seeks planning consent for the development which was previously approved in planning permission 22/00484/REM. The design of the scheme presented in this full application is the same as that which was permitted in the reserved matters application. There are no amendments.

Surrounding Planning History

- 1.4 A separate full application has been submitted on land to the south of 176 Birmingham Road for the erection of a single detached dwelling with associated works with access and layout to be considered. A decision is pending. The application is accompanied by the same plans which were approved under the reserved matters application reference: 22/00483/REM.

- 1.5 To the rear of 176 Birmingham Road is a range of buildings and hardstanding that were last used as a builders' yard. These are located immediately along the western boundary of the site. The builders' yard building is constructed in red brick with a pitched tiled roof. Planning permission (17/01311/FUL – Appendix 3) was granted in June 2018 for the redevelopment of the former builders' yard by way of the erection of 1 no. detached dwellinghouse and associated works.

Application Site

- 1.6 The application site relates to land to the front and North of No.176 Birmingham Road in Shenstone Woodend. No.176 is a two-storey detached property which occupies a spacious plot. The application site contains a detached garage to serve No.176, which would be demolished as part of the proposals. The site is therefore bound by residential properties, to the north is No.174 Birmingham Road which is set forward of No.176. Further to the west and south are open fields.

- 1.7 The application site is located some 250 metres to the north of the boundary between Staffordshire and Birmingham (Sutton Coldfield).

- 1.8 The application site is located within the built-up area of Shenstone Wood End. Shenstone Wood End is shown to be washed over by Green Belt in the Lichfield District Local Plan.

The Application Proposals

- 1.9 The application seeks full planning permission for the erection of 1 no. detached dwelling on land to the north of 176 Birmingham Road.

Layout

- 1.10 Residential development in the vicinity of the application site is of a linear form, with dwellings set in plots of varying widths and set back from the road by different distances. The layout of the proposed dwelling is shown on application drawing 15-027-22-02. The application site has a frontage to Birmingham Road of some 9 metres.
- 1.11 In terms of the parking for the existing dwelling (176 Birmingham Road) this will be provided to the front of the property utilising the existing in and out vehicular access. The proposed dwelling is provided with 2 no. car parking spaces within the existing site frontage.
- 1.12 The siting of the proposed dwelling is consistent with the separation distances applied by Lichfield District Council having regard to its Sustainable Design SPD. The proposed garden is in excess of 65 square metres. The existing dwelling at No.176 will be provided with a garden area that is in excess of 65 square metres. The proposed layout is therefore consistent with the Planning

Authority's adopted guidelines in respect of distances to boundaries, distances between dwellings and garden sizes.

Scale

1.13 The appeal decision includes a condition restricting development on the site to single storey only.

1.14 The proposed dwelling is single story, with a gable roof over. To the front and rear protruding gables are proposed. There is floor to ceiling windows to the rear of the property with solar panels to the southern roof slopes. The plans detail that the plant associated with the solar panels and the boiler would be located within the roof space.

1.15 Internally, the dwelling comprises a living/kitchen/dining area, utility, WC, 3 no bedrooms and 1 no ensuite.

Appearance

1.16 The proposed dwelling although of 21st Century construction, incorporates traditional design features typical of those found on dwellings in the locality. These include the use of gable pitched projections to give additional articulation to the dwelling.

1.17 Materials will be introduced sympathetically to respect the character of the dwellings in the surrounding streetscene. The materials proposed are to match that as shown on drawing no. 21047/P/101. The exterior walls are to comprise of roughcast render, to match the colour of the dwelling at No.176 Birmingham

Road; including detailed sprayed render projection onto tile creasing and header course with approved facing brickwork below to match No.176 Birmingham Road. All windows and doors are to be white UPVC, and powder coated aluminium to the rear. Facias and bargeboards will match that used on No.176 Birmingham Road. Rainwater goods will be UPVC black, half round cast iron look alike.

Landscaping

- 1.18 There are no significant trees or landscape features within the application site. There is the potential to introduce new landscaping as part of the application proposals. This can be secured through the use of appropriately worded conditions.

Access

- 1.19 The proposed development is to be accessed utilising the existing in-out access from Birmingham Road. The submitted layout plans indicate provision for 2 no. car parking spaces; together with 3 no. spaces to serve the existing dwelling.

2.0 PLANNING POLICY

National Planning Policy Framework (The Framework)

2.1 The application site is located 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 paragraphs 142 to 156.

Lichfield District Development Plan

Lichfield District Local Plan Strategy 2008 – 2029

2.2 The Development Plan includes the Lichfield District Local Plan Strategy 2008 – 2029 that was adopted in February 2015 and the saved policies of the Lichfield District Local Plan (1998). It is to be noted that there are no saved policies that are considered relevant to the application proposals.

2.3 The following policies of the Local Plan Strategy (LPS) are considered relevant to the determination of this current planning application and will be discussed in greater depth, where relevant, in the following sections of this Statement:-

- Policy H1 – A Balanced Housing Market
- Policy NR2 – Development in Green Belt
- Policy NR3- Biodiversity, Protected Species & their Habitats
- Policy NR4 – Trees, Woodlands, and Hedgerows
- Policy BE1 – High Quality Development

Lichfield District Local Plan Allocations 2008 - 2029

2.4 The Local Plan Allocations Document (LPAD) was adopted in 2019 and contains a small number of general policies and the Local Planning Authority's housing

allocations. There are no policies of the LPAD that are considered relevant to this planning application.

Supplementary Planning Documents

- 2.5 The Local Plan is also supported by Supplementary Planning Documents (SPDs). Those of which are considered most relevant to the proposed development are, Sustainable Design Supplementary Planning Document, Biodiversity and Development Supplementary Planning Document and Trees, Landscaping and Development Supplementary Planning Document.

Sustainable Design Supplementary Planning Document

- 2.6 In December 2015 Lichfield District Council adopted the Supplementary Planning Document (SPD) 'Sustainable Design'. The document includes guidance at Appendix A regarding space about dwellings and amenity standards for all development and, at Appendix D, advice concerning parking standards.

Biodiversity and Development Supplementary Planning Document

- 2.7 The District Council has produced a Supplementary Planning Document (SPD) for Biodiversity and Development, which was adopted on the 17 May 2016. The SPD forms part of the Lichfield District Local Plan and expands on policies that ensure biodiversity is adequately protected and enhanced throughout the development process.

Trees, Landscaping and Development Supplementary Planning Document

2.8 The District Council has also produced a Supplementary Planning Document for Trees, Landscaping and Development, which was adopted on the 17 May 2016. The document is intended to guide developers, applicants and other parties involved in the development process to fully consider and justify development proposals with regard to trees, landscaping and sustainable development. The SPD also supplements the District Council's Local Plan Strategy.

Emerging Local Plan

2.9 The Council are reviewing the Local Plan which once adopted will replace the current Local Plan Strategy and the Local Plan Allocations Document. Until the time the new Local Plan is adopted, the Council will continue to use the existing Local Plan when making planning decisions.

3.0 PLANNING CONSIDERATIONS

3.1 The main issues in this application are:

1. Whether the proposal amounts to inappropriate development in the Green Belt.
2. The effect of the proposal on the openness of the Green Belt and the purposes of including land within it.
3. The effect of the proposal on the character and appearance of the surrounding area.
4. The effect of the proposal on the local ecology
5. If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by any other considerations so as to amount to the very special circumstances necessary to justify the development.

Issue 1: Inappropriate Development?

3.2 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.

3.3 Section 13 of the Framework sets out the Government's approach to development in the Green Belt. It is clear (paragraph 142) 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 152) that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 3.4 Paragraph 154 of the Framework states that the Local Planning Authority should regard the construction of new buildings as inappropriate development unless it falls within the list of exceptions set out in paragraphs 154 and 155. Of particular relevance to this application is paragraph 154(e) that states that the limited infilling in villages is not to be regarded as inappropriate in the Green Belt.
- 3.5 The Framework does not define either **“village”** or **“limited infilling”**. Furthermore, paragraph 154 does not specify what size a village must be. Similarly, the definition of **“infilling”** is not set out in the Development Plan or the Framework. Consequently, whether a proposal represents **“limited infilling”** is a matter of planning judgement. Historically **“infilling”** has meant the infilling of a small gap in an otherwise built-up frontage. Taking in its everyday meaning **“gap”** means a break or whole between two objects: a space or interval or a break in continuity. **“Infilling”** means to **“fill in”** or close a gap in something. Thus, in a planning context it is submitted that **“infilling”** needs to fill or close a gap in between buildings or fill a gap in the continuity of development and consequently there must be development on at least two sides of that gap.
- 3.6 The application site has a frontage to Birmingham Road of some 9 metres. The plot is contained to the south by 176 Birmingham Road and to the north by the 174 Birmingham Road. The site is similarly contained to the west by the former builders’ yard, for which planning permission (17/01311/FUL – Appendix 3) has been granted for the erection of a detached dwellinghouse.
- 3.7 The application site is contained on three sides by existing and committed residential development. The proposed plot size is compatible with those of

adjacent houses. The proposed development would be limited as it relates to the erection of a single dwelling on each plot.

3.8 The Lichfield District Local Plan Strategy refers in Policies CP1, CP6 and NR2 to limited infilling being allowed within Green Belt villages, with **“appropriate infill”** boundaries being determined through the Local Plan Allocations Document which may, where appropriate, be informed by local community led plans. The submitted Local Plan Allocations Document fails to consider **“infilling”** boundaries to Green Belt villages. The submitted Local Plan Allocations Document states at paragraph 1.3 that the document is the second part of the District Council Strategic Plan and will deal with, amongst other matters **“consideration of “infill” boundaries for Green Belt villages (as set out in Core Policy 1)”**. Other than in paragraph 1.3, the phrase **“infill”** boundaries for Green Belt villages is not mentioned, yet alone considered elsewhere in the submitted version Local Plan Allocations Document. The failure of the Local Plan Allocations Document to consider the issue of infill villages means that an assessment as to whether or not an application site comprises infilling within an existing village is a matter of judgement to be made based on the merits of each case. In reaching such a judgement it is appropriate to take into account recent case law.

3.9 The issue of **“limited infilling”** in the Green Belt was considered in the case of Julian Wood v SSCLG and Gravesham Borough Council (see Appendix 4), the case turned on the Inspector’s assessment of whether or not the site was in the village boundary. It was common ground in this case (see paragraph 12 at Appendix 4) that whether or not a proposed development constituted limited infilling in the village for the purpose of paragraph 89 (now 154) was a question

of planning judgement for the Inspector and the Inspector’s answer to that question **“would depend upon his assessment of the position on the ground.”**

It was also common ground in the case of Julian Wood **“that while a village boundary as defined in the Local Plan would be a relevant consideration, it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not afford the Inspector’s assessment of the extent of the village on the ground.”**

3.10 Having regard to the Julian Wood case (see Appendix 4) it is evident that it is not sufficient to dismiss an infill plot on the basis that it lies in the Green Belt outside of any recognised settlement boundary. There has to be a **“on the ground”** assessment as to whether or not the site lies within a village.

3.11 Shenstone Wood End is evidently a village comprising of a number of residential properties fronting onto the Birmingham Road from its junction with Blake Street to the south Fotherley Lane to the north. Within the village there are a range of services that include the Highway Man Public House and a children’s nursery, and some employment uses. The Lichfield Southern Area District Plan, which pre-dated the 1998 District-wide Plan had a Shenstone Wood End Village Inset and included a housing allocation off Smart Avenue.

3.12 The application site is bound on three sides by existing and committed residential development. The development comprising of one development on each of the sites falls within the definition of **“limited”**. Consequently, the proposal would comprise limited infilling and would not be inappropriate development.

- 3.13 The application site is located within a clear continuum of development spreading out along Birmingham Road. Notwithstanding the location of the site outside of any formal settlement boundary, there is nothing to obviously separate the sites from the rest of the settlement. It is respectfully submitted that the application sites form part of the village of Shenstone Wood End.
- 3.14 The application site is accessible by non-car modes. The walking catchment area of the site includes Shenstone Wood End and also covers the northern parts of the residential areas of Sutton Coldfield. There are existing footpaths on either side of Birmingham Road in the vicinity of the application site. The footpaths provide a direct link to Blake Street railway station on the Birmingham Cross-City railway line; a 5–10-minute walk. Blake Street is served by over 120 trains per week between 0600 hours and 2359 hours.
- 3.15 Within 5km of the site, a convenient cycling distance, it is possible to reach locations throughout Sutton Coldfield, Shenstone, and Lichfield. Birmingham Road is a public transport route with bus services connecting Sutton Coldfield and Lichfield.
- 3.16 The residential development would thus be served by a reasonable range of services accessible to the site by walking, cycling and bus. Consequently, the application site is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 3.17 Furthermore, the Planning Inspector concluded in appeal decision APP/K3415/3261119 (Appendix 1) that the proposals accord with local and national Green Belt policies and the location is suitable for residential development.

Issue 2: Openness

3.18 The proposed development is not inappropriate development under paragraph 154(e) of the Framework. It is not a requirement of paragraph 154(e) that limited infilling in villages is required to preserve the openness of Green Belt as proposals as is the case under paragraph 154.

Issue 3: Character and Appearance

Scale

3.19 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of its scale.

3.20 Policy H1 of the Local Plan Strategy encourages smaller (2-3 bedroom) homes, the need for which is identified in the Strategic Housing Market Assessment.

3.21 Core Policy 3 advises that the Council require developments to contribute to the creation and maintenance of sustainable communities, and that to achieve this development should be of a scale and nature appropriate to its locality.

3.22 The appeal decision (ref: APP/K3415/3261119) includes a condition restricting development on the site to single storey only. The submitted floorplans show a single storey, 3no bedroom dwelling, with an eave's height of some 3 metres with a maximum ridge height of some 8 metres. The proposed has been designed so that it does not appear incongruous within the streetscene and complements the heights of the adjacent properties. When considering the

topography and the height of adjacent properties, the proposed has been designed to provide a step between No.174 and No.176 Birmingham Road. This is demonstrated in the accompanying streetscene plan (drawing no. 6506.01).

3.23 It is considered that the development would only be at odds with the character and appearance of an area if it was fundamentally out of scale and incompatible with the surroundings, which in this instance is not the case. As such it is considered that the scale of the proposed dwelling is in accordance with Policy BE1, by delivering a design which respects the residential character of development in the surrounding area. As well as according with Core Policy 3 to deliver a sustainable development.

Layout

3.24 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout.

3.25 Residential development in the vicinity of the application site is of a linear form, with dwellings set in plots of varying widths and set back from the road by various distances. The proposed has been positioned on the site so that it follows the linear pattern form of development along Birmingham Road. Once again to provide a step between No.174 and No.176 Birmingham Road the proposed is positioned behind the front elevation of No.174 but in front of No.176 to provide consistency along the street.

3.26 Within the proposed new dwelling, habitable room windows are mainly positioned to look over the front and rear gardens. It is noted that there are proposed windows on the side boundary to No.176 which serve a utility and bathroom. It is not considered that these windows would result in loss of privacy to the neighbours given they face the flank wall of No.176. Facing the boundary with No.174, there is a proposed en-suite and bedroom window. With an appropriate boundary treatment, which can be secured by condition there would be no unacceptable overlooking of the private amenity space of the neighbouring dwelling, given that the windows are at ground floor level. Subsequently, the proposal would comply with the relevant separation distances as set out in the Sustainable Design SPD and as such the scheme would not cause any unacceptable impacts in terms of overbearing impact, loss of light or overlooking.

3.27 Local Plan Strategy Policy ST2 states that appropriate off-street parking should be provided by all developments. The Council's off-street parking standards are defined within Appendix D of the Sustainable Design Guide. The car parking standards for a three-bedroom dwelling require 2 no. parking spaces. The site layout plan shows 2 no. parking spaces to the front of the dwelling.

3.28 As such it is considered that the proposals layout is in accordance with Policy H1, BE1 and CP3 by delivering a design which respects the character of development in the surrounding area to deliver a sustainable development.

Appearance

- 3.29 The character of residential development in the vicinity of the application site comprises a mixture of houses of various ages and designs on plots of different sizes. There is variety in terms of the style, form, and design of buildings in the vicinity of the site. Given the mixture that exists in terms of the age, style, size, and siting of dwellings in the vicinity of the application site, there is not one predominant architectural style or pattern of development that is to be followed.
- 3.30 As a matter of planning principle, it is not considered necessary to replicate the existing pattern and form of development in order for new development to be considered to be in character. Variety in terms of the design, layout and type of housing adds to and thus reinforces the character and appearance of an area. Development would only be at odds with the character and appearance of an area if it were fundamentally out of scale and incompatible with its surroundings.
- 3.31 Core Policy 3 requires developments to contribute to sustainable development by protecting and enhancing the character and distinctiveness of Lichfield District and its settlement.
- 3.32 The proposed dwelling although of 21st Century construction, incorporates traditional design features typical of those found on dwellings in the locality.
- 3.33 Materials will be introduced sympathetically to respect the character of the dwellings in the surrounding streetscene. The materials proposed as to match that as shown on drawing no. 21047/P/101. The exterior walls are to comprise

of roughcast render, to match the colour of the dwelling at No.176 Birmingham Road; including detailed sprayed render projection onto tile creasing and header course with approved facing brickwork below to match No.176 Birmingham Road. All windows and doors are to be white UPVC, and powder coated aluminium to the rear. Facias and bargeboards will match that used on No.176 Birmingham Road. Rainwater goods will be UPVC black, half round cast iron look alike.

3.34 The site is not located in a Conservation Area, nor is it located in an area of special character where planning policies seek to provide an extra tier of planning control. There are no buildings that are Listed as being of Special Architectural or Historic Interest within the vicinity of the application site.

3.35 As such it is considered that the design of the development is consistent with, and complementary to, the overall characteristics of the residential dwellings in the immediate area.

3.36 It is contended that the development proposed within this application complies with both the local and national plan and in particular the design policies set out in BE1.

Landscape

3.37 The proposal provides the opportunity to increase the biodiversity value of the site by planting new borders around the perimeter of the back garden and planted with bushes and plants, examples such as Choisya, Cronus, Fatsia, Lonicera, Heuchera, Aquilegia, Gem, Hellebores, Phomiums and Carex as annotated on drawing no: 15-027-22-03b.

3.38 As such the landscape proposals are in accordance with Policy BE1 and the SPDs to achieve the delivery of a high-quality development.

3.39 Overall, it is considered that the proposed design is of high quality and as such will integrate into the context and surroundings and will not represent an over development of the site. A street scene plan has been provided to show how the proposal will fit within the locality and it is considered that there would be no detriment to the character and appearance of the area.

Issue 4: The effect of the proposal on the local ecology

3.40 Policy NR3 states that development proposals which have a direct or indirect adverse effect on priority or protected species will not be supported.

3.41 As the scheme proposes to demolish the existing garage and single storey extension to 176 Birmingham Road to allow for the new dwelling, a Bat and Bird Survey has been undertaken by Christopher Smith on 31 January 2024.

3.42 The Bat and Bird Survey found the following:

- **There is no evidence of bats using the garage or single storey dwelling extension as a place of shelter.**
- **There are no roosting opportunities for bar in the garage or the single storey dwelling extension.**
- **There is no evidence of bats using the garage of the single storey dwelling extension for nesting. There is nesting opportunity in the open store to the side of the garage.**

3.43 The Bat and Bird Survey recommends the following:

- **A new roosting opportunity for crevice dwelling bats should be created by installing an integrated bat box into one elevation of the new dwelling.**
- **New nesting opportunities for birds can be created by installing two concrete bird boxes into the new dwelling.**
- **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.**

3.44 It is considered that the development is acceptable with regards to ecology and complies with the Development Plan and NPPF in this regard.

Issue 5: Very Special Circumstances

3.45 In the circumstance of the proposed development, it is not inappropriate under paragraph 145(e) of the Framework, there is no need to undertake the exercise of very special circumstances.

4.0 CONCLUSIONS

- 4.1 It is submitted that the application to erect a dwellinghouse to the north of 176 Birmingham Road, Shenstone Wood End comprises the infilling of a small gap within an existing built-up frontage within the village of Shenstone Wood End. Consequently, the proposed development is entirely consistent with paragraph 154(e) of the Framework. As a consequence, the proposed development is therefore consistent with Local Plan Policy NR2. In these circumstances planning permission should be granted.
- 4.2 Furthermore, permission has previously been granted on the site for a new dwelling which was approved by the Planning Inspector under application Ref: APP/K3415/3261119. Thereafter, an application for reserved matters (Ref: 22/00484/REM) was approved by the council in June 2022. This application is submitted with the same plans which were approved by the council in application (Ref: 22/00484/REM). No amendments have been made to the design, with regards to access, layout, landscaping, scale, and appearance.
- 4.3 It has been demonstrated that there is not one strict development pattern along this section of Birmingham Road. It has been demonstrated that the proposed design, scale, appearance, and landscaping would not appear out of character and would be entirely consistent and in keeping with the pattern of development along Birmingham Road.
- 4.4 The proposal has been positioned to have minimal impact on the amenity of adjacent neighbours and incorporates traditional materials which are

sympathetic to the appearance of the adjacent dwellings and the character of the surrounding area.

4.5 In the light of the above circumstances, planning permission should be granted.

LH/TD/6506

20 February 2024

5.0 APPENDICES

- Appendix 1 : Appeal Decision Letter dated March 2021
APP/K3415/3261119: Appeal A – North
- Appendix 2 : Delegated Report Planning Permission dated June
2022 22/00484/REM
- Appendix 3 : Application Approval 17/01311/FUL dated June 2018
- Appendix 4 : Julian Wood v SSCLG and Gravesham Borough
Council

LH/TD/6506

20 February 2024

Appeal Decision Letter dated 25 March 2021

APP/K3415/3261119: Appeal A – North

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Appeal Decisions

Site visit made on 12 January 2021

by **J Williamson BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Appeal A Ref: APP/K3415/3261115

Land North of 176 Birmingham Road, Shenstone Woodend, Lichfield WS14 0NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Kirby, Shenstone Property Limited, against the decision of Lichfield District Council.
 - The application Ref 20/00194/OUT, dated 07 February 2020, was refused by notice dated 28 May 2020.
 - The development proposed is described as: Erection of a single storey detached dwelling with associated works (outline: access) (re-submission: 19/00273/OUT).
-

Appeal B Ref: APP/K3415/3261119

Land South of 176 Birmingham Road, Shenstone Woodend, Lichfield WS14 0NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Kirby, Shenstone Property Limited, against the decision of Lichfield District Council.
 - The application Ref 20/00195/OUT, dated 07 February 2020, was refused by notice dated 28 May 2020.
 - The development proposed is described as: Erection of a single detached dwelling with associated works (Outline: access & layout) (Re-Submission 19/00274/OUT).
-

Decisions

Appeal A

1. The appeal is allowed, and outline planning permission is granted for erection of a single storey detached dwelling with associated works (outline: access), at Land North of 176 Birmingham Road, Shenstone Woodend, Lichfield WS14 0NX, subject to the attached Schedule of Conditions.

Appeal B

2. The appeal is allowed, and outline planning permission is granted for erection of a single detached dwelling with associated works (outline: access and layout), at Land South of 176 Birmingham Road, Shenstone Woodend, Lichfield WS14 0NX, subject to the attached Schedule of Conditions.

Procedural Matters

3. I note in the Council's documentation relating to Appeal B the description of the proposal refers to a single storey dwelling. However, the description of proposed development on the application form for this proposal is single dwelling. As I have no evidence before me that the parties agreed to a change of description, I have made my decision based on the description of proposed development given by the appellant on the planning application form.
4. I have removed the phrase in the description of each proposal that refers to it being a re-submission of a previous application, as the phrase does not describe development.
5. Both appeals seek outline planning permission. In the case of Appeal A, access is applied for; and in the case of Appeal B, access and layout are applied for. All other matters are reserved.
6. The parties agree that, with regard to local and national Green Belt policies, both proposals meet the exception of sub paragraph 145 (e) of the National Planning Policy Framework (the Framework), ie limited infilling within a village. I agree that the respective sites of both appeals read as part of the village of Shenstone Woodend, that each proposal represents infilling and that in both instances the infilling would be limited. Consequently, the proposals do not constitute inappropriate development in the Green Belt. As such, they accord with Policy NR2 of the Lichfield District Local Plan Strategy (2015), (LP), and national Green Belt policies outlined in the Framework.

Main Issues

7. Taking the above into account, the main issues in respect of both appeals are the same, ie whether the site locations are suitable for residential development having regard to relevant local and national planning policies and the site's proximity to services and facilities.

Reasons

Local and national policies

8. Core Policy 1(CP1) of the LP, seeks to direct growth to the most accessible and sustainable locations in accordance with the settlement hierarchy outlined in the LP. Shenstone Woodend is not identified as one of the locations to which future development will be directed.
9. Within the settlement hierarchy, Shenstone Woodend is a 'smaller village' located within an 'other rural settlement'. Policy CP1 states that 'smaller villages' will accommodate housing to meet local needs, mainly within identified village boundaries, unless supported as a rural exception site. No evidence has been submitted by the appellant to demonstrate that either of the proposed dwellings would meet a local need and the appeal sites are not designated as rural exception sites. However, the Council has accepted that the sites read as being within the village settlement.
10. Policy CP1 also proposes that the allocation of sites for new rural housing will be considered through the Local Plan Allocations Document (LPAD) or through a community led plan where it is in conformity with the LP. The appeal sites are not allocated sites in the LPAD; nor have the sites been allocated for housing in

a relevant community led plan, ie the Little Aston Neighbourhood Plan, (2016), (NP). However, the NP, which was adopted following the adoption of the LP and therefore has been deemed to be in conformity with it, includes a policy that allows for residential infill development, Policy HSG1, and both proposals accord with this policy. Moreover, the NP confirms (paragraph 6.3) that given much of the NP area lies within the Green Belt, new housing in the NP area will predominantly come through infill development.

11. Policy CP1 states that limited infill development will be allowed in 'Green Belt villages', with appropriate infill boundaries to be determined through consultation in preparing the LPAD. Shenstone Woodend is a village within the Green Belt. For various reasons, infill boundaries in the Green Belt were not identified as part of the LPAD. Consequently, it is not possible for any proposal to satisfy this aspect of the policy. However, as noted above, the Council considers the proposals accord with sub paragraph 145 (e) of the Framework, and therefore accepts that they constitute infill development, all-be-it within the context of Green Belt policies.
12. Core Policy 6 (CP6) of the LP identifies that the delivery of housing development across the district will focus on key urban and rural settlements (reiterating the strategy of Policy CP1). Shenstone Woodend is not identified as one of the locations to which future housing development will be directed. The policy also allows for certain types of residential development in the remaining rural areas, which includes Shenstone Woodend, two of which are:
 - infill development within defined village settlement boundaries (set out in the LPAD), and
 - small scale development supported by local communities, identified through the LPAD or community led plans.
13. As noted, infill development boundaries in the Green Belt do not feature in the LPDA. Consequently, it is not possible for any proposal to satisfy this aspect of the policy.
14. Policy Rural 1 (PR1) states that 'smaller villages' will only deliver housing to accommodate local needs. Around 5% of the District's housing will be met within the village boundaries of these 'smaller villages', through the conversion of existing buildings and to meet identified local needs on rural exception sites. The proposals do not relate to conversion of existing buildings; and, as noted, neither site is identified as a rural exception site and no evidence has been submitted by the appellant to demonstrate either proposal meets an identified local need.
15. Policy Rural 2 (PR2) states that support will be given to rural settlements wishing to provide small scale development to meet local needs, where the need for this can be clearly and robustly evidenced by the local community and where this need accords with policies in the LP. Again, no evidence has been provided to demonstrate that the proposal meets a local need. However, the process of producing the NP will have taken account of the housing needs of the NP area and, in accordance with the LP, included policies to meet such need. Infill and backland development, in accordance with Policy HSG1 of the NP, is the primary means by which the local community has sought to provide residential development in the area, regardless of whether or not a site is located within a designated settlement boundary or the Green Belt.

16. The Framework outlines the importance of neighbourhood plans in shaping, directing, and delivering sustainable development; such plans must be in general conformity with strategic policies in the LP and not undermine them. I consider that Policy HSG1 of the NP is in general conformity with the strategic policies CP1, CP6, PR1 and PR2 of the LP and does not undermine them.
17. Paragraph 78 of the Framework advises that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Villages should be provided with opportunities to grow and thrive, especially where this will support local services. Additionally, it is acknowledged that development in one small settlement may support services in a nearby village. Although there are limited services and facilities within Shenstone Woodend and Little Aston, future occupiers of each of the proposed dwellings would make a small contribution to maintaining the services and facilities there are. Additionally, as future occupiers of the proposed dwellings are likely to make use of the services and facilities within the surrounding, neighbouring rural settlements, such facilities and services will also be supported.
18. Paragraph 59 of the Framework confirms the Government's objective to boost the supply of homes, and Paragraph 68 notes that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, advising that development of windfall sites should be supported. The 2 sites are both small windfall sites and each would make a small contribution to boosting the supply of homes.

Proximity to services and facilities

19. The Council confirmed in its statement that the basis of the refusals relates to the proximity of the sites to services and facilities. The Council also referenced an appeal related to a site not far from the sites of concern here, Ref APP/K3415/W/18/3217357, in which the Inspector concluded that, with regard to access to services and facilities, the site for the dwelling that was proposed would be a suitable location. In reaching this conclusion the Inspector concluded that the proposal would not be contrary to policies CP1, CP3 and CP6 or Strategic Priority 1 of the LP.
20. Paragraph 103 of the Framework identifies that opportunities to maximise sustainable transport solutions will vary between urban and rural areas; the Framework advises that this should be taken into consideration in decision-making. Paragraph 108 of the Framework advises that new development ensures that appropriate opportunities to promote sustainable transport modes can be taken up, bearing in mind the type of development and its location.
21. I acknowledge that there are a very few facilities and services within the village of Shenton Woodend to meet the day-to-day needs of future occupiers of each of the proposed dwellings. However, there is a train station around a 10 min walk from the sites, which is on the Cross-City Line, providing trains to Shenstone and Lichfield to the north and Sutton Coldfield, and on to Birmingham, to the south. There are also bus stops within 100m of the sites from where a bus can also be taken to Shenstone, Lichfield and Sutton Coldfield. Within less than 2 miles of the sites in both directions a full range of shops, services and facilities and employment opportunities could be accessed to meet the day-to-day needs of future occupiers of the proposed dwellings.

22. I accept that it is likely future occupiers of the proposed dwellings would have private motor cars. However, public transport options would be readily accessible within walking distance, via suitable footpaths, and shops less than around 2 miles away would be accessible by bicycle from the sites.
23. Accepting that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and given the locations of the 2 sites and the type of developments proposed, I consider that appropriate opportunities to promote sustainable transport modes can be taken up. As such, I conclude that, with regard to access to services and facilities, the locations of the sites for both proposals would be suitable for residential development.

Summary and interim conclusion

24. I acknowledge that no specific evidence has been submitted by the appellant with either proposal to demonstrate that there is a local need for the proposals. As such, the proposals do not accord with policies CP1, PR1 or PR2 of the LP with regard to this aspect. However, it seems to me that the proposals do accord with elements of relevant development plan policies, do not threaten the aims and objectives of key policies, and would assist in delivering the goals of key policies. As such, to a degree, relevant development plan policies pull in different directions. Additionally, the proposals are supported by various policies in the Framework.
25. Thus, it is accepted that the proposals accord with local and national Green Belt policies. As infill boundaries were not identified in the LPAD the proposals cannot satisfy this aspect of LP policies. However, the Council accepts that the proposals represent infill development within the context of Green Belt policies. The proposals also accord with NP policy HSG1; furthermore, the NP identified that additional housing in the area will predominantly come through infill development. LP Policy PR1 states that 5% of the District's housing requirement will be met in smaller villages. Hence, the NP and LP both acknowledge that there are local needs. Policy PR2 identifies that smaller rural communities need to be able to adapt to accommodate local needs and become more locally sustainable, without compromising the character of the area. The Council accept that the proposals can be accommodated within their sites without compromising the character of the area. I have concluded that the locations of each site would be suitable in respect of access to services and facilities. As such, I consider that the strategic aim of LP Policy CP1 to direct growth to the most accessible and sustainable locations would not be undermined.
26. Bearing all the above factors in mind, I conclude that the site locations of both proposals are suitable for residential development, having regard to relevant local and national planning policies and the site's proximity to services and facilities. I consider that the proposals accord with the development plan as a whole. Additionally, the proposals are supported by various policies in the Framework, in particular paragraphs 59, 68, 78, 103, 108 and 145 (e).
27. I note the appeals the Council has drawn to my attention. However, although I do not have the full details, neither seem to be directly comparable to the cases before me. Nevertheless, I have had due regard to any general points raised in these appeals that are of relevance to the appeals at hand. Notwithstanding this, each appeal must be determined on its own merits.

Other Matters

28. In addition to the matters dealt with above, concerns have been raised in respect of character and appearance, living conditions of occupiers of existing properties, protection of wildlife, loss of boundary treatment, loss of front hedge, flood risk and highway safety.
29. Scale and appearance are details that will be addressed as part of reserved matters applications; like the Council, I am satisfied that dwellings of a scale and appearance in keeping with the character and appearance of the area can be achieved within the sites. I am also satisfied that the proposed developments can be realised whilst retaining the living conditions of occupiers of existing neighbouring properties. To assist with this, a condition has been attached related to boundary treatments. Conditions are also attached, in line with the submitted Bat and Bird Surveys, to protect and enhance wildlife. Details of landscaping will be required as part of reserved matters applications to ensure adequate landscaping of the sites and mitigate against any loss of trees, hedges, or shrubs. Details of drainage systems are also secured by conditions to, among other things, manage flood risk. The details submitted demonstrate that access to the sites and parking and turning areas can be provided within the sites. I, like the Council and the Local Highway Authority, am satisfied that the proposals do not raise any highway safety issues.

Conditions

30. Suggested conditions have been considered in light of advice contained in the Planning Practice Guidance and the tests within the Framework. I have amended or amalgamated those suggested for clarity, precision or to avoid duplication, taking account of the guidance and policy referred to.
31. I have attached conditions related to the timescale for reserved matters applications and commencement of development to ensure development is carried out in a timely manner. A condition requiring approved boundary details to be retained has been attached to protect the living conditions of occupiers of neighbouring properties. A landscaping condition is attached to protect the character and appearance of the area. The approved plans are specified in a condition for the avoidance of doubt. In the case of Appeal A, a condition restricting the approved development to being single-storey is attached, reflecting the description of proposed development, and a maximum of 3 bedrooms is specified to assist in providing a suitable housing mix. I have not attached such a condition to Appeal B as the proposal was not for a single storey unit. To protect the appearance of the area and the living conditions of occupiers of neighbouring properties, I have attached a condition requiring details of finished floor levels. A condition related to drainage systems is attached in the interest of public health and to minimise flood risk. A condition requiring suitable cycle parking is attached to promote the use of more sustainable modes of transport. A condition related to access, parking and turning areas is attached in the interest of highway safety. Conditions are attached to ensure wildlife is protected and enhanced. A condition restricting the hours of construction and deliveries to the site is attached to protect the living conditions of occupiers of neighbouring properties.

Conclusions

Appeal A

32. For the reasons outlined above, I conclude that the appeal is allowed.

Appeal B

33. For the reasons outlined above, I conclude that the appeal is allowed.

J Williamson

INSPECTOR

Schedule of Conditions – Appeal A

- 1) An application for the approval of the 'reserved matters' shall be made within one year from the date of this permission and the development shall be begun either before the expiration of two years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) No development shall commence until plans and particulars of the 'reserved matters' referred to in condition 1 relating to the appearance of the dwelling, including materials for external finishes, landscaping of the site (hard and soft) and boundary treatments, layout of the site and scale of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3) The boundary treatments approved under condition 2 shall be provided prior to the approved dwelling being first occupied and retained thereafter for the lifetime of the development.
- 4) The landscaping scheme submitted in pursuance of condition 2 shall include a timescale for implementation. Any tree, hedge or shrub planted, or retained, as part of the approved landscape and planting scheme which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next planting season with others of a similar size and species.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 5550.88, 4854/01 B, 4854.98, 19449.01.A, 19449.03, 19449.03.2, 19449.03.3, 19449.03.4, 15-027-18-05c.
- 6) The dwelling hereby approved shall be single-storey only and shall have no more than 3 bedrooms.
- 7) No development shall commence until details of the existing and proposed ground levels of the site, and proposed finished floor levels, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 8) No development shall commence until details of surface and foul water drainage systems for the development have been submitted to and approved in writing by the Local Planning Authority. The approved drainage systems shall be provided before the approved dwelling is first occupied and retained and maintained for the lifetime of the development.
- 9) Before the dwelling hereby approved is first occupied, details of a covered, secure cycle store shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be provided prior to the approved dwelling being first occupied and retained thereafter for the lifetime of the development.
- 10) Before the dwelling hereby approved is first occupied, the access, parking and turning areas shall be provided in accordance with the approved plans. Additionally, prior to the dwelling hereby approved being first occupied, the

existing accesses within the limits of the public highway shall be reconstructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The access, parking and turning areas shall thereafter be retained for the lifetime of the development without impediment to their designated uses.

- 11) The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working detailed within the submitted 'Bat and Bird Surveys', produced by S Christopher Smith, dated 13th January 2020. In addition, prior to any part of the garage being demolished, a check should be undertaken to ensure there are no birds nesting in/on any part of the garage. Should any nests be found, advice should be sought from an appropriately qualified person, to include recommendations of how to proceed with demolition. Demolition shall be completed in accordance with the recommendations provided.
- 12) Before the development hereby approved is first occupied, the mitigation measures detailed within the submitted 'Bat and Bird Surveys', produced by S. Christopher Smith, dated 13th January 2020, shall be fully implemented. The mitigation measures shall thereafter be retained for the lifetime of the development.
- 13) During the period of demolition and construction, no works, or deliveries to the site, shall take place outside the hours of 07:30–19:00 Monday to Friday, 08:00–13.00 on Saturdays. No work, or deliveries to the site, shall take place on Sundays, Bank and Public holidays (other than in an emergency).

<<<<End of Schedule>>>>

Schedule of Conditions – Appeal B

- 1) An application for the approval of the 'reserved matters' shall be made within one year from the date of this permission and the development shall be begun either before the expiration of two years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) No development shall commence until plans and particulars of the 'reserved matters' referred to in condition 1 relating to the appearance of the dwelling, including materials for external finishes, landscaping of the site (hard and soft) and boundary treatments, layout of the site and scale of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3) The boundary treatments approved under condition 2 shall be provided prior to the approved dwelling being first occupied and retained thereafter for the lifetime of the development.
- 4) The landscaping scheme submitted in pursuance of condition 2 shall include a timescale for implementation. Any tree, hedge or shrub planted, or retained, as part of the approved landscape and planting scheme which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next planting season with others of a similar size and species.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 5550.88, 4854.99, 4854 02 B, 19449.01 A, 19449.03, 19449.03.2, 19449.03.3, 19449.03.4, 15.027.18.05c.
- 6) No development shall commence until details of the existing and proposed ground levels of the site, and proposed finished floor levels, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 7) No development shall commence until details of surface and foul water drainage systems for the development have been submitted to and approved in writing by the Local Planning Authority. The approved drainage systems shall be provided before the approved dwelling is first occupied and retained and maintained for the lifetime of the development.
- 8) Before the dwelling hereby approved is first occupied, details of a covered, secure cycle store shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be provided prior to the approved dwelling being first occupied and retained thereafter for the lifetime of the development.
- 9) Before the dwelling hereby approved is first occupied, the access, parking and turning areas shall be provided in accordance with the approved plans. Additionally, prior to the dwelling hereby approved being first occupied, the existing accesses within the limits of the public highway shall be reconstructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The access, parking and turning

areas shall thereafter be retained for the lifetime of the development without impediment to their designated uses.

- 10) The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working detailed within the submitted 'Bat and Bird Surveys', produced by S Christopher Smith, dated 13th January 2020. In addition, prior to any part of the garage being demolished, a check should be undertaken to ensure there are no birds nesting in/on any part of the garage. Should any nests be found, advice should be sought from an appropriately qualified person, to include recommendations of how to proceed with demolition. Demolition shall be completed in accordance with the recommendations provided.
- 11) Before the development hereby approved is first occupied, the mitigation measures detailed within the submitted 'Bat and Bird Surveys', produced by S Christopher Smith, dated 13th January 2020, shall be fully implemented. The mitigation measures shall thereafter be retained for the lifetime of the development.
- 12) During the period of demolition and construction, no works, or deliveries to the site, shall take place outside the hours of 07:30–19:00 Monday to Friday, 08:00–13.00 on Saturdays. No work, or deliveries to the site, shall take place on Sundays, Bank and Public holidays (other than in an emergency).

<<<<End of Schedule>>>>

Delegated Report Planning Permission 22/00484/REM

dated June 2022

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Application No: 22/00483/REM

Description of Development: Reserved Matters application for the appearance, landscaping, layout and scale for the erection of 1no dwelling (relating to application 20/00195/OUT)

Site Address: Land Adjacent To, 176 Birmingham Road, Shenstone Woodend, Lichfield

Pre – commencement condition agreement	Agreed extension of time until:
N/A	15 June 2022

Application Expiry: 15 June 2022

RECOMMENDATION: Approve with conditions

CONDITIONS:

1. This approval of reserved matters is granted in respect of outline planning permission 20/00195/OUT Appeal Decision APP/K3415/3261119; and the approved development hereby approved shall comply in all respects with the terms of that outline permission and the conditions imposed on it.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. Before the development hereby approved is commenced above slab level, details of the following shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details, and retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.
 - All external facing materials
 - The exterior roof materials
 - Full details of rainwater goods, their materials and designs
4. All planting, seeding or turfing shown on the approved plans/ approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
5. The boundary treatments and other means of enclosure shown on plan references 15-027-22-03 and 15-027-22-03a shall be erected before the development is first occupied and shall thereafter be retained as such for the life of the development, unless otherwise agreed in writing with the Local Planning Authority.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) no development contained in Classes A,B,C,D,E,F,G,H, of Schedule 2 (Part 1) of the Order shall be carried out without the prior written permission, on application, to the Local Planning Authority.
7. The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working, which are detailed within page 16 to 22 of the Bat and Bird Survey dated 13th January, 2020 of outline application 20/00195/OUT.

REASONS FOR CONDITIONS:

- 1 In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP1, CP2, CP3, CP6, CP13, BE1, ST2, NR2, NR3 and H1 of the Local Plan Strategy, the Little Aston Neighbourhood Plan, the Sustainable Design SPD, the Biodiversity and Development SPD, the Rural Development SPD, the Trees, Landscaping and Development SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.
- 3 To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
- 4 To ensure the satisfactory appearance of the development and to ensure the landscaping scheme is implemented in a timely manner, in accordance with Policies CP3, NR3 and NR4 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees Landscaping and Development SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.
- 5 To ensure the satisfactory appearance of the development and to protect residential amenities in accordance with the requirements of Policies CP3 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking or re-enacting the Order with or without modification), no gates, fences, walls or other means of enclosure shall be erected without the prior written permission, on application, to the Local Planning Authority.
- 7 In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and Little Aston Neighbourhood Plan (2016).
2. If applicable, the applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to

commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.

4. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
5. The applicant is reminded that there are a number of conditions attached to the outline planning permission which require details to be provided and approved prior to works taking place on site.

APPROVED PLANS

Location Plan	4854.99	Version: A
Landscaping	14-027-22-03	Version: A
Site / Location Plan	15-027-22-01	
Proposed Elevations / Plans	5847.02	Version: A
Proposed Elevations / Plans	5847.03	Version: A
Planning Statement 5847A RM		

PREVIOUSLY APPROVED PLANS

Bat and Bird Survey dated 13th January, 2020 of outline application 20/00195/OUT

DATE OF SITE VISIT: 29th April 2022

CONSTRAINTS

Green Belt:	Yes	Flood Zone:	1
Conservation Area:	No	Art 4:	No
Listed Building:	No	TPO:	No
SAC Zone	No	Neighbourhood Plan area	Neighbourhood Area Plan - Little Aston
Newt Impact Risk Zone	No		

RELEVANT PLANNING HISTORY:

/ yes no

Ref no	Proposal	Decision	Date
07/00877/COU	Change of use of former Mission Hall and Builder's yard to Class B1 - Business Use	Approve	28/01/2008
11/00959/COU	Change of use of former Mission Hall and Builders yard to Class B1 (Business use)	Approve	18/10/2011
13/01071/COU	Change of use of former Mission Hall and Builders Yard to form 2 no. dwellings	Approve	10/04/2014
16/00021/FUL	Retention of 3-bedroom dwelling and associated facilities	Approve	28/04/2016
13/01071/DISCH	Discharge of conditions for application 13/01071/COU		28/04/2017

17/01311/FUL	Demolition of builders' yard and erection of 1no detached dwellinghouse and associated works	Approve	19/06/2018
17/01311/DISCH	Discharge of condition 5 of application 17/01311/FUL	Approve	10/09/2018
19/00273/OUT	Outline application for the erection of 1no detached three-to-four-bedroom dwelling (access & layout)	Refuse	24/04/2019
19/00274/OUT	Outline application for the erection of 1no detached three-to-four-bedroom dwelling (access & layout)	Refuse	23/04/2019
20/00194/OUT	Erection of 1no single storey detached dwelling with associated works (Outline relating to access)	Refuse	28/05/2020
20/00195/OUT	Erection of 1no single storey detached dwelling with associated works (Outline relating to access and layout)	Refuse	28/05/2020
17/01311/DISCH1	Discharge of condition 3 (external materials), 4 (construction vehicle management plan), 6 (tree protection), 7 (boundary walls), 8(contamination) of application 17/01311/FUL.	Approve	21/05/2021
L8616	Parents Flat	Approve	21/12/1981
L7571	Two dwelling houses		12/01/1981
L621	Use of the land as builders' yard	Approve	11/02/1975
L4760	Use of that part of the premises previously used as a Builders Yard and Joinery Workshop for the storage of packaging materials for agricultural purposes and packaging for retail food supply		19/02/1979
L1334	Use of that part of the premises previously as a builder's yard and joinery workshop for the storage of packaging materials for agricultural purposes and for retail food supplies		06/08/1975
L10527	Erection of bungalow		19/03/1984

APPEALS

Ref no	Proposal	Decision	Date
20/00026/REF	Erection of 1no single storey detached dwelling with associated works (Outline relating to access)	Allow	25/03/2021
20/00027/REF	Erection of 1no detached dwelling with associated works (Outline relating to access and layout)	Allow	25/03/2021
L1334	Development Appeal	Dismissed	08/03/1978

LIST OF RELEVANT DEVELOPMENT PLAN POLICY:

Local Plan Strategy	Local Plan Allocations	Little Aston Neighbourhood Plan	Supplementary Planning Documents	Government Guidance
BE1, CP1, CP2, CP3, CP6, CP13, ST2, H1, NR2, NR3,	N/A	HSG1	Sustainable Design SPD Rural Development SPD Biodiversity and Development SPD Trees Landscaping and Development SPD	NPPF NPPG

EMERGING POLICY

Lichfield District Local Plan 2040

REPRESENTATIONS

Site Notice Expires:	N/A	Press Notice Expires:	N/A
Council owned land:	No	Parish Objections:	No objections
Member Personal Interest:	No	Member Personal interest reason:	None
CLlr Call in expiry:	14 May 2022		
CLlr Call In?	No	N/A	

CONSULTATIONS:

Shenstone Parish Council – No response received.

Severn Trent Water - Planning Only – No objections, notes that there are no drainage proposals available - (4th May 2022)

Staffordshire County Council (Highways) – No objections - (22nd April 2022)

Staffordshire County Council (Planning) – No response received.

LDC Spatial Policy and Delivery Team – No objections - (19th April 2022)

LDC Ecology Team - The ecology team advises that all comments in respect of application number 20/00195/OUT be fully implemented (i.e., The applicant must adhere to all recommendations and methods of working detailed within pages 16 to 22 of the Bat and Bird Survey) - (6th May 2022)

LDC Environmental Health Team - No comments - (4th May 2022)

LDC Tree Officer– Final- Amended planning statement submitted removing tree planting – (9th June 2022)

Initial- The planning statement accompany the application states: 3.19 The proposal provides the opportunity to increase the biodiversity value of the site by improving the grassland with additional planting and seeding and tree planting. As such the landscape proposals are in accordance with Policy BE1 and the SPDs to achieve the delivery of a high-quality development. However, the landscaping plan shows no tree planting within the plot. If tree planting is proposed per the planning statement, then an amendment will be required to the landscaping detail - (29th April 2022)

LETTERS OF REPRESENTATION RECEIVED: yes / no No. received: 2

Neighbour Notification expiry date: **5 May 2022**

The comments made are summarised as follows:

- To add 2 houses for construction will affect my daily life, the lives of my young children and I have recently repainted the exterior of my house.
- I moved to this property 2 years ago and did not want to look at 4 properties being built from scratch.
- If this is approved, I do not see why I should pay rates.

The second comment on this application is concerned with the single storey dwelling which relates to application number 22/00484/REM. This application is currently under consideration.

Site and Location

The application relates to a detached dwelling sited west of Birmingham Road in Shenstone Woodend. The dwelling has a large residential curtilage with outbuildings to the north. The site is bound by residential properties, to the west is a former builder's yard which has been granted permission for residential development. Further to the west and south are open fields. The site is located within the West Midlands Green Belt and outside a designated settlement boundary. The site is subject to an area Tree Preservation Order (2007/19299/TPO).

Background

The outline application 20/00195/OUT was refused and appealed ref: App/K3415/3261119 which was subsequently allowed on 25th March 2021.

Proposals

This application seeks permission for: Reserved Matters application for the appearance, landscaping, layout and scale for the erection of 1no dwelling (relating to application 20/00195/OUT).

The proposed dwelling would have a protruding two storey gable to the front with a dormer window within a deep pitch roof. There is a stacked chimney which adds architectural merit. There is floor to ceiling windows to the rear of the property at ground floor level.

The ground floor comprises an integral garage, dining room, utility, WC, kitchen and lounge.

The first floor comprises 3 no bedrooms, 2 no ensuite, 1 no dressing room and 1 no bathroom.

The second floor comprises a studio and ensuite.

A proposed street scene and landscaping details have been provided.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area

3. Residential Amenity
4. Access and Highway Safety
5. Ecology
6. Other Matters
7. Human Rights

1. Policy & Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Little Aston Neighbourhood Plan was also made 19th April, 2016 and as such, also carries full material weight. It is noted that there are no policies in the Neighbourhood Plan which are relevant to the assessment of this application.

1.2 The emerging Local Plan (2040) is currently subject to Regulation 19 pre-submission public consultation, completing this stage on August 30, 2021 with submission to the Secretary of State expected in autumn 2021. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.

1.3 Policy H1: A Balanced Housing Market. To deliver a balanced housing market, new residential developments will include an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. There is currently an imbalance of dwelling types within the District. To redress this, the District Council will actively promote the delivery of smaller properties including two bed apartments and two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities.

1.4 The proposed development contributes to the provision of 3-bedroom properties within the district as such the scheme meets the requirements of Policy H1.

1.5 The principle of the proposed development for one dwelling house was established through the outline consent which was allowed on appeal. Notwithstanding this, the material impacts and the relevant reserved matters, in this case appearance, landscaping and scale fall to be assessed.

2. Design and Impact upon the Character and Appearance of the Surrounding Area

2.1 It is considered that the design is of high quality and as such will integrate into the context and surroundings and will not represent an over development of the site. A street scene plan has been provided to show how the proposal will fit within the locality and it is considered that there would be no detriment to the character and appearance of the area.

3. Residential Amenity

3.1 Whilst it is noted there are neighbouring properties nearby and a neighbour has commented on the introduction of a new dwelling on the site, the outline permission gives consent for the development of a new dwelling. Within the proposed new dwelling, habitable room windows are positioned to look over the front and rear gardens. The proposal would comply with the relevant separation distances as set out in the Sustainable Design SPD and as such the scheme would not cause any unacceptable impacts in terms of overbearing impact, loss of light or overlooking. Permitted development rights are

recommended to be removed by condition to ensure no further extensions/ alterations are carried out without prior consent. A condition is also attached to the outline consent (Condition 6) requiring details of levels which will ensure that appropriate levels are achieved in the construction of the dwelling. In residential amenity terms, the scheme is acceptable.

4. Access and Highway Safety

4.1 Policy ST2: Parking Provision outlines that appropriate provision will be made for off street parking in development proposals in accordance with its maximum parking standards set out in the sustainable design SPD.

4.2 There is sufficient parking to serve the new dwelling with a condition added to the outline consent that a cycle store should be provided. The County Highway Authority have raised no objections to the proposal, and it is noted that the proposed access was granted at outline stage, with a condition requiring the access, parking and turning areas to be provided prior to the first occupation of the new dwelling (condition 9). In access and highway safety terms the scheme is acceptable.

5. Ecology

5.1 Policy NR3 of the Local Plan Strategy requires that development is sensitive to protected and priority species and takes reasonable measures to ensure that no harm occurs as a result of the development. All development is required to deliver a net gain for biodiversity.

5.1 A condition has been added for adherence by the applicant to all recommendations and methods of working detailed within pages 16 to 22 of the Bat and Bird Survey dated 6th May 2022.

6. Other Matters

6.1 It is noted that there are a number of conditions attached to the outline planning consent which will require information to be submitted and discharged prior to any works taking place on site. An informative to the applicant is attached.

Condition 6- Details of levels

Condition 7- Details of Drainage

Condition 8- Details of Cycle Storage

Condition 9- Details of access reconstruction

7. Human Rights

7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals.

As addressed above, the proposed reserved Matters application for the appearance, landscaping and scale for the erection of 1no dwelling (relating to application 20/00195/OUT) is considered to be acceptable. The principle of development has been established within application 22/00195/OUT and as such the development is considered to comply with the Development Plan and NPPF and is recommended for approval.

Report prepared and recommendation made by: Karen Bentley

Application Approval 17/01311/FUL dated June 2018

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APPLICATION NO: 17/01311/FUL

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPROVAL OF PLANNING PERMISSION

APPLICANT:

Mr A Kirby
C/o CT Planning
Trafalgar House
20A Market Street
Lichfield
WS13 6LH

AGENT:

CT Planning
Three Spires House
Station Road
Lichfield
WS13 6HX

LOCATION OF DEVELOPMENT:

Builders' Yard, Rear Of, 176 Birmingham Road, Shenstone Woodend, Lichfield

DESCRIPTION OF DEVELOPMENT:

Demolition of builders' yard and erection of 1no detached dwelling house and associated works

Planning permission is hereby **GRANTED** for the above development in accordance with the application, plans and drawings listed below and subject to compliance with the following conditions:

CONDITIONS:

- 1 The development hereby approved shall be begun before the expiration of three years from the date of this permission.
- 2 The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

CONDITIONS to be complied with PRIOR to the commencement of development hereby approved:

- 3 Before the development hereby approved is commenced full details including samples of the external materials to be used in the construction of the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

4 Before the development hereby approved, including any demolition works is commenced, a Construction Vehicle Management Plan (CVMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall include:

- A site compound with associated temporary buildings,
- Arrangement for the parking of site operatives and visitors,
- Times of deliveries including loading and unloading of plant and materials,
- Storage of plant and materials used in constructing the development,
- Construction hours,
- Wheel wash facilities.

5 Before the development hereby approved is commenced, a revised access plan shall be submitted and approved in writing by the Local Planning Authority. This is to include a 1.8m extension to the existing vehicle cross off Birmingham Road. The access shall be completed in accordance with the revised plan prior to first occupation and thereafter be retained as such for the lifetime of the development.

6 Before the development hereby approved including any demolition and / or site clearance works is commenced or any equipment, machinery or materials is brought onto site, the protective fencing and driveway construction, as identified in the Covering Letter and the Method Statement dated 1st May 2018 and Tree Protection Plan dated April 2018, to safeguard existing trees and/or hedgerows on the site shall be provided in accordance with the British Standard 5837: 2012 and retained for the duration of construction (including any demolition and / or site clearance works). The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed.

7 Before the development hereby approved is commenced, details of the height, type and position of all site and plot boundary walls, retaining walls, fences and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details before the dwellings hereby approved are first occupied.

8 Before the development hereby approved is commenced, the application site shall be subjected to a detailed scheme for the investigation and recording of any contamination of the site and a report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be carried out in full prior to first occupation of the development.

All other CONDITIONS to be complied with:

9 Pursuant to condition 8, prior to the first occupation of any part of the development, and within 1 month of the approved contamination and remediation scheme being completed, a contaminated land validation report to ensure that all contaminated land issues on the site have been adequately addressed, shall be submitted to and approved in writing by the Local Planning Authority.

10 Notwithstanding the details shown on the approved plans, before the development hereby approved is first occupied full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full details of replacement tree planting to compensate (in part) for the loss of tree cover, the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, boundary treatments, external lighting, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works. The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within 18 months of first occupation of the development hereby permitted, whichever is the later.

11 The development hereby approved shall be undertaken in accordance with all recommendations and methods of working detailed within the Bat and Bird Survey prepared by S. Christopher Smith (dated 2nd June 2017).

12 Any trees or shrubs planted or retained in accordance with condition 10 which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its consent in writing to any variation.

13 The development hereby approved shall not be occupied until the parking and turning areas have been constructed in accordance with the approved plan 8260/1D. The parking and turning areas shall thereafter be retained for the life of the development.

14 Notwithstanding the provisions of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking or re-enacting that Order with or without modification) no development contained within Classes A, B, D and E of Part 1, or Class A to Part 2 of the Order, shall be carried out without the prior permission, on application, to the Local Planning Authority.

REASONS FOR CONDITIONS:

1 In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

2 For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.

3 To ensure the satisfactory appearance of development in accordance with the Rural Development Supplementary Planning Document, Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

4 In the interests of highway safety in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

5 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.

6 To safeguard protected trees on the site and to ensure that adequate provision is made for their protection whilst the development is carried out in accordance with the Trees, Landscaping and Development Supplementary Planning Document, Core Policy 13 and Policies BE1 and NR4 of the Local Plan Strategy and the National Planning Policy Framework.

7 To ensure that the external appearance of the development is physically well related to existing buildings and its surroundings, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy.

8 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 the requirements of the National Planning Policy Framework.

9 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 the requirements of the National Planning Policy Framework.

10 To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, and to safeguard protected trees in accordance with the requirements of the Trees, Landscaping and Development Supplementary Planning Document, the Biodiversity and Development Supplementary Planning Document, Core Policies 3 and 13 and Policies NR3, NR4 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.

11 In order to safeguard the ecological intent of the site in accordance with Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

12 To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, and to safeguard protected trees in accordance with the requirements of the Trees, Landscaping and Development Supplementary Planning Document, Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.

13 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

14 To ensure the satisfactory appearance of the development and to safeguard the openness of the Green Belt, in accordance with the requirements of Core Policy 3, Policy NR2 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1 The Development Plan comprises the Lichfield District Local Plan Strategy (2015), saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and the Little Aston Neighbourhood Plan.

2 The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

3 The dropped crossing to the site shall require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licenses>

5 Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging on the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.

6 The proposal is considered to comply with the provisions of paragraph 89 of the NPPF.

APPROVED PLANS

4809.99 - Location Plan
4809/01 - Survey workshop plan and elevations
4809/02 - Proposed replacement dwelling of existing building
15-027-17-01 - Property Detail and Level Survey
15-027-17-03 - Proposed Block Plan
8260/1D - Landscaping and Site Access Plan as proposed

Signed

A handwritten signature in black ink, appearing to read 'C. Billings', is written over a light grey rectangular background.

DATE OF DECISION: 19th June 2018

On behalf of Lichfield District Council

PLEASE SEE NOTES OVERLEAF

IMPORTANT ADVICE TO APPLICANTS

PLEASE READ

1. If the applicant is aggrieved by the decision or is aggrieved by any specific conditions attached to this permission by the Local Planning Authority, they may appeal to the Secretary of State within six months of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
2. This permission does not imply any approval under the Building Regulations, for which a separate application may be required, or any other formal consents required by other statutory bodies, for example drainage, highway permits etc. It is the applicant's responsibility to ensure that all of the relevant permissions in relation to this development are in place.
3. The applicant is reminded of the need to comply with the requirements of the Party Wall etc. Act 1996 where relevant.
4. Conditions may be attached to this permission, which require the applicant to submit details to the Local Planning Authority for approval **prior to the commencement of any development on site**. The applicant must therefore ensure that all necessary approvals have been gained before commencing work on site. **Failure to do so could result in the Local Planning Authority taking formal action in respect of the unauthorised works.**
5. This decision only relates to the development as shown on the approved plans and any conditions imposed. Should the applicant need to make any variation to these (including the need to comply with the Building Regulations) they should contact the Local Planning Authority to discuss the implications of these variations and agree an appropriate method of resolution, prior to carrying out the works. **Failure to do so could result in the Local Planning Authority taking formal action in respect of the unauthorised works.**

Julian Wood v SSCLG and Gravesham Borough Council

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Appeal Decision

Site visit made on 15 November 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2022

Appeal Ref: APP/K3415/W/22/3298953

Land South of Derry Farmhouse, 26 Birmingham Road, Shenstone, Lichfield WS14 0LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Cockle & Ms N Gale against the decision of Lichfield District Council.
 - The application Ref 21/01162/OUT, dated 18 June 2021, was refused by notice dated 27 January 2022.
 - The development proposed is the erection of a 2 no. detached dwellings with associated works (Outline: access and layout).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal before me has been made in outline with only the matters of access and layout being considered at this stage. All other matters, namely appearance, landscape and scale, have been reserved for a subsequent application. I understand from the appellant's case that the submitted drawings, in these respects, are for illustrative purposes only and I have considered them as such.
3. The appeal site is within 15km of the Cannock Chase Special Area of Conservation (the SAC), which is a designated site. The Conservation of Species and Habitats Regulations 2017 (as amended) requires the decision maker to consider whether or not the proposal could adversely affect the integrity of the site. Therefore, whilst this was not raised as a reason for refusal during the planning application process, I have nonetheless considered this matter below.

Main Issues

4. The appeal site is located within the Green Belt and therefore the main issues 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;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the appeal site is suitable for residential development;

- The effect of the proposal on highway safety; and,
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

5. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and 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.
6. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include limited infilling in villages. Policy NR2 of the Local Plan Strategy 2008-2029 (the LPS) and Policy GB1 of the Shenstone Neighbourhood Plan 2015-2029 (the SNP) rely, in so far as they are relevant to the matters of the appeal before me, on the exceptions set out within the Framework.
7. The appeal site is located in a rural area characterised primarily by fields interspersed with sporadic groups of development. Immediately adjacent to the appeal site is a small group of dwellings accessed from Birmingham Road. The appeal site itself is an equestrian field which shares access with one of these dwellings.
8. I am mindful of the Court of Appeal case¹ raised by the appellant and that the Framework does not define what a village is for the purpose of planning. As such, whether the appeal site is within a village is a matter of judgement based not only on any relevant policies, but also the situation on the ground. In this case, it was clear during my observations that the appeal site was part of a small group of dwellings, and that there was further development between this group and nearby formal settlements. However, the group and wider development was loose and irregular and did not physically or visually read as a continuation of the nearby settlements of Shenstone or Shenstone Woodend. Consequently, site is therefore not within a village for the purposes of Paragraph 149(e) of the Framework. Nevertheless, if I were to find the appeal site to be within a village, I must consider whether the development comprises limited infilling.
9. In this case, as there are only two dwellings proposed, the development can be said to be limited. However, the appeal site does not appear as a gap between development but instead, as part of the open countryside interspersed by development. Therefore, instead of infilling a gap the development would be an extension of the existing group of dwellings. Consequently, and although limited development, the proposal would not be infilling within a village.

¹ Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

10. As the effect of development on the openness of the Green Belt is not referred to within the exception, it is deemed to be intrinsic in the assessment as to whether the proposal meets the exception under paragraph 149(e). As such, by way of being inappropriate development the proposal would harm the openness of the Green Belt and it is unnecessary for me to assess this further.

Suitability of Site

11. Core Policy 1, Core Policy 6 and Policy Rural 1 of the LPS direct residential development towards the most accessible and sustainable locations. LPS Core Policy 1 sets out a list of settlements where residential development is directed, this includes Shenstone. Core Policy 6, Policy Rural 1 and Policy Rural 2 of the LPS allow for some residential development within rural areas where it either meets exceptions or meets a requirement demonstrated by the local community.
12. As outlined above, the appeal site is outside of any settlements, including named settlements such as Shenstone. Consequently, it would not meet the requirements for development to be either within a settlement or so related as to help the expansion of a settlement. No evidence has been provided to demonstrate that residential development in this location would be supported by a local need identified by the local community or development plan.
13. Although LPS Core Policy 6 sets out a number of exceptions where rural development can be acceptable, the main parties have been silent on these. Nevertheless, for those that have not already been covered above, it is clear that the proposal would not meet them as it would not include the conversion of an existing building, the provision of rural workers' accommodation or affordable housing.
14. Although my site visit can provide only a snapshot in time, it was clear from my observations on site that Birmingham Road is a fast road serving a fairly high level of traffic. The road does have a pavement on the opposite side of the carriageway from the appeal site, but this is very narrow in places and is not accompanied by street lighting. Given the distance from the appeal site to nearby services and facilities, including the train station at Blake Street, I find it would be unlikely that future occupiers would wish to, or feel safe, walking along Birmingham Road. This would be especially so for vulnerable users, including those with wheelchairs or pushchairs, and for pedestrians walking during the hours of darkness. I find that cycling to either settlement would be an equally unsafe and unappealing prospect for future occupiers given the road's speed limit of 50mph and the level of traffic using the road.
15. My attention has been directed to the bus stop very close to the appeal site, although this may provide access to nearby services and facilities, I have not been provided with details or timetables for the services that use this stop. I note also from the Council's submissions that the service stops in the afternoon and does not run on Sundays. I cannot be certain therefore, that the bus service would provide a viable option for commuting to work or education, or for carrying out the weekly shop. This would likely lead to future occupiers being reliant on private motor vehicles.
16. Therefore, and although not isolated from other development, the proposal would nevertheless have poor access to services and facilities. I am mindful of

the previous appeal decision² where a similar location was deemed to have good access, but this is of some age, and I do not have all the evidence that was before that Inspector. All proposals must be considered on their own merits and therefore, in this case, I do not have sufficient evidence to demonstrate the location would be suitable, mindful of the policies.

17. Given the appeal site's location, and that it would not meet any exception within the development plan, I conclude that it is not within a suitable location for a new dwelling, future occupants would also not have reasonable access to services and facilities. The proposal is therefore contrary to the locational strategy outlined above and set out in Core Policy 1, Core Policy 6, Policy Rural 1 and Policy Rural 2 of the LPS. It would also conflict with the housing strategy set out under Section 5 of the Framework and the guidance on pedestrian access set out within the Sustainable Design Supplementary Planning Document. Although the Council have also referred to Policy H2 of the SNP, this relates to development within the built-up area of Shenstone and is therefore not directly relevant to the appeal before me.

Highway safety

18. The access to the appeal site is close to, and on the Shenstone side of, a notable bend in Birmingham Road. The access serves one dwelling, number 26 Birmingham Road, and two equestrian fields. I also note that there is extant permission for one additional dwelling to the rear of the number 26, but it was not built at the time of my visit. Given the above, there would already be a level of vehicular movements to and from the site, and it is likely that the extant permission would increase this further.
19. The proposal would result in two dwellings that would, as noted above, likely be reliant on the use of private motor vehicles. I find that vehicular movements associated with the future occupiers would include commuting, education, shopping and social visits. Taking account of the extant residential permission, the proposal would double the potential residential vehicular movements associated with the access. Moreover, although the equestrian use would be reduced in scale, it would nevertheless be retained and therefore it would still result in associated vehicular movements. The proposal would therefore lead to a significant increase in vehicular movements to and from the appeal site.
20. Given the nature of the access and the bend in the road, visibility to the right for pedestrians and motorists leaving the site would be restricted. Visibility for road users approaching the site from this direction would also be restricted. Although the access, and limited visibility, is existing, the intensification of the use would lead to an increase in potential conflict between those leaving the site and vehicles on the highway. I have not been provided with a visibility splay from the access and although the wooded verge to the front of the site may now be within the appellant's ownership, it has not been demonstrated how this could ensure a suitable level of intervisibility.
21. Although I have concluded that most journeys are likely to be completed by private motor vehicle, some future occupiers may wish to walk or take public transport, and it is necessary for me to consider this also. Pedestrians leaving the site would also use the vehicular access, and as there is no pavement on the appeal site side of the road, would need to cross at this point. Intervisibility

² APP/K3415/W/18/3217357

between pedestrians leaving the site and traffic leaving the bend would, as noted above, be limited and given the slow speed of pedestrians, they would be at greater risk of conflict with motor vehicles on the highway.

22. I am mindful that the Inspector dealing with the above mentioned previous appeal did not refer to any access or highway safety concerns. However, I must consider the cumulative impact of this scheme alongside the existing and extant development.
23. In light of the above, the proposal would result in an unacceptable impact on highway safety as a result of the increased level of movements to and from the site. The proposal would therefore conflict with LPS Policies BE1 and ST1 which require that proposals have a positive impact on public safety, provide safe access to public transport and do not adversely affect highway safety. The proposal would also conflict with highway safety aims of Chapter 9 of the Framework, including Paragraph 111.

Other Considerations

24. The appellant has submitted that the proposal, by way of being a small, windfall, scheme would provide a beneficial contribution to the local housing requirements. I am mindful that the Government's objective is to significantly boost the supply of housing and that the proposal would provide two new dwellings. As such, and given the scale of the proposal, this matter would attract moderate weight.

Green Belt Conclusion

25. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. Further harm would also occur, through the conflict with the spatial strategy and to highway safety. These matters carry substantial weight. I have attached moderate weight to the consideration in support of the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with LPS Policy NR2 and SNP Policy GB1 as outlined above.

Other Matters

26. The appellant has raised a number of examples of planning decisions for ostensibly similar schemes, namely: The erection of two detached dwellings within Shenstone Woodend³; the replacement of existing buildings with a dwelling to the rear of the appeal site⁴; and, the replacement of existing buildings with six dwellings adjacent to the site⁵. Regarding the first pair of appeal decisions, the two dwellings in Shenstone Woodend were sited within the village, whereas I have found the appeal before me to not be within the village. The other two decisions, by way of being replacement buildings, related to different exceptions set out under Paragraph 149, and not exception (e). Therefore, and although all four decisions relate to new dwellings within the Green Belt, none of these are so similar as to be relevant to the appeal before me.

³ APP/K3415/3261115 & APP/K3415/3261119

⁴ 19/01217/FUL

⁵ 15/00920/FUL

27. I have found harm to the Green Belt, the spatial strategy and highway safety resulting from the proposed development. As such the appeal must fail and therefore any potential harm to the SAC would not occur and thus there does not need to be any means of mitigation in place. I therefore do not need to consider the matter further.

Conclusion

28. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR



www.ctplanning.co.uk

PLANNING STATEMENT

Mr A Kirby
Land North 176 Birmingham Road
Shenstone Wood End
Lichfield Staffordshire WS14 0NX

Our Reference: LH/TD/6506

Date: 20 February 2024

CT Planning Limited

Three Spires House
Station Road Lichfield
Staffordshire WS13 6HX
Email: apps@ctplanning.co.uk