

# Delegated Report for P/2019/01562

<b>Application Number</b>	P/2019/01562	
<b>Planning Officer</b>	Alan Harvey	
<b>Site Address</b>	Brickhill Farm Stubby Lane Marchington Staffordshire ST14 8NX	
<b>Proposal</b>	Application under Section 73 of the Town and Country Planning Act 1990 for a Minor Material Amendment for the erection of stable block and associated concrete walkway without complying with Condition 2 of planning permission P/2016/01849 for amendments to approved plans by way of new door and gable on rear elevation, additional windows on side elevation 2 and door and window configuration on side elevation 1	
<b>Expiry Dates</b>	<b>Weekly List</b>	9/2/2020
	<b>Neighbours</b>	9/2/2020
	<b>Consultations</b>	9/2/2020
	<b>Site Notice</b>	9 February 2020
	<b>Newspaper Advert</b>	N/A
<b>Application not Determined within Statutory Time Period - Reason</b>	-	
<b>Environmental Assessment</b>	<b>Screening opinion undertaken</b>	N/A
	<b>Schedule 1 or 2</b>	N/A
	<b>EIA Required</b>	N/A
<b>Relevant Planning Policies/Guidance</b>	<b>Government Documents</b>	The National Planning Policy Framework The National Planning Practice Guidance
	<b>Local Plan Policies</b>	SP1 – Sustainable Development Principles SP8- Development outside Settlement Boundaries SP24 - High Quality Design SP29 - Biodiversity SP35- Accessibility and Public Transport DP1 - Design of New Development
	<b>Supplementary Planning Documents</b>	East Staffordshire Design Guide
	<b>Other Policies/Guidance</b>	Marchington Neighbourhood Plan
<b>Relevant History</b>	<p>June 2008 - PA/31516/002/CEH - Conversion of redundant agricultural building to form additional living accommodation, relocation of existing agricultural building, the siting of a static caravan for a temporary period and the siting of a steel container for a temporary period of three years- Refused.</p> <p>PA/31516/004/CEH - Erection of an agricultural building- Refused.</p> <p>P/2011/01466/EW - Retention of a detached stable block and formation of ménage - Approved subject to conditions.</p> <p>P/2011/01466/EW- Retention of a detached stable block and formation of ménage- Approved subject to conditions.</p> <p>P/2016/01849 - Additional 'L-shaped' stable block providing six stables and a tack room with area of hardstanding located to the western frontage of the stables. Approved subject to conditions</p> <p>P/2019/01527 - retention of the hay barn erected to the western side of the hardstanding area formed to serve the stables. Approved subject to conditions.</p>	

	<p>P/2019/01562 - Application under Section 73 of the Town and Country Planning Act 1990 for a Minor Material Amendment for the erection of stable block and associated concrete walkway without complying with Condition 2 of planning permission P/2016/01849 for amendments to approved plans by way of new door and gable on rear elevation, additional windows on side elevation 2 and door and window configuration on side elevation 1. Application the subject of this report.</p>
<b>Consultation Responses</b>	<p><b>County Highway Authority</b> - comments that there are no objections on Highway grounds to this proposal</p>
<b>Parish Council</b>	<p><b>Marchington Parish Council</b> - no representations received within the statutory consultation period.</p>
<b>Neighbour Responses</b>	<p>No representations received within the statutory consultation period.</p>
<b>Human Rights Act Considerations</b>	<p>There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.</p>
<b>Crime and Disorder Implications</b>	<p>It is considered that the proposal does not raise any crime and disorder implications.</p>
<b>Equalities Act 2010</b>	<p>Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.</p>
<b>Planning Officer's Assessment</b>	<p><b><u>Site and surroundings</u></b></p> <p>This application relates to a small holding at Brickhill Farm on Stubby Lane comprising a dwelling and various outbuildings. Brickhill Farm is located relatively close to the village of Marchington, although it is outside settlement limits as defined in the Local Plan. The small holding is served by a main vehicular access adjacent to the farmhouse, with a secondary access located to the west of the site adjacent to the detached dwelling known as Gwenciliffe. Gwenciliffe, which itself sits within a large landscaped plot, is located to the north of the land within the application site containing the recently built 'L-shaped' stable block (the subject of this application to regularise the development by way of a Section 73) and hay barn (the subject of a recent approval to regularise the development as the per the planning history set out above).</p> <p><b><u>Proposal</u></b></p> <p>This application which has been submitted under Section 73 of the Town and Country Planning Act 1990 is for a Minor Material Amendment in relation to the erection of a stable block and associated concrete walkway without complying with Condition 2 of planning permission P/2016/01849. The application is seeking – by substituting the drawings - to regularise the development as constructed whereby the scheme has been amended by way of new door and gable on the rear elevation, additional windows on side elevation 2 (i.e. northern side) and door and window configuration on side elevation 1.</p> <p>The application has been submitted further to a planning enforcement investigation; as was the case in relation to the separate application for the hay barn recently approved (under ref: P/2019/01527).</p> <p><b><u>Assessment</u></b></p> <p>This proposal needs to be assessed against the objectives of the policies as set out above; in relation to which Policy SP1 of the East Staffordshire Local Plan sets out the overall strategy for sustainable development. The site lies outside of any development boundary as set out in the Local Plan and as such Policy SP8 is of particular relevance in this instance. Policy SP8 states that outside development boundaries new</p>

development will not be permitted unless it is either essential to the working of the rural economy, development otherwise appropriate in the open countryside, or development close to an existing settlement providing facilities for the general public or local community. Proposals satisfying one of these criteria are then judged against several other criteria, which attempt to ensure that the impact of proposals upon the countryside is minimised.

With regard to the impact upon the occupiers of nearby dwellings, Paragraph 127 of the National Planning Policy Framework seeks to ensure new development will not have an adverse impact on the amenities of the occupiers of nearby residential properties. Policies SP1 and SP8 seek that a proposed development must not adversely affect the amenities enjoyed by existing land users, with Policy SP8 including, in the case of proposals for development close to an existing settlement, the occupiers of residential and other property within that settlement.

Policy SP24 and DP1 states that in considering the suitability of a development, officers should have regard to any adverse impacts on the immediate and general environment in terms of emissions and other impacts and the use of any techniques or mechanisms to reduce those impacts. Local Plan Strategic Policy 35 of the East Staffordshire Local Plan states that proposals which would prejudice the safe and efficient use of the highway network will be resisted. Local Plan Policy SP29 relates to impacts on biodiversity.

As per the original 2017 approval the stables are considered to fall within the category of development otherwise appropriate in the countryside and as such the principle of the development is considered to be acceptable.

The scale of the stable block remains as approved and as such it is considered that the building is not to the detriment of this rural locality by way of visual intrusion given the existing surroundings.

The stable building is located 8m from the rear boundary of the nearest dwelling at 'Gwencliife' and as such its impact upon the amenities enjoyed by neighbouring dwellings will not be significantly detrimental given its modest size. There is no overbearing or overshadowing impacts given the separation distances between the stables and the adjacent dwelling house. With regard to privacy issues it is considered that the installation of obscure glazing to the tack room would mitigate any potential overlooking in relation to the use of the garden area to the north, whereas the other (shuttered openings to the stable units are sufficiently screened by the northern boundary hedge. No other new window or door openings would give rise to overlooking impacts.

It also remains the case that given the use of the stables it is not considered that the amendments to the scheme would give rise to any unacceptable noise or disturbance. As per the 2017 approval a condition to restrict the use to private use only will further mitigate any impact upon this rural locality and the amenities of neighbouring properties.

The Highways Officer has raised no objections to the proposal and as such it is considered the scheme does not give rise to any highway safety considerations. The revised scheme would have any impacts on biodiversity or protected species.

**Planning Officer's  
response to Parish  
Council**

Marchington Parish Council did not submit any comments.

**Conclusion**

**(including Signature &  
date)**

This application is recommended for approval as it is considered that the proposal (as revised) meets with the objectives of the policies as set out above.



*Alannah*  
26.02.2020.

<b>Engagement</b>	The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraph 38 of the National Planning Policy Framework.	
<b>Section 106 required?</b>	No	
<b>Draft Decision Notice checked by Planning Officer or Team Leader</b>		
<b>Team Leader Comments</b>		