

**Agenda Item: 5.1**

<b>Site:</b>	Field north of Sallyfields Lane, Stanton, Staffordshire
<b>Proposal:</b>	Erection of a detached dwelling, construction of vehicular access and installation of septic tank

**Report of Head of Service (Section 151 Officer)**

**This report has been checked on behalf of Legal Services by Sherrie Grant**

**[Hyperlink to Application Details](#)**

<b>Application Number:</b>	P/2019/00343	
<b>Planning Officer:</b>	Kerry Challoner	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Applicant:</b>	Mr & Mrs Elias	
<b>Ward:</b>	Weaver	
<b>Ward Member (s):</b>	Councillor E W R Barker	
<b>Date Registered:</b>	03 April 2019	
<b>Date Expires:</b>	27 May 2019. An extension of time has been agreed with the applicant.	
<b>Reason for being on Agenda</b>	This application has been called in by Councillor Barker on the basis that a paragraph 79 application is subjective and there is a question in this case if the relevant criteria are met	

**1. Executive Summary**

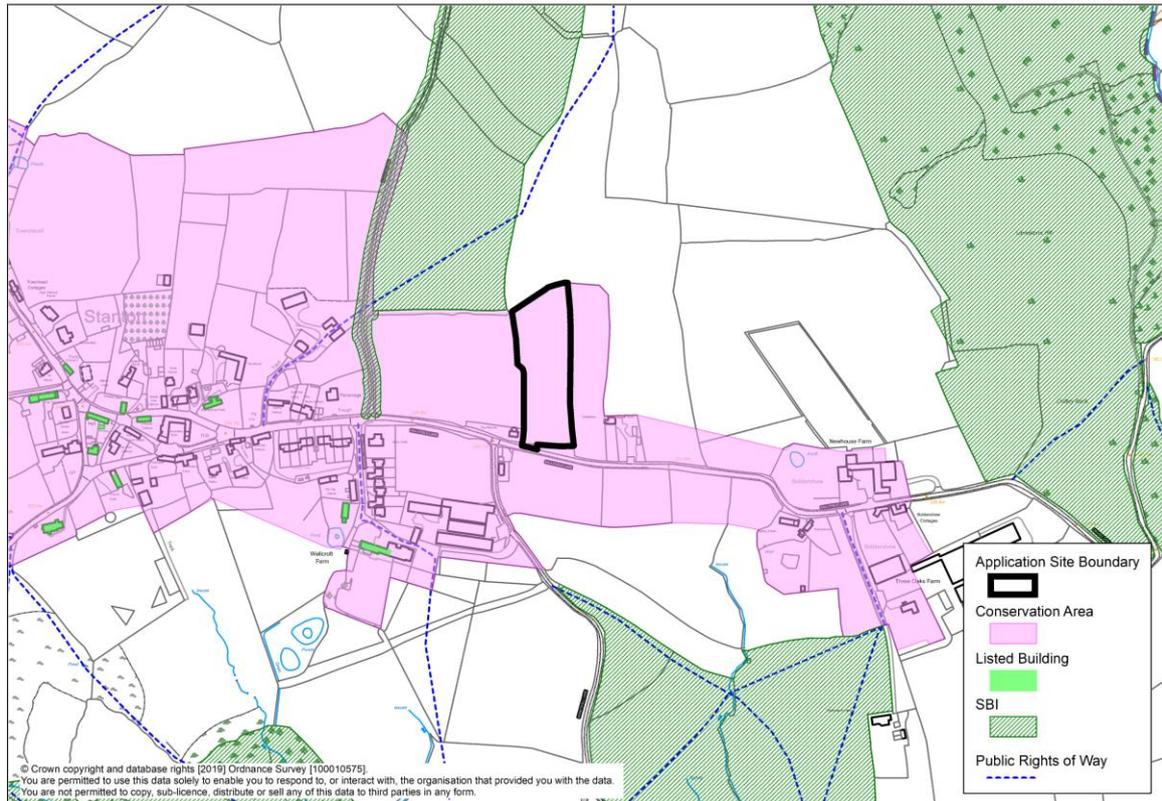
- 1.1 Full planning permission is sought for a detached dwelling along with an associated vehicular access and septic tank. The application site is located within sporadic development on the edge of the village of Stanton, within the village conservation area and outside of settlement boundaries as defined in the local plan.
- 1.2 The applicant's submissions propose that the scheme would meet with the objectives of Paragraph 79 (formerly paragraph 55) of the National Planning Policy Framework. This policy in its criteria (a) - (e) provides national exceptions for the development of new isolated homes in the

countryside. Specifically, in order to meet with Paragraph 79(e) the design of a proposal must be of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

- 1.3 Paragraph 79(e) therefore provides specific exceptions for the development of new isolated homes in the countryside but in doing so requires that all its criteria are met. However, in this case, taking into consideration the sites' immediate environs and its surrounding built form, the proposed dwelling is not considered to be 'isolated'. As such, in principle, one of the essential key requirements of Paragraph 79(e) is not met through this proposal.
- 1.4 In terms of Local Plan Policies, it is considered that none of the criteria have been met for new build housing outside of settlement boundaries as set out in Policy SP8. The proposed new dwelling would also occupy a site where the absence of any immediate local facilities would necessitate the use of private motor vehicles as the predominant form of transport. Whilst the applicant has proposed to use an electric/hydro powered car, the proposed scheme would constitute an unnecessary and unsustainable form of development in the countryside, contrary to policies contained within the Local Plan.
- 1.5 Prior to its formal submission to the Local Planning Authority, the applicant commissioned the 'Design Review Panel' of MADE\* to provide independent, objective, expert feedback to inform the design of proposed development. The proposal was then revised, and a desktop appraisal by the 'Design Review Panel' was carried out. The appraisal concludes that in design terms, the objectives of Paragraph 79(e) would be met.
- 1.6 The scheme would not detrimentally affect any Listed Building or the Stanton Conservation Area. Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are therefore not engaged by this scheme and have been satisfied accordingly.
- 1.7 In conclusion, whilst the design credentials of the scheme are considered to be outstanding and innovative and respond well to its surroundings, in principle there is no justification for a dwelling to be sited in this location because this would not be an 'isolated home'. As this report sets out, therefore, the proposal **fails** to meet with one of the essential requirements of Paragraph 79(e) of the NPPF. Furthermore, the principle of a proposed dwelling would also fail to meet with relevant policies as set out in the Local Plan. The application is therefore recommended for **refusal**.
- 1.8 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

(\* Members are advised that the MADE Design Review process provides a professional and independent service that assesses and advises on the design quality of schemes being developed in the West Midlands. MADE has an expert Panel of architects, urban designers, landscape architects, planners, engineers, sustainability professionals and other experts in the built environment fields that can be drawn upon as appropriate depending on the nature of the scheme. The attached Appendix A sets more fully the role of MADE in the design review process as is encouraged by the NPPF.)

## Map of site



## 2. The site description

- 2.1 The application site, which has an area of some 7,587 sq. metres, comprises an open field area on the northern side of Sallyfield Lane, Stanton. The site is located within the Stanton Conservation Area and contains a ridge and furrow field pattern, prevalent in the locality.
- 2.2 The application site is adjoined to the south-west by a residential dwelling, to the west, north and east are open fields and a further residential dwelling is situated approximately 30 metres to the east, separated from the site by a field area. Both dwellings are constructed from stone typical of the locality.
- 2.3 The land is elevated to the north of the site, sloping gently down towards the south and Sallyfield Lane. The boundaries of the site are predominantly hedgerows, although there is evidence of some dry stone walling along the eastern boundary, and the immediate boundary with the dwelling known as 'The Rhodes' to the west comprises a stone wall. A watercourse runs along the length of the western boundary.

- 2.4 The site is situated outside of any settlement boundary as defined in the adopted Local Plan.

### 3. Relevant Planning history

- 3.1 Three applications have been previously submitted on the site for the erection of a dwelling, with these being made in 1978, 1980 and 2002. All three submissions were refused on the grounds that the development would be contrary to Development Plan policies. An application for the construction of a new vehicular access into the field area was refused in 1996 in respect of highway safety concerns.

### 4. The proposal

- 4.1 The proposal is an application for full planning permission for the erection of a detached dwelling, the construction of a new vehicular access and installation of a septic tank.
- 4.2 The layout situates the proposed dwelling in the northern area of the site, accessed by a relatively long private driveway from Sallyfield Lane to the south. The proposed dwelling is '*broken*' into distinct blocks, linked by a glazed flat roofed central core which is proposed to benefit from a green roof. These blocks are intended to appear as a cluster of agricultural buildings. The double garage is also proposed to have a green roof and will be partially buried in the hillside
- 4.3 The ridge and furrow feature is proposed to be retained in the south-east portion of the site, and the watercourse along the western boundary is proposed to be 'opened up' to create a feature in the landscape. Private amenity space to serve the dwelling is proposed to the northern most part of the site.
- 4.4 The submissions indicate that the application is proposed to be assessed against the provisions of Paragraphs 79 and 131 of the NPPF and was accompanied by a MADE Design Review Panel Report which the applicant sought at pre-application submission stage.
- 4.5 During the course of the application additional information has been provided to support the application, including a post submission review of the scheme by the MADE Design Review Panel which concluded that they were satisfied that the several reservations highlighted in the pre submission report had now been addressed. The Panel confirmed that they were satisfied that the proposed house and its setting meet the criteria of Paragraph 79, as being a design of exceptional quality. Specifically, it considers that the design is outstanding and innovative, responds creatively to the defining characteristics of its area, and will enhance its immediate setting. It has the potential to convey lessons to others in how to build, which could raise the standard of other new developments in the local area.
- 4.6 During the application process the applicants also submitted an External Lighting Environment Statement. The applicants have also offered to

submit a unilateral undertaking to provide at least one electric car or hydrogen powered car for use by the residents in addition to the proposed electric car charging facilities.

#### List of supporting documentation

4.7 The following plans have been provided as part of the application:

- Site Location Plan
- Proposed Site Plan
- Proposed Ground Floor Plan
- Proposed First Floor Plan
- Proposed Elevations
- Proposed Roof Plan
- Proposed Landscape Plan
- Proposed Site Sections
- Topographic Plan
- Existing Site Plan
- Existing Site Sections

4.8 The following documents have been provided as part of the application:

- Design and Access Statement including Heritage Statement
- Planning Statement including Landscape Assessment
- Arboricultural Report
- Preliminary Ecological Appraisal
- Energy and Sustainability Strategy Report
- Archaeological Assessment
- Klargestar Septic Tank Details
- MADE Design Review Report, December 2018 (pre-submission)
- MADE Design Review Desktop Report April 2019 (post-submission)
- External Lighting Environment Statement, August 2019

4.9 The relevant findings are dealt with in section 8 onwards below.

## 5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
	Parish Council	No response received.
	SCC Highways	No objection subject to conditions
	SCC Archaeology	Comment made that the proposed retention of a sizeable portion of the ridge and furrow on the site is welcomed, as is the retention of the of the field boundaries which define the site and are a tangible reminder of the piecemeal enclosure of medieval open fields in this area. No

		archaeological concerns are raised and no further action is required.
	Natural England	No comment to make.
	Staffordshire Wildlife Trust	No response received
	Architectural Liaison Officer	No response received
	Conservation Officer	No objections were raised subject to the use of appropriate materials.

Internal Consultees		Response
	Environmental Health	No objection subject to a condition relating to Radon gas.
	Planning Policy	<p>The site is located outside of a settlement boundary, and so Policy SP8 of the Local Plan is relevant. The proposed development does not meet the specific criteria set out in the policy because the proposed development is for a single standard market dwelling, it is not a conversion, an agricultural dwelling, nor is it a rural exception proposal for affordable local needs housing supported by a housing needs survey. The Local Plan aims for this type of development to be located within defined settlement boundaries, not located in the open countryside.</p> <p>However, Paragraph 79 of the NPPF presents an opportunity for single market dwellings in the open countryside to be acceptable where the dwelling would: be truly outstanding or innovative, reflect the highest standards in architecture, help to raise standards of design more generally in rural areas; <b>and</b> significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.</p> <p>A judgement will therefore need to be made, in the context of the requirements of Paragraph 79 of the NPPF, compliance with other relevant Local Plan policies and any other material considerations.</p>

## 6. Neighbour responses

6.1 Four letters of objection have been received. The concerns raised within the objections are summarised below:

Neighbour responses	
Principle	<ul style="list-style-type: none"> <li>Section 5 of the application form infers and acknowledges that the intended development is incompatible with its surroundings, i.e. that it would only be acceptable if determined to be a Paragraph 79 development.</li> <li>Stanton is designated a Tier 3 village in the East Staffordshire</li> </ul>

	<p>Local Plan and is very rural with very limited facilities and services.</p> <ul style="list-style-type: none"> <li>• The MADE review document submitted makes it clear that the Local Authority must ultimately decide if the development fits within Paragraph 79.</li> <li>• The MADE review document states that the proposal does not fully meet the requirements of Paragraph 79.</li> <li>• The proposed site is outside the area allocated for new residential development.</li> </ul>
Impacts on Residential Amenity	<ul style="list-style-type: none"> <li>• The north elevation of 'The Rhodes' would be exposed to this new dwelling.</li> <li>• The omission of the rear extension to 'The Rhodes' downplays the sensitivity of that property to the proposed development.</li> <li>• Privacy to 'Sallyfield House' will be affected, particularly when the trees are not in leaf.</li> </ul>
Visual Amenities	<ul style="list-style-type: none"> <li>• The proposed sections and elevations indicate that the two nearby dwellings will be dominated by the scale and massing of the dwelling, and dwarfed by this development.</li> <li>• The Landscape Assessment states that there are only two prominent views from the road and fails to account for the views from 'The Rhodes' and 'Sallyfield House'.</li> <li>• There is an aspiration for stone to be excavated from the site itself; this may turn the site into a temporary Quarry and compromise the ridge and furrow features of the site.</li> <li>• The proposed dwelling is much too large for its needs and creates a building that looks like an events venue rather than a dwelling.</li> <li>• Visual impact on the Stanton Conservation Area.</li> <li>• The proposal is at odds with the recommendations contained within the Stanton Conservation Area Appraisal document 2007.</li> </ul>
Highways Impacts	<ul style="list-style-type: none"> <li>• The proposed site plan shows visibility splays of 42m from the access in each direction, for a 30mph road these splays should be 70m, and as such are not compliant with regulations and represents a safety concern.</li> <li>• The number of additional vehicles using the road could represent a danger to other road users.</li> <li>• Provision for four vehicles is insufficient for a dwelling of this size.</li> </ul>
Flood and drainage impacts	<ul style="list-style-type: none"> <li>• Sustainable drainage is poorly considered, the brook along Sallyfield Lane is considerably affected during period of heavy rain.</li> </ul>
Biodiversity	<ul style="list-style-type: none"> <li>• The Preliminary Ecological Report was conducted out of season in October 2016, the optimal survey time being April - September.</li> </ul>

	<ul style="list-style-type: none"> <li>• Brown Hares and Barn Owls, both of which are protected, are often seen in the immediate locality. Other nocturnal species are known to be in the vicinity, however, a lighting assessment has not been provided to assess the impact on such species.</li> </ul>
Archaeology	<ul style="list-style-type: none"> <li>• The archaeological report concludes that there is opportunity for sustainable development where it is of comparable scale to existing cottages, however, the proposal does not respect the pre-existing character of the location.</li> </ul>
Sustainability	<ul style="list-style-type: none"> <li>• Solar panels and a ground source heat pump are proposed, but these do not seem sufficient to deliver a zero carbon home given the size of the dwelling.</li> </ul>
Drawings	<ul style="list-style-type: none"> <li>• The drawings submitted incorrectly show the footprint of the adjacent residential dwelling known as 'The Rhodes' and its associated outbuildings on the opposite side of Sallyfield Lane.</li> </ul>
Other Matters	<ul style="list-style-type: none"> <li>• A lighting plan has not been submitted for consideration; the Stanton Conservation Area requires restrained lighting to maintain low light pollution within the village.</li> <li>• The design narrative states that the proposal ties together the adjacent existing properties and abandoned Quarry as a former hub of industrial activity. 'The Rhodes' and 'Sallyfield House' were built circa 1840, predating the abandoned Quarry mentioned in the application documents; the development seeks to argue and engineer a relationship that has never existed.</li> <li>• Enhancements to hedgerows are proposed, however, this will take time to establish effectively.</li> <li>• The proposed flexibility of use of space within the proposal could lead to additional future uses and erode the wider character of the village.</li> <li>• Potential to develop the site into three separate family dwellings.</li> </ul>
Ward Member	As noted above the application has been called into Planning Committee by Cllr Barker who states that this is a Paragraph 79 application and as such is subjective and that in this case there is a question as to whether this is an isolated home and meets the relevant criteria

## 7. Policy Framework

### National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

### Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP4 Distribution of Housing Growth 2012-2031
- SP8 Development Outside Settlement Boundaries
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP28 Renewable and Low Carbon Energy Generation
- SP29 Biodiversity and Geodiversity
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP6 Protecting the Historic Environment: Other Heritage Assets

## 8. Principle of Development

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

8.2 Paragraph 2 of the NPPF states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.3 Paragraph 251 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

8.4 Paragraph 79 (formerly Paragraph 55) of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
  - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

8.5 Although Paragraph 79 contains a number of circumstances where an isolated home would be allowed as set out above, Paragraph 79 (e) is the only circumstance which is relevant in the assessment of this application.

8.6 Paragraph 131 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

8.7 The applicant's submissions indicate that the proposal should be assessed against the requirements set out in Paragraph 79 of the NPPF, specifically section (e) which amongst its essential criteria refers to the need for the new home to be 'isolated'.

8.8 In relation to as to what constitutes an 'isolated home' as members are aware applications should of course be determined on their own individual merits. Nevertheless Previous Planning Decisions, Appeal Decisions and High Court Judgements can establish principles which should be given due regard. The following decisions are considered to be particularly relevant in the assessment and determination of this application.

8.9 The case of Braintree DC v SSCLG was considered by the Court of Appeal in terms of what constitutes an isolated dwelling, and this in turn has been used in the determination of a recent appeal.

8.10 In appeal ref APP/F0114/W/18/3208289 the Inspector, in his determination of the appeal site in assessing whether the appeal was isolated, referred to the *Braintree* judgement which stated that the term '*Isolated*' should be given its ordinary meaning of 'far away from other places, buildings or people; remote'.

8.11 In the Braintree DC v SSCLG judgement, the Court of Appeal upheld the High Court decision that proposals cannot be considered isolated if there

are other dwellings nearby. Lord Justice Lindblom stated in the Braintree decision:

*“In my view, in its particular context in Paragraph 55 of the NPPF, the word ‘isolated’ in the phrase ‘isolated homes in the countryside’ simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, ‘isolated’ in this sense will be a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand.*

*What constitutes a settlement for these purposes is also left undefined in the NPPF. The NPPF contains no definitions of ‘community’, a ‘settlement’, or a ‘village’. There is no specified minimum number of dwellings, or population. It is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement. In my view a settlement would not necessarily exclude a hamlet **or a cluster of dwellings**, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement, or a ‘village’, for the purposes of the policy will again be a matter of fact and planning judgement for the decision-maker. In the second sentence of Paragraph 55 the policy acknowledges that development in one village may ‘support services’ in another. It does not stipulate that, to be a ‘village’, a settlement must have any ‘services’ of its own, let alone ‘services’ of any specified kind.”*

8.12 The application site is situated directly adjacent to a dwelling known as ‘The Rhodes’ to the west, and approximately 30 metres to the east is a dwelling known as ‘Sallyfields House’. Furthermore, the site is located within the Stanton Conservation Area, which is concentrated around the village of Stanton. Given the close proximity of adjacent dwellings and the relationship of the application site with historic and established built form of the village, the application is not considered to comply with the key requirement of Paragraph 79 as it cannot be considered isolated in the normal sense of the word. Rather it is considered that the scheme would actually in visual terms appear as a consolidation of the established sporadic development along Sallyfields Lane. Fundamentally, therefore, in principle planning terms the proposal fails to meet with the essential and thus an overriding objective of Paragraph 79, which provides exceptions for the development of isolated homes in the countryside.

8.13 In relation to Paragraph 131 of the NPPF it is considered that the proposed new dwelling, due to its location, would not promote high levels of sustainability. Whilst the offer of providing an electric/hydropower car is noted, this would not be sufficient to overcome the unsustainable location of the site. Paragraph 131 also requires Local Planning Authorities to place great weight to innovative and outstanding designs. The design credentials of the scheme are discussed later in the report in Section 11.

8.14 As referred to above, the essential objectives of paragraphs 79 and 131 of the NPPF are not met by this proposal. As such in line with paragraph

2 of the NPPF, the proposal will be assessed by the policies contained within the Local Plan as an application for the creation of a new dwelling in the countryside.

## 9. 5 Year land Supply

9.1 The most recent calculation uses figures as at 31<sup>st</sup> March 2019 and concludes there is 6.33 years of supply. Therefore the policies in the plan can be considered up to date.

## 10. Local Plan

10.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

10.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;

- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

10.3 The proposal does not meet with these principles, as the site is not within a sustainable location in terms of transport and access to services.

10.4 The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries. The following elements guide the development strategy:

- Focus the majority of development at Burton Upon Trent
- Allocate a significant level of development at Uttoxeter
- Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and
- Control new development in all other villages and hamlets

10.5 Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless:

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

- Otherwise appropriate in the countryside

10.6 Having regard to the above policy background, it is considered that no evidence has been provided to demonstrate that there is a need for housing on the site. Additionally none of the criteria have been met for housing outside of settlement boundaries. The proposed new dwelling would also occupy a site where the absence of any immediate local facilities would necessitate the use of private motor vehicles as the predominant form of transport. As such the proposed scheme would constitute an unnecessary and unsustainable form of development in the countryside, contrary to Policies SP1, SP2 and SP8 of the East Staffordshire Local Plan.

## **11. Design and Impact on the character and appearance of the area**

- 11.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 11.2 Paragraph 129 of the NPPF states that in assessing applications, local planning authorities should have regard to the outcome from any recommendations made by design review panels.
- 11.3 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 11.4 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 11.5 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.
- 11.6 Detailed Policy 2 aims for development to achieve high sustainability and environmental credentials adopted energy efficiency techniques and other standards where possible.
- 11.7 It is considered that in design terms the scheme is of high quality and would reflect the highest standards in architecture. It is acknowledged that significant works have been carried out on behalf of the applicant to

propose a dwelling which focusses on the character of the locality and the surrounding landscape. Through the design the dwelling would be zero carbon, causing or resulting in no net release of carbon dioxide into the atmosphere. Visually, it is considered that the dwelling could be integrated successfully into the landscape without detriment to the character and appearance of the locality or the Stanton Conservation Area. The scale, form and proposed use of local materials would aid this and it is recognised that the design could provide potential to be an example which may raise standards in the Borough, particularly through its zero carbon credentials.

11.8 The scheme was the subject of a MADE design review prior to the submission of this application. A follow up desk top review was then carried out during the course of the application as alterations had been made to the scheme. Whilst in the initial review the MADE panel did not feel the criteria set out in Paragraph 79 (e) would be achieved, the panel were satisfied that the changes made following submission enabled the proposed dwelling and its setting to meet the aforementioned design criteria set out in Paragraph 79 (e).

11.9 However, and notwithstanding the design credentials of the scheme which are considered to be acceptable, this would not outweigh the conflict with the essential key part of paragraph 79 of the NPPF which only allows 'isolated' homes in the countryside as set out above in section 8 of this report.

## **12. Residential Amenity**

12.1 The National Planning Policy Framework and Policies DP1 and DP3 of the Local Plan seek to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.

12.2 The proposed dwelling is situated to the north of the site approximately 85 metres away from 'The Rhodes' to the south-west and approximately 90 metres away from 'Sallyfields House' to the south-east of the site. The land levels across the site differ, with the land sloping down towards the south and the neighbouring dwellings sitting at a lower land level, however given the separation distances between the dwellings it is considered that there will be no significant loss of light or privacy, overlooking or overbearing impacts from the proposal.

12.3 It is also considered that the use of the new private drive to serve the dwelling would not give rise to levels of noise and disturbance that would be likely to be significantly detrimental to the residential amenities of the nearby dwellings.

## **13. Sustainability (energy efficiency and low carbon)**

13.1 DP2 of the Local Plan sets out expectations for development which ensure the design and delivery of low carbon buildings and energy improvements to existing buildings. Considerations include where relevant:

- follow the energy hierarchy of designing out energy demand from the outset, incorporating energy efficiency measures and introducing low carbon energy supply,
- incorporate the best environmental practice and construction techniques in line with the Governments zero carbon buildings policy
- use appropriate materials, form, orientation and layout of buildings to maximise the benefits of passive solar heating, cooling, lighting and natural ventilation;
- incorporate facilities to minimise the use of water and the creation of waste, and which maximise opportunities for recycling;
- incorporate ecologically sensitive design and features for biodiversity early on within a development scheme, following guidance in 'Biodiversity by Design' or future revisions;
- where appropriate prepare Site Waste Management Plans to ensure that at least 25% of the total minerals used derive from recycled and reused content;
- aim to reduce predicted carbon emissions through the generation of decentralised and renewable or low carbon energy generation where practicable;
- where on site renewable or low carbon energy generation is not practical, a contribution towards an off-site renewable energy or carbon reduction scheme will be acceptable;

13.2 Section 7 of the Design and Access Statement states that the proposal is designed to enshrine exemplar net zero energy principles; an Energy and Sustainability Strategy Report has also been submitted with the application. Heavyweight stone walls to promote insulation, optimisation of natural daylight, an airtight construction, locally sourced materials and stone, triple glazing, green roof, energy efficient lighting, solar panels and a ground source heat pump are proposed within the scheme in order to achieve a net zero carbon dwelling. However, given this would not be sufficient to outweigh the harm identified in Section 8 of this report above, in sustainability terms, due to the siting of the dwelling outside of a settlement boundary.

## 14. Highway Matters

14.1 The NPPF in Section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

14.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open

countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.

- 14.3 The Council's parking standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 14.4 The Highway Authority has considered the proposals and have raised no objections subject to conditions.
- 14.5 Insofar as the site itself is concerned, it is considered that the proposal meets the requirements of the Parking Standards SPD and in technical terms the Highway Authority are satisfied that the necessary visibility splays at the access can be provided.

## **15. Historic Environment**

- 15.1 Paragraph 184 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 15.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 15.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.

- 15.5 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed Policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.
- 15.6 The application site is located within the Stanton Conservation Area (character zone A), which ‘ends’ at the Northern boundary of the site.
- 15.7 The nearest listed buildings are as follows: Grade II Wellcroft Farmhouse situated approximately 174 metres south-west of the application site; Grade II Agricultural building 50 yards North of Wellcroft Farm situated approximately 178 metres south-west of the application site; and Grade II Boldershaw Farm situated approximately 296 metres to the west of the application site.
- 15.8 The application is supported by an archaeological assessment which concludes that the site is considered to retain landscape features and character and positively contributes to the Stanton Conservation Area. There are no known archaeological remains located within the site, with the exception of the ridge and furrow earthworks and therefore it is considered that the site has a very low potential to contain remains relating to prehistoric to early medieval activity or relating to the medieval to modern period. The County Archaeologist has confirmed that there are no archaeological concerns in relation to the proposal and no further action is required. The majority of the ridge and furrow is to be maintained in the south-east portion of the site
- 15.9 The heritage statement submitted considers that the siting of the dwelling to the north enhances the historic characteristics of the site, appearing akin to a traditional farmstead set back from the road, emphasising field patterns within the area. The ESBC Conservation Officer has raised no objections to the scheme and it is considered that the proposals do not result in any detrimental impact on the character and appearance of the village conservation area.
- 15.10 The separation distances between the listed buildings and the application site are such that there will be no significant adverse impact on the setting of those buildings.
- 15.11 It is therefore concluded that the proposed development would be in accordance with Strategic Policy 25 and Detailed Policy 5 of the East Staffordshire Borough Council Local Plan, Section 16 of the National Planning Policy Framework and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

## 16. Flood Risk and Drainage

- 16.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest

risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

- 16.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 16.3 The site is located within Flood Zone 1 and as such is considered to be at low risk of flooding, therefore a Flood Risk Assessment is not required.
- 16.4 The ridge and furrow features present at the site are proposed to be maintained and enhanced by way of utilising the feature for a sustainable drainage system, in order to appropriately store and dispose of surface water to a suitable outfall. The existing stream to the western boundary is proposed to be opened up and used as a landscape feature. A septic tank is proposed to be installed which will deal with foul water.
- 16.5 As such the proposals are not considered to result in any flood risk or drainage issues and are considered in accordance with Local Plan Policy SP27 and the NPPF.

## **17. Biodiversity**

- 17.1 Paragraph 175 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 17.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 17.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 17.4 The proposal seeks to maintain and improve the existing boundary hedgerows and plant additional trees, particularly along the eastern boundary. A wildlife meadow is proposed along with the opening up of an existing watercourse along the western boundary which will further enhance biodiversity on the site.
- 17.5 The proposals are supported by an ecology report which concludes that no impacts to protected species are predicted, however, the land may be utilised as foraging and commuting corridors for bats and therefore any lighting could adversely impact this species. A condition could prevent

the installation of any external lighting without planning permission, to ensure that there is no significant impact on the bat population in this location.

- 17.6 As such there are not considered to be any significant impacts on biodiversity arising from the proposals and therefore meets the requirements within Policy SP29 of the Local Plan and the NPPF.

## 18. Other Matters

- 18.1 The submissions note the heritage of the applicant and refer to the desire of the family to remain in Stanton in a dwelling which meets their needs both 'functionally and sustainably'. Whilst these issues are noted, in material planning terms they would not be sufficient to overcome the conflict with national and local policy as set out above.

## 19. Conclusions

- 19.1 The development is not considered to comply with Paragraph 79 of the NPPF given the proposal is not 'isolated' in locational terms; with the application site being situated between two existing residential dwellings and within the established form of the village as reflected in the boundaries of the Stanton Conservation Area. Therefore, the proposal does not meet with key essential and overarching criteria of Paragraph 79 of the NPPF.

- 19.2 Furthermore, the proposal also does not comply with the overall aims of sustainability contained within the Local Plan, as the site is not within a sustainable location in terms of transport and access to services. As such the proposal constitutes a necessary and unsustainable form of development in the countryside contrary to Local Plan Policies SP1, SP2, SP4 or SP8.

- 19.3 **RECOMMENDATION: Accordingly taking into consideration the above planning considerations the recommendation is to REFUSE the proposal**

- 19.4 Reason for refusal:

The East Staffordshire Local Plan plans for sustainable and strategic growth of the Borough through the provision of allocated housing sites and a hierarchy of settlements in which developments would be suitable and acceptable. The location proposed for development is not identified as a sustainable location for housing development in the Local Plan under Policies SP1, SP2, SP4 and SP8. East Staffordshire Local Plan Strategic Policy 8 states that outside settlement boundaries new development will not be permitted unless it is essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside, providing facilities for the general public or local community which are reasonably accessible on foot or by public transport, in accordance with a 'Made' Neighbourhood Plan, is development under the Rural Exceptions Sites policy, is appropriate reuse of Rural Buildings, is infrastructure development where an overriding need for the development to be located in countryside can be demonstrated, provides renewable energy

generation of a scale and design appropriate to its location and is otherwise appropriate in the countryside.

The proposed development is outside of any settlement boundary, as defined in the East Staffordshire Local Plan and its proposals map, and is, therefore, in the countryside. Policy SP8 of the Local Plan precludes residential development in the countryside unless certain tests are sufficiently met. In this instance no evidence for any need for housing on the site has been demonstrated and none of the local criteria have been met in Policy SP8. The submissions indicate that the applicant contends that the scheme meets the criteria of Paragraph 79 (e) of the NPPF, however as the site is not isolated the essential key requirement of Paragraph 79 is not met in this instance. The application is considered to constitute an inappropriate, unnecessary and unsustainable form of development in the countryside, contrary to Local Plan Policies Local Plan Policies SP1, SP2, SP4 and SP8 and the National Planning Policy Framework

## **20. Background papers**

20.1 The following papers were used in the preparation of this report.

20.2 The Local and National Planning policies and associated planning decisions and case law outlined in the report above.

20.3 The following papers were referenced in the preparation of this report:

- Papers on the Full Planning Application file reference: P/2019/00343
- Papers on the Full Planning Application file reference: PA/06229/01
- Papers on the Full Planning Application file reference: PA/06229/02
- Papers on the Full Planning Application file reference: PA/06229/003
- Papers on the Outline Planning Application file reference: OU/06229/005

## **21. Human Rights Act 1998**

21.1 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 potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

## **22. Crime and Disorder Implications**

22.1 It is considered that the proposal does not raise any crime and disorder implications.

## **23. Equalities Act 2010**

23.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: Kerry Challoner  
Telephone Number: 01283 508615  
Email: [Kerry.challoner@eaststaffsbc.gov.uk](mailto:Kerry.challoner@eaststaffsbc.gov.uk)