

Redhurst Quarry Warstone Road Essington

PURPOSE OF THE REPORT

To determine an application for the erection of a temporary meteorological measurement mast for a period of 18 months

RECOMMENDATION APPROVE

Subject to the following condition(s):

1. Prior to commencement of development details of the following shall be submitted to the Local Planning Authority for approval:
 - a) The date of commencement of the construction
 - b) The date of completion of the construction
 - c) The height above ground of the tallest structure
 - d) The maximum extension height of any constructions equipment
 - e) Details of whether the structure will be lit with navigation beacons
2. The mast hereby approved shall be lit with obstacle lights for the lifetime of the development in accordance with the requirements of the Civil Aviation Authority document CAP168 – Licensing of Aerodromes, or any other subsequent equivalent Civil Aviation Authority requirements.
3. Prior to commencement of development details of any meteorological monitoring equipment to be fixed to any part of the mast structure hereby approved shall be submitted to and approved in writing by the local planning authority.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other subsequent equivalent order, no development within the following classes of development shall be carried out on or to any part of the mast structure without the prior approval of the Local Planning Authority:
 - a. Schedule 2, Part 24, Class A.
 - b. Schedule 2, Part 25, Class A.
5. The mast hereby permitted and any ancillary equipment shall be removed and the land restored to its former condition on or before 30th June 2009 in accordance with a scheme of work submitted to and approved by the local planning authority.

Reasons

1. To ensure that the development does not present a risk to external aviation activities in accordance with policy BE25 of the adopted Local Plan.
2. To ensure that the development does not present a risk to external aviation activities in accordance with policy BE25 of the adopted Local Plan.
3. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan
4. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan
5. To keep the situation under review and to safeguard that amenity of the area in accordance with policy BE26 of the adopted Local Plan.

BACKGROUND INFORMATION

There is extensive planning history for the quarry site but none directly related to the proposal here.

BACKGROUND INFORMATION

A Design and Access statement

The proposal is for the temporary erection of a meteorological mast on grassland between the M54 and an active area of Redhurst Quarry. There is a substantial area of woodland between the proposed location and the M54. There are no existing buildings in the immediate proximity of the proposed location.

The Ministry of Defence, The Office of Communications, The National Air Traffic Services and the Civil Aviation Authority have been consulted regarding a wind turbine on the site and all have proved positive. Consultations have not been sought regarding the meteorological mast as its erection is an accepted part of the wind turbine feasibility process.

The erection of the meteorological mast is part of the evaluation process for a wind turbine project and is temporary to determine project viability. No negative comments have been received from the above bodies. A meteorological mast has significantly less impact than a wind turbine and no problems will develop as a result of the application.

The mast is of a standard modular kit assembly which is erected on site in a number of hours.

The use of structure is to determine wind speeds in the local area.

The proposed unit is 40m high with guy ropes spanning 17.5m in four directions.

The proposed site will be accessed through the existing quarry site where an off road vehicle would be required. It will only be accessed by authorised personnel and will only be for installation, maintenance and decommissioning.

The mast will transmit the collected data via a GSM modem and as result the number of visits required over the 18 month period will be minimal.

REASONS FOR DECISION

Within the Green Belt and within the Landscape Improvement Area.

The application site falls within Redhurst Quarry, a large mineral extraction site which is generally situated between the Warstones Road to the east and north, the M54 motorway to the west and Bursnips Road to the South. The quarry is primarily accessed from Warstones Road.

The proposal is for the erection of 40m high meteorological mast towards the south western corner of the quarry site. The mast would be a single galvanised steel tower supported by four ground anchors with a series of guy cables stretching to a diameter of 17.5m. The application forms state that there would be monitoring equipment at 20m, 30m and 40m in height with the control and recording box at the base.

The mast would be sited on an area of generally bare compacted ground that does not appear to be part of any ongoing extraction process. The existing mineral workings appear to be taking place to the north. To the north west there is a small group of trees with a large earth bund behind, further behind this bund is an area known as Burns Wood which is a largely deciduous woodland sandwiched between the quarry and M6 Motorway. There are other groups of trees on the periphery of the quarry to the south and west.

The application forms indicate that the proposal would be for a temporary meteorological mast to measure wind speeds for a period of 18 months to assess the viability for a wind energy generation project on the site to reduce electrical consumption for the company.

Key Issues

The proposal here invokes images of wind turbines as the proposal is obviously linked to a potential application for a turbine however it is important to separate out the two issues and consider the proposal on the merits of what has been submitted, which is, a single mast anchored by a series of guy cables. The mast is for the purposes of measuring wind speed to assess the feasibility of a possible future a planning application for a wind turbine. The results could show that there is insufficient wind speed to make a proposal worthwhile, therefore it is uncertain whether an application would even follow. The considerations evaluated below must be viewed in light of meteorological mast and not a wind turbine. An application for a turbine, if ever made, would be subject to its own close scrutiny on its own range of relevant issues much of which is currently set out in PPS25 Renewable Energy.

Green Belt

The site is within the Green Belt and the proposal does not fall within the definition of appropriate development as set out in PPG2 and GB1. As the proposal is inappropriate development it must be considered whether very special circumstances exist to outweigh the harm to the Green Belt. The mast would cause significant harm to the Green Belt by virtue of its galvanised steel tower and guy cables that would reach some 40m in height. Although the structure would be relatively lightweight in construction, the combined elements would form a noticeable feature in the short and medium range skyline that would be somewhat at odds with the surrounding landscape. However balanced against this is the temporary nature of the proposal for a period of 18 months. I therefore conclude that the demonstrable harm is largely off-set by the short life of the development.

I also consider it to be appropriate for a feasibility study to be carried out in advance of any wind turbine proposal so that all parties are aware of appropriate wind speed data if a turbine application is made and it is reasonable that this is carried out at suitable heights above what can be described as turbulent or 'dirty' air. I am aware that the applicants have carried out various map based assessments of the site to test the suitability of the location in relation to a range of other constraints such as to interference microwave communication equipment and that these have concluded that the site is suitable for further wind speed investigation. As the site is potentially viable for a turbine and the impact of the structure on the Green Belt would be short lived I consider that very special circumstances exist to outweigh the harm caused.

Aircraft

I note the concerns raised regarding the danger to low flying aircraft. The Civil Aviation Authority advised consultation with Birmingham Airport to allow an assessment in relation to any airport safeguarding issues which relate to developments within certain restricted areas around airports. Birmingham Airport has raised no objections with regards to aerodrome safeguarding. Similarly the Ministry of Defence have confirmed that site is outside their safeguarding areas and raise no objection although they do request a condition for the applicants to provide information regarding commencement and completion dates, heights of the structure and construction equipment and the method of air navigation lighting. The Police Air Operations Unit have raised no objections, no written response has been received from the County Air Ambulance.

I am aware of a Civil Aviation Document 'CAP 168 - Licensing of Aerodromes' that sets out certain parameters for the lighting of structures, including those below 45m in height. A condition can be set to ensure that the structure is lit with appropriate obstacle lights in compliance with the CAA regulations. I am therefore satisfied that there are no overriding aviation safety concerns.

Highway Safety

I note the concerns regarding traffic safety on the M6 and the possible day and night time distraction to drivers. The Highways Agency has raised no objections to the proposal. I consider that it is relatively normal to see tall structures such as this or T.V. and radio masts near motorway networks and I also consider it relatively normal for drivers to see red warning beacons attached to tall structures. I therefore do not consider there to be a significant highway danger issue.

Impact on Wildlife

There have been a significant number of objections raised regarding the danger to flying or migrating birds. I do not agree such fixed structures, although lightweight, would cause a danger to birds and bats who are generally adept at manoeuvring around both man made and natural obstructions. Many objections have also been raised on the impact to the nearby Burns Wood however the structure would be set well clear of the woodland and again being fixed would not cause disturbance to the woodland or its inhabitants. I have been informed that the wind speed monitoring equipment itself would be small in scale and would pose no significant threat to the habitats or creatures. A condition can be set for the prior approval of the details of the monitoring equipment to be used.

Use of the Quarry Land

The CPO has verbally informed me that the site proposed for the mast is not part of the active areas for mineral workings and as such there are no issues surrounding the preservation of mineral stocks. The CPO has also informed me that there are no issues surrounding ground stability given the nature of the structure.

Landscape and Skyline Issues

I note the objections regarding previous development in and around Essington and agree that this would be an intrusion into the skyline however for similar reasons to those outlined in the Green Belt considerations I do not consider that the application for a temporary structure should be refused. The site is not within a specially protected area such as an A.O.N.B. and therefore I do not consider that a landscape objection to this proposal could be sustained. I note the apparent distaste for another tall structure close to Essington but re-iterate that this would be limited to 18 months and that the merits of any subsequent wind turbine application would be discussed at that point.

The permission can be limited for use for meteorological purposes and not for any other siting of equipment for telecommunications by a condition removing permitted development rights. Further, planning conditions can also ensure the removal of the mast after 18 months. I do not consider that it sets a precedent for a mobile phone mast or such like structure in its place as this permission would be granted on the basis of the special circumstances mentioned above and any other proposals would be based on their own merits.

I do not consider that the mast is 'the thin end of the wedge' for a wind turbine as any such proposal would be given its own full and careful consideration as it arose. The granting of a permission here would not prejudice any subsequent considerations for a wind turbine on the site as the issues whilst linked remain substantially different.

Other Matters

The location of the proposed meteorological mast is restricted to this site as its purpose is to determine if an energy resource can be provided for the Ibstock Group site. Alternative sites could not therefore be provided to serve the energy requirements of the applicant company.

Conclusion

This application is for a temporary consent to site the mast to assess whether or not the site may be suitable for a wind turbine. If it is then a further application would have to be submitted for the wind turbine and this would have to be considered on its merits. Although the site is in the Green Belt, is essentially inappropriate development, and will be visually intrusive, I consider that there are very special circumstances, in terms of the temporary nature and experimental nature of the proposal, to justify consent in this particular case, subject to strong conditions requiring further details of lighting, meteorological monitoring equipment, and ensuring that the consent is for a maximum of 18 months.

CONSULTATIONS UNDERTAKEN

PC object; visual intrusion, change of skyline, wildlife impact, ancient woodland Councillor objections; fabric of Essington being eroded by successive commercial ventures such as coal mining, clay, sand and gravel extraction, landfill, M6 motorway. Other additions such as mobile phone masts. Natural features of the landscape would be altered. Land well known for slippage. Road safety to nearby M6. Adjacent to Burns Wood ancient Woodland, need to protect bats and other wildlife. Considerations of mast and turbine should be considered together. Health issues of turbines shown elsewhere in Europe. (consultation period expired 24/8/2007).

CPO consulted (consultation period expired 31/8/2007)

CPRE have no objections and comment that although the proposal is in relation to assessments for a wind turbine it is inappropriate to introduce such considerations here and therefore the issue should not be prejudged as part of this proposal. The site lies in the Green Belt and its urbanising influence is relevant. It is a slender structure but its height and verticality give it undue prominence heightened by its closeness to the inner edge of the Green Belt and the number of people affected in nearby residential areas and travellers along the adjacent M6. Notwithstanding these issues which may carry great weight in any subsequent wind farm submission, this mast proposal is for a temporary period of only 18 months.

HEHS has no objections

Civil Aviation Authority comment that they are not a statutory consultee and refer any proposal for wind turbines, structures in excess of 90m in height or that might significantly alter the skyline of a conurbation. They also refer to safeguarding maps issued under circular 1/2003.

Birmingham Airport have no objections with regards to Aerodrome Safeguarding
HA have no objections

West Midlands Police Air Operations Unit have no objections

County Air Ambulance consulted (consultation period expired 19/10/2007)

Ministry of Defence have no safeguarding objections. The height of the development will necessitate that their aeronautical charts and mapping records are amended. A condition is requested that the developer must notify the MOD prior to the development of the; date of commencement of the construction, the date of completion of the construction, the height above ground of the tallest structure, the maximum extension height of any construction equipment, if the structure will be lit with air navigation beacons.

30 Neighbours object; danger to air ambulance/police helicopter/low flying light aircraft/aircraft on approach to Birmingham and Cosford. Threat to wildlife, migrating birds, bats, geese. Threat to ancient woodland of Burns Wood, only 2.4% of the county's ancient woodland remaining. Land slippage and generation of leachate, previous slippage at Rosemary Quarry. This is not restoration of the land, inevitable infill that will follow, previous problems caused by the quarry through noise, dust, flies. Visual intrusion into the skyline. Distraction to traffic on M54 from lights. No benefit to local village or community. Not conducive with village life. Other more appropriate methods of gathering the information. Already too many masts in Essington. Could be used as another phone mast in the future. Structure may not be removed after 18 months. Why does the development have to be in Essington. Too much previous development and damage to the environment in Essington.

Permission would set a precedent for a turbine. Health issues of wind turbines. Who else will have access to the information.

Advertisement (consultation period expired 4/9/2007)

Site Notice (consultation period expired 4/9/2007)

BACKGROUND DOCUMENTS

PC reply, 6/9/2007

Councillor reply, 19/9/2007

HEHS reply, 23/8/2007

CPRE reply, 30/8/2007

Neighbour reply, 18/9/2007 (x6), 19/9/2007 (x5), 20/9/2007 (x7), 21/9/2007 (x3), 24/9/2007 (x6), 26/9/2007 (x1), 2/10/2007 (x1)

MOD reply, 21/9/2007

Police reply, 1/10/2007

CAA reply, 4/9/2007

Birmingham Airport Reply, 7/9/2007

HA reply, 26/9/2007

DEVELOPMENT PLAN POLICIES AND PROPOSALS

GB1 Green Belt – General

BE26 New Development - Design Criteria

BE25 Location of New Buildings

RE1 Renewable Energy

LS1 Landscape Character – Protection and Enhancement

LS2 Trees, Woodlands and Hedgerow Protection

LS5 Retention and Protection of Trees

LS10 Landscape Improvement Areas – Development Proposals

MW

Rodbaston College The Drive Rodbaston Penkridge

PURPOSE OF THE REPORT

To determine an application for proposed food incubation starter units with offices over

RECOMMENDATION PERCON

Subject to the following condition(s):

1. Before the development commences details of the facing materials to be used for the external elevations shall be submitted to the Local Planning Authority for approval. The development shall be carried out in the approved materials.
2. The premises hereby approved shall be used as food incubation units and office space; and for no other purposes (including any other purpose in Class B2; of the Schedule to the Town and Country Planning (Use Classes) Order 1987.
3. Before development commences details of the finished floor levels of the buildings shall be submitted to the Local Planning Authority for approval. The development shall be carried out to the approved levels.
4. Before the development commences a landscape scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority.
5. Before development commences details and specifications of the proposed windows and doors to be used in the proposed building shall be submitted to and approved in writing by the Local Planning Authority.
6. Before any development takes place a scheme for the provision and implementation of foul drainage and surface water drainage works shall be submitted for the approval of the Local Planning Authority. The development shall not be occupied/brought into use until the approved scheme has been completed.
7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standing shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
8. No development approved by this permission shall be commenced until the application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the Local Planning Authority.
9. If the site investigation report identifies contaminated material, the applicant shall submit to the Local Planning Authority for approval a remediation scheme for the site. The scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

10. Before the proposed development commences, the proposed visibility splay shown in red on the approved plan shall be provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.
11. Before the proposed development is brought into use the parking area shall be provided in accordance with K Saint Associates Drawing No. 32 and shall thereafter be retained for the lifetime of the development.
12. The ground floor of the building hereby approved shall be retained as 6 separate production units throughout the life of the development.

Reasons

1. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan
4. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan
5. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy BE26 of the adopted Local Plan.
6. To avoid pollution of the water environment in accordance with policies BE25, BE27 and BE28 of the adopted Local Plan.
7. To avoid pollution of the water environment in accordance with policies BE25, BE27 and BE28 of the adopted Local Plan.
8. To avoid pollution of the water environment in accordance with policies BE25, BE27 and BE28 of the adopted Local Plan.
9. To prevent the possibility of surface and/or groundwater pollution in accordance with policies BE25, BE27 and BE28 of the adopted Local Plan.
10. In the interest of Highway Safety in accordance with Policy TR4 of the adopted Local Plan.
11. In the interest of Highway Safety in accordance with Policy TR4 of the adopted Local Plan.
12. In order to define the permission and to avoid doubt.

BACKGROUND INFORMATION

1947 - 1998, permission for educational buildings, staff and student accommodation, agricultural buildings, riding buildings.
 1999, alterations and extensions to Sanders Hall, approved (99/00001)
 1999, viewing gallery attached to the indoor area, approved (99/00145)
 1999, coach terminus and additional car parking facilities for indoor riding school, refused (99/00195)
 1999, coach terminus and parking, approved (99/00766)
 1999, 2 bus shelters, approved (99/01139)
 2001, outdoor equine centre, approved (01/00157)
 2001, classroom block, approved (01/00985)
 2002, change of use of land to car park, approved (02/01082)

2002, change of use of pig breeding unit to animal care unit, approved (02/00183)
 2002, extension to fish hatchery unit, approved (02.01319)
 2003, change of use of land to car park, approved (03/00071)
 2003, extensions to outdoor and indoor equestrian are and link, approved (03/00274)
 2003, teaching block, approved (03/00524)
 2003, conversion of barn to plumbing teaching unit, approved (03/00525)
 2004, wheelchair access top college reception, approved (04/00055)
 2004, covering to outdoor equestrian arena, approved (04/00890)
 2005, new single storey teaching block, approved (05/00152)
 2005, new plumbing workshop for teaching purposes, approved (05/00153)
 2005, extensions and alterations to existing college hall to provide student facilities, approved (05/00154)
 2005, horticultural unit, approved (05/00283)
 2006, horticultural building, amended scheme, approved (06/00040/FUL)
 2006, horticultural glasshouse and classroom block, approved (06/00584/FUL)
 2006, visitor centre, refused (06/00757/FUL)
 2006, external staircase and elevational alterations, approved (06/01034/FUL)
 2007, linked student social space and recreation building, approved (07/00664/FUL)

The application has been accompanied by a Design and Access Statement and Ecological Report, which demonstrates why the proposed building is required. Due to the detail contained in the Design & Access statement this is split into various sub headings and is summarised below:

Design & Access Statement:

- Significant pre-application meetings have been held with Officers to assess most suitable site for the development and it was considered that the application site offered the most appropriate location;

Location:

- The site currently comprises of storage space (including large sheds/steel framed buildings) and is effectively industrial in character;
- Site chosen as in highly built up area of college and would not be visible from surrounding area;

Scale:

- Footprint of building been determined by minimum size requirements for 6 food preparation units on ground floor;
- Office accommodation would be provided on first floor of building;
- Site surrounded by existing buildings used for agricultural storage and as granary;
- Materials to be used in walls of building will reflect brickwork in granary building to the south and cladding to reflect character of other steel framed buildings in the locality;
- Levels of building will be set as low as possible to reduce the impact of the building;

Landscaping:

- Existing site comprises of hardstanding and it is proposed to soften this with some planting which could be agreed by condition;

Appearance/Sustainability:

- Building will be constructed to very high energy efficiency rating as required in latest Building Regs;
- Parking spaces provided been calculated using Council's standards;
- Cycle space provided and site easily accessible by public transport.

Justification for Incubation Centre:

- Project consists of a new workspace, specialist food production units and a development kitchen;
- The development kitchen will be fully equipped and designed for training and product development;
- Office units above will be used by tenants of food incubation units or let separately for food related companies;

- Units will be ready for occupation by tenants and they will be required to contract to undergo the appropriate training courses arranged by Rodbaston College;
- The College will also promote a range of training courses at the site for tenants and other food and drink businesses in the area;
- College has access to wide support network for tenants of units which makes Rodbaston an ideal location for the development;
- The College will provide the management, administration and training and business support for the units.

Market Need and Demand for Units:

- Significant need for start up food incubation units in West Midlands as identified in the AWM Regional Food and Drink 3 year cluster plan;
- Local Estate Agents and Valuers Daniel and Hulme identified Rodbaston to be an ideal location for the development to serve the whole County due to its excellent road links and business training facilities;
- DTZ Pinda commissioned by AWM and also identified shortage and significant need for this type of development in region which helps develop the rural economy and diversification;
- The College has also undertaken its own study in Staffordshire which again identified clear demand from businesses and farmers in Staffordshire on site and position in central Staffordshire.

Ecological Report:

- Buildings which currently occupy site due to their steel framed structure currently offer very limited opportunities for wildlife;
- Several old birds nests discovered in building 1 however, there were no signs of bats or owls;
- Overall ecological value of development site low and impact of development would be minimal;
- Recommend that final check of buildings is carried out before works commence and bat and bird boxes attached to building.

REASONS FOR DECISION

Within the Green Belt and Landscape Improvement Area.

Site location & Description:

This application seeks permission for the erection of a building to provide start up food incubation units with offices over at Rodbaston College. The application site is positioned centrally within the main college campus and is surrounded by existing built up development. The site currently comprises of a hard standing with large modern steel framed open fronted buildings along the north, east and west boundaries of the site. To the north, east and west of the site are large 2 storey steel framed agricultural storage buildings with an extensive 2 storey brick granary with 4 storey central tower to the south.

Proposal:

The proposal would involve the demolition of the existing buildings on the site and the erection of a large rectangular building positioned centrally within the site. The building would measure 48m x 18.5m x 10.5m (height to ridge) and have a half hipped roof. It is proposed that the lower elevations of the building would be faced in brick with the upper walls and roof clad in sheet metal. Access to the site would be taken from "The Drive" immediately to the north of the application site which is one of the main access roads through the college. A total of 56 parking spaces (including 2 disabled spaces) would be provided on the hardstanding around the building with pockets of landscaping proposed to break up the parking area. Access for commercial vehicles would be available to the north and south of the building.

The development would provide 6 food incubation units on the ground floor with 12 office units on the first floor. The applicant has identified that there is a clear and

unmet need for small start up food incubation units in the West Midlands region and in Staffordshire itself. The college considers that Rodbaston provides the ideal location for such a development as it is located centrally within both the region and county and has excellent road links (close to M6 and M54 junctions). Furthermore, the college feels that it is ideally placed to provide training, business and administration support for the start up businesses. Existing training courses related to food incubation and related businesses are currently run by the college and Rodbaston's extensive business and administration network will provide much needed support for the start up businesses. It is anticipated that the offices on the first floor of the building will be occupied by companies using the food incubation units or let out separately to food preparation companies.

Principal of Development & Impact on the Green Belt

The site is located within the Green Belt where the construction of new buildings is generally considered to represent inappropriate development unless they are for agricultural or forestry use. The proposed building clearly does not fall within any of these categories and is therefore by definition inappropriate development unless very special circumstances can be demonstrated which warrant an exception to established Green Belt policy. The applicant has put forward a very detailed case for very special circumstances on the basis that the proposed building would provide a much needed facility for start up food incubation units in the West Midlands Region and how the development would not impact on the openness of the Green Belt due to its location at the centre of the built up campus of Rodbaston College. It is clear from the information provided that there is an immediate unmet need within the region for this type of development and the question therefore has to be asked if this location is appropriate for such development. The applicant has highlighted the possible benefits of the site due to its central location within the region and its excellent communication links. Furthermore, the college feels that it is the ideal location for such a development as it can offer benefits that other sites cannot in terms of the specialist training opportunities available through existing courses run by the college and the business and administration support it can offer the start up businesses. In my opinion a combination of the above factors make Rodbaston College the ideal location for such a development providing the proposal would not have a detrimental impact on the openness of the Green Belt.

Turning to the impact of the development on the openness the Green Belt the site is located centrally within the main college campus, occupies previously developed land and is surrounded by existing built development. The application site currently comprises of a large hardstanding area with 3 steel framed buildings which occupy a combined footprint of 796sqm. The proposed building would have a footprint of 888sqm and would therefore only represent a slight increase in the level of built up development on the site, however it is acknowledged that there would be a significant increase in the volume of building. The site is also surrounded on all sides by a mix of steel framed and brick buildings which are similar in height and scale to the proposed development and would screen the proposed building from the surrounding open countryside. The proposal would not therefore have a materially greater impact on the openness of the Green Belt than the existing use in terms of its visual impact.

The impact of the development on the Green Belt is not only limited to its visual impact but also the potential intensification of the use of the site which could result in the proposal having a materially greater impact on the openness of the Green Belt than the existing use. Although the proposal is likely to increase the level of traffic using the site, the college currently has a large number of staff and students accessing the site by car at all times of day. Furthermore, vans and HGV's also access the site on a regular basis in connection with the established agricultural activities which take place at the college. On balance it is not considered that the development would significantly increase vehicle movements into and out of the college site. Therefore in my opinion the development would not have a materially greater impact on the openness of the Green Belt than the existing long

established use of the site as an agricultural college.

In conclusion, the clear unmet need and demand for this type of development, the appropriateness of the site for a development of this type and the very limited impact of the development on the openness of the Green Belt in my opinion represent very special circumstances which outweigh the automatic Green Belt policy objection to the proposal. The proposal is therefore on balance considered to be acceptable in terms of its impact on the Green Belt.

PPS7 (Sustainable Development in Rural Areas):

One of the governments key objectives outlined in PPS7 is to promote sustainable economic growth and diversification in rural areas providing it preserves the intrinsic character of the countryside. The proposal subject to this application would clearly comply with the objectives contained in PPS7 as it would represent a diversification scheme which would contribute to economic growth in a sustainable location. Furthermore, the proposal due to its location within a built up area of the Green Belt would not impact on the character of the countryside.

Highway Issues & Parking:

The existing vehicular access to the site off "The Drive" would be upgraded to serve the proposed development with improved visibility splays to be created on both sides of the access. The CH raises no objections to the proposal subject to conditions regarding visibility splays and formation of the parking and turning areas.

Under the Council's Parking Standards a total of 54 car parking would be required for the development. The proposal provides 56 car parking spaces (including 2 disabled bays) and is therefore in accordance with the standards.

Ecological Issues:

The application involves the demolition of three open fronted steel framed buildings. The applicant has commissioned an Ecological Report to assess if the removal of these buildings would impact on any protective species which may be present in the buildings. This report identified that there is no evidence of bat or owl activity in the buildings and recommends that the proposal would not therefore impact on any protected species. Natural England have raised no objections to the proposal.

Other consultation responses

Concerns have been raised by The Ramblers Association regarding the impact of traffic generated by the proposal on "The Drive" (access road to the north of the site) which doubles up as a public footpath. However, the road/footpath is currently the main access road into the college and it is not considered that the development would therefore significantly worsen the existing situation in terms of vehicle/pedestrian conflict. Furthermore, the CH has not objected to the proposal in relation to pedestrian/vehicle conflict.

The CPRE has also objected to the proposal in terms of the potential impact on the Green Belt. An assessment of the impact of the development on the Green Belt is addressed in the above text.

CONSULTATIONS UNDERTAKEN

PC, consultation period expired 13.09.07

Councillor consultation period expired 13.09.07

CH, no objections, subject to conditions regarding visibility splays and parking areas.

EA, no objections, subject to conditions regarding foul and surface water drainage and contaminated land investigation.

The Ramblers Association, concerned about the increased of traffic which would be using "The Drive" (footpath 0.1055 (b) Penkridge), however, the Association realises that the development would provide valuable employment in this rural area.

CPRE, raises concerns about the following issues:

- Industrial/commercial development not suitable for this colleague site;
- Building could be used for a variety of different uses in the future;
- Building very large and have a detrimental impact on Green Belt.

Natural England has no objections

Neighbours consultation expired 13.09.07

Site Notice consultation period expired 06.09.07

Advert consultation period expired 03.09.07

BACKGROUND DOCUMENTS

CH, received 19.09.07

EA, received 07.09.07

Ramblers Association, received 12.09.07

CPRE, received 24.09.07

Natural England, received 23.10.07

DEVELOPMENT PLAN POLICIES AND PROPOSALS

GB1 Green Belt – General

C11 Institutions in the Countryside

BE26 New Development – Design Criteria

TR3 New Development – Access and Highway Improvements

TC

Keepers Coppice Showell Lane Lower Penn

PURPOSE OF THE REPORT

To determine an application for a replacement veranda and covered way to provide breakfast and utility rooms

RECOMMENDATION REFUSE

Reasons

1. The site is within the Green Belt and the proposed development is not considered to be appropriate development as set out in Planning Policy Guidance Note 2 and the adopted Local Plan. The development is therefore harmful to the Green Belt, contrary to policy of the adopted Local Plan.
2. The proposed development is contrary to planning policies in Planning Policy Guidance Note 2 and in the adopted Local Plan, in that it would result in disproportionate additions to the original dwelling and is therefore inappropriate development in the Green Belt, contrary to policies of the adopted Local Plan.
3. No special reasons have been advanced on agricultural or other grounds to justify a departure from the normal policy of restricting development in this Green Belt area.

BACKGROUND INFORMATION

1966, Remodelling of Keepers Cottage, addition of caravan port, extension of Berridale to form large lounge, Approved (7714/17093)
1993, Granny flat, Approved (93/00439)

REASONS FOR DECISION

Within the Green Belt and Special Landscape Area.

Keepers Cottages sits on the southwest side of Showell Lane, within the Green Belt, it benefits from a private drive with turning circle, detached Annex, and substantially large grounds.

This application relates to a single storey extension, sited on the northern elevation (side) of Keepers Cottage. This proposal amounts to a further increase of footprint by 10sq.m, it is intended to form a new utility room, and convert the existing veranda to dining room with patio doors. It will incorporate a hipped roof, 2.35m to eaves, 4.7m to ridge height. I note, that this proposal will be within an enclosed courtyard at the side of the house.

Keepers Cottage was remodelled in 1966 (7714/17093), with modifications to the front and rear elevations but no increase in footprint. Since then, development of a rear uPVC Conservatory (29.6sq.m) to the rear northern corner of this house has taken place without planning consent. This conservatory links the house to a studio room (31sq.m). The studio room was re-sited as an amendment of the 1966 approval, in which it was originally sited to the front of the house. There is also a front/side flat roof extension in-situ at the time of this application.

The original footprint of this house amounted to 171.77sq.m, this has already been increased by 44%, to 257.86m.sq, this proposal will take the increase to 49.4% which is contrary to policies GB1 & C8 of the adopted Local Plan and the

Supplementary Planning Guidance on Extensions to Dwellings in the Green Belt.

Although this house sits below the level of the front amenity area, it occupies an elevated position at the rear with open views. There are no neighbouring properties or houses that would be affected by this proposal, and this area is well screened with mature trees & 2m timber type walling & gates.

The SPG normally limits extensions to dwellings to 30% over and above the original footprint of the house, within the Green Belt, unless there are any special circumstances. I note no special reasons have been advanced by the agent to justify a departure from the normal control of extensions to dwellings within the Green Belt, as cited in PPG2 & C8 of the adopted Local Plan. Given that this property has already been extended, which has increased the footprint by a further 49% over the original footprint, I do not consider it appropriate to approve further extensions without sufficient demonstration of 'very special circumstances' that would clearly outweigh the harm or erosion of the 'openness' of the Green Belt.

PPG2 states: 'Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances' (para.3.2)

Although the proposal relates to the side of the property, which is not easily visible off the road, it would however, undermine the principle of controlling the increase of footprint, bulk & massing of new development within the Green Belt. I consider that this further addition would have an adverse impact on the openness of the Green Belt, which is contrary to PPG2, & GB1, SPG & BE26 of the adopted Local Plan.

I consider that this application should be refused.

CONSULTATIONS UNDERTAKEN

Wombourne Parish Council, no objection
No neighbour reply, (Consultation period expired 03.10.2007)
Site notice, 03.10.2007

BACKGROUND DOCUMENTS

PC reply received on 09.10.2007

DEVELOPMENT PLAN POLICIES AND PROPOSALS

BE26 New Development - Design Criteria
C4 Dwellings in the Countryside
C8 Extensions
GB1 Green Belt - General
LS7 Special Landscape Area
Supplementary Planning Guidance: Extensions to dwellings in the Green Belt.

CJ

135 Common Road Wombourne

PURPOSE OF THE REPORT

To determine an application for the change of use of ground floor from A1 (shop) to A3 (restaurant/café) and A5 (hot food takeaway)

RECOMMENDATION

Recommend delegate Approval to the Development Control Manager to issue the decision notice upon completion by the Head of Governance and Scrutiny of a Modification Order to revoke the unimplemented part of planning permission 03/00300 in respect of the detached outbuilding.

Subject to the following condition(s):

1. Before the development is brought into use, details of the odour control/ventilation equipment (employing a carbon filtration system and acoustic control measures) shall be submitted to and approved by the Local Planning Authority for approval. The agreed scheme shall be installed before the development is brought into use and thereafter maintained throughout the life of the development.
2. The premises shall remain closed between 23.00 hours and 9.00 hours on Mondays to Saturdays, and shall remain closed on Sundays and Bank Holidays.
3. The parking area shown on the amended block plan received on the 17th October 2007 shall be surfaced and thereafter maintained in a bound material.
4. The development shall be carried out in accordance with the amended plans to be received.

Reasons

1. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy BE26 of the adopted Local Plan.
2. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy BE26 of the adopted Local Plan.
3. In the interest of public and highway safety and convenience and to conform to the requirements of policy TR3 of the adopted Local Plan
4. In order to define the permission and to avoid doubt.

BACKGROUND INFORMATION

1983, Extensions to existing shop. Approved (83/00757)

1983, Extensions and alterations to form self-contained flat, Approved (88/00035)

1997, Change of use of outbuildings to dwelling, Approved (97/00579)

2003, Alterations & extension to provide residential flat, Approved (03/00300/FUL)

Pre-application discussions, advised over concerns of parking and of

environmental health, suggest that further information is sought. Letter of support of applicant, we envisaged objections over parking & nuisance, it is why pre-applications were initiated, as a point of consideration, the change of use of this premises would have a lot less nuisance/parking issue simply as floor area would be a lot less from its current use, comparative analysis is made to that of a convenience store in-situ which demographically floor area would be approximately 800, whereas this proposal for café/sandwich bar is a lot less than this & would attract less nuisance than that already existing.

REASONS FOR DECISION

Within the Development Boundary of Wombourne

This is an application for change of use from a convenience store (A1), to A3 and A5, as a café/sandwich bar, including hot food take-aways, with a floor area of 18.1sq.m. This application does not propose any external alterations, insertion of new windows or signs; staff parking is to the side within the curtilage area of this property.

Above this premise is a self-contained residential flat, with its front entrance off Common Road. The site falls within a small retail area, with shops on both sides of the road. I note that within this section of Common Road there are a number of speed cushions at approximately 10-12m intervals, and sections for parking on both sides of the road. Immediately fronting this premises are parking spaces for 3 vehicles, but there are 10 parking spaces on the opposite side of the road, which is also for the use of existing adjacent shops, including a chip shop and Chinese restaurant. There are double yellow lines along Common Road, which restricts parking and is subject to law enforcement procedures. This therefore controls the flow of movement & parking along this road.

The proposal is required to provide 4 parking spaces. There are 3 spaces in front of this premises, but there is off street parking within the general area to serve the shops. With reference to the County Highway objection received, I have been informed that this related to insufficient detail concerning staff parking. The agent has submitted a revised block plan, which shows staff parking on the northern side and within the curtilage of this premises. Based on this information, County Highway has verbally indicated that they now have no objection to this proposal, and will amend their original comments to suit. Environmental Health Officer has no objection to this proposal, subject to conditions, control over abatement system and hours of opening, I consider this to be reasonable & justifiable.

The neighbour letters of objection comprise a letter of standard format, with 3 issues related to highways, the other 2 - environmental health. However I am confident that County Highways and Environmental Health Officers have already considered these areas of concern. With reference to anti-social behaviour, whilst I do not condone such activity, it is not justifiable to refuse this application.

As a point of consideration, it is reasonable to take account of the 2003 approved application (03/00300), for extension and alterations to the rear part of this building, and conversion of the outbuilding to residential use. This permission is still extant and shows access to the outbuilding conversion over the access where the staff parking is shown in the current application. However it is possible to modify the previous permission to revoke that part of the permission related to the conversion of the outbuilding.

This proposal accords with policies BE26 of the adopted Local Plan. This proposal does not accord with the parking standards in the Local Plan as it fails to provide 4 off road parking spaces. Notwithstanding this, there are 3 parking spaces to the front of this premises, and others along Common Road opposite

the site, which I consider will adequately accommodate the proposed use, given the opening hours of this café/sandwich bar. I also note that the premises already benefits from a A1 (retail use) and could continue to operate as this. I do not consider that the proposed use will generate a greater parking requirement than the existing use.

Based on the merits of this application, I consider this proposal is acceptable.

CONSULTATIONS UNDERTAKEN

Wombourne Parish Council, object, support views of residents - busy road, parking for length of time, cannot rely on nearby parking or on-road parking. County Highways, there are no marked provisions for staff parking onsite, therefore recommend refusal.

Environmental Health, this change has potential for noise from activities within the cooking area and from customers arriving and leaving, as well as odour from cooking, there are flats above and nearby residential properties. There is already a certain amount of noise and smells, it may be considered appropriate to restrict the time of opening, no details of extraction system has been submitted or operating times

13 neighbour letters of objection, parking, highway safety, traffic generation, noise and disturbance, smells, this areas suffers from insufficient off road parking or parking for existing amenities, this proposal will exacerbate this issue, the area is already overdeveloped and has more than adequate food outlets, issues over dangerous parking, litter, potential smells, property devaluation, the attraction of unruly and anti social behaviour

BACKGROUND DOCUMENTS

PC, letter received on 09.10.2007

CH, letter received on 15.10.2007

EH, letter received on 19.10.2007

Neighbour letters received on 3x 5th , 6x 8th , 2x 11th October 2007

e-mail letters of objection received on 2x 17th October 2007

e-mail received from applicant 15.10.2007

fax received on 17.10.2007, showing onsite staff parking

Floor layout plans received on 24.10.2007

DEVELOPMENT PLAN POLICIES AND PROPOSALS

BE26 New Development - Design Criteria

VC1 Development Proposals in Village Centres

CJ

4 The Wheatlands Perton

PURPOSE OF THE REPORT

To determine an application for a first floor side extension

RECOMMENDATION APPROVE

Subject to the following condition(s):

1. The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
2. The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
3. The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

Reasons

1. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy BE26 of the adopted Local Plan.
2. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy BE26 of the adopted Local Plan.
3. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy BE26 of the adopted Local Plan.

BACKGROUND INFORMATION

Single storey rear extension built under permitted development.

REASONS FOR DECISION

Within the Perton Development Boundary

The application relates to a detached house on a cul-de-sac The Wheatlands in Perton. The property is constructed from a red brick and has a drive and garage for parking provision. The property is on a small plot, and the previous single storey rear extension has reduced the size of the garden considerably. The garden is well screened with 1.8m high close boarded fencing surrounding the whole boundary.

The proposal is for a first floor extension, above the existing utility area. The extension will provide an extension to bedroom three, which is currently a very small box room. The extension will measure 2.2m deep, 2.7m wide and 6.3m high matching the height of the existing roof. The extension contains one window on the rear elevation, which is shown on the plan to be obscure glazed and no windows on the side elevation. The proposed extension will be in line with the existing first floor of the dwelling and main windows on the first floor, therefore the proposal will be no closer to the dwelling at the rear.

The design of the extension I feel is appropriate and acceptable in a residential area and will not have a detrimental effect on surrounding neighbours. Therefore it is in accordance with Local Plan policy BE26. However, the proposal does not meet Space about Dwellings standards on the distance between the rear wall and the flank wall of the property behind. The standard distance is 14m and this proposal will result in a distance of 11m. However, the proposed extension, due to its orientation, will not overshadow the neighbours at the rear of the property, nor will there be any loss of privacy because there are no windows in the flank wall. The new window is only an additional window to bedroom three, which already has a window on the rear elevation and in line with existing windows on this elevation and is in line with existing windows on this elevation. Therefore I consider the proposal to be acceptable in this case.

I have noted the comments of the Parish Council requesting that the window shown on the plans should be conditioned to be obscure glazed. However, I do not feel that it is necessary to add such a condition to the permission, as there are no issues with overlooking or loss of privacy for surrounding neighbours.

For the reasons mentioned above I recommend the application for approval.

CONSULTATIONS UNDERTAKEN

PC Comments – No Objections subject to frosted glass being made a condition to the extension for the duration of the development and that there are no objections from their neighbours.

No Neighbour Comments (expired 20/09/2007)

No Councillor Comments (expired 20/09/2007)

BACKGROUND DOCUMENTS

Perton PC E-Mail (received 21/09/2007)

DEVELOPMENT PLAN POLICIES AND PROPOSALS

Local Plan policies BE26 New Development – Design Criteria.

Space About Dwellings - Privacy

NW-F

Land Off Tinkers Lane Brewood

PURPOSE OF THE REPORT

To determine an application for the siting of a log cabin as temporary dwelling to support equestrian business

RECOMMENDATION APPROVE

Subject to the following condition(s):

1. The occupation of the temporary dwelling shall be limited to a person solely or mainly employed, or last employed locally in connection with the operation of the adjoining equestrian business; or a dependent of such a person residing with him/her (but including a widow or widower of such a person) and/or Mrs M Groves and partner
2. The building hereby approved shall be removed and the land restored to its former condition as agricultural land on or before 31st December 2008; in accordance with a scheme of work to be submitted to the Local Planning Authority.
3. Before development commences details of the position within the area edged in green on Drawing No. T782/BLO1 of the temporary equestrian workers dwelling hereby approved shall be agreed in writing by the Local Planning Authority.
4. Before development commences details and specifications of the proposed temporary equestrian workers dwelling hereby approved shall be submitted to and agreed in writing by the Local Planning Authority.

Reasons

1. To control the use and occupation of the temporary dwelling.
2. The reason for the imposition of these time limits is to comply with the requirements of Section 92 of the Town and Country Planning Act 1990
3. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy BE26 of the adopted Local Plan.
4. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy BE26 of the adopted Local Plan.

BACKGROUND INFORMATION

1979, Dividing of 1 large plot to provide additional dwelling, Refused 79/00159
1979, Dividing of 1 large plot to provide 5 additional dwellings, Refused 79/00162
2005, change of use from agricultural land to equestrian manege, approved 05/00696/COU
2006, temporary dwelling, refused 06/00827/TEM2007, change of use of barn to stables, approved 07/00907/FUL

The applicant has submitted a Design and Access Statement and Appraisal of the Equestrian Business which are summarised below:

Design and Access Statement:

- Site is existing equine business with 18 stable boxes, ménage and tack/feed store;

- Proposal seeks consent for temporary dwelling for applicant who owns and runs the equine business;
- Business built up by applicant over last 4 yrs and comprises full, part and DIY livery;
- Proposed temporary dwelling required as applicant needs to be on site at all times to tend to horses when they are ill etc;
- Previous application on the site refused in 2006 on the basis that it was unclear from the financial information submitted if the business could support a dwelling on site, concerns over the functional need for a dwelling and the lack of a detailed search of alternative accommodation in the area;
- Applicant intends to erect a log cabin on the site;
- It is likely that the proposed dwelling would be sited between the existing stable block and neighbouring dwelling.

Appraisal of Equestrian Business:

- As relatively new business no accounts are available. Applicant has provided here own financial information based on the equine business guide model;
- Applicant only labourer involved in business;
- No available dwellings on or in the immediate vicinity of the site;
- Applicant lives in Coven approx 4 miles from site;
- Proposal in accordance with tests outlined in PPS7;
- Business was predominately DIY livery but now intention is to provide 6 full time livery, 6 part livery and 6 DIY to increase profitability of site. Eventually intends to provide all full livery;
- With new stable block granted consent need for 2 full time workers on site;
- Income of business sufficient to support new dwelling (predicted gross income £24,844).
- In conclusion there is clear functional need for up to 2 full time workers, the business has operated for over 12 months and planned on a sound financial basis and clear intention to further develop enterprise.

REASONS FOR DECISION

Within the Green Belt and Landscape Improvement Area

Site Description & Location:

The application seeks temporary permission (for 3 years) for the stationing of an equine workers dwelling on land off Tinkers Lane, Brewood. The site has been used for stabling for over 10 years with the applicant running an equestrian business from the site since 2004. The application site is set behind a small ribbon of dwellings on Tinkers Lane and is accessed from this road along a hardcore track. There are a collection of buildings including 11 stables and a range of other associated buildings including feed store, hay barn, tack room and kitchen. The site also has a manege positioned to the south-east of the cluster of stable buildings. Planning permission was granted earlier this year (Ref: 07/00907/FUL) for the conversion of an existing barn to provide an additional 7 stables. When permission 07/00907/FUL is implemented there will be a total of 18 stables on the site.

The business utilises 4.45 ha of land (11 acres) for the grazing of horses as well as some production of hay. The actual site of the proposed temporary dwelling is to the west of the main operation and to the east of the nearest dwelling (Myrtle). It currently comprises of a rough grassland area and contains a small number of fruit trees with the land sloping gently in an easterly direction.

Proposal:

The application seeks permission for a temporary occupational dwelling for the

applicant who runs the established livery business on the site. The applicant has indicated that it is their intention to construct a log cabin on the site (dimensions 12.8m x 6m) which would be fall within the increased size restrictions which defined mobile homes in the 2006 Mobile Homes Act.

Principal of Development & Impact on the Green Belt:

The site is located within the Green Belt where the construction of new dwellings for non agricultural or forestry purposes are generally considered to represent inappropriate development. The proposed temporary equestrian workers dwellings does not fall within either of the above categories and therefore constitutes inappropriate development in the Green Belt unless very special circumstances can be demonstrated which outweigh the automatic Green Belt policy objection to the proposal. The applicant has put forward a case for very special circumstances on the basis that the proposal is fully in accordance with up to date planning guidance for temporary occupational dwellings contained in PPS7 (Sustainable Development in Rural Areas). If the proposal satisfies all of the criteria outlined in PPS7 then the applicant would clearly have a case for very special circumstances.

PPS7 (Sustainable Development in Rural Areas):

Annex A of PPS7 advises that Local Planning Authorities should apply the same criteria and principals for occupational dwellings as they would for applications for agricultural or forestry workers dwellings. This application would therefore need to satisfy all of the 5 criteria relating to temporary agricultural dwellings contained in paragraph 12 of Annex A of PPS7 for the development to be acceptable in principal and amount to very special circumstances which would outweigh the Green Belt policy objection to the proposal.

The first requirement for temporary agricultural/occupational dwellings is that the applicant must demonstrate clear evidence of a firm intention and ability to develop the enterprise concerned, with significant investment in new buildings often a good indication of the intentions of the applicant. The applicant has operated the existing livery business on the site since 2004 and currently provides stabling for a total of 11 horses with associated facilities including storage space and an excise manege. Furthermore since the previous refusal in 2006 for a temporary equestrian workers dwelling the applicant has secured planning permission for the conversion of an existing building on the site to provide a further 7 stables taking the total number of stables at the site to 18 once this permission is implemented. This clearly shows that the applicant has shown an intention to develop the business by obtaining planning permission to provide additional stabling on site.

The second test outlined in PPS7 is the need for applicants to demonstrate a functional need for the temporary dwelling which requires one or more workers to be on site 24 hrs a day. Such examples of where there would be a clear functional need would be if there are animals on site which require essential care at short notice (i.e. to deal quickly with emergencies). The applicant has put forward a case that there is a clear functional need for at least one person to be on site at all times for security reasons (horses are expensive animals and are susceptible to theft), to treat ill or injured horses (horses susceptible to diseases which can be sudden and fatal at any time of the day or night), if there is an emergency (i.e. fire) and horses need to be evacuated quickly to prevent injury and distress and finally in the case of mares foaling where a worker is required to be on site at all times in case of complications arising during birth. The applicant cannot effectively satisfy any of the above functional requirements from her current home some 4 miles away from the site and has on a number of occasions had to resort to sleeping in her car on site to care for ill or injured horses.

To fully assess the functional requirement for a temporary equine workers

dwelling on the site it is important to consider the application in relation to 2 previous Appeal decisions in 2004 and 2005 for similar forms of development in the District. The first Appeal at Mansty Head Farm, Penkrudge related to an application for a temporary dwelling in association with a development of 6 stables. In this case the Inspector concluded that due to the limited number of horses on site that the functional needs of the enterprise could be met by the Appellant who lived only 3 miles away from the site. In contrast in the second Appeal decision at Park Stables, Penkrudge the Inspector concluded that as the site could potentially accommodate between 20-25 horses there would be an increased need for the Appellant to reside on the site to care for sick animals and be on hand to deal with any complications for any future foaling on site. In my opinion the proposal subject to this current application would be very similar to the latter Appeal decision as a result of permission being granted earlier this year for additional stables, which would increase the capacity of the site to 18 stables (11 on site at present). This Appeal decision in my opinion represents a material consideration which carries significant weight in the determination of the current application.

For the above reasons I consider that the applicant has provided sufficient evidence to demonstrate that there is a clear functional need for at least one worker to be present on site 24 hrs a day and the second requirement of PPS7 has consequently been satisfactorily addressed.

Turning to the third requirement of PPS7 the applicant needs to demonstrate that the enterprise has been planned on a sound financial basis. One of the concerns expressed in relation to the previous application for a temporary dwelling on the site was that the applicant had not provided a sound financial business plan for the enterprise. Since the previous application the applicant has obtained permission for a further 7 stables on the site which has the potential to significantly increase the income from the enterprise. Although there are no firm accounts available yet for the business a financial report has been prepared by an independent financial consultant to include the additional potential income from the stables granted under permission 07/00907/FUL. This suggests that the increased pre-tax projected profit of the enterprise would increase to £24,844 (including deductions of all costs and the applicants wage). These figures are based on 6 full time livery stables, 6 part livery and 6 DIY livery stables. If the number of full time livery stables was increased to incorporate the part livery and DIY livery stables then this could increase the profit levels of the business still further. These financial projections for the business clearly suggest that there is sufficient potential income in the business to support at least one full time worker and provide a clear indication that the business is planned on a sound financial basis.

The fourth element of PPS7 requires applicants to consider if there are existing dwellings/buildings on the site which could meet the functional need of the enterprise or if there is any other existing accommodation in the area which is suitable and available for occupation by the worker concerned. There are no existing dwellings on the site which could be occupied by the applicant or any existing outbuildings which are suitable for conversion to provide an occupational dwelling. The first part of criterion 4 of PPS7 has therefore been adequately addressed. Turning to the issue of other accommodation in the area which could be suitable and affordable to meet the needs of the applicant, concerns were expressed with the previous application in 2006 (Ref: 06/00827/TEM) on the basis that the applicant had failed to make any attempt to look for suitable properties in the area. The applicant has now carried out a detailed assessment of suitable properties for her family in the area (in and around Brewood) and has concluded that due to the high cost of accommodation (average price of £220,000 for 3 bedroom semi) that there are no affordable options available locally for an equine worker (with potential profit before tax of £24,844). Similarly with rental properties in the area it is likely that the cost of renting a property would be out of reach of the applicant given the projected potential

profits of the enterprise. Furthermore, properties in the Brewood area would not be within site and sound of the business and would not therefore meet the functional requirements set out in PPS7. In my opinion the applicant has provided satisfactory evidence, which demonstrates that there is no suitable alternative accommodation in the area which would meet the functional needs of the business and criteria 4 of PPS7 has therefore been satisfactorily addressed.

Finally, criterion 5 of PPS7 requires the applicant to demonstrate that all other planning considerations (i.e. siting, access etc) have been satisfied. The proposed temporary occupational workers dwelling would be accessed via the existing vehicular access off Tinkers Lane. The CH raised no objections to the previous application on the site in 2006 and although their formal comments have yet to be received they have verbally confirmed that there are no objections to the proposal on highway grounds.

In reference to the location of the proposed temporary equine workers dwelling it would be located between existing outbuildings connected to Myrtle Grove to the north and the existing stable buildings on the site to the south. The proposed temporary occupational dwelling would be largely screened from the surrounding open countryside by these existing buildings and would not therefore harm the openness or visual amenities of the Green Belt.

Consultation Responses:

A number of objections have been raised regarding the impact of the development on the Green Belt and the lack of very special circumstances which would outweigh the automatic harm to the Green Belt. These issues are discussed above. The County Farms Land Agent has no further comments to make in addition to those made in relation to the 2006 application where he concluded that it would be desirable for a key worker to reside on site and highlighted the relatively modest profit generated by the enterprise. Since the previous application the applicant has gained consent for additional stabling and has further developed the business which has increased the potential profit levels for the enterprise. It is therefore considered that these comments have now been adequately addressed with this revised application.

Conclusion:

The site is located within the Green Belt where the construction of new dwellings for non agricultural or forestry purposes are generally considered to represent inappropriate development. The proposed temporary equestrian workers dwellings does not fall within either of the above categories and therefore constitutes inappropriate development in the Green Belt unless very special circumstances can be demonstrated which outweigh the automatic Green Belt policy objection to the proposal. The applicant has put forward a case for very special circumstances on the basis that the proposal is fully in accordance with up to date planning guidance for temporary occupational dwelling contained in PPS7 (Sustainable Development in Rural Areas). If the proposal satisfies all of the criteria outlined in PPS7 then the applicant would clearly have a case for very special circumstances.

PPS7 requires that applications for temporary occupational dwellings should provide a clear and firm intention to develop the business, demonstrate a clear functional need for the dwelling, provide evidence that the enterprise has been planned on a sound financial basis, demonstrate that the functional need for a dwelling cannot be met elsewhere on the holding or in the surrounding area and all other planning considerations have been met. On balance I consider that the applicant has shown a clear indication of an intention to develop the business by obtaining planning permission for further stabling on site, has submitted details of a functional need, submitted detailed financial projections of how the business is likely to develop financially, carried out a detailed search for suitable alternative

accommodation in the area which could fulfil a functional need and addressed all other planning considerations. In my opinion the applicant has largely addressed all of the 5 tests outlined in PPS7. However, I would suggest that a 12 month temporary permission is granted rather than the 3 year consent as requested by the applicant in order for the applicant to implement the planning permission for stabling granted earlier this year which would further demonstrate a firm intention to develop the enterprise and provide full financial accounts for the business in addition to the submitted financial projections.

The proposal therefore satisfies all of the criteria in PPS7 and in my opinion an acceptable case for very special circumstances has been put forward which justifies an exception to established Green Belt policy.

CONSULTATIONS UNDERTAKEN

PC, refusal on Green Belt grounds

Councillor Comments, object to the application on Green Belt grounds and no very special circumstances have been demonstrated.

County Farms and Land Agent, I made a detailed appraisal on the previous application and have no further comments to make on this revised application.

Brewood Civic Society, object to the application on the following grounds:

- Proposed dwelling is large and could become a permanent dwelling;
- Provide visual intrusion in Green Belt.

The Ramblers Association, object to the application on the grounds that it is the erection of a building in the Green Belt, the applicant has not provided sufficient justification for the dwelling as houses are frequently for sale in Brewood which could be used and there is no good reason for someone to live at the stables.

Site Notice consultation period expired 19.09.07

Advert consultation period expired 17.09.07

Councillor comments expired 05.10.07

Neighbours comments expired 05.10.07

CH comments expired 05.10.07

County Planning comments expired 05.10.07

CPRE comments expired 05.10.07

BACKGROUND DOCUMENTS

PC comments received, 27.09.07

Councillor comments received 17.09.07

County Farms and Land Agent comments received 03.10.07

Brewood Civic Society comments received 11.10.07

The Ramblers Association comments received 2.10.07

DEVELOPMENT PLAN POLICIES AND PROPOSALS

GB1 Green Belt - General

C4 Dwellings in The Countryside

TR3 New development - access and highway improvements

TR4 New development - vehicles parking and manoeuvring

BE26 New development - design criteria

H17 Spaces About Buildings

C5 Agricultural and Forestry Workers Dwellings

TC

The Coppice Pattingham Road Perton

PURPOSE OF THE REPORT

To determine an application for a bay window and recess in living room

RECOMMENDATION APPROVE

Subject to the following condition(s):

1. Before the development commences details of the facing materials to be used for the external elevations shall be submitted to the Local Planning Authority for approval. The development shall be carried out in the approved materials.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any other subsequent equivalent Order, no development within the following classes of development shall be carried out without the prior approval of the Local Planning Authority:
 - a. Schedule 2, Part 1, Class A - extensions and alterations
 - b. Schedule 2, Part 1, Class B - roof alterations including dormer windows
 - c. Schedule 2, Part 1, Class C - other roof alterations including roof lights
 - d. Schedule 2, Part 1, Class D - porches
 - e. Schedule 2, Part 1, Class E - garden buildings and structures
 - f. Schedule 2, Part 1, Class F - hardsurfacing
 - h. Schedule 2, Part 1, Class H - satellite dishes
 - i. Schedule 2, Part 2, Class A - gates, fences and walls
 - j. Schedule 2, Part 2, Class B - access

Reasons

1. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy BE26 of the adopted Local Plan.
2. The site is within the Green Belt within which, in accordance with the planning policies in PPG2 and policy GB1 of the adopted Local Plan, there is a presumption against inappropriate development.

BACKGROUND INFORMATION

1975, Demolition and rebuild, Refused (75/00353)

1976, Extensions, Approved (76/00353)

2007, Single storey front extension plus chimney breast to rear & bay window, Refused (07/00647/FUL)

Pre-application discussions (07/00050/PREAPP)

REASONS FOR DECISION

Within the Green Belt and Landscape Improvement Area

The Coppice is a modern detached bungalow set on the southern side of Pattingham Road in a loosely defined 'ribbon of development' with agricultural land immediately to the front, and to the rear. I note houses on Pattingham Road are varied in design, architectural quality, bulk and mass with generous separation distances between houses, there is no consistency in plot size, or layout.

It is proposed to erect a bay window (3.7 sq.m.) with canopy over to the south elevation of the living room, and a recess to form an inglenook fireplace (1.2 sq.m.) to southeast elevation of this dwelling. This is a partial re-submission of a recently refused application (07/00647/FUL) for the erection of extensions and additions. The previous application included a substantial front extension.

As this property already benefits from extensions in excess of the 30% of original ground floor area allowed in the Supplementary Planning Guidance for extensions to dwellings within the Green Belt, further extensions would not be supported unless there are very special circumstances. In this case, the extensions proposed are of an extremely minor nature, with a total floor area of 4.9 sq. m. They are to the side/rear of this property, and will not be open to view. The Coppice is well screened with large mature trees and hedges to all of its boundaries.

The footprint of The Coppice is currently at 119.38 sq.m., this includes a detached garage that is within 5m of this dwelling house. This bungalow is relatively small in size, and this proposal is for 4.9 sq.m. increase, which will take the footprint to 124.5 sq.m. I have taken into account a neighbour objection relating to the increase in floor area, but I consider that the nature of this development, as two discrete minor additions, will not reduce the openness of the Green Belt to such an extent that permission should be refused. There is also the opportunity to control further curtilage development by the withdrawal of permitted development rights if permission is granted. In all these circumstances, I consider that this proposal accords with policies in PPG2, and BE26 of the adopted Local Plan. I consider this proposal to be acceptable.

CONSULTATIONS UNDERTAKEN

Pattingham & Patshull Parish Council, no objection
Neighbour letter of objection received, this property is situated within the Green Belt & the proposed extensions would mean that the property would far exceed in size the property that originally stood on the site, known as 'Dream Cottage' plus it would exceed the 30% of allowable extensions over and above the original footprint of dwellinghouses within the Green Belt.

Site notice, consultation period expired 19.10.2007

BACKGROUND DOCUMENTS

PC letter received on 19.10.2007
Neighbour letter received on 16.10.2007

DEVELOPMENT PLAN POLICIES AND PROPOSALS

BE26 New Development - Design Criteria
C8 Extensions
GB1 Green Belt - General
C4 Dwellings in the Countryside
LS10 Landscape Improvement Areas - Development Proposals
SPG Extensions to Dwellings in the Green Belt

CJ

1 Market Lane Lower Penn

PURPOSE OF THE REPORT

To determine an application for a two storey side extension

RECOMMENDATION APPROVE

Subject to the following condition(s):

1. The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any other subsequent equivalent Order, no additional windows shall be inserted in the north and south elevations shown in orange, without the prior written consent of the Local Planning Authority.
3. The windows outlined in green on the south elevation shall be obscure glazed and maintained as such throughout the life of the development.
4. The development shall be carried out in accordance with the amended plans to be received.

Reasons

1. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy BE26 of the adopted Local Plan.
2. To safeguard the visual amenity of the area and the privacy of residents in nearby dwellings in accordance with policy BE26 of the adopted Local Plan.
3. To safeguard the visual amenity of the area and the privacy of residents in nearby dwellings in accordance with policy BE26 of the adopted Local Plan.
4. In order to define the permission and to avoid doubt.

BACKGROUND INFORMATION

1972, Side extensions, Approved (10790/22229)

REASONS FOR DECISION

Within the Green Belt and Landscape Improvement Area, Adjacent to Conservation Area

This application refers to the erection of side & rear extensions to this semi-detached pitched roofed house, which is set to the western side and well back off the road frontage of Market Lane, Lower Penn.

The dimensions of the two-storey extension, partially built over an existing flat roofed garage and linked to the side extension is 3.9m by 5.8m to existing eaves and ridge height of this house, with front and rear gable elevations. In addition there will be a retaining wall to the southern boundary with a 1m wide walkway in between to provide access to the rear garden.

It is intended to redevelop the existing garage and rooms to form a new dining room, utility and shower room with hallway linked to a new kitchen; on the first floor there will be two bedrooms with en-suites.

This house is set towards the top end of Market Lane, to the rear of The Greyhound Inn, and the Victory Hall. It is set in a slightly staggered line of development and elevated above the level of the road; immediately in front is a service road for access to houses along this side. This house benefits from a large rear garden and side extensions approved in 1972 (10790/22229), it is well screened with hedges and trees to the front and side boundary, over an existing 1.3m high stonewall. Therefore, I do not consider this proposal would be significantly open to views, I also note similar side extensions nearby.

Houses along this side of the road, are fairly consistent in architectural design, quality and bulk and mass, with sufficient off road parking to the front and/or on the side of the service road. As this property is situated in the Green Belt, consideration is given to the increase of footprint together with bulk and mass, and the 'very special circumstances' that maybe applied to in this case, which would outweigh the harm and erosion of the Green Belt.

The SPG on Extensions in the Green Belt limits extension to dwellings to 30% over and above the original footprint, unless there are 'very special circumstances'. The original footprint of this house amounted to 66.7m.sq and additions in 1972 took this to 87.71m.sq, a 31.5% increase over and above the original footprint of the house. This application originally included a conservatory that would have resulted in new footprint of 62.97m.sq, or 94% increase, which is clearly contrary to policy, and unacceptable. I informed the agent of this point he has now agreed that the proposed rear conservatory is to be omitted from this proposal.

Having taken this into account, this now brings the increase of footprint to 43.63m.sq, or 65% of the original floor area. In this case, I consider there to be very special circumstances to justify a departure from the normal control of development within the Green Belt, in that this property forms part of a continuous ribbon of development and in my view the proposed development would not erode the 'openness' of the Green Belt.

It accords with policies cited in PPG2, and GB1, BE26 of the adopted Local Plan

Subject to conditions I consider this proposal to be acceptable.

CONSULTATIONS UNDERTAKEN

Lower Penn Parish Council, a large number of Councillors declared an interest, there were insufficient members to determine the application and for this reason Lower Penn Parish Council is unable to forward comments.

Conservation Officer, no observations

Received neighbour comment of support, no objection to this application

Site notice, (Consultation period expired 16.10.2007)

Advert, (Consultation period expired 16.10.2007)

BACKGROUND DOCUMENTS

PC, comments received on 10.10.2007

CO, response received on 21.09.2007

Neighbour letter received on 10.10.2007

DEVELOPMENT PLAN POLICIES AND PROPOSALS

BE26 New Development - Design Criteria

GB1 Green Belt - General

LS10 Landscape Improvement Areas - Development Proposals

CJ

Longwaite Wolverhampton Road Laney Green

PURPOSE OF THE REPORT

To determine an application for the change of use of land to incorporate into domestic curtilage

RECOMMENDATION APPROVE

Subject to the following condition(s):

1. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any equivalent order, no fences, walls or other means of enclosure shall be erected without the prior approval of the Local Planning Authority.
2. The permission hereby granted does not grant or imply consent for the erection of any walls, fences or other means of enclosure on the site.

Reasons

1. To safeguard the amenity of the area in accordance with policy BE26 of the adopted Local Plan
2. To define the permission.

BACKGROUND INFORMATION

Not Applicable

Supporting Statement - The land for which planning permission is sought is at present classed as part of the adopted highway, but which the applicants have maintained for a considerable period of time. The parcel of land was in fact once part of the garden to a cottage fronting the road; which had stood empty for sometime and was eventually condemned and demolished. The land is believed to have been compulsory purchased by Staffordshire County Council in the 1960s for use as a bus draw in, however, these plans were never instigated because of the section of road proving to be an accident 'black spot'. For this reasons they abandoned a bus draw in and erected a crash barrier instead. However, since the road has been closed due to the construction of the M6 Toll, the applicants feel that this land is no longer of use.

REASONS FOR DECISION

Within the Green Belt and a Landscape Improvement Area.

The application relates to a proposed change of use of a section of adopted highway land to the garden land of an existing dwelling. The dwelling is located off the Wolverhampton Road in Laney Green which has previously been closed off to form a cul de sac due to the construction of the M6 Toll road. The piece of land in question is to the south of the house itself and adjoins the curtilage of the dwelling. It was previously part of the garden of a cottage that has subsequently been demolished. However, in the 1960s it was subject to a compulsory purchase order (CPO) by Staffordshire County Council and a crash barrier was erected on to it. Currently the land is a grassed area still with the crash barrier in position. The land is now maintained by the applicants and has been since the CPO. The applicants now wish to purchase the land from the County Highways and incorporate it into their own garden. As part of this change of use the applicants will remove the barrier and have stated that they will erect a new boundary fence. However no

details of the fence have been submitted with the application.

The fact that the proposal consists of the removal of the feature from County Highways control means that it is important to ensure that highway safety is maintained. In addition to this, two neighbours have objected to the proposal on the grounds that it will restrict visibility when exiting their own properties. However, the County Highways Officer has raised no objections to the proposal providing a Stopping Up Order is in place before the development is commenced. Therefore I feel that highway safety will not be compromised. As no fence details have been submitted with this application I cannot judge the affects that it may have on visibility and access. However, this is a quiet road now it is closed with little traffic and I do not envisage this development to pose any significant affect on the visibility of others exiting their own properties if the correctly positioned fence were to be erected. Therefore I consider that a condition placed on the permission to ensure that no fences are erected on the site without prior approval of the LPA is necessary.

In regard to the affect on the visual amenity of the area I do not consider that the change of use itself will have a significant impact, in fact the removal of the crash barrier would be a positive step. The erection of a fence however could have substantial impact and can again be controlled by condition.

In previous applications where land in the Green Belt, particularly agricultural land, is changed into garden land the Permitted Development Rights are removed to protect the openness of the Green Belt by restricting development. However, in this instance I do not feel that it is necessary to remove these rights. The land in question is neither agricultural nor open space; it is small strip of land next to a road which is not particularly sensitive and where there is probably no risk to the openness of the area. In addition to this the site was previously garden land and would comfortably slot back into the residential curtilage of the house.

Furthermore, there is little that the owner could build on the land as Permitted development due to its location next to the road. For both extensions to dwellings and outbuildings within the curtilage of a dwelling, the General Permitted Development Order states that the building or structure must be no nearer to any highway than the original dwelling house or any point within 20m of that highway, whichever is nearer. This piece of land being both closer to the highway than the original dwelling and within 20m of the road means that a building could not be erected as Permitted Development anyway. Therefore I consider the condition regarding any walls or fences to be adequate enough to control development in this location.

For these reasons I consider the application to comply with Local Plan policy BE26 and is acceptable.

CONSULTATIONS UNDERTAKEN

PC Comments - No objections

2 Neighbour Comments - object to the proposal on the grounds that it will restrict views from the access of neighbouring properties.

HA Comments - No objections

County Highways Comments - No objections subject to a Stopping Up Order under section 247 of the Town and County Planning Act 1990.

No Councillor Comments (expired 16/10/2007)

Site Notice Posted (expired 17/10/2007)

BACKGROUND DOCUMENTS

County Highways (15/10/2007)

HA Letter (15/10/2007)

PC Letter (18/10/2007)

Neighbour Letters (16/10/2007 and 18/10/2007)

DEVELOPMENT PLAN POLICIES AND PROPOSALS

BE26 New Development - Design Criteria

GB1 Green Belt - General

LS10 Landscape Improvement Areas - Development Proposals

MB

Land Adjoining 6 Wolverhampton Road Codsall

PURPOSE OF THE REPORT

To determine an application for the erection of a one-bedroom dwelling

RECOMMENDATION APPROVE

Subject to the following condition(s):

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any other subsequent equivalent Order, no development within the following classes of development shall be carried out without the prior approval of the Local Planning Authority:
 - a. Schedule 2, Part 1, Class A - extensions and alterations
 - b. Schedule 2, Part 1, Class B - roof alterations including dormer windows
 - c. Schedule 2, Part 1, Class C - other roof alterations including roof lights
 - d. Schedule 2, Part 1, Class D - porches
 - e. Schedule 2, Part 1, Class E - garden buildings and structures
 - f. Schedule 2, Part 1, Class F - hardsurfacing
 - g. Schedule 2, Part 1, Class G - oil containers
 - h. Schedule 2, Part 1, Class H - satellite dishes
 - i. Schedule 2, Part 2, Class A - gates, fences and walls
 - j. Schedule 2, Part 2, Class B - access
 - k. Schedule 2, Part 2, Class C - painting of exterior
2. The garage edged in purple shall be provided within the curtilage of the site, concurrently with the development, and thereafter shall be retained as such throughout the life of the development.
3. Before the dwelling hereby approved is occupied, the existing gates set in the front boundary wall shall to be removed and the resultant opening shall be infilled with a wall constructed in materials to match the existing wall, and to the same height as the existing wall to the satisfaction of the Local Planning Authority. The length of wall outlined in orange on the approved plan shall remain for the life of the development.

Reasons

1. In order to safeguard the visual amenity of the area and the privacy of residents in nearby dwellings, and in order to retain the amenity space around the dwelling in accordance with policy BE26 of the adopted Local Plan.
2. In the interest of public and highway safety and convenience and to ensure that adequate parking facilities are available to serve the development and to conform to the requirements of policy TR4 of the adopted Local Plan
3. To safeguard the visual amenity of the area and the privacy of residents in nearby dwellings in accordance with policy BE26 of the adopted Local Plan.

BACKGROUND INFORMATION

1985, Conversion of barn to dwelling, Refused (85/00264)

1985, Extensions to form new dwelling and alterations to existing dwelling, Refused (85/00265)

1985, Replacement House and garage, Approved (85/00045)
1989, Bathroom and sunlounge, Approved (89/01192)
1989, Double Garage, Approved (89/00341)
1993, Extensions, Approved (93/00236)
2006, Change of use of barn to dwelling, Approved (06/01293)

REASONS FOR DECISION

Within the Codsall Development Boundary

This is a retrospective application for the erection of a dwelling on land adjacent to 6, Wolverhampton Road, Codsall. Planning permission for change of use of an existing building on the site was approved in January 2007. (06/01293/COU). The building was in the ownership of the adjacent dwelling and was originally used for ancillary uses. However, instead of carrying out the conversion as approved, the Applicant has demolished the building and re-built it, without the benefit of planning permission. The original proposal was to convert the building into a separate dwelling with its own curtilage. The proposal also included a garage for the proposed dwelling by incorporating part of an adjacent double garage, which is under separate ownership, but immediately adjoining the building. There will also be a small extension to the front of the proposed dwelling, which links the garage to the dwelling and provides an entrance lobby. These elements are essentially the same on this current application, however the roof height of the building has been raised by approximately 850mm and the window to the front elevation is of a different design.

The dwelling will provide a bedroom with en-suite, a bathroom, utility, and w.c. and kitchen/dining room on the ground floor, and a living room and study on the first floor. The bedroom and kitchen windows are located on the side elevation within 1.5m of the site boundary, contrary to the 'Space about Dwellings' standards as set out in the adopted Local Plan. However, the proposal includes a 1.8m high brick wall to the boundary with the existing dwelling and therefore there will be no over looking issue in this regard. I also note that the presence of additional and larger rooflights.

The area of land to the front of the building is currently hard standing with a 1.8m high stone wall and large gates to the highway. The proposal includes removing the gates and infilling the subsequent opening with a wall to match that existing. The paved area to the front of the building will provide private amenity space for the proposed dwelling. This amenity space is approximately 54sq.m in area and although it is located between the building and the highway, it will be kept private by the substantial frontage wall. When the existing access is closed, this will be a totally enclosed 'courtyard' garden of adequate size for a small dwelling.

The close juxtaposition of the building to the host dwelling, the closeness of principal windows to the site boundary and the restricted private amenity space were only acceptable originally in the context of the change of use and retention of an attractive building with character. Permission would not have been granted for a new dwelling of this design and location. However, the re-build, without planning consent, has now been carried out, and although the circumstances are highly unsatisfactory, it would be difficult to refuse consent for the new dwelling, as it is very similar to the original structure. Although the height and bulk of the building has been increased, this does not have a materially greater impact on the street scene or the amenities of adjacent residents.

In all these circumstances, I conclude that the proposal is acceptable as a small one bedroom, two person dwelling in a very sustainable location close to the village centre.

CONSULTATIONS UNDERTAKEN

PC consultation Period Expired 29th October 2007
CH consultation Period Expired 29th October 2007
CLBO consulted, no objections.
Neighbours consultation Period Expired 29th October 2007
Advert Placed in Press, Consultation Period Expired 29th October 2007
Site Notice Posted, Consultation Period Expired 6th November 2007

BACKGROUND DOCUMENTS

CLBO reply 19/10/07

DEVELOPMENT PLAN POLICIES AND PROPOSALS

BE26 New Development - Design Criteria
TR4 New Development - Vehicle Parking and Manoeuvring

SRP