

PLANNING_– All matters have been referred to the Planning Committee and their comments appear in italics below, the Committee meet fortnightly 5pm, in the Douglas Room, Barton Village Hall. Please contact the clerk for dates should you wish to attend any Planning Meetings

1. 00700 - 55 Wales Lane : Demolition of existing garage and erection of a detached building to form Annex to be used as ancillary dwelling – *no objections*
2. 00814 - Land South Small Meadow Lane, East Dunstall Road : Erection of 1no. self-build detached 4-bed dwelling, detached single storey garage, detached garden room, installation of septic tank and associated works/landscaping – *see objections attached*
3. 00727 - Yew Tree House, Yoxall Road, Woodhouses : change of use from Class C3 dwellinghouse to form a small-scale childrens care home Class C2

This location is on a "B" road with an occasional bus service, so cannot be considered a sustainable location as most if not all journeys would be by motor vehicle.

This application for a change of use is well outside settlement boundaries and as such is covered by SP8. We cannot see how it complies with the criteria set out for development outside settlement boundaries. Even if it did it would be necessary to show the development does not adversely affect the amenities enjoyed by existing land users, including, in the case of proposals for development close to an existing settlement, the occupiers of residential and other property within that settlement. "Settlement" must surely include the residents of the hamlet of Woodhouses.

The applicants have stated that the residential home will cause no problem though we do not see evidence to justify this. Can the applicants show a track record of having run similar establishments satisfactorily in such a rural location?

We made enquiries about a comparable home in the village of Newborough that was established with similar assurances but has caused considerable nuisance to other residents. An Ofsted inspection of this establishment in November 2022 judged it to be "Inadequate". On reading this report we see that the registered provider is shown as Olive Tree Residential Care Limited, as is the current applicant.

We therefore object to this application in its current form as being contrary to SP8 of the Local Plan.

4. 00895 - 55 Sutton Crescent : Crown reduction by 1.5 meters, crown clean to remove dead and potential disease bearing limbs, reduce eastern structural limb to 1.5m stub and western structural limb to 1m stub of one Oak Tree (TPO 318)

A similar application P/2023/00424, was refused for this reason,

"1 The tree is a healthy specimen which occupies a prominent position in its surroundings and is of high visual amenity value due to its visibility. Insufficient information has been provided in respect of the proposed works and no arboricultural evidence has been submitted to justify the proposed works to the tree which would irreparably damage its form and appearance to the detriment of the visual amenities of the locality contrary to the Local Plan Policy DP8, the National Planning Policy Framework, and guidance contained in the National Planning Practice Guidance."

This agreed with our then objection,

"This is a mature healthy tree providing valuable visual and habitat amenity to the area thus justifying TPO318.

The applicant indicates that there is no concern over the condition of the tree and it is not causing damage to property."

It is clear that the tree has, at some time in the past, had limbs lopped from the trunk. This may well have been done by the developer of the estate several years ago. Oak tree heartwood is durable and there is no sign of decay from this old work. As before the applicant does not claim the tree is diseased or dangerous or causing damage to property. There is no report from a professional arboriculturist to justify any work to this tree.

We therefore object to this application in similar terms to the previous one.

This is a mature healthy tree providing valuable visual and habitat amenity to the area thus justifying TPO318.

The applicant indicates that there is no concern over the condition of the tree and it is not causing damage to property.

5. 00793 - Unit 1 3, Bell Lane : Conversion and alterations to existing workshops to form 2 no residential dwellings including rooflights to Dwelling A and single storey rear extension to the adjacent dwelling, Croft Side and external staircase to garage to Dwelling B – *see objections attached*
6. 00921 - Midlands Co-operative Society, Crowberry Lane : Application under Section 73 to vary condition 22 attached to planning application P/2010/01451/MB for the erection of supermarket with associated car parking, delivery area and formation of a vehicular access to vary the opening hours to 06:30 until 23:00 Monday to Saturday and 06:30 until 22:00 Sundays and Bank Holidays

7. 00918 - Barns at Forest Thorn Farm, Scotch Hills Lane : Application under Section 73 to vary Condition 2 (Plans) attached to the planning permission P/2020/00451 for the demolition of existing agricultural buildings and conversion of barn, including installation of roof lights, to form 3 dwellings including erection of a detached garage and installation of a septic tank to include a detached double garage to serve Plot 3 – *no objection*
8. 00904 - 173 Efflinch Lane : Remodelling of existing dwelling to include first floor front & rear extensions, two storey front & side extension, single storey front extension and dormer windows to the front and rear – *no objection*
9. 00911 - Blakenhall Farm : Retention of 17 self-storage containers
Though we do have concerns about an apparent increase in large vehicles using narrow rural roads to access the Blakenhall site we must accept the applicant's assurances that such vehicles are not visiting these storage containers. There remains some confusion surrounding the actual total of these containers but we assume this application is to cover all those currently on site including those previously approved.

We therefore offer no objection to this application but, if it is permitted, we ask that to avoid further piecemeal increases in containers on this site a condition be imposed that any further development cannot be done without specific planning consent

10. DM0T/2023/1024 - Land at SK2420 2230, Walton Road, Drakelow, Swadlincote : The modification of a planning obligation under section 106 of the Town and Country Planning Act 1990 dated 24th August 2021 and relating to permission ref. DMPA/2020/1460 (seeking to reset trigger for Walton Bypass to allow for it to be delivered prior to occupation of 785 dwellings on the Drakelow Estate) – *Objection:*

Proposal

The modification of a planning obligation under section 106 of the Town and Country Planning Act 1990 dated 24th August 2021 and relating to permission ref. DMPA/2020/1460 (seeking to reset trigger for Walton Bypass to allow for it to be delivered prior to occupation of 785 dwellings on the Drakelow Estate)

The applicant Countryside Partnerships (CP) has planning consent for development at Drakelow Estate. The scale of development is such that it has an impact on the road network considered to be unacceptable. As a result, CP has committed to providing the Walton Bypass which will provide a more direct route from the development to the A38. This enables traffic to be diverted away from Walton village and the closure of Station Lane to vehicular traffic over the temporary river Trent bailey bridge towards the A38 and Barton under Needwood.

Since development has been permitted to commence prior to the opening of the bypass, the section 106 agreement included an obligation for the Walton Bypass to be implemented prior to the occupation of 100 dwellings. Given lack of progress on delivering the bypass, in 2016 CP secured a partial lifting of this constraint with the trigger point for delivery of the Walton Bypass raised to 400 occupations. This increase was accepted in part, on the evidence of impact on the local road network in the form of a traffic modelling study.

There has subsequently been recent progress in CP engaging with the County Council Highway Authorities to ensure a design for the bypass such that it is compliant with current highway standards and capable of adoption as a public highway. There has also been recent progress in CP engaging with the Environment Agency with regard to construction of the bypass within the river Trent floodplain and flood risk impacts. However, based on the current position. CP estimates that the bypass will not be available until 2025.

With the current trigger of 400 occupations the delay in opening of the bypass until 2025, would result in development having to pause and be mothballed. In order to avoid this scenario CP are applying for a further raising of the trigger to 785 occupations. CP have provided evidence, in the form of a new traffic modelling study, which is intended to demonstrate that the impact of 785 occupations on the local road network is acceptable. CP state that they remain wholly committed to delivering the Walton bypass scheme.

The section of Station Lane within Staffordshire is within the Barton Parish Council (BPC) boundary. Barton is also impacted by traffic passing through the village which could be worsened by additional traffic generated by the CP development. Barton is also subject to flooding from the Barton Brook, in part caused by flood levels on the river Trent.

The position of BPC is that it is supportive of the provision of the Walton Bypass given its local benefits, in particular, the closure of Station Lane to vehicles and its conversion to non-motorised use. However, BPC support is conditional on

- *Flood water levels on the upstream side of the bypass must not increase such that flood risk to Barton is increased*

- *Station lane is closed to through traffic and converted to non-motorised use*
- *The bypass is available for use during all but exceedance flood events on the river Trent.*

With regard to raising of the trigger to 785 occupations, BPC has major concerns due to the potential impact on pedestrians using Station Lane and congestion at the Bailey bridge. It is noted that CP has provided a traffic modelling study in support of their application. However, BPC does not have the expertise to determine the accuracy of this report. Clearly an additional 385 occupations will generate more traffic movements.

Although BPC welcomes the CP stated commitment to delivering the Walton bypass scheme, there does not appear to be any mechanism that guarantees its provision. A situation could arise in which the 785 occupations are complete and the development does not proceed further.

Given the above considerations, BPC must object to the raising of the trigger above the current 400 occupations.

Our objection could be removed if Staffordshire County Council as Highway Authority confirm that

- *A mechanism is in place which ensures the funding and completion of the Walton bypass*
- *The additional 385 occupations will not create delays and build up of traffic at the river Trent bailey bridge or create greater risk to pedestrians using Station Lane*

BPC is represented on the Drakelow Bridge and Steer Group and will continue to work with all parties to secure the delivery of the Walton bypass, which is an acknowledged required requirement, consequent on the Drakelow Park development.

ESBC Decisions – Permissions Granted

1. 00772 - 50 Causer Road : All over reduction of 1-1.5m to prune back from neighbouring properties and to allow dappled light through the canopy and crown raise up to 1m to clear pergola and fences of two Oak trees (TPO 388)
2. 00676 - 101 Main Street : Remodelling of existing dwelling including render, part first floor part two storey part single storey front, side and rear extensions, alterations to existing boundary wall and installation of new entrance gates
3. 00756 - 19 Collinson Road : Erection of a single storey rear extension, garage conversion and porch
4. 00799 - Park Corner, 83 Main Street : Erection of a two storey infill extension to the front of the property

Correspondence

5. Representation and planning statement re land at Dunstall Road.
6. Resident urging BPC representation on delay to Walton Bridge and application regarding modifications to Drakelow estate – occupation clause 785 houses. DMOT/2023/1024 - *Clerk responded*
7. Copy resident objections to P/2023/00814 – *Clerk responded*

P/2023/00814**Erection of a self-build, two storey, four bed detached house with a detached single storey garage, detached garden room, installation of a septic tank and associated landscaping etc, at junction of South Small Meadow Lane and Dunstall Road**

This site was previously the subject of a planning application (P/2022/00048) for permission in principle for two dwellings. The application was subject to the Town and Country Planning (Permission in Principle) Order 2017 whereby the Local Planning Authority must determine whether to grant permission in principle in accordance with the relevant Local Plan policies unless material considerations indicate otherwise. The scope of the assessment of the application was limited to location, land use and the amount of development proposed. ESBC refused the application on the basis that as the site was located outside the settlement boundary and, as such, the development would be unacceptable and an unnecessary form of development in the open countryside.

The proposed property lies immediately to the north of the settlement boundary for the village, and also the Conservation Area. This proposal is now just for one dwelling on the north-east corner of the site. The property forms an L-shape, on its side, and this is emphasized by the location of a detached garage. What is called a detached garden room in the planning application description although referred to as a pavilion/home office on the site plan is located on the eastern boundary. A septic tank is also proposed further to the south but also on this eastern boundary. Access is from off Dunstall Road and uses the existing access into the Deer House. The meadow area between the access road and Dunstall Road lies within the conservation area. The long length of the L-shape aligns or runs parallel to Small Meadow Lane, but does not front onto it. It is essentially a large, detached property, which has a courtyard feel and is constructed of brick and timber cladding. What you might call a meadow area fronting the junction with Dunstall Road and Small Meadow Lane remains undeveloped although is retained in the applicant's ownership.

Parish Council Comments

1.1 *The Parish Council objected to the previous planning application on the grounds of it being located outside the settlement boundary and, therefore, contrary to Policy SP 8 for development in the countryside. We also objected on heritage grounds being contrary to policies SP 25 and DP 5. We were informed in the case officer's report, however, that concerns regarding the conservation area and listed buildings were not material in this case as the Local Planning Authority could only deal with the principle of development. We are, therefore, grateful that this application can now be assessed against the full range of planning policy criteria.*

1.2 *Precious little information accompanied the previous application and so there were no material considerations supporting the proposal for this location outside both the settlement boundary and the Conservation Area. Accompanying this application there is a plethora of information including a Planning Statement, Design and Access Statement and a Heritage Statement. We would praise the applicants, in particular, for the preparation of a very comprehensive and detailed Heritage Statement. (As an aside, so many Heritage Statements we are presented with fail in their basic objective of describing the significance of any heritage assets, that it is gratifying to read such a detailed and well researched document). The previous application was refused in principle for 2 dwellings. There appears to be no information in all the documentation as to why two dwellings are not now favoured. Only one dwelling is now being pursued other and this is for a self-build proposal. We assume, therefore, that the previous application was purely speculative.*

1.3 *There is a discrepancy in the documents as between the description of either a garden room or a home office pavilion. It would be helpful to have some clarity on this issue. A garden room, to our mind, is an area for casual relaxation, whereas the latter is obviously intended as a place of work. Could not this facility be provided within the design of the property itself rather than by its very nature, with presumably office equipment, upsetting the ambience of the landscaped location?*

1.4 *According to legislation you determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. Having read through the majority of the accompanying information the Parish Council still wishes to retain its original objection. We believe that the proposal is contrary to Policy SP 2 Settlement Hierarchy, Policy SP 8 Development outside settlement boundaries, SP 25 Historic Environment and PD 5 Protecting the Historic Environment*

Policy SP 2 Settlement Hierarchy

2.1 *This policy sets out the development strategy which includes a hierarchy of settlements, with the majority of new development being directed to Burton and Uttoxeter. Smaller allocations are identified for four Strategic Villages, Barton, Rolleston, Tutbury and Rocester. Further down the hierarchy are Local Service Villages and Small Villages and Other Settlements. Development within these larger settlements is to be concentrated within the defined settlement boundary. Any development located outside of the settlement boundary is regarded as in the open countryside where according to Policy SP 2 development will be permitted only in exceptional circumstances.*

2.2 *According to the Settlement Boundary Review Topic Paper which accompanied the Local Plan, Strategic Villages are intended to accommodate a strategic housing allocation to meet need generated by the village, its rural hinterland and also to meet some needs of the Borough as a whole. In addition, the strategic villages also have a windfall allowance to cater for opportunities that arise adventitiously throughout the plan period. Such development, however, is likely to be on brownfield sites and to lie within the settlement boundaries. The strategic allocation for Barton has been more than superseded since the Local Plan was adopted. We have requested information on windfall developments from ESBC and assume that the windfall allowance has also been superseded. If indeed that is the case, then we believe this amply demonstrates that there are development opportunities and presumably there is no reason why such sites should not continue coming forward in the future. This may well include self-build proposals. This would, therefore, suggest that there is no reason to permit proposals outside the settlement boundary to meet a perceived self-build need.*

2.3 *ESBC considered a range of issues in drawing up the settlement boundaries and concluded that there was sufficient infill and redevelopment opportunities within the settlement boundary to accommodate the required level of growth. A settlement boundary was, therefore, drawn on the Proposals Map for the village with the intention of accommodating that future growth.*

2.4 *The settlement boundary along Dunstall Road is defined fairly generously on its eastern side as it includes the curtilage and grounds of the Deer House and Barton Hall. A much tighter boundary could have been drawn to include just the buildings but to exclude their grounds. Inclusion of the curtilage, however, demonstrates the character of development in this area which consists of large properties on substantial plots.*

2.5 *The application site lies outside, although immediately adjoining the northern limit of the settlement boundary for the village. In planning policy terms this means that it falls within the open countryside.*

2.6 *The Government requires every Local Planning Authority to prepare and keep up to date a Strategic Housing Land Availability Assessment (SHLAA) to ensure sufficient land is made available to deliver housing to meet future housing needs. The primary role of the SHLAA is to identify sites and broad locations with potential for development, assess the development potential and the likelihood of that development.*

Inclusion of a site within the SHLAA does not mean that it will be looked on favourably for planning permission. It is merely a site that has been assessed.

2.7 The application site is included within the latest SHLAA for 2021 (Ref site No 47) and the assessment considers that whilst the site is available, it is not considered achievable, deliverable, suitable or developable.

2.8 Policy SP 2 sets out a settlement hierarchy and a development strategy for the Borough. Barton is regarded as a Strategic Village with both a housing allocation and a windfall allowance. In both cases, however, any development is intended to be directed to sites within the village. Any development – even in this case – on the edge of the village outside the settlement boundary is regarded as being in the open countryside where restrictive planning policies apply. We see nothing in the applicant's accompanying documents to justify allowing development outside of the settlement boundary, especially as the site has already been assessed as unsuitable within ESBC's SHLAA. We, therefore, object to the proposal as being contrary to Policy SP 2.

Policy SP 8 Development outside settlement boundaries

3.1 Development outside the settlement boundary is governed by Policy SP 8. Development here will not be permitted unless it is for such things as being essential to support the viability of an existing local business, providing facilities for the local community, being necessary to secure a significant improvement in the landscape and being otherwise appropriate in the countryside. If any of these criteria are met, then there is another set of hoops to go through. These include issues such as development must not affect the amenities of existing residents, not introduce a considerable urban form and development being out of character with the surrounding area. Proximity to a settlement is a consideration but under this criterion any proposal should not create an unacceptable urban extension.

3.2 We cannot see that this proposal meets any of this first set of criteria. We would suggest that the landscape in this location is not degraded and so there can be no justification on those grounds. From our experience the limits to development have proved to be an effective delineation between the built form of the village and the open countryside. No land use justification is given for wanting to extend development on this eastern side of Dunstall Road. Residential use is not one which would fall into the category of being otherwise appropriate in the countryside.

3.3 If the first set has not been met then we assume that this second set of criteria does not come into play. The nature of development on Dunstall Road is one of large properties on substantial plots. Whilst the proposal is also a development on a large plot, we consider that the settlement boundary on both sides of the road provides such a definitive limit to development that the proposed site would provide an unacceptable and unwarranted extension of development into the open countryside. In that sense it would introduce and extend an urban form and would, therefore, affect the amenities enjoyed by existing land users and be incompatible with the character of the surrounding area. The open nature of the site immediately to the north of Barton Hall and the Deer House also means that the site relates to the open countryside beyond the village rather than inward looking to the built form of Barton.

3.4 It is a particular character of the built-up form of the village that there is an abrupt relationship between the edge of development and the open countryside. This is particularly the case along Main Street, where the historic form of the settlement was linear with hardly any development in depth. You only need to walk down Crowberry Lane past the Village Hall and the Methodist Chapel to experience that you are immediately in the open countryside looking towards Smiths Hills and Dunstall. It is, therefore, perhaps not surprising that the settlement boundary to the village is drawn very tightly at the end of the built form on both sides of Dunstall Road, immediately on the boundary to Barton Hall and the Deer House on the east and at the end of the frontage ribbon development on its western side. It is noted that the development on its

western side stops well short of the comparable boundary on the eastern side, so they are not co-aligned and we assume that this is intentional.

3.5 *The Design and Access Statement (page 6) suggests that the site could be viewed as an infill site. We do not see how the proposal could be regarded as either infilling or rounding off. We understand that the term infilling is generally defined in planning terms as the infilling of a small gap in an otherwise built-up frontage. That is clearly not the case here. The site is too large for a small gap and the property along Small Meadow Lane is some distance away.*

3.6 *We can understand why the applicants might regard the proposal as “rounding off”, but the meadow on the frontage is not included as part of the proposal and the rounding off would be to what we would regard as an arbitrary one up to the lane. There is no physical connection between this proposal and the property on Small Meadow Lane. Small Meadow Lane, as a narrow rural lane, is part of the wider countryside character and so does not provide a defensible boundary. This is provided by that definitive and defensible hard boundary provided by the Deer House and Barton Hall.*

3.7 *We feel that the site provides an important gateway to the village emphasising this abrupt relationship between built form and the open countryside, and as such should remain undeveloped to protect the countryside location, the character of the area and the visual amenity of existing land uses. Indeed, the illustrative photographs showing a mock-up of how the proposal would sit in the landscape demonstrates the dominance and height of the buildings. The countryside beyond – albeit currently the sand and gravel workings !! – is clearly visible, emphasising, once again our concern about preserving its open character.*

3.8 *We cannot see how this proposal for residential development meets the criteria for allowing development in the countryside under the terms of policy SP 8 and we object accordingly.*

Policy SP25 Historic Environment and Policy DP 5 Protecting the Historic Environment

4.1 *The red line boundary on the applicant’s proposal plan demonstrates that not only does it adjoin the settlement boundary but also the Conservation Area. The Conservation Area is defined here by the rounded driveway into the Deer House and also the verges and hedgerows on the western side of Dunstall Road. Barton Hall and the Deer House are also listed buildings.*

4.2 *The role of the National Planning Policy Framework July 2021 (NPPF) is important. Para 199 states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. It seems to us that the default position of the NPPF is to conserve the asset. Even if the harm is regarded as less than significant the public benefits of approval need to be demonstrated.*

4.3 *We also note from the applicant’s Heritage Statement that they have highlighted the Historic England’s advice. In particular, they refer to the issues surrounding the setting of heritage assets. They quote in their paragraph 2.26 that setting is a visual term with views considered to be an important consideration in any assessment of the contribution this makes to the significance of the assets.*

4.4 *Both these policies – SP25 and DP5 - aim to protect, conserve and enhance heritage assets and these include listed buildings, the conservation area and their settings. Any new development within or adjacent to the conservation area, for example, will need to respect the existing character in terms of scale, form, materials and detailing. Key views into and out of the conservation area, identified in the Conservation Area Appraisal, have to remain uninhibited.*

4.5 *With that last issue in mind, it is noticeable that the Conservation Area Appraisal (page 23) includes a photograph, looking north-west, taken from what looks like the driveway into the Deer House. This photograph amply demonstrates the point we were making above that views here look towards the countryside rather than inwards to the village. Indeed, the nature of the Small Meadow Lane with its hedgerows contributes to this rural setting and scene.*

4.6 *According to the Appraisal, the eastern side of Dunstall Road is characterised as much by its green spaces as by its buildings. The properties are large and being built on spacious plots appear quite grand. The Appraisal notes that the character of this part of the Conservation Area is distinct. The larger plots with houses set back from the road provide a sense of wealth and importance. The Appraisal also notes that the space between properties is almost as important as the buildings themselves for defining the special interest of the area. We, therefore, consider that the application site does not relate to the village but to the open area beyond and see Small Meadow Lane as part of that rural scene.*

4.7 *The Appraisal also identifies both sides of the Dunstall Road frontage as providing important trees and green spaces. On its eastern side, this provides the setting for Barton Hall and includes the Deer House. Although the application site is not included in this designation, we believe that the Appraisal provides sufficient evidence to justify their open nature and subsequent retention and to resist development that might affect the special quality of this area. We also believe that the Appraisal supports our earlier expressed view about the relationship between built form and the countryside within Barton.*

4.8 *It seems to us that the application site has always been part of the wider countryside and almost parkland setting of Barton Hall. Changes may have taken place internally within the grounds but the role of the site in relation to the hall has remained unchanged and still performs that important countryside and parkland setting as emphasised in the Appraisal. So, we must disagree with the conclusion of the applicant's Heritage Statement that any impact will be less than substantial. We feel that the level of harm is significant because of the hard edge to the Conservation Area, which is part of the distinctive character of the village. We also fail to see how the proposal can enhance the heritage assets and their settings as required in the planning policies.*

4.9 *Para 6.16 of the Planning Statement pleads that the public benefits of having a self-build site outweighs the planning policy considerations. We feel that any public benefits of allowing a self-build plot are perhaps more personal than public and that they are of low significance – unlike the harm we feel developing the plot would do to the Conservation Area, the setting of the listed buildings and the surrounding landscape. We object to the proposal as being contrary to Policies SP 5 and DP 5.*

Policy SP 24 High Quality Design

5.1 *Policy SP 24 informs us that development proposals must contribute positively to the area in which they are located. They must help to create a sense of place, building on, in this case, rural character and respecting local patterns of development and the historic environment. Local distinctiveness is to be maintained by reinforcing character and identity.*

5.2 *The Applicant's design solution to the site is explained in the Design and Access Statement (page 12). The proposed dwelling is largely two storeys with a pitched roof incorporating elements of hip and gable ends to suit(sic) its natural geometry. Its form and scale reflect the agricultural character of the site and its proximity to the built settlement area of the village. This is emphasised in the contemporary approach of a functional aesthetic with the use of tonal characteristic brick and timber cladding.....".*

5.3 *Clearly, the applicants have given some considerable thought to the design, but we feel that the reason why a contemporary structure was proposed has not been explained. Page 1 of the Design Statement explains that the architecture has been inspired by the "...quintessential attractive historic properties in the village high street with the essence of the agricultural buildings in the Staffordshire locality ...". Try as we may, we just cannot see how the style and materials to be used here are reflective of Main Street properties or indeed local farm buildings. It might have helped the Parish Council to have understood the style references if photographs of those inspiring local buildings had been included.*

5.4 *ESBC's Design Guide (page 110) includes a section on Barton and concludes that, "The predominant building materials are red-orange brick, with some limited use of Staffordshire Blue Brick for detailing. Stone has mainly been used for detailing..... Light coloured painted brickwork and Plain red clay tiles were used predominantly for roofs along with Staffordshire Blue clay tiles and Blue Welsh Slate. Roofs are generally steeply pitched and simply designed ending in gables...." (para. 4.47). The Design Guide then goes on to state that any new development should reflect these basic characteristics. Clearly, red brick is included in the design, and roofs are pitched, but we do not see where the timber cladding comes from. The proposal does not seem to match these other characteristics of the village as set out in the Design Guide, which as a Supplementary Planning document should be considered a material consideration and given some considerable weight accordingly.*

5.5 *As this is such an important open site on a gateway to the village and adjacent to the Conservation Area, we would like a second opinion in terms of the proposed design. We would therefore request ESBC to refer the application to the Design Review as allowed for under Policy SP 24.*

5.6 *In relation to ESBC's own Design Guide and particularly its plea for new development to follow the local character set out for the village then we cannot see how the proposal contributes positively to the area. It is too contemporary and, as we have seen above, upsets the open character of the area and the setting of the heritage assets. We do not feel that the proposal reinforces local character and identity and, as a consequence, does not contribute positively to the area. We, therefore, object to the proposal as being contrary to Policy SP 24 and to the ESBC's Design Guide.*

Self-build housing

6.1 *According to the Planning Statement a key plank of the Applicant's case is that the Local Plan is silent with regard to self-build housing. Accordingly, they conclude that the Local Plan is out of date and, therefore, this proposal should be approved.*

6.2 *As we understand it, from the Applicant's Planning Statement, the Self Build and Custom Housebuilding Act 2015 requires Local Planning Authorities to keep a register of those seeking plots for self-build housing. If our understanding of the Table in para 6.9 of the Planning Statement is correct, then from 2016 to May 2022 there were 87 entries on the Register and over the same period 89 permissions had been granted. Entries in the Register may vary of course as those who expressed a preference for self-build may over time find other opportunities. The information is also not up to date for information up to April 2023. But surely the Table demonstrates that ESBC has been giving permission for plots and so we are confused about how the Applicants can claim that somehow ESBC is not fulfilling its obligations. True, as far as we can detect, there is no reference to self-build housing in the Local Plan, although Policy SP 16 does refer to meeting a mix of housing needs. As a generic term, this may or may not include self-build housing. Although the Local Plan may not refer to self-build as such, the Housing Choice Supplementary Planning Document was approved as recently as March this year, following a period of consultation last Autumn. This document defines self-build housing and concludes (para 5.5) that ESBC encourages self-build plots but recognises that they need to be in line with policies in the Local Plan.*

6.3 *Our interpretation of what the Local Planning Authority has to achieve with regard to self-build housing is that they need to provide planning permissions to meet a recorded need within a three-year period. Over the last few years, they appear to be meeting this objective. There may be a gap regarding current data but surely this should not invalidate the Local Plan?*

6.4 *The Applicants refer to the general principle set out in para.11 of the NPPF which states a presumption in favour of sustainable development. Applications are to be determined in accordance with the development plan except where the plan may be out of date. In these circumstances there needs to be a clear reason for refusal, or any adverse impacts can demonstrably outweigh the benefits.*

6.5 *The application site falls within the open countryside. We hope that our analysis, as set out above, demonstrates that the effect of allowing development here is significant in view of its impact on the landscape where views look outward away from the village. We, therefore, feel that significant harm would be caused to the area and that the proposed design only compounds the problem as it fails to reflect local character. As such we disagree with the Applicant's Planning Statement (para 6.16) that the harm would be at the lower end of the substantial spectrum. Any public benefits are not specified in the Planning Statement. Any such gains to our minds would be for the individual and not for the community. We do not, therefore, feel that the case for the proposal is compelling and certainly not strong enough to justify overriding established planning policy.*

6.6 *If ESBC is mindful to approve this proposal, then we assume that they would be accepting the applicant's case for self-build. If this is the case, and this is the only reason for approval, then we would request that it would not be unreasonable to impose a condition which prevents the sale of the property for an appropriate period of time after completion.*

P/2023/ 00793**Conversion and alterations to existing workshops to form 2 residential dwellings including rooflights to Dwelling A, and a single storey rear extension to the adjacent dwelling, Croft Side and an external staircase to the garage for Dwelling B, Unit 1, 3 Bell Lane**

The site is located to the rear of the car park of the Middle Bell Public House on Main Street, although access is gained from off the adjacent Bell Lane. This access to the site, however, also provides a means of access to a rear car parking area for properties in the converted former Co-op store fronting Main Street. The application site was the former premises of Country Services, a servicing, repairs and sales location for mowing and agricultural machinery. The site consists of two parallel blocks linked by a covered underpass. One block is linked with Croft Side a residential property fronting Bell Lane and the other block is located immediately to the rear of the pub car park.

The proposal is to convert the two blocks into 2 residential properties. Adjacent off-street parking is provided as well as a small garden area for each property. According to the Heritage Statement the applicant owns the adjoining Croft Side, and this application also includes a single rear extension to this property. In addition, a portion of the garden for Croft Side is sub-divided to provide a garden and amenity space for this southern block.

The site lies within the Conservation Area and what the applicants refer to as Heritage Impact statement has been produced accordingly. Interestingly, however, this document states that it should be read in conjunction with a Design and Access Statement but there is no reference to this document being available on the ESBC website.

The site was the subject of a previous planning application also for the conversion into two dwellings (P/2019/01494). This was refused by ESBC on the grounds that it would result in an inadequate amenity space to serve the two properties and that it was positioned in such a way as to have an adverse impact on the amenity of future occupiers. The decision was appealed by the applicants and the Planning Inspector agreed with ESBC on the grounds that the proposal did not provide suitable space for future occupiers. The appeal was therefore dismissed.

Parish Council Comments**National Planning Policy Framework (NPPF) July 2021**

1.1 The Parish Council objected to the previous planning application on the grounds of the need to retain premises for existing local services and facilities, and heritage and design considerations.

1.2 In that previous application we were particularly concerned about the loss of a building providing a local service. At the time we could not see how Barton could pursue its role as both a Strategic Village and a Rural Centre which aimed to protect local services and facilities if residential use was allowed in this central location. The consequence of such decisions would mean that local people sought out services and facilities in nearby towns, using private cars and thus negating the sustainable objectives of these policies.

1.3 The NPPF states that the planning system is to contribute to the achievement of sustainable development. It then goes on to say that achieving sustainable development means that the planning system

has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways:-

- ***An economic objective*** – *to help build a strong responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places at the right time to support growth;*

1.4 *Para. 84 of the NPPF asserts that planning policies should enable the growth and expansion of all types of business in rural areas. Most importantly for this application (para (d)), it should enable “.....the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship”.*

1.5 *The former Country Services workshop is located immediately behind the Middle Bell. Whilst not having a Main Street frontage it does have easily available access from off Bell Lane. In small rural centres it is not uncommon to have such commercial premises or service facilities immediately behind the frontage shops. Such locations can often provide an attractive courtyard area, ensuring that these areas form part of the commercial offer for the community.*

- ***A social objective*** – *to support strong vibrant and healthy communities by ensuring that a sufficient number and range of houses can be provided to meet the needs of the present and future generations; and by fostering a well designed, beautiful and safe places with accessible servicesthatsupport communities health, social and cultural well-being;*

1.6 *Para. 92 of the NPPF talks about planning policies and decisions needing to achieve healthy, inclusive and safe places. This can be achieved, it states, through such things as promoting social interaction through mixed-use developments, strong neighbourhood centres and active street frontages.*

1.7 *Similarly, para. 93 talks about planning policies and decisions needing to provide social, recreational and cultural facilities by planning positively for community facilities such as local facilities and services to enhance the sustainability of communities and their residential environments.*

1.8 *It seems to the Parish Council that the NPPF suggests that retaining existing local facilities and services forms part of a healthy and safe community through enabling social interaction and helping to promote sustainable neighbourhoods, so avoiding the need to travel. The logic would appear to be, that the more services and commercial premises there are, the stronger the centre becomes.*

- ***An environmental objective*** – *to contribute to protecting and enhancing our natural, built and historic environment.*

1.9 *This aspect of sustainable development is focused on preserving the built and natural environment. In this case, the site is located in the conservation area, and we would, therefore, wish to see a scheme that preserved protected and enhanced the conservation area.*

1.10 *How do we assess this application against these objectives? Clearly the retention of a service facility, with, presumably, the potential implication of job creation, supports the economic role. By increasing the net housing supply albeit by only two houses there is implicit support for this social role. But this social role also refers to supporting strong and vibrant communities and this surely means more than just providing houses. The most sustainable location for accessible services will be in the heart of the commercial area along Main Street. The environmental objective is, probably, neutral in this assessment provided no harm is done to the Conservation Area.*

1.11 *On balance, it is the Parish Council's interpretation that the retention of business/commercial use, with the potential to create jobs would seem to better promote sustainable development and benefit the local community than the conversion to residential development. As such we feel that the proposal is contrary to the general spirit of the NPPF.*

Strategic Villages/Rural Centres

2.1 *Barton is regarded as a "Tier 1" village where the main strategy is to direct development to sites within the settlement boundary. The site is located in the heart of the village and, therefore, the principle of development will be accepted. The site, however, lies within the Conservation Area and Barton is also identified in the Local Plan as a Rural Centre, and these issues are the subject of separate planning policies.*

2.2 *Tier 1 or 'Strategic Villages' are defined in the Local Plan (para 2.21) as, "meeting rural needs by providing a good range of services and facilities to their own populations and a wider rural catchment". Para. 2.22 further elaborates by stating that strategic villages will accommodate a strategic housing allocation which is intended to meet need generated in the village, its rural hinterland and also to meet the needs of the Borough as a whole. The Borough Council, therefore, feels that this level of development will support existing services whilst enhancing its overall sustainability.*

2.3 *From this definition it would appear as though Strategic Villages are intended not just to meet their own needs but also to act as a kind of focus for the surrounding smaller rural villages. In this sense they promote sustainability by reducing the need to travel to larger centres.*

2.4 *Barton is also identified in Policy SP 20 as a Rural Centre which is defined as "Centres of varying size offering a basic level of shopping and service function for the village and immediate rural hinterland. These facilities will be protected.....". Whilst the former Country Services business certainly had an element of retail sales it provided more of a local service to the village and the surrounding rural hinterland. Changes to the Use Classes Order mean that whatever use it had would probably fall into a generic commercial/service Use Class E. This Use Class covers a wide range of uses including retail, financial and professional services, offices and industrial processes.*

2.5 *Local Plan policies have not kept pace with these changes, so it is a moot point as to how its retail and community facilities policies will now be interpreted. A former A1 use does not exist on its own but now falls into this general Use Class E. We must assume, therefore, that if ESBC wish to continue to use this policy to protect local services then, logically, it can only be applied to all uses within Use Class E.*

2.6 *Policy SP 21 is supportive of new development in Rural Centres if they are proportionate to the size of the centre, they lead to sustainable development and do not undermine the role of the centre. This policy also aims to prevent the loss of retail provision, "Development leading to the loss of uses within Class A of the Use Classes Order will only be permitted if:- the facility has been sufficiently and realistically marketed for over a six month period; that the current use is demonstrably no longer viable; and the change of use would not harm the vitality and viability of the local centre".*

2.7 *Barton, as a Rural Centre, is defined by a green diamond on the Proposals Map - on Main Street more or less with Strawberry Lane to the north and Bell Lane to the south - and so relates to an undefined area rather than specific streets. The main commercial heart of Barton plays an important role in the shopping hierarchy by providing for local essential needs. The aim of this shopping policy is to protect the Rural Centre, and there is also a facility to assess the loss of such retail/commercial uses. It is also clear that the retail role*

of Rural Centres go hand in hand with the overall development strategy. In a sense one is dependent on the other, as more housing helps support local services. If sustainable development is to be achieved – the viability and vitality of Rural Centres and consequently Strategic Villages need to be maintained by the protection of local services and facilities.

2.8 But with its proximity to Burton, and with a population of approximately 4500 you might expect to see rather more shops and services along Main Street. Like other villages of a similar size, Barton has undoubtedly lost a number of retail and other facilities over the years but there is still a strong commercial presence on Main Street. The south side of Main Street, from Wales Lane to more or less St James' Church has a continuous frontage of retail and commercial premises with only one or two exceptions. The Parish Council very much regrets, in particular, the loss of the former Co-op Store which introduced an element of "dead frontage" and took away a commercial opportunity for the village. We fail to see how the loss of yet another commercial facility can support the role of Barton as both a Rural Centre and a Strategic Village.

2.9 The Local Plan also contains Policy SP 22 Supporting Communities Locally. This indicates that community facilities act as the focus of community activity and contribute to community cohesion. Such community facilities are not comprehensively defined but they do include uses such as shops, banks and small-scale health facilities, all of which now seem to fall into use Class E. The policy also resists the loss of existing facilities and accordingly the Borough Council requires proposals to demonstrate that a particular service or facility is no longer viable and to explain what options have been investigated to maintain the facility or service.

2.10 It will be for ESBC to decide if the marketing aspect of Policies SP 21 or SP 22 applies in this case, but, whether it does or not, it is clear that the aim of both policies is to protect the vitality and viability of our rural centre and not to lose unnecessarily commercial opportunities which can support a vibrant, healthy and sustainable community in accordance with the aims of the NPPF. We cannot see how allowing a residential use in this location protects the viability of this rural centre and maintains the role of Barton as a Strategic Village. We object to the proposal as being contrary to Policies SP 20, 21 and 22, and essentially undermining the role of Barton as a Strategic Village and consequently sustainable development.

Heritage and Design Issues

3.1 The site lies within the Conservation Area and although the two blocks are not listed The Middle Bell PH is. The Conservation Area Appraisal (page 22) notes that for properties along Bell Lane, although they have been altered, they have retained their original features such as timber doors and boarding.

3.2 Para 197 of the NPPF states that in determining planning applications in relation to heritage assets, local planning authorities should take account of the desirability of sustaining and enhancing the significance of those assets. They should also take account of the positive contribution heritage assets can make to sustainable communities including economic vitality, and look at the desirability of new development making a contribution to local character and distinctiveness.

3.3 Para 199 amplifies the issue regarding the significance of heritage assets. It indicates that great weight should be given to the asset's conservation, and this is irrespective of whether any harm amounts to potential harm, less than substantial or substantial harm. You therefore get the impression that the default position is for conservation, and this appears to be the case even where harm is less than substantial. Here any harm has to be weighed against the public benefits of the proposal. The Parish Council feels that the public benefits of retaining a service facility is greater than that of allowing a residential use.

3.4 *Policies SP 25 and DP 5 say generally similar things about the need to protect, conserve and enhance heritage assets and their settings. As far as Conservation Areas are concerned development will be permitted where it can be demonstrated that it would protect and enhance the character and appearance including its setting.*

3.5 *Policy SP 24 is a key Local Plan policy to promote high quality design. To achieve this, proposals must contribute positively to the area in which they are located, and amongst other things respect local patterns of development and reinforce character and identity. From the way this policy is worded, it is clear that contributing positively is an imperative and, therefore, the implication is that if they do not meet this objective they should be resisted.*

3.6 *Policy DP 1, regarding design, notes again the need for new development to respond positively to its context. In particular, proposals need to take account of circulation routes, how they respond to the historic environment, open spaces, amenity and parking areas.*

3.7 *We appreciate that the Applicants have gone into some detail in assessing the quality of the buildings and it looks like many features are to be retained. Comparing the existing with the proposed elevations, however, there appear to be many more openings created to provide windows and patio doors, and as a result, the 'workshop' style seems to have been sacrificed for a more domestic feel. In particular, the single storey extension to Croft Side looks out of keeping with the character of this property. We acknowledge the pitched roof, but it has the look and feel of a modern extension rather than being integrated in a positive way to what we assume is a Victorian villa.*

3.8 *The Parish Council is concerned that the parking areas are not sufficiently integrated into the design of the development. A tapered courtyard area intrudes into the road providing access to not just this development but also the former Co-op building. We appreciate that this courtyard provides some amenity space for this block, but we are concerned that this is achieved at the expense of both the access road and the amenity of future occupiers of these properties. Pedestrian access to this courtyard and to the dwelling also appears to come directly from this narrowed access road. The narrowing of the access in this way is also compounded by the provision of two parking spaces in parallel also intruding into this access road. With this arrangement there would inevitably be a temptation for loading and unloading to take place by this opening and so blocking the access road rather than using the allocated parking area which is situated on the eastern boundary. We also question whether there is sufficient space to allow full access for emergency vehicles.*

3.9 *We feel that the objections regarding amenity space for the earlier application and Appeal have not been fully addressed to the point of this proposal not being able to provide an adequate living space and environment. We just feel it is difficult to insert two dwellings into this area without detriment to both the amenity of the occupiers and the access road. We, therefore, object to the proposal as being contrary to Policy DP 1*

3.10 *The Parish Council is not convinced that the proposal protects, conserves or enhances the Conservation Area or that it contributes positively to the area in which it is located. We, therefore, object to the proposal as being contrary to Policies SP 25 and DP 5.*

3.11 *We do not feel that the best or optimal design has been achieved and that it reflects the sense of place and local distinctiveness and accordingly calls on the Borough Council for a second opinion, through the use of a design review panel, as allowed by Policy SP 24. Accordingly, we object to the proposal as not contributing positively to its surroundings and, therefore, is contrary to Policy SP 24.*