

The application is for change of use of land to provide a natural burial ground and associated operational development including the creation of an informal car parking area.

The application site measures 0.80 hectares and is located within the Green Belt and a Landscape Enhancement Area as specified on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on the 5th June 2014.

RECOMMENDATION

Permit subject to conditions relating to:

- 1. Time limit.**
- 2. Approved plans.**
- 3. Prior approval and provision of visibility splays.**
- 4. Parking turning access, passing place, parking, servicing and turning area being provided in accordance with the submitted details.**
- 5. Surfacing of the access drive.**
- 6. No lighting.**
- 7. No funeral services shall be held at the site.**
- 8. All burials shall be positioned at acceptable distances from Controlled Waters in accordance with the recommendations of the Environment Agency.**

Reason for Recommendation

Although the proposal is for inappropriate development in the Green Belt it is considered that there are very special circumstances to justify approval. Taking into account there is no significant impact on openness, the absence of any demonstrable harm to the visual appearance of the area and also the benefits attached to supporting farming diversification the harm attributed to the inappropriateness of the development is outweighed. The proposed use would not result in a highway safety concern.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

Initial highway safety concerns have been addressed through the submission of additional information by the applicant's agent. This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework

Policies and Proposals in the Approved Development Plan relevant to this decision:-

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009)

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality

Newcastle under Lyme Local Plan 2011

Policy S3: Development in the Green Belt
Policy N20: Areas of Landscape Enhancement
Policy N17: Landscape character – general considerations
Policy T16: Development – General Parking Requirements

Policy T18: Development – Servicing Requirements

Other Material Considerations

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Supplementary Planning Documents/Guidance

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

Relevant Planning History

None considered relevant.

Views of Consultees

Environmental Health Division – no objections subject to:-

- No lighting being provided without the consent of the Planning Authority.

Lead Local Flood Authority (Staffordshire County Council) – no objections.

Whitmore Parish Council – strongly object to the proposal on the basis of highway safety harm arising due to the narrowness of Acton Lane which is not wide enough to allow two vehicles to pass and is used by vehicles cutting through between Bent Lane and Trentham Road as well as horse riders.

They also note that if permission is granted request that the following conditions are applied:-

- No buildings erected to support the burial site.
- No Services held on/at the site.
- Grave markers are to be laid horizontal, flush with the ground.
- The designated parking area be 'informal' and limited to a maximum of 22 cars.
- Any future plans to expand the site shall be required to pass through a further planning application.

Highway Authority – Following receipt of further information satisfying previous concerns have no objections subject to the following conditions:-

- Approval in writing of visibility splays at the access junction and subsequent implantation.
- Provision of access, passing place, parking, servicing and turning areas provided in accordance with the submitted details.
- Before the development is brought into use the access drive shall be surfaced and maintained in a bound and porous material for a minimum distance of 7 metres.

Environment Agency – have no objections subject to condition that all burials are at an appropriate distance away from controlled waters.

Landscape Development Section – no comments have been received by the due date so it is assumed the section has no objections.

Representations

7 letters of objection/concern have been received raising the following:-

- The additional traffic created and the narrowness of Acton Lane and existing roads will cause highway safety problems for other vehicle users, pedestrians and horse riders.
- The site is within the Green Belt were the proposal should not be supported.
- Once the use is established further buildings and car parking areas would be difficult to resist which will impact upon the character of the landscape.

- If minded approve a condition should be impose prohibiting burials at weekends and on holiday, and restricting the hours of burials to 9am to 5pm.

Applicant/agent's submission

Plans, application forms and a Design and Access Statement have been submitted. These documents are available for inspection at the Guildhall and via the following link

www.newcastle-staffs.gov.uk/planning/1400260FUL

Key Issues

The application is for the change of use of land to provide a natural burial ground and associated car parking area. The parking area proposed is informal with no hard surfacing or markings – kept as a grassed area. An existing post and wire fence is to be kept around the periphery of the site and a new post and rail fence will separate the parking area from the remainder of the site. The site measures 0.80 hectares.

The site is currently an agricultural field within an existing farmstead. The applicant proposes to diversify their operations in order to assist with the viability of the farmstead. The application material states that the natural burial ground would not accommodate funeral services which would be held elsewhere prior to a burial occurring. For this reason no buildings facilities are proposed. Graves are to be marked with a low key marker likely to be in the form of a wooden peg or a small plaque laid flush to the ground. Between burials the site would otherwise continue to be used for sheep grazing.

The key issues to consider are:

1. Is the development appropriate in Green Belt terms and if not are there any very special circumstances to justify approval?
2. Is this an acceptable use within the open countryside?
3. Is the impact to the character and appearance of the landscape acceptable?
4. Is the impact to highway safety levels acceptable?

The appropriateness of the development in Green Belt terms

The National Planning Policy Framework (NPPF) represents the most up to date policy with respect to Green Belt considerations. Development which is appropriate within Green Belts is defined at paragraphs 89 and 90 of the NPPF. The change of use proposed falls outside of the scope of appropriate forms of development listed. The presence of any very special circumstances therefore needs to be demonstrated which is considered at the end of the report.

Is this an acceptable use within the open countryside?

Policy ASP6 states that the Council will take a positive approach towards rural enterprise which amongst other considerations includes the opportunity towards the sensitive and sustainable diversification of traditional rural economies. Paragraph 28 of the NPPF also promotes the development and diversification of agricultural and other land based rural businesses. This is a proposal is a farming diversification.

Whilst the site is not considered to be in a sustainable location, being in the rural area with limited choices of modes of transport available, it is considered that the location of the site in all other respects does lend itself very well to the broad principle of a natural burial ground use in that it is secluded and makes use of an existing driveway access point. On that basis it is considered that this is an acceptable use within the open countryside.

Is the impact to the character and appearance of the landscape acceptable?

Policy CSP1 states that new development should be well designed to respect the character, identity and context of the area.

In terms of the landscape protection designation relevant to the site, saved Local Plan policies N17 and N20 advise that development which will harm the quality and character of the landscape will not be permitted. Within Landscape Conservation Areas particular regard will be paid to the siting, design, scale, materials and landscaping to ensure it is appropriate to the character of the area.

It is proposed that the individual burial plots would be marked with a wooden peg or plaque flush with the ground and would continue to be used for grazing. The car park is to be sited directly adjoining existing mature woodland that would screen views of the area from the public highway. It is not intended that the car parking area would be hard surfaced. It would not be in use all the time.

Overall the development would be unobtrusive in the landscape and it is considered that there is no visual determinant to consider which weighs against the proposal.

Is the impact to highway safety levels acceptable?

The most up to date planning policy indicates that development should only be prevented or refused on transport grounds where residual cumulative impact of development are severe. Access to the site is via an existing driveway to the farmstead off Acton Lane. The informal car parking area proposed can accommodate around 20 vehicles. The Highway Authority have assessed the proposal taking into account concerns relating to the free flow of traffic and pedestrian safety in the vicinity. Their conclusion is that there would not be an unacceptable impact to highway safety, subject to planning conditions. Whilst the concerns raised by residents are material it is considered that the response of the Highway Authority should be accepted and that a refusal of the proposal cannot be justified on highway safety grounds.

Are there any very special circumstances to justify approval?

The NPPF, at paragraph 87, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 88 it advises that when considering any planning application, local planning authorities are required to ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The NPPF indicates that the construction of new buildings that provide appropriate facilities for cemeteries is appropriate development in the Green Belt. The use of the land as a cemetery, or burial ground, is directly connected with the provision of such facilities. Given the recognition in the NPPF that buildings associated with such a use can be appropriate it would be unreasonable to not allow the change of use which does not impact on openness or conflict with the purposes of including land within the Green Belt. Overall in view of these factors there are very special circumstances to support approval of the development.

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

1 July 2014