

The application is for outline planning permission for the erection of a detached dwellinghouse. All matters of detail (appearance, landscaping, layout, scale and access) are reserved for subsequent approval

The site lies within the open countryside on land designated as an Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map.

The application has been called to Committee by two Councillors due to concerns from the applicant about possible reasons for refusal when a recent application of a similar nature was determined.

The 8 week period for the determination of this application expires on the 16th March 2015

RECOMMENDATION

Refuse for the following reason

- 1. The proposed development, because of its location away from higher level services, employment and public transport links, would ensure that residents would be dependent on the use of private motor vehicles. The development of this greenfield site within the open countryside is therefore contrary to specific policies within the National Planning Policy Framework as it is in an isolated location, would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the absence of special circumstances as referred to in paragraph 55, there is no presumption in favour of permitting this development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012).**

Reason for Recommendation

Whilst the Council cannot currently demonstrate a 5 year supply of deliverable housing sites as required by the National Planning Policy Framework, it is considered that there is no presumption in favour of this development as the proposal would result in a new dwelling in an isolated location that would not enhance or maintain the vitality of a rural community. The special circumstances which could justify an isolated new dwelling do not exist in this case.

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

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the principal concerns in respect of the location of this development.

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) (CSS)

Strategic Aim 11: To focus development within the settlements of Loggerheads, Madeley and Audley Parish to support their function as Rural Service Centres

Strategic Aim 15 – To protect and improve the countryside and the diversity of wildlife and habitats throughout the plan area

Policy SP1: Spatial Principles of Targeted Regeneration

Policy ASP6: Rural Area Spatial Policy

Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside

Policy T16: Development – General Parking Requirements

Policy N12: Development and the Protection of Trees

Policy N13: Felling and Pruning of Trees

Policy N17: Landscape Character – General Consideration

Policy N19: Area of Landscape Maintenance

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (NPPF) (March 2012)

Planning Practice Guidance (PPG) (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Planning for Landscape Change – Supplementary Planning Guidance to the Staffordshire and Stoke on Trent Structure Plan

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Relevant Planning History

N15694 (1986)	Erection of a bungalow.	Refused
96/00641/OUT	Detached dwelling on land adjacent	Refused and subsequent appeal
	dismissed.	
02/00168/OUT	Erection of dwelling	Refused
04/00173/OUT	Erection of one detached bungalow	Refused and subsequent appeal
	dismissed.	
07/00180/OUT	Detached dwelling	Refused
13/00907/OUT	Outline application for erection of a detached property	Refused

Views of Consultees

The **Environmental Health Division** raises no objections.

The **Highways Authority** raises no objections subject to conditions seeking details of means of access, parking and turning, surface water drainage, surfacing materials, vehicle visibility splays of 2m x 160m, pedestrian visibility splays 1.5m x 1.5m and any gates being set back by 1.5m from the highway boundary.

Chapel and Hill Chorlton Parish Council raises no objections and strongly recommends approval due to the infill building being preferable to large developments in Rural areas.

Representations

No letters of representation have been received as a result of the publicity undertaken on this application, but note the letters and petition in support referred to below.

Applicant/agent's submission

A site location plan and an indicative layout plan has been submitted along with:-

- a design and access statement,
- additional information to support the application,
- 24 letters of support for the proposed development and a request that such views are taken into account in line with the adopted Statement of Community Involvement.
- 33 signature 'petition' which states having read the information provided they are in support of the application.

These documents are available for inspection at the Guildhall and via the following link:

www.newcastle-staffs.gov.uk/planning/1500039OUT

Key Issues

The application is for outline planning permission for the erection of a detached dwelling within the side garden of a detached property located off Haddon Lane in Chapel Chorlton. The application site is located within the open countryside on land designated as an Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map.

The application is a resubmission following the refusal of an identical outline application on the site in January 2014 due to the isolated location of the site and that the proposed development would not materially enhance or maintain the viability of a rural community and represents an unsustainable location for development.

As with the previous application no matters of detail have been submitted for approval at this stage. There has been no change in local or national planning policy since the previous decision but the applicant has submitted further information for consideration. Therefore the main issue for consideration is whether there has been any material change in circumstances since the previous decision that would result in the proposed development being acceptable in this location?

Has there been any material change in circumstances since the previous decision that would result in the proposed development being acceptable in this location?

The application site has been the subject of six previous refusals for a dwelling on the site. The most recent application in January 2014 was refused for the following reason;

"The proposed development, because of its location away from higher level services, employment and public transport links, would ensure that residents would be dependent on the use of private motor vehicles. The development of this greenfield site within the open countryside is therefore contrary to specific policies within the National Planning Policy Framework as it is in an isolated location, would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the absence of special circumstances as referred to in paragraph 55, there is no presumption in favour of permitting this development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012)"

The applicant has submitted a design and access statement which primarily focuses on an assessment of the site from a design perspective and how a development would not harm the

character and form of the area and access could be achieved safely. These matters were fundamentally accepted in the previous application and so are not considered further within this report.

The applicant has also submitted a document which is described as "additional information to support the application". This document has been updated since the previous refusal and refers to two recent decisions at Gateway Avenue, Baldwins Gate (13/00406/OUT) and Owl House, Tower Road, Ashley (14/00854/FUL). It is the opinion of your Officer that the circumstances that resulted in both developments being permitted is not entirely comparable to this application for reasons that will be explained later in this report.

The applicant has also detailed that his elderly mother who lives on the outskirts of Leek could reside at the single storey Redgates property. Whilst it is not specifically stated it is assumed that the applicant would then move into the dwelling that is the subject of this application. The applicant also details that the plot forms part of the existing Redgates property and it forms part of the curtilage of the previously developed land and is therefore brownfield.

The applicant has presented a number of letters of support and a document with 33 signatures from persons who support the application.

In summary the applicant argues that in view of the personal circumstances and other recent planning approvals it is difficult to see how this application can fail.

In referring to the Gateway Avenue decision the applicant highlights the Inspector's comments at paragraph 24 of the decision letter "it is common ground that there would inevitably be a high level of dependence on the use of the private car". In the same paragraph the Inspector highlights the hourly bus service that runs through Baldwins Gate as part of his assessment as to whether the proposal on that site was sustainable development. Whilst the occupiers of the proposed development at Redgates could also be said to have a high level of dependence on the use of the private car, access to alternative modes of transport is not comparable. The nearest bus stop to the Redgates site is approximately a 20 to 30 minute walk (2.25km) away adjacent to the War Memorial on the A51 whereas the distance to the nearest bus stop from the Gateway Avenue site is considerably shorter. The site that is subject to this application is isolated in comparison.

In granting planning permission for the Owl House application at the Planning Committee meeting of 6th January it was noted that the whilst the site is about 1km from most of the facilities in the key rural service centre of Loggerheads via unmade routes and that the occupiers would depend on the car for most journeys it could not be said to be in an isolated location as it is closer to the village services than many of the existing properties and had reasonable access to an hourly bus service. Again it is considered that the site that is subject to this application is isolated in comparison.

Despite the opinion of the applicant the application site does not meet the definition of previously developed land, as detailed in annex 2 of the NPPF.

Whilst it is noted that there is local support for the application the existence of this support and the strength/level of such support cannot be attributed with sufficient weight to shift the planning balance in favour of this proposed development given that the proposal is in conflict with local and national policy regarding the principle of residential development.

The site is located within the open countryside and whilst the Council is still in a position whereby it cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites the site is in an isolated location, it would not materially enhance or maintain the viability of a rural community and it is in an unsustainable location for development. Given the absence of special circumstances as referred to in paragraph 55, there is still no presumption in favour of permitting this development.

In consideration of the above the proposed development is still contrary to the requirements and guidance of the NPPF for the same reasons as the previous applications.

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

16th February 2015