

**LAND AND BUILDINGS ADJACENT TO OAKDENE FARM, GREAT OAK ROAD, BIGNALL END  
MR D WOODFINE**

**15/00206/FUL**

The Application is for full planning permission for a 'Passivhaus' dwelling to replace an existing agricultural building.

The site lies within the Green Belt and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expires on 8<sup>th</sup> May 2015.**

**RECOMMENDATION**

**Permit, subject to conditions relating to the following:**

- **Commencement of development**
- **Plans referred to in consent**
- **Materials**
- **Contaminated land**
- **Tree protection**
- **Compliance with recommendations of Landscape Design Report**
- **Highway matters**

**Reason for Recommendation**

The proposed development, whilst comprising inappropriate development within the Green Belt, is considered acceptable as it would not harm the openness of the Green Belt, or the purposes of including land within it. Very special circumstances are considered to exist when taking the fall back position into consideration and the beneficial impact upon the character and appearance of the site that the development represents. Further, the proposal is considered to represent sustainable development and there would be no adverse impact on the character and appearance of the rural area or the Area of Landscape Enhancement.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

**Key Issues**

Full planning permission is sought for the erection of a 'Passivhaus' dwelling to replace an existing agricultural building. The site lies within the Green Belt and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. It is not considered that the scheme raises any issues in terms of highway safety, impact on trees or ecology that would justify its refusal and therefore the key issues in the determination of the application are as follows:

- Is the proposal appropriate or inappropriate development in the Green Belt?
- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- If inappropriate, do the required very special circumstances exist to justify approval?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Is the proposal appropriate or inappropriate development in the Green Belt?

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 89 of the NPPF states that new buildings in the Green Belt should be regarded as inappropriate other than for a limited number of exceptions which include the replacement of a building provided the building is in the same use and is not materially larger than the one it replaces.

Consent has recently been granted for the conversion of an existing outbuilding at the site to a dwelling (Ref. 14/00802/COUNOT) and the house now proposed would replace that existing outbuilding. However, because the replacement building would not be in the same use as the existing building as the conversion has not taken place and the proposal does not fall within any of the other exceptions listed, it is considered to constitute inappropriate development.

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 considerations. The applicant considers that a combination of a number of factors amount to the very special circumstances required to justify this development. These will be considered later in the report.

#### Does the proposal comply with policies on the location of new housing?

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

CSS Policy ASP6 states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements.

Furthermore, Policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kildsgrove or one of the village envelopes.

This site, which does not comprise previously developed land, is not within a Rural Service Centre and it is not considered that the proposed dwelling would serve a wider local need nor would it support local services. As such, it is not supported by policies of the Development Plan.

Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting.

The LPA, by reason of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements (in the Borough's case as set out within the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under-delivery of housing, the LPA is required to increase the buffer to 20%. The Borough is currently unable to demonstrate a five year supply of deliverable housing sites. The latest housing land supply figure is 3.12 years.

The NPPF advises in Paragraph 49 that *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

As a consequence, policies such as NLP H1 with its reference to the village envelope and CSS ASP6 with its reference to Rural Service Centres all have to be considered to be out of date, at least until there is once again a five year housing supply.

Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development and that for decision-taking this means where the development plan is absent, silent or relevant policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the framework indicate development should be restricted. The examples given of specific policies in the footnote to paragraph 14 indicate that this is a reference to area specific designations such as Green Belts. This site is within the Green Belt.

The application site is approximately 800m from Bignall End where there are a number of services and facilities and a reasonable bus service. The village can be reached on foot in about 10 minutes and although there is no footpath along part of the route, the road has a low volume of traffic. There is also a public footpath which gives access to the local primary school within 600m. It is considered therefore that the occupiers of the proposed dwelling would have some option for alternative modes of transport to the car and therefore, the proposal is considered to represent sustainable development. In terms of sustainability therefore, it is considered that the site is in a relatively sustainable location. There is residential development close to the site and therefore it is not considered that the property is in an 'isolated' location.

The issue of whether this is an appropriate location for a new dwelling will be considered further at the end of the Key Issues section of this report.

Would the proposed development have a significant adverse impact on the character and appearance of the area?

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF and therefore, can be given weight. Section 10.5 of the SPD states that new development in the rural area should respond to the typical forms of buildings in the village or locality.

The proposed dwelling would be two-storeys and the materials would comprise cedar boarding laid vertically for the walls with an aluminium or zinc roof with a low-reflective finish. The fenestration would comprise a mix of tall glazed openings and smaller windows and the large central atrium to the south-west elevation would have a double height window.

The applicant's agent states that the proposed dwelling would have mass and form which is agricultural in nature and which is appropriate to its rural context. It is stated that the building shape would be deliberately simple in order to reduce the external surface area/volume ratio, which would make the building inherently more energy efficient. The simple form facilitates the design of construction details which would ensure that low thermal bridging and a high level of air-tightness is achieved. Such details are another crucial part of achieving the Passivhaus standard.

The dwelling would have a contemporary appearance but it is considered that its simplicity and materials would be appropriate in this rural location.

The site falls within an Area of Landscape Enhancement as defined by the Local Development Framework Proposal Map and Local Plan Policy N20 indicates that the Council will support, subject to other plan policies, proposals that will enhance the character and quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The development would not lead to the loss of any particular landscape features and would have minimal impact on the character of the Area of Landscape Enhancement.

If inappropriate, do the required very special circumstances exist to justify approval?

As indicated the proposed dwelling is considered to comprise inappropriate development in the Green Belt. Accordingly the Authority has to now weigh in the balance any elements of harm associated with the use against any other material considerations.

The NPPF states in paragraph 88 that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 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 circumstances.

Inappropriate development by definition is harmful to the interests of the Green Belt. However beyond that no element of "other harm" has been identified associated with the proposed dwelling.

The applicant has stated that the case for very special circumstances comprises a combination of a number of factors as follows:

- i. The existing building has consent for residential use by way of a prior notification application;
- ii. The proposed dwelling would be designed to Passivhaus standards, meaning it would be carbon neutral and higher than a Code Level 6 house;
- iii. The proposed rotation of the dwelling footprint would create a lesser impact on the Green Belt by reducing the projection of the buildings into the Green Belt and creating a building line that would accord with the adjacent existing buildings;
- iv. The proposed development comprises good design and would be appropriate in terms of character and appearance to its setting (more so than the fallback);
- v. The proposal would not compromise any of the purposes of including land in the Green Belt.

With regard to the first of the factors referred to by the applicant, it is the case that consent has recently been granted for the conversion of an existing outbuilding at the site to a dwelling (Ref. 14/00802/COUNOT) and the house now proposed would replace that existing outbuilding. This is considered to represent a genuine fall-back position that is likely to be implemented if this planning application is not successful.

It is therefore necessary to consider whether the current proposal would have any materially greater impact upon the openness of the Green Belt than the fall-back position i.e. the converted outbuilding. The applicant's agent has submitted a comparison of the footprint and the volume of the existing and proposed development. The existing footprint and volume calculations include another outbuilding (other than that which has consent for conversion to a dwelling) and conclude that there would be a reduction in footprint area of 90 square metres and a reduction in volume of 222 cubic metres as a result of the proposals. Your Officer does not consider it appropriate to include this additional building and therefore has compared the proposed dwelling to just the outbuilding that could be converted. On this basis, there would be a reduction in area of 13% and an increase in volume of approximately 18%. Whilst there would be an increase in volume, the area would be reduced and overall, it is not considered that the proposed scheme would have any materially greater impact on the openness of the Green Belt than the fall-back position.

The applicant also makes reference to the proposed rotation of the dwelling footprint which is claimed would create a lesser impact on the Green Belt. Whilst the proposed building would project to a lesser extent into the Green Belt to the west than the existing outbuilding, it would project further to the north and would be closer to the public highway. It is not considered therefore that this can be given any weight.

The applicant intends for the proposed dwelling to be designed to 'Passivhaus' standards, meaning it would be carbon neutral and higher than a Code Level 6 house. The dwelling would be a self-build project for a local architect and the building would therefore be a showcase demonstrating to clients how high quality architectural design, materials and workmanship can be combined with low energy technologies to deliver sustainable, affordable development. Whilst the applicant's intention to achieve 'Passivhaus' standard is commended, national policy objectives seek to reduce carbon emissions in any event and the objective applies equally to homes in other locations. As such this does not amount to a very special circumstance.

The applicant also argues that the proposed development comprises good design and would be more appropriate to its setting in terms of character and appearance than the fall-back scheme. As referred to above, your Officer considers that the proposed design of the building is acceptable. In allowing an appeal for the conversion of a barn to a dwelling at Moss House Farm, Bignall End (Ref. 13/00755/FUL), the Inspector gave weight to the fact that the current run down and derelict appearance of the barn would be significantly improved as a consequence of the proposal. She stated that the proposal would result in the removal of a further substantial concrete block structure which although generally agricultural in appearance and not untypical of a rural area, is large and functional in appearance. Its removal would result in an increase in openness within the site in the Green Belt. It is considered therefore that weight can be given to the argument that the proposed new dwelling would be an improvement to the character and appearance of the site.

Finally, your Officer agrees with the applicant's agent that the proposal would not compromise any of the five purposes of including land within the Green Belt.

In conclusion, whilst it is considered that some of the applicant's case for very special circumstances cannot be given any real weight, it is considered that the fall-back position and the argument that the proposed scheme would not have any materially greater impact on the openness of the Green Belt than the fall-back position, is a material consideration. In addition, it is considered that the proposed dwelling would have a beneficial impact upon the character and appearance of the site. It is considered that these factors outweigh the harm arising from just the fact that the development is inappropriate, and therefore the required very special circumstances can be considered to exist in this case.

Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

In terms of sustainability, as indicated above it is considered that the site is in a relatively sustainable location. Although the development comprises inappropriate development within the Green Belt, it is considered that very special circumstances exist that outweigh the harm by reason of inappropriateness. It is not considered that the adverse impacts of allowing the proposed development significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

**Policies and proposals in the approved development plan relevant to this decision:-**

**Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026**

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets

## Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4:	Development and Nature Conservation – Use of Local Species
Policy N12:	Development and the Protection of Trees
Policy N17:	Landscape Character - General Considerations
Policy N20:	Area of Landscape Enhancement
Policy S3:	Development in the Green Belt
Policy T16:	Development – General Parking Requirements

## **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (PPG) (2014)

## Supplementary Planning Guidance/Documents

Supplementary Planning Guidance relating to the control of residential development

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

## Relevant Planning History

04/00637/FUL	Replacement agricultural building	Approved
13/00627/FUL	Demolition of redundant agricultural buildings, conversion of barn to dwelling and erection of extension and garage	Approved
14/00229/FUL	Variation of Conditions 2 and 4 of planning permission 13/00627/FUL to refer to an amended plan showing a revised access and parking area and omission of the garage, and deletion of Condition 3 referring to the garage	Approved
14/00802/COUNOT	Prior notification of a proposed change of use of building from agriculture to a dwelling	Granted

## Views of Consultees

The **Environmental Health Division** has no objections subject to contaminated land conditions.

The **Landscape Development Section** has no objections subject to conditions.

The **Highway Authority** has no objections subject to conditions.

The views of **Audley Rural Parish Council** have been sought, however as the due date has passed it is assumed that they have no comments.

## Representations

None

## Applicant's/Agent's submission

The application is accompanied by a Planning Statement, a Landscape Design Report, an Access Briefing Note, a Preliminary Risk Assessment and Supplementary Report and a Bat and Bird Survey Report. All of these documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/1500206FUL](http://www.newcastle-staffs.gov.uk/planning/1500206FUL)

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared  
10 April 2015