

The Application is for full planning permission for the retention of the use of an existing detached as independent residential accommodation.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Active Landscape Conservation (policy N18), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on the 23rd September 2015

RECOMMENDATION

Permit with the following condition:

- 1. Design measures to be submitted to the LPA within 3 months of the decision**

Reason for Recommendation

The retention of the change of use of the garage to residential is considered to represent appropriate development within the Green Belt. Whilst the building is not located within a Rural Service Centre it is considered that it is in a sustainable location in close proximity to existing local services and in the context of the Council's position that a robust 5 year supply of deliverable housing sites cannot be demonstrated there is a presumption in its use as a dwelling. The negative impacts of the development – principally its location do not significantly and demonstrably outweigh the benefits of the development which relate to boosting housing land supply.

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

Pre application discussions with the applicant were undertaken supporting information has been submitted with the application. This is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application is for full planning permission for the retention of the use of the garage as independent residential accommodation.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Active Landscape Conservation (policy N18), as indicated on the Local Development Framework Proposals Map.

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- The principle of the change of use to residential accommodation,
- The impact on highways safety and amenity, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

Paragraph 79 of the recently published NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The NPPF identifies in paragraph 90 that certain development is not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. This includes the re-use of buildings provided that the buildings are of a permanent and substantial construction.

The applicant has indicated that the detached garage has accommodated a self-contained granny annexe for a period of over 20 years. No works of extension or alteration are proposed or have been carried out and so the retention of the use as independent residential accommodation is considered to represent appropriate development which complies with Green Belt guidance, as stated at paragraph 90 of the NPPF.

The principle of the change of use to residential accommodation

The applicant has indicated within their submission that the proposal seeks permission the retention of the annexe, which would continue to be used independently of the main dwelling.

Policy ASP6 of the adopted Core Spatial Strategy 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 Kidsgrove or one of the village envelopes.

The Local Planning Authority is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF) given that it does not have a full objective assessment of need. Policies such as NLP H1 and CSS ASP6 have to be considered to be ‘out of date’, at least until there is once again a five year housing supply. The starting point therefore must be one of a presumption in favour of residential development.

Paragraph 55 of the NPPF requires housing to be located where it would enhance or maintain the vitality of rural communities and seeks to avoid the provision of new isolated homes in the countryside unless there are certain special circumstances.

As indicated the application is for the retention of the detached building for residential use as opposed to a new building. The residential unit comprises a small one bedroom property with small shower-room, galley kitchen, lounge and bedroom. The applicant has stated that the accommodation adds diversity to the housing mix of Betley.

The property is approximately 400 metres from the edge of the village development boundary and 800 metres from the centre of the village of Betley. Recent planning decisions have recognised that due to the public transport opportunities and services on offer, Betley can be considered a fairly sustainable rural location.

This site in particular is within walking distance of the services on offer in Betley with pavements and street lighting making the village easily accessible. There are also bus stops within the immediate locality.

Paragraph 14 of the NPPF requires that development should be permitted unless its benefits would be outweighed by significant and demonstrable adverse effects or where other specific policies indicate that it should be restricted.

The benefits would be that the residential unit would make a contribution to the housing stock in the rural area and the borough whereby there is a current shortfall of housing supply. Officers also agree with the applicant’s view that a small one bedroom unit would offer diversity to the housing mix in the

area. It would also contribute to supporting local shops and other services within the rural area. The application would therefore be in accordance with the principles of sustainable development set out in Framework when taking its policies as a whole.

Whilst the applicant has indicated that they would accept a condition which would not allow the residential annex to be severed from the main dwelling, it is considered that a condition would not meet the six tests identified in the PPG. The PPG states that "Any proposed condition that fails to meet any of the six tests should not be used. This applies even if the applicant suggests it or agrees on its terms or it is suggested by the members of a planning committee or a third party. Every condition must always be justified by the local planning authority on its own planning merits on a case by case basis."

There is considered to be no justification for a condition in this instance.

The impact on highways safety and amenity

The detached building is within the residential curtilage of Beehive Cottage and is served by one single access point. The Highways Authority and Environmental Health Division have raised no objections to the building becoming a separate self-contained unit but a condition requiring design measures to be submitted within 3 months which ensure internal noise levels are achieved is advised by EHD. Whilst a separate and independent garden area is not currently proposed or provided, the overall curtilage of the property and the position of the building in relation to the main house is such that an independent garden could be provided.

Do the required very special circumstances exist (to justify inappropriate development)?

As it has been concluded that the development represents appropriate development within the Green Belt there is no requirement for very special circumstances to be demonstrated in this instance. .

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)

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 (LP)

Policy H15: Small Additional Dwelling Units Within The Curtilages of Existing Dwellings
Policy S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character – General Consideration
Policy N18: Area of Active Landscape Conservation

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

Relevant Planning History

None relevant

Views of Consultees

The **Environmental Health Division** raises no objections subject to a condition requiring the submission and approval of design measures to mitigate against noise impact.

The **Highways Authority** raises no objections.

Betley, Balterley & Wrinehill Parish Council raises no objections.

The Urban Design and Conservation Service has raised no objections

Representations

No letters of representation have been received

Applicant/agent's submission

The applicant has submitted a comprehensive planning statement to support the application. This document is available for inspection at the Guildhall and searching under the application reference number 15/00662/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

28th September 2015