

The application is for full planning permission for the subdivision of an existing dwelling to form two dwellings, the formation of new access onto Shraleley Brook Road and alteration to the existing parking and turning area.

The application site lies in the Green Belt and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. Chapel Barn is a building on the Register of Locally Important Building and Structures.

**The 8 week period for the determination of this application expires on 9<sup>th</sup> December 2015.**

### **RECOMMENDATION**

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

- 1. Standard Time limit for commencement of development.**
- 2. Approved plans.**
- 3. Prior approval of any alterations to joinery and ironmongery (doors and windows).**
- 4. Removal of permitted development rights on the proposed and retained dwelling.**
- 5. Alterations and replacement of front boundary wall to have matching materials and design.**
- 6. New areas of hardstanding to have matching materials.**
- 7. Highway conditions relating to access, parking and turning areas, closure of the existing access, visibility splays and no gates.**

### **Reason for Recommendation**

The subdivision of an existing dwelling to form two dwellings 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 in a positive and proactive manner in dealing with the planning application**

This is considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

### **Key Issues.**

This is an application for full planning permission for the subdivision of an existing dwelling to form two dwellings, the formation of new access onto Shraleley Brook Road and alteration to the existing parking and turning area.

The main issues to be considered with this proposal are:

- Is the proposal appropriate or inappropriate development in the Green Belt and if inappropriate, do the required very special circumstances exist to justify approval?
- Does the proposal comply with policies on the re-use of rural buildings which include the achievement of sustainable development objectives?
- Does the proposal comply with policies on the location of new housing?

- Would there be any adverse design and visual impact of the proposal on the historic asset and surrounding countryside?
- Would there be any adverse impact on Highway Safety?

#### Appropriate or inappropriate 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.”

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.

Paragraphs 89 and 90 of the NPPF set out the types of development that are not inappropriate in the Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction and the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The building was formerly a Congregational Chapel dating from 1900, which was converted to single residential use in the early 1990’s, a conservatory has been subsequently added to the building in 2014. This current proposal does not seek to extend the building further and as such it is considered that the proposal constitutes appropriate development.

Given that it is concluded that the proposed development is appropriate development, there is no requirement for the applicant to demonstrate a case for very special circumstances.

#### Compliance with policies on the re-use of rural buildings which include the achievement of sustainable development objectives?

The NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

Local Plan Policy H9 indicates that before the conversion of rural buildings for living accommodation can be considered, evidence must be provided to show that the applicant has made every reasonable attempt to secure a suitable business use for the premises, subject to Policy E12. It concludes by listing a series of criteria that include the requirement that the building does not require reconstruction, extension or substantial alteration and its form bulk and general design is in keeping with its surroundings.

The building is structurally sound and the form, bulk and general design is considered to be in keeping with its surroundings.

The submission does not include any evidence to show that any attempt has been made to secure a suitable business use for the building, however given the building is already in residential use and that the NPPF contains no similar policy requirements, it is considered that no real weight can be given to this elements of Policy H9.

The submission also does not include any ecological report, however given that the proposal is not introducing a new use into the building and the proposal seeks to make no external alterations, it is not considered that there are any justifications to resist the application on ecological grounds although it is considered prudent to attach an advisory note regarding harm to protected species or their habitat.

Policy H9 states that as long as the requirements discussed above, conversion for living accommodation of a rural building in a sustainable location will be considered favourably. The application site is approximately 400m from Halmer End where there a number of services and facilities and a reasonable bus service. The village can be reached on foot in about 5 -10 minutes and although there is no footpath along part of the route, the road has a reasonably low volume of traffic. 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.

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

Policy H1 of the Local Plan does refer to the acceptability of housing conversions that comply with Policy H9.

As indicated above, Policy H9 of the Local Plan (NLP) requires potential conversions to living accommodation of a rural building to be in a sustainable location.

Policy ASP6 of the adopted Core Spatial Strategy (CSS) 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. The site should be categorised as being previously developed land given its residential use, the site also lies beyond the Major Urban Area of North Staffordshire and is not within a Rural Service Centre. It is not considered that the proposed dwellings would serve a wider local need nor would it support local services.

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.

In terms of sustainability, as indicated above it is considered that the site is in a relatively sustainable location. The site is close to the village of Halmerend, thus not representing an 'isolated' location. 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 and objective assessment of need. The starting point therefore must be one of a presumption in favour of residential development. As has already been stated the development is considered to represent sustainable development

In the context of the Council's current inability to demonstrate a 5-year supply of deliverable housing land, the principle of residential development on this relatively sustainable rural site is considered acceptable.

### Design and Visual impact on a heritage asset and the surrounding countryside

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.

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 application proposes no alterations to the exterior of the building. Alterations would be made to the parking areas and front boundary low wall, these are considered to be relatively minor although it is considered prudent to attach condition requiring matching materials and design.

The Conservation Officer's comments regarding the retention of the existing joinery and approval of any new joinery and ironmongery is considered appropriate given the property's status as a building

on the Register of Locally Important Building and Structures and this can be also controlled by the imposition of conditions.

Given the local historical importance of the building together with its location in the Green Belt it is considered prudent to remove the proposed and existing dwellings permitted development rights to enable the local planning authority to control future development and alterations to the building and on the site. Subject to such a condition it is considered the proposal would not conflict with policy B8 of the Local Plan which addresses proposals affecting locally important historic buildings.

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

#### Would there be any adverse impact on highway safety?

The proposed dwellings would be served by an amended site access. The existing vehicular access is sited adjacent to the property's site boundary which offers limited visibility onto Shraleley Brook Road. The new access would be positioned more centrally affording improved visibility onto the public highway.

The proposal also makes provision for additional hardstanding within the site for parking and turning of vehicles

Notwithstanding the concerns of the Parish Council it is considered these changes would improve highway safety of both the occupiers of the development and other road users. The Highway Authority has no objections subject to the imposition of conditions.

On the basis of the above it is not considered that an objection could be sustained on highway safety grounds.

#### Other matters raised

The objector and Parish Council have raised the issue of the disturbance of graves. It is not anticipated that there would be any disturbance of graves because the extension of the hardsurfaced areas within the site would only involve limited excavation and the remaining works are on the site boundary. It is, however, considered prudent to attach an advisory note regarding this matter.

The other matter raised by the objector and the Parish Council is a lack of drainage capacity in the area. This is not a material planning consideration. It is the developer's responsibility to ensure the services can be provided to serve the development.

#### **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 ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment  
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 H9: Conversion of Rural Buildings for Living Accommodation  
Policy E12: The Conversion of Rural Buildings  
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

Policy B8: Other Buildings of Historic or Architectural Interest

**Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)  
Planning Practice Guidance (2014)

Supplementary Planning Guidance/Documents

Register of Locally Important Buildings and Structures in Newcastle under Lyme SPD (March 2012)  
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)  
Space around Dwellings Supplementary Planning Guidance (2004)

**Relevant Planning History**

N21113	Conversion of Chapel to dwelling and erection of detached garage	Approved
14/00972/FUL	Retention of a conservatory	Approved

**Views of Consultees**

The **Highway Authority** has no objections subject to conditions regarding provision of access, parking and turning areas, closure of the existing access, un-obscured visibility splays and no gates on the access.

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

The **Conservation Officer** advises that this application affects a building on the Register of Locally Important Buildings and Structures. The chapel is converted into residential and this was undertaken before the building was added to the Register. The proposal is to separate the building into two residential units and will have no external impact. Should the existing front door be used, there is currently no ironmongery on the door and hope that it will be retained as a solid timber door as the plans indicate no change.

The permission is more for the change of use and change of the access position and raises no objections to this.

The **Conservation Advisory Working Party** have no objections but would like to see the existing door retained, the extension of the driveway in matching materials, and the low front boundary wall should match existing.

**Audley Parish Council** does not support the application due to highway concerns relating to the ability for 2 or more additional vehicles leaving the property onto a busy road.

They also raised concerns regarding the external appearance of the premises in particular the inclusion of door furniture on the chapel door, the size of the accommodation proposed, the disturbance of old graves and the drainage capacity of the development.

**Representations**

One letter of objection has been received raising the following concerns:

- Approval was granted for an unsympathetic conservatory last year and now the property is too big and needs to be divided into two dwellings
- The development involves a former Chapel and as such there are existing graves within the site.
- The new access would not improve visibility to vehicles leaving the site.
- A lack of existing drainage capacity to serve the development.

### **Applicant's/Agent's submission**

A Planning Statement in addition to application forms and plans have been submitted. These documents are available for inspection at the Guildhall and under the application reference number 15/00919/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**

17<sup>th</sup> November 2015