

HOLIDAY COTTAGES, STONE QUARRY FARM, HIGH STREET, ALSAGERS BANK
MR S EVANS

15/00880/COU & 15/01010/DOB

The application is for full planning permission for the change of use of an existing two 2 bedroomed holiday flats to form a 3 bedroomed dwelling.

The application site lies in the Green Belt and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map. The site is accessed off the single existing entrance which currently serves the holiday lets and Stone Quarry Farmhouse.

The planning application is accompanied by an application to discharge a planning obligation made under Section 106 relating to a previous planning permission 98/00279/COU which dealt with the conversion of a redundant farm building into two holiday lets. The purpose of the obligation is to prevent the building being used for purposes other than as short stay tourist/holiday accommodation and the separate disposal of land to the holiday lets building.

The 8 week period for the determination of the planning application expired on 27th November 2015.

RECOMMENDATION

(a) **Permit planning application reference 15/00880/FUL, subject to conditions relating to the following: -**

1. **Standard Time limit for commencement of development.**
2. **Approved plans.**
3. **Removal of permitted development rights on the proposed dwelling.**

(b) **That the applicant be advised that the local planning authority are willing to discharge the section 106 obligation (application reference 15/01010/DOB) subject to the necessary completed documentation to discharge the obligation being in place within 6 months of the date of the above approval.**

Reason for Recommendations

The reuse of an existing building is considered to represent appropriate development within the Green Belt. Whilst the application site is not in one of the identified Rural Services Centres it is close to one thus not representing an 'isolated' location and 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. The development proposes no external alterations to this building and as such it is considered there would be no adverse impact on the wider landscape or highway safety. 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.

Given the planning application proposal is considered to be acceptable this would render the existing planning obligation obsolete, having no purpose for the unrestricted residential use of the building and as such there is no reasons to not discharge the obligation.

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 change of use of two holiday lets units to form one residential dwelling. The proposal would provide a three bedroom property. The application relates to a single storey building and the proposal involves no external alterations apart from the replacement of some doors and windows in existing openings.

An associated application has been submitted to discharge a planning obligation made under Section 106 relating to a previous planning permission 98/00279/COU which dealt with the conversion of a redundant farm building into two holiday lets that prevents the building being used for purposes other than as short stay tourist/holiday accommodation and prevents the separate disposal of land to the holiday lets building.

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?
- Whether the section 106 should be discharged?

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 single storey building was formerly an agricultural building which was converted to two holiday let in the late 1990’s. This current proposal does not seek to extend the existing building further and as such it is considered that the proposal complies with local and national Green Belt policy that it 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 submission includes a letter from the previous owner of the property who makes the following comments on the viability of the existing holiday lets:

- In last eight years he has tried to revive the holiday business but no success resulting in financial loss.
- The previous owner, prior to him, had closed the holiday business due to a lack of trade
- The holiday lets are not viable as the area is not attractive for tourists
- Weekend tourist prefers less remote areas for short breaks
- There are no recreational activities in the area to attract tourists

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 ecological report however given that the property is already in residential use 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 a number of requirements are met as discussed above, conversion for living accommodation of a rural building in a sustainable location will be considered favourably. The application site is sited between the villages of Halmer End and Alsagers Bank approximately 250m from each where there a number of services and facilities and a reasonable bus service. The villages can be reached on foot in about 5 minutes and there is access via pavements to both villages. 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 requires potential conversions to living accommodation of a rural building to be in a sustainable location.

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. 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 villages of Halmerend and Alsagers Bank, 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 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 development proposes no alterations to the exterior of the building and as such there are design issues to discuss.

Given its location in the Green Belt it is considered prudent to remove the property's permitted development rights to enable the local planning authority to control future development and alterations to the building and on the site.

The site falls within an Area of Landscape Restoration as defined by the Local Development Framework Proposal Map and Local Plan Policy N21 indicates that the Council will support, subject to other plan policies, proposals that would regenerate the landscape appropriate to its urban or rural location. Where development can be permitted developers will be expected to use the opportunity provided by the development to make a positive contribution towards landscape regeneration.

Given this proposal is for a change of use of building involving no alterations or extensions, this would 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 Restoration.

Would there be any adverse impact on highway safety?

The existing vehicular access onto High Street currently serves Stone Quarry Farmhouse and the two holiday units, should the proposal be implemented it would serve the proposed dwelling and farmhouse. Whilst the visibility on to High Street has a slightly impeded visibility it is considered the proposal would reduce the amount of traffic using this junction and as such should be viewed as an improvement to highway safety.

The Highway Authority has no objections sharing the view that the proposal would generate less vehicle trips than the existing situation.

On the basis of the above and notwithstanding the concerns raised by the Parish Council, it is considered that an objection to the proposal on highway safety grounds could not be sustained.

The removal of the Section 106 obligation

Prior to the granting of planning permission in February 1999 for the change of use to two holiday lets the then owner/applicant entered into a section 106 planning obligation relating to the development to prevent the building being used for purposes other than as short stay tourist/holiday accommodation and prevent the separate severance of the application site from other land and buildings in the ownership of the applicant and to restrict the use of the buildings to short let holiday accommodation only.

As indicated above the proposed change of use to a single residential property is acceptable in planning terms and as such this would make the Section 106 obligation obsolete therefore the application to remove the obligation should be agreed.

It is considered that the legal documentation should be in place within 6 months of the date of the planning approval, this will give the applicant sufficient time to enable this to happen whilst giving the opportunity to implement the permission without any unnecessary delay. If after this 6 month period the obligation is still in place the Local Planning Authority would have to assess, at that stage, whether it would be expedient to pursue enforcement action on the matter, however it is in the

applicants best interests to resolve this matter as soon as possible, given the section 106 obligation would be revealed on local land charge searches and this may affect any future sale of the property.

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 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 N21: Area of Landscape Restoration
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 (2014)

Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)
Space around Dwellings Supplementary Planning Guidance (2004)

Relevant Planning History

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| 98/00279/COU | Approved | Change of use of a redundant farm building into two holiday accommodation units (subject to a section 106 obligation) |
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Views of Consultees

The **Highway Authority** has no objections to the proposal

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

Audley Parish Council, commenting on both the planning application and the application to discharge the existing obligation, does not support the proposal due to road visibility issues onto High Street and the original scheme was built and approved only for the purposes of a holiday let and not a future residential dwelling.

Applicant's/Agent's submission

Application forms and plans have been submitted. These documents are available for inspection at the Guildhall and under the application reference number 15/00880/COU 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

20th November 2015