

The application is for full planning permission for the erection of a single storey side extension, replacement garden store, relocation of septic tank and LPG tank.

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

The application has been called in to Committee by two Councillors who consider that very special circumstances exist in accordance with paragraph 87 of the NPPF. This is the need for the property to be modified to allow the applicant to continue living in the property safely.

The 8 week period for the determination of this application expires on 1st March 2016.

RECOMMENDATION

PERMIT subject to conditions relating to:

- i) Standard time limit**
- ii) Approved plans**
- iii) Materials as per approved plans and application form**
- iv) Removal of permitted development rights for extensions, external alterations and outbuildings**

Reason for Recommendation

The proposed replacement garden store, relocation of septic tank and LPG tank are considered to represent appropriate development within the Green Belt that would not harm the openness of the Green Belt or the character of the landscape. The cumulative volume of the proposed extension, along with existing extensions would represent disproportionate extensions to the original dwelling which constitutes inappropriate development within the Green Belt. However, it is considered that the applicant has provided an extensive case to demonstrate that the existing property cannot be adapted to meet the needs of the applicant, who has ongoing and permanent disabilities following an accident, and that the proposed extension is the minimum size necessary to do so. This amounts to very special circumstances that would outweigh the harm to the openness of the Green Belt in this instance which would justify approval of planning permission subject to the removal of permitted development rights.

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

Further supporting information has been provided since the previous refusal and discussions with the applicant have been ongoing during 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 a resubmission following a previous refusal by the Local Planning Authority dated the 12th August 2015. The previous application was refused for the following reason;

“The proposed extension, by virtue of its size in addition to the size of previous extensions to the property, would constitute a disproportionate addition to the dwelling, and would therefore constitute inappropriate development in the Green Belt, which would be, by definition, harmful to the character and openness of the Green Belt. The applicant has failed to demonstrate that the very special circumstances exist which clearly outweigh this harm and accordingly the development is contrary to the guidance and requirements of the National Planning Policy Framework (2012) and Policy S3 of the adopted Newcastle-under-Lyme Local Plan 2011.”

The application now submitted seeks to address the reasons for refusal. The proposed replacement garden store has been reduced in size slightly and supporting information has been submitted in an attempt to demonstrate that very special circumstances exist to justify granting planning permission for inappropriate development in the Green Belt.

A public footpath (Madeley 27) runs in close proximity to the property and the proposals but no significant harm would be caused to users of the footpath. The key issues in the determination of this planning application are therefore considered to be:

- Is the development appropriate development in the Green Belt?
- The design of the proposals and the impact upon the Area of Landscape Enhancement, and
- If inappropriate development, do the very special circumstances exist to overcome the harm to the Green Belt?

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.”

The NPPF further details in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this include 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 and the replacement of a building provided that it remains in the same use and is not materially larger than the building it replaces.

The replacement shed with a volume of 96 cubic metres was considered during the previous application to be appropriate development because it would not be materially larger than the building it replaces. The applicant details that this building has now been reduced in size slightly and as such the conclusions reached in the determination of the previous application are valid for this aspect of the current application.

The septic tank and fuel tank seem to be of a similar size to the existing and so no issues are raised with these.

The side extension proposed in this application has not been reduced in size from that proposed in the refused application and would still have an approximate cubic volume of 113 cubic metres. The property has been extended previously (1970's) which resulted in an approximate cubic volume of 149 cubic metres. The original dwelling has an approximate volume of 298 cubic metres. Therefore the previous and proposed extensions would result in an 88% increase over and above the size of the original dwelling. As such this element of the proposal, along with previous extensions, still represents disproportionate additions over and above the size of the original building. It remains that the extension would be inappropriate development within the Green Belt and should not be approved except in very special circumstances.

The design of the proposals and the impact upon the Area of Landscape Enhancement

Paragraph 56 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.

Policy H18 refers to the design of residential extensions, where subject to planning control. The policy states:

“Proposals to extend dwellings will be favourably considered, subject to other policies in the Plan, so long as the following requirements are satisfied:

- i) The form, size and location of each extension should be subordinate to the design of the original dwellings.

- ii) The materials and design of each extension should fit in with those of the dwelling to be extended.
- iii) The extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or setting.”

The proposed single storey side extension is of a modest size that has an acceptable appearance.

The site lies within an area of Landscape Enhancement as indicated by the Local Development Framework Proposals Map. The proposals would enhance the character and quality of the landscape by virtue of the design, use of materials and the location, with minimal views from the wider area.

The design of the proposals are therefore considered acceptable and in accordance with policies of the local plan and the requirements of the NPPF.

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

The NPPF details that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

No very special circumstances were put forward by the applicant in support of the previous application but reference was made within the application to personal circumstances of the applicant. These were not accepted because personal circumstances will seldom outweigh more general planning considerations, particularly where development would be permanent. This was confirmed by a planning inspector in a case that this LPA dealt with recently (at Butterton Nurseries) whereby it was concluded that, for the reason that they could be repeated so often in Green Belt situations across the country, such personal circumstances are not on their own capable of amounting to very special circumstances in the terms of national planning policy.

The applicant has now submitted an extensive case for consideration as very special circumstances. Included in this case are the applicant's medical information and supporting documents – medical reports, notes and occupational therapy notes/ accommodation reports. An appeal decision from 2010 is also attached.

The medical and accommodation reports indicate that in order for the applicant to remain in her home of forty years the existing accommodation would need to be adapted. The reports conclude that the proposed extension would help the applicant and the proposed extensions are the minimum possible to help with her medical conditions. In essence the requirements are as follows;

- Level-access downstairs shower;
- Adaptations to the kitchen, including the requirement for storage and food preparation areas to be at waist height to minimise bending and reaching;
- A designated hobby area;
- Downstairs bedroom and
- Improved access at the front door.

As well as physical disabilities the applicant suffers from significant psychological trauma and clinical depression. It is feared that if the application is refused and the applicant loses her house then this will have a further significant impact on her health.

The submission also suggests that the proposed extension is a high quality design forms part of the case for very special circumstances.

The applicant considers that personal circumstances are a material planning consideration and do outweigh any limited harm to the openness and character of the Green Belt. As discussed personal circumstances will seldom outweigh more general planning considerations and in this instance it is the harm of the extensions by virtue of it being an 88% increase over and above the size of the original dwelling.

Your officers accept that the ground floor of the existing property requires adaptation for personal circumstances. The existing ground floor has a large living/ dining room, library, sitting room, kitchen and utility room. The proposed extension would allow the sitting room to become a bedroom with the extension serving a shower room and a hobby room/ kitchen. The applicant indicates that the existing property cannot be adapted to provide the needs of the applicant to provide the kitchen as required and hobby room and that the extension is the minimum size required to meet the applicant's need.

Whilst the case advanced relates to the personal circumstances of the applicant, it is considered that the applicant has demonstrated that the existing property is not capable of adaptation to meet her needs and the extension is the only option. In consideration of the extensive case submitted by the applicant it is now accepted that the applicant has demonstrated, in this case, the very special circumstances required to outweigh the harm to the Green Belt. Permitted development rights should be removed for all extensions, external alterations and outbuildings to avoid any further harm to the Green Belt, however.

APPENDIX

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 S3: Development in the Green Belt
Policy N17: Landscape Character - General Considerations
Policy N21: Area of Landscape Restoration

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)
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

NNR2736 (1962) Demolition of Existing Cottage and erection of detached dwelling Permit
NNR2736/D1 (1963) Demolition of Existing Cottage and erection of detached dwelling Permit
N7713 (1979) Extension to form new kitchen, additional sittingroom and 2 bedrooms Permit
15/00438/FUL Erection of a single storey side extension, replacement garden store, relocation of septic tank and LPG tank Refused

Views of Consultees

Madeley Parish Council supports the granting of this application in the greenbelt area on the grounds that there are exceptional individual circumstances that could permit the development. There is nothing in planning legislation, including the NPPF and NPPG and development policy that prevents personal circumstances being taken into account in the overall planning balance. A similar appeal to the Planning Inspector was upheld in 2010. Public planning guidance available from "Planning Aid" when looking at Non Material Planning Consideration states, "applicant's personal circumstances (unless exceptionally and clearly relevant eg provision of facilities for someone with a physical disability."

Having due regard to the medical evidence that is available and the fact that the proposed extension would be a proportionate development, Madeley Parish Council believe that special circumstances exist and the application should be granted.

The County Rights of Way Officer raises no objections as it appears that there will not be any amendments or impact on the public footpaths as a result of this application.

Representations

Six letters of representation have been received which all support the application on the grounds that the applicant should be allowed to stay in Madeley and the extensions represent an acceptable

design that would allow this. The replacement of the existing shed would be an enhancement. The proposals would also not be visible within the wider area.

Applicant's/Agent's submission

The application is supported by the requisite floor plans and elevations along with an extensive supporting statement which includes medical reports, accommodation report and rehabilitation report. These documents can be viewed by following this link to the application file on the Councils website; <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00009/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

12th February 2016