

The application is for full planning permission for a replacement detached dwelling and detached double garage at Alwyn, Nantwich Road, Audley.

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

**The 8 week period for the determination of this application expired on the 16<sup>th</sup> February 2016.**

### **RECOMMENDATION**

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

- 1. Standard Time limit for commencement of development.**
- 2. Approved plans.**
- 3. Removal of permitted development rights relating to extensions and alterations to the dwelling**
- 4. No top soil to be imported until it has been tested for contamination**
- 5. Reporting of unexpected contamination if found**
- 6. Completion of access prior to use of development**
- 7. Closure of the redundant access prior to the development being brought into use**
- 8. Surfacing of driveway in a bound and porous material for a minimum distance of 6 metres back from the site boundary, prior to the development being brought into use**

### **Reason for Recommendation**

The proposed replacement dwelling would be materially larger than the building it replaces and therefore constitutes inappropriate development in the Green Belt. However, the applicant could carry out extensions to the original property that would have a similar volume and would not be classed as disproportionate additions. The proposal would have no greater harm on the openness of the Green Belt than extensions to the existing dwelling. In addition there is an extant permission for a replacement dwelling. The proposed garage is also inappropriate development however as an outbuilding could be erected should the application be refused of almost the same dimensions as that proposed. There is therefore a genuine fall-back position and such matters are considered to constitute very special circumstances that outweigh the harm caused by the inappropriate development, therefore the overall proposal is considered acceptable in this Green Belt location.

The development would not harm the character or appearance of the surrounding street scene. There would be no adverse impact on the landscape and the proposal would be acceptable in highway safety terms. The proposal accords with Policies ASP6 and CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies S3, H1 and N20 of the Newcastle under Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework (2012) and the Newcastle under Lyme and Stoke on Trent Urban Design Guidance Supplementary Planning Document (2010).

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

During consideration of the application the Council sought amendments to the proposed garage given it represented inappropriate development. Amended plans and a case outlining very special circumstances were provided by the applicant to justify why this inappropriate form of development should be permitted within the Green Belt. It is provisions of paragraphs 186-187 of the National Planning Policy Framework have been met and, taking into consideration all other aspects of the proposal, it will be a sustainable form of development.

## Key Issues

This is an application for full planning permission for the erection of a replacement detached dwelling and detached double garage at Alwyn, Nantwich Road, Audley, which is located outside of the village envelope of Audley, and within the Green Belt and an Area of Landscape Enhancement as indicated by the Local Development Framework Proposals Map.

The site is on the end of a built up frontage/ linear development along Nantwich Road. The original detached dwelling on the site was positioned close to the neighbouring dwelling, and modest in size, located close to the highway, with a large domestic curtilage to the side and rear.

The proposed dwelling would measure 10 metres in width by 10.3 metres in depth at its longest point. The style of the proposed dwelling would be traditional brick and tile construction, with timber framed windows and front and rear chimneys and a bay window to the front elevation at ground floor level.

This application follows approved application 12/00210/FUL, which secured planning approval for a replacement dwelling and detached garage. The reasons given for the resubmission is the need to reposition the dwelling due to a mains gas pipe running through the site, and also involved the increase in the size of the garage.

Amended plans have since been received to reduce the height of the proposed garage back to the height it was when permitted under 12/00210/FUL. The reduction in the size of the garage was made following a request from the case officer due to the increase in size taking the proposed garage further away from the permitted development fall-back position. The permitted development fall-back position is essential in this case as it forms the basis of the very special circumstances required to justify the garage, given it represents inappropriate development in the Green Belt.

The property is to be positioned 3m set back from the front boundary so that the building line remains the same as the adjacent properties. The property will be 6.2m from the north east boundary and 8.4m from the South Western boundary. The dwelling is being repositioned 1.3 metres further towards the south west.

Since the previous decision 12/00210/FUL was made by planning committee in January 2013, the Regional Spatial Strategy and the Staffordshire and Stoke-on-Trent Structure Plan have been cancelled.

The key issues in the determination of this application are:

- Whether the proposal constitutes appropriate or inappropriate development in the Green Belt and, if inappropriate, whether very special circumstances exist to justify approval
- The impact of the proposal upon the character of the area and on the Area of Landscape Enhancement
- Highway Safety and car parking
- Impact on neighbouring amenity
- Do the required very special circumstances exist to justify the inappropriate development (the garage)?

### 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 states in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this are the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. Policy S3 of the Local Plan 2011 also states that replacement dwellings must not be materially larger than the dwellings they replace.

The original dwelling at Alwyn (that has now been demolished) measured 364 cubic metres, and the proposed dwelling measures 519 cubic metres, which represents a 154 cubic metre increase over the size of the original dwelling, and as a percentage this is 42% increase over the original size of the dwelling. The proposed dwelling would be materially larger than the dwelling it is proposed to replace. It therefore has to constitute inappropriate development within the Green Belt and should not be approved except in very special circumstances.

The proposed garage is not an extension or alteration of a building, nor would it replace an existing building on the site, and as such the garage also represents inappropriate development and very special circumstances are required to justify the inappropriateness, which by definition, is harmful to the Green Belt.

#### Impact on character and street scene

The existing dwelling sits on the end of a row of semi-detached two storey dwellings, which were historically miner's cottages. These cottages form a strong building line, close to the road side.

The new position of the dwelling would still line up with the frontages of the neighbouring dwellings, and an increase of 1.3 metres of the gap between the proposed dwelling and the neighbouring dwelling would not be harmful to the overall character of the street scene. The design of the dwelling has not altered since the previous approval, and therefore does not need to be re considered.

The proposed garage (as amended) is brick built and measures 6.5m by 6m, with a 35o pitched roof giving an overall height of 4.7m. Its design is in keeping with the appearance of the dwelling and as it is to be located at the rear it would not be visually prominent in the street scene nor would it result in the loss of any significant landscape features. Overall it is considered that the design and appearance of the garage is acceptable and would not be harmful to the landscape character of the area.

#### Highway Safety and car parking

The proposal, as does the extant permission, includes relocating the vehicular access in to the site on the front boundary towards the north east, closer to the neighbouring property. The Highway Authority consider this to be acceptable in terms of highway safety, subject to the inclusion of conditions on the approval relating to the completion of the access prior to occupation of the dwelling, the closing of the existing access prior to utilising the new access and provision of the car parking and turning areas prior to occupation of the dwelling.

The proposed car parking provision for the proposed three bedroom dwelling would be acceptable.

The proposed development is therefore acceptable in terms of highway safety and car parking.

#### Impact on neighbouring amenity

Given the dwelling has been repositioned within the site it is important to assess any changes to the impact on neighbouring residential amenity.

It is considered that the repositioned dwelling will not harm neighbouring amenity, and therefore the proposed re positioning of the dwelling is considered acceptable, and in compliance with the Space Around Dwellings Supplementary Planning Guidance.

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

As mentioned previously in the report, the development would not fall within any of the appropriate forms of development listed in the NPPF, therefore the starting point for the consideration of this new building is that it would form inappropriate development in the Green Belt.

In terms of very special circumstances, the onus is on the applicant to provide a justification of why the development does not harm the openness of the Green Belt in the form of very special circumstances.

The applicant has made a submission for very special circumstances, summarised below:

- They consider that should this planning application be refused, they could build a detached double garage using their permitted development rights, with only a slight alteration, which would involve reducing the height of the garage from 4.8 metres to 4 metres.
- In order to qualify, the overall height of the proposed structure would need to be reduced by 700mm, by reducing the roof pitch by 10°. This would lead to the use of non-traditional roofing materials.
- Following this route would create a structure with a low roof pitch which would be out of character with the proposed property and other dwellings and building in the locality.
- The proposed outbuilding is situated at the rear of the site within a group of other outbuildings / structures and within the domestic curtilage which does not detract from the openness of the Green Belt
- The garage is a replacement for the existing attached garage which is to be demolished as part of the proposal.
- Secure outbuildings are essential in rural areas in order to protect garden equipment and tools required to maintain the property and land from theft, as highlighted in recent campaigns by Staffordshire Police.

Whilst not forming part of the applicant's case it is also noted that there is an extant planning permission for a replacement dwelling and a garage on this site. The proposed dwelling does not differ from that permitted and whilst larger than the original the volume increase is considered proportionate and would have been considered to be appropriate development if proposed as an extension.

Bearing in mind the above it is considered that a genuine 'fall back' position exists and that a development which is similar in its impact on the Green Belt could take place regardless of the outcome of this application. Such matters are the very special circumstances required to justify, inappropriate development in the Green Belt.

In conclusion, the submitted very special circumstances are considered to overcome the harm to the Green Belt of the inappropriate development and it is your officer's opinion that the application should be permitted with the recommended conditions attached.

#### Other matters

The Environmental Protection Division has requested conditions that were not included on the previous permission, relating to noise attenuation and control of external lighting. As the proposed development is only to consider an amended location of the dwelling and amended garage, it is considered unreasonable to introduce new planning conditions.

## **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 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 H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy N17: Landscape Character – General Considerations  
Policy N20: Areas of Landscape Enhancement  
Policy T16: Development – General Parking Requirements

### **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**

11/00170/FUL Permitted 22.6.2011 Two storey side extension, ground floor rear extension, formation of new vehicular access and turning area  
12/00540/FUL Permitted 17.10.2012 Replacement of existing dwelling with detached dwelling  
12/00210/FUL Permitted 10.1.2013 Proposed replacement of existing dwelling with detached dwelling and detached double garage

### **Views of Consultees**

**Audley Rural Parish Council** support the minor change to the proposal

The **Highway Authority** has no objections subject to conditions relating to provision of the access parking and turning areas prior to occupation, permanent closure of the existing access and reinstatement of the footway prior to occupation of the dwelling, and the garage indicated on the plans being retained for the parking of motor vehicles and cycles, and shall at no time be converted to living accommodation without prior express permission.

The **Environmental Protection Division** has no objections and requests conditions regarding noise attenuation and control of outdoor lighting, however as it is a resubmission of a previously permitted development with only slight alterations, it would be unreasonable to introduce new conditions.

### **Representations**

None received

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

The application forms and plans have been submitted, along with a Design and Access Statement, case for very special circumstances to set out why the inappropriate sized garage should be permitted in the Green Belt, and brick and tile details. These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/01146/FUL>

**Background papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

11<sup>th</sup> February 2016