

The application is for full planning permission for the proposed rebuilding of a barn for residential use.

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

The application is brought to the committee as the applicant is a member of staff of the Borough Council.

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

RECOMMENDATION

REFUSE for the following reason:

The proposed development represents inappropriate development within the Green Belt, as it is not for any of the exemptions as listed in the National Planning Policy Framework. Very special circumstances do not exist which would outweigh the harm to the Green Belt that would be caused by virtue of inappropriate development. The development therefore does not accord with the aims and objectives of the National Planning Policy Framework.

Reason for Recommendation

The proposed development represents inappropriate development within the Green Belt. Very special circumstances do not exist which would outweigh the harm to the Green Belt that would be caused by virtue of inappropriate development. The development therefore does not accord with the aims and objectives of the National Planning Policy Framework.

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

The applicant was given the opportunity during the application to set out a case as to the very special circumstances that justify inappropriate development in the Green Belt. It is not accepted that very special circumstances exist in this case and as such it is considered that the application is an unsustainable form of development and therefore conflicts with the aims and objectives of the National Planning Policy Framework.

Key Issues

This is an application for full planning permission for the proposed rebuilding of a barn following partial collapse and partial demolition, for residential use. The barn is located within the Green Belt and an Area of Landscape Restoration, within the open countryside, as indicated by the Local Development Framework Proposals Map.

The General Permitted Development Order permits the change of use of an agricultural building to a dwellinghouse and any associated building operations necessary to convert the building subject to the developer first applying to the local planning authority for a determination as to whether the prior approval of the authority is required. An application for the prior approval of the change of use of an agricultural building to a dwellinghouse, and associated operational development, was granted consent in 2015 (reference 15/00098/COUNOT) and such the conversion of the barn for residential use was accepted. The decision letter in respect of the prior approval clarified that the consent was for the conversion of the building and not its replacement or rebuilding, indicating that this would require planning permission.

Since the prior approval was granted, the building partially collapsed and was partially demolished, leaving approximately one quarter of the building still standing. Your Officer's view is that there is no longer a building to convert and that the developer could not rely upon the prior approval that was granted for the reconstruction of the building for its intended residential use and that planning permission would be required.

The key issues in the determination of this application are therefore:

- Whether the proposal constitutes appropriate or inappropriate development in the Green Belt
- The impact of the proposal upon the character of the area and on the Area of Landscape Restoration
- Highway Safety and car parking
- Impact on amenity
- If the development is considered to be inappropriate development, so the required very special circumstances exist?

Is the development 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 listed at paragraphs 89 and 90. The exceptions identified include:

1. the re use of buildings provided that the buildings are of permanent and substantial construction;
2. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replace; and
3. the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development..

The applicant considers that the development would fall under exception 3 based as the site constitutes previously developed land, as the conversion works resulted in the removal of the structure from its agricultural use and the development has no greater impact on the openness than the existing.

Land that is or has been occupied by agricultural buildings is not included in the definition of previously developed land as set out in the NPPF. The removal of an agricultural building and the commencement of its reconstruction for residential use does not, in the opinion of your Officer, mean that the site is no longer in agricultural use and that it should now be defined as previously developed land. Even if the site was now considered to be previously developed land, for the development to fall within exception 3 it would have to be concluded that the development had no greater impact on the openness of the Green Belt than the existing development. The existing development on site is approximately a quarter of the agricultural building that was previously on the site. The proposal involves the reconstruction of that building. What is proposed is therefore does have a greater impact on the openness than the existing.

The proposal therefore does not fall within exception 3, nor does it fall within exceptions 1 and 2.

Therefore, the starting point is that the proposal represents inappropriate development in the Green Belt, which should not be approved unless very special circumstances can be demonstrated which would outweigh the harm caused to the openness of the Green Belt by definition of the inappropriate development.

Impact on the character of the area

Saved Policy N21 of the Local Plan states that the Council will support, subject to other plan policies, proposals that will help to restore the character and improve the quality of the landscape, and that within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The National Planning Policy Framework 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.

The proposal involves the rebuilding of the demolished/ collapsed barn using bricks from the collapsed structure. The building is being rebuilt to the same size that the barn was prior to its collapse/ demolition, and would utilise the bricks from the original building where possible. The proposed replacement building is simple in its design and is not considered to be inappropriate in this rural location

A hardstanding area is referred to in the supporting statement, which has been installed adjacent to the building. It is understood that this would be used as the parking area.

The application has not defined a residential curtilage, and the red edge is not considered to represent a proportionate curtilage to the building, should permission be granted. A residential curtilage that is proportionate to the size of the barn could be conditioned for approval should permission be granted, which should be smaller, and permitted development rights should be removed should permission be granted, both in relation to extensions and alterations to the building and outbuildings in the garden area.

Overall, it is considered that the barn if built with reclaimed bricks and of the same size as it was prior to being demolished would have a limited impact on the character of the landscape restoration area.

Highway Safety and car parking

The proposal is for a 3 bedroom dwelling. One of the bedrooms is labelled as a study however it is large enough to accommodate a bedroom therefore is being considered as such. Three bedroom dwellings require a maximum of two off road car parking spaces, which could be accommodated in a small area of hardstanding.

The Highway Authority has no objections to the proposed development, and has not recommended conditions should the application be approved.

If very special circumstances are accepted for the re-building of the barn as a dwelling and the change of use of land to residential curtilage, then the car parking requirements can be provided for. Very special circumstances are discussed below.

Impact on amenity

The proposed dwelling would not cause any loss of amenity to neighbouring residents in terms of loss of light or privacy. In addition amenity space to meet the needs of the occupiers of the proposed dwelling can be provided. As such it is considered that the proposal is acceptable in this regard.

Do the required very special circumstances exist that would overcome the harm caused by inappropriate development in the Green Belt

The applicant has advanced a case of very special circumstances which are taken from the Design and Access Statement and the 'Special Circumstances' statement that was submitted during the application process. The main points of the case are summarised as follows:

- The building is proposed to be re built to the same form, mass and scale as the barn that was demolished/ collapsed, using the original bricks
- The building has never been capable of conversion as it had no foundations, fire damage and passing trucks had been shaking the building, making it unstable. The conversion of the barn for residential purposes was authorised as permitted development. The scheme which was approved as permitted development and that for which permission is now sought are identical

- A coal seam under the building required removal, and the only way to do this safely was to demolish the building as advised by Building Control
- The application site is not isolated in terms of proximity to services and facilities available at Harriseahead, Mow Cop, Brown Lees and Knypersley.
- If permission is refused the building will remain in a dangerous and dilapidated state
- The Council does not have an up to date 5 year housing land supply and the proposal will go towards meeting local housing needs
- The local community would welcome the proposed development and ensure the occupation of the barn and make full use of the disused land
- Although Green Belt land, it is not undeveloped land – there is a building on the site and the proposal would not change its character and appearance
- The impact on the openness of the Green Belt will be no different to the existing situation – the only reason permission is now required is that more significant works than originally anticipated are now required
- While rebuilding is now necessary, it does not involve a “new build” in the countryside
- The proposal involves a redundant building on already developed land – the reuse of a redundant building and developed site represents sustainable development. The ability to contribute sustainably to meeting housing needs without causing harm to the character of the countryside and to the Green Belt, is a special circumstance

It is acknowledged that the development would utilise the original bricks to rebuild the barn to the same footprint and size is a point in favour of the development, however it does not overcome the strong policy objections to inappropriate development in the Green Belt as set out in the National Planning Policy Framework. Inappropriate development is, by definition, harmful to the openness of the Green Belt.

The building that was on the site has now, to a large extent, been removed through demolition and collapse. What remains on site does not meet the definition of a building and as such there is no building on site to convert. If the building was still on site at this time a comparison of what is now proposed, which is tantamount to the construction of a new building, and the impact of the conversion of the existing building on the Green Belt would be appropriate. In the current circumstances, however, it is the view of your Officer that there is not a fall-back position to be taken into consideration in the determination of the application.

It is correct that conversion of the building to a dwelling was approved through a prior notification application process. The Planning Practice Guidance (PPG) advises that the permitted development right assumes that the agricultural building is capable of functioning as a dwelling. Whilst the permitted development rights recognise some building operations are required the extent of works which are also covered by the permitted development rights are matters such as the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.

Whilst it was clear that the building required some reconstruction there was no evidence that it was not capable of conversion at the time prior approval was granted under the permitted development rights. The granting of such consent does not mean that that the Local Planning Authority is obliged to permit this application when it subsequently became apparent that the building was not capable of conversion. The point made by the applicant that the structural report, undertaken after the prior approval was granted, revealed that the building was structurally unsound and that the building was not capable of conversion does not amount to a very special circumstance therefore.

Whilst it is accepted that the site is not isolated this does not amount to a very special circumstance, as a sites sustainability does not come into consideration if a development is inappropriate development in the Green Belt. Similarly, the lack of the five year housing land supply would not amount to very special circumstances in a Green Belt location.

If permission is refused and what remains of the building is left on site would not be considered to be harmful to the openness of the Green Belt. It would be the owner's responsibility to ensure his land and property is safe and secure. The wider benefits to the community of the barn being occupied would not be significant enough to comprise very special circumstances to justify the rebuild.

In conclusion, there are no very special circumstances that would outweigh the harm caused by inappropriate development in the Green Belt, and the development should be refused as it does not accord with planning policy.

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 N21: Areas of Landscape Restoration
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

15/00098/COUNOT Permitted April 2015 Prior notification for conversion of existing barn to residential use and associated operational development

Views of Consultees

Kidsgrove Town Council has not commented on the application

The **Coal Authority** has no objections to the application.

The **Environmental Protection Division** has no objections

The **Highway Authority** has no objections

The **Footpaths officer** has not commented on the application

The **Building Control Partnership** has provided their site inspections report, which provides a chronology of dated visits

Representations

None received

Applicant's/Agent's submission

The application forms and plans have been submitted, along with a Design and Access Statement and a 'Special Circumstances' statement. 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/16/00099/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

8th March 2016