

The application is for outline planning permission for the erection of two dwellings on a site that has a lawful use as a storage yard. Details of the access from the highway network is submitted for approval as part of this application with all other matters (appearance, landscaping, layout, scale, and access within the site) reserved for subsequent approval.

The site is within the open countryside outside of any defined village envelope and within a Landscape Maintenance Area (policy N19) as defined on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors who consider that the proposal would 'tidy up' the site and two houses would provide much needed housing in the rural area.

The 8 week determination period expires on the 16th June 2016

RECOMMENDATION

Refuse for the following reason;

- 1. The development of this site, whilst meeting the definition of previously developed land, within the open countryside is contrary to specific policies within the National Planning Policy Framework as it is in an isolated location and would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the absence of special circumstances as referred to in paragraph 55, there is no presumption in favour of permitting this development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012).**

Reason for Recommendation

Whilst the Council currently cannot robustly demonstrate a 5 year plus 20% supply of deliverable housing sites the scheme proposed in this location would represent an isolated location and the benefits of the scheme do not significantly and demonstrably outweigh the benefits. The proposal would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development.

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

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the principal concerns in respect of the location of this development.

KEY ISSUES

The application is a resubmission following a recent refusal in April 2016 for the same scheme. The application was refused on the following grounds;

"The development of this site, whilst meeting the definition of previously developed land, within the open countryside is contrary to specific policies within the National Planning Policy Framework as it is in an isolated location and would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the absence of special circumstances as referred to in paragraph 55, there is no presumption in favour of permitting

this development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012)."

The design of the dwellings/ impact of the landscape, residential amenity levels, highway safety matters and the impact on ecology were all considered acceptable subject to conditions. Therefore, given that the last application was only recently refused and there has been no changes in planning circumstances, the only matters for consideration are the principle of residential development in this location and whether any adverse impacts of granting permission significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework?

The principle of residential development

The application site lies within the Rural Area of the Borough, outside of the village envelope of Madeley, in the open countryside.

Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

CSS Policy ASP6 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, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Local Plan indicates that planning permission for residential development will only be given in certain circumstances – one of which is that the site is within one of the village envelopes.

It is acknowledged that the site has an existing lawful use as a storage yard which results in a large proportion of the site satisfying the definition of previously developed land. However, as indicated above this site is not within a village envelope and nor would the proposed dwellings serve an identified local need as defined in the CSS.

The Local Planning Authority (the LPA), by reason of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements (in the Borough's case as set out within the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. As with other housing applications that have come before the committee recently 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), because it does not have a full objective assessment of housing need, and its 5 year housing land supply statement is only based on household projections.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47). Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development and that this means, unless material considerations indicate otherwise, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole, or specific policies in the Framework indicate development should be restricted. The examples given of 'specific policies' in the footnote to paragraph 14 indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

Paragraph 7 of the NPPF identifies that there are three dimensions to sustainable development: economic, social and environmental.

Onneley is not identified as a key Rural Service Centre. It has limited services and facilities and a limited bus service (two a day on each week day and no service at weekends) and bus stops which is unlikely to provide a realistic alternative to the car for many journeys to work, visiting large supermarkets or visiting entertainment and leisure facilities in larger settlements.

The nearest Key Rural Service Centre of Madeley at a distance of 1700 metres to the development boundary could not be easily or safely reached on foot given there is only pavement on limited sections of the route and the road (A525) which is heavily trafficked. The likelihood therefore is the new development would be serviced by private motor vehicles only which would render the site highly unsustainable.

Paragraph 55 of the NPPF focuses on housing in rural areas and indicates that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. This could represent the social element of sustainable development. It is not accepted that the proposed development would achieve this objective, however, as it would make very little contribution towards the vitality of the rural communities in the area due to the lack of reasonable access to the nearby settlements by any transport other than the private car.

A number of appeal decisions have been referenced within the applicant's submission. Most notably the submission refers to an appeal decision at Rowney Farm which was allowed despite it being outside of a key rural service centre. In that instance it was a wholly different development proposal in that it was for the change of use of an existing Granny Annexe to one independent dwelling with the inspector stating that "the change to the appeal property's planning status would not represent such an increase in the reliance on the private motor car to conclude that the resulting effects would be 'significant and demonstrable' and therefore at odds with the Framework. Any effects would be minimal and outweighed by the appeal proposal's benefits, albeit modest, in supporting local shops and other services and the contribution to the supply of housing in the Borough". In contrast the proposal in this instance is for two new dwellings which is much further from a rural service centre and there would be a likelihood of a high level of private car use due to the distance and the route not being easy or safe to walk.

Members should note that a more recent appeal decision has been received for a scheme for new dwellings at Rowney Farm. The appeal was dismissed due to it representing an isolated location with the adverse impacts of the proposal significantly and demonstrably outweighing the benefits, when assessed against the relevant development plan policies and the Framework as a whole.

The application site is also considered to represent an isolated location for the reasons indicated above.

As such it can be argued that the proposal is contrary to specific policies in the NPPF that indicate development should be restricted and therefore that there is no presumption in favour of granting permission in this case.

Would any adverse impacts of granting permission significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework?

As indicated above the proposal is considered to be contrary to specific policies within the Framework but it is appropriate to go on to consider what the adverse impact of granting planning permission might be and whether they significantly and demonstrably outweigh any benefits.

The NPPF presumes against new isolated houses in the countryside because that is not a sustainable form of development. Future occupiers will be heavily reliant on the use of private motor vehicles with very limited benefit to the rural community and services.

The site has an existing lawful use as a storage yard but the harm of this use on the landscape is considered minimal and would be replaced by two dwellings which will have a significant impact on the openness of the countryside, as such the impact is considered to be neutral.

As to the benefits (of the development) reference has been made to the present lack of a five year supply. It is acknowledged that the development would make a contribution to this supply albeit a limited one. However, taking all of the above into account it is the view of the Council that the adverse impacts of this development do significantly and demonstrably outweigh the benefits of the development, and accordingly the proposal does not represent a sustainable form of development.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Strategic Aim 16: To eliminate poor quality development;
Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Newcastle under Lyme Local Plan 2011 (LP)

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Consideration
Policy N20: Area of Landscape Enhancement

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Relevant Planning History

16/00171/OUT Outline planning application for the erection of 2 dwellings REFUSED (20.04.2016)

15/00953/ELD Application for a Lawful Development Certificate for existing use of site as a storage yard PERMITTED

N17941 (1989) A detached dwelling Dismissed at appeal

N9745 (1981) Dwellinghouse Dismissed at appeal

Views of Consultees

The **Environmental Health Division** raises no objections subject to conditions regarding contaminated land.

The **Highway Authority** raises no objections subject to conditions regarding access, visibility, parking, turning, servicing, drainage, the access being ungated and the submission and approval of a construction method statement.

Madeley Parish Council has been consulted and has until the 16th May 2016 to make any comments on the application. Any comments received will be reported prior to the committee meeting.

The **Landscape and Development Section** has been consulted and has until the 16th May 2016 to make any comments on the application. Any comments received will be reported prior to the committee meeting.

Representations

No letters of representation have been received.

Applicant/agent's submission

The application is supported by a planning statement, indicative plans, transport statement, habitat survey and contaminated land report. These can be viewed on the Councils website at <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00336/OUT>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

9th May 2016