

MR AND MRS EMERY

The application seeks planning permission for the clearance of the existing dwelling and outbuildings on site, and the provision of a replacement dwelling and a detached garaging building for two cars.

The application site is located within the Green Belt and on land designated as an Area of Landscape Enhancement, all as indicated on the Local Development Framework Proposals Map

The statutory 8 week determination period for the application expires on 16 August, but the applicant has agreed to extend the period to the 18th August

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit**
- 2. In accordance with the amended plans**
- 3. Materials to be submitted**
- 4. Removal of Permitted Development Rights – Classes A, B, C, E & F**
- 5. Written Scheme of archaeological investigation**
- 6. Hard and soft landscaping scheme to include details of boundary treatments and definition of extent of residential curtilage**

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 size of the existing dwelling and outbuildings within the residential curtilage, plus the potential fall-back position of extending the existing dwelling weighs in favour of the development when impact upon the openness of the Green Belt is considered.

The proposed replacement dwelling also represents a high standard of design which takes advantage of the site characteristics. These are considered to amount to the very special circumstances required to justify the development despite its inappropriateness in Green Belt terms.

The impact on visual amenity, character and quality of the landscape, protected species and highways safety would also be limited and not adverse. Subject to the removal of permitted development rights and a number of other conditions the proposed development accords with policies N12, N17 & N19 of the Local Plan and policy CSP1 of the Core Spatial Strategy and the requirements of the NPPF.

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

Officers have had a number of discussions with the applicant's agent. Some limited amendments to the scheme have been submitted during the course of the application.

KEY ISSUES

The application is for full planning permission for a replacement dwelling involving the demolition of the existing dwelling and outbuildings and erection of a detached garaging building that could accommodate up to 2 cars.

The application site is located on the edge of the hamlet of Acton which has no defined development boundary and so is classed as open countryside, located within the North Staffordshire Green Belt and on land designated as an Area of Landscape Enhancement, all as indicated on the Local Development Framework Proposals Map.

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 Enhancement
- Highway Safety and car parking
- Will the development have an unacceptable impact on protected species and heritage assets?
- If the development is considered to be inappropriate development, do the required very special circumstances exist?

Is the development appropriate or inappropriate development within the Green Belt?

Policy S3 of the Newcastle-under-Lyme Local Plan accepts replacement dwellings where they are not materially larger than the existing dwelling on site. It also indicates that applicants, for replacement dwelling proposals, must indicate that replacement rather than alteration is justified

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 replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. The NPPF does not require replacement proposals to be justified, and so that test (within the Local Plan) should not now be applied.

The proposal would replace a detached dwelling. There are also a number of outbuildings of varying size and appearance within the residential curtilage that would be demolished as well.

The proposed dwelling would be materially larger than the dwelling it is proposed to replace and it is therefore inappropriate development within the Green Belt and should not be approved except in very special circumstances.

Impact on the character and appearance of the area

The NPPF details in paragraph 60 that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness. Furthermore, in paragraph 63 it also details that great weight should be given to outstanding or innovative designs.

The existing property occupies a spacious plot that whilst it is elevated above Oakwood Lane is within a valley to the south west of the hamlet of Acton. The existing dwelling has the scale and appearance of a modest two storey cottage with dormers, with a significant linear single storey element to one side. The outbuildings are a mix of older brick/block faced, and corrugated sheeted buildings, which are somewhat unattractive in appearance. Other than from the frontage of the site, the proposed building despite its height and mass would be relatively inconspicuous within the wider landscape because of the valley setting and nearby woods and trees.

The proposed full two storey replacement dwelling is contemporary, offering a building also of linear design that incorporates the features of a barn, with hipped end gables. The building would incorporate large expanses of glazing, with a glazed balcony to the south eastern elevation facing down the valley. The property has been designed to be in contrast to other properties in the locality and demonstrates innovation.

Whilst it is recognised that the design of the proposed dwelling is contemporary, this does not automatically mean that it is inappropriate. The Whitmore Village Design Statement itself states:

“Policy S15 will not stifle good modern design. To be in visual harmony with its environment the design of a development does not necessarily have to slavishly follow the architectural style and materials of its surrounding structures. Selective and careful use of modern materials, together with innovative design approaches to both landscape and building, can produce new developments that are in visual harmony with the character of an area”

Whilst it is acknowledged that the development does not reflect the traditional design of the existing property and others within the location it is considered that it achieves a high quality design that would meet the requirements and guidance of the Framework.

Concerns have been raised by Stafford Borough Council with regard to the visual impact of the dwelling; particularly when viewed from public footpath Swynnerton 18 and from Oakwood Lane. Whilst it is recognised that the front of the site is relatively open and the existing farmstead can be viewed clearly from Oakwood Lane at close quarter, your Officer has established that at least in summer months there would be very limited other views from the lane and the public right of way referred to and any views from the public right of way would be limited to the end gable of the proposed dwelling that would be predominantly glazed and lightweight.

Highway Safety and car parking

The proposal includes a detached garage building that would provide parking to the dwelling.

The Highways Authority has raised no objections subject to a condition preventing the conversion of the garage without the benefit of planning permission.

Sufficient uncovered parking would be able to be provided on site for a dwelling of this size anyway, so it is not considered that there is a highway safety reason for the condition as suggested by the Highway Authority. Further consideration is given to required conditions below.

Will the development have an unacceptable impact on protected species?

An extended Phase 1 Habitat Survey was submitted with the application. Two separate bat roosts are identified as being on site. Mitigation measures are proposed within the redevelopment of the site. The applicant will also be required to apply for a licence with Natural England for the proposed works. As this will be reviewed by Natural England it is considered that the proposal will have an acceptable impact upon protected species, ensuring that they are rehoused within the site.

Heritage assets

The application site is not statutory protected; however it is listed as being of historic interest within the Staffordshire Historic Environment Record (SHER). Historic mapping suggests that the farmstead existed in the mid-19th century, contributing to the wider historic character of the area. The views of CAWP as are those of the Council's Conservation Officer are being obtained. Given that the buildings are not statutorily protected controls cannot be exercised over their demolition, other than over the means of that demolition. The buildings appear to have been significantly altered over the years. Due to the clearance of the site proposed it would be reasonable, were planning permission to be granted, to require by condition that a building recording survey be carried out prior to the commencement of development. The building recording would record evidence of phasing, the survival of historic fixtures and fittings and the use of space within the current structure. A record is considered to be acceptable in this instance.

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.

The existing dwellinghouse has full permitted development rights and so roof alterations and detached outbuildings could possibly be constructed without planning permission, although the latter would have to be demonstrated to be for purposes ancillary to the enjoyment of the dwellinghouse which given the amount of existing outbuildings might be arguable. However the scope for any extensions via permitted development rights are considered to be very limited.

As to what extensions might be permitted anyway, the original dwelling on site was extended in 1983 by a single storey side extension. This extension was built in replacement of an existing attached outbuilding, and appears to have involved a small net increase in the volume of the dwelling – there are no elevations of what was removed. No other extensions have been constructed therefore the Council would find it difficult to resist, given national policy, the principle of further extensions to the dwelling amounting to an increase of around 48% or 300 cubic metres. This fall-back position could be exercised by the applicant and needs to be considered in the determination of this application.

In this instance the applicant has calculated that the existing dwelling has a volume of 624 cubic metres. They have also detailed that a number of outbuildings will be removed to accommodate the proposal. The outbuildings cannot be classed as part of the original dwelling; however they do impact upon the openness of the Green Belt and it's accepted the buildings are located within the domestic curtilage of the dwelling. The applicant details the volume of the existing outbuildings to equate to 1095 cubic metres.

The total volume of the replacement dwelling and its garage would be 1570 cubic metres (1340 cubic metres within the dwelling, and the garage 230 cubic metres), therefore less than the existing built form on-site, and also less than what could be expected to be approved in principle should the existing dwelling be extended. The latter as a potential fallback position is a material consideration. Whilst the dwelling would be materially larger than the existing dwelling on site, it is considered that given the removal of the existing outbuildings and given what could be approved as extensions, and the harm that could cause to the Green Belt being no less than that associated with the proposal, there are grounds for considering the required very special circumstances to exist

Given the nature of the very special circumstances advanced here it is necessary and appropriate to remove permitted development rights for further extensions and outbuildings should permission be granted..

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 (NLP)

Policy S3:	Development in the Green Belt
Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy N17:	Landscape Character – General Consideration
Policy N20:	Areas of Landscape Restoration

Other material considerations include:

National Planning Policy Framework (March 2012) as amended

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)

Whitmore Village Design Statement (September 2002)

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

N12626 Extension to dwelling approved 1983

Views of Consultees

Whitmore Parish Council: Proposed dwelling is massive in height and volume compared to the existing development, but is far more concentrated in ground area covered. Question whether it can be called appropriate development. No objections are raised given the remoteness of the location. Request a condition is attached to ensure the original dwelling and outbuildings are all removed from the site and appropriate measures are taken with respect to the presence of protected species such as bats.

Highway Authority: No objections to the development subject to a condition being attached to the decision notice preventing the subsequent conversion of the garage building

SCC Archaeology: A review of the Staffordshire Historic Environment Record (SHER) has identified that the above application has the potential to impact upon historic and archaeological remains of potential significance. While no part of the Brook Farm complex is statutorily protected, it is recorded on the SHER as being of historic interest, the small historic farmstead being characteristic of

such complexes within northern Staffordshire and contributes to the wider historic landscape character. Due to the scale of the proposal and interest in the buildings it is considered that a building recording survey should be carried out to document any historical fixtures and fittings. This should be carried out by a suitably experienced historic environmental professional.

Staffordshire Borough Council: Object to the application as the development does not comply with policy 89 of the NPPF, as the dwelling would be materially larger. The height of the proposed dwelling would be greater than any of the existing buildings on site, and as such would adversely affect openness of the Green Belt. Its proportions would also appear excessive and incongruous particularly in relation to the more domestic design of the windows and their location on the building. The building would be viewed from public footpath Swynnerton 18 and from Oakwood Lane to the east, which lie within the Stafford Borough Council area.

Environmental Health: Were consulted however made no comments on the application by the due date. As such it is assumed that no objections are raised to the proposal.

Conservation Advisory Working Party (CAWP): Comments, if received, will be reported via a supplementary report.

Conservation & Urban Design Officer: Comments, if received, will be reported via a supplementary report.

Natural England: Have no comments to make with regard to the application.

Representations

None

Applicant/agent's submission

The application is supported by a Planning Application, Plans and Protected Species Survey.

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00485/FUL>

Background Papers

Planning File

Development Plan

Date report prepared

3rd August 2016