

**THE OLD WOOD, BETLEY HALL GARDENS, BETLEY**  
**MR DARRELL MANSFIELD**

**17/00652/FUL**

The application is for full planning permission for a replacement outbuilding for storing implements and staff facilities in association with domestic ground maintenance.

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

**The 8 week period for the determination of this application expired on the 25<sup>th</sup> September 2017 but the applicant has agreed to an extension of time of the statutory determination period to the 12<sup>th</sup> October 2017.**

**RECOMMENDATION**

Permit with conditions relating to the following:

1. Standard time limit
2. Approved plans
3. Materials as indicated on application form unless otherwise agreed
4. Replacement trees
5. Tree protection
6. Arboricultural method statement

**Reason for Recommendation**

This is considered to be a sustainable form of development and so complies with the provisions 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**

Whilst the proposal includes inappropriate development in the Green Belt it is considered that the impact on the openness of the Green Belt would be less than an identified fall-back position and this is considered to represent the very special circumstances necessary to justify the development.

**Key Issues**

The application is for full planning permission a proposed replacement outbuilding for storing implements and staff facilities in association with domestic ground maintenance. It is a resubmission of an application for a replacement detached building to be used for storage with rest room and overnight accommodation above, application reference 17/00163/FUL. That application was refused for the following reason.

*The proposed development is inappropriate development in the Green Belt as the replacement building is materially larger than the existing. No material considerations of any weight exist as to clearly outweigh the harm that would be caused by such inappropriate development and accordingly the required very special circumstances do not exist. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework and Policy S3 of the Newcastle-under-Lyme Local Plan 2011.*

The building currently proposed is smaller in scale than the previously refused building and does not include a rest room or overnight accommodation within the roof.

The property lies within the Green Belt, the Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map.

The main issues for consideration in the determination of this application are:-

- Whether the proposal represents appropriate or inappropriate development within the Green Belt
- Effect on the openness of the Green Belt and the purposes for including land within it
- Design and impact on the character and appearance of the Conservation Area.
- If inappropriate development, do the required very special circumstances exist to outweigh the harm to the openness of the Green Belt?

#### Appropriate or inappropriate development in the Green Belt

The National Planning Policy Framework indicates at paragraph 89 that construction of new buildings should be regarded as inappropriate development and that exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The proposal involves the replacement of an existing storage building and ground keeper's rest room with a new storage building with workshop, and kitchen and WC for grounds staff. It is therefore in the same use. It is however materially larger than the existing with a 48% increase in floor area and a 112% increase in volume. As such it constitutes inappropriate development in the Green Belt.

Whether there are very special circumstances is considered at the end of the report.

#### Effect on the openness of the Green Belt and the purposes for including land within it

Openness is one of the essential characteristics of the Green Belt, which generally means the absence of buildings or development and is epitomised by a lack of buildings. By introducing additional built form, as proposed, the openness of the Green Belt would be reduced. That reduction would be significant in this case as the finished building would be double the volume of the existing building.

The five purposes of the Green Belt are set out in paragraph 80 of the NPPF and one of them is to assist in safeguarding the countryside from encroachment. None of the other purposes would be transgressed. While the building would include an infringement into an undeveloped area, it would closely relate to the existing building it replaces. Overall, there would be no greater impact on this Green Belt purpose. Nevertheless, the proposal would materially erode the openness of the Green Belt, in conflict with the NPPF.

#### Design and assessment impact of the development on the character and appearance of the Conservation Area

The Government attaches great importance to requiring good design, and that good design is a key aspect of sustainable development and is indivisible from good planning.

When determining planning applications, local planning authorities are required to assess the significance of a heritage asset and the impact of the proposed development upon the setting of a heritage asset. The property is within a Conservation Area, therefore this assessment needs to be made to ensure that the proposal would not be harmful.

The existing building is located in a wooded area to the north-west of the property. It has little architectural merit appearing like a small stable building with lean to addition. The proposed building has a larger footprint with a pitched roof measuring approximately 3.7m to the ridge. It is to be constructed in brick, red cedar cladding and slate roof. The choice of materials are considered to be appropriate and in the location proposed is not harmful to any important views of features of the Conservation Area that add to its character.

Overall, it is considered that the proposal will achieve a good design, and will not harm the character and appearance of the Conservation Area, in accordance with policy. In reaching this conclusion it should be noted that the building as currently proposed is to be constructed of materials and of a design that are similar to that of the building previously proposed. Whilst refused the larger building previously proposed was deemed not to be harmful to the character and appearance of the Conservation Area.

Do the required very special circumstances exist that outweigh the harm caused by inappropriate development?

The applicant has provided information as to why the new building is needed. The indication is that the existing building is too small, is unfit for purpose (as it does not accommodate the applicant's tractor and is unsuitable for storing oil and diesel being wholly timber in construction) and requires modernisation. In addition the building has reached the end of its useable lifespan and to extend the building would therefore be unviable.

A fall-back position has been identified which is the construction of a larger outbuilding between the existing house and the adjoining lake (for which a Lawful Development Certificate has been issued reference 16/01080/PLD). The submission indicates that the proposed building is less harmful than this fall-back position as it is larger and in a more visually prominent position when approaching the house along the access drive.

The use of the proposed building is very similar to that which can take place within the 'fall-back' building. On the basis of the identified need for a new building there is a prospect that the 'fall-back' building will be constructed and therefore it is accepted that there is a fall-back position and that this is a material consideration in the determination of the planning application. The weight to be given to that fall-back is a matter for the decision maker.

It is agreed that the fall-back position, the building that can be constructed under permitted development rights, would have a greater visual impact than the proposed building given that it is located in a more prominent position than that proposed. That building is higher than the proposed building, being a maximum of 4m in height, and has a greater footprint and volume. The fall-back building therefore has a greater impact on the openness of the Green Belt than the building proposed and this should be given considerable weight in the determination of this application. In addition it is considered that the fall-back position would have a greater impact on the character and appearance of the Conservation Area.

The NPPF indicates, at paragraph 87, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 88 it states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this case given that the 'fall-back' building has a greater impact on the openness of the Green Belt than the building proposed it is concluded it is concluded that very special circumstances that justify the granting of inappropriate development exist in this case.

## **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](#)

Strategic Aim 16: To eliminate poor quality development;  
Policy ASP6: Rural Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3 Development in the Green Belt  
Policy N18: Area of Active Landscape Conservation  
Policy B9: Prevention of Harm to Conservation Areas  
Policy B10: The Requirement to Preserve or Enhance the Character of a Conservation Area  
Policy B13: Design and Development in Conservation Areas  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

### **Other Material Considerations include:**

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Supplementary Planning Guidance/Documents](#)

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

### **Relevant Planning History**

1984	N13739	Permit	Playroom extension and alterations to kitchen and bathroom
1985	N13957	Permit	Garage
1985	N14054	Permit	Extensions and alterations
2001	01/00610/FUL	Permit	Balcony to rear
2002	02/00511/FUL	Permit	Rear dormer, balcony and other alterations
2002	02/00556/FUL	Permit	Extensions
2016	16/1080/PLD	Permit	Proposed erection of an outbuilding for garden equipment and gym
2017	17/00163/FUL	Refuse	Erection of replacement detached building to be used for storage with rest room and overnight accommodation above

### **Views of Consultees**

**Conservation Advisory Working Party** – no objections.

**Conservation Officer** – no objections.

The **Landscape Development Section** indicates that their comments remain the same 17/00163/FUL which was - no objection subject to the following:

- Replacement trees to mitigate the loss of the four birch trees and improve the screening of the building.

- Conditions to be included to secure a detailed tree protection plan, and Arboricultural Method Statement

The **Environmental Health Division** has no objections.

**Betley, Balterley & Wrinehill Parish Council** – object on the basis that the development is not in accordance with planning policy for the Green Belt in that an existing property is being demolished and instead of a replacement of a similar scale a larger building is proposed. The LPA has made clear elsewhere in the Parish that strict criteria have to be applied when considering the erection of larger buildings within the Green Belt. Reasons given by the applicant are not considered by the Parish Council to justify the very special circumstances necessary to justify such development within the Green Belt.

Representations

None

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

The application forms and plans 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/17/00652/FUL>

**Background papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

21<sup>st</sup> September 2017