

HALL O' TH' WOOD, BALTERLEY GREEN ROAD, BALTERLEY
MR A LANE. 12/00418/FUL

The Application is for full planning permission for construction of a greenhouse, sited in the garden of this Grade II* Listed Building.

The site is within the Green Belt and is also within the Area of Landscape Enhancement designation as defined by the Local Development Framework Proposal Map.

The 8 week period for this application expired on 28 August.

RECOMMENDATION

Permit subject to conditions relating to the following matters:-

- (i) Commencement of development.**
- (ii) External Materials as indicated in submission.**
- (iii) Glazing and finial details.**

Reason for Recommendation

The proposed development whilst considered acceptable in terms of its design and impact on the setting of the Listed Building, would constitute inappropriate development in the Green Belt being contrary to the purpose of including land within the Green Belt which refers to the safeguarding of the countryside from encroachment and to the principal attribute of the Green Belt - its openness. However there are considered to be other material considerations in this case most particularly the support which the proposal provides to the ongoing development of the garden at this property which positively enhances the setting of this Listed Building and within which small ancillary buildings are a feature. On balance it is considered that having regard to the very diminutive scale of the building and limited consequential harm to openness and the very limited degree of extensions that there have been to either the Listed building or its curtilage buildings, the required very special circumstances exist in this case to justify granting planning approval.

Policies and Proposals in the Approved Development Plan Relevant to This Decision:-

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy RR1: Rural Renaissance
Policy QE1: Conserving and Enhancing the Environment
Policy QE3: Creating a high quality built environment for all
Policy QE6: The Conservation, Enhancement and Restoration of the Region's Landscape

Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 (SSSP)

Policy D1: Sustainable forms of development
Policy D2: The Design and Environmental Quality of Development
Policy D4: Managing change in rural areas
Policy D5B: Development in the Green Belt
Policy NC1: Protection of the Countryside: General Considerations
Policy NC2: Landscape Protection & Restoration
Policy NC18: Listed Buildings

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

Policy CSP1: Design Quality
Policy CSP 2: Historic Environment
Policy ASP6: Rural Area Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt

Policy B5: Control of Development affecting the Setting of a Listed Building
Policy N20: Area of Landscape Enhancement

Other Material Considerations Include:

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

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

The Secretary of State's Announcement of His Intention to Abolish RSS

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Relevant Planning History

N12343 Garage, workroom and store – replacement building following fire - granted

Views of Consultees

Betley, Balterley and Wrinehill Parish Council – support the application.

Conservation Officer – has no objection to the proposal.

Conservation Advisory Working Party – no objections.

English Heritage – advise that the application should be determined in accordance with national and local policy guidance and on the basis of our specialist conservation advice.

The **County Council Archaeologist** has been consulted and at the time of writing no response has been received, any views received will be reported.

Representations

None received.

Applicant/Agent's Submission

A Heritage statement has been submitted with the application. This statement provides justification for the proposal in terms of:

- Heritage Asset and its Setting
- Assessment of Significance
- Heritage Impact Assessment
- Design Concept

The applicants' agent has provided a subsequent supporting letter identifying the very special circumstances for justifying inappropriate development in the Green Belt. These are referred to in the following section.

These documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk

Key Issues

This is an application for full planning permission for the erection of detached greenhouse in the garden of this Grade II* Listed Building, Hall o' th' Wood. The proposed greenhouse would be sited in the kitchen garden of the property attached to a wall which is part of the walled garden of the property. Listed building consent is not considered to be required, the wall to which the greenhouse is attached not being an original feature, having been rebuilt fairly recently.

Therefore, the main considerations with this proposal are:-

- Its design and its Impact on the character of the setting of the Listed Building.
- The appropriateness or inappropriateness of this development in Green Belt terms.
- If it is inappropriate development whether the required very special circumstances exist to justify inappropriate development.

Impact on the character of the setting of the Grade II* Listed Building.

In considering whether to grant planning permission for development which affects a Listed Building's setting the Local Planning Authority are required to have special regard to the desirability of preserving the setting of the building.

NLP Policy B5 indicates that the Council will resist development proposals that would adversely affect the setting of a Listed building.

Part 12 of the National Planning Policy Framework "Conserving and Enhancing the Historic Environment" states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

The proposal is within the kitchen garden of a Grade II* Listed Building, the greenhouse would have a traditional appearance being 3.7 metres wide by 3.4 metres deep and a height to eaves of 1.9 metres and roof ridge of 3.1 metres. Its framework would be cedar timber constructed off an existing moulded stone plinth. The existing garden wall would form one of the sides of the proposed greenhouse and the greenhouse would be sited approximately 10 metres from the nearest part of the Listed Building on its more "private" and informal eastern side.

The Conservation Officer and the Conservation Advisory Working Party have raised no objections to the proposal. English Heritage advise the application should be determined in accordance with national and local policy guidance and on the basis of our specialist conservation advice.

Given the limited scale and sympathetic design of the proposal, it is considered that the proposed development would not harm the character of the setting of the Listed Building and as such the proposal is in accordance with the requirements of NLP policy B5.

The appropriateness or inappropriateness of this development in Green Belt terms.

The proposed greenhouse would be located in the garden area of the property.

The National Planning Policy Framework (NPPF) details in Part 9 that the Government attaches great importance to Green Belts with the fundamental aim being to prevent urban sprawl by keeping land permanently open.

The NPPF also details that the construction of new buildings within the Green Belt is inappropriate, which follows on from the previous advice found in the superseded Planning Policy Guidance Note No. 2. The NPPF, as did its predecessor, provides a list of exceptions to development which is inappropriate.

It considered the proposal does not meet any these exceptions and as such the proposed development should be viewed as inappropriate development in the Green Belt.

This approach to curtilage buildings, other than where within 5 metres of the dwellinghouse, as being inappropriate development in the Green Belt has been previously established and confirmed in three recent appeal decisions at Marsden, Den Lane, Wrinehill (May 2010), Butterton House, Park Road, Butterton (November 2010), and Hallaton House Whitmore Heath (July 2010).

The National Planning Policy Framework at paragraph 88 advises "When considering any planning application, 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."

By definition inappropriate development is harmful to the interests of the Green Belt.

The Parish Council support the proposal, but they do not explain why this is the case. The applicant's agent has provided a supporting letter which advances what he considers to be the required very special circumstances. These are:

- The proposed greenhouse is of a small scale.
- The visual amenity of the Green Belt would not be injured by the small scale greenhouse due to its siting.
- The use of appropriate materials.
- Its simple design.
- The only reason planning permission is required is because it is sited in the curtilage of the Listed Building.
- The greenhouse is not development in the building definition sense given no excavation is required.
- Given its scale and it not involving any excavation it may not even be considered as development let alone inappropriate development therefore planning permission should be granted or allowed under permitted development.
- The applicants have a very keen interest in hobby gardening and horticulture and open their garden to the public for charitable fund raising and the proposal would be of much benefit in helping them continue to do this.

Notwithstanding the agent's comments the proposal does involve development and is not permitted development because as this property is a Listed Building, it does not enjoy such right. Points which could be argued in respect of other sites throughout the Green Belt can hardly be considered to be rare or exceptional and thus likely to constitute a material consideration that constitutes "very special circumstances".

One of the points raised is that the proposal would enable the applicants to continue and assist with their charitable functions by opening the gardens to the public. This is similar to case where a similar argument regarding the required very special circumstances was raised during the appeal process – Wilkins Pleck, Whitmore (ref. APP/P3420/A/11/2145139). The Inspector in dismissing that appeal stated "*It is clear that their upkeep [the gardens] requires a substantial investment in labour, time and finance. Nevertheless, I have seen little to convince me that, over the whole of the year, the primary use is other than for private domestic recreation. As such these other considerations add little weight in favour of the proposal.*" (para.14). However it is relevant to note that the appeal proposal in that case was for a building to store a classic car collection, the size of the original house had in the words of the Inspector been "vastly increased" and perhaps most importantly the property was not a Listed building.

The building here is modest in scale and design and well screened from public vantage points but the proposal does introduce a building in Green Belt and thereby increase the amount of built form on the site to the detriment of the openness of the Green Belt and be contrary to that purpose of including land within the Green Belt which is to safeguard the countryside from encroachment.

Hall o' th' Wood is not listed within the Register of historic parklands and gardens. Similarly the List description makes no particular reference to the garden setting of the house. Indeed it is your officers understanding that the garden at Hall o' th' Wood is a relatively recent creation, but it undoubtedly now makes a significant positive contribution to the setting of the building. One of its features is the presence of small incidental buildings within the garden and the greenhouse now proposed very much follows this approach. The property does already have a greenhouse, adjacent to the garage building on the other side of the site. In

the context of the kitchen garden the greenhouse fits well within its setting and the support which the proposal provides to the ongoing development of the garden at this property which positively enhances the setting of this Listed Building is a positive material consideration to be weighed in the balance. Taking all of these points into account it is considered that having regard to the very diminutive scale of the building and limited consequential harm to openness and the very limited degree of extensions that there have been to the Listed building or additional curtilage buildings, the required very special circumstances exist in this case to justify granting planning approval.

Background Papers

Planning files referred to

Planning Documents referred to

Date Report Prepared

18 September 2012