

The application is for full planning permission to vary condition 1 of planning permission 06/00723/FUL that permitted the conversion of redundant hall outbuildings to form 3 holiday cottages, reception, and a manager's flat and construction of a car park. Condition 1 restricts the use of the 3 holiday cottages to short term holiday accommodation only and is worded as follows:-

1. *Notwithstanding the provisions of the Town and County Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification), the two flats in the former tack room and the one flat in the former hayloft, hereby permitted, shall be occupied as short term holiday accommodation and shall be occupied by any individual or group of people for no more than twenty-eight days in any calendar year.*

The variation sought would allow flats 1 and 2 (Gardeners and Blacksmiths Cottages) to be occupied as 6 month shorthold residential tenancy lettings. (The holiday cottage that was permitted in the former hayloft has been relocated to Bothy Cottage under planning permission 08/00967/FUL.)

The proposal lies within the Rural Area within the village of Maer but is not within a defined village envelope, being within the open countryside for development control purposes. The development lies within an Area of Landscape Maintenance, and the site is also within the Maer Conservation Area and is part of a registered Grade II Historic Parkland and Garden. Maer Hall and the outbuildings are Grade 2 Listed Buildings.

The 8 week period for the determination of this application expires on 27th March 2013.

RECOMMENDATION

(a) Subject to the applicant entering into a planning obligation by 16th May 2013 restricting the ownership of the buildings to the same ownership as the curtilage of Maer Hall

PERMIT the application subject to the following conditions:-

- **Notwithstanding the provisions of the Town and County Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification), Bothy Cottage shall be occupied as short term holiday accommodation and shall be occupied by any individual or group of people for no more than twenty-eight days in any calendar year.**
- **Removal of permitted development rights for the erection of boundary treatments and outbuildings etc.**
- **This consent grants permission only for the variation of condition 1 of planning permission 06/00723/FUL. All other conditions of that permission shall apply.**

b) Should the matter referred to in (a) above not being secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without the obligation the development could have an adverse impact on the integrity of the curtilage of the Hall, the core of its Registered Historic Parkland and Garden and the setting of its Listed buildings, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The unfettered residential use of these Listed Buildings would assist in their retention without detriment to their appearance. In addition any income arising from the letting of the units would assist in the maintenance and management of the Hall and its immediate gardens and as such would assist in the preservation of a significant heritage asset. In recognition of this and that the buildings' reuse is an inherently sustainable act it is considered on balance that the proposal is acceptable.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

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

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy R1- Rural Renaissance
Policy CF2 – Housing Beyond the Major Urban Areas
Policy CF3 - Levels and distribution of housing development
Policy CF4 – The reuse of land and buildings for housing

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 NC17A – Historic Parklands and Gardens : Protection
Policy NC17B – Historic Parklands and Gardens : Management and Regeneration
Policy NC18 – Listed Buildings
Policy NC19 – Conservation Areas
Policy H6 – Conversions
Policy T1A – Sustainable location
Policy T13 – Local Roads
Policy T16 – Car parking
Policy T18A – Transport and Development

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

Policy ASP6 - Rural Area Spatial Policy
Policy CSP2 - Historic Environment

Newcastle-under-Lyme Local Plan 2011 (LP)

Policy H1 – Residential Development: Sustainable Location and Protection of the Countryside
Policy H9 – Conversion of Rural Buildings for Living Accommodation
Policy E12 – The Conversion of Rural Buildings (for employment purposes)
Policy T16 – Development – General Parking Requirements
Policy B5 – Control of development affecting the setting of a Listed building
Policy B10 – The requirement to preserve or enhance the character and appearance of a Conservation Area

Other material considerations include:

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance on Space about Dwellings

Relevant Planning History

In November 2006 planning permission and listed building consent (06/00723/FUL & 06/00724/LBC) for the conversion of outbuildings at Maer Hall to form a reception and manager's flat (in former dovecote), two holiday flats (in former tack room) and one holiday flat (in former hayloft); and an overflow car park was refused and subsequently allowed on appeal in February 2008.

In 2009 one of the holiday units was relocated from the hayloft (known as Stable Cottage 3) to Bothy Cottage (an existing dwelling) and the former hayloft became an unrestricted dwelling following the granting of planning permission reference 08/00967/FUL.

In 2002 planning permission, under reference 99/00368/FUL, was granted for the conversion of redundant buildings to 5 residential flats. In conjunction with this application, the applicant entered into a S106 Agreement which required the properties that were the subject to the planning permission to remain in the same ownership as Maer Hall and its immediate curtilage.

Views of Consultees

The **Conservation Officer** has no objections as it will not harm the significance of the assets providing there is no additional external alteration or provision of garden paraphernalia such as sheds, washing lines etc.

Maer and Aston Parish Council has no objections. They state that residents in the village had experienced problems with these properties having the same address as other properties in the village. This matter has been brought up before with the original application but if the properties are for long term let then they will receive more post etc and result in greater problems. Concern was expressed over confusion if emergency services were involved. If applicant can be made to ensure no problems no addresses are duplicated with properties in the village already, no objections will be raised.

The views of the **Highway Authority** and the **Garden History Society** have been sought and if received will be reported.

Applicant/agent's submission

The application is supported by :-

- **A covering letter** indicating that during the recent year little or no real interest has been shown in the holiday cottages which still require management and maintenance and incur business rates. However there appears to be desire for occupation of the cottages for longer periods than the restrictions imposed by condition allow. The funding raised from the cottages substantially contributes to the management of the fabric of all the buildings and parkland at Maer Hall. There is no external funding available.
- **Heritage Asset Statement** indicating that there is the basic need in the preservation of the Hall and its Estate to commence a special programme of maintenance, refurbishment and improvement in order to prevent any possibility of structural failure and to ensure that the building is at all times and in all circumstances weatherproof. It highlights the importance of the complex of ancillary buildings. It is very necessary to find a suitable economic use for the stable buildings associated with the Hall.

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

KEY ISSUES

Planning permission was granted, at appeal, for the conversion of outbuildings of Maer Hall to form three holiday cottages, reception, managers flat and construction of car park. Restrictions were imposed on the three holiday cottages to prevent them from being occupied for more than twenty-eight days in any calendar year by any individual or group of people. The variation of condition as proposed would remove that restriction on two of the three cottages and effectively providing two additional unrestricted dwellings in the rural area.

The conversion works have been undertaken to a high standard and the proposal requires no further alteration or addition to the listed buildings. The main issues to address therefore are:-

- Whether the residential re-use of the rural buildings as proposed is acceptable in this location.
- Whether adequate parking provision is secured.

The principle of the re-use of rural buildings for residential use and compliance with policies on housing development

Structure Plan Policy H6 indicates that residential conversions should not create sporadic development in the countryside where first preference will be given for the reuse of existing buildings for employment purposes. Local Plan Policy H9 indicates that before the conversion of rural buildings for living accommodation can be considered, evidence must be provided to show that the applicant has made every reasonable attempt to secure a suitable business use for the premises, subject to Policy E12. Where this has been done the residential conversion of buildings in sustainable locations can be considered favourably provided a series of criteria are met that include the requirement that the building does not require reconstruction, extension or substantial alteration and its form bulk and general design is in keeping with its surroundings. In this instance and as indicated above, the proposal does not require any alteration to the fabric of the building and no extensions are proposed.

The NPPF states, at paragraph 55, that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset.

This site is within an existing rural community as it is within the village of Maer and as such it could not be argued that the proposal would result in isolated dwellings. Nonetheless the village is not identified within the Core Spatial Strategy as a location within the rural area where residential development is targeted. The formation of new dwellings would not generally be supported in this location therefore.

The units have already been converted and used for the purposes of holiday accommodation. The applicant claims that in the past year there has been little or no interest in them for holiday accommodation, but there has been interest in letting them on six month leases. Whilst no evidence has been submitted to demonstrate that the holiday cottages are not economically viable it is considered that the proposal would provide a use for the Listed Buildings that would assist in their retention without detriment to their appearance. In addition any income arising from the letting of the units would assist in the maintenance and management of the Grade II Listed Maer Hall and its surrounds.

In granting planning permission for the conversion of the buildings for holiday accommodation the Inspector at appeal considered that a condition should be imposed to limit the use of the flats for that purpose since the overall configuration of the scheme and the private amenity space available for individual flats would not be satisfactory for permanent living accommodation. As indicated above the intention of the applicant is to lease out the flats on 6 month shorthold residential tenancy lettings and as such the units could be occupied for long periods of time by individuals. This may result in pressure to form private amenity areas and lead to additional domestic paraphernalia around the buildings which would be unacceptable in its impact on the setting of the listed building and if the application is to be approved suitable controls need to be put in place to ensure that this does not happen.

It is noted that there are 5 residential units adjoining the buildings that are subject to this application which are occupied on similar lettings without formation of gardens and unacceptable clutter from domestic paraphernalia. A planning obligation that was achieved when planning permission was granted for their residential use ensures that these buildings remain in the same ownership as Maer Hall. The management of the Estate has therefore ensured that the areas around the buildings have been suitably controlled. It is considered that if a similar planning obligation is entered into in this case it will not only satisfactorily address the concerns of the Planning Inspector regarding private amenity space it will also ensure that the income generated by the leasing of the units will be kept within the Estate. In addition permitted development rights should be removed by condition so that boundary treatments to form private amenity space could not be erected without planning permission.

In recognition of this and that their reuse is an inherently sustainable act it is considered on balance that the proposal is acceptable in principle subject to consideration of parking which is set out below.

Parking Provision

The Planning Inspector considered that the parking requirements for the proposed holiday accommodation could be met within the car park that was proposed off Bates Lane. The Inspector was satisfied that the lane could take the additional traffic and as such did not raise objection to the parking area on the grounds of highway safety or convenience. He also considered that if an existing path within the grounds of the Hall was improved visitors and others would be encouraged to use the proper parking facilities.

It is not considered that the change from holiday to shorthold leases as proposed would materially impact upon the level of parking required or render the car park provided off Bates Lane as unacceptable in location. As such it is considered that the proposal is acceptable in this regard.

Other Matters

The Parish Council have indicated that they do not object subject to the applicant ensuring that the addresses of the properties within the application do not duplicate the name and address of properties within the village. Such matters are not material to the determination of the planning application; however the concerns of the Parish Council will be passed onto the applicant.

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

2nd April 2013