

The Application is for full planning permission for the demolition of the existing dwelling and construction of a replacement dwelling.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Restoration (policy N21), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expires on the 4th September 2017. The applicant has yet to agree an extension to the statutory period

RECOMMENDATION

PERMIT subject to conditions relating to:

- i) Standard time limit**
- ii) Approved plans**
- iii) Materials as per approved plans and application form**
- iv) Removal of permitted development rights for extensions, outbuildings and hardstandings**
- v) Soft landscaping scheme to include full details of boundary treatments**
- vi) Completion of access, parking and turning areas prior to occupation**
- vii) Controls over construction activities**

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 applicant could carry out extensions to the existing property that would result in a dwelling of a greater volume to that proposed. The proposed dwelling would have no greater impact on the openness of the Green Belt than would the existing dwelling if extended. This is a fall-back position.

The existing property, due to its poor state of repair, is visually harmful and the proposal constitutes a significant improvement in the overall appearance of the site.

In light of the fall-back and that the development will improve the appearance of the site in a significant way it is considered that very special circumstance exist that justify approval of planning permission subject to the removal of permitted development rights and conditions.

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

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

KEY ISSUES

The application is for full planning permission for a replacement dwelling involving the demolition of the existing dwelling. From information within the planning records for this site it would appear that the existing dwelling was last occupied in 1977. The building has been steadily falling into disrepair for this period and is now in a dilapidated state, and has already been partially demolished / fallen down.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Restoration (policy N21), as indicated on the Local Development Framework Proposals Map.

This application follows the refusal and subsequent dismissal at appeal of an application for a replacement dwelling. That proposal was considered to be acceptable in respect of residential amenity. The relationship of the dwelling as proposed in this application is similar and as such further consideration of this issue is not now required.

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- Design of the proposals and the impact on the area of landscape restoration, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

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 indicates 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.

In the determination of the two most recent applications on this site, for similar development to that which is proposed in the current application, the Council concluded that the residential use of the site had been abandoned. Therefore as the proposed building was not in the same use as the existing it was inappropriate development. The Inspector in dismissing the appeal on application 16/00389/FUL did not agree that the use had been abandoned however. That the proposed building is in the same use as the existing is not, therefore, in doubt. The LPA must take the Inspector’s conclusion on this matter into account – there having been no material change in the relevant circumstances since that conclusion

The existing property consists of a small, partially single/partially two storey cottage and a lean to ‘garage’ at the rear of the remaining wall of a section of the original building which has been demolished / fallen down. The supporting information provided calculates that the existing building amounts to 171.9m³ in volume and what is proposed is 429 m³. These calculations are not disputed and it can be concluded, given the volume increase proposed, that the replacement dwelling is materially larger than the dwelling it replaces. It is therefore inappropriate development within the Green Belt and should not be approved except in very special circumstances. This will be addressed below.

Design of the proposals and the impact on the area of landscape restoration

The NPPF indicates 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 indicates that great weight should be given to outstanding or innovative designs.

Saved Local Plan Policy N21 seeks to restore the character of the area’s landscape and improve the quality of the landscape. Within such an area it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The existing property occupies a backland position at a higher level than existing properties that directly front onto Mow Cop Road. It is not visible in views from Mow Cop Road but given that public footpath no. 110 Kids Grove runs by the eastern boundary of the site it can be seen from public vantage points and the dilapidated appearance of the existing building is visually harmful.

The proposed replacement dwelling has a cottage appearance and is set into the sloping land within the site so that it is two storey on the front elevation and single storey at the rear. The proposed dwelling is 1.5m higher than the existing cottage and occupies a larger footprint. Notwithstanding the increase that is proposed the traditional cottage style appearance is appropriate to this village location and would enhance the appearance of the site quite considerably.

There are no significant landscape features within the site that will be removed or adversely affected by the proposed. Therefore in summary the proposed replacement dwelling, whilst larger, would be an improvement within the landscape which would comply with saved policy N21 of the Local Plan and the general design requirements outlined in the NPPF. It is therefore considered acceptable in terms of such policies.

Do the required very special circumstances exist (to justify inappropriate development)?

The NPPF sets out that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. It further indicates 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 dwelling currently proposed differs from that considered at appeal has been reduced by reducing the width of the building by about 2m, reducing the size of some of the proposed rooms and omitting some internal storage space and an integral garage. The volume of the building has therefore been reduced from that which was considered at the appeal.

The existing property has full permitted development rights and so certain extensions, alterations and outbuildings can be carried out without planning permission. These could, potentially, include a single storey extension on both sides of the existing property, extensions to the rear and a porch. The volume increase of such extensions that could be built without any need for planning permission, added to the volume of the existing dwelling, would, according to the applicant, exceed that which is proposed within this application. Given the very modest size of the existing property it is very likely that such extensions would be constructed to bring the building back into residential use. The accommodation that is provided within the proposed replacement dwelling is modest (two double and one single bedroom, a reasonable sized lounge and a dining/kitchen area). There is a fall-back position that could be exercised by the applicant and needs to be considered in the determination of this application and was not taken into consideration by the Inspector at the appeal.

In dismissing the appeal the Inspector did acknowledge that, by replacing the cottage that has been vacant for many years and is inhabitable in its present state, the development would help to address the need for housing by making available a modern dwelling that would be ready to live in. He did go on to consider, however, that as the proposal would only result in a single dwelling becoming available only limited weight could be attached to this consideration in favour of the proposal. Other benefits identified and given weight was the improvement in visual amenity as a result of the replacement of a dwelling in poor condition and the economic benefits arising from the construction of the dwelling. As far as the Inspector was concerned such benefits did not outweigh the harm arising as a result of the development being inappropriate due to it being materially larger than the building it replaces. It does appear, however, on reading the Inspector's conclusions that his judgement was that this harm compared to the benefits were finely balanced.

Whilst the current proposal is not significantly different to that presented at appeal the differences are such that it is considered that the planning balance now weighs in favour of granting permission and that there are the very special circumstances required to justify the proposed development in this instance.

Given the nature of the very special circumstances demonstrated it is necessary and appropriate to remove permitted development rights and notwithstanding the submission this should include the removal of permitted development rights for outbuildings as well as extensions and hardstandings.

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](#)

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|-------------------|---|
| 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 \(NLP\) 2011](#)

| | |
|-------------|---|
| 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 N21: | Area of Landscape Restoration |

Other material considerations include:

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

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

[Supplementary Planning Guidance/Documents](#)

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

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

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[Relevant Planning History](#)

In 1983 planning permission was granted for the demolition of 2 cottages and erection of a house with garage reference N12190. This permission was not implemented and is no longer extant.

In 2015 planning permission was refused for the demolition of existing dwelling and construction of a replacement dwelling (15/00393/FUL).

A subsequent application, again for the demolition of existing dwelling and construction of a replacement dwelling was refused in 2016 (16/00389/FUL) for the following reason:

- 1. The proposed development is inappropriate development in the Green Belt as the proposed building is not in the same use as the building it replaces, as its residential use has been abandoned, and 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 subsequent appeal was dismissed. The Inspector, in dismissing the appeal, did not agree that the residential use of the building had been abandoned but did accept that the proposal involved inappropriate development as the replacement dwelling was material larger than the existing.

[Views of Consultees](#)

The **Environmental Health Division** refer back to the comments made for application 15/00393/FUL in which they requested a condition to restrict permitted hours of work during construction, and an informative on importation of waste materials.

The **Highway Authority** raises no objections subject to conditions securing a Construction Vehicle Management Plan (due to the proximity of the right of way) and the provision of the parking and turning area in a porous bound material prior to occupation.

The County Council's **Rights of Way Officer** advises that the submitted plans do not recognise the existence of Public Footpath No 110 Kidsgrove which runs next to the eastern boundary of the development site. It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. If there is a private right to use with vehicles then the fact that the route is a public highway takes precedence and needs to be stressed in any planning permission.

United Utilities has no objections.

Kidsgrove Town Council and **Cheshire East Council (adjoining LPA)** have not responded to the consultation by the due date and as such it is assumed that they have no comments.

Representations

No letters of representation have been received.

Applicant/agent's submission

Application forms and plans have been submitted along with a Planning/Design and Access Statement. These documents are available for inspection at the Guildhall and via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00564/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

25th August 2017