

The Application is for full planning permission for the conversion a pig sty and existing storage barns to a dwelling, involving new build elements.

The existing access would be utilised off Nantwich Road which serves the application site and the existing farmstead.

The application site is located on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Enhancement (policy N20), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on the 1st September 2017, the applicant has, however, agreed to extend the determination period until 15th September

RECOMMENDATION

Permit, subject to the following conditions

- 1. Commencement of development within 3 years**
- 2. Development in accordance with the submitted plans**
- 3. Occupation of dwelling to be restricted to someone connected to the agricultural business at Wall Farm**
- 4. External materials**
- 5. Car port to be provided prior to occupation and retained for that purpose**
- 6. Removal of Permitted Development Rights for extensions, roof alterations and outbuildings**
- 7. No conversion/ construction works during March-August inclusive**
- 8. Erection of bat and bird boxes**

Reason for Recommendation

Whilst the proposal includes inappropriate development in the Green Belt it is considered that the openness of the Green Belt would be preserved. Taking the visual improvements that would arise from the development in addition to the lack of harm to openness, it is considered that this represents the very special circumstances necessary to justify the development. In these circumstances, planning permission should be granted. The development is considered to be a sustainable one.

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

Pre application discussions were undertaken between the applicant and the LPA and this has resulted in a more sympathetic conversion of the original pig sty than had been originally proposed. The 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 the conversion of a pig sty and existing storage barns to a dwelling. This is a revised scheme following the withdrawal of application 16/00995/FUL.

The site lies within the open countryside which is designated as being within the Green Belt and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map.

The existing access would be utilised off Nantwich Road which serves the application site and an existing farmhouse and farm buildings. No highway safety issues have been identified in association with the proposed development. The Environmental Health Division have no objections to the proposal, which is understood to be on the basis that it would be occupied by those with a connection to the farming activities being carried out from the wider site.

The main issues for consideration in this application are therefore;

- Is the proposal appropriate development within the Green Belt?
- Does the proposal comply with policies on the re-use of rural buildings which include the achievement of sustainable development objectives?
- Does the proposal comply with policies on the location of new housing?
- Residential amenity issues, 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 NPPF indicates 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.”

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 89 of the NPPF indicates the types of development involving the construction of new buildings that are not inappropriate in the Green Belt. Such exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Paragraph 90 sets out that “certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt”. These include the re-use of buildings provided that the buildings are of permanent and substantial construction.

The existing building consists of a brick built pig sty with an attached metal clad storage building. The submission involves the reduction in overall footprint of the storage building however the works involved in this element of the building are to such an extent that it would be tantamount to a new build extension. The new build element is more than double the volume of the original pigsty building. It could not be concluded, therefore that it is appropriate development by virtue of this element of the proposal not resulting in a disproportionate addition to the original building. In addition neither could it be concluded that it is appropriate development as a replacement building because it will not be in the same use.

The supporting information submitted in connection with 16/00995/FUL demonstrated that the building is of permanent and substantial construction and is capable of reuse without substantial elements of repair and rebuild. Whilst the new build element of the proposal is larger than the storage building it replaces it is considered that the openness of the Green Belt will be preserved given it replaces an existing building of greater scale. In light of these factors, and as the proposal would not conflict with any of the purposes of including land in Green Belt, it is concluded that this element on its own would amount to appropriate development as set out in paragraph 90 of the NPPF.

Given that the proposal is in part inappropriate development within the Green Belt, consideration of any very special circumstances will be addressed below.

Does the proposal comply with policies on the re-use of rural buildings which include the achievement of sustainable development objectives?

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. A further requirement is that a survey must be undertaken to ascertain whether any statutorily protected wildlife species are present and if so, measures must be taken to provide for their conservation.

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 the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

The application site is within the open countryside for development control purposes and no evidence has been submitted by the applicant to show that any attempt has been made to secure a suitable business use for the property. However, the NPPF does not suggest that the employment reuse of a building should be ruled out before residential reuse can be favourably considered. This aspect of Development Plan policy is not, therefore, consistent with the NPPF and limited weight can therefore be given this policy requirement.

An Ecological Report has been submitted, albeit in support of a previous application, which concludes that the buildings at the site are likely to be used by nesting birds during the breeding bird season. No signs of bats were found. Therefore it is recommended that construction works avoid taking place during the breeding bird season (March-August inclusive). Further enhancements which include bird and bat boxes are also advised to comply with the NPPF. In addition bat boxes should be installed.

Consideration is given as to whether the site is in a sustainable location in the next section.

Does the proposal comply with policies on the location of new housing?

Policy H1 of the Local Plan does refer to the acceptability of housing conversions that comply with Policy H9.

As indicated above, Policy H9 of the Local Plan requires potential conversions to living accommodation of a rural building to be in a sustainable location.

Policy ASP6 of the adopted Core Spatial Strategy states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements. The site also lies beyond the Major Urban Area of North Staffordshire and is not within a Rural Service Centre. It is not considered that the proposed dwelling would serve a wider local need nor would it support local services.

As discussed Paragraph 55 of the NPPF states that LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting.

The Local Planning Authority is currently unable to demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF).

The NPPF advises in paragraph 49 that: "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Accordingly policies such as NLP H1 and CSS ASP6 have to be considered to be 'out of date', at least until there is once again a five year housing supply.

Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development and that for decision-taking this means where the development plan is absent, silent or relevant policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the framework indicate development should be restricted. The examples given of specific policies in the footnote to paragraph 14 indicate that this is a reference to area specific designations such as Green Belts. This site is within the Green Belt and whilst it is considered to be inappropriate development if there are very special circumstances which outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm, planning permission may still be granted.

As set out above, it is acknowledged that the application building is located within the open countryside. It is, however, located directly adjoining the village envelope of Audley which is one of the Rural Service Centres designated within the Core Strategy and is located closer to the village centre and the shops and services that it offers than many other dwellings that are within the village envelope. Therefore whilst it is reasonable to conclude that the occupiers of the property would be able to access local services public transport which would offer some encouragement to utilise other modes of travel in addition to the private car.

The proposed development provides some benefits. The proposal does make a small contribution to the supply of housing in the Borough. In addition there are some economic benefits that arise from the works required to convert the building, and from its occupation. Such benefits can be given modest weight. The environmental benefits that arise from the re-use of an existing building, which is inherently sustainable, can be given significant weight. In addition a further benefit that arises from the development is the visual enhancement that arises from the change of use of the stable yard to residential curtilage. In light of this visual enhancement it is considered that the proposal would not be in conflict with paragraph 55 of the NPPF and in light of this lack of conflict it is concluded that the proposal could not be refused due to the conflict with NLP H9 regarding the requirement that conversion of buildings to residential use can only be supported where they are in sustainable locations.

Weighing everything in the balance it is considered that the adverse effect that the proposal would have in terms of its reliance on use of the private motor vehicle to access day to day services does not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.

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

The NPPF 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 extension would also be of a good quality design and replaces a structure that has no visual merit within the landscape, thus enhancing the character and quality of the landscape as advised by saved Local Plan policy N20. In addition the extension is slightly smaller than the building it replaces thus improving the openness of the Green Belt. These considerations in such circumstances where the development would preserve the openness of the Green Belt would amount to the very special circumstances required to justify the proposed development in this instance.

APPENDIX

Policies and proposals in the Development Plan relevant to this decision:

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

[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 H9: Conversion of Rural Buildings for Living Accommodation
Policy E12: The Conversion of Rural Buildings
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character - General Considerations
Policy N20: Area of Landscape Enhancement
Policy T16: Development – General Parking Requirements

Other Material Considerations

Relevant National Policy Guidance:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)
[Planning Practice Guidance \(PPG\) \(2014\)](#)

Other Guidance

[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

05/00135/FUL	Refuse	Conversion of agricultural buildings to form 5 dwellings with ancillary accommodation
05/00568/FUL	Permit	Agricultural portal frame building
12/00189/FUL	Permit	Conversion of agricultural buildings to form five dwellings
14/00368/FUL	Refuse and dismissed at appeal	Construction of two new dwellings on area fronting onto Nantwich Road
16/00995/FUL	Withdrawn	The building of a residential unit on the footprint of a pig sty and existing storage barns

Consultation Responses

Audley Rural Parish Council has no objections.

Landscape Development Section raises no objections subject to agreement of pruning works for the adjacent trees.

The **Environmental Health Division** has no objections to this development

The **Highway Authority** has no objections subject to the retention of the carport for the parking of motor vehicles and cycles.

United Utilities have been consulted, however as their response has not been received by the due date it is assumed that they have no comment.

Representations

No representations received.

Applicants/agents submission

The requisite plans and application forms were submitted. These documents can be viewed on the Council's website;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00573/FUL>

A structural survey, design and access statement, details of proposed cladding and bat and bird survey were submitted in support of a similar proposal that was withdrawn. Such supporting information can be viewed on the Council's website also;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00995/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

28th August 2017