

The Application is for full planning permission for the retention of a change of use of the land to garden area and the erection of boundary wall and gates.

The application site is located 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 statutory 8 week determination period for the application expires on the 13th September 2017

RECOMMENDATION

PERMIT subject to the following condition;

1. Removal of Permitted Development Rights for outbuildings

Reason for recommendation

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 limited and the development would not conflict with the purposes of including land in Green Belt. Provided that permitted development rights are removed so the construction of outbuildings on the land can be strictly controlled the development has a minimal impact on the Green Belt. Such factors are considered to represent the very special circumstances necessary to justify the development. In these circumstances, planning permission should be granted

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.

KEY ISSUES

The application seeks planning permission for the change of use of the area of land to garden. The application is retrospective as a boundary wall and gates have been erected on the land in question.

The area of land has previously belonged to the bowling club / cricket club to the north of the site. The land has now been sold to the applicant. The site lies within the open countryside which is designated as being within the Green Belt and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The key issues to consider as part of the development are as follows;

- Is the development appropriate development within the Green Belt
- Impact upon the character of the area
- If so, are any very special circumstances in place to outweigh harm to the Green Belt

Is the development considered appropriate development in 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 National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 90 sets out that certain other forms of development, than the construction of buildings, are 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 engineering operations, but not the use of land.

Policy S3 of the Local Plan states that development for sport and recreation uses of a predominantly open character, whether formal or informal, or for other uses of land that preserve the openness of the area, may be located in the Green Belt so long as it does not disrupt viable farm holdings. It goes on to state that any buildings must be limited to those essential to the use and must be sited to minimise their impact on the openness of the Green Belt.

Whilst the wall is considered to be appropriate development the change of use of the land to garden is not, therefore the development must be considered as inappropriate development within the Green Belt. As such consideration must be given to whether there are any very special circumstances in favour of the development.

The impact on the character of the area

Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The extension of the garden onto the land and its enclosure is considered to be visually acceptable, and has been done in a manner similar to other properties in the locality without the benefit from planning permission but which are now immune from any enforcement action due to the passage of time. No landscape features have been lost. The proposal would not adversely affect the character of the area.

Very special circumstances in place to outweigh harm to the Green Belt

The area of land was previously in use for sport and recreational purposes in connection with the cricket/bowling club, and did not contain any built development. The applicant has enclosed the piece of land and brought it into curtilage of the property. The land now has a residential appearance, rather than an area of scrubland as before.

The development results in the enclosure of a relatively small area of land in a similar manner to that which has taken place to the rear of other properties on Clough Hall Road. Given the Green Belt boundary stops to the rear garden boundaries of Clough Hall Road it is considered that the change of use of the land would not result in any significant affect to the openness of the Green Belt. In addition the openness can be further protected by imposing a condition removing permitted development rights to ensure that no other building work takes place on the land without a planning application being made to the Planning Authority.

The applicant has stated that the area of scrub land used to attract anti-social behaviour, and that its enclosure has improved this situation greatly.

On balance, given the reasoning above and considering the use of appropriate conditions it is considered that the proposal can be supported

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](#)

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy S3: Development in the Green Belt
Policy N17: Landscape Character – General Considerations
Policy N21: Areas of Landscape Restoration

Other material considerations include:

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

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

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

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

Relevant Planning History

None relevant to the application

Views of Consultees

Kidsgrove Town Council has not responded by the due date and as such it is assumed that they have no comments.

Representations

None received

Applicant/agent's 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/17/00579/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

30th August 2017