

The application is for full planning permission for the demolition of an existing Class B8 commercial building and the erection of detached bungalow.

The site extends to approximately 0.84 hectares and is located within the open countryside on land designated as being within the Green Belt and an Area of Landscape Restoration (policy N21), as indicated on the Local Development Framework Proposals Map.

Access is proposed via an existing access to a residential property off Leycett Lane.

**The 8 week determination period expired on the 18<sup>th</sup> June but the applicant has agreed and extension of time to the statutory determination period to the 19<sup>th</sup> July 2019**

### **RECOMMENDATION**

**PERMIT with the following conditions**

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Removal of existing building and outside storage area's prior to the commencement of the construction of the dwelling**
- 4. External materials**
- 5. Boundary treatments**
- 6. Existing and proposed ground levels**
- 7. Soft landscaping, including replacement tree planting**
- 8. Tree and hedgerow protection measures**
- 9. Design measures to control internal and external noise levels**
- 10. Submission and approval of a noise assessment**
- 11. Construction and demolition hours**
- 12. Electric vehicle charging provision**
- 13. Access, car parking and turning**
- 14. Widening of existing access**
- 15. Coal Mining investigations and remediation**

### **Reason for Recommendation**

Whilst the proposed development represents inappropriate development within the Green Belt it would not have any greater harm on the openness of the Green Belt to that which currently exists, taking into consideration the commercial building that is to be demolished, and would not conflict with the purposes of including land within the Green Belt. Any harm would be outweighed by the benefits, namely the acceptable design and the enhancement to the landscape. It is therefore considered that very special circumstances exist that justify approval of planning permission.

### **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 proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

### **KEY ISSUES**

The application seeks full planning permission for the demolition of an existing Class B8 (storage and distribution) building and the erection of detached bungalow at Crackley Gates Farm, which is located within the open countryside on land designated as being with the Green Belt and an area of landscape restoration.

Access is proposed via an existing access to a residential property off Leycett Lane.

The development does not raise issues of residential amenity that cannot be addressed through condition. In addition the Coal Mining legacy issues, a matter raised by the Parish Council, can be dealt with by condition. Therefore the, main issues for consideration in this application are;

- Is the proposal appropriate development within the Green Belt?
- Does the proposal comply with policies on the location of new housing?
- The design and impact on the character and appearance of the area,
- Highway matters, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Is the proposal appropriate development within the Green Belt?

Paragraph 134 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.

Paragraph 143 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 145 of the NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate. Exceptions include:

- g) The limited infilling or the partial or complete redevelopment of previously developed sites which would
- not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, whether the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The application is for the replacement of an existing commercial building. The building has the appearance of a timber agricultural shed, and whilst it has fallen into a state of disrepair it is still of a substantial and permanent construction. The lawful use of the building is for storage, repair and distribution of pallets, as established by a lawful development certificate granted by the under reference 16/00624/ELD.

The commercial building is located to the south of the main dwelling of the Crackley Gates Farm (no longer in agricultural use). The proposal is to replace this existing building with a new residential dwelling with a lesser footprint than the existing building but on a different site, to the west of the main house, as shown on the submitted plans.

The proposed dwelling would therefore be located away from the commercial activities on the site on an area of land that is part residential but primarily on land for the keeping of horses i.e. an equine use.

The definition of previously developed land (PDL) is set out in annex 2 of the NPPF as being: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The land is not within a built up area and a series of appeal decisions have been cited and submitted by the applicant which demonstrates that the land should be concluded to be PDL because it is not within a built up area and the existing use is residential and equestrian. On this basis, it is accepted that the application site does represent PDL.

As indicated above, paragraph 145 of the NPPF does allow the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.

As set out, the existing building to be replaced is on a different area of land within the wider site. Therefore, the replacement dwelling (building) would be on a separate piece of land. On this basis the proposed development cannot be said to meet criterion (g) of paragraph 145 of the NPPF because whilst the site of the existing building represents PDL the proposed development would not represent the redevelopment of that site. The proposed dwelling would be located on another area of the wider site would have a greater impact on the openness of the Green Belt than the development that exist on the area of previously development land on which it is to be sited.

On this basis, it is considered that the proposed development does not meet any of the other exceptions listed in paragraph 145 and it has to be considered to represent inappropriate development within the Green Belt.

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

As discussed, the application site is an area of land that appears to be part residential but primarily on land for the keeping of horses i.e. an equine use. It has been concluded that it does meet the definition of PDL. The site is, however, within the open countryside.

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

CSS Policy ASP6 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, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

The site is not within a village envelope and the proposed dwelling would not serve an identified local need and as such is contrary to policies of the Development Plan.

Paragraph 11 of the recently published revised Framework states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

A series of recent appeal decisions have concluded that policies H1, SP1 and ASP6 should only be afforded limited weight and paragraph 11(d) of the Framework is engaged. Applying this to the case in hand planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole unless the application of policies in the Framework that protect areas or assets of particular importance (and listed in a footnote) provide a clear reason for refusal. This is addressed below.

#### The design and impact on the character and appearance of the area

Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 127 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Core Spatial Strategy broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

The Urban Design Supplementary Planning Document, at R12, indicates that residential development should be designed to contribute towards improving the character and quality of the area.

The application site is also located within an area of Landscape Restoration (policy N21) which indicates that the Council will support proposals that will help to restore the character and improve the quality of the landscape.

The proposed dwelling is a bungalow which has an 'L' shape footprint that would have a similar building line to the adjacent residential property located to the east of the application site. It would have a more prominent position within the landscape than the existing commercial building to be demolished. However, that building is in a state of disrepair and the building, and its associated external storage areas, erode the quality of the landscape.

Crackley Gates Farm dwelling, which adjoins the site of the proposed dwelling, is two storey in height and whilst the proposed dwelling is a single storey bungalow it is considered to represent an appropriate scale for this rural location.

The general appearance of the proposal is traditional and can be enhanced by appropriate facing materials, fenestration and soft landscaping which can be secured by condition. Boundary treatments, hardstandings and finished ground levels will also need to be secured by condition to ensure that the proposal assimilates well with its surroundings.

A condition requiring the demolition of the existing building and removal of the existing external storage areas would improve the appearance of the landscape.

In consideration of the above it is accepted, subject to conditions, that the proposal would not further erode the character and quality of the landscape and it therefore represents an acceptable design in accordance with policy N21 of the local plan, CSP 1 of the CSS and the guidance and requirements of the NPPF.

#### The impact on highways safety

The application site would be served by an existing access to a residential dwelling and the proposal would also utilise this access. However, the width of the access would need to be widened.

Paragraph 108 of the NPPF states that safe and suitable access to a site shall be achieved for all users and paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

The Highways Authority has raised no objections subject to conditions, which would secure appropriate and safe access arrangements.

The proposed development would not lead to significant highway or car parking implications and accords with policy T16 of the local plan and the requirements of the NPPF.

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

The NPPF details 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.

Whilst it has been concluded that the proposed development does not strictly adhere to criterion (g) of paragraph 145 of the NPPF, it is intended that the proposed dwelling would replace an existing commercial building, which has no visual merit within the landscape. The proposed dwelling (replacement building) would have a lesser footprint than the commercial building in question but a marginally greater height. The existing commercial building also has outside storage areas, which also have an impact on the openness.

On balance, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt than the existing development, which represents previously developed land. The replacement of an unsightly building and outside storage area with a new residential dwelling, albeit on a different site, would also be an improvement on the openness and appearance of the Green Belt. . A condition that secures the demolition of the existing building and the removal of outside storage areas prior to the commencement of the proposed dwelling would ensure that the openness of the Green Belt is protected also.

The removal of permitted development rights is not considered justified with very limited capacity for large extensions and significant alterations once the proposed dwelling is constructed.

It is considered that the above represent the very special circumstances that are required to justify the proposed development in this instance, this being in accordance with the requirements of the NPPF. In light of this it is considered that the proposal is not contrary to specific policies of the NPPF and that paragraph 11(d) of the NPPF is engaged requiring consideration as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

The NPPF refers to three objectives of sustainable development – economic, social and environmental. It also seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of local communities.

The NPPF also encourages homes with accessible services which limit the need to travel, especially by car, although it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

The proposed dwelling, whilst in an unsustainable location for new housing by virtue of future occupiers having a reliance on private motor vehicles to access day to day services and amenities, would replace an existing lawful commercial building which would generate more vehicle movements on a daily basis. The number of trips which would be generated by one dwelling are likely to be modest.

Furthermore, there is a bus stop just outside of the application site and the urban area of Silverdale with its associates schools, shops, services, amenities and employment opportunities would be a short drive or cycle away.

It is accepted that a new residential dwelling would result in some encroachment into the open countryside but it is considered that the benefits of the proposed development would clearly outweigh any harm. It is therefore considered that the proposal accords with the requirements of paragraph 11 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis, planning permission should be granted, subject to the recommended conditions.

## **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 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

#### [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 N12: Development and the Protection of Trees  
Policy N17: Landscape Character - General Considerations  
Policy N21: Area of Landscape Restoration  
Policy T16: Development – General Parking Requirements

### **Other Material Considerations include:**

[National Planning Policy Framework](#) (2019)  
[Planning Practice Guidance](#) (2018)

#### Supplementary Planning Documents/Guidance

[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

16/00624/ELD Application for a Lawful Development Certificate for existing of land for storage, repair and distribution of pallets (B8) use Permitted

18/00168/FUL Erection of detached bungalow and demolition of existing B8 commercial building  
Withdrawn

18/00733/FUL Retention of stable block, tack room, manege and change of use of land to equestrian use Permitted

#### Consultation Responses

**Audley Parish Council** raises concerns regarding a nearby mine shaft and also that the site was a former spoil tip.

The **Highways Authority** raises no objections subject to conditions which secure the widening and completion of the existing access and parking provision.

**Landscape Development Section** raises no objections subject to tree protection and a replacement tree planting.

The **Environmental Health Division** has no objections to the application subject to conditions which secure appropriate design measures to minimise noise impact on future occupiers from road traffic from Leycett Lane and the neighbouring engineering works, construction and demolition hours and electric vehicle charging provision.

The **Coal Authority** raises no objections subject to conditions which secure an appropriate scheme of intrusive site investigations, submission and implementation of a scheme of remedial works.

**Cadent Gas** raises no objections.

#### Representations

No letters of representation have been received.

#### Applicants/agents submission

The application is supported by a detailed planning statement, bat and bird survey and a coal mining risk assessment. These documents can be viewed on the Councils website;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00308/FUL>

#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

3<sup>rd</sup> July 2019