

A. Application 19/00448/FUL seeks to remove condition 4 of planning permission 11/00251/FUL for the conversion of existing outbuildings into one dwelling, to be occupied as an annexe to the main dwelling, and alterations and additions to form first floor accommodation. Condition 4 restricts the occupancy of the dwelling to purposes ancillary to the main dwelling, Tara.

The site lies within an area of open countryside within the Green Belt and within an Area of Landscape Enhancement.

The 8 week period for the determination of this application expired on the 27th July 2019. An extension of time to the 12th September has been agreed by the applicant.

B. Application 19/00646/DOB is to discharge a planning obligation made under Section 106 relating to a previous planning permission 04/00189/COU which dealt with the conversion of a redundant farm building into self-catering holiday lets. The purpose of the obligation is to prevent the severance of the building from the remainder of the buildings and land within the agricultural holding.

RECOMMENDATION

A. PERMIT 19/00347/OUT - no conditions

B. That the application to discharge the S106 agreement, 19/00646/DOB be approved.

Reason for Recommendation

Whilst the dwelling is not in the best location for new housing by virtue of the occupants having a reliance on private motor vehicles to access day to day services and amenities. The number of trips which would be generated by this dwelling is, however, likely to be modest and will not be significantly greater than its current occupation for purposes ancillary to Tara. The proposal would make a contribution of one additional dwelling to the housing stock. Whilst therefore very modest a contribution, it would nonetheless represent a net benefit which, it is considered, would outweigh the very limited harm that has been identified. As such the restrictions on occupation imposed by condition 4 of planning permission 11/00251/FUL should be removed.

Should the conclusions set out above be accepted and condition 4 removed, the S106 obligation would be rendered obsolete.

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

Overall this is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

Key Issues

The planning application seeks the removal of condition 4 of planning permission 11/00251/FUL for the conversion of existing outbuildings into one dwelling, to be occupied as an annexe to the main dwelling Tara, and associated alterations and additions to form first floor accommodation. Condition 4 restricts the occupancy of the dwelling to purposes ancillary to Tara.

An associated application, under Section 106A of the Town and Country Planning Act 1990, seeks to discharge the planning obligations entered into on the 23rd October 2012 prior to the grant of 11/00251/FUL. The completed obligation prevented the permitted annexe:

- To be used or occupied other than as an integral part of Tara,
- Used or occupied by persons who are not immediate members of the family of the owners of Tara,

In addition it prevented the annexe being sold, leased or otherwise transferred or disposed of except as part of the property, Tara.

The site lies within an area of open countryside within the Green Belt and within an Area of Landscape Enhancement.

The proposal would not involve a material change of use of the building as it will remain a dwelling, nor does it involve any alterations or extensions. The question as to whether the proposal constitutes appropriate or inappropriate development within the Green Belt is not raised in the consideration of the application therefore.

Whilst the occupation of the dwelling independently of Tara could generate additional vehicular movements such additional movements would be minimal in number. As such it is considered that the proposed removal of condition would not raise highway safety concerns.

The key issues that the proposal raises, therefore, are:

- whether this is suitable location for a dwelling
- residential amenity
- 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?
- whether the Section 106 should be removed or altered.

Does the proposal comply with policies on the location for a new dwelling?

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

Saved Newcastle Local Plan (NLP) policy H1 supports new housing within village envelopes. ASP6 of the Core Spatial Strategy (CSS) advises that, by 2026, there will be a maximum of 900 net additional dwellings of high design quality located primarily on sustainable brownfield land within the village envelopes of key rural service centres.

The National Planning Policy Framework (the Framework) seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

Paragraph 117 of the Framework states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 11 of the 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.

(Para 11(d))

Paragraph 12 also highlights that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

The application site is close to a ribbon of residential development on Barthomley Road, approximately 800m outside of the village envelope of Audley. Given this, it is possible that the services provided within the village could be accessed on cycle or foot. It is, however, likely that majority of trips will be undertaken by car particularly when it is noted that the first 250m of the route, along Barthomley Road, has no pavement or street lighting. This, however, does not lead to the conclusion that this is an unsuitable location for a dwelling particularly in light of the appeal decision in respect of application reference 17/00358/OUT at the Waggon and Horses Public House, Nantwich Road, Audley. In that case the Inspector considered that future residents were unlikely to walk or even cycle to services and facilities in Audley on a day to day footing. The Inspector went on to state that whilst the Framework promotes the use of sustainable transport modes together with minimising the need to travel and reduce journeys by car, paragraph 84 recognises that rural sites may have to be found beyond existing settlements and in locations not well-served by public transport. In the Inspector's opinion the Waggon and Horses site was one such rural site. The same could be said for this application site which is located much closer to the village of Audley.

It is, important to note the Planning Inspector's conclusions in a number of recent appeal decisions in respect of housing developments beyond village envelopes. In such appeals only limited weight has been given to NLP Policy H1 and CSS ASP6 in as far as they define the village envelopes (Policy H1 and ASP6) and limit the number of additional dwellings in key rural service centres (Policy ASP6). Such Inspectors have further concluded that paragraph 11(d) of the Framework is engaged. This conclusion applies in this case given that the site is outside of any defined village envelope and the application of policies in the Framework that protect areas or assets of particular importance does not provide a clear reason for refusing the proposal.

As such 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. This is addressed below.

Residential amenity

The NPPF states, within paragraph 127, that planning decisions should ensure that developments, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Supplementary Planning Guidance (SPG) Space around Dwellings provides guidance on development including the need for privacy, daylight standards, and environmental considerations.

The Barn is located to the side, and slightly to the rear, of Tara. There are side facing windows in Tara, which overlook the Barn but such windows look onto the side elevation and front garden area of that property and as such would not result in an unacceptable level of privacy for the occupiers of the Barn. In addition, there are two windows at ground floor in the side elevation of the Barn and one at first floor. The ground floor windows, which are not principal windows, would result in a limited amount of overlooking. The first floor window is a principal window and has a view over the rear garden of Tara with a separation distance below that which is recommended in the SPG. Whilst this is not ideal as it gives rise to some overlooking and loss of privacy, this relationship was considered to be acceptable when permission was granted for its conversion to a dwelling for occupation in association with Tara. It would now be difficult to argue that this relationship would be unacceptable even in circumstances, as proposed, where the Barn is occupied independently. Anyone purchasing either property in the future would be doing so in the knowledge of this window and the impact it has on privacy.

The access to the Barn is shared with the access to Tara and the occupation of the Barn independently of Tara would result in vehicular movements along its frontage at a distance of approximately 6.7m from its front elevation. Bearing in mind this separation distance and the limited vehicular movements arising from one property it is not considered that the disturbance associated with the

In consideration of the siting and relationship between the Barn and Tara, and the amount of land around each property it is concluded that appropriate living conditions would be provided even in circumstances where they are occupied independently.

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.

As indicated above, the dwelling is not in the best location for new housing by virtue of the occupants having a reliance on private motor vehicles to access day to day services and amenities. The number of trips which would be generated by this dwelling is, however, likely to be modest and will not be significantly greater than its current occupation for purposes ancillary to Tara. The proposal would make a contribution of one additional dwelling to the housing stock. Whilst therefore very modest a contribution, it would nonetheless represent a net benefit which, it is considered, would outweigh the very limited harm that has been identified.

Should the Section 106 be removed or altered?

Section 106A of the 1990 Town and Country Planning Act indicates that the obligation can be discharged if it serves no useful purpose. Should the conclusions set out above be accepted and the condition requiring occupation of the Barn independently from Tara being removed, the S106 obligation would be rendered obsolete. The application to remove the obligation should therefore be agreed.

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

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt
Policy H1: Residential Development – Sustainable Location & Protection of the Countryside

Other Material Considerations

National Planning Policy Framework (July 2019)
Planning Practice Guidance (PPG) (March 2019)

Supplementary Planning Documents/Guidance

Space Around Dwellings SPG (SAD) (July 2004)

Planning History

10/00512/FUL	Conversion of existing outbuildings into one dwelling, to be occupied as an annexe to the main dwelling, and alterations and additions to form first floor accommodation	Refused.
11/00251/FUL	Conversion of existing outbuildings into one dwelling, to be occupied as an annexe to the main dwelling, and alterations and additions to form first floor accommodation	Permitted
17/00780/FUL	First floor extension	Permitted

Views of Consultees

Audley Parish Council – Support the application.

Representations

None

Applicant/agent's submission

The application documents are available for inspection via the following link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00448/FUL>

Background Papers

Planning File.
Planning Documents referred to.

Date Report Prepared

29th August 2019.