

The application seeks to regularise development already carried out by varying conditions 2, 4, 6, 9, 12 and 13 of planning permission 17/00434/FUL (Replacement Stable Block and New ménage).

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 site is accessed off Keele Road, Madeley Heath.

The application has been called in to Committee by two Councillors on the grounds of 'creep' in the Green Belt, in particular a concrete hardstanding/ plinth and shed. .

**The 8 week determination period expired on the 10<sup>th</sup> November 2020.**

### **RECOMMENDATION**

**PERMIT the variation of condition 2 of 17/00434/FUL so that it reads as follows:**

**The development hereby permitted shall be carried out in accordance with drawing no. 1378A2/02 - As Built Floor Plan & Elevations,**

**the re-wording of conditions 4, 6, 9, 12 and 13 to reflect the details previously approved and subject to the imposition of all other conditions attached to planning permission 17/00434/FUL that remain relevant at this time.**

### **Reason for Recommendation**

The enclosing of the horse wash box area, shed type building, the constructed manure store, the position of windows and the insertion of additional windows in the existing stable building are considered to represent appropriate development within the Green Belt. The concrete hardstanding/ plinth and Pergola result in harm to the openness of the Green Belt and represent inappropriate development in the Green Belt. However, it is considered that given the appearance of the above and the circumstances and justification provided, that the necessary very special circumstances exist that would outweigh the harm that would result to the openness of this part of the Green Belt.

As the recommendation is one of approval the application cannot be determined under delegated authority and as such the application has to be reported to Planning Committee irrespective of the call-in procedure.

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

Officers requested that the planning application be submitted in order to regularise the works carried out.

### **KEY ISSUES**

The application seeks to regularise development already carried out by varying conditions 2, 4, 6, 9, 12 and 13 of planning permission 17/00434/FUL (Replacement Stable Block and New ménage).

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.

Whilst the application seeks to vary conditions 2, 4, 6, 9, 12 and 13 of the planning permission the main purpose is to regularise works carried out that are different to those listed on the approved plans. Therefore, the application seeks to substitute approved plans, listed in condition 2, with amended plans.

Details have been previously submitted and subsequently approved for conditions 4, 6, 9, 12 and 13 and the application seeks amendments to the wording of these conditions to reflect this.

The main changes are as follows;

- Change of window positions in side/ east elevation,
- New window in rear/ south elevation,
- Additional stable to replace open front horse wash box,
- New timber Pergola structure attached to the north elevation of the stable building,
- New concrete hardstanding/ plinth adjoining the south elevation of the stable building,
- Timber shed building on concrete hardstanding/ plinth,
- Concrete manure store.

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes, such a permission should also make reference to the other conditions of the original planning permission where they remain relevant.

Given the above, the main issues for consideration in the determination of this application are:-

1. Is the proposal appropriate development within the Green Belt?
2. Design and impact on the character and quality of the landscape,
3. Residential amenity issues, and
4. Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

1. Is the proposal appropriate development within the Green Belt?

Paragraph 133 of the 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 further indicates in paragraph 145 that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, however exceptions to this include, amongst other things, buildings for agriculture and forestry, 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.

The approved stable block was classed as inappropriate development within the Green Belt previously because of its size and the fact that the neighbouring building, which is now a residential dwelling, could have been brought back into use as stables prior to it obtaining planning permission for its conversion. However, it was accepted that the benefits of the scheme, which would support outdoor sport and recreation in the Green Belt, amounted to the very special circumstances necessary to outweigh the harm to the Green Belt.

The ménage was considered to represent appropriate development within the Green Belt and on the basis that there are no proposed changes to the ménage, and it broadly complies with the approved plans, this aspect is not considered further.

The enclosing of the horse wash box area, the position of windows and the insertion of additional windows in the stable building do not harm the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

A manure store was also envisaged as part of the previously approved scheme (condition 6) and this is what would be expected for a stable building. Therefore, it does not result in additional harm to the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

The applicant has advised that the shed type building, which is on skids, is for the keeping of goats and sheep, the purchase of which have been put on hold due to this planning application. The keeping of such animals is considered acceptable in this rural location and the building is considered to represent appropriate development within the Green Belt.

The Pergola does not meet any of the listed exemptions set out within the NPPF and on this basis they represent inappropriate development within the Green Belt and should only be permitted if very special circumstances exist.

The concrete hardstanding/ plinth measures 15.9 metres by 5.3 metres in width and depth respectively. It also appears that ground levels have been increased and it therefore appears as a raised platform area.

Paragraph 146 of the NPPF identifies that engineering operations, which the concrete hardstanding/ plinth is considered to represent, are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

It is acknowledged that the concrete hardstanding/ plinth is large and when seen within the context of the existing stable building and hardstandings to the front, they cumulatively result in some harm to the openness within the Green Belt. Therefore, on balance, the concrete hardstanding/ plinth is inappropriate also.

#### Design and impact on the character and quality of the landscape

Paragraph 124 of the National Planning Policy Framework (the Framework) 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.

The site lies within an area of Landscape Restoration (Policy N21) as indicated by the Local Development Framework Proposals Map. This policy seeks development that will help to restore the character and improve the quality of the landscape.

The changes made to the stable, including the concrete hardstanding, do not raise any significant concerns in terms of appearance and the impact on the quality of the landscape. In particular the hardstanding is located at the rear of the building and any views from main vantage points are limited. It is also viewed within the context of the stable building and is used for the storage of feed and other equine paraphernalia.

The moveable timber shed, currently positioned on the hardstanding, has a traditional appearance and is of a standard size. Therefore, it does not harm the appearance of the landscape.

The timber Pergola occupies a more prominent position and whilst it is large it does not have an adverse impact on the visual amenity of the area. It also forms part of the wider landscaping scheme for the site and subject to this being fully implemented (in the next planting season) the harm to the landscape would not be adverse.

In consideration of the above, the proposals are considered to represent acceptable designs that would comply with the requirements of the NPPF whilst also being in accordance with local planning policy.

#### Residential amenity issues

Paragraph 127 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The stable is located away from neighbouring properties and a condition of the planning permission restricts its use to personal use, i.e. it cannot be used as a commercial livery.

Objections have been received from a neighbouring occupier on the grounds of overlooking and loss of privacy. However, the new window and change to window positions do not overlook neighbouring principal windows and the concrete hardstanding/ plinth is located a sufficient distance away from neighbouring properties so that it does not result in a detrimental loss of amenity to the occupiers of the neighbouring properties.

The Environmental Health Division has raised no objections to the application on the whole but has raised concerns about the variation of condition 9 regarding lighting. However, the lighting, is to remain the same as previously approved.

The proposals are still considered to comply with the guidance and requirements of the NPPF and no significant harm would be caused to local amenity levels by this application.

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

As the concrete hardstanding/ plinth and the Pergola are considered to represent inappropriate development in the Green Belt, very special circumstances are required that would outweigh the harm caused by the inappropriate development, and any other harm, to the Green Belt.

Paragraph 144 of the NPPF sets out that; "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

The applicant has suggested that the concrete hardstanding/ plinth is required for animal welfare purposes, the storage of feed/ bedding and for the muck heap.

It is acknowledged that the front of the stables provides very limited room for the storage of feed/ bedding and for the muck heap and whilst it is acknowledged that the hardstanding is large it is considered that the justification regarding animal welfare purposes, additional space for feed and to locate the muck heap, outweighs the limited harm to the Green Belt.

In terms of the Pergola the applicant advises that this element of the scheme does not require planning permission but no reason is given for this assertion. However, the legal background depends on three primary factors as to whether a building or structure is operational development or not. These are; size, permanence and degree of attachment to the ground.

The Pergola is large and attached to the ground by 8 posts and is also likely to be attached to the stable building. It therefore represents operational development.

The Pergola has a typical design and could not be said to harm the openness of the Green Belt. It also forms part of the approved landscaping scheme for the site which is designed to enhance the appearance of the site and the wider landscape.

Given the appearance of the above and the circumstances and justification provided, it is considered that the necessary very special circumstances exist that would outweigh the harm that would result to the openness of this part of the Green Belt.

#### Other matters

Whilst the application seeks to vary conditions 4, 6, 9, 12 and 13 of the planning permission details have previously been submitted and subsequently approved. The application does not seek approval for details that differ from those already approved including the lighting scheme addressed in condition 9. These conditions will need to be included on the new planning permission, reworded to reflect that the details have already been approved and to be more restrictive to reflect the time passed since the previous permission and the current breach of planning control.

## 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 ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP4: Natural Assets

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3: Development in the Green Belt  
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 N21: Area of Landscape Restoration  
Policy T16: Development – General Parking Requirements

### **Other Material Considerations**

#### National Planning Policy

#### [National Planning Policy Framework](#) (February 2019)

#### [Planning Practice Guidance](#) (March 2014)

#### Supplementary Planning Guidance/Documents

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

#### Relevant Planning History

17/00073/FUL	Conversion of Barn to Create Single Family Dwelling	Approved	
17/00434/FUL	Replacement Stable Block and New Ménage	Approved	
18/00488/OUT	Single Dwelling	Refused and dismissed	and appeal
19/00021/FUL	Variation of condition 2 (amendment to the approved plans to allow for some rebuilding/structural works) of planning permission 17/00073/FUL - Conversion of Barn to Create Single Family Dwelling	Refused	
20/00649/FUL	Rear single-storey extension	Approved	

#### Consultation Responses

The **Environmental Health Division** has no objections to the application other than condition 9 as it is unclear as to how the lighting scheme will change and as such it is unclear whether there will be an unacceptable impact from light pollution.

**Madeley Parish Council** object on the grounds that the steel and concrete plank manure holding silo to the south of the stable represents an over development into the Green Belt.

### Representations

One representation has been received on the application raising the following concerns and objections;

- The concrete hardstanding results in overlooking and loss of privacy;
- The concrete hardstanding is larger than the stable and is unnecessary;
- The stable has been converted to stables and annex day accommodation;
- The application is contrary to the existing permission;
- No soft landscaping has been implemented; and
- Conditions have not been complied with and any future conditions are likely to be ignored.

### Applicants/agents submission

The requisite plans and application forms were submitted.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00755/FUL>

### Background Papers

Planning files referred to

Planning Documents referred to

### Date report prepared

23<sup>rd</sup> November 2020