

The application seeks full planning permission for the conversion and change of use of former farm buildings to two residential dwellings, the demolition of an existing building and its replacement with two detached domestic garages.

The site is located on the edge of the urban area but within the open countryside on land designated as Green Belt and locally as an Area of Landscape Restoration, as identified within the Local Development Framework Proposals Map.

The 8 week determination period expired on the 16th February and the applicant has agreed an extension of time to the statutory determination period to the 8th March 2021.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:-

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**
- 4. Window, door and guttering details**
- 5. Boundary treatments**
- 6. Hardstandings**
- 7. Soft landscaping**
- 8. Provision of parking and turning areas**
- 9. Tree protection**
- 10. Bat and bird boxes**
- 11. Land contamination**
- 12. Construction hours**
- 13. Electric vehicle charging provision, and**
- 14. Waste storage and collection arrangements**

Reason for Recommendation

The conversion of the existing redundant buildings represents a sustainable form of development that would be appropriate development within the Green Belt. Whilst the detached garages represent inappropriate development within the Green Belt, they would replace a much larger building and it is concluded that the very special circumstances required have been identified. In all other respects it has been demonstrated that the proposed development, subject to appropriate planning conditions, represents a sustainable form of development that would not harm the character of the area, the amenity of existing and future occupiers or cause highway safety implications. The proposals accord with development plan policies and the guidance and requirements of the NPPF.

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 sought additional information and amendments to address concerns and improve the development and revised plans have been submitted. The development is now considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

KEY ISSUES

The application seeks full planning permission for the conversion and change of use of former farm buildings to two residential dwellings, the demolition of an existing building and its replacement with two detached domestic garages.

The site is located on the edge of the urban area but within the open countryside on land designated as Green Belt and locally as an Area of Landscape Restoration, as identified within the Local Development Framework Proposals Map.

Access to the application site is off an existing access point off High Street which serves the three existing buildings and two residential dwellings.

Public Footpath No.69 Kidsgrove runs beyond the western boundary of the application site.

The main issues for consideration in the determination of this application are:-

1. Is the proposal appropriate development within the Green Belt?
2. The principal of living accommodation and its location,
3. Design and impact on the character and quality of the landscape,
4. Access and the impact on highways safety,
5. Impact on residential amenity,
6. Impact on the Public Right of Way, and
7. 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".

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.

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 provision of appropriate facilities for outdoor sport and outdoor recreation, 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 146 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of the exceptions listed is the re-use of buildings provided that the buildings are of permanent and substantial construction.

The application site consists of three redundant former farm buildings that previously formed part of Ashes Farm.

The proposed development seeks to convert two of the existing buildings into living accommodation and the demolition of a third building.

The existing buildings for conversion consist of an old stone barn with a clay tile roof located to the west of the site and a brick barn with a curved roof located to the south of the site.

The application is supported by structural survey information which sets out that the buildings can be converted with minimal works. No extensions are proposed to either of the buildings also. On this basis, the proposed conversion of the buildings constitute appropriate development within the Green Belt. However, two detached garages are proposed, which do not meet any of the exceptions listed at paragraphs 145 & 146 of the NPPF and they therefore represent inappropriate development within the Green Belt and should only be permitted if very special circumstances exist.

The principal of living accommodation and its location

The site is located on the edge of the urban area but within the open countryside.

The proposed development is for the conversion of two existing redundant buildings into independent living accommodation.

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. It concludes by listing a series of criteria 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.

The NPPF does not discourage the conversion of rural buildings into living accommodation and existing legislation set out in the General Permitted Development Order 2015, as amended, allows the conversion of certain existing buildings to residential units provided that a number of criteria are satisfied and a prior approval application is submitted to the Local Planning Authority for consideration.

The application is also supported by an ecological impact assessment which identifies that the existing buildings are not being used as a place of breeding, resting, shelter or protection by bats. However, bird nests were found and suitable mitigation measures will be required before, during and after the conversion works.

As discussed, the application is supported by structural survey information which sets out that the buildings can be converted with minimal works. No extensions are proposed to either of the buildings and whilst two detached garages are proposed these would not conflict with policy H9 or the guidance and requirements of the NPPF.

The application site is immediately adjacent to the urban area and it is considered that the conversion and re-use of two existing redundant buildings is a sustainable form of development and on this basis the proposed development accords with local and national planning policy and the principle of residential conversion is acceptable.

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 application site is occupied by three existing buildings and the proposal is to convert two of the buildings to residential accommodation and demolish the third, larger, building.

The existing buildings for conversion consist of an old stone barn with a clay tile roof and a Dutch barn with a curved roof. The two buildings are in a state of disrepair but have an attractive appearance. They are modest in size and are located in a backland location with minimal views from any main vantage points.

The building to be demolished is much larger and of a visually poor quality with concrete walls and a corrugated sheet roof.

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 restore the character and quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The old stone barn building will require minimal works to convert it and existing openings will be utilised. A small number of proposed windows, including rooflights, are required and these are detailed as being a mixture of timber and metal. These details, along with reclaimed bricks and tiles, guttering and downpipes, can be secured by condition.

The Dutch barn, with a curved roof, will require greater external works to convert the building due to the existing open fronted appearance. In particular the rear elevation is proposed to have a number of new glazed openings. The front elevation would also be built up and finished with timber cladding, windows and doors. A new galvanised sheet roof will be required. These details, along with window and door materials, guttering and downpipes, will need to be secured by condition in order to secure an acceptable appearance.

The proposed development also includes a detached two storey garage for each conversion. The design and size of one of the garages has been amended during the application following concerns raised by your officers.

An objection has also been received raising concerns about the height of the garages and the impact on the visual amenity of the area. The proposed garages do have a height of 7 metres but on balance it is not considered that an objection can be sustained and overall they represent an acceptable appearance that would complement the development and not harm the character and appearance of the landscape or harm the visual amenity of the area.

Subject to conditions which secure the acceptable appearance of the buildings it is considered that the design and appearance of the proposed development is acceptable and accords with Policy N21 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the requirements of the NPPF.

Access and the impact on highways safety

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.

Access to the existing buildings is served off High Street, in between no. 97 and 105. The existing access and driveway serve no. 101 and 103 also.

The proposed residential conversions will each have its own detached garage which provides parking for at least two vehicles.

The access arrangements and level of proposed off street car parking is acceptable and the Highways Authority has raised no objections to the application, subject to a condition that secures the parking and turning areas within the site. As a result the proposal would comply with the requirements of Policy T16 of the Local Plan as well as the provisions of the NPPF.

The two garages will be required to have electric vehicle charging provision and this can be secured by condition.

An objection has been received regarding waste collection arrangements and the proposed development resulting in additional waste bins being left on the highway because a refuse truck cannot access the site.

It is acknowledged that the long driveway could result in waste bins being left on the highway but there is opportunity at the site entrance for these to be stored without causing obstruction to the highway. These details can be secured by a suitably worded condition also.

Impact on residential amenity

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 Council's Supplementary Planning Guidance (SPG) - Space Around Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

The existing buildings and no. 101 and 103 are in the same ownership and acceptable separation distance between the proposed dwellings and existing dwellings will be achieved to ensure no significant loss of residential amenity will be caused to neighbouring occupiers. The proposed residential conversions will each have their own private amenity space also.

The proposed development would therefore protect the living conditions of existing and future occupiers and is in accordance with the guidance and requirements of the NPPF.

Impact on the Public Right of Way

As discussed, Public Footpath No.69 Kidsgrove runs beyond the western boundary.

Paragraph 98 of the NPPF states that Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

The Dutch barn is sited on the boundary of the application site and the rear elevation of the building defines the boundary.

There are windows proposed at ground floor and first floor on the rear elevation and there is no boundary treatment to protect the amenity of future occupiers from users of the footpath. This issue has been raised by an objector to the application.

The point has been raised with the applicant and revised window arrangements have been proposed at ground floor. These revisions do not fully address the relationship but it does result in some improvement.

The issue does not adversely affect the public footpath and it is not considered that a reason for refusal could be sustained on these grounds. Therefore, the proposal is not contrary to the NPPF.

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

As the two proposed detached garages 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 proposed development also includes the demolition of a large barn which has concrete walls and a corrugated sheet roof. This has a visually poor appearance.

The two detached garages would cumulatively have a volume which is approximately 50% smaller than the barn to be demolished. Therefore, the proposed garages would have less of an impact on the openness of the Green Belt than the existing barn and this is considered to be the very special circumstances required to justify the development in accordance with the guidance and requirements of the NPPF.

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 CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

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

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local Species
Policy N17: Landscape Character - General Considerations
Policy N21: Area of Landscape Restoration

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

None relevant

Consultation Responses

The **Highways Authority** raises no objections subject to a condition that secures the proposed parking and turning areas within the site.

The **Environmental Health Division** objects to the application on the grounds that a contaminated land assessment of the site and buildings has not been submitted with the planning application. However, they state that if the Local Planning Authority is minded to grant permission then conditions which secure site investigations and remediation can overcome the concerns. Conditions which secure the following matters are also advised;

- Construction hours,
- Electric vehicle charging provision, and
- Waste storage and collection arrangements.

The **Landscape Development Section** raises no objections subject to tree protection in accordance with BS5837:2012 being implemented as necessary for the trees on the adjacent site during the construction phase.

The **County Council Public Rights of Way Officer** advises that the application does not recognise the existence of Public Footpath No.69 Kidsgrove, which runs through the western section of the proposed application site. The attention of the applicant should be drawn to the existence of the path

and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.

Comments were also invited from **Kidsgrove Town Council** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

One representation has been received raising the following objections;

- The access is too narrow for two vehicles to pass,
- Three properties already use the access,
- Public footpaths and bus stops near the access increase the busy nature of this part of High Street,
- There are existing street car parking problems on High Street which is congested,
- The access needs to be amended,
- Holiday lets are objected to,
- A refuse truck cannot access the application site and refuse bins would need to be left on High Street which would cause obstruction,
- The proposed garages would be visible and harmful to the visual amenity of the area,
- The height of the garages should be reduced,
- The garages could be converted to living accommodation in the future,
- Concerns about access to power supply,
- Significant excavations will be necessary to carry out certain conversions works and this would harm the Green belt,
- The development encroaches into the Green Belt,
- The nearest public footpath would need to be modified the right of way, and
- Conditions to control construction will be required to protect neighbouring amenity levels.

Applicants/agents submission

The requisite plans and application forms have been submitted and a detailed planning statement, heritage statement, structural survey and ecological impact assessment have been submitted which identifies a number of key points for consideration in the determination of the application.

All of the application documents can be viewed on the Council's website using the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/01065/FUL>

Background Papers

Planning files referred to

Planning Documents referred to

Date report prepared

16th February 2021