

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 application site is also recognised as being an historic farmstead.

The 8 week determination period expires on the 24th May and the applicant has agreed an extension of time to the statutory determination period to the 4th June 2021.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:-

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Level 1 photographic survey of the buildings to be converted**
- 4. Materials**
- 5. Window, door, timber cladding and guttering details**
- 6. Boundary treatments**
- 7. Hardstandings**
- 8. Soft landscaping**
- 9. Provision of parking and turning areas**
- 10. Surfacing of access driveway**
- 11. Tree protection**
- 12. Bat and bird boxes**
- 13. Land contamination**
- 14. Construction hours**
- 15. Electric vehicle charging provision, and**
- 16. 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 still represent inappropriate development within the Green Belt, they have been reduced in size to address the previous reason for refusal and they would replace a much larger building. For this reason 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

The application is a resubmission and it is accepted that the applicant has addressed the previous concerns and the subsequent reason for refusal. The development is now considered to be a sustainable form of development in accordance with the National Planning Policy Framework.

KEY ISSUES

The application is 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. It is a resubmission following a similar development that came before the planning committee on the 2nd March 2021, reference 20/01065/FUL. The application was subsequently refused on the grounds that the proposed garages were considered to represent inappropriate development in the Green Belt and would be harmful to the openness of the Green Belt by virtue of the scale, form and height. It was identified that there were no very special circumstances that would outweigh the harm caused to the openness of the Green Belt.

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 and the County Council Rights of Way Officer and an objector have raised concerns about the location of a proposed post and rail fencing, as well as the indigenous hedge, marked on the plans, which they consider would obstruct the right of way. However, the application remains the same as the previous application and the impacts remain the same. The applicant will be advised that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path.

The principle of the conversion of the buildings to living accommodation in this location, the access arrangements, the impact on neighbouring residential amenity, were also considered in the determination of the previous application and found to be acceptable and these matters are not considered further. However, since the previous application it has been established that the buildings are listed on the historic farmsteads register held by Staffordshire County Council. Furthermore, the height and form of the garages have now been amended and 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 and the Heritage Asset, and
3. 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. On this basis, the proposed conversion of the buildings constitute appropriate development within the Green Belt. However, the two proposed detached garages, whilst being reduced in size, still 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.

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 design of the proposed development and the impact on the landscape were considered acceptable during the consideration of the previous application, subject to conditions which secure appropriate materials; window, door and guttering details; boundary treatments; hardstandings and soft landscaping.

The two detached garages have been reduced in scale, as set out in more detail below, which further improves the design of the development, the impact on the landscape and the relationship with the existing buildings to be converted.

Since the previous application the Council's conservation officer has advised that the barns are on the historic farmsteads register held by Staffordshire County and represent non-designated heritage assets, in line with paragraph 197 of the NPPF and merit consideration.

In this instance it remains the case that the conversion to residential is supported and a condition which secures a Level 1 photographic survey by an appropriately qualified archaeologist, which is then lodged in the Staffordshire HER, before any work to convert is undertaken, is necessary. A condition regarding the timber cladding set out by the conservation officer is also supported.

Subject to conditions which secure the acceptable appearance of the buildings it is considered that the design and appearance of the proposed development is still acceptable and accords with Policy N21 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the requirements of 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 two proposed detached garages represent inappropriate development within the Green Belt and the previous application was refused on the grounds that the proposed garages would be harmful to

the openness of the Green Belt by virtue of the scale, form and height and that there were no very special circumstances that would outweigh the harm caused to the openness of the Green Belt.

The garages now proposed each have a height of 4.63 metres and a volume of 151 cubic metres, compared to the garages previously proposed which each had a height of 6.97 metres and a volume of 220 cubic metres.

The proposed garages have been reduced in scale so that they would cumulatively have a volume that is significantly smaller than the barn to be demolished. This also improves the relationship of the garages within the site and their general appearance. Therefore, the proposed garages would have less of an impact on the openness of the Green Belt than the previous scheme and would be significantly smaller than the existing barn to be demolished. 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
Policy B8: Other Buildings of Historic or Architectural Interest

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

20/01065/FUL Conversion and change of use of former farm buildings to 2 residential dwellings, demolition of additional building and replacement with 2 domestic garages, creation of residential curtilages and connection to foul drains Refused

Consultation Responses

The **Urban Design and Conservation Officer** advises that the barns are on the historic farmsteads register held by Staffordshire County and represent non-designated heritage assets, in line with paragraph 197 of the NPPF and merit consideration. There is inevitably some harm caused to any assets to undergo residential conversion from an agricultural use but the retention of these extremely characterful buildings which represent farming practice for many hundreds of years in the locality is to be welcomed. These are good vernacular examples and appear to have been little altered. On this basis it is required that they undergo a Level 1 photographic survey by an appropriately qualified archaeologist, which is then lodged in the Staffordshire HER, before any work to convert is undertaken.

It is also advised that the scheme is well considered and the removal of the modern large barn in the centre is welcomed, giving the appropriate space for the other two buildings. The Dutch barn is especially interesting and the intention to have an internal gallery to experience the full height is positive. The timber cladding to the front elevation should be set back with a decent reveal to further enhance this feature of the barn. There are no objections to the garages.

The **Highways Authority** raises no objections but request a condition that secures dimensions of the double garage of 6m by 6m and the driveway shall be surfaced in a bound material for a minimum distance of 5m rear of the public highway. A condition which secures the proposed parking and turning areas within the site is also requested.

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.

They also advise that a proposed post and rail fencing, as well as the indigenous hedge, marked on the plans would obstruct the right of way.

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 **objection** has been received on the grounds that the plans indicate that the proposed development encroaches onto the path and greenbelt field and does not match the fenced area forming the existing boundary edge with regard to the South East elevation of the Dutch barn, also no mention of how the path (No 69 Kidsgrove) would be effected by the works or for how long. They also request that a site management plan, if approved, should include firm definition regarding timescale, site working normal working hours and days (Mon-Fri), deliveries and noise/dust controls due to the proximity of local residents.

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/21/00343/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

11th May 2021