

**THE CHALET, BUNGALOW FARM, RYE HILLS**  
**MR CARL BEESTON**

**21/00702/FUL**

The application is for full planning permission for a replacement dwelling at Bungalow Farm, Rye Hills.

The site lies within the open countryside, which is designated as being within the Green Belt and falls within an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

**The 8 week determination of this application expired on 3<sup>rd</sup> September 2021 but the applicant has agreed an extension of time to the 16<sup>th</sup> of September 2021.**

**RECOMMENDATION**

**Permit, subject to conditions relating to the following: -**

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**
- 4. Electric vehicle charging provision**
- 5. Construction hours**
- 6. Drainage**

**Reason for Recommendation**

Whilst the development represents inappropriate development within the Green Belt, it is accepted that there are very special circumstances which would outweigh the associated harm to the openness of the Green Belt from this development. The design and layout of the proposal is considered acceptable and to be in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. The proposed development fully complies with planning policy guidance in terms of the impact on highway safety and residential amenity levels of neighbouring occupiers.

**Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the plan**

Additional information has been requested during the consideration of the application and the applicant has submitted details to satisfy any concerns. 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 full planning permission for a replacement dwelling at Bungalow Farm, Rye Hills. The site lies within the open countryside, which is designated as being within the Green Belt and falls within an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The application site is comprised of a spacious plot, which is set away from neighbouring residential properties and complies with supplementary planning policy guidance that addresses residential amenity. The access and parking arrangements are also considered acceptable following a no objections response from the Highways Authority.

Given the above there are no concerns regarding highways implications or residential amenity, and the key matters in the consideration of the application are;

- Is the development an appropriate form of development within the Green Belt?
- The design and the impact on the character and appearance of the area
- Do the required very special circumstances exist (to justify inappropriate development)?

### Is the development an appropriate form of development within the Green Belt?

Paragraph 138 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.

Paragraph 147 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 149 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 in the Green Belt. One of these exceptions is (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Concerns were raised with the plans originally submitted within the application, as the replacement dwelling would have resulted in a 94% size increase over and above the size of the original dwelling. Following advice from your officers, amended plans were received during the consideration of the application and the replacement dwelling now has an overall volume of 357m<sup>3</sup>, this amounts to an approximate increase of 50% increase in size of the existing dwelling to be replaced. On this basis it must be concluded that the proposed replacement dwelling is materially larger than the existing dwelling and this constitutes inappropriate development in the Green Belt and should only be permitted if very special circumstances exist.

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

Paragraph 126 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.

Paragraph 130 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 Council's Core Spatial Strategy 2006-2026 requires that the design of the development is respectful to the character of the area.

The application site consists of a small static caravan that has been extended to and altered over a number a years, it has very little architectural quality and currently detracts from the quality of the area.

The proposed replacement dwelling would have a traditional gable roof arrangement and would be one and half storey in height. The proposed dwelling would have an eaves height of 2.75m, a ridge height of 6.2m and would be of a typical brick construction with stone window cills and heads and a tile roof.

The only other nearby dwelling close to the application site is a small detached bungalow, and there is therefore no set design style in the immediate area. As such it is considered that the overall external appearance, with respect to the proposed materials and design character, is appropriate for the area.

It is recognised that the replacement dwelling would result in a clear visual change to the application site, however given the local topography, the visual change would not be perceivable within the wider landscape. In addition to the above, the application site also benefits from being set within a generous plot size and can therefore accommodate the proposed development without appearing as an overdevelopment of the site itself.

To conclude, it is considered that the overall scale, appearance and siting of the proposed dwelling would have an acceptable visual impact when assessed against adopted national and local development plan design policies.

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

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 provided supporting information with the application which outlines that the proposal would result in a more aesthetically pleasing, sustainably designed dwelling which will bring the current property back into a viable use. Whilst your officer agrees with this statement, these matters alone are not considered to amount to very special circumstances.

The existing property has full permitted development rights and even if planning permission was required the Council could approve extensions that would not result in a disproportionate addition over and above the size of the original dwelling. This is a fall back position that could be exercised by the applicant and needs to be considered in the determination of this application.

In this instance the applicant has calculated that the original dwelling (excluding any extensions post 1948) has a volume of 244m<sup>3</sup>. The proposed dwelling would have a volume of 357m<sup>3</sup> which would result in a volume increase of approximately 46%.

Whilst a 50% increase of the original dwelling is not written within policy it has been accepted that this is unlikely to be considered to be a disproportionate addition to the original.

A dwelling with a volume of 357m<sup>3</sup> is not considered excessive within a plot of this size and the proposal is of a much higher design standard than the one it replaces.

It is considered that the above represents a likely fall back position and the harm that the size of the replacement dwelling would have on the openness of the Green Belt would be no greater but the design would be considerably better and these would amount to the very special circumstances required to justify the proposed development in this instance, this being in accordance with the requirements of the NPPF.

Consideration must be given to whether permitted development rights (PDR) should be removed by condition, to make the development acceptable.

Paragraph 56 states that "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects".

Appeal inspectors have concluded that there are rarely exceptional circumstances for removing PDR just because a site is within the Green Belt. Therefore, your officer do not consider that a condition removing PDR is justified in this instance.

### Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

## 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
Policy CSP4:	Natural Assets

#### [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 T16:	Development – General Parking Requirements
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures
Policy N17:	Landscape Character – General Considerations
Policy N21:	Areas of Landscape Restoration

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

#### 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)

#### [Space around Dwellings Supplementary Planning Document](#) (2004)

#### Relevant Planning History

None.

#### Views of Consultees

The **Environmental Health Division** have no objections subject to conditions relating to construction hours and the provision of an electrical charging point.

The **Highway Authority** have no objections to the proposal.

**United Utilities** recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy.

**Audley Parish Council** advises that they support the proposal.

**Cadent (National Grid)** advises that there is a Cadent distribution pipe close to the proposal which should not be built over. Therefore, a series of advisory notes to the applicant are recommended.

#### Representations

One letter has been received from the occupant of 'Bungalow Farm' confirming that they have no objections to the application.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Supporting statement
- Design and Access statement

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/21/00702/FUL>

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

1<sup>st</sup> September 2021