

THE OLD COACH HOUSE, RECTORY LANE, WHITMORE
MR LEE SHELTON

22/00022/FUL

The application is for full planning permission for a replacement dwelling at 'The Old Coach House' on Rectory Lane, Whitmore.

The site lies within the open countryside in the Green Belt and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

The 8 week determination period for this application expired on the 8th March, however an extension of time has been agreed until 1st April.

RECOMMENDATION

Permit, subject to conditions relating to the following: -

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**
- 4. Electric vehicle charging provision**
- 5. Prior approval of parking and turning areas**
- 6. Tree protection measures**

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, residential amenity and impact on trees.

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

Amended plans have been submitted in support of the application and 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 a replacement dwelling at the Old Coach House, Rectory Lane, Whitmore. The site lies within the open countryside, which is designated as being within the Green Belt and a Landscape Maintenance Area, as indicated on the Local Development Framework Proposals Map.

The application site comprises a spacious plot set away from neighbouring residential properties and the access and parking arrangements are considered acceptable subject to conditions. The application raises no issues of residential amenity or highway safety and therefore the key matters in the consideration of the application are;

- Is the development appropriate or inappropriate within the Green Belt and if inappropriate, do the very special circumstances exist to justify approval?
- The design and the impact on the character and appearance of the area
- Impact on visually significant trees
- Other matters
- Reducing Inequalities

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

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 scale of the replacement dwelling as originally submitted. Amended plans have been received which have resulted in the replacement dwelling being reduced in size so that it would comprise an approximate increase in volume of 50% over and above the size of the original dwelling. 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 127 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.

Policy DC2 of the Neighbourhood Plan states that proposals will be supported if they complement local landscape or townscape character in terms of urban and built form, spacing, enclosure and definition of streets and spaces and when they do not harm the character and appearance of the landscape or existing townscape.

The application site consists of a traditionally designed two storey detached property and large single storey outbuilding. The application site is located on the southern slope of a hill and is the last property located on Rectory Road. A number of protected trees are located within and directly adjacent to the application site.

The proposed dwelling would be of a traditional two storey design but would include more contemporary fenestration which includes a number of large ground and first floor windows on the front and rear of the property. The eaves height of the property would be set at 5m, with the overall ridge height being 8.3m which is approximately 1.8m higher than the ridge height of the original dwelling. There are only a limited number of dwellings close to the application site, however there is a mixture of design styles and the majority are two-storey traditionally designed properties. 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, although taller than the existing property, the proposed dwelling would not result in any significant change to views from the north or west due to the sloping topography of the area, and any views of the property from the east and south will be softened by the existing mature trees which surround the site. In addition to the above, the application site also benefits from being set within a generous plot and can therefore accommodate the proposed development without appearing as an overdevelopment of the site itself.

On balance 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 and would not result in an adverse impact to the Landscape Maintenance Area.

Although the Parish Council have noted that the property should be classed as historical, the building does not have any statutory protection and is not on the Register of Locally Important Buildings. Therefore, whilst the current property has an attractive, traditional design, it is not considered that its demolition can reasonably be resisted by the Local Planning Authority.

Impact on Trees

Policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

There are a three trees within or in close proximity to the application site which are covered by Tree Protection Order no.62. Whilst two of these trees are located in the western corner of the site and will not be affected by the proposal, there is large Hungarian Oak tree located just outside of the south eastern corner of the plot which could be impacted by the new property. An Arboricultural Impact Survey has been submitted in support of the application which recommends that tree protection methods are put in place to protect this tree.

The Council's Landscape Development Section has not provided any comments on the application but the proposed dwelling would be situated approximately 0.5m further away from the Oak tree than the existing dwelling and therefore there would be no further encroachment into the root protection area of the tree than currently exists. Subject to a condition requiring that the proposed tree protection measures are put in place during the construction phase of the development, it is considered that the impact to this tree can be satisfactorily mitigated as required by Policy N12 of the Local Plan.

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 current dwelling was granted planning permission in 1990 (Ref. N20304) as a conversion of a disused coach house and stable. Although the permitted development rights for the property were removed, planning permission was granted last year for extensions to the existing dwelling which comprised a 50% increase in volume (Ref. 21/00863/FUL). Such an increase was considered appropriate development in the Green Belt.

The previous planning permission does provide the applicant with a genuine fall-back position. The harm that the replacement dwelling would have on the openness of the Green Belt would be no greater than the extended original dwelling and the new dwelling also has the benefit of being of a more compact form of development which takes up less built footprint than the current arrangement. Your officer accepts that the above represents the very special circumstances required to justify the proposed development and the proposal is therefore considered to be 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 does not consider that a condition removing PDR is justified in this instance.

Other Matters

In response to the requested conditions set out by the Highway Authority, amended plans have been submitted which show the removal of the chain fence and the reinstatement of a grass boundary verge along the application site's northern boundary. Although the Highway Authority has requested that the access drive be surfaced in tarmac, as this is for a replacement dwelling, there would be no intensification of the use of the existing gravelled driveway and therefore, such a request would not be reasonable.

The Parish Council objects to the proposal on the basis that it does not comply with Policy HG1 of the Neighbourhood Plan. Policy HG1 states that new housing will be supported in sustainable locations which include 'as a replacement dwelling'. It is therefore considered that the proposal would not be in conflict with the requirements of this NP policy.

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 N12:	Development and the Protection of Trees
Policy N17:	Landscape Character – General Considerations
Policy N19:	Landscape Maintenance Areas

Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Plan

Policy DC2:	Sustainable Design
Policy NE1:	Natural Environment
Policy DC1:	Local Heritage
Policy DC6:	Housing Standards
Policy HG1:	New Housing

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (February 2021)

Planning Practice Guidance (March 2019)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

N20304 - Conversion of disused coach house and stable to dwelling – approved

21/00863/FUL - Extensions and alterations – approved

Views of Consultees

The **Environmental Health Division** raises no objections to the proposal with regards to land contamination.

The **Highway Authority** raises no objections to the proposed development subject to conditions requiring a revised site plan which indicates the removal of the post and chain fence within the adopted highway verge, the reinstatement of the grass verge and the whole area of existing driveway rear of the existing carriageway to be surfaced in tarmac up to and including the access gates.

No representations have been submitted by the **Landscape Development Section**

HS2 raise no objection to the proposal but wishes to make the applicant aware that there are significant works within close proximity to the proposed development.

Whitmore Parish Council object to the proposals for the following reasons:

- The planning statement ignores the policies in the Neighbourhood Development Plan (NDP).
- The site is in the Green Belt and there are no very special circumstances to permit this encroachment.
- Although not listed, the dwelling has historical interest and significance and is adjacent to Whitmore Conservation Area.
- The proposal conflicts with policies HG1 and NE1 of the NDP.
- The size of the replacement dwelling is much greater than the approved extended dwelling and therefore would harm the openness of the Green Belt and would be inappropriate development. The Planning statement acknowledges that it is materially larger and could be considered inappropriate development in this location causing harm.

Representations

One objection letter has been received raising the following concerns:

- The dwelling should be considered as a historic site
- The planning statement ignores the policies in the Neighbourhood Development Plan (NDP)
- The extensions are disproportionate and do not enhance the intrinsic rural character and is harmful
- The planning statement acknowledges that the development is materially larger and could be considered inappropriate development in this location causing harm

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Tree Survey Plan

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/22/00022/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

10th March 2022