

The Application is for outline planning permission for the erection of a detached dwelling. All matters of detail are reserved for subsequent approval.

The application site is located within the Rural Area, within the open countryside, and an Area of Landscape Regeneration, as indicated on the Local Development Framework Proposals Map, with a portion of the site lying within the Green Belt.

Sands Road is an unclassified road.

The 8 week period for the determination of this application expires on 10 December 2012.

RECOMMENDATION

Permit subject to conditions relating to the following matters:-

- (i) **Standard outline conditions regarding the timetable of submission of the reserved matters application and commencement of development.**
- (ii) **Approved drawings.**
- (iii) **Arboricultural method statement.**
- (iv) **Tree protection measures.**
- (v) **Details of boundary treatments.**
- (vi) **Contaminated land conditions.**
- (vii) **Prior approval of foul and surface water drainage.**
- (viii) **Prior approval of surfacing materials.**
- (ix) **Removal of permitted development rights for outbuildings or enclosures (Part 1 Class**
- (x) **A of the General Permitted Development Order).**

Reason for Recommendation

The proposal involves in part the change of use of land in the Green Belt which constitutes inappropriate development. However the land is limited in size, is enclosed by existing buildings and the development would have a minimal impact on the openness of the Green Belt.

The remainder of the site is not within the Green Belt, but it is a greenfield site in a Rural area and not within one of the Rural Service Centres. In the context of the Council's inability to demonstrate an up to date 5 year plus 5% supply of deliverable housing sites, it is no longer inappropriate to resist the development on the grounds that the site is in part greenfield given that the site is in a sustainable location albeit in the rural area. It is considered that the proposed for residential development should be not be resisted in principle in such circumstances. It is considered that the site can be developed in a manner which would be visually acceptable; would not cause significant harm to the amenities of neighbouring occupiers in terms of impact on privacy or loss of light; and is acceptable in highway safety terms. In summary the required very special circumstances to justify approval exist.

Policies and Proposals in the Approved Development Plan Relevant to This Decision:-

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy QE1: Conserving and Enhancing the Environment
Policy QE3: Creating a high quality built environment for all
Policy CF2: Housing beyond the Major Urban Areas
Policy CF3: Levels and Distribution of housing development
Policy CF4: The reuse of land and buildings for housing
Policy CF6: Managing Housing Land Provision

Staffordshire and Stoke on Trent Structure Plan 1996 – 2011 (SSSP)

Policy D1: Sustainable forms of development

Policy D2: The Design and Environmental Quality of Development
Policy D4: Managing change in rural areas
Policy D5B: Development in the Green Belt
Policy T1A: Sustainable Location
Policy NC1: Protection of the Countryside : General Considerations
Policy NC2: Landscape Protection & Restoration
Policy H11: Housing in Open Countryside
Policy T1A: Sustainable Location
Policy T18A: Transport and Development

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP6: Affordable Housing

Newcastle-under-Lyme Local Plan 2011 (NLP)

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 N17: Landscape character – general considerations
Policy N21: Area of Landscape Restoration

Other Material Considerations include:

National Planning Policy Framework (March 2012)

“The Planning System: General Principles” (January 2005)

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

The Secretary of State’s announcement of his intention to abolish RSS

The Secretary of State has made it clear that it is the Government’s intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Relevant Planning History

None considered relevant.

Views of Consultees

The **Landscape Development Section** has no objection subject to the agreement of works to existing trees and hedges and a landscaping scheme. Tree protection during the construction works should be as outlined in the tree report.

The **Highways Authority** has no objections subject to a condition requiring approval of details of the parking, turning and servicing within the site; means of surface water drainage; and surfacing materials and that the agreed details are completed prior to occupation.

The **Environmental Protection Division** has no objection subject to contaminated land conditions.

United Utilities has no objection to the proposed development but the following point should be adhered to:-

- If possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Kidsgrove Town Council having been consulted and having provided no comments by the due date must be assumed to have no observations on the proposal

Applicant/Agent's Submission

The application is supported by the following information submitted by the applicant:

- Tree Survey and Assessment
- Design and Access Statement
- A Coal Authority report.
- A Phase 1 Environmental Assessment.

These documents are available for inspection at The Guildhall and on www.newcastle-staffs.gov.uk

Key Issues

This application is for outline planning permission for one detached dwelling on land adjacent to 18 Sands Road, Harriseahead. All matters of detail (access, layout, scale, appearance and landscaping) are reserved for subsequent submission and consideration.

The application is accompanied by illustrative drawings showing how the site could potentially be developed but approval is not sought for such details within this application.

The site is located in the open countryside in policy terms and part of the rear of the site is within the Green Belt.

Given the above the key issues for members to consider are:

- The appropriateness or inappropriateness of this development in Green Belt terms.
- The principle of residential development on the site.
- Impact on residential amenity.
- If it is inappropriate development whether the required very special circumstances exist to justify inappropriate development.

The appropriateness or inappropriateness of this development in Green Belt terms.

The National Planning Policy Framework (NPPF) advises that the erection of new buildings in the Green Belt is inappropriate unless they are for a limited number of certain identified purposes including;

"Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

Whilst the application does not include details of siting for approval at this stage a plan has been submitted, for illustrative purposes, showing the dwelling to be sited on land not within the Green Belt. To ensure that the construction of the dwelling does not affect trees within the site and is appropriately sited in the street scene

there are sound planning reasons to conclude that the dwelling would not be constructed in the Green Belt. As such it is not considered appropriate to consider the application as the erection of a new building in the Green Belt.

The proposal does, however, involve a change of use within the Green Belt and the NPPF does not identify this form of development as being appropriate. It is therefore concluded that the development is inappropriate within the Green Belt

The general policies controlling development in the countryside apply in equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances. As to whether such very special circumstances exist requires a weighing up of any harm, against other material considerations

Whether the development provides a sustainable location for housing development

The NPPF advises that local planning authorities must identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. This equated in the Borough to 1770 dwellings as at the end of March 2011

The Local Planning Authority is in a situation where it cannot demonstrate an up-to-date 5 year supply of deliverable housing sites. (The last published figures indicate that there is a 4.74 years supply which equates to 1597 gross additional dwellings, a shortfall of 173 dwellings when account is taken of the requirement to have an additional 5% buffer). In light of this shortfall it has taken a proactive approach of raising no objection in principle to proposals on greenfield sites within the urban area and Rural Service Centres (whereas when a 5 year housing land supply could be demonstrated only brownfield sites in such locations were considered favourably). The Council has therefore sought to put in place measures to address this problem. More recently the Council has concluded that residential development on a site in Moorland Road, Mow Cop, which is similarly defined as the rural area, was acceptable in principle as it was considered to be a sustainable location although the application was refused for other reasons (12/00282/OUT land rear of 11a-19 Moorland Road).

The site is located in Harriseahead next to Mow Cop and similarly has a reasonable bus service to Kidsgrove, Tunstall and Newcastle (13 per day on weekdays) and a limited service to Leek, Biddulph and Congleton. Also in the area there are a number of services and facilities and the site is in fact quite well served in this respect. It is therefore the case that the occupiers of the proposed dwelling will be able to access certain services and facilities within walking distance and will also have a choice of modes of transport. It is therefore considered that the site is in a sustainable location.

Despite part of the site being considered greenfield, the principle of residential development on this sustainable rural site outside of the defined rural service centres is considered acceptable at this particular time and a further adjustment to the approach taken to residential development is required in the current circumstances where a 5 year plus 5% housing land supply cannot be demonstrated. As already indicated this was the approach taken by the Planning Authority in the Moorland Road, Mow Cop case.

Impact on the character and appearance of the area

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The site is the last open plot on this section of Sands Road and the proposed dwelling would be sited on an infill plot within a virtually continuous ribbon of development along Sands Road. The introduction of a dwelling on this site would relate well to its surroundings and as such it is considered that the proposal would in accordance with the design principles set out in the Urban Design SPD. For this reason it is also considered that the development would not further erode the quality of the landscape and the siting of the dwelling would not have a significant adverse impact on the character and appearance of the area.

Impact on residential amenity

Paragraph 17 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.

With respect to the interrelationship of the proposed dwelling with the neighbouring properties, the outline nature of the application requires the decision-maker to anticipate the likely form of development. It is considered that subject to careful control over positioning of windows, sufficient distance can be achieved between dwellings to comply with the Council's Space Around Dwellings SPG.

The site is such that it is capable of accommodating a dwelling of a reasonable size and provide sufficient private amenity space and therefore, the proposal complies with the relevant SPG relating to space about dwellings.

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

The National Planning Policy Framework at paragraph 88 advises "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, is clearly outweighed by other considerations."

The applicants have provided no very special circumstances to justify why permission should be granted on this site, which is partly within the Green Belt. Only a small part of the rear of the site is within the Green Belt and the land is enclosed at the rear by agricultural buildings. As such the change of use of the land to residential curtilage would have a minimal impact on its openness. In these circumstances, taking into account that the actual dwelling would not be on the part of the site that is within the Green Belt, very special circumstances exist to justify the development of this site with one dwelling.

Background Papers

Planning files referred to

Planning Documents referred to

Date Report Prepared

26 October 2012