

ALWYN, NANTWICH ROAD, AUDLEY  
MR D BIRKIN. 12/00210/FUL

**The Application** is for full planning permission for the demolition of the existing detached dwelling, and the erection of a replacement detached dwelling and a detached double garage.

The site is located within the Green Belt and within an area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map.

**The statutory 8 week determination period expires on 14 January 2013.**

### **RECOMMENDATION**

**Permit subject to the following conditions:**

- (i) **Commencement of development.**
- (ii) **Approved plans.**
- (iii) **Removal of permitted development rights relating to extensions and alterations to the dwelling.**
- (iv) **Prior approval of materials.**
- (v) **Prior approval of existing and proposed floor levels.**
- (vi) **Prior approval of materials for the front boundary wall.**
- (vii) **Prior approval of a landscaping plan.**
- (viii) **No top soil to be imported until it has been tested for contamination.**
- (ix) **Reporting of unexpected contamination if found.**
- (x) **Completion of access prior to use of development.**
- (xi) **Closure of the redundant access prior to the development being brought into use.**
- (xii) **Surfacing of driveway in a bound and porous material for a minimum distance of 6 metres back from the site boundary, prior to the development being brought into use.**

### **Reason for Recommendation**

Although the scheme would partly comprise of inappropriate development in the Green Belt, a 'fall back' position exists as an outbuilding could be erected should the application be refused of almost the same dimensions as the proposed garage, however it would not be as sympathetic in terms of its appearance as that proposed in the application. Such matters are considered to constitute very special circumstances that outweigh the harm caused by the inappropriate development, therefore the overall proposal is considered acceptable in this Green Belt location. The development would not harm the character or appearance of the surrounding street scene. There would be no adverse impact on the landscape and the proposal would be acceptable in highway safety terms. The proposal accords with Policies D2, D4 and D5B of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011, Policies ASP6 and CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies S3, H1 and N20 of the Newcastle under Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework (2012) and the Newcastle under Lyme and Stoke on Trent Urban Design Guidance Supplementary Planning Document (2010).

### **Statement as to How the Local Planning Authority Has Worked in a Positive and Proactive Manner in Dealing With This Application**

During the course of the consideration of the application the Council sought amendments to the supporting information provided giving the applicant the opportunity to put forward a case that there are very special circumstances that justify the approval of inappropriate development in the Green Belt. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the National Planning Policy Framework.

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

West Midlands Regional Spatial Strategy 2008

Policy QE1: Conserving and Enhancing the Environment

Policy QE3: Creating a High Quality Built Environment for all  
Policy QE6: The Conservation, Enhancement and Restoration of the Region's Landscape

#### Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

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 NC1: Protection of the countryside: General Considerations  
Policy NC2: Landscape Protection and Restoration

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

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 2011

Policy S3: Development in the Green Belt  
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy N17: Landscape Character – General Considerations  
Policy N20: Areas of Landscape Enhancement  
Policy T16: Development – General Parking Requirements

#### Other Material Considerations

##### Relevant National Policy Guidance:

National Planning Policy Framework (2012)

Companion Guide to PPS1 "The Planning System: General Principles"

##### Supplementary Planning Guidance/Documents

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

##### Relevant Planning History

2011	11/00170/FUL	Two storey side extension, ground floor rear extension, formation of new vehicular access and turning area – permit (22 June 2011)
2012	12/00540/FUL	Replacement of existing dwelling with detached dwelling – permit (17 October 2012)

##### Views of Consultees

**Highway Authority** – no comments received yet, but comments received on the previous application were as follows:

No objections subject to conditions relating to:

- The dwelling shall not be occupied until the access to the site within the limits of the public highway has been completed.
- The permanent closing of the redundant access to the site.
- The dwelling shall not be occupied until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 6 m back from the site boundary in accordance with the approved plans.

- Provision of the parking and turning areas prior to the development being brought into use.

**Environmental Health Division** –no comments received yet, but comments received on the previous application were as follows:

No objections subject to conditions relating to:

- The reporting of unexpected contamination being found
- No importation of top soil to the site without first being tested for contamination
- Informative relating to no importation of waste materials to facilitate construction without an Environment Agency permit

**Audley Parish Council** – no comments received yet, but those received on the previous application were as follows:

Object due to the size of the building, in light of the recent permission for the extension – noted that the new build was considerably larger. It was felt to be overdevelopment in green belt. Noted that a request for these cottages to be included in a new conservation area has been made to retain the historic character of the entrance to the village.

### **Representations**

None received to date (publicity period ends on 21 December 2012).

### **Applicant/Agent's Submission**

The requisite application forms and plans were submitted together with a Design and Access Statement and a Structural Report. The applicant has also identified some very special circumstances which are summarised as follows:

- The outbuilding could be constructed with a slight alteration, without the need for planning permission, under The General Permitted Development Order (Class E buildings).
- In order to qualify, the overall height of the proposed structure would need to be reduced by 700mm, by reducing the roof pitch by 10 degrees. This would lead to the use of non traditional roofing materials.
- Following this route would create a structure with a low pitch which would be out of character with the proposed property and other dwellings and buildings in the locality.
- The proposed outbuilding is situated at the rear of the site within a group of other outbuildings. Structures, ad within the domestic curtilage which does not detract from the openness of the Green Belt.
- The garage is a replacement for the existing attached garage which is to be demolished as part of the proposal.
- Secure outbuildings are essential in rural areas in order to protect garden equipment and tools required to maintain the property and land from theft, as highlighted in recent campaigns by Staffordshire Police.
- The proposal is for a secure garage located at the rear of the site, adjacent to existing structures. i.e. an existing greenhouse. It has a traditional appearance in keeping with the surrounding area.
- The difference between the proposal as submitted and a building which can be constructed under permitted development rules would be minor and not create a detrimental impact due to its location and the retention of the traditional design which would outweigh any minor issue created by its additional height.

The full versions of these documents are available for inspection at the Guildhall, and on [www.newcastle-staffs.gov.uk/planning/Alwyn](http://www.newcastle-staffs.gov.uk/planning/Alwyn)

### **Key Issues**

Full planning permission is sought for the erection of a replacement dwelling and a detached garage at Alwyn, Nantwich Road, Audley. The application is a resubmission following the granting of planning permission for a

replacement dwelling at the site (12/00540/FUL). This application differs to that approved through the introduction of a detached double garage, the proposed dwelling is identical to that already approved.

The site is located within the Green Belt and an Area of Landscape Enhancement as defined on the Local Development Framework Proposals Map.

The site is on the end of a built up frontage/ linear development along Nantwich Road. The existing detached dwelling is sited close to the neighbouring dwelling, and is modest in size, located close to the highway, with a large domestic curtilage to the side and rear.

The proposed dwelling would measure 10 metres in width by 10.3 metres in depth at its longest point. The style of the proposed dwelling would be traditional brick and tile construction, with timber framed windows and front and rear chimneys and a bay window to the front elevation at ground floor level.

In granting planning permission for the replacement dwelling, application reference 12/00540/FUL, it was concluded that it constituted appropriate development within the Green Belt and was acceptable in terms of its impact on the character of the area and the wider landscape. The planning permission is capable of being implemented, and there has been no material change in planning circumstances to justify a refusal of the dwelling at this time. The report, therefore, focuses on the proposed garage.

The main issues for consideration therefore are:

- Whether the proposal constitutes appropriate or inappropriate development in the Green Belt and, if inappropriate, whether very special circumstances exist to justify approval
- The impact of the proposal upon the character of the area and on the Area of Landscape Enhancement
- Highway Safety and car parking
- Do the required very special circumstances exist to justify the inappropriate development (the garage)?

#### Appropriate or inappropriate development within the Green Belt?

The NPPF states that the replacement of a building in the Green Belt is not inappropriate provided the new building is in the same use and not materially larger than the one it replaces and indicates that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling. Policy S3 of the Local Plan 2011 also states that "the well designed extension or alteration of an existing dwelling, or its replacement, may be acceptable as long as it does not result in disproportionate additions over and above the size of the original dwelling. Where replacement is proposed, the new dwelling must not be materially larger than the dwelling it replaces and the applicant must demonstrate that replacement rather than alteration is justified."

The proposed garage is not an extension or alteration of a building, nor would it replace an existing building on the site, and as such the garage represents inappropriate development and very special circumstances are required to justify the inappropriateness, which by definition, is harmful to the Green Belt.

#### Impact on character and street scene

The proposed garage is brick built and measures 6m by 6m, with a 35° pitched roof giving an overall height of 4.7m. Its design is in keeping with the appearance of the dwelling and as it is to be located at the rear it would not be visually prominent in the street scene nor would it result in the loss of any significant landscape features. Overall it is considered that the design and appearance of the garage is acceptable and would not be harmful to the landscape character of the area.

#### Highway safety and car parking

The proposal, as does the extant permission, includes relocating the vehicular access in to the site on the front boundary towards the north east, closer to the neighbouring property. The Highway Authority consider this to be acceptable in terms of highway safety, subject to the inclusion of conditions on the approval relating to the completion of the access prior to occupation of the dwelling, the closing of the existing access prior to utilising

the new access, the driveway being bound in a porous material for a minimum of 6 metres back from the site boundary, and provision of the car parking and turning areas prior to occupation of the dwelling.

The proposed car parking provision for the proposed three bedroom dwelling would be acceptable.

Overall, the proposed development is considered acceptable in terms of highway safety and car parking.

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

As mentioned previously in the report, the proposed detached double garage would not fall within any of the appropriate forms of development listed in the NPPF, therefore the starting point for the consideration of this new building is that it would form inappropriate development in the Green Belt.

In terms of very special circumstances, the onus is on the applicant to provide a justification of why the development does not harm the openness of the Green Belt in the form of very special circumstances.

The applicant provided some very special circumstances, detailed in the “applicant’s submission” section of the report.

They consider that should this planning application be refused, they could build a detached double garage using their permitted development rights, with only a slight alteration, which would involve reducing the height of the garage to 4 metres from 4.8 metres to 4 metres. The applicant failed to mention that they would also need to relocate the garage to over 2 metres from the boundary to qualify as permitted development at 4 metres in height, however it is considered that this could be done without upsetting the general planned configuration of the site. It is therefore considered that a genuine ‘fall back’ position exists and that a development which is similar in its impact on the Green Belt could take place regardless of the outcome of this application.

The applicant goes on to state that should the pitch of the roof need lowering to enable the garage to be built without the need for planning permission, this would mean they would have to build with non traditional roofing materials. Further, lowering the pitch would leave the appearance of the garage out of keeping with the surrounding buildings in the locality, which have steeper roof pitches.

The applicant goes on to state that whilst the garage is not replacing a building, it will be replacing a garage that was previously attached to the dwelling, which is to be demolished as part of the proposal.

All of the above circumstances are considered special enough to overcome the harm to the openness of the Green Belt caused by inappropriate development, as they demonstrate that a building could be erected should the application be refused of almost the same dimensions, however it would not be as sympathetic in terms of its appearance as the garage proposed in the application.

In conclusion, the submitted very special circumstances are considered to overcome the harm to the Green Belt of the inappropriate development (the garage) and it is your officer’s opinion that the application should be permitted with the recommended conditions attached.

**Background Papers**

Planning File

Planning Documents referred to

**Date Report Prepared**

6 December 2012