

Supporting Statement

Proposed Removal of
Condition No. 9 of Planning Permission 02/01381/FUL

at

Stoneyedge Cottage
off Dingle Lane
Rushton Spencer

for

For Mr M Bailey

April 2015

1. INTRODUCTION

- 1.1** This statement is provided in support of an application for the removal of Condition No.9 of Planning Permission 02/01381/FUL, dated 24 March 2003.
- 1.2** The subject permission relates to the change of use of a redundant agricultural building at Stonededge Barn off Dingle Lane, Rushton Spencer to provide holiday accommodation. Permission for this change of use was granted under reference 02/01381/FUL, Condition No. 9 of which restricted to the use of the premises to limited periods of occupation for holiday purposes.
- 1.3** This application seeks permission for the removal of Condition No. 9 to enable its occupation for general residential purposes or unlimited periods of letting and this statement sets out the case for approval. The case is firmly rooted in established planning policy, in particular the advice and guidance contained in the National Planning Policy Framework (NPPF), and relevant planning appeal decisions.

2. BACKGROUND

a) The Site

- 2.1** The conversion works were completed in 2007 in accordance with the approved plan and the site formerly comprised vacant agricultural building of two-storey height situated accessed off Dingle Lane, Rushton Spencer and had not been used for agricultural purposes for a number of years.
- 2.2** The building is constructed of coursed limestone with plain tile roof. The site sits within an agricultural holding of 14 acres which is utilised for grazing purposes for the applicant's family farming enterprise.

b) The Approved Scheme

- 2.3** The building works were completed in 2007 all in accordance with the approved plan and this application simply requests the removal of the occupancy condition with no alterations to the present converted building.
- 2.4** Since the conversion works took place the building was advertised for letting for holiday purposes for a period of two years intermittently however the applicant has never been able to let the property and as a consequence feels that a full time permanent residential occupancy would be much more appropriate and indeed is likely to be occupied by the applicant and his family.

3. ISSUES AND CONSIDERATIONS

a) Planning Policy Considerations

- 3.1** The starting point is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that the determination of development proposals

must be made in accordance with the Development Plan unless material considerations indicate otherwise. The adopted Core Strategy is the key development plan document.

- 3.2** There are a number of adopted Core Strategy policies which are relevant to this application. These include general development policies (SS1; SS1a); rural focussed development policies (R1; R2); strategic development distribution policies (SS 3; SS6; SS6c); spatial housing policies (SS4) and development specific housing policies (H1).
- 3.3** The actual relevance of specific housing policies, and the housing elements of the more general development policies, must be considered in the context of the Council's inability to demonstrate a five year supply of deliverable housing sites. The supply position as at 31 March 2014 is very low with a published supply of only 2.17 years. This supply position is worse than at 2012 when a supply position of 4.3 years was claimed. The under-supply position is therefore acute.
- 3.4** The NPPF seeks, at para.47, to boost significantly the supply of housing by a number of means, including the need for local planning authorities to identify and update annually a supply of specific, deliverable sites sufficient to provide 5 years worth of housing against their housing requirements. Para 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Importantly, it adds that relevant policies for the supply of housing should not be considered up to date where a five year supply of deliverable housing sites cannot be demonstrated. In this case, the absence of a five year supply is clear and as such, policies relating to the provision and distribution of housing must be considered as either out of date or attract little weight in the decision making process.
- 3.5** In terms of the spatial distribution of new housing, policies which seek to restrict new housing to defined settlements must also be considered to be out of date. In this case, the application site is located outside a defined settlement but little or no weight can be attached to those Core Strategy policies which limit new housing to such locations. Recent appeal decisions confirm this position. A recent appeal at a rural site at Baldwins Gate (Ref. APP/P3420/A/14/2218530) for 100 houses was upheld, inter alia, on the grounds that a five year supply could not be demonstrated and little or no weight could be attached to those policies which had a spatial housing dimension. In the Baldwins Gate case, Saved Local Plan policy H1 resists new housing outside development boundaries; Core Strategy policy SP1 directs new housing to the urban core and Core Strategy policy ASP1 defines quantum of new housing as between urban and rural areas. The Inspector concluded at para 18 that;

“...the Council cannot demonstrate a 5 year housing supply and, therefore, the relevant policies for the supply of housing (LP Policy H1 and CSS Policies SP1 and ASP6) should not be considered up-to-date. The weight given

to them, and to the defined village envelope, should therefore be significantly reduced”

- 3.6** The issue of whether the lack of a five year supply of housing sites can be over-ridden by other plan policies which have a spatial dimension was considered in successful appeals relating to housing development at Droitwich Spa (APP/H1840/A/13/2199085 and 2199426). In these appeals a five year supply of housing sites could not be demonstrated but the LPA argued that a spatial policy, (**policy GD1**) which constrained development to defined settlement boundaries, was material. The Inspector considered that the policy was out of date in its own terms (as it applied to new development up to 2011) and was considered to be out of date, ***“in the context of today’s changed policy, economic and legal context”*** (para 8.12 of the Inspector’s report). The Secretary of State supported the Inspector’s view and noted (para 11 of decision letter) that,

“bringing forward housing development in the context of the district’s housing needs inescapably creates tension in particular with WDLP policies SR1 and GD1. He also agrees with the Inspector at IR8.14 that, for the reasons at IR8.12-8.14, policies GD1 and SR1 are out of date and paragraph 14 of the Framework applies, triggering the presumption in favour of sustainable development.” (emphasis added)

- 3.7** A recent appeal at Garston, Watford (Ref; APP/B1930/A/13/2207696), relating to a housing proposal for 100 dwellings, was upheld with the Inspector noting that;

“Whilst a lack of a five year land supply of deliverable housing land does not provide an automatic ‘green light’ to planning permission a balance must be struck. The deficiency in land supply would carry substantial weight in that decision balancing exercise”

- 3.8** Although these decisions apply to large scale housing proposals, the principles and approach to decision making taken in those cases are relevant and applicable in relation to the application proposal. Against this background there can be no reasonable planning policy objection to this application which will allow for the converted property to be occupied on a permanent basis for either holiday or general residential purposes.

- 3.9** The application proposal must therefore be determined in accordance with the requirements of paragraph 14 of the NPPF which supports sustainable development and requires, where the development plan is absent, silent or relevant policies are out of date, as is the case in this instance, that such development be granted permission unless,

“— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

— specific policies in this Framework indicate development should be restricted.”

- 3.10** In terms of para. 14 of the NPPF, the application site is not within an area where specific policies require development to be restricted (eg green belt) but it is necessary to consider whether the proposal will have adverse effects which outweigh its benefits.

b) Impact Issues

- 3.11** Although the application proposal is modest in scale, it does deliver modest benefits and satisfies the roles of sustainable development as set out in the NPPF (para 7). A social role will be satisfied through the provision of a new dwelling which will help to meet unmet housing need in the District. In environmental terms, the application involves the use of a brownfield site and the reuse of a vacant building and previous evidence has been provided to confirm that there will be no adverse ecological impacts.
- 3.12** The approval of planning permission for conversion of the subject premises to provide holiday accommodation confirms that the principle of re-using the vacant premises for a non-agricultural purpose is acceptable. There will be no material difference in terms of the impact of converting the premises for a residential use as opposed to holiday accommodation use.
- 3.13** Although the site's location is such that it is probable that there will be reliance on private transport, there is no difference as between holiday and general residential uses in terms of transport impacts. Residential occupation is not materially more or less sustainable in transport terms than holiday use.
- 3.14** Most significantly, and because the scheme for conversion for holiday accommodation purposes has been determined to be entirely acceptable in visual impact terms, the removal of Condition No. 9 will not change the appearance of the approved scheme. The removal of permitted development rights, as confirmed by Condition No. 10, will not be changed by the approval of this application.

4. CONCLUSIONS

- 4.1** Overall, and in the planning, economic and legal context which now prevails as a consequence of the NPPF and the Council's inability to demonstrate a five year supply of housing site, it is concluded that there is no reasonable basis for resisting the removal of Condition No. 9 which would then allow for holiday or general residential occupation on a permanent basis.