

Planning Statement

This application is to remove a condition attached to an approval for planning permission in relation to Staffordshire Moorlands District Council planning application reference: 00/00572/FUL (new reference number SMD/2000/0991)

“Change of Use of shop/office to tourist accommodation”

The condition requested to be removed is condition number 2 of the decision notice:

2. The premises shall be used for short stay holiday accommodation not exceeding 4 weeks at any one time and for no other purpose including any purpose within use Class C3 (dwelling houses) of the Town and Country Planning Uses Classes Order, 1987

Reason:-

The premises are not considered suitable for permanent residential occupation.

The reasoning and justification for removing this condition will be explained in this document, with supporting evidence referred to, and attached as appendices.

Key Issue:

Whether or not the holiday-let is a viable business for this location or whether it is a sustainable business in the long term.

INTRODUCTION

- 1.1 Rowan Cottage is a small, two-bedroomed cottage in Hollington that has been converted from a redundant farm building (having first gained permission for a shop and post office).
- 1.2 Planning permission 00/00572/FUL allowed the use of the building as self-catering tourist accommodation in a decision notice dated 18th July 2000.
- 1.3 The conversion works have been undertaken to a high standard and the property has been rented out as tourist accommodation for the last 15 years.
- 1.4 High quality materials have been used and the external appearance of the stone building, with its tiled roof and timber windows and doors, is of an attractive vernacular building that contributes to the character and the street scene of this part of Hollington. The external landscaping is kept neat and tidy and in good order and there is ample space for parking and turning vehicles.
- 1.5 The tourist accommodation has struggled to return a realistic profit since it first started operating and, taking into account the costs of the conversion, the return on investment would classify the business as unviable.

PREVIOUS APPLICATION

- 2.1 Due to the consistently poor financial return of the holiday accommodation, an application was submitted in 2010 to change the use of the building to residential use [10/00021/FUL]. That application included financial information from Howsons Chartered Accountants as evidence of the poor financial return of the project (this evidence is not disputed).
- 2.2 That application was refused due to a lack of evidence of marketing the property for sale or to let for alternative commercial uses. The applicant was unable to pursue the project any further at the time due to ill health.
- 2.3 However, in the intervening period the National Planning Policy Framework was published by the government, removing any requirement to market a property for commercial purposes before changing the use to residential. It is also contrary to common sense to seek an alternative commercial use for a building that has already been converted to residential accommodation.
- 2.4 Furthermore, it is now Permitted Development to convert redundant farm buildings into residential accommodation; this specific category of permitted development is designed to allow conversions in rural areas, using existing buildings, to help contribute to the much needed supply of small rural housing in the countryside without requiring new built development.
- 2.5 The holiday cottage is still struggling to generate bookings, with only 6 bookings last year, 4 of which cancelled due to the crash at Alton Towers. The cottage is now operating at a loss – on overheads alone, and that is not taking into account labour costs for the owner in cleaning, laundry and grounds maintenance.
- 2.6 Please see the supporting evidence provided with the planning application that shows the running costs and income for the holiday cottage. Competition is fierce for holiday accommodation in the Staffordshire Moorlands, and the cottage would have to be let out for almost every single week for the whole year to achieve a realistic return on investment. Again, none of these figures take into account labour costs or finance/borrowing costs. The sad truth is that the holiday cottage as a business is not financially viable, and it cannot continue to operate in this manner, let alone ever be expected to pay back the significant amount of time and effort already invested in it.

RELEVANT PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The Development Plan for this area comprises the West Midlands Regional Spatial Strategy (2008), the Staffordshire & Stoke-on-Trent Structure Plan (2002), and the Staffordshire Moorlands Local Plan (1998).

4.2 *Staffordshire & Stoke-on-Trent Structure Plan*

Policy D2 of the Structure Plan places an emphasis on securing a high quality of design that respects and safeguards the character and appearance of its surroundings.

4.3 *Staffordshire Moorlands Local Plan*

Policy N8 of the Local Plan relates to the Special Landscape Area and states that permission will not be granted for development which would materially detract from the high quality of the landscape because of its siting, scale, design, materials and associated traffic generation.

4.4 Policy N9 of the Local Plan also relates to the Special Landscape Area and states that especially high standards of design will be required within these areas.

4.5 Policy B13 of the Local Plan relates to design, and states that development proposals will be expected to demonstrate a good quality of design which takes account of the scale, character, siting, alignment, mass, design, colour and materials of their surroundings. Furthermore, proposals should take opportunities to enhance the appearance of their surroundings, and ensure that satisfactory standards of amenity for existing and proposed users of buildings are achieved.

4.6 Policy B21 of the Local Plan states that the conversion of rural buildings to other uses will be permitted provided that the buildings are suitable for conversion with only limited rebuilding works necessary, and without significant alteration being required. The use should also be appropriate to the scale of the building, must not detract from the character of the area, or give rise to any highway safety implications. Where residential use is proposed, the applicant should make every reasonable attempt to secure suitable business reuse, or residential use should form a sub-ordinate part of a scheme for business use.

4.7 *National Planning Policy Framework*

The recently published National Planning Policy Framework places a strong emphasis on promoting sustainable development. The policies within the Framework are considered to be worthy of significant weight since the policies of the Staffordshire Moorlands Local Plan are somewhat dated and in instances conflict with the published national guidance. This is explained in more details in the Statement of Case below.

5.1 Statement of Case

5.2 The National Planning Policy Framework (NPPF) confirms that development proposals should be determined in accordance with the Development Plan, and that proposals which accord with an up-to-date Local Plan should be approved. Development that conflicts with an up-to-date plan should be refused unless other material considerations indicate otherwise. Paragraph 14 of the NPPF goes on to state that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, or whether specific policies within the NPPF indicate that development should be restricted.

5.3 Policy B21 of the Local Plan relates to the reuse of rural buildings. It states that the buildings must be suitable for conversion with only limited rebuilding works necessary, and without significant alteration being required. The use should also be appropriate to the scale of the building, must not detract from the character of the area, or give rise to any highway safety implications. Where residential use is proposed, the applicant should make every reasonable attempt to secure suitable business reuse, or residential use should form a sub-ordinate part of a scheme for business use. In the case of this site, planning permission has already been granted for the renovation and conversion of the building for use as holiday cottage, and consent is now sought to remove the holiday let restriction imposed on that permission (LPA Reference: 00/00572/FUL).

5.4 The requirements of policy B21 stipulate that applicant's should make every reasonable attempt to secure suitable business reuse before residential permission will be granted. To this end the Local Authority requires marketing to be carried out to test the market. However, in the light of the NPPF it is clear that this requirement of policy B21 is out-of-date. The Local Plan was adopted in 1998 and whilst policy B21 was 'saved', the requirement to prioritise commercial uses over residential relates back to an outdated policy approach set out in the former PPG.7 (and subsequently PPS.7) which sought to prioritise commercial or tourism re-uses ahead of residential conversions. Neither of these documents remains in force and the latest guidance set out within the National Planning Policy Framework advocates a very different approach to rural building conversions. Indeed, for farm businesses it is now Permitted Development to change the use of redundant farm buildings to residential use without requiring planning permission.

5.5 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, with paragraph 55 stating that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

5.6 There is **no requirement that priority be given to commercial re-use before residential conversion is considered acceptable**. This is emphasised by paragraph 51 of the NPPF which states that Local Planning Authorities should identify and bring back into residential use empty housing and buildings, and should normally approve planning applications for changes to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

5.7 Whilst it is accepted that the existing building is not in commercial use (B1/B2/B8), the thrust of the national guidance is that applications should be approved for conversion of rural buildings to residential use where there is an identified need for housing in that area and there are not strong economic reasons for resisting it. It is acknowledged that the existing holiday let use has the potential to contribute (albeit in a very small way) to the local economy. However, this does not amount to a 'strong economic reason' as per the test

of the NPPF; furthermore the supporting evidence confirms that the holiday cottage is not financially viable as a business in its own right.

- 5.8** Before permission was granted for tourist accommodation the building had permission for a shop and a post office [APP.SM/97-0549], however the Post Office would not back the proposal and nobody was willing to take on the opportunity to open a shop. In this respect the possibility of a commercial use has already been tested.
- 5.9** The removal of the holiday let restriction would enable the existing cottage to be occupied as an independent dwelling within Use Class C3 and would not result in the creation of an isolated home in the countryside. The cottage site is across the road from other houses, and is only a stone's throw from the Village Hall.
- 5.10** The adopted Core Strategy identifies that 6000 new houses will be required within Staffordshire Moorlands up to 2026, with the housing distributed amongst the three market towns of Leek, Biddulph and Cheadle, as well as Rural Areas. Since 2006 a total of 2,623 dwellings had already been built or were committed as at 30th September 2014 leaving a total net requirement 3,377 to be identified on new sites of dwellings.
- 5.11** Rowan Cottage is just along the road from areas HO003 and HO002 as set out in the District Council's Strategic Housing Land Availability Assessment, and this dwelling could be delivered without any actual building development being required.
- 5.12** The Rowan Cottage site has bus stops immediately adjacent on both sides of the road and is also within easy walking and cycling distance of 2 pubs, the church, and the village hall. It is therefore clear that the removal of the holiday let restriction would not result in the creation of an isolated home in the countryside, but would in fact constitute a sustainable location.
- 5.13** The removal of the holiday let restriction would also ensure that the future maintenance of this attractive building is secured to the benefit of the village character and street scene and that of the wider Special Landscape Area. There would certainly not be any significant and demonstrable adverse impacts to outweigh the benefits that this proposal would deliver. For clarification, no external or internal alterations are proposed or necessary, as the site is already laid out with parking areas and associated amenity space.
- 5.14** A further material consideration of significant weight is the Local Authority's failure to demonstrate a five year supply of deliverable housing. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, housing applications should be considered in the context of the presumption in favour of sustainable development.

5.15 The latest housing land supply figures for Staffordshire Moorlands, as set out in the Housing Land Supply Schedule 31st March 2015¹, confirms that the adopted Core Strategy identifies a net requirement of 6,000 dwellings to be built across the District between 2006 and 2026, and that since 2006 up until end of March 2015 a total of 1,081 dwellings had already been built or were committed. This leaves a total net requirement to be identified on new sites of 2,638 dwellings. The annual requirement, taking into account a 20% buffer, is 588 dwellings per year. The number of years supply currently stands at 1.84 years, a significant shortfall.

5.16 The Local Authority does not therefore have a five year deliverable supply of housing as they are required to do, and as a consequence, this application should be considered in the context of the presumption in favour of sustainable development. The result of this is that the policy B21 requirement to market premises for business uses is now unjustified in policy terms. Such an approach is considered to be out-of-date and very much in conflict with the guidance set out in the National Planning Policy Framework.

5.17 There is a large amount of competition for holiday let property across the Staffordshire Moorlands at the present time, and converting the building to an alternative commercial re-use such as a village shop would not be financially viable as has been demonstrated by there being no interest in the original permission for the building² (as well as the changes in National Planning Policy no longer requiring any alternative uses to be demonstrated), and this amounts to further justification for the removal for the holiday let restriction.

5.18 The removal of the holiday let restriction will not generate any other planning issues in respect of design and layout, since the site will remain unaltered from how it is at present. The approved plans and conditions applied to the original permission for conversion would remain as existing, which would retain control over any proposed future development of the site. The cottage benefits from its own area of amenity space in excess of the Council's required 65 square metres and there is enough room to park and turn at least 2 vehicles. The development will furthermore not result in any detrimental overlooking or loss of privacy to adjacent properties, and no external or internal changes to the building are proposed or necessary. The proposed development is accordingly considered to accord with the provisions of policies D2 and T13 of the Structure Plan and policies N7, N9, B13 and B21 of the Local Plan.

6.1 Conclusion

6.2 Paragraph 186 of the NPPF states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It goes on to state in paragraph 187 that local planning authorities should look for solutions rather than

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http://www.staffsmoorlands.gov.uk/sites/default/files/documents/pages/Housing%20Land%20Supply%2031_03_2015.pdf

² Permission for a Village shop and Post Office.

problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

6.3 It is clear that the proposed removal of condition 2 of application 00/00572/FUL is acceptable having regard to the following conclusions:

- The National Planning Policy Framework gives broad support to the conversion of rural buildings to residential use where there is a shortage of housing;
- The District Council is currently unable to demonstrate a five year deliverable supply of housing in accordance with the requirements of the National Planning Policy Framework;
- The application site constitutes a sustainable location and will not therefore result in the creation of an isolated home in the countryside;
- The removal of the condition would not result in any detrimental impact on the amenity of the Special Landscape Area or that of local residents;
- The holiday cottage is not financially viable either to continue to run as a business, or to sell on as a going concern, as it does not represent a realistic return on investment.

6.4 As a consequence of the above it is considered that the proposed development meets the requirements of policy D2 of the Staffordshire & Stoke-on-Trent Structure Plan, policies N2, N7, N8, N9, B13 and B21 of the Local Plan, and the requirements of the National Planning Policy Framework.

6.5 I therefore respectfully request that consent be granted for the removal of condition 2 of planning permission 00/00572/FUL.

Allowing the existing cottage to be used for open market housing reduces the pressure, albeit in a small way, to develop other green field sites for new housing.

If any further evidence is required, or to discuss any of this in more detail, please contact Dominic Cooney on info@ashtreeplanning.com or on 07973 379847
