Development Control Service,
Staffordshire Moorlands District Council,
Moorlands House, Stockwell Street
LEEK Staffordshire
ST13 6HQ

30 th April 2016 DRAFT

Your reference PP-05098309

To whom it may concern

Re: Planning application to vary condition re Briar Clough, Clay Lake, Endon Staffordshire Moorlands ST9 9DE

I write in support of this application to revoke condition 3 of the reserved matters planning consent 10/00981/REM and condition 5 of the outline planning permission 09/00386/OUT.

Condition 3 of 10/00981/REM says the following:

> *3. The existing dwellinghouse known as Briar Clough shall be demolished and the ground restored to garden area to the satisfaction of the Local Planning Authority within three months of the occupation or substantial completion of the proposed dwellinghouse, unless an alternative timescale for demolition is agreed in writing with the Local Planning Authority.*

It was imposed by the council for the following reason:

> *The site lies within the Green Belt. The proposed development is considered to be appropriate on the basis of a replacement dwelling in accordance with national planning*

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policy advice in Paragraphs 3.4 and 3.6 of Planning Policy Guidance 2 (Revised) : Green Belts.

Condition 5 of 09/00386/OUT says the following:

5. The existing dwellinghouse known as Briar Clough shall be demolished and the ground restored to garden area to the satisfaction of the Local Planning Authority within three months of the occupation or substantial completion of the proposed dwellinghouse, unless an alternative timescale for demolition is agreed in writing with the Local Planning Authority

It was imposed by the council for the following reason:

The site lies within the Green Belt. The proposed development is considered to be appropriate on the basis of a replacement dwelling in accordance with national planning policy advice in Paragraphs 3.4 and 3.6 of Planning Policy Guidance 2 (Revised) : Green Belts.

The conditions are duplicates of each other. It is not the purpose of this submission to argue whether this was right or wrong but instead to seek **to revoke or delete both of the conditions.**

The new dwelling authorised under the above consent and the outline planning permission has now been erected and it is occupied and lived in by the applicant and his family.

The applicant has not yet taken down the existing house as required by these conditions . This is because it has taken many months to complete the main house and their attention has been on completing that work. They had however began to consider the implications of the planning condition(s) and whether the planning circumstances that were applicable when the conditions were imposed were now relevant or whether fresh material considerations now applied that ought to bring about a review of the need for the condition(s). They consider there has indeed been such a material change in planning circumstances and that accordingly the condition(s) ought to be revoked.

The reasons are:

Changing local planning policy

The LPA have now a district-wide Core Spatial strategy that is adopted. Moreover they are now at consultation stage on a preferred site options plan which includes within it amended Green Belt boundaries. The council are proposing a revised Green Belt boundary for Endon. The revised boundary will place the application site within the settlement boundary for Endon. As such development within the settlement boundary will accord with local and national planning policies for the provision of housing.

The revises settlement and Green Belt boundaries for Endon are attached at the rear of this letter. The plan is annotated to show the application site.

Need for housing

The Council has a significant under supply of housing. In a report to planning committee on 14th April 2016 in respect of an application which sought new housing the council officer's report stated the following:

> *7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' as contained within the National Planning Policy Framework (the Framework) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-*
>
> *I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,*
>
> *II. Specific policies in that Framework indicate that development should be restricted.*
> *7.3 Paragraph 47 requires the Council to identify a five-year supply of deliverable housing land sites, including a 5% buffer to allow for choice and competition in the market for land increased to a 20% buffer where there is a persistent under-delivery in*

past years. Paragraph 49 requires all housing applications to be considered in the context of the presumption in favour of sustainable development. 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.

7.4 The policies contained in the Framework as supplemented by the National Planning Policy Guidance (NPPG) are also a material consideration in the determination of this application.

Housing Land Supply

7.5 ***The Council calculates its 5-year land supply on a district basis. As at September 2015, it was 1.84 years (with a 20% buffer).*** *The Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, housing applications should be considered in the context of the presumption in favour of sustainable development. Clearly, the CS Policies that regulate the supply and location of housing are out of date and the application must be determined in the context of paragraph 14 of the Framework.*

In the light of the changing Green Belt boundary and the significant under supply of housing land it is considered that the LPA ought reasonably to revoke/delete the condition(s).

Finally and importantly. The Govt makes it very clear that sustainability is the golden thread which should run thru all planning decisions and that the purpose of the planning system is to achieve sustainable development. Paragraph 7 of the National planning Policy framework sets out the 3 dimensions to sustainable development.

They are:

''an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy''.

At paragraph 9 of the NPPF a presumption in favour of sustainable development is confirmed. Paragraph 15 states that development which is sustainable can be approved without delay.

In this case the facts are that a dwelling now sits on this site which has already taken a considerable amount of the earth's resources to build and construct it and still more resources including energy will be required to remove it and to restore the site as the condition(s) require. This undoing of existing development which has considerable resource embodied within it, is not in accordance of itself with sustainable development principles.

It may however have been justified in light of the position of the site within the Green Belt because maintaining the Green Belt is compliant with sustainable development principles. However this position no longer applies. The LPA need to provide new houses to meet need and has a significant under provision of housing at present and moreover and in order to address this the council is proposing to amend the Green Belt boundary in Endon to facilitate bothy organic and planned growth. It cannot accord with sustainable development principles to seek to demolish a dwelling when emerging planning policy will soon bring about a revised Green Bely boundary and which will as a matter of fact leave this site within the revised settlement boundary for Endon.

Conclusion

The site lies within an area of the district which the LPA propose to omit from the Green Belt and this is already provided for within the Preferred Options- Site Allocations and Boundaries Plan which is presently subject to consultation. This fact together with the significant under-supply of housing and the inherently unsustainable act of taking down an existing dwelling from a sustainable location amount to very special circumstances that support this application. It is accordingly respectfully requested that the condition(s) be deleted.

Regards

Gez Willard M.R.T.P.I

Chartered Town and Country Planner

Attached

Location plan
Application fee
Application forms submitted via the planning portal

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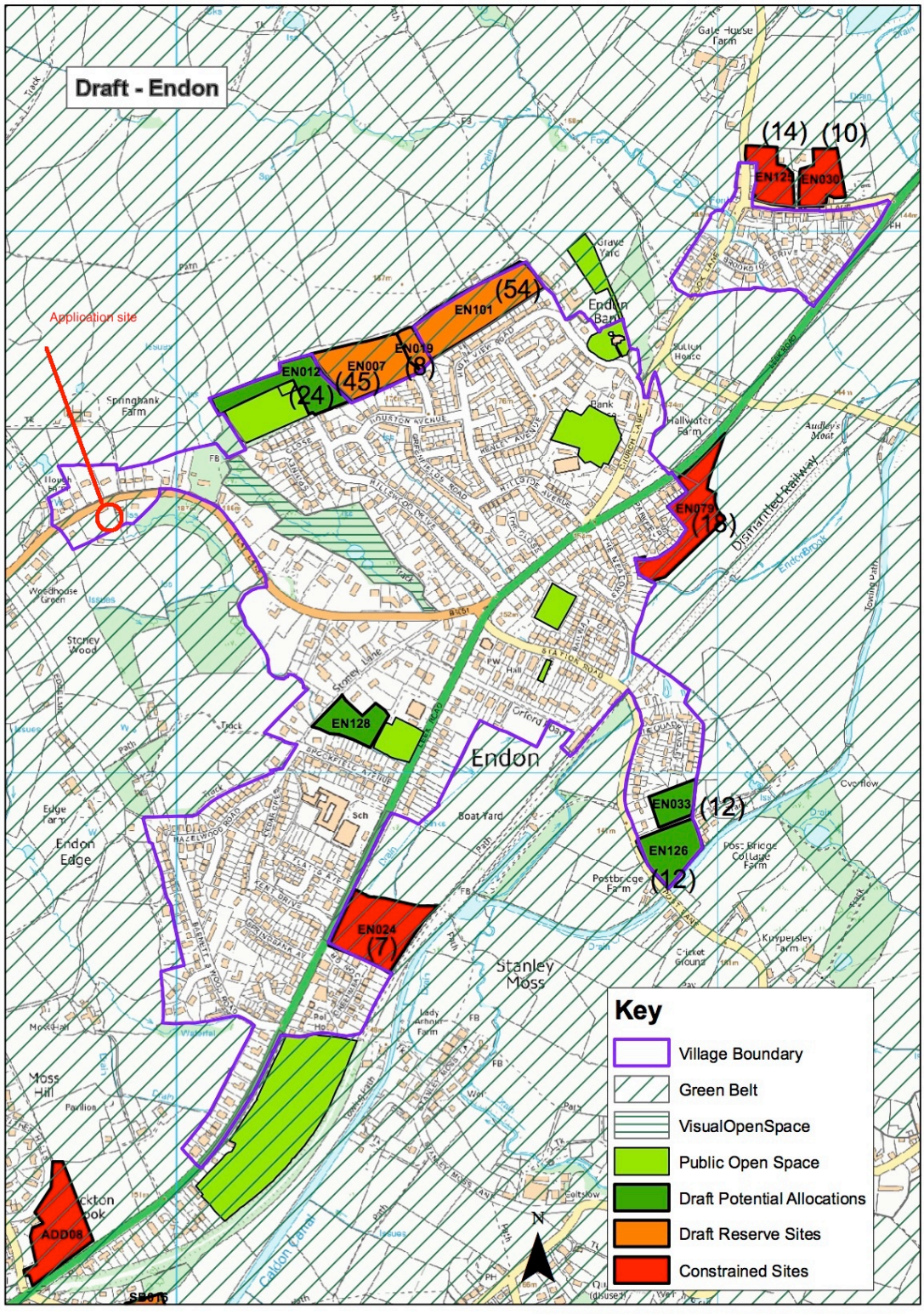
Plan of proposed Endon Village boundary from the Preferred options Sites and boundaries Plan (April 2016)



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