Burnett, James

From: Planning (SMDC)
Subject: FW: Comment Received from Public Access

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From: planning@staffmoorlands.gov.uk [mailto:planning@staffmoorlands.gov.uk]
Sent: Thursday, July 21, 2016 8:52 AM
To: Planning (SMDC)
Subject: Comment Received from Public Access

Application Reference No. : SMD/2016/0357 Site Address: Park House Farm Biddulph Common Road Biddulph Staffordshire ST8 7SR Stoke-on-trent Comments by: Mr & Mrs Stanway
From:
The Meadows
Biddulph Common Road
Biddulph Park
Stoke on Trent
Staffordshire
ST8 7SR
Submission: Objection
Comments: For the attention of Arne Swithenbank

We are writing to object to the above planning application for the following reasons:

¿ Policies and Guidance (Local and National)

Paragraph 89 of the National Planning Policy states local planning authority should regard the construction of new buildings as inappropriate in Green Belt, without ¿very special circumstances¿. This is supported by the ¿Adopted Core Strategy, March 2015¿ under R1 Rural Diversification, which states:

¿Within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy, will still need to be justified by very special circumstances.¿

We believe that the reasons outlined in the justification letter supporting the application do not warrant very special circumstances, as ownership of the farm acreage (72 acres) is jointly owned by Ms Pointon and her brother (since the father died over 10 years ago) and the ¿differing farming interests going forward¿ have already existed and operated for c. 10 years.

The applicant has also stated in the justification letter supporting the planning application that ¿due to the intended use of the land it is important that Ms Poynton (sic) lives on site.¿

Ms Pointon already uses the family farmhouse and acres on both sides of the road ¿to look after ¿rescue¿ & sick animals, breed & look after horses, put some land to meadow/crops & the remainder as a good sized small holding to generate further income.¿

If the application were granted, we are concerned this would set a precedent along Biddulph Common Road for further planning applications infilling what is open countryside in Green Belt, in breach of Staffordshire Moorlands and national policy.

¿ Planning history and related planning decisions (including appeal decisions)

The applicant has stated in the justification letter supporting the planning application that ¿during the Poyntons¿ (sic) ownership of the farm a small settlement of dwellings has formed adjacent the farm, including the development of the existing sold farmhouse & a new bungalow.¿

However, the existing sold farmhouse is Park Farm, a dwelling in the centre of the location plan, not the property adjacent to Park House Farm (the Mission House) as implied in the justification letter. Both our dwelling and the Mission House were previously owned by The Lichfield Diocesan Trust (since 1901 - 1984), then Mr & Mrs Massey and at no time were part of Park House Farm.

The ¿new bungalow¿ referred to is our dwelling and was converted into a residential dwelling from existing commercial premises built in 1987. This conversion from a former commercial premises, with planning consent granted in 1992, was under special circumstances and was not a new build residential property.

¿ Overlooking of other properties or loss of privacy

Our dwelling is directly adjacent to the proposed development.

We are concerned about loss of privacy that will result as a consequence of the size and position of the proposed building directly adjacent to our dwelling and garden and in close proximity to our boundary and public footpath (less than 1.5 metres based on the proposed plan).

The proposed site of development is positioned such that the primary amenity areas of our garden, a lawn and terrace, would be significantly overlooked from the proposed development. This would result in invasion of our privacy.

We are also concerned that the proposed plans do not specify above ground heights (that a lay person can understand) and that upon construction, being on raised ground, this would further invade our privacy.

The Human Rights Act and associated case law conclude that the protection of the countryside falls within the interests of Article 8 bringing private and family life to encompass not only the home, but also the surroundings. Therefore, we believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property.

Human rights legislation states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. Therefore, we are concerned that the position and design of the proposed development does not afford adequate privacy for us as occupants of adjacent residential property, particularly with regard to our right to the quiet enjoyment of garden amenities.

In the ¿Design Considerations¿ taken from the ¿Adopted Core Strategy, March 2015¿, DC1 states:

¿All development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council¿s Design SPD. In particular, new development should: protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping;¿

We consider the proposed design and its impact on our dwelling in terms of residential amenity, satisfactory daylight, sunlight, outlook and privacy to constitute breach of the design considerations.

¿ Daylight and sunlight

The proposed development would be approximately less than 2 metres from our dwelling. Whilst no above ground heights have been specified on the proposed plan, it is assumed as the ground level is higher that this, together with the substantially close proximity to our dwelling, would impact the daylight and sunlight to the only source of light at the side of our property between the hours of approximately 05:00 and 12:00 daily (summer).

¿ Noise, smell and pollution

The applicant has stated in the justification letter supporting the planning application that ¿she intends to look after ¿rescue¿ & sick animals, breed & look after horses, put some land to meadow/crops & the remainder as a good sized small holding to generate further income¿.

Ms Pointon currently runs a dog ¿boarding kennels¿ and has taken in ¿rescue¿ dogs in the past. These have free run of the current family house and rear yard of Park House Farm and operating as an ¿animal pack¿ frequently bark excessively for long periods of time, which can be heard the length of Biddulph Common Road, but has little direct impact on us currently. As this is one of the sources of income for the farm and not anything that Mr Pointon (joint owner of Park House Farm) has any involvement with, it is a concern that Ms Pointon could transfer the boarding kennels and dog rescue enterprise to the proposed development.

This would cause the significant observed adverse effect level boundary to be crossed, as the noise from the dogs would cause a material change in behaviour for us, such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. It would also impact on health and quality of life for Mr Stanway, who has a chronic disease exacerbated by stress.

The justification letter supporting the planning application infers the applicant needs to live on the land to farm 36 acres with livestock. If Ms Pointon and her brother are truly going their separate ways and splitting ownership of the farm in the future, Ms Pointon would not have the facilities (as they do now adjacent to the family farmhouse) and would need agricultural buildings on the proposed development land to house farming implements/machinery, crops/feed and livestock. In the proposed plan, there is no reference to this other than to 3 horse stables. We are very concerned that agricultural buildings could be built right up to the boundary of our dwelling with the associated noise, disturbance, smell and hygiene issues.

¿ Nature conservation and intrusion into the Open Countryside or Green Belt

The proposed development falls under land reference N4 (¿Green Belt Review Study, November 2015) within a Green Belt area that makes a ¿significant contribution¿ to Green Belt purposes contributing to ¿maintaining the rural character and settlement pattern of the District¿¿. It is also in a Special Landscape Area/Landscape Conservation Area.

In the ¿Spatial Strategy for Staffordshire Moorlands¿ taken from the ¿Adopted Core Strategy, March 2015¿, SA4 covers ¿Maintaining a quality environment and special places¿. Section 7.56 states:

¿The Council also believes that the protection of the Green Belt within the District is of strategic importance, and it is a fundamental part of the Strategy that the Green Belt shall continue to be protected up to 2026 and beyond with continued restraint on development to reflect national planning policy.¿

We believe the proposed development for a single dwelling is considered to constitute inappropriate development in the Green Belt. The proposal would not preserve the openness of the Green Belt and would conflict with the

purposes of including land in the Green Belt, particularly in respect of Green Belt encroachment in relation to the significant contribution site area.

¿ Viability of development

The applicant has stated in the justification letter supporting the planning application that ¿the application for construction of a new dwelling is not being made for profit, but is a genuine requirement from a lifelong farmer with changing circumstances on a plot/use that we believe can justify a modest dwelling tied to the land. If our client is unable to live on site the viability of the farm is in jeopardy¿.

It could be argued that a farm of 36 acres is not considered a viable enterprise, especially taking into account the cost of constructing from scratch, a farm house (to meet Policies N5 and N6 of the ¿Design Principles for development in the Staffordshire Moorlands¿, which require especially high standards of design in the Special Landscape Area) and possibly additional farm buildings.

It is likely that there are currently c.3 sources of income for the farm, selling cattle for beef, dog boarding kennels and rent from use of a field for one horse. Contrastingly, the current indiscriminate breeding/acquiring of horses and dogs and feeding/vet care costs produce a level of expenditure such that the applicant has 2 other jobs working at an egg farm weekdays and at a care home weekends.

Selling cattle for beef is the enterprise of Mr Pointon the applicant¿s brother, which the application implies will be taking sole ownership of their family farm house and land his side of the road. This source of income can continue without the applicant¿s involvement (as it does now), so the viability of the applicant¿s farm would not be dependent on the planning application being accepted.

The applicant has stated the proposed development is ¿not being made for profit¿. However, the applicant has tried to sell the land marked on the plans (without planning permission) to us in 2014. This transaction did not go ahead at the time. However, we are concerned that the application for the planned dwelling is not viable and that it is a speculative application with a view to selling on as a development plot with unrestricted planning consent.

We consider that this proposal does not work in line with the local plan policies and therefore request that the planning application is refused.

Mr & Mrs Stanway