

PLANNING STATEMENT



**PROPOSAL : ERECTION OF GRANNY ANNEXE / ANCILLARY
ACCOMMODATION IN REAR GARDEN**

**ADDRESS : THE HOLLIES, 4 HULME LANE, WERRINGTON,
ST9 0DE**

APPLICANT : MRS H CLARKE

DATE : DECEMBER 2016

JOB No.: 2016-2201

1.0 INTRODUCTION

Sammons Architectural Ltd have been appointed by Mrs H Clarke to prepare and submit a planning application to Staffordshire Moorlands District Council for the erection of a granny annexe in the rear garden. The accommodation is for an aging relative and will be used as ancillary accommodation to the main dwelling. Whilst a statement is not required for this planning application, one has been provided to clarify the position as the property is located in the open countryside and on land designated as Green Belt.

2.0 PLANNING POLICY

As you will be aware Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that when determining a planning application, the decision maker must make their determination in accordance with the Development Plan unless material considerations indicate otherwise. Given this obligation, this chapter therefore considers national guidance relevant to the application as well as the Core Strategy Development Plan Document (March 2014). The following is therefore considered relevant:

Core Strategy,

SS1 – Development Principles

SS1a – Presumption in Favour of Sustainable Development

SS6c - Other Rural Areas Area Strategy

DC1 – Design Considerations

DC3 – Landscape and Settlement Setting

R2 – Rural Housing

National Planning Policy Framework

There is considerable planning policy and guidance relevant to the planning application proposal at both local and national levels. The NPPF is significant as it sets out the Government's commitment for a positive response to planning proposals that would deliver sustainable development in order to assist growth to the economy. It has been made clear that the planning system has a key role in facilitating growth and development should be supported with a presumption in favour of granting planning permission. This change of emphasis provides an important background to the application proposal.

National Planning Policy Framework places a strong emphasis on promoting economic growth and sets out policies for the control of development. The Development Plan represents the starting point for the determination of this application, which in this instance is the Core Strategy. The guidance contained within the National Planning Policy Framework is also relevant, in particular the following Chapters:

1. Building a strong, competitive economy
7. Requiring good design
9. Protecting Green Belt land

Within the NPPF it is also worth noting the following relevant paragraphs:

- Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise (para 2).
- Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas, (para 10)
- Planning law requires that applications for planning permission must be determined in

accordance with the development plan unless material considerations indicate otherwise, (para 11).

- At the heart of the NPPF is a presumption in favour of sustainable development. LPA's should approve proposals which accord with the development plan without delay (para 14).
- Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote local distinctiveness (para 60)
- A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. An exception to this is: The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (para 89)

3.0 ASSESSMENT

The property has benefitted from various planning permissions in the past, such as SMD/2001/0372 and SMD/2005/0992 for a domestic extension and a two storey side/rear extension respectively. However, it is understood the property has not had any of its Permitted Development Rights removed. This proposal constitutes a building within the residential curtilage (gardens and the like), the use of the main dwelling and the use of new buildings built within the curtilage will be for additional self-contained residential accommodation. The creation of such accommodation will not result in either the creation of a new house (a new separate planning unit), but will form an annex that is incidental ("... occurring as something casual or of a secondary importance... a subordinate circumstance...") to the main dwellinghouse (a granny/family annex). The proposal requires planning permission as it is creating accommodation that will be slept in. It is also reasonable also to have regard to its external and internal form and design, together with the actual use itself.

However, in carrying out the assessment it must be recognised that a building of this size in the proposed location could be erected under Class E, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 providing that it was for another ancillary use, such as Garden room, office etc. In fact, under these provisions a larger building could be constricted. Perhaps the most important constraint on Permitted Development within this Class of Part 1 in the GPDO is the *purpose* for which the outbuilding is being erected. The wording of the Order is quite restrictive; it only permits the erection of such a building if it is "required for a purpose incidental to the enjoyment of the dwellinghouse as such". The term 'incidental' as used here has been held to exclude purposes which are part of the primary residential use of the property, so a free-standing building to provide extra sleeping accommodation, extra living space, and/or a kitchen, etc. are not permitted by this part of the GPDO

It is acknowledged that the creation of new residential development in the Green Belt is inappropriate development in planning policy terms. Furthermore, it is recognised that the construction of a detached new building in the curtilage of a residential property does not qualify as one of the exceptions listed in paragraph 89 of the NPPF and as a consequence is considered to constitute inappropriate development in the Green Belt that would require 'very special circumstances' to be demonstrated to outweigh the harm created. It should be noted that a granny annexe is ancillary accommodation to the main dwelling and as such does not constitute new housing. The concept of a genuine granny annexe is often a perfectly acceptable and sustainable development. In the Circular 11/95 it made specific provision for granny annexes and the government have recently stressed their support in the 2013 Autumn Statement:

"With both an ageing population and young people finding it difficult to get on the housing ladder, the government wants to remove barriers to extended families living together".

Another consideration in this instance should be the genuine fall-back position that the property has at its disposal and this is through existing permitted development rights. The building itself could be erected under Class(e) Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 that sets out a general limit on such development, which prohibits building on more than 50% of the total area of the curtilage (excluding the ground area of the original house), and no part of the building must be positioned forward of the principal elevation of the original house. The building must not have more than one storey, and its height must not exceed 4 metres in the case of a building with a dual-pitched roof, or 2.5 metres if it is within 2 metres of the boundary of the property. In any other case, the height must not exceed 3 metres, and the height of the eaves of the building (in all cases) must not exceed 2.5 metres.

There is a genuine fall-back position under Class E, Part 1 of the GPDO that could result in a much larger building being erected than the one that is proposed through this application. In addition, and provided the *original* purpose of the extra building was purely incidental to the enjoyment of the main dwellinghouse, its later use as primary (but not separate) residential accommodation is not prevented. In order to demonstrate that the outbuilding had originally been erected for a strictly incidental purpose, it would be necessary to show that it was actually used for that purpose when first built, and for some time thereafter. How long this period would have to be has never been settled legally.

4.0 CONCLUSION

The Government has a strong commitment to growth and provides a strong presumption in favour of development and is committed to increasing levels of growth. 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 problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

It is considered that as an individual piece of design the proposal will be appropriate in scale and design and will not have a detrimental impact on the existing dwelling and the character of the rural area or Green Belt that it is situated within. Furthermore, it has been demonstrated that the property has the ability to erect a detached building under existing permitted development rights. On this basis, it is considered that this represents a genuine fall-back position to a proposal that is much smaller in scale / massing and in turn subordinate to the main dwelling and will therefore have a reduced impact on the openness of the Green Belt.

The application is considered to accord with the Development Plan Policies and guidance contained within the National Planning Policy Framework. It is considered that the proposal is an acceptable form of development that will complement and maintain the character of the existing building with no adverse impacts on the wider visual amenities in the area or on the Green Belt that it is situated within. Furthermore, due to the siting and location of the proposal it is considered that no adverse issues with regards to residential amenity will occur. Therefore, it is with due respect that the Local Authority is requested to support this application and grant planning permission accordingly.