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Planning Statement in relation to the erection of a replacement dwelling

The Log Cabin, Morrilow Heath

December 2016

Project	The Log Cabin
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Reference	025
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Version	2

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1 Introduction

1.1 JMI Planning is a Midlands based town planning consultancy. Its directors are chartered town planners with over 30 years' combined experience in both the public and private sector.

1.2 The author of this appraisal, Jon Imber, has worked as both a development control and forward planning officer in local government, and more recently as a senior planning consultant in the private sector. He has extensive knowledge of the planning system and experience of the appeals process. He is a member of the Royal Town Planning Institute.

1.3 This statement accompanies a detailed planning application. The application also includes:-

- Existing and proposed plans and drawings
- 3D visualisations of the proposals

2 Site and Planning History

2.1 The application site comprises a log cabin set within the open countryside at Morrilow Heath, Leigh. Morrilow Heath is a small and relatively dispersed settlement within the parish of Leigh.

2.2 The cabin is a single storey structure with timber walls and a felt roof. It sits within a relatively generous plot which also contains an associated outbuilding.

2.2 The cabin was initially built in the late 1990s to replace a caravan previously on the site. Planning permission for the structure was not sought at that time. The cabin was continuously occupied as a dwellinghouse for more than four years, and in October 2010 a certificate of lawfulness was granted (LPA reference P/2010/01119). The

certificate of lawfulness also establishes a domestic curtilage around the cabin.

2.3 Surrounding land uses include agricultural land to the south, east and west and an area of woodland to the north.

2.4 The site is accessed via a surfaced track emerging onto Hill Lane. Public Footpaths Leigh 57 and Leigh 58 run along part of this access.

2.5 The site and its surroundings are shown on the following photographs.



Figure 1 - Aerial photograph of site



Figure 2- Existing Cabin (Rear elevation)

3 The Proposed Development

3.1 The applicant wishes to develop the site to provide a modest family home. The existing building on the site is below acceptable living standards and requires substantial renovation. The dwelling was not built to comply with the Building Regulations, and it would therefore be far more practical to build a replacement to modern standards than renovate the existing structure.

3.2 It is therefore proposed to demolish the existing log cabin and erect a replacement dwelling. The replacement dwelling is a flat roofed single storey structure designed to have a contemporary character and appearance whilst remaining appropriate to its rural context.

3.3 The proposed replacement dwelling measures 17.75 metres long by 6.25 metres wide,

and has a floorspace (measured externally) of approximately 113m^2. It has a maximum height of approximately 3.4 metres above ground level, but is set into the bank and as such is considerably lower at the other end. The proposed dwelling features two bedrooms, a bathroom, lounge, kitchen/dining room, utility and study and a modest porch. Although not precisely on the footprint of the existing log cabin, the proposed dwelling lies entirely within its domestic curtilage as established by the certificate of lawfulness.

3.4 It is also proposed to erect a small outbuilding to accommodate a biomass boiler. This replaces the existing shed on the site.

3.5 The proposed replacement dwelling would be accessed via the existing surfaced track which emerges onto Hill Lane.

3.6 The building itself lies within East Staffordshire. The district boundary appears to run along the line of the laurel hedge demarcating the western site boundary. As such a small section of the access track runs through neighbouring Staffordshire Moorlands. Although no development is proposed within Staffordshire Moorlands the application site is required to include access and as such identical submissions are required to be made to both authorities. Because no development is to take place within Staffordshire Moorlands this statement focuses on policies within the East Staffordshire Local Plan.

4 Planning Policy Context

National Planning Policy Framework

4.1 Paragraph 14 advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date Local Plan; and

also in circumstances where the development plan is absent, silent or relevant policies are out-of-date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

4.3 One of the core principles of the NPPF is that planning should proactively drive and support sustainable economic development to deliver the homes that the country needs.

4.4 Paragraph 9 of the NPPF states that "*pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):*

- making it easier for *jobs to be created in cities, towns and villages;*
- *moving from a net loss of bio-diversity to achieving net gains for nature;*
- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure; and*
- *widening the choice of high quality homes."*

4.6 Paragraph 55 of the NPPF states that isolated new homes in the countryside should be avoided unless there is special justification, such as where the development would re-use redundant or disused buildings and lead to an enhancement to their immediate setting.

4.8 Chapter 7 of the Framework relates to design. Paragraph 58 advises that decision makers should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 61

of makes it clear that good design goes beyond purely aesthetic considerations and also relates to how development is integrated into the natural and built environment. Paragraph 63 encourages design which raises the quality of the built environment in its setting.

East Staffordshire Local Plan (2016)

4.9 "***DETAILED POLICY 4***

Replacement dwellings in the countryside

Planning permission for replacement dwellings in the countryside will only be granted where:

(i) The proposed new dwelling is not significantly larger than that which it replaces;

(ii) The proposed new dwelling is not more intrusive in the landscape than that which it replaces;

(iii) Residential use has not been abandoned.

(iv) The replacement would not result in the loss of a building which displays the special qualities of a traditional rural building.

(v) The replacement dwelling is more energy efficient than the original dwelling and where possible reuses building materials"

5 Planning Considerations

5.1 The proposals involve the erection of a new dwelling to replace the existing log cabin on the site, the lawful use of which is a dwellinghouse. Policy DP4 of the East Staffordshire Local Plan is therefore relevant. Policy DP4 allows the replacement of existing residential properties in the countryside subject to compliance with five criteria, which will be considered in turn below:-

5.2 Criterion (i) of Policy DP4 requires that the new dwelling is "not significantly larger than that which is replaces". The proposed dwelling has a floor area of 113m^2, which is somewhat larger than the existing, which has a floorspace of approximately 47.7m^2. However, the existing dwelling could be made significantly larger through the exercise of its permitted development rights. Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 authorises the erection of extensions to the building. The principal elevation of the cabin (that which contains its front door and three windows) faces the track to the west, and as such a single storey side extension of up to half the width of the original dwellinghouse can be built on the north and south elevations, and a single storey rear extension can be built on the east elevation. The following diagram shows how, working within the criteria set out in the GPDO, the floorspace of the building can be extended to 122.17m^2 by utilising its permitted development rights. Furthermore, the GPDO allows the erection of a single storey rear extension up to 8 metres deep until 30th May 2019, subject to the developer first applying to the Local Planning Authority for prior approval. In considering an application for prior approval, the Local Planning Authority can only consider the impact of the proposed extension upon the amenities on neighbours, which in this instance would be minimal, even if the extension were to project across most of the rear elevation as allowed by the GPDO. It would therefore be possible to make the existing dwelling even larger.

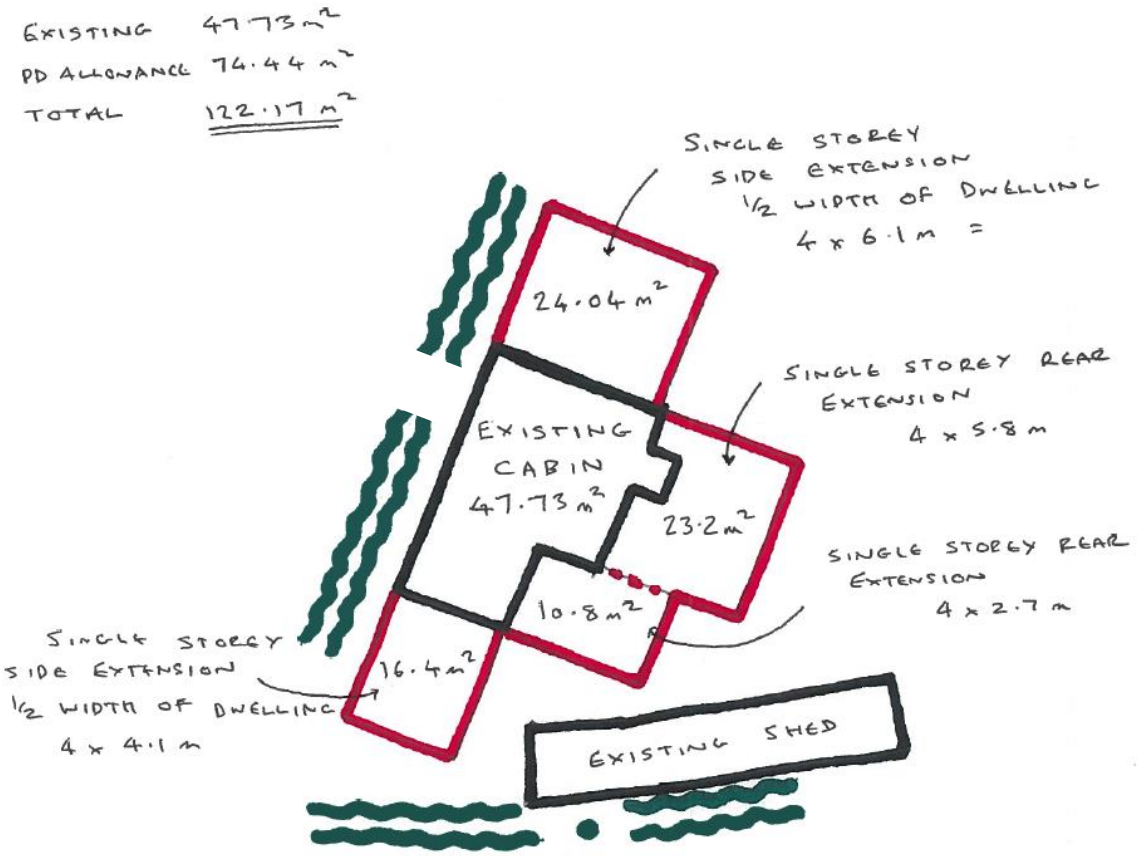

Figure 3- Permitted development fallback

5.3 The certificate of lawfulness granted in October 2010 establishes a relatively generous domestic curtilage, far larger than the fenced garden area to the front of the cabin. Schedule 2, Part 1, Class E of the GPDO could therefore be utilised to further develop the site should the applicant choose to do so.

5.4 The fallback position established by permitted development rights should be given weight in the determination of this application. The proposed dwelling is smaller than the existing dwelling could be made through utilising these rights.

5.5 Criterion (ii) of Policy DP4 requires the replacement dwelling to be no more intrusive in the landscape than that which it replaces. The proposed dwelling is a flat roofed single storey structure which has been designed to have a contemporary character

and appearance whilst respecting its rural setting. The building has been deliberately kept low so as not to appear more prominent than the existing cabin. It has been set into the bank so that it does not break above the ridgeline of the existing cabin.

5.6 As shown on the visualisations which accompany the application, the building is of contemporary design softened by the incorporation of an element of vertically boarded timber cladding. The overall design approach is considered appropriate to its context.

5.7 It is proposed to retain existing boundary treatments where possible. These would filter views of the proposed replacement dwelling from the public footpath some 50 metres to the south. The woodland to the north and established trees to the east and west provide effective screening from more distant vantage points. The site lies over 400 metres from Hill Lane and is not readily visible from it.

5.8 The proposed replacement dwelling would not therefore appear more intrusive in the landscape than that which it replaces.

5.9 Residential use has not been abandoned as required by Criterion (iii) of Policy DP4.

5.10 Criterion (iv) of Policy DP4 discourages the loss of traditional rural buildings of special rural character. Although the existing log cabin is of character, it cannot accurately be described as displaying "the special qualities of a traditional rural building". The cabin is by no means typical of the local vernacular and is relatively new. Its replacement would not therefore involve the loss of a traditional building characteristic of the local landscape.

5.11 Criterion (v) of Policy DP4 relates to energy efficiency. The existing building is of timber construction with a felt roof and is heated by a woodburning stove. It is not therefore energy efficient. The construction of a replacement to modern standards and full compliance with the Building Regulations heated by a biomass boiler is therefore a more sustainable prospect in the long-term.

5.12 The proposal therefore satisfies the requirements of Policy DP4.

5.13 Paragraph 32 of the NPPF states that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*".

5.14 The proposals are accessed via the existing surfaced track emerging onto Hill Lane. The proposal does not involve any increase in the number of properties served by the track and will not therefore significantly increase vehicle movements. The proposals will not therefore prejudice the safe or efficient use of the highway network.

5.15 Paragraph 119 of the NPPF states that "the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined".

5.16 The existing cabin is of timber construction with a felt roof. There is no roofspace void. The building is not therefore suitable habitat for bats or nesting birds and it is therefore highly unlikely that the proposals will impact upon protected species or their habitat.

5.17 The proposed replacement dwelling is sufficiently distant from neighbouring properties to avoid impacting upon the amenities enjoyed by their occupiers.

6 Conclusions

6.1 The application proposes the erection of a replacement dwelling in a rural area. Policy DP4 of the Local Plan is therefore relevant.

6.2 The replacement dwelling is smaller than the existing dwelling could be were its permitted development rights utilised. The replacement dwelling has been designed to minimise its prominence and respect the character or its rural surroundings. It would not therefore appear more intrusive in the landscape.

6.3 The existing dwelling is not traditional and does not display the special qualities typical of the local vernacular.

6.4 Residential use has not been abandoned, and the replacement dwelling would be far more energy efficient than the existing cabin. It would be built to modern standards in complete compliance with the Building Regulations, and features a sustainable biomass heating system.

6.6 The development would not detrimentally affect the amenities enjoyed by the occupiers of nearby dwellings or the safe of efficient use of the highway network. The proposals would not harm protected species or their habitats.

6.5 The proposals therefore constitute sustainable development which accord with Saved Policy DP4 of the East Staffordshire Local Plan and Paragraph 55 of the National Planning Policy Framework.