DELEGATED DECISION REPORT

SMD/2017/0436 **Valid 27/06/2017**	**OAKHILL FARM** **DRAYCOTT ROAD** **UPPER TEAN**	**VARIATION CONDITION 3 OF PLANNING PERMISSION (SMD/1998/0347) TO AMEND THE WORDING** **(FULL - MINOR)**

MAIN ISSUES

- Residential amenity

DESCRIPTION OF SITE

The application building is a brick and clay tile single storey former agricultural building converted to three holiday lets under permission SM98/0198 (SMD/1998/0347).

The building stands between the farm house to the east and modern farm livestock and storage buildings to the west and further farm buildings and farm yard to the south. The building to the west occupied by cattle at the time of the site visit on the 18th July 2017 is separated only by the c.7m width of a farm access lane. A newer access has been formed around the far (west) side of the buildings. The farm house stands from between 5m and 20m of the easterly elevations. There are three small amenity spaces of between c.40m2 and 50m2.

Access from the public road to the north is via a private single track drive of c.0.5km. This serves in total some seven or eight private residences aside from those of the application.

Condition 3 of SM98/0198 was previously amended by consent under 01/00178/FUL to read:

"The premises shall be used for short stay holiday accommodation not exceeding 4 weeks at any one time except during the period 1st November to 31st March when it may also be used for Class C3 (dwelling houses) of the Town and Country Planning Use Classes Order 1987 so long as this does not exceed 4 months in any 12 month period. A register of occupants, including details of duration of stay, must be kept and made available for inspection by the Local Planning Authority at any time".

PROPOSAL

To further vary the wording of the condition to allow occupation as follows:

"The premises shall be used for short stay holiday accommodation not exceeding 4 weeks at any one time except during the period 1st October to 31st May when it may also be used for Class C3 (dwelling houses) of the Town and Country

Planning Use Classes Order 1987 so long as this does not exceed 6 months in any 12 month period. A register of occupants, including details of duration of stay, must be kept and made available for inspection by the Local Planning Authority at any time".

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)
S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS6c Other rural Areas Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework
Paragraph(s) 1 to 17
Section(s) 7 – requiring good design

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/1998/0347 – c.o.u. redundant farm buildings to holiday use – approved
SMD/2000/1194 – variation of condition 3 to SMD/1998/0347 – refused
SMD/2001/0013 – variation of condition 3 to SMD/1998/0347 – approved

CONSULTATIONS

Publicity
Site Notice expiry date: 9th August 2017
Neighbour consultation period ends: 4th August 2017
Press Advert: N/A

Public Comments
None

Town / Parish Comments
None received

OFFICER COMMENTS

Principle of Development
Residential occupation of the premises is established in principle by grant of the original consent.

Reference to the Planning History does not make clear why the original condition was attached other than to say the proposal was not considered suitable for permanent residency.

Amenity and Design
The variation to condition does not seek the occupancy of the three units as permanent or main residences. Limitations to the amenity of the three units can be identified in terms of the less than minimum private amenity space, proximity to working farm buildings and yard and scale and proximity of adjacent buildings. The implications of these factors may be considered differently in relation to temporary versus permanent residential occupation. It is also possible that proximity to a working farm may be an attribute for a holiday stay but less tolerable on a permanent basis.

It is therefore concluded that permanent residential occupancy should continue to be time limited by condition.

CONCLUSION / PLANNING BALANCE
Whilst the application only seeks extended occupancy in the period 1st October to 31st May and this may be all that they require it is considered that from a Planning perspective the time in the year when the six months option occurs is not at issue.

In discussion with the agent it has therefore been suggested that the condition can be slightly more flexible and allow for residential occupation by any one party for up to six months in any part of the year but be conditioned against the same party being able to re-occupy any of the units within the next 6 months – in other words no return to any of the units at the premises within 6 months but that would not preclude a re-let of 6 months to someone else.

OFFICER RECOMMENDATION : **Approve amended variation to the wording of condition 3**

Case Officer: Arne Swithenbank
Recommendation Date: 28th September 2017

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council