Supporting Statement

Removal of condition number 2. “the occupation of the dwelling shall be restricted to a person employed full-time in connection with the riding school and the dependants of any such person”. In application reference 85/14412

At Stable Cottage, Cheadle Equestrian Centre, Eaves Lane, Cheadle, Staffordshire, ST10 1RB

1.0 Background

1.1 Two temporary permissions allowed the conversion of the first floor over an existing stable block into a flat to provide accommodation for a Riding Instructor “in association with the riding school”, the first for 2 years and the second for 5 years.

1.2 Subsequently planning permission was approved 18th November 1985 for “Conversion of stables (Ground Floor) to provide lounge and dining room as an extension to existing first floor flat at the Cheadle Equestrian Centre, Eaves Lane, Cheadle, for Mr. J. H. Clark”.

Application reference SM/14412 (85/14412/OLDDC) or [SMD/1985/0143]

The decision notice with conditions is attached as a supporting document.

1.3 The permission allowed the conversion of an existing stable block into permanent accommodation for a person employed as a Riding Instructor in the riding school business. However the condition is very specific in relation to the type of business that can operate from the site; condition 2 of the 1985 permission reads as follows:

> “The occupation of the dwelling, the subject of this application, shall be restricted to a person employed full-time in connection with the Riding School and the dependants of any such person”.
>
> **Reason:-** As permission in this instance has been granted in the particular circumstances relating to the Riding School.

Although the reasons for the wording of these conditions are understandable in relation to the restrictive nature of planning policy at the time, and it allowed the Riding Instructor at the time to live in the building and run the business from the premises, it is now proving overly restrictive for the current owners who need to sell the premises due to ill health and so that they can retire.

1.4 The permission was implemented prior to the current owners purchasing the property.

The present owners, Claire and Peter Cook, purchased Cheadle Equestrian Centre and moved in to the property known as Stable Cottage in December 1999. However the owners have never operated the business as a “Riding School” as described in the conditions, but only ever as a private Livery Yard for paying customers from the day they owned it until the present time. Evidence in the form of annual accounts has been provided in a previous application for a certificate of lawfulness for an existing use or development (CLEUD).

Furthermore the main income that supported the family in the property throughout this entire period was Peter Cook's business: "Peter Cook Control Systems Ltd.". http://www.petecookcontrolsystems.co.uk/

In this respect the conditions have not been complied with for a period in well in excess of 10 years, and this has now been established in the granting of the Certificate of Lawfulness (**SMD/2017/0422** approved 24/8/2017)

However it is considered that an application should be submitted to remove the condition in the interests of proper planning, which was the original approach taken in a previous application (SMD/2016/0733) however that application was withdrawn due to receiving resistance from the Planning Consultant dealing with that application (Teresa Critchlow).

Conversations with Benjamin Hurst during the consideration of the CLEUD established that there is actually no identifiable harm from the removal of the condition – the property is in a highly sustainable location and up-to-date National Planning Policy supports the conversion of existing buildings in the green belt to residential, without the need for any restrictive occupancy conditions.

Proposal

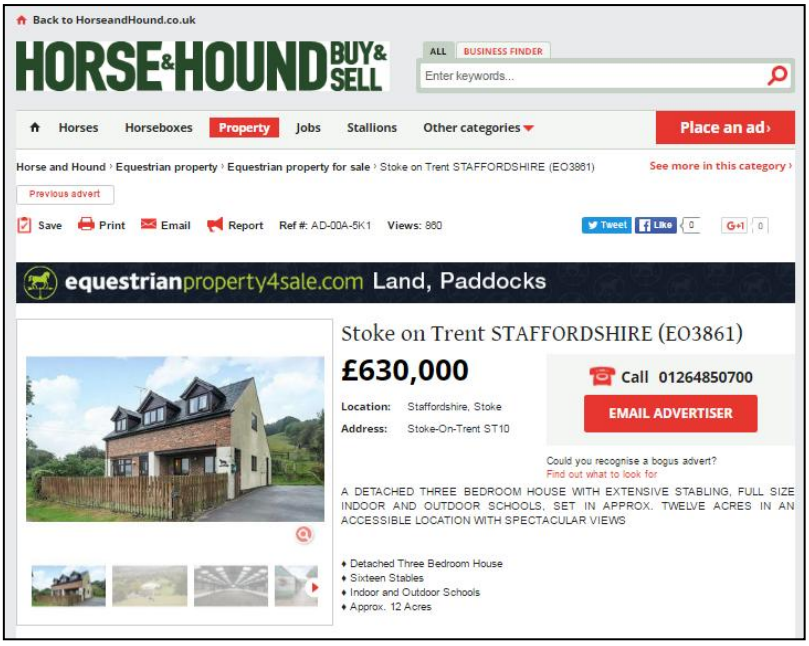
2.0 It is proposed to remove the restrictive condition so that the house and Cheadle Equestrian Centre can be sold off as a whole without putting off potential buyers.

Justification

2.1 The property has been marketed for sale for more than 12 months by "Rural Scene" who are specialist rural/equestrian type property agents with a strong reputation. The property has been advertised for sale since September 2015, with marketing undertaken on 5 separate occasions in the Horse and Hound magazine; in the Horse and Rider Magazine (August 2016), and in the NFU Countryside Magazine (December 2015). Most significantly the property has been advertised on the internet via the Property Agent's website and through Rightmove.com, Findaproperty.com., Zoopla.com and Primelocation.com.

2.2 internet advertising now accounts for some 90% of enquiries, with newspaper/magazine advertising becoming an archaic way of advertising. Evidence of the online marketing is provided in the accompanying documents:
- "Estate Agent confirmation of Marketing";
- "Cheadle Equestrian Centre RightMove stats"; and
- "Cheadle Equestrian Centre Zoopla 12mths data";

All of which show a selection of statistics which confirm that this property was properly marketed and that the details were downloaded 4,681 times from their website www.ruralscene.co.uk, and that the property is also advertised on the "Horse and Hound" website.



2.3 Internet advertising is available 24 hours a day, 7 days a week and is potentially available to everyone to view, via computers, laptops, tablets and mobile phones. Newspaper advertising on the other hand has nowhere near the same reach, with only those purchasing the paper being potentially exposed to the advertisement and even then there is no guarantee they will be looking at the property adverts. The marketing approach adopted by "Rural Scene" is therefore considered to be entirely appropriate and much more in tune with modern circumstances.

Despite this significant period of marketing and the number of direct viewings of the sales particulars, the only potential buyers coming forward for the property have been put off by the restrictive condition. Email communications from interested parties to the Estate Agent are include as a separate document "Evidence 1"

The restrictive condition is stated in the sales particulars; therefore this marketing exercise, as well as the confirmation from interested parties, demonstrates that the condition tying the property to the business is deterring potential buyers.

Potential buyers have made offers on the property, which have been accepted, and this demonstrates that the asking price for the property is accurate even with the occupancy restriction. However once the sales have progressed, the restrictive nature of the condition and the inflexibility that it causes, especially in relation to mortgage providers, is preventing the sales completing.

3. Main Issues

3.1 The main issues to consider in this application are whether allowing the removal of the condition would have any material impact in planning terms on the appearance or use of the building, its location (it is not located in the green belt or special landscape area), relevant planning policies, and the impact on highway safety and residential amenity.

3.2 The appearance (design) of the building

No external alterations are proposed. Therefore the design, access to and from the building, and appearance of the building will remain as existing. The impact in relation to the surrounding area therefore remains unaltered.

3.3 Planning Policy in relation to use

At the time of the earliest applications on this property, that allowed the conversion of the existing building to residential, planning policy was very restrictive in relation to the conversion of rural buildings to residential use. This is why the use of the residence was "tied" to the "Riding School".

National Planning Policy now fully supports residential conversions of rural buildings, and even supports the conversion of barns to residential as permitted development, along with offices, storage buildings (B8) and from October 2017 business buildings as well (B1).

If the application was submitted today to convert the existing building into a residential property, it would be permitted without any additional restrictions such as being tied to the business.

The proposed removal of the restrictive condition would not create a new residential unit but simply enable Mr & Mrs Cook to sell the premises and retire.

As there is already an existing residential use in the building, the impact of the proposal cannot realistically be considered to be in conflict with National Planning Policy.

The removal of the restrictive condition will not generate any other planning issues in respect of design and layout, since the site will remain unaltered from how it is at present. No external changes to the fabric of the building are proposed or necessary.

3.4 Highways

There is a large parking & turning area that serves the equestrian centre, and a separate access road, parking area, and garage that serves Stable Cottage. No changes are proposed to either of these arrangements and therefore there is no impact in relation to highways.
There would not be any net increase in the number of vehicle movements associated with the site.

3.5 Neighbour amenity

There is only one residential property that could be described as nearby, and it is Plantation House to the north-east. The proposed removal of the restrictive condition would not have any impact on residential amenity at this property.

4.0 RELEVANT PLANNING POLICY

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The Development Plan for this area comprises the West Midlands Regional Spatial Strategy (2008), the Staffordshire & Stoke-on-Trent Structure Plan (2002), and the Staffordshire Moorlands Local Plan (1998).

4.2 ***Staffordshire & Stoke-on-Trent Structure Plan***

Policy D2 of the Structure Plan places an emphasis on securing a high quality of design that respects and safeguards the character and appearance of its surroundings.

4.3 ***Staffordshire Moorlands Local Plan***

4.4 Policy B13 of the Local Plan relates to design, and states that development proposals will be expected to demonstrate a good quality of design which takes account of the scale, character, siting, alignment, mass, design, colour and materials of their surroundings. Furthermore, proposals should take opportunities to enhance the appearance of their surroundings, and ensure that satisfactory standards of amenity for existing and proposed users of buildings are achieved.

4.5 Policy B21 of the Local Plan states that the conversion of rural buildings to other uses will be permitted provided that the buildings are suitable for conversion with only limited rebuilding works necessary, and without significant alteration being required. The use should also be appropriate to the scale of the building, must not detract from the character of the area, or give rise to any highway safety implications. Where residential use is proposed, the applicant should make every reasonable attempt to secure suitable business reuse, or residential use should form a sub-ordinate part of a scheme for business use.

4.6 ***National Planning Policy Framework***

The National Planning Policy Framework places a strong emphasis on promoting sustainable development. The policies within the Framework are considered to be worthy of significant weight since the policies of the Staffordshire Moorlands Local Plan are somewhat dated and in instances conflict with the newly published national guidance. This is explained in more detail below:

5.1 The National Planning Policy Framework (NPPF) confirms that development proposals should be determined in accordance with the Development Plan, and that proposals which accord with an up-to-date Local Plan should be approved. Development that conflicts with an up-to-date plan should be refused unless other material considerations indicate otherwise. Paragraph 14 of the NPPF goes on to state that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, or whether specific policies within the NPPF indicate that development should be restricted.

5.2 Policy B21 of the Local Plan relates to the reuse of rural buildings. It states that the buildings must be suitable for conversion with only limited rebuilding works necessary, and without significant alteration being required. The use should also be appropriate to the scale of the building, must not detract from the character of the area, or give rise to any highway safety implications. Where residential use is proposed, the applicant should make every reasonable attempt to secure suitable business reuse, or residential use should form a sub-ordinate part of a scheme for business use. In the case of this site, planning permission has already been granted for the conversion of the former stable building for use as a residential unit, it has been marketed for a period in excess of 12 months, and no purchaser has been found for the building as it is; consent is therefore now sought to remove the restrictive condition that ties the occupier of the residence to the “Riding School” that does not actually exist.

5.3 The requirements of policy B21 stipulate that applicant's should make every reasonable attempt to secure suitable business reuse before residential permission will be granted. To this end the Local Authority requires marketing to be carried out to test the market (this has in fact been done for a period in excess of 12 months). However, in the light of the NPPF it is clear that this requirement of policy B21 is out-of-date. The Local Plan was adopted in 1998 and whilst policy B21 was 'saved', the requirement to prioritise commercial uses over residential relates back to an outdated policy approach set out in the former PPG7 (and subsequently PPS7) which sought to prioritise commercial or tourism re-uses ahead of residential conversions. Unfortunately the adopted core strategy also refers to these national polices. Neither of these documents remains in force and the latest guidance set out within the National Planning Policy Framework advocates a very different approach to rural building conversions.

5.4 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, with paragraph 55 stating that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

5.5 There is no requirement that priority be given to commercial re-use before residential conversion is considered acceptable. This is emphasised by paragraph 51 of the NPPF which states that Local Planning Authorities should identify and bring back into residential use empty housing and buildings, and should normally approve planning applications for changes to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. The marketing exercise has demonstrated that the restrictive condition currently on the property is causing problems with potential sales.

5.6 The existing building is already in a fully residential use, the thrust of the national guidance is that applications should be approved for conversion of rural buildings to residential use where there is an identified need for housing in that area and there are not strong economic reasons for resisting it. Allowing the removal of the restrictive condition would mean that the contribution to the local economy from a livery business could continue with a new owner; furthermore the period of marketing in excess of 12 months confirms that there is no interest in the property as it is, with such a restrictive condition.

5.7 The Core Strategy identifies that 6,000 new houses will be required within Staffordshire Moorlands up to 2026, with the housing distributed amongst the three market towns of Leek, Biddulph and Cheadle, as well as in Rural Areas.

5.8 The Local Authority does not have a five year deliverable supply of housing as they are required to do, and as a consequence, this application should be considered in the context of the presumption in favour of sustainable development. The result of this is that the policy B21 requirement to market premises for business uses is now unjustified in policy terms. Such an approach is considered to be out-of-date and very much in conflict with the guidance set out in the National Planning Policy Framework.

5.9 Notwithstanding the changes to the NPPF which now clearly support the reuse of vernacular buildings for housing, the applicant has in any case undertaken marketing of the premises.

5.10 Allowing the removal of the restrictive condition will not generate any other planning issues in respect of design and layout, since the site will remain unaltered from how it is at present. The approved plans and conditions applied to the original permission for conversion can remain as existing, which would retain control over any proposed future development of the site. The building benefits from its own area of private amenity space and there is enough room to park and turn vehicles. The development will furthermore not result in any detrimental overlooking or loss of privacy to adjacent properties, and no external changes to the building are proposed or necessary. The proposed development is accordingly considered to accord with the provisions of policies D2 and T13 of the Structure Plan and policies N7, N9, B13 and B21 of the Local Plan.

6.1 **Conclusion**

6.2 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.

6.3 It is clear that the proposed removal of the restrictive condition is acceptable having regard to the following conclusions:

- The National Planning Policy Framework now gives broad support to the conversion of rural buildings to residential use where there is a shortage of housing;
- The application site constitutes a sustainable location. It will not therefore result in the creation of an isolated home in the countryside;
- The proposed conversion would not result in any detrimental impact on the amenity of local residents;
- The applicant has made every reasonable attempt to secure alternative commercial reuse of the building, demonstrated through a 13 month marketing campaign;
- If the application to convert the stable building were submitted today under the present planning policies, it would not be restrictively tied to the “Riding School”.
- It has already been established through a Certificate of Lawfulness that the condition has not been complied with for a period well in excess of ten years.

6.4 As a consequence of the above it is considered that the proposed development meets the requirements of policy D2 of the Staffordshire & Stoke-on-Trent Structure Plan, policies N2, N7, N8, N9, B13 and B21 of the Local Plan, and the requirements of the National Planning Policy Framework.

I therefore respectfully request that consent be granted for the removal of condition 2 which restricts the residential use of Stable Cottage to a full-time employee of the “Riding School”.

This will enable the present owners to find a purchaser for the house and Equestrian Centre and retire peacefully.

If any further information is required, or to discuss the matter in more detail, please contact:

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