

PLANNING STATEMENT

Client: **Mrs. C Lockwood**

Location: **Rock House Farm, Town End Road, Foxt, Staffordshire Moorlands, ST10 2HN**

Proposal: **Application for the removal of Condition No. 3 on planning application SMD/2003/0415 (former No. 03/00594/FUL) to enable the properties to be used as dwellings rather than holiday cottages.**



1 INTRODUCTION

- 1.1 This Statement is submitted in support of the planning application for variation/removal of a condition restricting the use of a former barn and stable block to holiday use only to enable the cottages to be used as dwellings.

2 THE HOLIDAY ACCOMMODATION BUSINESS

- 2.1 There are three holiday cottages, in two former farm buildings, on the site which are rented to guests wishing to holiday in the area.
- 2.2 The business is run by Mr. and Mrs. Lockwood with help from their daughter Mrs. Samantha Bingham. Between the three of them they do all the maintenance, laundry, cleaning, administration, marketing and taking bookings, dealing with guests and their queries.
- 2.3 Planning permission for the conversion of the two former farm buildings was granted in 2003 and the first guests arrived in July 2006. The three cottages have been opened at different times as the work was done by a builder and associates with the assistance of Mr. Lockwood. Badger Cottage was the first of the three cottages in 2006 to be opened for guests. The business has continued uninterrupted since then and is still in operation. Dormouse Cottage was opened to guests in the summer of 2008 and Hedgehog Cottage was opened towards the end of 2009.
- 2.4 The three holiday cottages are named “Badger Cottage”, “Dormouse Cottage” and “Hedgehog Cottage”. Badger Cottage is detached from the other two cottages which are in what was the former barn. The adjoining map shows the three cottages which are marked A, B, and C. Cottage A is Dormouse Cottage and includes a garage. Cottage B is Hedgehog Cottage. Cottage C is Badger Cottage. Building D is Rockhouse Farm; the home of the applicant. The other buildings within the red line on Figure 1 above are domestic buildings ancillary to the house. The area edged blue is a garden used mainly by the guests in the holiday cottages; includes a small play area, and has been used by the guests since July 2006. There is a communal car park for the guests in the east of the site marked “X” on Fig 1 above. There is a Tree Protection Order covering four trees on the site none of which would be affected by the removal of the condition.



2.5 The buildings provide the following accommodation:

- Building A (Dormouse Cottage) – sleeps five plus a cot. The accommodation consists of a lounge, Kitchen, bathroom, entrance hall and two bedrooms.
- Building B (Hedgehog Cottage) – sleeps four plus a cot. The accommodation consists of a lounge, Kitchen, bathroom, entrance hall and two bedrooms; one with an en-suite.
- Building C (Badger Cottage). The accommodation consists of 3 bedrooms, a bathroom, lounge, breakfast/dining area, kitchen and an entrance hall. The bedrooms consist of one large bedroom with an en-suite, a large bedroom and a small bedroom. The property can sleep six people plus one child in a cot.

2.6 All three cottages were awarded a four-star rating by Visit Britain. Details of all the accommodation is shown on drawings submitted with the planning application.

2.7 Details of the holiday business including marketing, occupancy rates and finances are set out in the accompanying separate Business Appraisal submitted with the application.

3. PLANNING HISTORY

3.1 This section describes the original planning application and permission for the holiday cottages and recent permissions in the village.

The site

3.2 Planning permission for conversion of the former farm buildings was granted in July 2003 (Reference: SMD/2003/0415) subject to a condition (No. 3), amongst others, that restricts the residential use of the property to short holiday use only.

The village

3.3 Six dwellings have been approved in Foxt during 2106 and 2017. These are applications numbers SMD/2106/0520, SMD/2016/0716, SMD/2016/0729, SMD/2017/0275, SMD/2017/0326, and SMD/2017/0474.

4. RELEVANT PLANNING APPEAL DECISIONS

4.1 Please see the attached appeal decision in appendix 1. This appeal sought permission for the conversion of a bunk barn to residential use. The decision is dated 11 September 2017.

4.2 Relevant to this appeal are the fact that no marketing information was submitted with the planning application and that the Inspector concluded that Core Strategy Policy R2 was out of date and carried little weight.

- 4.3 Please see the attached appeal decision in appendix 2. This is attached as the inspector addressed the definition of “new isolated homes in the countryside” in Paragraph 55 of the National Planning Policy Framework. Attention is drawn to paragraphs 15 and 16 in the Inspector’s decision letter.

5. PLANNING POLICY

- 5.1 The key document when assessing planning applications is the Development Plan for the area. In the Staffordshire Moorlands the Development Plan consists of the Staffordshire Moorlands Core Strategy approved in March 2014 supported by a number of Strategic Planning Documents and Design Guidance.

- 5.2 Relevant policies in the Core Strategy include:

- **SS1 - Development Principles.**
- **SS1 (a) – Presumption in Favour of Sustainable Development.**
- **SS3 - Distribution of Development.**
- **SS6b – Smaller Villages.** Foxt is identified as a rural Smaller Village.
- **SS7 – Churnet Valley Area Strategy.**
- **E2 - Existing Employment Areas.**
- **E3 – Tourism and Cultural Development.**
- **H1 - New Housing Development.**
- **DC1 – Design Considerations.**
- **R1 – Rural Diversification.**
- **R2 – Rural Housing.**

- 5.3 The key Development Plan policies in the above list with regard to the application site are Policies SS6b (Smaller Villages); SS7 (the Churnet Valley Strategy); E2 (Existing Employment Areas); E3 (Tourism and Cultural Development); and R2 (Rural Housing). These set out the policy, amongst other things, for new housing development in the Smaller Villages of which Foxt is one. A key element of Policy SS6b is tightly drawn Infill Development Boundaries. However, the Infill Development Boundaries for the Smaller Villages have not yet been drawn up and it is possible that they may not be drawn up at all as the latest Local Plan consultation proposes no settlement boundaries for the Smaller Villages.

- 5.4 The adopted Churnet Valley Masterplan Supplementary Planning Document SPD) is also relevant as Foxt is located in the Masterplan area. However, it is not located in the main Character Areas, Gateways and Hubs for which there are specific strategies.

- 5.5 Also, material to the application is the National Planning Policy Framework (NPPF) which is a material consideration when considering any application.

- 5.6 Relevant to this application is the shortage of deliverable housing land supply in the Staffordshire Moorlands District. Paragraph 49 of the NPPF states that “*relevant policies for*

housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". On 31 March 2017 there was 1.99 years supply of deliverable housing land in the District. As there is significantly less than five years supply of deliverable housing land in the District then the Core Strategy policies relating to housing are out-of-date. This does not mean that they are discounted but that less weight should be given to them. Given the fact that the District has had a shortage of deliverable housing land for eight years it is contended that even less weight should be given to these policies than if the shortage of supply was only recent.

- 5.7 A recent Supreme Court ruling on Paragraph 49 of the NPPF and what constitutes "relevant policies for the supply of housing" was that the "straightforward interpretation is that these words refer to the policies by which acceptable housing sites are to be identified and the five-years supply target is to be achieved". It is contended that in this case, based on the Supreme Court ruling, that Core Strategy Policies SS6b and R1 are out of date.
- 5.8 For the sake of brevity, the Development Plan and NPPF policies are not quoted in full but they are referred to where appropriate in the section "Case for the Proposed Development".
- 5.9 The Council is currently consulting on Preferred Options for a Local Plan which contains preferred site allocations and some changes to the policies in the Core Strategy. The Council's intention is to combine the Preferred Options and the proposed policy changes with the Core Strategy to produce a single Local Plan. The target date for the adoption of this plan is March 2018. No weight is given to this emerging Local Plan as it has yet to be published in Draft Pre-Submission form and yet to undergo Public Examination.

6. THE CASE FOR THE PROPOSED DEVELOPMENT

- 6.1 The essence of the applicant's case is that the business is not viable and that the need for housing in the village and District is greater than the need for holiday accommodation. Further, Foxt is not identified as one of the key tourist areas in the Churnet Valley and in the District.
- 6.2 The applicant's case is that:
- There is major and existing shortage of deliverable housing land supply and that priority should be given to housing provision particularly rather than the retention of the holiday cottages which are not viable and produce no net profit. The applicant's business details are set out in the separate submitted Business Appraisal.
 - The Core Strategy Plan policies (S6b and R2) relating to housing land supply and location are out-of-date because of the shortage of deliverable housing land supply and less weight should be given to these policies than would otherwise be the case if there was no deficit in the deliverable housing land supply. In particular, it is contended that only very little, or no, weight should be given to Policy R2 (Rural Housing) which is the policy relating to the

conversion of rural buildings and requiring that a marketing exercise is carried out.

- In view of the housing shortfall it is contended that the proposal should be considered in the context of the presumption in favour of sustainable development, as established by Policy SS1a of the Core Strategy and in the NPPF.
- The business is not viable.
- The proposed houses would be beneficial for the village and the wider community. The buildings are suitable for unencumbered residential use.
- The proposed development would have no adverse impact on the character of the village or an adverse impact on residential amenity. It is contended that the development would have less impact than new housing would.
- Permission has recently been granted for several new houses in the village.
- An appeal for the conversion of a bunk barn building to residential use as a single dwelling has recently been allowed in Oakamoor. The Inspector's decisions and opinions in that decision are relevant to this application.
- Holiday cottages are a residential use the occupancy of which is controlled by condition.
- The proposed development would have no adverse impact on the local holiday accommodation market as the holiday accommodation provision in the District has changed since the planning permission for holiday use on this site was granted.

6.3 These issues are addressed in turn on the following pages.

The shortage of deliverable housing land supply and Planning Policy.

- 6.4 There is a need for new housing across the entire District because of the shortage of deliverable housing land in the District. Last March the housing land supply was only 1.99 years. Therefore, Paragraph 49 of the National Planning Policy (NPPF) applies and the policies controlling housing supply are out of date. In this case the policies are Core Strategy policies – the housing part of policy SS6b and policy R2. Whilst these policies are still relevant it is contended that they should be given less, or, in the case of policy R2 limited, or no, weight, given the significant shortfall in housing supply and the fact that that shortage has existed for eight years.
- 6.5 In a recent appeal decision on 11 September 2017 on a bunk barn conversion in Oakamoor the Inspector opined that policy R2 carried limited weight. This is discussed in more detail later together with the issue of marketing of the property.
- 6.6 As will be shown later in this statement the benefits of the proposed removal of the condition considerably outweigh the disbenefits and there are no policies in the NPPF which indicate that the proposed development should be restricted.
- 6.7 Planning Policy SS6b, amongst other things, states that villages such as Foxt shall provide only for appropriate development which enhances community vitality or meets a local social or economic need of the settlement and its hinterland. This policy limits new housing development to new housing development related to local need including affordable

housing and rural exception sites for affordable housing. No indication is given as to what is an appropriate level of development.

- 6.8 Nor is there a definition in the Core Strategy as to what constitutes local need but the phrase in the policy “new housing development which meets a local need, including affordable housing” suggests that it includes open-market housing as well as affordable housing. The supporting text (para. 8.1.65) also states that permitted housing can include both open-market housing and affordable housing. It is also not clear whether “local need” refers only to the village or to the entire District. It is the applicant’s contention that given the shortage of deliverable housing supply “local need” relates to the District as a whole and that the proposed houses, if the condition were removed, would help reduce the deficit in housing supply.
- 6.9 The housing completion target for 2017/2018 is 300 and yet last year only 99 houses were completed in the entire District. The target for rural areas last year was 62 houses and yet only 32 were completed. From these figures it can be seen that there is an urgent need for more housing in rural areas and the District as a whole.

Policy R2:

- 6.10 As stated in paragraph 6.2 it is contended that little, or no, weight should be given to Policy R2 and that as a result the requirement that a marketing exercise be carried out is not applicable and should be waived. In addition, it is contended that it would be unreasonable to insist that the holiday use continue and cannot be changed to another beneficial use because the business, despite extensive long-term advertising and updating of facilities, has not made a profit after expenses were deducted in the last five years. The details of the business are set out in the submitted Business Appraisal.
- 6.11 Even though it is contended that little, or no, weight be given to Policy R2 the buildings are suitable and worthy in physical, architectural and character terms for use as dwellings.
- 6.12 The buildings are good-looking, well-maintained traditional, stone buildings typical of much of the village and conversion would ensure their retention and would make little difference, if any, to their appearance. As such the proposal is in accord with the first bullet point in the policy and possibly the third as the buildings may be considered of local historic interest.
- 6.13 The applicant wishes to continue to remain in the farmhouse and if the holiday cottages were to be sold separately it could create amenity issues for the applicant and her husband as they would have no control over the activities of guests in the cottage and there could be problems such as excessive noise.

Core Strategy Policy SS6b.

- 6.14 It is contended that this policy is also out of date as no infill boundary has been defined and now may not be. However, the application site would clearly fall within any boundary being situated in the main part of the village. The recent planning permissions for dwellings in the village demonstrate that housing development is acceptable in principle.

The presumption in favour of Sustainable Development

- 6.15 In view of the housing shortfall, it is contended that the proposal should be considered in the context of the presumption in favour of sustainable development, as established by Policy SS1a of the Core Strategy. Moreover, paragraph 14 of the Framework is triggered. This states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless: (i) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or (ii) specific policies in this Framework indicate development should be restricted.
- 6.16 It is the applicant's contention that the benefits of the proposal would outweigh any disbenefits in particular the provision of housing in a District where there is an overall shortage of deliverable housing land and where last year the number of houses built in rural areas was just over half. The outside of the buildings would be unchanged. The car parking space is existing and the garage in building A would also be available. There would be no material change in the impact on the character and appearance of the immediate locality and the village. Further, If the application is approved, the dwellings would help add vitality to the building and support existing services there
- 6.17 In the Oakamoor appeal in Appendix 1 the Council agreed with the appellant that the appeal should be considered in the context of the presumption in favour of sustainable development and that paragraph 14 of the NPPF was triggered in such circumstances.

Holiday cottages are a residential use the occupancy of which is controlled by condition.

- 6.18 Holiday cottages fall into the same Use Class – C3 (Dwellinghouses) as open-market housing; the only difference is that with holiday cottages the use is restricted by condition limiting the length anyone can occupy the building. In this case Condition No. 3 on the permission for the conversion states that:
- "The premises shall be used for short-stay holiday accommodation not exceeding four weeks at any one time and for no other purpose including any purpose in Class C3 (Dwellinghouses) of the Town and Country Planning Use Classes Order 1987"*
- 6.19 The Cottages contain all the facilities necessary for residential use. Outside there is a communal car park capable of taking up to 10 cars and the associated garden area to the east which has been used by guests and could be used by the occupants of the houses. No internal

external alterations are required for the properties to be used as unencumbered Dwellinghouses. Removal of the condition would enable these houses to enter the District housing stock almost immediately.

The Business is not viable.

6.20 Please see the supporting Business Appraisal.

Impact on holiday accommodation provision in the District.

6.21 Advice from local chartered surveyors is that the local holiday market has changed in recent years and is still changing and that for a holiday cottage business to be viable it needs higher occupancy rates than those at Rock House Farm. The removal of the three cottages from the holiday let market is unlikely to have any adverse impact on tourism.

7. CONCLUSION

For the above reasons the Authority is asked to approve the application.

APPENDIX 1.

ALLOWED APPEAL DECISION AT OAKAMoor, 11 SEPTEMBER 2017

Submitted separately with the application.