Rob Duncan
Planning
Consultancy

PLANNING STATEMENT

ROSE BANK, MOORVILLE, CELLARHEAD

JANUARY 2018

Site Address:
Rose Bank, Leek Road, Moorville, Cellarhead, Staffordshire, ST9 0DG

Applicant:
Miss. T. Bennett & Mr. K. Myatt

Proposal:
Retention of Outbuilding

Planning Statement:
Date Issued: 8th January 2018
Job Reference: RDP/2017/183

Report Prepared By:
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1 Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Ms. T. Bennett and Mr. K. Myatt to seek retrospective planning permission for works that have been undertaken at Rose Bank, Leek Road, Moorville to re-construct an outbuilding.

1.2 The works relate to the erection of outbuilding occupying a footprint of 116.84 square metres and standing to a maximum height of 5.6 metres. The building is located at the westernmost end of the site, and formerly comprised a building used for the storage of a coal lorry and pre-bagged coal and thereafter for the cutting of logs / firewood and the storage of a lorry. The applicants had undertaken what they believed to be repairs to this building, but the Local Authority have since advised that they consider the works undertaken to date to be tantamount to the erection of a new building. The proposed use of the building will be for residential purposes incidental to the existing dwellinghouse (Rose Bank).

1.3 This Planning Statement sets out the applicant's case for this building to be retained, having regard to prevailing local and national planning policy.

2 Site Location

2.1 The application site lies within the North Staffordshire Green Belt, and comprises a semi-detached two-storey dwelling that is located on the western side of the Leek Road, near Cellarhead. The site is adjoined to the south by an attached semi-detached property, and the domestic curtilage of that dwelling extends along the southern boundary of the application site. To the north runs the existing driveway serving the property, which leads up to a former commercial building to the northwest. A small paddock area is

located to the immediate north of the site, beyond which lies a two-storey dwelling.

3 Planning Policy

3.1 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 Staffordshire Moorlands Core Strategy (2014) of which the following policies are considered to be of relevance:

3.1 Policy SS1 of the Core Strategy relates to 'Development Principles' and states that the Council will expect development to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands in terms of delivering, amongst others, easy access to jobs, shops and transport services by all sections of the community; development which maintains the distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings, and development that secures high quality, sustainable environments.

3.2 Policy SS6c of the adopted Core Strategy relates to the 'Other Rural Areas Area Strategy' and states that these areas will provide only for development which meets an essential local need, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. The policy goes on to state that the Council will meet essential local needs by (amongst others):

- *Allowing the conversion, extension or replacement of an existing rural building in accordance with policies R1 and R2.*

3.3 Policy SS6c goes on to state that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

3.2 Policy R1 of the Core Strategy relates to 'Rural Diversification' and states that all development in the rural areas outside the development boundaries of the towns and villages will be assessed according to the extent to which it enhances the character, appearance and biodiversity of the countryside, promotes the sustainable diversification of the rural economy, facilitates economic activity, meets a rural community need and sustains the historic environment. Appropriate development should not harm the rural character and environmental quality of the area or any sites designated for their nature conservation, or historical interest by virtue of the scale, nature and level of activity involved and the type and amount of traffic generated or by other effects such as noise and pollution. Wherever possible development should be within suitably located buildings which are appropriate for conversion. Where new or replacement buildings are involved, development should have minimal impact on the countryside and be in close proximity to an existing settlement. Within the Green Belt, inappropriate development that is otherwise acceptable within the terms of this policy will still need to be justified by very special circumstances.

3.3 Policy DC1 of the Core Strategy relates to 'Design Considerations' and states that new development should be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area. Proposals should be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

3.4 Policy DC3 of the Core Strategy relates to 'Landscape and Settlement Setting' and states that the Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by:

- *Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement and important views into and out of the settlement as identified in the Landscape and Settlement Character Assessment;*
- *Supporting development which respects and enhances local landscape character and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character Assessment;*
- *Supporting opportunities to positively manage the landscape and use sustainable building techniques and materials which are sympathetic to the landscape;*

4 Other Material Considerations

National Planning Policy Framework

4.1 The National Planning Policy Framework sets out policies in respect of safeguarding the Green Belt, and supporting the delivery of sustainable development. The content of the NPPF has been taken into account in the preparation of this Planning Statement and is referred to in more detail within the Planning Assessment below.

Town and Country Planning (General Permitted Development) Order 2015

4.2 This document sets of provisions for the erection of buildings without the need to apply for planning consent from the Local Authority. It is considered to constitute a material fall back position which is relevant to the determination of this application, and is discussed in more detail within the Planning Assessment below.

5 Planning Assessment

Principle of Development

5.1 The application seeks consent to retain an outbuilding that has been erected on the site, which lies within the North Staffordshire Green Belt. Paragraph 89 of the NPPF confirms that Local Planning Authorities should regard the construction of new buildings as inappropriate within the Green Belt, but nevertheless goes on to list a number of exceptions. These include:

> *"limited infilling or the **partial or complete re-development** of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green belt and the purpose of including land within it than the existing development" (my emphasis)*

5.2 The original outbuilding that occupied the site was previously used for commercial purposes associated with storage of coal and subsequently for the storage and processing of firewood. Historic applications SMD/1983/0069 and SMD/1988/1535 attest to this. A review of historic aerial photographs of the site also reveals the presence of commercial vehicles outside the building, which further reinforces this contention. The site is therefore considered to constitute previously developed land.

5.3 The building constructed on site is based on the original building in terms of its overall footprint, height and form, and as such does not derive any greater impact to the openness of the Green Belt compared to that which previously existed. As a consequence it is submitted that the outbuilding erected on site is an appropriate form of development within the Green Belt, and thus is acceptable in principle.

5.4 Notwithstanding the above, and without prejudice to the applicant's case, if the Local Authority were to conclude that the proposal amounts to an inappropriate form of development, then it is submitted that very special circumstances exist to clearly outweigh the totality of harm to the Green Belt, which in this case would be restricted to harm by inappropriateness, as the reconstructed building is no larger or more harmful to the openness of the Green Belt than that which previously occupied the site.

5.5 The original building occupying the site was of a fairly poor quality, constructed from a mixture of blockwork/render, mixed brickwork, tiled pitched roof, and low mono-pitched roofs. Its original appearance is shown in Figure 1 below.

Figure 1 – Photograph of Original Outbuilding



5.6 Paragraph 9 of the NPPF confirms that pursuing sustainable development involves seeking positive improvements in the quality of the build, natural and historic environment, including, but not limited to:

"replacing poor design with better design"

5.7 Policy DC3 of the Core Strategy reflects these provisions, stating that the Council will protect and where possible *enhance* local landscape and the setting of settlements in the Staffordshire Moorlands by supporting development which respects and enhances local landscape character and supporting opportunities to use materials which are sympathetic to the landscape.

5.8 The re-constructed outbuilding represents a significant visual improvement to the site compared to the building which previously existed, and will utilise a traditional palette of materials throughout. The proposal has removed the somewhat haphazard appearance of the original structure from the landscape, and in particular its poor quality lean-to additions, and in doing so has replaced poor design with better design, thereby deriving an enhancement to the local landscape. Such benefits are considered to be worthy of significant weight.

5.9 In addition to the above, the Local Authority's attention is drawn to the applicant's entitlements under the Town and Country Planning (General Permitted Development) (England) Order 2015. This document makes provision for outbuildings to be erected within the curtilage of the existing dwelling to be used for purposes incidental to the enjoyment of the dwellinghouse. The plan enclosed as Appendix A demonstrates the sort of development which could be undertaken within the rear curtilage of the existing dwelling without the need for planning permission.

5.10 The construction of such an outbuilding on the site would have a far greater impact in views from the Leek Road on approach from the south. The applicant is nevertheless willing to relinquish their permitted development

rights in the event of planning permission being granted to retain the building the subject of this application. In doing so there will be a far lesser impact to the openness of the Green Belt compared to that which could otherwise be undertaken as Permitted Development, and it is submitted that this fallback position lends further weight in favour of the submitted proposal.

5.11 The aforementioned considerations are collectively considered to amount to very special circumstances sufficient to clearly outweigh the totality of harm to the Green Belt, and as a consequence if this proposal were to be deemed to constitute inappropriate development, it is considered to be justified in planning terms. I would nevertheless reiterate my contention that this proposal is an appropriate form of development within the Green Belt in the context of paragraph 89 of the NPPF.

Design & Amenity

5.12 The building constructed on site adopts a simple, gabled style of design that reflects the scale and general proportions of the building that previously existed on the site. The building is nevertheless constructed from a more appropriate palette of materials which is more in keeping with the character and appearance of the surrounding area.

5.13 Whilst the roof of the building is visible on approach to the site from the south along the Leek Road, it does not have any materially greater impact on the character and appearance of the surrounding area than the building which previously existed. Similarly, any glimpses of the building on approach from the north along the Leek Road will not appear intrusive or incongruous compared to that which previously occurred.

5.14 The building is furthermore located sufficiently far enough away from nearby residential properties such as to avoid any adverse impact on the amenity

that they currently enjoy, and as a consequence the proposal is considered to accord with the provisions of policy DC1 of the Core Strategy.

6 Conclusion

6.1 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.

6.2 It is considered that this proposal constitutes a sustainable form of development that accords with the Development Plan having regard to the following conclusions:

- The site constitutes previously developed land and the re-constructed outbuilding does not have any materially greater impact on the openness of the Green Belt compared to that which previously existed;

- The proposal has derived an enhancement to the landscape and replaced poor design with better design by virtue of its improved external appearance and use of complimentary materials;

- The scale, massing and general form of the building is not materially different to that of the building which previously occupied the site;

- A more harmful impact would arise as a consequence of the applicants exercising their permitted development rights which they are prepared to relinquish in favour of retaining the building;

- The proposed development does not give rise to any adverse impacts to neighbouring residential amenity.

6.3 For these reasons the proposal is considered to accord with the provisions of policies SS1, SS6c, R1, DC1 and DC3 of the Staffordshire Moorlands Core Strategy DPD, and guidance contained within the National Planning Policy Framework.

6.4 The Local Authority is therefore respectfully requested to grant planning permission to retain the building constructed on the site.