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 Detached Garage / Domestic Store

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 reconstruct an existing outbuilding to form a detached garage with domestic storage.

1.2 The building constructed on site occupies a footprint of 72 square metres and stands to a maximum ridge height of 4 metres. The building is located immediately to the west of the existing dwelling, and was constructed by the applicant's in the belief that the proposal constituted permitted development. The Local Authority has since confirmed that the works undertaken do not amount to permitted development owing to the height of the building in relation to the boundary of the domestic curtilage. The building is used for purposes incidental to the residential use of the site.

1.3 This Planning Statement sets out the applicant's case for this development to be granted consent retrospectively 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 the other 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 R2 of the Core Strategy relates to 'Rural Housing' and confirms that outside the settlement boundaries of towns and villages, only a limited number of developments will be permitted. These include:

- *Extensions to existing dwellings provided they are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and character of the rural area*

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 a double garage and domestic store that has been erected on this site. The applicant believed that the works amounted to permitted development, but had misinterpreted the boundary of the domestic curtilage, and the resultant building erected exceeds the permissible height within 2m of a site boundary (4m instead of the permitted 3m). As a consequence this application has been submitted to regularise the situation.

5.2 The site of the building was previously occupied by a domestic outbuilding, as evidenced by the aerial photograph in Figure 1 below. That building occupied a similar footprint to the re-constructed building, and was of a commensurate ridge height. The applicant replaced the building with a new build structure, which is approximately 1 metre wider, and 1 metre longer than the building it replaced (but in footprint terms is in accordance with the permitted development regulations under Class E).

Figure 1 – Aerial Photograph of Outbuilding



Source: Google Earth

5.3 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:

> *"the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces"*

5.4 The original outbuilding was utilised for ancillary domestic purposes, as is the building recently constructed. The replacement building is furthermore not considered to be materially larger than the building that it replaced, being only 1 metre longer and 1 metre wider in nature, and as such the proposal is considered to constitute an appropriate form of development within the Green Belt in the context of paragraph 89 of the NPPF.

5.5 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 not materially larger than that which previously occupied the site.

5.6 Under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the applicant would be entitled to erect an outbuilding of similar scale, footprint and proportions to the building constructed on site, albeit with a flat roof and standing to 2.5m to its ridge. Whilst such a development would have a lesser ridge height to that of the pitched roof currently in situ, it would be a far less appropriate design and would relate poorly to the site and its surroundings. The permitted development alternative that is available to the applicant is considered to constitute a material fall back position against which this application should be assessed, and in my opinion the works undertaken on site have a far lesser impact on the character and appearance of the area than the alternative of removing the pitched roof and installing a flat roof.

5.7 Such considerations are considered to lend significant weight in favour of the proposed development and amount to very special circumstances to clearly

outweigh the harm to the Green Belt by way of inappropriateness. I nevertheless maintain my contention that the proposal constitute an appropriate form of development in the Green Belt in any event, in accordance with paragraph 89 of the NPPF.

Design & Amenity

5.8 The building constructed on site adopts a simple, gabled style of design that reflects the scale and general proportions of the building which previously existed on the site. It relates well to the existing dwelling and is not considered to be harmful to the character and appearance of the area in terms of its scale, massing and design. The proposal furthermore does not give rise to any adverse impact to neighbouring residential amenity. The proposal is therefore 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 building erected on site is not materially larger than the building which was replaced, and is within the same use. The proposal is therefore an appropriate use within the Green Belt;

- The applicant's entitlements under Permitted Development constitute a material fall back position against which this application should be determined;

- The proposed pitched roof design is considered to be more preferable, and a better design solution compared to the flat roof design which could otherwise be undertaken as Permitted Development;

- The proposal is of a scale, massing and design that is in keeping with the character and appearance of the surrounding area.

- The proposal 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, R2, 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.