

Supporting Statement in relation to the conversion of a holiday cottage to a dwelling

Jay's Barn, Bradley

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Conversion of Holiday Cottage to Dwelling – Jay’s Barn, Bradley

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1 Introduction

- 1.1 JMI Planning is a Midlands based town planning consultancy. Its directors are chartered town planners with over 30 years’ combined experience in both the public and private sector.
- 1.2 The author of this appraisal, Jon Imber, has worked as both a development control and forward planning officer in local government, and more recently as a senior planning consultant in the private sector. He has extensive knowledge of the planning system and experience of the appeals process. He is a member of the Royal Town Planning Institute.

2 Site and Planning History

- 2.1 The application site comprises a single bedroomed holiday cottage on the eastern edge of Bradley in the Moors. Bradley in the Moors is a rural settlement which lies approximately one kilometre south-west of the local service centre of Alton.
- 2.2 Jays Barn is a single storey brick and tile building that was converted into a holiday let from agricultural use in the early 21st Century (LPA reference SM.98-0669). It sits within a modest curtilage.
- 2.3 Surrounding land uses include a farmhouse and associated farmyard to the south, and fields to the north, east and west. There are several residential properties within the wider surroundings, including Rest Cottage which is occupied by the applicant.
- 2.4 The site is accessed via a surfaced driveway which emerges onto Bradley Lane. Bradley Lane is subject to the national speed limit but its width and alignment are such that vehicle speeds tend to be considerably lower.

2.5 In July 2016 a planning application was submitted to use the property as a private dwellinghouse rather than a holiday let (LPA reference SMD/2016/0417). The application was refused on the following three grounds:-

1. The application site lies outside any recognised development boundary within an area of attractive open countryside. The nearest village, Alton is located approximately 2km away and the nearest town, Cheadle, is located 3km away. The absence of footways and street lighting are barriers to walking to the closest bus stop and the sites accessibility is further weakened by the infrequency of the single bus service to be able to access essential services and facilities. On this basis, it is considered that the future occupiers of the dwelling would most likely rely on the use of the private car to access essential services and facilities. In this respect the proposal would not amount to sustainable housing as it would not be sustainably located and would therefore conflict with Policies SS1a of the Staffordshire Moorlands Core Strategy and guidance contained in the National Planning Policy Framework. The contribution that a single dwelling would make to the shortfall in the 5 year supply of housing would not outweigh the harm identified above.
2. Adopted Staffordshire Moorlands Core Strategy Policy R2 "Rural Housing" permits the conversion of non-residential rural buildings for residential use, where, in this case, it can be demonstrated that the agricultural or commercial use is not viable or suitable and requires marketing or other evidence to be submitted to justify a departure from these strict policy requirements. It is not considered that the information submitted adequately demonstrates that the existing tourism use is no longer viable or that alternative commercial uses have been adequately explored as required by policy R2 of the adopted Staffordshire Moorlands Core Strategy and the Framework.
3. The application building benefits from an attractive open countryside setting.

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Whilst the change of use to the holiday accommodation has resulted in some domestication of the site the agrarian origins of the building and its setting continue to be discernible. The change of use of the building to allow it to be used as a permanent residential dwelling would result in further domestication of the barn and its setting which would be harmful to the rural character and appearance of the area. In this respect the proposal would be contrary to Policy DC3 of the adopted Staffordshire Moorlands Core Strategy which seeks to protect and where possible enhance the local landscape and setting of Settlements in the Staffordshire Moorlands.

2.6 The site and its surroundings are shown on the following photographs.



Figure 1 - Aerial photograph of site

3 The Proposed Development

- 3.1 Due to very limited demand for the holiday cottage, it is currently underutilised. Alternative uses for the cottage have therefore been considered. The building contains all of the accommodation and amenities required for residential use, and as such use as a dwellinghouse appears the most logical and appropriate solution. It is therefore proposed to use the building as a private dwellinghouse rather than as a holiday let.
- 3.2 The proposed dwelling would be a single-bedroomed property featuring an open plan kitchen, living and dining room, and a separate bathroom. The accommodation is provided on a single level.
- 3.3 No extensions or alterations to the building are proposed.
- 3.4 An area of domestic curtilage commensurate with the needs of the dwelling is to be accommodated on the site. The dwelling would be accessed via the existing site entrance and car parking is to be accommodated within the curtilage.

4 Planning Policy Context

National Planning Policy Framework

- 4.1 Paragraph 14 advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date Local Plan; and also in circumstances where the development plan is absent, silent or relevant policies are out-of-date unless any adverse impacts of doing so would significantly

and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

4.3 One of the core principles of the NPPF is that planning should proactively drive and support sustainable economic development to deliver the homes that the country needs.

4.4 Paragraph 9 of the NPPF states that *“pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):*

- *making it easier for jobs to be created in cities, towns and villages;*
- *moving from a net loss of bio-diversity to achieving net gains for nature;*
- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure;*
and
- *widening the choice of high quality homes.”*

4.6 Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

4.7 Paragraph 55 of the NPPF states that isolated new homes in the countryside should be avoided unless there is special justification, such as where the development would re-use redundant or disused buildings and lead to an enhancement to their immediate setting.

- 4.8 Chapter 7 of the Framework relates to design. Paragraph 58 advises that decision makers should aim to ensure that developments respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 61 of makes it clear that good design goes beyond purely aesthetic considerations and also relates to how development is integrated into the natural and built environment. Paragraph 63 encourages design which raises the quality of the built environment in its setting.

Staffordshire Moorlands Core Strategy (2014)

- 4.10 The application site lies outside of any settlement boundary. As such, it falls within the category ‘Other Rural Areas’ as defined by Policy SS6c. Policy SS6c states that Other Rural 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*”. One type of development which the policy identifies as acceptable to meet a local need is the “*conversion, extension or replacement of an existing rural building in accordance with policies R1 and R2.*”

4.11 **“R1 - Rural Diversification**

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 which is otherwise acceptable within the terms of this policy, will still need to be justified by very special circumstances.

Priority will be given to the re-use of rural buildings for commercial enterprise, including tourism uses, where the location is sustainable and the proposed use does not harm the building’s character and/or the character of its surroundings.”

4.12 **“R2 - Rural Housing**

Other than sites allocated for housing development in the Site Allocations DPD, only the following forms of housing development will be permitted in the rural areas outside the settlement and infill boundaries of the town and the villages:

- *Affordable housing which cannot be met elsewhere, in accordance with Policy H2.*
- *A new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere.*

- *Proposals for replacement dwellings, provided they do not have a significantly greater detrimental impact on the existing character of the rural area than the original dwelling or result in the loss of a building which is intrinsic to the character of the area.*
- *Extensions to existing dwellings provided they are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and the character of the rural area.*
- *The conversion of non-residential rural buildings for residential use where:*
 - *the building is suitable and worthy in physical, architectural and character terms for conversion; and*
 - *it can be demonstrated that agricultural or commercial use is not viable or suitable. In such cases there will be a requirement for a marketing exercise to be carried out by a suitably qualified professional or other evidence that the building would be unsuitable for a commercial use; or*
 - *conversion to residential use would enable a building of particular merit to be safeguarded.”*

5 Planning Considerations

- 5.1 This application is effectively a re-submission of SMD/2016/0417, which was refused in March 2017. The Council’s reasons for refusal can be summarised as follows:-

1. The site lies within an unsustainable location.
2. It has not been demonstrated that there are no suitable alternative agricultural or commercial uses for the building.
3. The domestic use of the curtilage of the property would harm the character of the surrounding area.

These reasons will be considered in turn below. It should be noted that the grounds for refusal are broadly identical to those for an application seeking the use of a former bunk barn at Oakamoor as a dwelling (LPA reference SMD 2016/0770). This decision was subject to an appeal which was allowed on 11th September 2017 (PINS reference APP/B3438/W/17/3171736). Subsequent references in this statement to the Oakamoor appeal relate to the above decision.

Reason 1 – Sustainability of Location

- 5.2 The proposals involve the conversion of a rural outbuilding to form a new dwelling. Policy SS6c of the Core Strategy allows this type of development where it would meet an identified local need, subject to compliance with Policies R1 and R2.
- 5.3 The proposals involve the conversion of the building to a market dwelling rather than affordable housing. However, Staffordshire Moorlands District Council cannot currently demonstrate a five-year supply of housing. In accordance with Paragraphs 14 and 49 of the NPPF policies which restrict the supply of housing such as Policy R2 are considered out of date. As such only very limited weight can be attached to Policy R2 in the determination of this application. Instead, the proposals fall to be considered against policies in the NPPF in accordance with the presumption in favour of sustainable development.
- 5.4 Paragraph 55 of the NPPF allows the residential conversion of redundant or disused buildings in the countryside where this would lead to an enhancement to their

immediate setting. In *Braintree District Council v Secretary of State for Communities and Local Government* [2017], the Council challenged the decision of a planning inspector that a proposal for new housing in the countryside would not result in new “isolated homes” because “there are a number of dwellings nearby”. The Judge rejected the Council’s case, agreeing with the Secretary of State that the word “isolated” in paragraph 55 of the NPPF should be given its ordinary, objective meaning. This is a home “far away from other places, buildings, or people; remote” (Oxford Concise English Dictionary). A home that is “isolated from services and facilities” is not, therefore, necessarily an “isolated home” as the Council contended.

- 5.5 In this instance the application site is on the edge of a small rural settlement. It is immediately opposite an existing residential property, and approximately 75 metres from the next closest property. The local church lies within comfortable walking distance. Following the judgement in *Braintree v SSCLG*, it is clear that the application site is not isolated for the purposes of interpreting Paragraph 55.
- 5.6 The site lies on the edge of a rural settlement with limited services and facilities. The nearest service centre is the larger village of Alton, which lies approximately one kilometre to the north-east. Whilst Alton lies within cycling distance of the application site, it is accepted that the most attractive and convenient means of accessing services and facilities would be by private car.
- 5.7 In determining the Oakamoor appeal, the Inspector concluded that whilst future occupants of the proposed dwelling would be reliant on the private car, the fallback position established by the authorised use of the building is a material planning consideration that should be given significant weight.
- 5.8 A single dwellinghouse in this location would not be any less sustainable in environmental terms than the short-term residential use associated with holiday

accommodation. It is unusual for holidaymakers to remain in their accommodation for the duration of their visit. It is considered likely that they would commute to local attractions such as Alton Towers and the Peak District, as well as public houses and restaurants in nearby villages. In this location they would be dependent upon on the private car to achieve this. It is therefore considered that resuming the authorised use of the building would generate a larger number of trips by private car when compared to a permanent residential use, and as such that a permanent residential use is more sustainable in environmental terms.

5.9 Furthermore, the concept of environmental sustainability encompasses a wider range of considerations than location. The proposals involve the re-use of an existing and under-utilised resource to help address the shortfall in housing across the district. The proposals do not involve extensive construction works and would not result in the loss of greenfield land. In this respect, the proposal is more sustainable than a new-build dwelling.

5.10 In concluding on the issue of environmental sustainability in the Oakamoor appeal, the Inspector found that *“the development would be in conflict with Policies SS1, SS6c and R2 of the Core Strategy. However, the Council is unable to demonstrate a five-year supply of deliverable housing sites and housing supply Policy R2 carries limited weight. Moreover, there is fallback position related to the existing use of the building to which I attach significant weight. Overall, I consider that the conflict with development plan policy is outweighed by this consideration”*. These conclusions are equally relevant to this current proposal.

Reason 2 – Alternative Uses

5.11 The Council’s second reason for refusal is based upon the requirement of Core Strategy Policy R2 for applicants to demonstrate that agricultural or commercial uses are not viable before residential conversion can be considered.

5.12 Core Strategy Policy R2 is a policy restricting the supply of housing. Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

5.13 Staffordshire Moorlands District Council can presently demonstrate only a 1.87-year supply of deliverable housing sites, which is significantly short of the 5-year supply required by the NPPF. In accordance with Paragraph 49 of the NPPF, Policy R2 of the Core Strategy must therefore be considered out-of-date. This view is confirmed by Paragraph 18 of the Oakamoor appeal decision which states that:-

“The development would be in conflict with Policy R2 of the Core Strategy, because it has not been demonstrated that the commercial use is not viable or suitable. However, the policy carries limited weight and the proposal must be considered in the context of the presumption in favour of sustainable development.”

5.14 The holiday cottage attracts only a very limited number of bookings. At present, therefore, the economic benefits associated with the current use of the building are minimal.

5.15 The development would make use of an under-utilised building and future occupants would make a contribution to local shops and services, and support community facilities. This would have an overall positive impact on the vitality of the rural community. The benefits associated with a residential use would be more likely to be more consistent across the year than the continued use of the property as a holiday cottage.

- 5.16 On balance, the combined economic and social effects of the development would be positive.

Reason 3 – Impact of Curtilage

- 5.17 The holiday cottage sits within a modest and well-defined plot, which includes a parking and turning area and a small amount of outdoor amenity space for use by its occupiers.
- 5.18 Paragraph 203 of the National Planning Policy Framework states “*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions*”.
- 5.19 Inappropriate extensions and curtilage buildings could be prevented through a condition removing householder permitted development rights.
- 5.20 The use of the parking area and outdoor amenity space by permanent residents of the property as opposed to holiday makers would have no material impact upon the character or appearance of this rural area. Permanent residents would be indistinguishable from holiday makers and are no more or less likely to spend time outdoors.
- 5.21 The property and its curtilage are viewed in the context of the farmhouse opposite, and are set within a wider context of a small rural settlement. The domestic curtilage of the property would not appear alien in this context. Its limits are clearly defined by robust boundary treatment and it is visually distinct from the open countryside beyond.

5.22 The proposals would not therefore be viewed as an intrusion of domestic activities into the open countryside.

Other Material Considerations

5.23 Paragraph 32 of the National Planning Policy Framework states that development should only be refused on highway grounds where its impact upon the network would be severe.

5.24 The site access emerges onto Bradley Lane, which is subject to the national speed limit. However, the width and alignment of the carriageway are such that vehicle speeds appear to be relatively low.

5.25 As set out in Paragraph 5.6, the proposed dwelling is likely to generate less vehicle movements than the authorised use of the site.

5.26 The proposals would not therefore prejudice the safe or efficient use of the highway network.

5.27 Paragraph 119 of the NPPF states that “the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined”.

5.28 No internal or external alterations to the building are required to facilitate permanent residential use. The proposals will not therefore harm protected species or their habitat.

6 Conclusions

- 6.1 The application proposes the conversion of an existing holiday cottage to form a dwelling.
- 6.2 The site lies on the edge of a rural settlement with a limited range of services, and where the most attractive and convenient means of reaching larger settlements is the private car. However, the lawful use of this vacant building could result in a greater number of trips to and from the site, and on that basis a permanent residential use is no less sustainable. This fallback position should be given significant weight in the determination of the appeal.
- 6.3 Furthermore, the proposals are sustainable insofar as they involve the re-use of a currently underutilised resource which would contribute towards addressing the district’s significant housing shortfall.
- 6.4 Policy R2 of the Core Strategy, which requires evidence of marketing for alternative agricultural and commercial uses, is a policy restricting the supply of housing. In the context of a significant shortfall in housing supply, it is out of date and does not carry any weight in the determination of this appeal. Instead, the proposals should be assessed against policies in the NPPF.
- 6.5 The proposals would provide a modest but positive contribution towards addressing the shortfall in housing supply in the district.
- 6.6 The proposals would not materially affect the character of the building or its rural surroundings.

6.7 The development would not detrimentally affect the amenities enjoyed by the occupiers of nearby dwellings or the safe and efficient use of the highway network. The proposals would not harm protected species or their habitats.

6.8 The proposals therefore constitute sustainable development which accord with the National Planning Policy Framework. In light of the precedent set by the appeal decision at Oakamoor, it is therefore respectfully requested that this application be approved.