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PLANNING STATEMENT INCLUDING DESIGN & ACCESS CONSIDERATIONS

DATE ISSUED:
March 2018

SITE ADDRESS:
The Foxgloves, Star Bank, Oakamoor, Staffordshire Moorlands, ST10 3BA

APPLICANT:
Mr R W & P A Cope

PROPOSAL:
Removal of condition 11 of planning permission SMD/2006/0329 (old reference 06/00547/FUL) which restricts the occupancy of the permitted dwelling to people who satisfy Staffordshire Moorlands District Council's local occupancy requirements

JOB NUMBER:

2018-2321

1. INTRODUCTION

1.1 This statement is submitted in support of an application which seeks consent to remove condition 11 of planning permission SMD/ 2006/0329 (old reference 06/00547/FUL) which restricts the occupancy of the permitted dwelling to people who satisfy Staffordshire Moorlands District Council's local occupancy requirements.

1.2 The application for a single detached dwelling was granted planning permission, subject to a number of conditions on 1st August 2006 one of which was the condition restricting occupancy of the proposed dwelling to people who met the Council's local occupancy criteria set out in Supplementary Planning Guidance (SPG) "Housing for Local People and Affordable Housing". The condition and reason are replicated for ease below. A copy of the decision notice has also been attached as Appendix 1 to this statement:-

"The dwelling hereby permitted shall not be occupied, nor shall each subsequent new occupation be undertaken until such time as it has been demonstrated in writing to the Local Planning Authority, and such written consent has been provided, that occupation of the dwelling will satisfy the following local occupancy criteria from the Supplementary Planning Guidance on Affordable Housing for Local People by meeting at least one of the following criteria:-

(i) They have lived continuously in the Staffordshire Moorlands community for at least five years;

(ii) They have a strong local connection with the Staffordshire Moorlands by birth or upbringing, or by previous periods of residence;

(iii) They need to support their family currently living in the Staffordshire Moorlands or themselves in need of family support;

(iv) They are employed in the Staffordshire Moorlands.

Reason: In order to achieve and maintain in perpetuity local needs housing in circumstances where planning permission would otherwise be refused. "

2. PLANNING POLICY

2.1 Section 38(6) of the Planning and Compulsory 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.

2.2 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced a significant proportion of central government planning policy advice with immediate effect. It is the Government's clear intention that the document should be considered to be a material consideration and as such carries particular weight where development is not addressed by planning policies in the existing Development Plan.

2.3 Whilst the recently published NPPF does not change the statutory status of the Development Plan as the starting point for decision making it does provide guidance to LPA's and is a material consideration in

determining planning applications (para 12). The NPPF confirms that at the heart of the guidance is a presumption in favour of sustainable development (para 14) and that for decision making this means approving development proposals that accord with the Development Plan without delay unless material considerations indicate otherwise. The Development Plan for the Staffordshire Moorlands comprises of the adopted Core Strategy Development Plan Document (March 2014) saved policies of the Staffordshire Moorlands Local Plan (1998), saved policies of the Minerals Local Plan (1999) and the Staffordshire & Stoke on Trent Joint Waste Core Strategy (March 2013).

2.4 The most relevant policies of the adopted Core Strategy are considered to be SO1 (Spatial Objectives), SS1 (Development Principles); SS1a (Presumption in Favour of Sustainable Development); SS2 (Future provision of Development); SS3 (Distribution of Development); SS4 (Managing the Release of Housing Land); SS6 (Development in Rural Areas); SS6c (Rural Areas Strategy); SD1 (Sustainable Use of Resources); H1 (New Housing); H2 (Affordable and Local Needs Housing) R2 (Rural Housing); DC1 (Design Considerations); DC3 (Landscape and Settlement Setting); C1 (Creating Sustainable Communities); T1 Development and Sustainable Transport and T2 (Other Sustainable Transport Measures). For the sake of brevity these policies are not quoted in full but they are referred to where appropriate in the following section.

3. KEY PLANNING ISSUES

3.1 The key issues for consideration in the determination of this application are considered to be whether the planning condition remains valid and serves a useful planning purpose.

3.2 The application site lies within the settlement boundary of Oakamoor, where the principle of housing development is generally considered to be acceptable. Core Strategy Policy SS1 states that development should contribute to the social, economic and environmental improvements of the Staffordshire Moorlands. In accordance with Policy SS1a, when considering proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

3.3 The application dwelling has been completed and is currently occupied. In accordance with policy H2 the provision of a single dwelling on the application site would not trigger an affordable housing requirement if it were to be considered today.

3.4 At the time of the granting of the original planning application the Local Planning Authority commonly imposed the local needs occupancy restriction on a number of decisions. The justification for the local occupancy condition was on the basis that Structure Plan requirements for housing had been met and the provisions of the Regional Planning Guidance. However challenges at appeal were upheld and found in favour of applicants, with Inspectors either granting permission without the condition or supporting

applications to remove it noting that there was no policy basis for such a restriction (see ref APP/B3438/A...041168995, 05/1191517, 05/1193515, 07/2034872, 07/2034918 and 07/2034908). Accordingly the condition was considered to be ultra vires given that there were no adopted policies at the time which would have restricted or suggested restricting occupancy to local people. This remains the case and therefore until such a time that the policy position changes this condition does not serve any useful planning purpose.

4. CONCLUSION

4.1 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.

4.2 The condition in question would not pass the tests of the NPPF and its removal should therefore be permitted. Similar applications to remove the condition placed on other applications have been dealt with in a similar manner. The LPA is therefore respectfully requested to approve the application without delay.