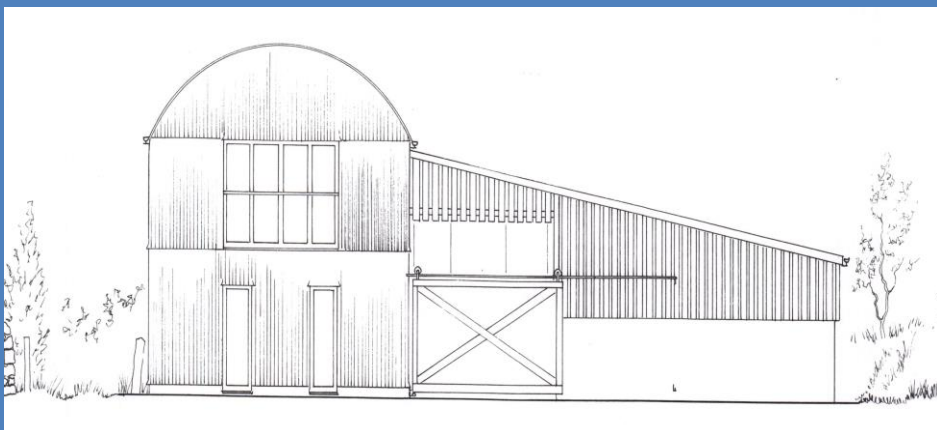


# PLANNING STATEMENT

LAND OPPOSITE RUE HILL  
HOUSE, ASHBOURNE ROAD,  
CAULDON LOWE,  
STAFFORDSHIRE



T: 01283 515449  
M: 017912347691  
E: [enquires@am-planningconsultants.co.uk](mailto:enquires@am-planningconsultants.co.uk)

Website: [am-planningconsultants.co.uk](http://am-planningconsultants.co.uk)

## Contents

1.	Introduction .....	2
2.	Background .....	2
3.	Planning History .....	3
4.	Application Submission Documents.....	3
5.	The Site and Surrounding Area .....	4
6.	The Proposal .....	5
7.	<b>Planning Policy Framework</b> .....	5
8.	National Planning Policy Framework .....	5
9.	NPPF and Development Rational .....	9
10.	Local Plan Policies .....	13
11.	Conclusion .....	16

## 1. Introduction

- 1.1. This Planning Statement is prepared by AM Planning Consultants Limited on behalf of our client's Mr & Mrs Little (the 'applicant'), in support of an application for the erection of a dwelling identical in appearance as that approved under the Prior Approval consent.

## 2. Background

- 2.1. Prior approval was previously approved by the Council 5<sup>th</sup> December 2016 for the change of use of the agricultural building to a single dwellinghouse, including building operations under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 under planning ref. no. DET/2016/0029.
- 2.2. After the grant of permission, a site meeting was arranged with the Planning Officer to establish what works could and could not be undertaken during the build process but he cancelled this meeting and refused to rearrange the meeting. Therefore, applicant's commenced work on site in June 2017 reliant upon the Prior Approval and attached conditions, along with building regulations requirements.
- 2.3. During the implementation of this approval it was established that due to no conditions restricting the removal of the existing external walls the applicant's believed that they could rebuild these due to potential health risk reasons following the comments from the Structural Engineers for the Council, Martyn Barber's consultation response during the application process which stated that ***" the existing perimeter dwarf walls are highly contaminated with farm waste and are very unlikely to have adequate foundations for domestic purposes and will probably need replacing ...."***.
- 2.4. Under Class Q (i) development under Class Q (b) allows building operations to install or replace windows, doors, roofs or exterior walls including water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling, and my applicants believed that they were acting in full accordance with the approval.
- 2.5. Unfortunately, it has subsequently come to light that their builder erected the new external walls in places slightly outside of the existing footprint of the building in some areas i.e. a bricks width. He also recommended the removal of the roof trusses due to their poor condition and their replacement, which would constitute a general repair to the building.

- 2.6. However, the Enforcement Officer notified the applicants that the works were unauthorised at which stage they immediately ceased work on the dwelling, and made several attempts to liaise with the Council Officers to discuss the matter despite the extent of works being de minimus i.e. a bricks width/ pencil line width or a repair.
- 2.7. Although, the Enforcement Officer and Planning Officer refused to discuss the matter with the applicants, the Planning Manager did finally meet with the applicants and has recommended that a full planning application is supported to regularise the situation.
- 2.8. It was only following this meeting that the Officer Delegated Report was made available on the Council's website, which would have been a huge assistance to the applicants had they been aware of this information it contained about the works which were permissible.
- 2.9. My clients have undergone a huge amount of stress due to this matter and Mrs Little is now taking medication to alleviate this which has been compounded due to the lack of engagement between the officers of the Council. They have already spent over £80,000 on the project to date, with the made to measure wooden barrel beams sitting in storage until the proposal can move forward, which will of course be useless if permission is not granted.
- 2.10. This application has been submitted to regularise the proposed dwelling to provide the applicants with the confidence that the dwelling when completed will be lawful. The proposal will result in no difference to the finally constructed dwelling's appearance to that which was approved under the prior approval, and will merely place them back in the position where they can complete and occupy the dwelling and sell their existing large family home.

### **3. Planning History**

- 3.1. As stated above Prior Approval for the change of use of the agricultural building to a dwelling was approved on 5<sup>th</sup> December 2016 under Planning Ref. No. DET/2016/0029.

### **4. Application Submission Documents**

- 4.1. The following documents have been submitted in support of the application:

- Planning Statement
- Noise Survey
- Plans: -
  - Location and Site Plan

- Proposed Ground Floor Plan 1:50
- Proposed First Floor Plan 1:50
- Proposed Eastern and Southern Elevations 1:50
- Proposed Western and Northern Elevations 1:50

## 5. The Site and Surrounding Area

- 5.1. The application site is set back 7m from the carriageway of the A52 and comprised of a Dutch barn sited on agricultural land located on the southern side of the A52, as you travel westwards towards Whiston. Images 1. and 2. below show the western and eastern elevations of the original Dutch Barn as you drive along the A 52.



Image 1. Looking at the eastern elevation of the original Dutch barn.



Image 2. Looking toward the western elevation of the original Dutch Barn.

- 5.2. There is an existing vehicle access off the A52 to the Dutch Barn which would be utilised in relation to this proposal.



- 5.3. To the north of the site on the opposite side of the road is Rue Hill House which is the base for Simon Clowes Transport Ltd and further north lies a quarry. To the south are open fields and as quarry.
- 5.4. The application site lies within the open countryside.



Image 3. Goggle Image of application site and its surroundings.

## **6. The Proposal**

- 6.1. The planning application seeks planning consent for the erection of a dwelling identical in appearance to that which was approved under the Prior Approval.

## **7. Planning Policy Framework**

- 7.1. In preparing this Planning Statement reference is made to the following national and local planning policies and guidance documents:

- National Planning Policy Framework (NPPF) (March 2012)
- Staffordshire Moorlands Core Strategy Development Plan adopted March 2014
- Churnet Valley Master Plan Supplementary Planning Document

## **8. National Planning Policy Framework**

- 8.1. The National Planning Policy Framework (March 2012) (NPPF) has replaced all the previous PPGs and PPSs in respect to applications and decision taking. The following paragraphs are considered relevant to the consideration of the application and the approach authorities should take in respect to decision taking.

8.2. Reference to relevant paragraphs is set out below:

12. This National Planning Policy Framework does not change the statutory status of the development plan as a starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.
13. The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.
14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking...

For **decision-taking** this means:

- Approving development proposal that accord with the development plan without delay; and
  - Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - any adverse impacts of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - specific policies in this Framework indicate development should be restricted.
47. To boost significantly the supply of housing, local planning authorities should:
- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
  - identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of





communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.....

58. Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public spaces as part of developments) and support local facilities and transport networks;
  - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - create safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion; and
  - are visually attractive as a result of good architecture and appropriate landscaping.
59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. 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. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

## **9. NPPF and Development Rational**

9.1. Under chapter 6 of the NPPF the Local Planning Authority is required to objectively assess the need for both market and affordable housing across their housing market area by identifying and annually updating a rolling supply of specific 'deliverable' housing sites to provide sufficient housing land against their housing requirements.

9.2. The calculation of the five-year housing land supply requires the Local Authority to reach a conclusion on two elements:

- a. What is the dwelling requirement in the next five years?
- b. What elements of the identified supply are capable of meeting this requirement in the next five years?

- 9.3. In order to address the first issue of the housing requirement the Local Authority is required to consider the following:
- a. What are the dwelling requirements in the up to date plan or if there is not a development plan then what are the objectively assessed housing needs?
  - b. Is it appropriate to apply a 5% or 20% buffer to the housing requirements?
  - c. Is there a back log of housing needs?
  - d. Over what time period should the backlog be addressed?
- 9.4. To address the second issue of housing supply the Local Authority is required to consider the following:
- a. Is there compelling evidence that windfall sites have consistently become available in the local area and will continue to provide a reliable source of supply?
  - b. Are all of the sites with planning permissions:
    - i. Available now
    - ii. Suitable now
    - iii. Achievable with a reasonable prospect that the housing will be developed on the site within five years (potential completions)
    - iv. Viable – Is there still a demand for that type of housing unit or are there issues with phasing?
  - c. Are there development plan allocations, draft allocation or other sites which can meet the criteria in (b)?
- 9.5. Where a Local Planning Authority is unable to demonstrate a five-year supply of deliverable housing sites paragraph 49 of the NPPF states that 'relevant policies for the supply of housing should not be considered up-to-date'.
- 9.6. Paragraph 47 of the National Planning Policy Framework explains that the Local Planning Authority should not only boost significantly the supply of housing but: -
- use their evidence base to ensure that their Local Plan meets the full, objectives assessed needs of market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
  - identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and completion in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of

achieving the planned supply and to ensure choice and competition in the market for land;

- 9.7. This is not a duty which falls on the developers/applicants only to submit residential proposal for large scale development sites, that may deliver a greater number of dwellings over the build period but, which may not deliver any dwellings for several years due to potentially selling the land off in lots, construction of infrastructure, decontamination works etc. And it is clear from the Council's position of falling under the 5-year land supply level within two years of adopting their Core Strategy that the delivery of houses has been over calculation to an unachievable optimistic level. Smaller windfall sites such as this proposal are delivered quicker and are likely to contribute to the deliverability of five-year housing land supply in a timely manner.
- 9.8. The Council's recently published its 5-year land supply level to 31<sup>st</sup> March 2017 which requires a 20% buffer as a 'persistent under delivering' authority and reaching the conclusion that they only have 1.99 years of deliverable housing land supply. This situation is likely to worsen as housing delivery does not meet projected figures and additional housing is necessary to fulfil this gap.
- 9.9. It is evident that this shortfall needs to be made up by deliverable site over the next five years and this proposal can assist to contribute positively towards the Councils future need for housing land and deliver high quality designed housing within the next 12 months.
- 9.10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:
- "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 9.11. The status of the Development Plan has been somewhat diminished in light of the Council's failure to have an adequate five-year housing land supply and this is supported by both case law and appeal decisions made by the Planning Inspectorate following the introduction of the National Planning Policy Framework (NPPF) in March 2012 which is a material consideration. e.g.
- 9.12. In terms of economic, social and environmental dimensions of sustainability, this proposal offers a number of significant improvements for the area:
- The provision of a 3- bed dwelling will contribute to meeting Council's housing requirements and enhance the current housing stock of the District.
  - The site's development will also promote housing choice whilst reflecting the same design as the prior approval dwelling.

- The development of the site will offer construction work for a local small building firm, which will see an estimated delivery within 10 months of the granting of permission for the development, helping to contribute positively to the economy.
- The applicants can utilise the study as an office, which will enable the potential for home working as the majority of office based/white collar roles now offer this to their employees. This would include extra power outlets, telephone points and an appropriate level of light and ventilation. This would reduce the need to travel to work and be more sustainable whilst reducing the carbon footprint.
- The proximity to Ashbourne, Cheadle and Leek town centres and the intervening villages will ensure that the future residents enhance and contribute to maintain the vitality of the local rural community and economy by supporting local facilities.
- There are good transport links to support the use of alternative modes of transport to the motor car. E.g. bus services.
- This proposed dwelling will enable the applicants to downsize and release a large family rural property onto the open market to encourage inward investment into the area and add to the employment pool of the district.
- The additional landscaping will encourage local wildlife to flourish and enhance the character of the area and the open countryside. This will also soften the development whilst retaining the original Dutch Barn design.
- Environmental energy sources will be utilised along with sustainable construction materials and methods to ensure the development is sustainable.
- There are significant employment opportunities in the local area, and towns to support the future growth of the area and future occupiers will contribute financially to maintain and enhance those services and facilities.
- This proposal accords with the National Planning Policy Framework (March 2013) and does not have any significant adverse impact which would demonstrably outweigh the benefits of granting planning permission.

9.13. The proposal achieves sustainability under the following NPPF headings:

1. Building a strong, competitive economy by providing construction jobs and support local building trades, which will bring additional expenditure into the local economy.

2. Ensuring the vitality of the town centre by the future occupiers of the dwelling supporting local facilities and services through the additional Council Tax to help fund local services and facilities whilst using local expending their income in local shops and facilities.
4. Promoting sustainable transport through the provision of a room which can be utilised for home working. The local bus service and proximity to the local town centre will enable short journeys to be undertaken via sustainable transport methods.
6. Delivering a wide choice of high quality homes through the provision of a much-needed dwelling through this sustainable development to ensure that the housing market choice reflects people's desire to live in a rural location in a more energy efficient property, whilst enabling the applicant's larger property to be released onto the open market to encourage inward migration or prevent migration out of the district.
7. Requiring good design through the proposed dwelling being identical to that approved under the prior approval consent, which reflects the original design of the Dutch Barn that has stood in this location for decades and reflects the historical agricultural use of the site.
8. Promoting healthy communities by providing sufficient garden space and access to local amenities, whilst appreciating the adjacent countryside.
11. Conserving and enhancing the natural environment through the duplication of the Dutch Barn conversion approved under the Prior Approval and the addition of landscaping, which will enhance the wildlife habitat by providing a food source.

## **10. Local Plan Policies**

- 10.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.2. Despite the housing policies in the Core Strategy being classed as out of date due to the lack of a five-year housing land supply I will address the relevant policies below:
- 10.3. **Policy SS1 Development Principles** - This policy is satisfied for the reasons set out in paragraphs 9.12 and 9.13 above in relation to contributing positively to the social, economic and environment. Whilst the reinstatement of the Dutch Barn designed dwelling proposal will help to retain the sites historical



appearance of this style of barn, which has been used throughout the district and the UK and sets a period of time in the progression of farming nationally.

- 10.4. The proposal utilised the previously approved design and will be constructed using sustainable construction method and materials to ensure that the high quality designed dwelling is energy efficient, and the most efficient and effective use of the site, incorporating a high level of insulation, rain water harvesting, natural light, air heat source etc. and enabling the applicants to use the study as an office to reduce their carbon footprint.
- 10.5. Landscape planting will also enhance the setting of the dwelling and the biodiversity of the site.
- 10.6. **SS1a - Presumption in Favour of Sustainable Development** – This policy is satisfied for the reasons set out above and the fact that the proposal respects the character of the area and merely puts the applicant's back into the position they were in when the prior approval was granted for the conversion of the Dutch Barn. No significant or demonstrable harm would result from this proposal and all other policies are address below.
- 10.7. **Policy SS2 - Future Provision of Development** – This policy is satisfied due to the fact that the proposal will contribute to the Council's deliverable five-year housing land supply within less than 10 months.
- 10.8. **Policy SS3 - Distribution of Development** - This proposal is satisfied due to the fact that there is a provision for 28% of dwellings to be allocated within rural areas.
- 10.9. **Policy SS4 - Managing the Release of Housing Land** – This policy clearly holds little or no weight due to the Council's lack of a deliverable housing land supply. However, it does assume an allocation of 30% of windfall site within rural areas and this proposal would contribute towards that figure.
- 10.10. **SS6 - Rural Areas** – This policy requires the delivery of a total of 1680 new dwellings over the lifetime of the plan in accordance with the area strategies SS6A-6C, and the proposal falls within the classification of other rural areas.
- 10.11. **Policy SS6c - Other Rural Areas Area Strategy** – Due to the lack of a 5- year housing land supply it is considered that this policy holds limited weight. However, the proposal has no greater impact than that which had already been granted approval for the conversion of the Dutch Barn, and will preserves and protects the historic appearance of the original barn and openness of the

countryside. Landscape setting would be improved through the provision of planting to enhance the biodiversity of the site.

- 10.12. The proposal incorporates sustainable design methods and enables home working to reduce the occupiers carbon footprint, and the opportunity to use alternative modes of transport due to the sites location on a bus route.
- 10.13. **Policy SS7 - Churnet Valley Area Strategy** – This policy supports the redevelopment of the site by reinstating the original Dutch Barn design, which has been a distinct and intrinsic feature of the landscape character of the area for decades. This reflect a time in the farm industry’s history that should be retained and protected for future generations to interpret the changes to the nature of the design of agricultural buildings.
- 10.14. The proposed design of the dwelling incorporates energy efficient methods, such as rain water harvesting to use the recycled water when flushing toilets and using the washing machine. Natural light through the introduction of the windows and the high level of insulation, the use of a room for home working etc. to reduce the occupiers carbon footprint and mitigate climate change, along with air heat source system.
- 10.15. Bird and bat boxes will be installed along with the addition of landscape planting to encourage the local wildlife and enhance the biodiversity of the valley.
- 10.16. **Policy SD1 - Sustainable Use of Resources** – As previously stated the proposed dwelling is located in close proximity to the local bus services and provides an alternative mode of transport for day to day living. Whilst the proposed dwelling will utilise sustainable building methods and incorporate the use of sustainable drainage methods though recycling surface water for use in the toilets and washing machine with any extra being used in the garden.
- 10.17. It is a material consideration that Prior Approval had been granted for the use of the original barn as a dwelling and this application places the applicants back in the position they were in at the grant of that consent, and is in essence an identical proposal and ensure minimal energy use.
- 10.18. **Policy SD3 - Carbon-saving Measures in Development** – This policy is satisfied through the incorporation of a high-level insulation, water conservation and use of natural light, along with an air heat source system.
- 10.19. **Policy SD4 - Pollution and Flood Risk** – This policy is satisfied as there is no effect of pollution for air, land, noise, water or light and will not result in the increase risk of flooding elsewhere.

- 10.20. **Policy H1 New Housing Development** – This high quality sustainable designed dwelling will be built to Lifetime Home standards providing a 3-bedroom dwelling, which the applicants wish to live in to enable them to downsize, thereby releasing a large family home onto the housing market to encourage either inward migration or prevent outward migration.
- 10.21. The design reflects the character and appearance of the previously approved dwelling and the original Dutch Barn to safeguard the rural character of the area satisfying this policy.
- 10.22. **Policy DC1 - Design Considerations** – As stated above the proposal is well designed and reinforces the local distinctiveness by reinstating the previous Dutch Barn style and character of the building reflecting the historic past of the agricultural use of the site and appearance of the building thereby respecting the character of the area and promoting a positive sense of place. All other elements of this policy have been addressed above.
- 10.23. **Policy DC3 - Landscape and Settlement Setting** – This policy is satisfied for the reason set out above and the proposal would not be detrimental to the character of the local and wider landscape or adverse to the setting of the National Park.
- 10.24. **Policy R2 - Rural Housing** – this policy holds little weight on the basis that the Council does not have a deliverable five-year housing land supply and the policy fails to consider the impact of the proposal.
- 10.25. **Policy NE1 - Biodiversity and Geological Resources** - This policy is satisfied due to the proposal incorporating bat and bird boxes, along with the introduction of landscape planting to encourage and enhance the local wildlife.
- 10.26. **Policy T1 - Development and Sustainable Transport** – The proposal secures the provision for the applicants to undertaken an element of homeworking to reduce the reliance on a private car. In addition to this, the site is also in close proximity to the local bus services to provide an alternative mode of transport.
- 10.27. Sufficient car parking spaces will be provided on site and the proposal will not result in a detrimental impact or harm on the highway safety

## **11. Conclusion**

- 11.1. This proposal merely puts the applicants back in the position they were when the Prior Approval was granted. Any deviations from that consent were undertaken without intention of breaching that consent, and not at all times with their consent. However, the anxiety and stress this has cause them is tremendous, in addition to the potential loss of a huge investment, and all their savings. The end

result would be a dwelling which appears identical to that previously approved and will not result in any greater impact on the character and appearance of the area.

- 11.2. As stated above it is a material consideration that Prior Approval had been granted for the use of the original barn as a dwelling and this application places the applicants back in the position they were in at the grant of that consent, and is in essence an identical proposal
- 11.3. Currently, the Core Strategy housing policies hold little weight due to the fact that the Council does not have a defendable 5-year housing land supply and this proposal would provide an additional dwelling within 10 months of consent being granted contributing to the Council Housing and Supply.
- 11.4. The proposal accords with the provisions of NPPF taken as a whole and there is no adverse impact from the proposal, which would significantly and demonstrably outweigh the benefits of granting planning permission.