PLANNING STATEMENT INCLUDING DESIGN & ACCESS CONSIDERATIONS

- **Date Issued: September 2018**

SITE ADDRESS:

- **Cuckoo-well-Hollow, Bradley Lane, Threapwood, Alton, ST10 4DG.**

APPLICANT:

- **Mrs. P. Capewell.**

PROPOSAL:

- **Application for removal of Condition No. 7 on planning application SMD/2002/1130 (former ref: 02/01239/FUL) – 2 No. holiday chalets.**

Planning Portal reference: PP-07228032

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1 INTRODUCTION

1.1 This Statement is submitted in support of the planning application for removal of a condition, restricting the use of two chalets to holiday use only, to enable the buildings to be used as permanent dwellings. No location or site plans are submitted as these are not mandatory in the case of removal or variation of condition applications. The red-line boundary and location plan are those in the original permission.

1.2 The buildings are part of a small complex of three holiday chalets; two of which were granted permission in 2003 (SMD/2002/1130) and a third chalet, was granted permission in 2011 (ref: SMD/2010/1041). Prior to the 2003 approval the site was a haulage yard. This application seeks the removal of the holiday occupancy condition on the 2003 permission.

1.3 In July 2010 an application (reference: SMD/2010/0315) for a single-storey detached dwelling was refused on the grounds that it would have an adverse impact on the Special Landscape Area; that there was insufficient justification for the proposal; and that intensification of the site would lead to an increase in highway danger owing to the increased use of the existing access that affords restricted visibility. The Special Landscape Area no longer exists but the other two points are addressed in Section 5 "The Case in Support of the Application".

2 APPLICATION SITE AND ITS SETTING

2.1 The two holiday cottages are part of a small complex of three holiday chalets. The third holiday chalet was granted separate planning permission in February 2011. A separate application for the removal of the holiday occupation condition on the third chalet will be submitted after this application.

2.2 The application site is located down a lane off Bradley Lane in the countryside near to three other dwellings and the hamlet of Bradley-in-the -Moors.

2.3 The two chalets are constructed of timber-clad, concrete brick, 275mm thick, cavity walls with single lap concrete tiles with matching ridge and verge tiles on the roofs. Inside the roof of each building there is 250mm of roof insulation. Therefore, although the chalets appear at first sight to be of timber construction they are much more substantial, well-insulated, and of permanent construction.

2.4 There is a septic tank on site which serves all three holiday buildings; all of which have water

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and electricity. The building has its own garden and parking and there is a turning head at the northern end of the access.

2.5 Each property has its own garden and parking and there is a turning head at the northern end of the access.

3. PLANNING POLICY

3.1 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.

3.2 The key documents when assessing planning applications are the Development Plan for the Moorlands and the National Planning Policy Framework (NPPF) which sets out national planning policy and is a material consideration. With regard to the NPPF a new NPPF was published in July 2018 and the policies in this Framework are material considerations which should be considered in dealing with applications from the day of its publication. The letters NPPF or the word "Framework" in this Statement refer to the new Framework produced in July 2018 unless specific reference is made to the previous NPPF.

3.3 In the Staffordshire Moorlands the Development Plan consists of the Staffordshire Moorlands Core Strategy approved in March 2014 supported by a number of Strategic Planning Documents and Design Guidance.

3.4 Relevant policies in the Core Strategy include:

- **SS1 - Development Principles.**
- **SS1 (a) – Presumption in Favour of Sustainable Development.**
- **SS3 - Distribution of Development.**
- **SS6c – Other Rural Areas.**
- **DC1 – Design Considerations**
- **E3 – Tourism and Cultural Development.**
- **H1 - New Housing Development.**
- **R1 – Rural Diversification.**
- **R2 – Rural Housing.**

3.4 The key Development Plan policies in the above list with regard to the application site are considered to be Policies SS6c (Other Rural Areas); E3 (Tourism and Cultural Development); and R2 (Rural Housing).

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3.5 The Council have produced a new (Submission) Local Plan which is due to go before a Planning Inspector at a public examination in October. The Council since July have begun to take the Submission Local Plan into account in decision making. The NPPF sets out the rules for the weight that can be given to such policies. It depends on the stage the Local Plan is at; the objections to the emerging plan; and the degree of consistency of the emerging plan policies with the NPPF.

3.6 Pertinent policies in the Submission Local Plan include:

- Policy SS1A (Presumption in Favour of Sustainable Development);
- Policy SS3 (Future Provision and Distribution of Development);
- Policy SS10 (Other Rural Areas Strategy);
- Policy H1 (New Housing Development);

However, it is contended that only limited weight should be given to Policies SS3, SS10 and H1 as they are subject to objections at the forthcoming Public Submission Local Plan Examination.

3.7 Relevant to this application is the shortage of deliverable housing land supply in the Staffordshire Moorlands District. The Presumption in Favour of Sustainable Development in Paragraph 11 of the NPPF 2018 states in relation to decision-making that: -

"where ……. the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3.8 Footnote No. 7 (page 6) in the NPPF indicates that housing supply policies should be considered out-of-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing land.

3.9 On 31 March 2018 there was 1.8 years supply of deliverable housing land in the District. As there is significantly less than five years supply of deliverable housing land in the District then the Core Strategy policies relating to housing are out-of-date. This does not mean that they are discounted but that less weight should be given to them. Given the fact that the

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District has had a shortage of deliverable housing land for ten years it is contended that even less weight should be given to these policies than if the shortage of supply was only recent.

3.10 For the sake of brevity, the Development Plan and NPPF policies are not quoted in full but they are referred to where appropriate in the section "Case for the Proposed Development".

4. RELEVANT PLANNING APPEAL DECISION

4.1 Please see the attached appeal decision in appendix 1. This appeal sought permission for the conversion of a bunk barn to residential use. The decision is dated 11 September 2017.

4.2 Relevant to this current application is the fact that the Inspector concluded that Core Strategy Policy R2 was out of date and carried little weight.

5. THE CASE IN SUPPORT OF THE APPLICATION

5.1 This section addresses the main planning issues that are likely to arise in the consideration of the planning application.

5.2 These are:

- Planning Policy and the shortage of deliverable housing land supply.
- Sustainability.
- Marketing of the properties.
- Viability of the business and occupancy rates.
- Suitability of the two buildings for unencumbered residential use.
- The proposed development would not have an adverse impact on residential amenity nor on the character of the buildings or landscape.
- Impact on the local holiday accommodation market in the District.
- The access.

5.3 These issues are addressed in turn below:

Planning Policy and the shortage of deliverable housing land supply.

5.4 There is a need for new housing across the entire District because of the shortage of deliverable housing land in the District. Last March the housing land supply was only 1.8 years. Therefore, Paragraph 11 of the NPPF applies and the policies controlling housing supply are out of date. In this case the policies are Core Strategy policies – the housing part of policy SS6c

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and policy R2. Whilst these policies are still relevant it is contended that they should be given less, or, in the case of policy R2 limited, or no, weight, given the significant shortfall in housing supply and the fact that the shortage has existed for ten years.

5.5 As will be shown later in this statement the benefits of the proposed removal of the condition considerably outweigh the disbenefits.

5.6 The site is located in open countryside and Core Strategy Policy SS6c applies. This policy restricts new housing development in the countryside to certain limited exceptions. However, it does allow the conversion of rural buildings for residential use in accordance with Core Strategy Policy R2.

5.7 As stated in paragraphs 5.4 it is contended that little, or no, weight should be given to Policy R2 and that as a result the requirement that a marketing exercise is not necessary. However, here the three chalets on the site have been marketed. More details are given later in this report.

5.8 Even though it is contended that little, or no, weight be given to Policy R2 the buildings are suitable and worthy in physical, architectural and character terms for use as dwellings. The buildings whilst timber-clad are of substantial construction and the removal of the condition would make no difference to their appearance.

5.9 In view of the housing shortfall, it is contended that the proposal should be considered in the context of the presumption in favour of sustainable development, as established by Policy SS1a of the Core Strategy. Moreover, the Presumption in Favour of Sustainable Development in paragraph 11 of the Framework is triggered.

5.10 It is the applicant's contention that the benefits of the proposal would outweigh any disbenefits in particular the provision of housing in a District where there is an overall shortage of deliverable housing land. Whilst the application site is situated away from settlements Policy R2 allows the conversion to residential use of rural buildings which are in similar locations.

5.11 In the Oakamoor appeal in Appendix 1 the Inspector agreed with the appellant that the appeal should be considered in the context of the presumption in favour of sustainable development and that paragraph 14 of the previous 2012 NPPF was triggered in such circumstances. It is contended that similarly the Presumption in Favour of Sustainable Development should apply with this application.

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Sustainability

5.12 The revised NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve this, it sets out three interdependent objectives - economic, social and environmental. However, in paragraph 9 the Framework clearly states that these are not criteria against which every decision can or should be judged.

5.13 In the case of this application the proposed development would bring economic benefits in that permanent residents in the properties would be highly likely to support the services and facilities in Alton all-year round.

5.14 Socially, the provision of two dwellings is important. For several years now, the Council's target for the number of houses to be built in rural areas, as well as the district as a whole, has not been met. Environmentally, the proposal would make efficient use of redundant buildings which otherwise would remain unused. This would be in accord with the Framework requirement to make efficient use of land.

5.15 Other relevant considerations in terms of sustainability are: -

- No reference is made to sustainability in respect of the conversion of buildings to Core Strategy Policy R2. The implication being that if the other requirements in the policy are met then development is sustainable.
- The revised NPPF (in paragraph 79) allows the re-use of redundant or disused buildings which would enhance its immediate setting. Here, the proposal would prevent the deterioration of these buildings and put them to beneficial use. Therefore, the development satisfies the policy in the NPPF and as such is sustainable.
- Given that the original permission allowed the year-round use of the properties the number of car journeys from two permanent residences would not necessarily be greater than the number of journeys from two holiday chalets.
- Class Q of the General Permitted Development order allows the conversion of agricultural buildings to residential use in rural situations such as Cuckoo-Well-Hollow. The latter developments are considered to be sustainable. It is appreciated that this current proposal is a planning application and not a prior notification application but surely the same logic applies; namely that if the conversion of agricultural buildings in the countryside is sustainable then the conversion of other redundant rural buildings is surely sustainable.
- Whilst paragraph 79 in the revised NPPF states that isolated developments in the countryside should be avoided this is not the same as a presumption against such development.

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The two judges in the Appeal Court case Braintree Council v the Secretary of State for Communities and Local Government, March 2018, make this point.

Marketing

5.16 The applicant's husband passed away earlier this year after a 3-year struggle against cancer. During the illness the applicant and her husband could not maintain the business and put all three properties up for sale. The applicant now works full-time and is not able to run the business and maintain the buildings. Two estate agents were used to market the property – Whittaker and Biggs of Leek, and Draycotts of Cheadle as well as the properties going to auction on 2nd November 2017 at SDL Auctions at Derby. All three holiday chalets on the site were marketed.

5.17 Whittaker and Biggs advertised the buildings for sale from 10th April 2014 to 17 November 2015. Draycotts advertised it at various times between 14 December 2015 and 29 December 2016. Details of the precise times are not available. The auction sale was advertised in October 2016 for about a month before the auction. Appendix 2 contains Whittaker and Biggs marketing details. Appendix 3 contains the front cover and specific page showing the site from the SDL Auctions catalogue for 2nd November 2nd November 2017.

5.18 Offers were received for all three buildings and the offers accepted in about July 2016. Appendix 4 contains a letter from Draycotts confirming one of the sales. However, all of the offers fell through as the buyers were not able to obtain a mortgage for holiday cottages other than at very high – unaffordable – rates. Appendix 5 contains an email from one of the former prospective buyers explaining the difficulty she had and the rates offered. The applicant could not find current contact details for the other prospective buyers and hence was not able to obtain any statements from them.

5.19 In the recent appeal decision at Oakamoor the Inspector concluded that policy R2 carried limited weight. No marketing details were submitted with the planning application and it is my understanding that the site was not marketed. The Inspector in her decision did not refer to marketing at all. It is, therefore, contended that marketing in the current deliverable housing land is not necessarily applicable to this application.

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The suitability of the cottages for unencumbered residential use.

5.20 Holiday cottages fall into the same Use Class – C3 (Dwellinghouses) - as open-market housing; the only difference is that with holiday cottages the use is restricted by condition limiting the length anyone can occupy the building at any one time. The permission allowed the cottages to be used throughout the year although the length of individual stays was limited.

5.21 The buildings contain all the facilities necessary for residential use. No internal external alterations are required for the properties to be used as unencumbered dwellinghouses. Each building contains two bedrooms, a kitchen dining/lounge area, and a toilet with shower room. Building Regulation approval was obtained for both buildings on 6th January 2006 (see Appendix 6). The standard of accommodation is high as can be seen from the photographs in the sales information in Appendix 2.

Gardens

5.22 Each of the two buildings have fenced gardens and two parking spaces each.

Impact on residential amenity.

5.23 There would be no adverse impact on residential amenity as the two properties are not overlooked and do not overlook any other dwellings.

Impact on the character of the nearby buildings and the surrounding countryside

5.24 There would be little change from the present. Residential permitted development rights could be removed by condition to manage potential impacts on the surroundings.

Impact on the local holiday accommodation market.

5.25 Advice from local chartered surveyors is that the local holiday market has changed in recent years and is still changing. The expansion of accommodation at Alton Towers and the shift to short-stays rather than week or fortnight-long stays has changed the market. The likely large development of Moneystone Quarry at Whiston will also further change the market and further affect the viability of traditional holiday cottages. The removal of the two chalets from the holiday-let market is unlikely to have any adverse impact on tourism.

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The access

5.26 The access is the same as when the site was a haulage yard and the level of traffic from two permanent holiday chalets is likely to be similar to that of two permanent residences as the approval allows all-year round use.

6. CONCLUSION

It is contended that the removal of the condition would have material benefits in the form of new modestly priced housing. Because of the shortage of deliverable housing land supply, the presumption in favour of sustainable development applies. Any adverse impacts would be minimal and significantly outweighed by the benefits. A refusal would in effect mean that the buildings would remain unused and redundant when they could be put to good use and provide rural housing Also, the likely increased use of electric cars in the coming years will, subject to the source of energy, reduce the environmental impact of motor travel.

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APPENDIX 1 – OAKAMOOR APPEAL

N.B. This document is sent separately as part of the submission because of its size.

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APPENDIX 2 – WHITTAKER & BIGGS MARKETING INFORMATION

N.B. This document is sent separately as part of the submission.

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APPENDIX 3 - SPECIFIC PAGE WITH ADVERT, SDL AUCTIONS LTD.

N.B. This document is sent separately as part of the submission.

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APPENDIX 4 – LETTER FROM DRAYCOTTS, DATED 21 JULY 2016.

N.B. This letter is submitted separately with the request that it remain confidential as it contains financial information.

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APPENDIX 5 – EMAIL FROM FORMER PROSPECTIVE BUYER.

-----Original Message-----
From: Lucy Plaza <lucindabailey7@hotmail.com>
To: cuckwelllodges <cuckwelllodges@aol.com>
Sent: Sat, 14 Jul 2018 21:28
Subject: Financing for Cuckwell Lodges
To Whom This May Concern

In late 2017 I began the process of purchasing Cuckwell Lodges from Penny. I made an offer on all 3 properties that was accepted and began to organise financing the purchase. I have been a property landlord for 20 years now, my credit history is excellent and I have always been able to easily obtain credit to purchase property. The first lenders that my broker approached on 30 November 2017 were The Mortgage Works, part of Nationwide Building Society, I had an agreement in principle until the surveyor made an initial online search and said they were not happy with the construction of the property (even though the lodges were brick built) and they declined the application. We quickly made a second application with Kensington Mortgage Company in December 2017, again an agreement in principle was given, again we were knocked back for the purposes of holiday let. The same happened with the Coventry BS in January 2018. After exhausting the mortgage route I approached 2 of my banks who said they would consider a business loan but this would only be a 50% lend, a percentage I couldn't work with. It was with much reluctance I had to pull out of purchasing the Lodges.

If I can be of any further assistance please contact me.

Kind regards

Lucy Plaza

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APPENDIX 6 – BUILDING REGULATIONS APPROVAL, 6TH JANUARY 2006

N.B. This document is sent separately as part of the submission.

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