DELEGATED DECISION REPORT

SMD/2018/0374 **Valid 19/06/2018**	**RINGE HAY FARM** **BASFORD GREEN ROAD** **BASFORD** **LEEK**	**REMOVAL OF CONDITIONS 8 & 9 RELATING TO SMD/2005/0864 AT RINGE HAY FARM BASFORD GREEN ROAD, BASFORD LEEK.** **(FULL - MINOR)**

MAIN ISSUES

- Principle of the development
- Character of the countryside
- Amenity
- Access and highway safety

DESCRIPTION OF SITE

The site relates to a former agricultural building, now in use as 2 holiday cottages which are situated adjacent to Ringe Hay Farm. The site is located in an isolated position within the open countryside and lies some 3.8km to the south of the centre of Leek and 2.2km to the east of Cheddleton. It is accessed via a 500m long private track which joins Basford Green Road to the west.

The western cottage is known as “The Barn” and the eastern cottage “The Dairy”. The Barn contains 3 bedrooms (2 with en-suite), a downstairs toilet, a lounge, kitchen and dining room. Dairy Cottage contains a kitchen and lounge, and 2 bedrooms (both en-suite).

The site is located within the open countryside and Churnet Valley Master Plan area

PROPOSAL

The application is for the removal of conditions 8 and 9 relating to SMD/2005/0864 (old ref 05-00439), under which planning permission was granted for the conversion of an agricultural building into two holiday cottages. The applicant seeks to remove these conditions in order to create 2 open market dwellings.

Condition 8 restricts the use of the building to short stay holiday accommodation only to be occupied for no longer than four weeks. Condition 9 states that the use relates solely to 2 self contained holiday lets ancillary to Ringe Hay Farm and the internal layout of the building is not to be reconfigured to provide additional units.

Unusually there are two decision notices relating to the previous application, one issued in 2005 and one issued in 2008. They are not identical but the conditions that

the applicant seeks to remove are contained in both approval notices. For the avoidance of doubt the applicant seeks to remove conditions 8 and 9 on the consent issued in 2008.

The application has been submitted concurrently with a separate application for the retention of the garden serving the two holiday cottages and the sub division of the land to form two separate gardens (SMD/2018/0375).

In addition, an application for removal of the holiday occupancy condition on a third cottage on the site has also been submitted concurrent with this application.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS6c Other Rural Areas Area Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
R1 Rural Diversification
R2 Rural Housing
T1 Development and Sustainable Transport

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

Paragraph 48 of the newly adopted NPPF states that:
"…decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Local Plan process

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was "sound". Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed

the preparation of the Local Plan alongside a comprehensive evidence base. In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public will now be held this Autumn in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of 2019. At his point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

The following policies are considered to be relevant to this application:
SS1 - Development Principles
SS1a - Presumption in favour of sustainable development
SS2 - Settlement Hierarchy
SS10 - Other Rural Areas Strategy
H1 - New Housing Development
DC1 - Design Considerations
DC3 - Landscape and Settlement Setting
SD1 – Sustainable Use of Resources
SD3 – Sustainability measures in development
SD4 - Pollution and Flood Risk
T1 - Development and Sustainable Transport

National Planning Policy Framework

Paragraph 11 – Presumption in Favour of Sustainable Development
Section 2 - Achieving Sustainable Development
Section 4 – Decision making
Section 5 – Delivering a sufficient supply of homes
Section 6 – Building a Strong Competitive Economy
Section 9 – Promoting Sustainable Transport
Section 12 – Achieving well designed places
Section 14 – Meeting the Challenge of Climate Change, Flooding & Coastal Change

Section 15 – Conserving and enhancing the natural environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2005/0864 (old ref 05-00439) – Conversion of redundant agricultural building to 2 holiday cottages – Approved 04/09/2008.

04/01364/FUL – Conversion of redundant agricultural building to two local need dwellings – Refused.

SMD/2018/0375 - The retention of the garden serving two holiday cottage and the sub division of the land to form two gardens to serve the two cottages – Pending.

SMD/2018/0403 – Removal of condition 5 of planning permission SMD/2011/0391 – Pending.

SMD/2018/0404 – The retention of the garden serving Granary Cottage – Pending.

CONSULTATIONS

Publicity

Site Notice expiry date: 12/07/2018
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

None received.

Town / Parish Comments

Cheddleton Parish Council - Object: Not approved for Residential use.

Staffordshire County Council Highways

No objection.

SCC Minerals and Waste

No comments.

OFFICER COMMENTS

Principle of Development

CS Policy SS6c is the Other Rural Areas Area Strategy Policy, which relates to the countryside outside of the development and infill boundaries of the towns and villages. Within these areas, development should meet local needs housing, support the rural diversification and sustainability of rural areas or promote sustainable

tourism. CS Policy R1 provides for rural diversification stating that wherever possible development should be within suitably located buildings which are appropriate for conversion. R1 also states that "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".

Policy R2 states that the conversion of non-residential rural buildings for residential use will be supported 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.

For conversion to residential use Core Strategy Policy R2 invokes a requirement for a marketing exercise to demonstrate that continued agricultural or commercial use is not viable. The applicant has submitted some information regarding occupancy rates of the cottages over recent years which show a general decline in the number of bookings. Notwithstanding this, neither the NPPF nor the consultation on the emerging Local Plan impose a requirement for marketing for rural housing development and Policy R2 carries little weight. The removal of the two cottages from the holiday let market is unlikely to have any adverse impact on tourism.

Under paragraph 79 of the NPPF planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. The application site is isolated, is not within easy walking distance of local services and facilities and therefore future residents will be reliant on the use of a private car to access essential services and facilities.

The District does not currently have a five year supply of deliverable housing sites and therefore the policies for the supply of housing are not considered up to date. Paragraph 11 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

It is considered that this application to remove conditions 8 and 9 is comparable to a recently allowed appeal at Oakamoor (ref SMD/2016/0770) for conversion of a bunk barn to a dwelling. There the Inspector considered that whilst the proposal was contrary to Policies SS6c and R2, which seek to limit housing development in the countryside, the existing use as a bunk barn was likely to generate car journeys to access recreational facilities and other services which would be likely to be comparable to, if not greater than, a three bedroom dwelling. The existing use was therefore a valid fallback position and as the use could be resumed, this consideration carried significant weight.

It is considered that the proposed removal of conditions 8 and 9 to create 2 open market dwellings would be in conflict with Policies SS1, SS6c and R2 of the CS. However, as the Council cannot demonstrate a five year supply of deliverable housing sites and supply, Policy R2 carries limited weight. The fall back position

relating to the existing use of the building as holiday lets should be attached significant weight. The existing use as 2 holiday cottages is likely to generate a similar number of car journeys to access services as would be expected from the use of the properties as 2 open market dwellings. In this case, it is considered that the conflict with the development plan is outweighed by the fall back position and the proposal therefore represents a sustainable form of development.

Character of the countryside

Policies DC1 and DC3 of the Core Strategy seek to promote good design and reinforce local distinctiveness, and enhance the local landscape and setting of settlements. The site is situated in an attractiveness countryside setting, formerly a Special Landscape Area. Although little weight is now attached to Policy R2, nevertheless the building is suitable and worthy in physical, architectural and character terms for use as dwellings. No external changes are proposed as part of this application and therefore no adverse impact on the character of the countryside is envisaged.

A separate application has been submitted for retention and subdivision of the existing garden to the rear and sides of the application building to create two separate gardens to serve each dwelling (ref SMD/2018/0375). That proposal is being considered separately to this application.

Amenity

Policy DC1 states that all new development should protect residential amenity in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping. There are no other residential properties within close proximity of the site. The proposed dwellings will enjoy a high standard of amenity in terms of the size of accommodation and outlook.

The concurrent application for retention of the garden to the rear of the property, which is being considered separately to this application, would, if approved, provide each property with private areas of outdoor amenity space.

The cottages are situated away from the farmhouse and the other cottage on the site (The Granary). No adverse impact on residential amenity is envisaged.

The proposals therefore comply with Core Strategy Policy DC1.

Highway Safety

Policy T1 of the adopted local plan refers to development and sustainable transport. The policy promotes development located where the highway network can satisfactorily accommodate traffic generated by the development. Paragraph 108 of the NPPF requires local authorities in determining applications to take account of whether safe and suitable access to the site can be achieved for all users. The proposals will not lead to a severe impact on highway safety. The existing access would be utilised and there is ample space on the site to provide future residents of

the proposed dwelling with off road parking. It is noted that the Highway Authority does not object. Overall, it is considered that the proposals accord with Policy T1.

CONCLUSION / PLANNING BALANCE

The proposed removal of conditions 8 and 9 is acceptable. The application will provide modest social and economic benefits, including a small contribution towards the Borough's supply of housing, and the additional expenditure that would be derived from the creation of two additional households. Due to the isolated location of the site, future occupants would be reliant on the private car to access services and the proposal would result in the loss of tourist accommodation. Consequently, the development would be contrary to the development plan. However, the Council is unable to demonstrate a five-year supply of deliverable housing sites and Policy R2 is considered out-of-date. The weight attached to the conflict with the policy is significantly reduced. Furthermore, the existing use of the premises as holiday lets is likely to generate private car journeys that would be comparable with the proposed use as open market dwellings. This is a valid fall back position which is attached significant weight. There are no external changes proposed as part of this application and therefore there would be no adverse affect on residential amenity of nearby occupiers nor would there be a detrimental impact on the character of the countryside. Overall, the revised proposal represents sustainable development as defined in the NPPF and a recommendation for approval is made.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Mark Ollerenshaw
Recommendation Date: 28/09/2018

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council