

# **PLANNING STATEMENT**

**TWO TREES, RUDYARD**

**NOVEMBER 2018**

**Site Address:**

Two Trees, Macclesfield Road, Rudyard, ST13 8PP

**Applicant:**

Mr. Burns

**Proposal:**

Proposed demolition of bungalow and erection of replacement dwelling

**Planning Statement:**

**Date Issued:** 16<sup>th</sup> November 2018

**Job Reference:** RDP/2018/110

**Report Prepared By:**

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## 1. Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. Burns to prepare a Planning Statement to accompany an application prepared by Nigel Forrester Building Design Services, for the demolition of the existing bungalow known as Two Trees, Macclesfield Road, Rudyard, and its replacement with a new single storey dwelling.

1.2 The site has been subject to three previous applications for replacement dwellings in recent years, but each of these have met with refusal from the Local Authority. The most recent application (SMD/2018/0453) encompassed the erection of a replacement single storey dwelling, but was refused on the following grounds:

1. *The replacement dwelling would be materially larger than the one it is to replace and accordingly is regarded as inappropriate development in the Green Belt. It is not considered that there are any very special circumstances that exist to outweigh harm to the openness of the Green Belt by virtue of inappropriateness. As such this application is contrary to policies SS6c, R1 and R2 of the Staffordshire Moorlands Core Strategy and Section 13 of the National Planning Policy Framework.*
2. *This application fails to achieve a high standard of design as required under the terms of policy DC1 of the Staffordshire Moorlands Core Strategy and Chapter 12 of the National Planning Policy Framework.*

1.3 This latest application proposes a single storey replacement dwelling with open plan kitchen/diner, two sitting rooms, utility, three bedrooms and family bathroom. Its general scale, form and massing remains unaltered from that considered under application SMD/2018/0453, but its elevational

treatment has been amended to address the design concerns previously raised. This Planning Statement furthermore seeks to demonstrate that the proposal is acceptable in the context of Green Belt policy.

## **2 Site Description**

- 2.1 The application site lies to the south of the Macclesfield Road, and comprises an existing detached bungalow set within a reasonably large area of domestic curtilage. A cluster of domestic outbuildings are located to its southeast, with vehicular access taken direct off the Macclesfield Road. The land surrounding the site is agricultural in nature and gently slopes down away from the highway. The site as a whole lies within the North Staffordshire Green Belt.

## **3 Planning Policy**

- 3.1 Section 38(6) of the Planning and Compulsory Purchase 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. The Development Plan for this area comprises the Staffordshire Moorlands Core Strategy DPD (2014) of which the following policies are considered to be of relevance:
- 3.2 Policy SS1a of the Core Strategy relates to the 'Presumption in Favour of Sustainable Development' and states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic,

social and environmental conditions in the area. Planning applications that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole;*
- *or specific policies in that Framework indicate that development should be restricted.*

3.3 Policy SS6c of the Core Strategy relates to the ‘Other Rural Areas Area Strategy’ and states that these 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. The policy goes on to state that the Council will meet essential local needs by (amongst others), allowing the conversion, extension or replacement of an existing rural building in accordance with policies R1 and R2. Policy SS6c also confirms that strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

3.4 Policy R2 of the Core Strategy relates to ‘Rural Housing’ and states that 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.*

3.5 Policy DC1 of the Core Strategy relates to 'Design Considerations' and states that all development should be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area. It goes on to state that new development should (amongst others):

- *be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area;*

- *be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance;*
- *protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping;*
- *provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use; ensure that existing drainage, waste water and sewerage infrastructure capacity is available, and where necessary enhanced, to enable the development to proceed;*

#### **4 Material Considerations**

##### ***National Planning Policy Framework (July 2018)***

- 4.1 The National Planning Policy Framework (NPPF) sets out policies, *inter-alia*, in respect of safeguarding the Green Belt, and securing high quality design. The content of the NPPF has been taken into consideration in the preparation of this Planning Statement and is discussed in more detail within the Planning Assessment below.

##### **T&CP General Permitted Development Order 2015**

- 4.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) grants planning permission for extensions to be undertaken to existing dwellings, subject to adherence to a number of criteria. The range of extensions available to be undertaken is extensive, and constitutes a material fall back position against which this application must be considered. The content of the Permitted Development Order is discussed in more detail within the Planning Assessment below.

## 5 Planning Assessment

- 5.1 The application proposes the demolition of the existing bungalow and erection of a replacement dwelling, on a site which lies within the North Staffordshire Green Belt. Paragraph 145 of the National Planning Policy Framework (NPPF) confirms that local authorities should regard the construction of new buildings as inappropriate in the Green Belt, but nevertheless goes on to list a number of exceptions, which includes:

*“The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*

- 5.2 The proposed replacement dwelling is of the same floor area and volume as that considered under application SMD/2018/0453, which was found by the Local Authority to constitute an inappropriate form of development with the Green Belt, on account of the replacement dwelling being materially larger than the one being replaced.
- 5.3 Paragraph 143 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.4 The applicant had attempted to demonstrate very special circumstances in the previous application by drawing attention to the fall back position available under permitted development rights. However, in determining that application the case officer noted that no evidence had been submitted in the form of floor plans to demonstrate that if permitted development rights



were exercised that they would achieve the accommodation being sought.

This led to the conclusion that:

*“The Council does not dispute the fact that the dwellinghouse could be extended, nor does it dispute the agents statement that flat roof extensions may be achievable. However, this statement alone in addition to drawing number 18-507-02B is insufficient to demonstrate in accordance with NPPF para144 that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is **clearly** outweighed by other considerations” (LPA’s emphasis).*

5.5 Following on from that refusal, the applicant has commissioned the project architect to prepare a scheme to show how the permitted development extensions available to him could be utilised to achieve the same nature of accommodation as that proposed in the application. The information submitted with the application includes floor plans of the proposed permitted development extensions, along with its associated elevations.

5.6 The submitted application proposes the following accommodation:

- Kitchen/Diner
- Siting Room x 2
- Utility
- Bathroom
- Three Bedrooms

5.7 By comparison, the permitted development floor plans accompanying the application demonstrate that a very similar level of accommodation to that

proposed in the application, encompassing *all* of the above components, could be achieved by exercising permitted development rights. The permitted development opportunities available to the applicant would therefore deliver the accommodation being sought within the submitted application.

5.8 It is also highlighted that the extent of the permitted development extensions shown on the submitted floor plans is *not* the maximum amount that would be achievable. Provision exists under the legislation for much larger extensions to be undertaken, including the potential for an eight-metre deep rear extension. The latter is acknowledged to require a prior approval submission, but given the absence of any immediate neighbours it can be reasonably concluded that such a submission would be approved.

5.9 The permitted development scheme identified on the enclosed plans represents a floor area that is commensurate with the proposed development (156m<sup>2</sup>), and represents a greater volume than that proposed in the application (663m<sup>3</sup> compared to proposed 656m<sup>3</sup>). The permitted development fall back available to the applicant, as shown on the submitted plans, would therefore derive greater material harm to the openness and five purposes of the Green Belt compared to the proposed replacement dwelling. I reiterate at this juncture that the permitted development scheme shown on the submitted plans *does not* constitute the maximum permissible extensions under permitted development. It is therefore considered that this material fall back position carries significant weight in favour of the proposed development.

5.10 A further material consideration in favour of the proposal is the energy efficiency enhancements that will be secured by undertaking a new build development. The replacement dwelling will be constructed to the latest

building regulations requirements, and secure a dwelling which is much more energy efficient than the existing bungalow, in line with the objectives of paragraph 149 of the NPPF. Such benefits lend significant weight in favour of the proposed development.

- 5.11 Overall, it is submitted that the applicant's fall back position under Permitted Development, coupled with the benefits associated with improved energy efficiency, collectively amount to very special circumstances to outweigh the totality of harm to the Green Belt, and that as a consequence the proposal accords with the provisions of policies SS6c and R2 of the Core Strategy, and paragraph 144 of the NPPF.

#### Design

- 5.12 The design of the proposed replacement dwelling is largely unchanged from that considered under application SMD/2018/0453, and encompasses a hipped roof style of design, constructed from brickwork with slate tiled roof. The design has a strong horizontal emphasis, but in determining the previous application concerns were raised that the proposed floor to ceiling windows would have introduced a vertical emphasis that would be incongruous.
- 5.13 In response to those concerns the window designs have been amended so that they have a more horizontal emphasis to reflect the rest of the design. In doing so the proposal is now considered to accord with the provisions of policy DC1 of the Core Strategy.

## **6 Conclusion**

- 6.1 For the reasons discussed in the Planning Assessment above it is submitted that the applicant's established fall back position under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), coupled with the associated energy efficiency improvements associated with a replacement dwelling, collectively represents very special circumstances to clearly outweigh the totality of harm to the Green Belt. The revised design of the proposed replacement dwelling is also considered to have addressed the concerns raised in the previous application.
- 6.2 The proposed development is therefore considered to be acceptable in the context of policies SS6c, R2 and DC1 of the Staffordshire Moorlands Core Strategy and the provisions of the NPPF, in particular paragraph 143.
- 6.3 The Local Authority is therefore respectfully requested to grant planning permission for the proposed replacement dwelling.