DELEGATED DECISION REPORT

SMD/2019/0120 **Valid 28/02/2019**	**WINDY HARBOUR HOUSE** **ELLASTONE ROAD** **CAULDON LOW**	**S.73 APPLICATION FOR A PLANNING PERMISSION SUBJECT TO CONDITIONS DIFFERING TO THOSE SUBJECT TO WHICH A PREVIOUS PERMISSION WAS GRANTED - SPECIFICALLY TO INCLUDE VARIATION OF CONDITION 5 AND 6 IN RESPECT OF SMD/2018/0690** **(FULL - MINOR)**

MAIN ISSUES
Would the proposed variation to condition 5 and 6 make the development consisting of the material change of use from care home to dwellinghouse unacceptable?

DESCRIPTION OF SITE
Stone public house building with a largely linear form that runs parallel with the roadside. The building sits in a rather exposed and isolated rural location adjacent to a staggered cross roads. The south-east facing side elevation is screened and given a sense of enclosure, from the exposure of the road junction, by a belt of relatively mature trees and bushes. The roadside frontage of the building is lined with a traditional dry stone wall, which to the side of the building provides an opening and a highway access.

Immediately to the rear and side of the building there is land that provides obvious areas of curtilage, beyond that to the south west of the building there is a large pub car park, while the land beyond that and to the south east has the character and appearance of rough grazing or paddock land.

THE APPLICATION
The sale of the property fell thorough and the buyer that was lined up at the time of the previous application pulled out. The property is back on the market and it is now less likely that the property will be brought into use as a dwellinghouse within 12 months from the date of the existing planning permission (granted 16th Jan 2019).

The applicant seeks a new permission to be subject to conditions differing to those which the permission SMD/2018/0690 was previously granted. Specifically they want this new permission to include variations to conditions 5 and 6 that would allow them to take the required action in each case after the building has been occupied and brought into use as a dwellinghouse, rather than within time limits running from the date of the existing permission.

Specifically condition 5 currently requires new hedgerows to be planted within the first planting season following the date of the existing permission; and condition 6 currently requires the old pub car park to be removed within 12 months following the date of the existing permission.

The application seeks variations to those conditions that would allow the hedgerow planting to be carried out within the first available planting season and the carpark to be removed within 12 months - following the occupation of the building as a dwellinghouse, whenever that might be.

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
SS6 Hierarchy of Settlements
SS6c 'Other Rural Areas' Strategy
DC1 Design Considerations
DC3 Landscape Character and Appearance

National Planning Policy Framework (Feb 2019)
Paragraph(s) 7 Sustainability, 11 Presumption in Favour and outdated Development Plan, para 79 isolated homes in the Countryside, para 170 Protecting the natural environment.

Emerging Local Plan
SS10 'Other Rural Areas' Strategy
DC3 Landscape Character and Appearance

For the purposes of determining this application there are no consequential differences between the two 'Other Rural Area' Strategies set out in SS6c and SS10. In respect of policy DC3 of the emerging local plan it is only development that leads to prominent intrusion /significant adverse impact rather than just being 'harmful' or 'detrimental'.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The property was originally built as the 'Green Man' Public House before the mid 1800s.
79/06647/OLDDC conversion of store into lounge and new boiler room. Approved.
80/08546/OLDDC Construction of pub car park. Approved.
97/00740/OLD Change of use to private dwelling. Approved.
01/00599/FUL New garage and driveway. Approved (not implemented)
06/00865/FUL Two storey rear extension. Approved.
SMD/2016/0044 Certificate of lawfulness for C2 use. Approved.
SMD/2018/0556 Certificate of lawfulness for return to C3 use. Withdrawn.
SMD/2018/0690 change of use care home c2 to dwelling house c3. Approved 16th Jan 2019.

CONSULTATIONS

Publicity
Site Notice expiry date: 11th April 2019

Public Comments
None

Town / Parish Comments
Cotton Parish Council – No objection

Mineral Authority
No comments to make.

OFFICER COMMENTS

The existing permission was previously granted subject to Condition 5 and 6 in particular because it was considered that the change of use presented a justifiable opportunity to have the unsightly car park removed, the presence and harmful impact of which was only tolerated as a means of supporting the public house business; and to have some defining hedgerow boundaries planted to assimilate areas of dwellinghouse curtilage into the landscape. This is what was said about those matters in the officer's previous report:

To the rear there is a rather large car park that harms the character and appearance of the property and the area, it was provided for the pub in 1980. It occurs that on balance the car park was only provided and that harm tolerated to support an ongoing business concern. If the property becomes used as a dwelling there would be no longer justification for the car park and there is opportunity with the development to remove the car park and return the land to grass.

In my assessment this permission should follow the lines of that 2006 consent and the area of permitted curtilage allocated for the permission should take in the old car park. Effectively, that provides the applicant with a generous area that could be lawned and used as private garden, preferable to the car park's wide open area of hardstanding, it also provides opportunity for hedgerow and boundary treatment to the edge of the car park land, giving it a sense of enclosure and placement within the landscape – this was actually a condition of the 1980 planning permission but it does not appear as though it was ever complied with.

Those requirements are only fair and justifiable if the property does become a dwellinghouse and the permission is implemented and relied upon. The existing conditions would require the steps to be taken effectively to keep the permission alive without the development necessarily being carried out. The applicant's suggestion is a sensible and reasonable one that would still secure the benefits but with differing and more flexible time triggers.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst
Recommendation Date: 24/04/2019

X

Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council