DELEGATED DECISION REPORT

SMD/2019/0112 **Valid 26/03/2019**	**THE COACH HOUSE LEEK ROAD CHEADLE**	**REMOVAL OF CONDITION 2 IN RELATION TO 02/00623/FUL** **(FULL - MINOR)**

MAIN ISSUES

- Principle of Development & Green Belt
- Impact on Heritage Assets
- Design
- Amenity
- Highway Safety

DESCRIPTION OF SITE

The application site comprises a single storey red brick building within the confines of Ley Fields Farm, Leek Road, Cheadle. The site lies some 3.5m north of Cheadle town centre, in the open countryside and the Green Belt, and is accessed from Leek Road via an existing access serving the wider farm complex. The main farmhouse which stands to the north west is a Grade II Listed Building.

Prior to 2002, the building was formerly a shop until planning permission was granted for a change of use to a short self-catering holiday accommodation under 02/00623/FUL.

Existing Floor Plans requested from the applicant show that the building spans an approximate width of 13m and an approximate depth of 6m, equating to a total floor area of 78 sqm. The existing space comprises a large open plan kitchen and lounge areal a small utility room; a dining room; with a Master Bedroom and a second single room both served by en-suite bathrooms.

PROPOSAL

The application seeks to remove Condition 2 which was applied to the 2002 planning permission. The Condition stated the following:

2. The premises shall be used for short stay holiday accommodation not exceeding four weeks at any one time and for no other purpose including any purpose in Class C3 (dwellinghouses) of the Town and Country Planning Use Classes Order 1987.

Reason:- The premises are not considered suitable for permanent residential occupation

The Application Form states that the reasoning for this application is to allow the owner of the property to allow a family member to reside permanently. A subsequent telephone conversation and email received by the applicant's agent has confirmed that the resultant residential living accommodation would remain ancillary to the main dwelling and not become a separate planning unit.

The removal of this occupancy condition would not result in any external changes to the building. Proposed Floor Plans also show no internal alterations including any additional bedrooms.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

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.

The local development plan for this site comprises the Saved Policies of the Staffordshire Moorlands Local Plan (1998); Staffordshire Moorlands Core Strategy (adopted 26th March 2014) and any relevant Supplementary Planning Documents (SPD's).

The Staffordshire Moorlands Emerging Local Plan (Submission Version February 2018) has now been through an Examination by an Independent Planning Inspector and as such planning policies within it can be given appropriate weight, in line with paragraph 48 of the NPPF.

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. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications is to be determined and will be subject to consultation in due course. The Inspector will then be in position to write his final report. Subject to the findings of the appointed Inspector, the Local Plan can then be adopted by the Council. This will be towards the end of 2019 at the earliest. At this point, upon adoption, the Local Plan 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.

The revised National Planning Policy Framework (2019) sets out the Governments planning policies for England and how these are expected to be applied. As stated in paragraph 2 of the NPPF, the document is a material consideration which must be taken into account in planning decisions.

Core Strategy Development Plan Document (2014)

SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS6 Rural Areas Strategy
SS6c Other Rural Areas Strategy
SS7 Churnet Valley Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape Character
R1 Rural Diversification
R2 Rural Housing
T1 Development and Sustainable Transport

Emerging Local Plan Submission Version (2018)

SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS10 Other Rural Areas Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
T1 Development and Sustainable Transport

National Planning Policy Framework

Achieving Sustainable Development	Chapter 2
Delivering a sufficient supply of homes	Chapter 5
Promoting sustainable transport	Chapter 9
Achieving well-designed places	Chapter 12
Protecting Green Belt land	Chapter 13
Conserving and enhancing the historic environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

02/00623/FUL Conversion of former shop premises into self-catering holiday accommodation (Approved 29/08/02)

CONSULTATIONS

Publicity

Site Notice expiry date: 6th May 2019
Neighbour consultation period ends: 2nd May 2019
Press Advert: N/A

Public Comments

No public comments received

Town / Parish Comments

Cheadle Parish Council – no comments received at time of writing

OFFICER COMMENTS

Principle of Development & Green Belt

Policy Context

The application lies outside of the development boundary, in the Churnet Valley Strategy Area and in the Green Belt. As such, the application is subject to Policies SS6, SS6c, SS7 and R2 of the Core Strategy and restrictive policies relating to Green Belt development, contained in Chapter 13 of the NPPF.

Core Strategy (CS) Policies SS6 and SS6c are the strategic policies for development in the rural areas outside of the development boundary, and allow the conversion extension or replacement of an existing rural building in accordance with Policies R1 and R2.

CS Policy R1 refers to rural diversification which covers the conversion of rural buildings for other uses. It states that priority will be give 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.

CS Policy R2 refers specifically to rural housing, and allows for the conversion of non-residential buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion; and where it can be demonstrated that agricultural or commercial use is not viable or suitable, where in such cases, there is a requirement for a marketing exercise to be carried out by a suitably qualified professional.

Chapter 13 of the NPPF contains relevant national policies which relate to development proposals in the Green Belt.

Paragraph 134 of the NPPF sets out the five purposes for which the Green Belt serves:

a) to check the unrestricted sprawl of large built up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land

Paragraphs 143 and 144 of the NPPF clearly specifies that inappropriate development is, by definition, harmful to the Green Belt, that substantial weight should be given to any harm to the Green Belt, and should not be approved unless there are very special circumstances which outweigh the harm to the Green Belt.

Paragraphs 145 and 146 set out the types of development which are not classified as inappropriate development, and are therefore acceptable in principle. One such exception contained at paragraph 146 is the re-use of a building provided that the buildings are of permanent and substantial construction, and providing that the use preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Analysis

The building is clearly of a permanent and substantial construction having served as a short-term holiday let of the past 17 years. No physical alterations to the building are proposed as part of this application and as such, there would be no impacts to the openness of the Green Belt and would not conflict with any of the purposes of the Green Belt set out at paragraph 146 of the NPPF.

The removal of this condition is therefore considered to be acceptable in relation to Green Belt policies.

The existing lawful use of the building is for a short term holiday let which although not a permanent residence, falls within the C3 Use Class. Policies R1 and R2 requires that priority is given to the use of rural buildings for agricultural and commercial use, only allowing for residential use where it can be demonstrated that these preferred uses are not viable, evidenced by a suitable report.

The Existing and Proposed Floor Plans show that no physical alterations – either externally or internally – would occur as a result of the removal of the occupancy condition. An email from the agent has confirmed that the resultant permanent residential accommodation would remain ancillary to the main house.

The removal of this condition would see the loss of holiday accommodation in the Churnet Valley area which is the primary area within the Moorlands outside of the Peak National Park which promotes tourism, contrary to Policy SS7 of the Core

Strategy. No marketing information has been submitted with the application which provides any evidence of the existing short term holiday let not being feasible or viable, and as such, the application conflicts with Policies R1 and R2 of the Core Strategy. However, online research has found that there are a number of similar short term holiday lets in the immediate and wider area, and as such the loss of this single holiday let is considered to have a negligible impact on the vitality of the Churnet Valley area.

Moreover, the proposals would enable the building to be used as ancillary residential accommodation which would not result in an independent and isolated dwelling. Accordingly although there would be the loss of a tourism facility, in this particularly case, the building would be used for ancillary residential purposes, by a family member. In addition, whilst the property is not located in a particularly sustainable location, as an ancillary use to the principle dwelling, it is considered that there would not be significant increase in vehicle movements.

Having clarified that the removal of Condition 2 relating to 02/00623/FUL would result in ancillary residential accommodation, the principle of development is considered to be acceptable.

Impact on Heritage Assets

Policy DC2 of the adopted Core Strategy seeks to safeguard and where possible enhance the historic environment by resisting development which would harm or be detrimental to the special character and historic heritage of the District's towns and villages and those interests of acknowledged importance. Development which sustains, respects or enhances buildings and features which contribute to the character or heritage of an area and those interests of acknowledged importance will be supported. Emerging Local Plan Policy is consistent with this adopted policy. Chapter 16 of the NPPF provides the national policy context for the conservation and preservation of historic assets.

The main Ley Fields Farmhouse is a Grade II Listed Building which stands to the north west of this former outbuilding. As there would be no physical external or internal alterations to the existing building, there are not considered to be any resultant adverse impacts to the character and appearance of this neighbouring Listed Building or its setting, in line with Policy DC2 of the Core Strategy and relevant polices contained within Chapter 16 of the NPPF.

Design & Landscape Character

CS Policies DC1 and DC3 sets out a list of design considerations that new development should incorporate into any new scheme, seeking to promote good design and reinforce local distinctiveness, enhancing the local landscape and setting of settlements.

Paragraph 127 of the NPPF emphasises the importance of good design and how it is an integral part of achieving sustainable development.

As there would be no physical external or internal alterations to the existing building, there are not considered to be any adverse impacts to the character and appearance of the existing building, or the wider landscape, in accordance with Policies DC1 and DC3 of the Core Strategy and paragraph 127 of the NPPF.

Amenity

CS Policy DC1 states that new development should protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, and privacy. Paragraph 127 of the NPPF reinforces the need for all development to ensure that the amenity of current and future occupiers of existing and proposed development is protected. Emerging Local Plan Policy is consistent with this adopted policy.

As the building would remain ancillary to the main house and would not form a separate planning unit, there is no requirement for a separate area of amenity garden space and off street parking provision. For a similar reason, there are no issues with regards to the building's relationship with the neighbouring property, habitable windows, or shared garden space.

The removal of the occupancy condition to create ancillary living accommodation is not considered to result in any harm to the residential amenity for current of future occupiers, in line with Policy DC1 of the Core Strategy and paragraph 127 of the NPPF.

Highway Safety

Policy DC1 of the Core Strategy requires an appropriate level of parking provision to be provided for new development, whilst Policy T1 requires that all new development be located where it can be satisfactorily accommodated within the existing highway network. Paragraph 108 of the NPPF requires that safe and suitable access be provided for all developments.

There is a large amount of space within the curtilage of the Ley Field Farm complex to accommodate two parking spaces. Notwithstanding this fact, the resultant living accommodation would remain ancillary to the main house (i.e. not a separate planning unit) and therefore there is no requirement for further off street parking.

As such, there are not considered to be any adverse impacts to highway safety as a result of the removal of Condition 2 relating to the 2002 planning consent, in line with relevant local and national policies.

CONCLUSION / PLANNING BALANCE

Policy SS1a of the adopted core strategy reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that

accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- 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

- 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.

The application seeks to remove Condition 2 relating to 02/00625/FUL which granted consent for the change of use of a building within the grounds of Ley Fields Farm from a shop to a short term holiday let. The condition restricted the occupancy of this building to no more than 4 weeks at one time and that no other use including those within C3 Use is permitted. The reason the applicant is seeking to remove this condition is to allow the building to be used as ancillary living accommodation for a family member.

An assessment of the application has found that the application conflicts with the provisions of Policies SS6c, R1 and R2 of the Core Strategy, which requires priority be given to rural buildings for agricultural and commercial uses, rather than independent residential accommodation, unless marketing evidence has been provided to demonstrate that such a use is no longer viable.

There is also conflict with Policy SS7 which promotes tourism uses within the Churnet Valley Strategy Area. Whilst the removal of this occupancy would result in the loss of a self catering short term holiday let, it has been found that there are a number of similar tourism uses in the immediate and wider area, and as such, it has been concluded that the loss of this single holiday let would have a negligible impact on the Churnet Valley Strategy Area.

As the resultant living accommodation would remain ancillary to the main dwelling – secured by way of a suitably worded planning condition - and given that no external or internal alterations are proposed, there would be no material impacts and as such, the application is considered to constitute a sustainable form of development, in line with Policy SS1a of the Core Strategy and paragraph 11 of the NPPF.

Conditions are recommended to restrict the occupation of the building for ancillary purposes, given that the site is not suitable in terms of private amenity space and parking for an independent unit, and the conflict with the above policies.

OFFICER RECOMMENDATION: Approve with Conditions

Case Officer: James Stannard
Recommendation Date: 25th June 2019

X 

Signed by: JaneC

On behalf of Staffordshire Moorlands District Council