DELEGATED DECISION REPORT

SMD/2019/0380 **Valid 12/07/2019**	**MOOR VIEW KINGSLEY ROAD CELLARHEAD**	**RETENTION OF 4NO. BIOMASS BOILERS** **(FULL - MINOR)**

MAIN ISSUES

- Green Belt;
- Design, character and appearance;
- Amenity.

DESCRIPTION OF SITE

Moor View is located on the southern side of Kingsley Road, Cellarhead and falls within land designated as Green Belt.

PROPOSAL

Approval is sought for the retention of 4 no. biomass boilers.

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 Rural Areas
SS6c Other Rural Areas Area Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
R1 Rural Diversification
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 - 14
Section(s) 12, 13

Emerging Staffordshire Moorlands Local Plan

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 is ongoing in order to determine whether the Local Plan is sound and legally compliant. 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 was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They will be held on 4th and 5th February. The Inspector will outline the timetable for next steps in the process at the close of the hearings.

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 considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation

- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council's view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

Given the above, the majority of policies (as modified) can be given substantial weight. However, policies that are subject to the February hearing sessions can only be given moderate weight as they are subject to outstanding objections and scrutiny.
Emerging Policies:

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarchy
SS10 Other Rural Areas Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2014/0019	Extension to an existing agricultural building Approved
DET/2014/0020	Proposed access track Approved
SMD/1979/1088	Site for dwelling Refused
SMD/2008/0255	Extension to an existing agricultural stock/storage building Approved

CONSULTATIONS

Publicity

Site Notice expiry date: Expired
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

No comments received.

Town / Parish Comments

No objection.

Environmental Health

No comments received.

Staffordshire County Council Highways

No comments received.

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, 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) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF identifies three dimensions to sustainable development as being economic, social and environmental.

The presumption in favour of sustainable development is reflected at Core Strategy (CS) policy SS1, where it outlines the Council's expectation for all new development to make a positive contribution towards the sustainability of the Staffordshire Moorlands. CS policy SS1a states that the Council will work proactively with applicants in order to secure development that improves the economic, social and environmental circumstances of the area.

The application site blanketed by the Green Belt and does not fall within the infill boundaries of to the towns and villages, defined by the Site Allocations DPD. In such areas, policy SS6c supports development, amongst other things, which meets an essential local need, and supports the rural diversification and sustainability of the rural areas. This includes the conversion of an existing rural building in accordance with policy R1 and renewable energy schemes of an appropriate scale, type and location.

Policy R1 states that all development in the rural areas outside the development boundaries of the towns and villages will be assessed according to the extent to which it enhances the character, appearance and biodiversity of the countryside. It goes on to state that appropriate development should not harm the rural character

and environmental quality of the area. Wherever possible, development should be within suitably located buildings which are appropriate for conversion.

In accordance with policy R1 within the Green Belt, inappropriate development which is otherwise acceptable in terms of policy R1, will need to be justified by very special circumstances.

Green Belt

In accordance with paragraph 146 of the National Planning Policy Framework the re-use of buildings in the Green Belt provided that the buildings are of permanent and substantial construction constitutes appropriate development; provided that the resultant use preserves openness and does not conflict with the purposes of including land in the Green Belt.

Approval is sought retrospectively for the reuse of a building to accommodate 4no. biomass boilers. The boilers are contained within the footprint of an existing building which the LPA is satisfied has been in situ for in excess of four years. However, each boiler is served by a flue which projects above the roof of the structure, extending beyond the boundaries of the building. Due to the mono-pitched slope of the roof structure, the flue's projection ranges from 2m to 2.6m.

It is necessary to consider whether these flues have a greater impact on the openness of the Green Belt than the former lawful use as an agricultural building. The flues are read within the context of the site which contains a larger building to the south and other built development located to the east. Though the flues project above the roof of the structure in which the biomass boilers are located, this element of the building is enclosed to the north, east and west by buildings of a greater height. As such the flues are not visible to views from these vantage points. When viewed from the south, the flues are read within the context of the existing structures and do not extend beyond the built form of the cluster of buildings. For this reason I do not consider that the flues cause detriment to openness. Furthermore, the proposal does not conflict with any of the five purposes of including land within the Green Belt outlined at paragraph 134 of the NPPF.

This application is considered acceptable against policies R1 and Chapter 13 of the NPPF.

Design

Policy DC1 refers to design and states that all new development should be of a high quality and designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

Policy DC3 seeks to protect and, where possible, enhance local landscape by, amongst other things, resisting development which would harm or be detrimental to the character of the local and wider landscape.

The development is of a functional design that is viewed within the setting of the existing buildings on the site. It is not considered that the development appears unduly incongruous or out of character within the site context.

Amenity

Core Strategy policy DC1 and paragraph 127f) of the National Planning Policy Framework seek to secure development that protects the amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

Sufficient distance exists between the development and the nearest residential property to not raise undue concern and in the absence of any objection from environmental health it is not considered that a refusal on amenity grounds could be sustained. Furthermore, emissions from the boilers will be controlled under other standards and legislation.

CONCLUSION / PLANNING BALANCE

This application is considered to constitute a sustainable form of development in accordance with the relevant policies in the SMDC Core Strategy and National Planning Policy Framework.

OFFICER RECOMMENDATION : Approve

Case Officer: Lisa Howard
Recommendation Date: 08.11.2019 (updated: 17.01.2020)

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council