DELEGATED DECISION REPORT

SMD/2020/0031 **Valid 12/02/2020**	**MICKLEA FARM MICKLEA LANE LONGSDON**	**RETROSPECTIVE APPLICATION FOR THE RETENTION OF REPLACEMENT STABLES** **(FULL - MINOR)**

MAIN ISSUES

- Whether or not the proposed development constitutes an appropriate form of development in the Green Belt;
- Impact on landscape character;
- Amenity;
- Highway safety

DESCRIPTION OF SITE

This application relates to an irregular 'L' shaped parcel of grazing land located on the north eastern side of Micklea Lane. The land is situated between Micklea Farm to the north west, which falls in the ownership of the applicant, and Ladybrook to the south east. The site is bound by a dry stone wall to the roadside boundary and a combination of post and rail fencing and native hedgerow to all other boundaries. A field gate access is located in the south eastern corner of the plot. The site is located in the North Staffordshire Green Belt.

PROPOSAL

Approval is sought retrospectively for the construction of a replacement stable. The application has been submitted following an investigation by the Council's enforcement team.

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
R1 Rural Diversification
DC1 Design Considerations
DC3 Landscape and Settlement Setting
T1 Development and Sustainable Transport

Emerging Staffordshire Moorlands Local Plan

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 were held on 4th and 5th February.

On 27th February, the Inspector issued his post hearing advice. Key recommendations in the letter include:

- The proposed safeguarded land at Gillow Health, Biddulph should be removed. Neither should the site be allocated for housing as requested by the landowners as the case for exceptional circumstances has not ben met. The land will remain Green Belt as per the Local Plan Submission Version agreed by the Council in June 2018
- No further housing allocations in Biddulph are required
- No further amendments to the housing trajectory are required aside from pushing back the predicted commencement of the Wharf Road, Biddulph site (excluding BDNEW) until 2022/23.
- Monitoring of housing supply will determine if a full or partial Local Plan review is required within 5 years
- Land at Ox Pasture (Cheddleton) and Dorset Drive (Biddulph) should revert back to the Local Green Space designations as per the Local Plan Submission Version as agreed by the Council in June 2018.

- Other modifications were considered during the recent hearings sessions are necessary to make the plan sound, including; updating neighbourhood area housing requirements (Policy SS4) to reflect the latest monitoring data, updating the employment land area for the Tunstall Road allocation to reflect the masterplan and other adjustments to the wording of Policy SS4 and Policy DC2.

No further representations will be sought by the Inspector. As such, the Local Plan policies as proposed to be modified in September 2019 along with the Inspector recommended revisions (February 2020) provide a strong indication of the final policies likely to be adopted in the Local Plan. The Inspector's final report is expected within 2 months and will reflect the post hearing advice. The Council will be able to consider the adoption of the Local Plan at this point. As such, the plan is at a very advanced stage of preparation with some of the key outstanding objections now having been resolved following the February 2020 hearing sessions.

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.

Emerging Policies:

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarchy
SS10 Other Rural Area Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
T1 Development and Sustainable Transport

National Planning Policy Framework

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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

05/00978/FUL	Erection of double stable and store Approved

CONSULTATIONS

Publicity

Site Notice expiry date: 01.04.2020
Neighbour consultation period ends: 05.03.2020
Press Advert: N/A

Public Comments

No comments received.

Town / Parish Comments

Object.

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.

In accordance with policies SS1 and SS1a of the Staffordshire Moorlands Core Strategy the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing the environment. 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 (NPPF).

Policy SS6c relates to 'other rural areas area strategy and confirms that the other rural areas comprise the countryside and the green belt outside of the development and infill boundaries of the towns and villages, as defined in the Site Allocation DPD. 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 Council and its partners will achieve this through (amongst other things) allowing the conversion, extension or replacement of an existing rural building in accordance with policies R1 and R2.

Policy R1 relates to 'rural diversification' and states 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. where new or replacement buildings are involved development should have minimal impact on the countryside. Within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy, will still need to be justified by very special circumstances.

Green Belt

In accordance with paragraph 145 of the National Planning Policy Framework (NPPF) the construction of new buildings in the Green Belt should be regarded as inappropriate, unless it meets one of the exceptions listed at paragraphs 145 and 146 of the NPPF. This list includes (amongst other things):

- *the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling or the partial or complete redevelopment of previously development land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.*

This application seeks retrospective approval for a replacement stable. The building for which approval is sought comprises of a cavity wall construction that sits on an 'L' shaped footprint. The external walls have been clad with timber. 2no. double garage doors are located on the north east elevation. A upvc domestic door is positioned on the south east elevation of the projecting gable. The form and design of the building does not meet the Department for Environmental Food & Rural Affairs Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids. The building does therefore not constitute an *appropriate facility for outdoor sport or recreation.*

I am satisfied through the assistance of Google Earth imagery that a stable previously existed in the same location as the building for which approval is sought. As no plans of the original building have been provided, insufficient information is available to accurately determine whether or not the existing building is materially larger than the one it replaced. It is noted that approval was granted in 2005 for the erection of a double stable and store. The approved plans have been reviewed and compared against the photographs submitted with the application. However, approved location of the stable block was adjacent the north west boundary, adjacent to the curtilage boundary of Micklea Farm and not in the location as built.

Furthermore, a comparison of the approved elevation plans together with the photographs submitted by the applicant confirm that a stable building of a lesser width to that approved was constructed. The approved stable included 3no. double door openings together with 1 no. stable door. The building as constructed had 2 no. double door openings and 1 no. stable door. It is therefore not possible to rely on these plans for the purposes of this assessment.

Previously developed land is defined at Appendix 2 of the NPPF as *land which is or was occupied by a permanent structure, including the curtilage of the developed (although it should not be assumed that the whole of the curtilage of the developed land should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration have been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

By virtue of this definition the application site is considered to constitute previously developed land. However in order to satisfy this exception the Council must satisfy themselves that the building as constructed has no greater impact on the openness of the Green Belt than the previous structure. For the reasons already expressed it is not possible to carry out a direct comparison of matters of scale and siting. Nevertheless, this application represents a proposal that seeks approval for a building of a domestic appearance that appearance incongruous and at odds within the field context.

For this reason alone I conclude that the structure has greater impact on the openness of the Green Belt that the stable that existed on the site previously.

This application represents an inappropriate form of development. A case for very special circumstances has not been presented.

Design

Policy DC1 refers to design and seeks to secure development of a high quality which is 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.

Paragraph 127 of the National Planning Policy Framework requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture.

Policy DC3 relates to landscape and settlement setting and states that the Council will protect and, where possible, enhance local landscape and the setting of settlements by (amongst other things) resisting development which would harm or be detrimental to the character of the local and wider landscape.

This application presents a building of a domestic appearance in a field and layout that appears incongruous within the rural context of the site. The development is considered to be harmful to the character and appearance of Micklea Lane, contrary to policies DC1 and DC3.

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.

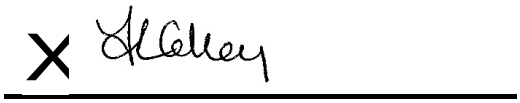
Sufficient distance exists between the development and the nearest residential property to not raise undue concern.

CONCLUSION / PLANNING BALANCE

This application represents an inappropriate form of development within the Green Belt for which no very special circumstances have been presented, contrary to policies SS6c and R1 of the Staffordshire Moorlands Core Strategy and Section 13 of the National Planning Policy Framework. Furthermore, the development represents a building of a domestic form and nature which is considered detrimental to the character of the local landscape and setting of the streetscene, contrary to policies DC1, DC3 and R1 of the Staffordshire Moorlands Core Strategy.

OFFICER RECOMMENDATION : Refuse

Case Officer: Lisa Howard
Recommendation Date: 08.04.2020



Signed by: JaneC

On behalf of Staffordshire Moorlands District Council