DELEGATED DECISION REPORT

SMD/2020/0080 **Valid 13/02/2020**	**MEADOWSTILE FARM** **TOWER HILL ROAD** **BROWN LEES**	**APPLICATION TO DISCHARGE A SECTION A S106 PLANNING OBLIGATION IN RELATION TO 02/00551/FUL** **(FULL - MINOR)**

MAIN ISSUES

The application is submitted under provisions at s.106A of the Act. If it can be determined that the obligation no longer serves a useful planning purpose then the obligation shall be discharged and the authority shall give notice of their determination to the applicant.

It is necessary to understand the original planning purpose for the obligation and, accepting that the 'useful purpose' may change with time, what the present purpose may be.

PLANNING HISTORY AND BACK GROUND TO THE OBLIGATION

The obligation was agreed on 11th October 2003 it relates to a planning permission of the same date (02/00551/FUL) that was granted for a brick and tile farm barn in the Green Belt, just outside the Biddulph settlement boundary, to be converted and used as a three bedroom dwellinghouse. The planning obligation restricts occupation and disposal of the dwellinghouse to persons that meet a 'local qualification' criteria.

At the time development plan policy B21 (Local Plan 1998) required an applicant to demonstrate that there had been reasonable attempt to secure a commercial reuse first before planning permission could be granted for a rural building to be used as a dwellinghouse. The applicant's efforts in these regards were considered insufficient and the application faltered. However, the officer's delegated report identifies what is described as a coinciding Council initiative 'to promote local need options for such buildings'. As the applicant qualified in those regards, it seems that this was taken as an 'other material consideration' that outweighed the conflict with the development plan, and the continuing occupation of the property in those terms were bound in the legal obligation.

CURRENT LOCAL AND NATIONAL PLANNING POLICIES RELEVANT TO THE APPLICATION

Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS6c Other Rural Areas
H1 New Housing Development
R2 Rural Housing

Supplementary Planning Guidance (SPG)
Housing for Local People & Affordable Housing, February 2005

Emerging Local Plan
SS10 Other Rural Areas
H1 New Housing

National Planning Policy Framework
Section(s) 2 Achieving sustainable development; 4 Decision Making; 5 Delivering a sufficient supply of housing; 13 Protecting Greenbelt

CONSULTATIONS
Publicity
Site Notice expiry date: 6th April 2020
Neighbour consultation period ends: 6th April 2020
Press Advert: N/A

Public Comments
None

Biddulph Town Council
No Objection

OFFICER COMMENTS
A useful approach to this determination is to consider whether, on the date of the application, there were differing circumstances that would mean that planning permission could be granted for the same development without the requirement for such a planning obligation. If so, it would seem difficult to contend that in terms of the development plan, national policy and any other material consideration, that the planning obligation presently serves a useful planning purpose.

The development was carried out in the Green Belt where development is inappropriate, unless it is provided for one of the listed exceptions in the NPPF. The reuse of a building that preserves the openness of the Green Belt is one such exception, and as such, the development is not inappropriate and harmful to the Green Belt.

When planning permission was granted in 2003, the authority did not raise any issue or concern with the proposed design and treatment of the building; or the location of the building relative to nearby settlement, shops and services, and there is no reason to find that these would be identified as issues of harm today under current policy and circumstances.

However, with a similar affect to that of the old local plan policy B21, Core Strategy (2014) policies SS6c and R2 only provide for residential reuse where it can be demonstrated that an agricultural or commercial use is not viable or suitable (specifically a marketing exercise is required to demonstrate this). We know that the marketing that had been carried out before the 2002 planning application was not considered sufficient and obviously there won't have been any further attempts since

the permission was granted and the development carried out. In these regards there remains apparent conflict with adopted development plan policy.

That being said, the Council does not currently have a 5 year supply of deliverable housing sites and are some way short of targets. Those policies therefore that act to restrict the provision of housing, including an extant SPD that dates from a time (2005) when the Council had an oversupply of housing and sought to limit new permissions to affordable houses for local persons, should be considered out of date. Therefore, unless there are any adverse impacts of doing so that would significantly and demonstrably outweigh the benefits, planning permission should be granted without delay (para. 11 NPPF).

Moreover, the emerging local plan strategy for the provision of housing in other rural areas (SS10 and H1) does not impose the same commercial preference tests and simply provides for the conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion. The emerging local plan is at an advanced stage of preparation with some key objections having been resolved it is NPPF compliant and can be attributed substantial weight.

The existing Core Strategy and Emerging Local Plan Policy, within housing supply policies, make specific provision for affordable housing in appropriate circumstances. None of the policy advocates an approach that would restrict the occupation of new housing to persons of local qualification and the applicant's development would not fall into the existing affordable housing criteria.

The original purpose of the planning obligation was to off set the conflict with the development plan at that time (in respect of the loss of commercial opportunity) and to secure, under a climate of housing oversupply, housing opportunity for those with local qualification, of which there was perceived at that time to be a shortage against an otherwise healthy housing provision. However, those are not the current circumstances applicable to such development.

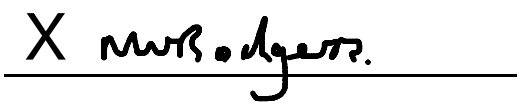
This means that there is nothing within or beyond the existing development plan and national policy context that would require a planning obligation or any other limit on occupancy to be agreed. Where the authority has an under supply of housing generally, restricting the opportunity for new housing by promoting a preference for commercial uses and controlling the occupancy, beyond adopted affordable housing criteria, does not serve a useful planning purpose.

CONCLUSION / PLANNING BALANCE

With consideration for the authority's position in respect of housing supply, national planning policy, and emerging local plan policy the planning obligation would not be a requirement if planning permission were granted now for the development carried out. Therefore, it is reasonable to conclude with regard to that, and in the absence of any other relevant consideration, the Planning Obligation no longer meets a useful planning purpose and should now be discharged.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst
Recommendation Date: 06/04/2020



On behalf of Staffordshire Moorlands District Council