PLANNING TECHNICAL NOTE

SITE: Saltersford Farm, Newton Road, Newtown, Biddulph

CLIENT: Mr G Aston

REFERENCE AST264/2

1. INTRODUCTION

1.1 This planning technical note has been prepared by Knights plc on behalf of Mr and Mrs Aston in support of an application for planning permission to the local planning authority (LPA, Staffordshire Moorlands District Council) for a proposed replacement dwelling.

1.2 The proposal comprises a two storey detached dwelling providing a range of living accommodation for the applicant and their family over two floors along with landscaped gardens. The proposal does not seek to gain planning consent for additional ancillary buildings.

1.3 The total floor area of the proposed dwelling measures 333m^2.

1.4 This technical note should be read in conjunction with the plans and drawings by JPK Designs Limited and will seek to demonstrate that the proposed dwelling comprises appropriate development within the Green Belt and that under Section 38(6) of the 2004 Planning and Compulsory Purchase Act that planning permission ought to be granted.

2. SITE AND SURROUNDINGS

2.1 Saltersford Farm is a detached residential property comprising a detached dwelling with a large front and rear garden forming a substantial domestic curtilage of 1.5 acres. It is located to the south of Newtown Road on the outskirts of Biddulph Moor. The total extent of land under the ownership of the applicant, including surrounding paddocks, amounts to 4.5 hectares in area.

2.2 The property is accessed from the North via a long private driveway approximately 250 metres in length. The dwelling is not directly visible from public vantage points from Newtown Road. The nearest neighbouring dwelling is located some 200 metres to the north east of the site (Bentley House).

2.3 The existing dwelling is a large two storey dwelling, originally constructed circa 1883. The northern elevation of the original dwelling was extended circa 1996 under permission reference SM90/01/40 with the erection of a two storey extension to provide a lounge and master bedroom.

2.4 The house has also been previously extended to the east through the addition of a single storey extension to provide a kitchen. This extension was granted permission under the same permission referred to above.

2.5 A certificate of lawful use was granted on 16 November 2014 under application reference SMD2014/0701 which confirmed the lawful extent of the domestic curtilage of the site. This certificate is material because under the definition of previously developed land contained within the glossary of the Framework, domestic land outside of built up areas is considered to be previously developed land.

3. THE DEVELOPMENT PLAN

3.1 On 09 September 2020, Staffordshire Moorlands District Council adopted its new Local Plan.

3.2 The site is shown on the proposals map as being located within the Green Belt.

3.3 Policy H1 sets outs the Council's policies for housing development, including extensions, within existing settlements and the rural areas.

3.4 Policy H1(6) states that for proposals located within the Green Belt, proposals will be determined in accordance with national policy.

3.5 In this case, national policy relating to Green Belt is set out in Chapter 13 of the National Planning Policy Framework.

3.6 Paragraph 145 of the Framework provides a list of types of development that are exceptions i.e. forms of development that are not considered to be inappropriate within the Green Belt. Included in the list of exceptions is criterion d), which allows for the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.

3.7 Criteria g) also allows for the limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use that would not have a greater impact on the openness of the Green Belt than the existing development. The subject site lies outside of any designated settlement boundary, and as such, in accordance with the definition of previously developed land provided in the Glossary of the Framework, comprises previously developed land. Therefore, a proposal could be advanced under this criteria given the location and characteristics of the site.

3.8 In terms of what is considered to be "materially larger" this is not defined in national or local planning policy and is a matter of judgement for the decision maker.

4. ASSESSMENT - GREEN BELT POLICY/CONSIDERATONS

4.1 The site is located within the Green Belt, so local and national green belt policies apply.

4.2 On 09 September 2020, Staffordshire Moorlands District Council adopted its new Local Plan. Policy H1 sets out the Council's policies for new housing development, including replacement dwellings and conversions.

4.3 Policy H1(6) states that when development is located within the Green Belt, national Green Belt policy will apply.

4.4 In the case of proposals for replacement dwellings, paragraph 145d of the Framework states that the replacement of a building, provided that it is not materially larger than the building it is to replace are not considered to be inappropriate development, so in Green Belt policy terms, the construction of a replacement dwelling is considered to be acceptable in principle.

4.5 Also relevant to the consideration of this proposal is paragraph 145g of the Framework which allows the limited infilling or partial or complete redevelopment of previously developed land.

4.6 The site comprises previously developed land given that it contains a large detached dwelling with surrounding land that is domestic in character. The definition of previously developed land within the glossary of the Framework states that:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agriculture or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; ***land in built up areas such as residential garden****, 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.*

4.7 The site comprises domestic land outside of the defined settlement boundary of Biddulph Moor. The exemption to the definition of previously developed land only excludes residential garden land within built up areas, hence the site comprises previously developed land.

4.8 Therefore, the proposal could be considered as either a replacement building under paragraph 145(d) or as the redevelopment of a previously developed site under paragraph 145(g).

4.9 With regard to the existing dwelling, the existing dwelling is two storeys in height and measures 178.3 square metres in floor area. The footprint of the existing dwelling measures approximately 92 square metres.

4.10 By comparison, the proposed replacement dwelling would also be two storeys in height and would measure approximately 333 square metres with a footprint of approximately 181 square metres. On this basis, the LPA may conclude that the proposed replacement dwelling would be materially larger than the existing dwelling.

4.11 However, there is an extant planning permission in place for two storey extensions to the existing dwelling. The extant planning permission would result in an overall floor area of 326 square metres and a footprint of 169 square metres. These extensions were granted planning permission under application reference 2018/0283 on 23 November 2018. This planning permission therefore establishes a lawful fallback position.

4.12 As established in case law, fallback is a valid material consideration. When the approved extensions are taken into account, and increase of 12 square metres in footprint and 17 square metres in floor area is not considered to be material. Therefore, the proposed replacement dwelling is considered to be appropriate development within the Green Belt when the fallback position is taken into account.

4.13 When determining the previous application, the Council attached planning conditions to the planning permission which required the applicant to remove the existing riding menage as well as remove an existing patio and decking area located to the west of the dwelling between the existing pond and the existing access track. The Council justified this on the basis that the proposed extensions would be materially larger than the existing dwelling and because an Article 4 Direction had been imposed which removed householder permitted development rights. This Article 4 Direction had originally been imposed on the basis of an application for a lawful development certificate by the previous owner of the site, where the lawfulness of substantial extensions was sought to be established.

4.14 The current applicant had no intention of constructing substantial extensions of the nature proposed by the previous owner of the site.

4.15 However, the need for removing decking and the riding menage are not considered to be reasonable or necessary given that they are lawful existing structures and they have a very limited impact upon openness.

4.16 Further, the LPA did not consider the application under paragraph 145g of the Framework.

4.17 In the wider context, the area of the site to be redeveloped forms a smaller part of a larger extent of previously developed land. Figure 1 below illustrates that the proposal would be “partial” redevelopment of a previously developed site and demonstrates that there would be no wider impact on the openness of the Green Belt. Again, in these terms, the proposal is considered to be appropriate. Further on this point, paragraph 145g explicitly allows for “limited infilling” or “partial or complete redevelopment”. The language of the policy would clearly expect that some development could take place additional to any that already exists, so long as it would be limited. For example, in many cases, an additional dwelling may be allowed between two existing dwellings or on a small part of a larger previously developed site. Therefore, the

need for conditions to remove other elements of the site that have a negligible impact on Green Belt openness in any event is considered to be baseless.

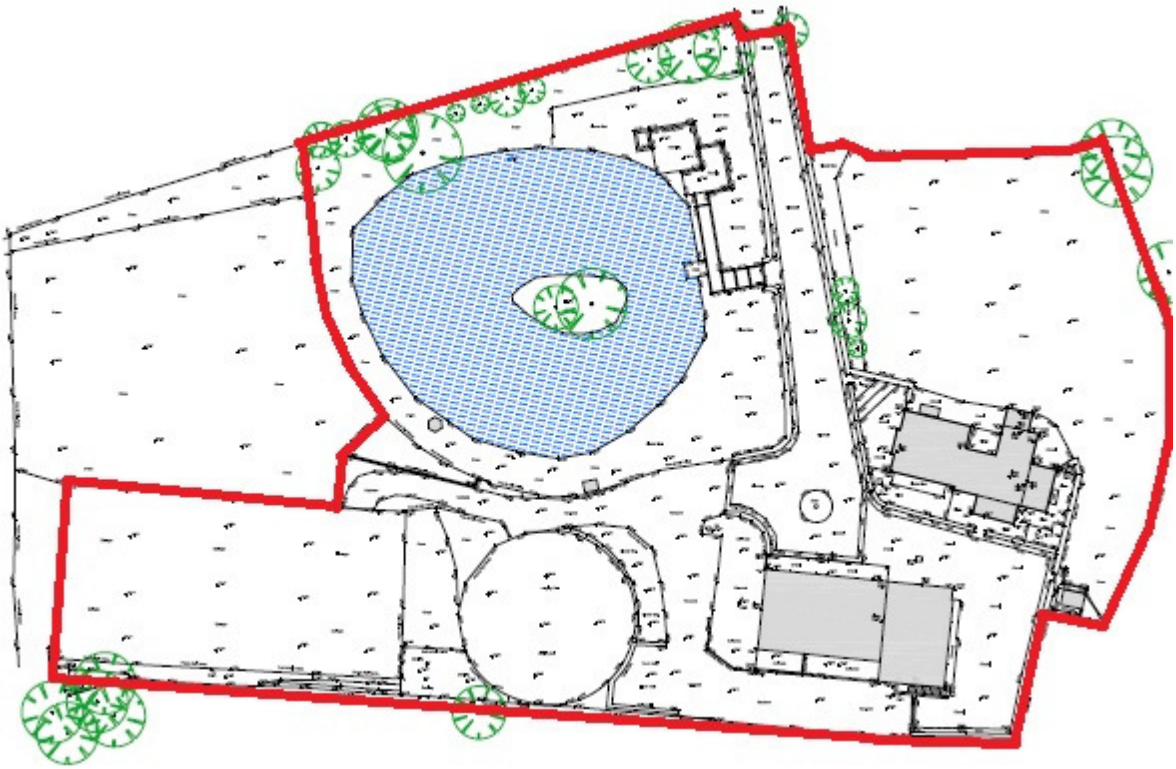

Figure 1 - extent of previously developed land edged red

4.18 In light of the above considerations, if the LPA were minded to grant planning permission for the current proposal, then there would be no basis upon which conditions should be imposed which require the removal of other structures elsewhere on the site. They would not meet the tests of reasonableness and necessity as required by national policy.

4.19 Nothwithstanding the above, the proposed replacement dwelling, on the basis of its size compared to the existing dwelling with permitted extensions is not considered to be materially larger and would comprise appropriate development.

<u>The location of the proposed replacement dwelling</u>

4.20 In this case, the proposed dwelling is not proposed to be located upon the approximate location of the existing dwelling. The proposed site plan shows that the proposed replacement dwelling would be located just to the north of the footprint of the existing dwelling.

4.21 Whilst the proposed dwelling would not be located upon the approximate location of the existing dwelling, it would still comprise a “replacement” given that the existing dwelling is proposed to be demolished to allow the proposed development to go ahead.

4.22 The overall openness of the Green Belt would not be compromised because the proposed dwelling would be located within the domestic curtilage of the existing dwelling, which in itself

comprises previously developed land as defined in national policy, and the footprint of the existing dwelling would be replaced by open land.

4.23 The replacement and repositioning of the dwelling could still therefore be considered under paragraph 145g of the Framework (redevelopment of previously developed land), so the proposal can still be deemed to be appropriate development within the Green Belt on this basis.

4.24 Therefore, the net effect on the openness of the Green Belt in this location would be negligible.

4.25 In light of these considerations, the proposal would still comprise appropriate development, even though the proposed replacement dwelling is not proposed to not sit directly upon the location of the existing dwelling.

4.26 The proposal should also be considered against the 5 purposes of including land within the Green Belt, which are as follows:

4.27 The five purposes for including land within the Green Belt are as follows:

(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.

4.28 Each of the above purposes are addressed below.

<u>To check the unrestricted sprawl of large built-up areas</u>

4.29 The site is located some 3 kilometres from the nearest settlements of Biddulph and Biddulph Moor. The replacement of an existing dwelling would not result in unrestricted sprawl of a large built up area so would not contravene the first purpose of including land within the Green Belt.

<u>To prevent neighbouring towns merging into one another</u>

4.30 As set out above, the site is located some distance from Biddulph / Biddulph Moor and is also located a considerable distance away from the other nearest towns and villages such as Leek, Congleton and Rushton Spencer. Therefore, the replacement of an existing dwelling would not result in neighbouring towns from merging into one another.

<u>To assist in safeguarding the countryside from encroachment</u>

4.31 With regard to the third purpose, the site comprises previously developed land and would not result in further encroachment into virgin countryside. Therefore the replacement dwelling would still safeguard the countryside from encroachment.

To preserve the setting and special character of historic towns

4.32 The fourth purpose of including land within the Green Belt does not apply in this case as the nearby settlements are not designated as historic towns. No harm to this purpose can therefore be demonstrated.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

4.33 The nearby settlements do not have vast supplies of derelict and other urban land and the existing settlements are tightly constrained by Green Belt. Indeed, the LPA in its recently adopted Local Plan has allocated green field sites and removed some land from the Green Belt around Biddulph in order to meet their objectively assessed housing needs. This demonstrates that Green Belt in the area has served its intended purpose, in that limited urban land is now available.

4.34 The proposed development in any event would recycle previously developed land, and therefore would not harm the fifth purpose of including land within the Green Belt.

Design

4.35 The existing dwelling with permitted extensions is irregular in shape, has several gable projections of various sizes and a range of two storey and single storey projections.

4.36 By comparison, the proposed replacement dwelling would be built to modern design and energy efficiency standards and would meet lifetime home standards.

4.37 The proposed dwelling would have a more simple layout and form, would appear to have less overall mass and bulk, and would have a less incongruous appearance than the existing dwelling with approved extensions and alterations.

4.38 Therefore, when compared with the fallback position, the proposed dwelling would be more desirable and appropriate in comparison and substantial weight should be attached to the overall design improvement that the proposal would offer.

4.39 In addition to the above considerations, also material to this application is the fact that the applicant intends to care for their elderly mother within the proposed new dwelling. The internal layout of both the existing dwelling and the approved extensions are not conducive to the provision of appropriate levels of home care. The proposed dwelling would address this need

Highways

4.40 In terms of highways, the site comprises an existing detached dwelling. The proposed dwelling would replace the existing dwelling with another dwelling and there is unlikely to be any material increase in vehicular movements to and from the site as a result of the proposal.

4.41 In terms of highway safety, the proposal would utilise an existing access point which currently operates in a safe manner, and appropriate visibility splays are available for users to the existing junction of the access track with Newtown Road.

4.42 As such, the proposal would not result in any significant highway impact.

5. CONCLUSION

5.1 In light of all of the above considerations, it is considered that the proposals submitted as part of this planning application comprise appropriate development within the Green Belt and would comply with the recently adopted development plan. Therefore, the proposed replacement dwelling should be granted planning permission accordingly.

Knights

November 2020