

Staffordshire Moorlands DC
Moorlands House,
Stockwell St,
Leek
ST13 6HQ

Our Ref: BTA/BTA/POI10/1

Your Ref:

16 December 2020

Dear Sir

**PARK HOUSE FARM, BIDDULPH COMMON ROAD, BIDDULPH
APPLICATION FOR USE OF LAND FOR STATIONING MOBILE HOME FOR HOLIDAY USE
MR POINTON**

We are instructed by Mr Pointon who is the owner of the site of a former quarry at Biddulph Common Road, Biddulph. We are aware that an application was recently refused (ref SMD/2019/0478) ('the Earlier Application') but this is a revised application for the use of land for the stationing of a mobile home with revised access and with the residential curtilage much more tightly drawn.

Background

Mr Pointon has farmed 70 acres of land at Biddulph Common Road and close by for many years and has used the land and buildings on the application site for the agricultural purposes to serve that holding.

However, due to age and ill-health, the Applicant is looking to retire. He intends to sell the remainder of the holding to neighbouring farmers who will not have need of his buildings as they will already have their own. He is therefore seeking permission to use part of the land within the former quarry for the stationing of a mobile home which will be used for holiday purposes.

If permission is granted it will result in the demolition of the existing buildings on the site, provide an additional unit of holiday accommodation which we note was welcomed by the Town Council on the Earlier Application, and also provide him with an income into his retirement.

The Application Site

The application site has direct access to Biddulph Common Road. As a former quarry site it is screened from longer views by its topography and also by substantial vegetation along its boundaries.

It is currently dominated by two large open sided storage buildings, traditionally used for agricultural storage, which will be removed from the site and not replaced if planning permission were to be granted.

It lies within green belt.

The Proposal

The proposal is to remove the existing agricultural buildings from the site and to replace them with a mobile home for holiday use only. It will take the form of a twin-unit caravan which will be transported to the site in two halves and be assembled on the site.

Its dimensions will be 14m x 6.34m and so it falls within the definition of 'Caravan' as set out in s 29 of the Caravan Sites and Control of Development Act 1960 (as amended by section 13 of the Caravan Sites Act 1968) which provides maximum dimensions of 20m x 6.8m. It will not be fixed to the ground.

The proposed unit thus does not amount to operational development and instead permission is required for the change of use of the application site for the stationing of a mobile home (caravan) for holiday use. Adjoining it there is a small area to be used with it which is tightly drawn and

significantly more so than on the Earlier Application. This will contain the holiday activity and also enables additional planting within the remainder of the former quarry area as necessary.

The position of the access has been amended to ensure that sufficient visibility can be achieved to ensure that vehicles can enter and leave the site safely.

The Earlier Application

The Earlier Application was treated as operational development and was refused on 2 grounds.

The first reason for refusal alleged that the proposal amounts to 'inappropriate development' within green belt, as set out in para 143 (et seq) of the National Planning Policy Framework ('NPPF'), and that there were no very special circumstances which would outweigh the harm caused to the green belt.

The second reason for refusal related to highway safety which has been addressed in this revised submission.

Policy Issues

Since the Earlier Application was refused the new Staffordshire Moorlands Local Plan has been adopted which is now the development plan for the area. The main other material consideration, to which regard must be had when determining the current application, is the NPPF.

Green Belt: The second reason for refusal of the Earlier Application related to the fact that development proposed was inappropriate development within the green belt as it related to the construction of a new building which did not fall within any of the classes set out in para 145 of the NPPF. In such a case the harm caused by inappropriateness, and any other harm resulting from the proposal, has to be outweighed by the benefits to establish 'very special circumstances'.

However, the current proposal is not for the erection of a building but for the change of use of land for the stationing of a mobile home for use as holiday accommodation for those visiting the area. It will result in the removal of the existing large agricultural buildings on the site. As the applicant is to retire and will look to sell his land to adjoining landowners, there will be no need for these to be replaced.

Para 146 of the NPPF sets out certain forms of development which are, in addition to those listed at para 145, also considered not to be 'inappropriate', provided that they preserve openness and do not conflict with the purposes of including land within green belt. These include 'material changes in the use of land'. Examples are given of such changes of use, but these are examples only and do not limit the principle that changes of use will not be inappropriate provided they meet the general criteria identified.

The mobile home proposed for holiday use is a twin-unit caravan, as defined by statute, as it does not exceed the maximum dimensions set out in section 13 of the Caravans Act 1968 (as amended) and will be brought to site in two parts on the back of a lorry and will be assembled on site by bolting it together. This ensures that does not amount to 'operational development' (as defined in section 55 of the Town and Country Planning Act 1990) but is a change of use of land.

This brings it within the scope of 'appropriate' development within green belt as identified in para 146 of the NPPF. Not only will it 'preserve' the openness of this part of the green belt, but it will significantly improve it as it will result in the removal of the large agricultural buildings currently on the site. This will entail a substantial reduction in built form and so significant and inevitable benefit to the openness of the green belt.

In terms of the purposes of including land within green belt, set out in para 134 of the NPPF, the proposal will not offend any of these.

The proposal will, as a result, comply with national green belt and also SMLP green belt policy and so does not have to be justified by 'very special circumstances'. It will also overcome the second reason for refusal of the Earlier Application as it is appropriate development,, which does not

need to be justified by very special circumstances and which will bring with it significant benefit in terms of openness of the green belt.

Other Policy Issues: Although only the failure to comply with green belt policy was cited in the second reason for refusal there are other policy aspects to consider. However, these have to be set off against the substantial benefit to openness which is a material planning consideration of some considerable weight.

The Officer Report on the earlier application concluded that design was not an issue as the site was well-screened by both topography and planting. The current application site is now more contained than that of the Earlier Application, containing the new use and giving more scope for additional planting as necessary, to ensure that the proposal will not have an adverse impact on its surroundings.

The Report also concluded that there would be no adverse impact on neighbouring amenity and that other matters, such as ecology and environmental health issues, could be satisfactorily be dealt with by way of condition.

It is also a tourism related development bringing tourist spend, and so economic benefit, to the area. It is noted that SMLP policy SS6 seeks to strengthen the role of Biddulph as a tourist destination and that Biddulph Town Council supported the Earlier Application and recommended it for approval subject to it being dealt with 'ecologically'. The Town Council states that it 'encourages development of holiday accommodation' which suggests that there is a continuing need for it and, if the strategy in SS6 is achieved, a growing need for it.

It is also noted that policy E4 of the SMLP provides that new tourism development will be supported when certain criteria are met. It is within 3km or so of Biddulph which is the district's second largest town with a good range of services and facilities, and public transport links, and which is a focus for growth (SMLP policy SS2). It therefore complies with criterion 1(B) of policy E4.

The application site also lies close to other tourist destinations such as Biddulph Grange Country Park (2.5km) and Biddulph Grange Garden (National Trust) both within walking and cycling distance. Rudyard Lake is also readily accessible and the proposed holiday accommodation is well-located to explore both the north Staffordshire Moorlands and the Peak District National Park. It therefore has good connectivity with other tourist destinations and amenities, albeit by means other than public transport, and so meets the requirements of criterion (B) of policy E4..

As to the accommodation itself, it will not have an adverse impact on its surroundings or residential amenity and so objection to it cannot properly be raised under Criterion (B) of policy E4 and the support of the Town Council suggests that Criterion A is also met.

It therefore complies with relevant policy

Conclusion

The Earlier Application was refused on two grounds. Both have been addressed.

That relating to highways has been resolved by changes to the access arrangements to provide adequate visibility and so a safe access.T

The other, relating to green belt, has also been resolved as the application relates to a material change of use of land which is appropriate development in the green belt and brings with it substantial benefits in terms of openness.

Further, the proposal generally complies with relevant development plan policy and notably policy E4.

It is therefore considered that the proposal meets relevant development plan policy and is also supported by guidance contained in the NPPF. Officers are asked to support the application but if you require any further information or clarification please advise the agent.

16 December 2020

Yours faithfully

LCF BARBER TITLEYS