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STATEMENT OF CASE

APPLICATION SMD/2021/0268

**PROPOSED CHANGE OF USE OF FORMER RESERVOIR STRUCTURE TO
DWELLING HOUSE, TROUGHSTONES ROAD, BIDDULPH COMMON.
STAFFORDSHIRE.**

**ON BEHALF OF
MR YASSER HEALD.**

OCTOBER 2021.

STATEMENT OF CASE.

Introduction.

This appeal has been submitted on behalf of Mr Yasser Heald, the owner of The Former Severn Trent Reservoir Structure, in Troughstones Road, Biddulph Common, against the refusal of the proposed change of use of the building to a single dwelling, by Staffordshire Moorlands District Council, reference SMD/2021/0286.

The conversion of the building to a single dwelling was refused on 28th June 2021 for the following reasons:

1. The proposed development is unacceptable in principle. The application site does not comprise previously developed land and the structure to be converted is an underground concrete water tank that is not a heritage asset, nor is it a building worthy of conversion in terms of its architecture or character. The building is utilitarian and designed to be buried underground, not exposed and used to create a feature. The development is contrary to policies SS10 and H1 of the Local Plan (2020).
2. The proposed development comprises inappropriate development in the Green Belt, would fail to preserve its openness and would conflict with the purposes of including land within it. Inappropriate development should not be granted unless Very Special Circumstances exist that clearly outweigh the harm by reason of inappropriateness and any other harm resulting from the proposed development. No Very Special Circumstances have been advanced by the applicant. The proposed development is therefore contrary to policy SS10 of the Local Plan (2020) and chapter 13 of the NPPF (2019).
3. The proposed development will cause harm to the character and appearance of the surrounding rural landscape as it will introduce an incongruous feature with associated light pollution and light spillage, engineering works and domestic paraphernalia, into an isolate site that was previously covered in trees, grass and brambles and was largely devoid of development. The proposed development will be viewed from close range from the Public Right of Way that bounds the southern boundary of the site, as well as from both short and long-distant views from the wider landscape. The development does not respect or respond sensitively to the qualities of the surrounding landscape. The proposed development is therefore contrary to policies DC1 and DC3 of the Local Plan (2020) and the NPPF (2019).

4. Insufficient information has been submitted in respect of the disposal of the spoil that will result from the exposure of the southern elevation of the building. It is not known where the spoil is to be disposed of or how much spoil will be generated. Therefore, it is unclear whether the spoil disposal will have a detrimental effect on the landscape character of the area or otherwise. In the absence of this information the applicant has failed to demonstrate that the proposed development complies with policies DC1 and DC3 of the Local Plan (2020) and the NPPF (2019).

Summary of the Appellant's Case.

The case presented will focus on the following points.

1. The proposed development is not unacceptable in principle, and represents appropriate development within the Green Belt in line with exception (c) of paragraph 150 of the NPPF (2021), which preserves the openness of the Green Belt, and does not conflict with the purposes of including land within it.
2. The proposed development will not lead to a prominent intrusion into the countryside, and will not cause significant harm to the surrounding landscape.
3. No request was made for additional information regarding the disposal of soil or any other matters, despite the guidance in the NPPF (2021) to Local Planning Authorities to work together with applicants, and the applicants request to do so.

Site.

The 0.40 hectare site lies on the south west side of the little used Troughstones Road, 4 kms to the north east of Biddulph. Access to the site has good visibility, and provision is available for adequate car parking. The site is well screened and visually contained. The semi-submerged former reservoir building is barely visible from any public viewpoint. Beyond the building the land falls away towards the southern boundary of the site, and the public footpath beyond it.

The reservoir building is a large (441 sq m) and very substantial structure and in the south west corner of the site is a single storey pump house.

Planning Policy Context.

The Planning and Design & Access Statements accompanying planning application (SMD/2021/0268) provide a comprehensive coverage of the relevant Development Plan policies and the relevant paragraphs of the National Planning Policy Framework (2019) and the practical advice provided in the National Planning Practice Guidance (2019).

Since the application was decided the revised Framework has been issued on 20th July 2021. However, there are no material changes relevant to parts of the Framework's policies concerning development in the Green Belt.

Key matters of Contention.

From the earlier sections, it is clear that the contention with the planning refusal (SMD/2021/0268) is whether or not the proposed development represents inappropriate development in the Green Belt, and without the identification of Very Special Circumstances does not comply with paragraphs 149 & 150 of the NPPF (2021). As such the principle of the proposed development is unacceptable.

Paragraphs 149 & 150 list, under 13 headings, exceptions and forms of development which are not inappropriate development in the Green Belt.

The reasons for refusal refer to exception (g) relating to previously developed land, but ignores the fact that exception (g) formed no part of the case put forward in the planning submission.

The **Planning Statement** accompanying the application fully explains why it is considered that the proposed development represents a form of development which is not inappropriate in the Green Belt. **Paragraph 150 exception (d) of the NPPF (2021) formed the basis of case put forward. This exception identifies** the following form of development:

d) the re-use of buildings provided that the buildings are of permanent and substantial construction.

This is provided that the re-use preserves the openness of the Green Belt, and do not conflict with the purposes of including land within it.

The Planning Statement considered that the proposed development fully accorded with this exception.

In terms of the Development Plan, reference is made in the reasons for refusal to the fact that the proposed development was contrary to **Policies SS10 Other Rural Areas & H1 New Housing Development, of the Staffordshire Moorlands Local Plan (Sept 2020)**. This is despite the fact that:

Policy SS10 allows:

The conversion or replacement of an existing rural building in accordance with Policy H1 and

Policy H1 list various requirements. These include

6. *When development is located in the Green Belt, National Green Belt Policy will apply.*

This requirement is ignored and reference in refusal Reason 1 is made to requirement 5 *Other Rural Areas in the Open Countryside*, which permits

5d The conversion of rural buildings for residential use, where the building is suitable and worthy in physical, architectural & character terms for conversion.

Whether or not this requirement relates to the Green Belt, it would be in conflict with Section 13 of the NPPF (2021).

As the site lies in the Green Belt, the Staffordshire Moorlands Local Plan (Sept 2020), states that the National Policy will apply.

The questions which therefore need to be addressed are:

- Is the building of permanent and substantial construction?
- Does the development preserve the openness of the Green Belt?
- Would the development conflict with the purposes of including land in the Green Belt?

Is the building of permanent and substantial construction?

A **Report by Northern Structural Services (August 2020)** was submitted with the planning application. It concludes that the structure is in a robust condition and has no signs of structural movement. It is in a stable position and is fit for the proposed works.

The Planning Officer's report (Page 5) on the application concluded that the building is of permanent and substantial construction.

If this had not been the case the officer could have sought a report on the building from an appropriately qualified structural engineer.

Does the development preserve the openness of the Green Belt?

In relation to openness the proposed building is located on the slopes of a hill, and surrounded by mature trees. The 21m by 21m flat roofed building has been built set down into the site. As part of the proposed development the earth mound which covers the southern elevation of the building will be partially removed to allow windows and doors to be inserted and a small (70 sq m) outdoor sitting area created. However, the top of the embankment will remain at a similar height to that presently, and the appearance from the southern aspect will remain largely unaltered. The existing exposed roof area will be waterproofed, insulated and overlaid with a green roof set with native meadow grass species. No extensions are proposed to the building and the alterations include a ramped pathway, from the western side of the building down to the main access to the building. There will be centrally open courtyard with an escape stair, elliptical lightwell opening at roof level and protective railings around it at roof level.

In terms of **Exception (c) of paragraph 149 of the NPPF (2021)**, the **planning officer's report (Page 6)** confirms that these alterations will not result in disproportionate additions over and above the size of the original building.

In terms of impact on the openness of the Green Belt the removal of earth from the southern elevation of the building could be regarded as resulting in a small loss of visual openness. This could be from the users of the PROW Biddulph Town 91, which is situated at a much lower level, behind the boundary wall to the south, but such a loss would be too small to cause material harm. **This limited impact would therefore ensure the preservation of the openness of the Green Belt.**

Would the development conflict with the purposes of including land in the Green Belt?

The retention of the existing mature trees, which form a dense screen around the site and the building, and the fact that it is largely submerged with a green roof and no extensions, the proposed development will not adversely affect the character and appearance of the countryside. **It is therefore considered that the proposed development will not encroach into the countryside, and will therefore not conflict with any of the purposes of including land within the Green Belt.**

Any concerns regarding encroachment in the future could be controlled by the removal of permitted development rights.

Conclusion.

The proposed development would not be inappropriate development and would comply fully with paragraph 150 (d) of the NPPF (July 2021) and Policies SS10 & H1 (6) of the SMLP (Sept 2020). It is therefore unnecessary to consider whether there are considerations in favour of the development which would amount to very special circumstances necessary to justify the development.

The second area of contention is whether or not the proposed development will cause significant harm to the surrounding landscape?



Existing Site – south-east boundary

Viewed from adjacent paddock towards the route of the public right of way



Existing Site - south boundary

Viewed from the south boundary and along the public right of way



Existing Site - south boundary

Surrounding topography, viewed towards the site and the south boundary



Existing Site – north boundary

Site as viewed from Troughstones Road, leading towards the site access

Policy DC3 of the **SMLP (2020)** concerns itself with the protection, and where possible, enhancement of local Landscape and Settlement Setting by:

- 1. prominent intrusion into the countryside or have a significant adverse impact on the character or setting of a settlement or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence***

The Troughstones Road site is not close to an existing settlement but in the open countryside. It is therefore appropriate to consider whether the proposed development would lead to a prominent intrusion into the countryside, and therefore have a significant impact on the local landscape?

The **Landscape & Settlement Character Assessment (2008)** locates the site in **the Potteries and Churnet Valley Character Area**, and within the **Gritstone Uplands Character Type**. This area is very varied having bleak upland areas, as well as small scale irregular fields, drystone walls, narrow winding lanes and small blocks of woodland below the higher land.

The tree cover on the valley sides soften the landscape and limit views.

The **LSCA (2008)** identifies some **Landscape Planning Guidelines**. These include:

- Woodland planting of a small scale tying into existing woodland and hedgerows. This can help to restore vegetational cover, and can help to minimise the visual impact of development.

In terms of addressing the question as to whether the proposed development represents a prominent intrusion into the countryside and will therefore have a significant impact on the local landscape, the following matters require consideration.

It is acknowledged by the **planning officer in her report (Page 8)** that the conversion retains earth to the 2 sides and the rear ie Troughstones Road end of the building, and that the only part of the building which will be exposed is the **“flat green roof”**, and the exposed, **stone faced southern elevation**.

The proposed formation of the natural grass and herb mixes covering over the roof area, would result in the finished ground levels over the structure being restored to correspond closely to that of the original site. Some further re-contouring of the perimeter edges would be possible, to achieve a softer and more natural appearance, blending into the adjacent surroundings. The appearance of the water feature, railings, roof lights and light wells would have negligible impact on the surroundings and would further diminish over time, with the continued growth of the natural meadow grasses.

Therefore, the appearance and character of the site would be preserved, enhanced, and improved with bio-diversity net gains. The site would not be visible from Troughstones Road, which is separated from the building by a stone wall, and a hedge consisting of holly, hawthorn and beech and also screened from the west and east by the well-established boundary trees.

It is also misleading to imply that the whole of the southern elevation is to be exposed, only the top section (1 m) of the elevation will be visible, and will be stone faced, using locally sourced natural stone facings.

The southern elevation of the building is barely visible from the public footpath which runs at a much lower level behind the boundary wall. The Topographical Survey shows the **roof** of the building to be at **252.9 m OD**, the height of the **earth mound** which abuts it varies from west to east, at between **250 & 252 metres OD**, and the **PROW Biddulph Town 91** lies at **245-247 metres OD**.

After the earth is removed from the southern elevation, the windows and doors and courtyard area will be set behind a landscaped mound and below the top of the retained embankment levels. The only part of the exposed southern face of the building, which might be visible from the public footpath, is the top section of the building, which will consist of the locally sourced natural stone facings. The obscured views from the footpath will be through the existing trees, supplemented by appropriate landscaping.

The need for high quality design which seeks to protect and enhance the local landscape (**Policies DC1 & DC3 of the SMLP**) have been at the heart of the design of the conversion scheme. It is therefore inappropriate for the planning officer to state that the proposed development will:

Have a detrimental effect on the character and appearance of the application site and the wider landscape.

The development will result in an incongruous feature on an isolated rural site associated impacts of light pollution, light spillage, domestic paraphernalia, areas of hardstanding, domestic planting, domestic entrance walls/pillars and parked vehicles.

The proposed development will not have a detrimental impact on the short and long- distance views of the site, and its setting in the landscape. The site is very well screened on all sides, and the building is largely underground, and as such it is a very secluded site. It lies within the wooded slopes of the surrounding area. In terms of the short and long-distance views of the site, the proposed development, will protect and enhance the local landscape and countryside.

As such it fully complies with Policies DC1 & DC3 of the SMLP (Sept 2020)

In terms of the issue of light pollution and spillage, the proposed dwelling is largely underground and what limited sources of light pollution might be generated can be addressed and covered by an appropriate planning condition.

Relevant appeal decision: Ref: APP/R0660/A/14/2219125.

This appeal involved the **residential conversion of a very similar redundant semi underground reservoir in Merelake Road, Alsager**. The appeal was allowed on **5th November 2014**.

The building was **18m by 18m** concrete water supply reservoir partly set into the ground on a quiet rural road on the shoulder of a hill. The site was well screened, with a public footpath to the south of the site.

The site lies within the **South Cheshire Green Belt**, and the main issues related to:

- Whether the proposal was inappropriate development in the Green Belt, and
- The effect of the proposal on the character and appearance of the area.

The Inspector accepted that the building was permanent and substantial and that the creation of a “green roof” would slightly increase openness. Some proposed earth terraces would reduce openness, but the removal of trees would not. Overall loss of openness would be too small to cause material harm and as the development would complement the character and appearance of the landscape and countryside, there would be no encroachment into the countryside.

In many respects the building, the partly wooded hillside site, and its location in the Green Belt provide a very similar planning context to the Troughstones Road site, and as such the **appeal decision letter** is considered to be relevant, and is attached to this Statement (**Appendix 1**).

The **third issue of contention** relates to the **reference to insufficient information being provided** in relation to the amount and the disposal of soil from the exposure of the southern elevation, as this could have a detrimental effect on the landscape character of the area.

It was unfortunate that the Council made no attempt to comply with **Section 38 of the NPPF (2021)** that is to approach decision making on proposed developments in a positive way. This was despite the written request to the planning officer for an opportunity to discuss her concerns and how they might be addressed.

This is confirmed by the wording under **Informatives in the Decision Notice** on the application:

It is considered that the application is unable to overcome such principle concerns and thus no amendments to the application were requested.

The above Statement shows that there were issues of principle which required discussion, and detailed matters which could have led to changes in the details of the development, as well as specific information which the Council required ie the amount and disposal of spoil.

In terms of the amount and the disposal of spoil the following information has been provided to the Council in an attempt to address this reason for refusing the application.

The proposals would not result in the complete excavation of the southern embankment, as incorrectly stated within the Planning Officer's report. The levels of the existing bank, as viewed from the south boundary, would remain largely unchanged as shown on the application drawings. The proposed excavations exposing the entrance façade, would essentially create a shallow bowl or crater effect, between the top of the retained embankment and the building line.

It has been calculated that the volume of material to be removed to form the southern entrance - amenity area will be of the order of 110 cubic metres. This is not considered to be substantial. Subject to the quality of the excavated material, it is anticipated that it will be retained on site, to cover the roof structure and spread over the field to the east, which is owned by the appellant. It is acknowledged that the existing levels within the field would not be substantially altered, with any excess material disposed off-site as deemed necessary.

The matter of the disposal of the soil could be addressed by an appropriate planning condition.

The **planning officer's report (Pages 9-11)** identifies the following matters which are not in contention.

- 1) Amenity.
- 2) Highway Safety.
- 3) Trees.
- 4) Biodiversity.

1)Amenity.

The proposed development fully complies with Policy DC1 of the Core Strategy & paragraph 127(f) of the NPPF (2021).

The reasons for this are that the development is for the most part underground, and where this is not the case, it is not possible to be seen from the nearest properties, Moor House Farm, and Millstone Green Farm, are over 100 metres from the site.

2)Highway Safety.

The proposed development fully complies with Policies DC1 & T1 of the SMLP (2020).

The access is historical, and there is sufficient car parking within the site. It is possible to improve visibility to the south east, but on a little trafficked road, and the need not to adversely impact the impact on the countryside it is not considered to be desirable to do so.

3) Trees.

The proposed development complies with Policy NE2 of the SMLP (2020).

The proposed development retains all existing trees, and appropriate landscaping will be undertaken to further integrate the development in the countryside. As the site is very well screened, which has been enhanced by a hedgerow of traditional species along Troughstones Road, there are very limited opportunities for further tree or hedgerow planting. However, if it is considered that further landscaping is required along the southern boundary of the site, or elsewhere this can be addressed by an appropriate landscaping condition.

4)Biodiversity.

A Preliminary Ecological Assessment of the site was undertaken by **Elite Ecology**. Paragraph 5.5 states that:

Biodiversity Net Gain needs to be ensured within the scheme of works and this will be devised once the desk top study has arrived. This will allow measures to be targeted towards species to be known in the area.

Whilst it would appear from the report that there is limited biodiversity on the site, **it is accepted that there is an opportunity to enhance it by an appropriate condition, and this will comply with Policy NE1 of the SMLP (2020).**

Other matters.

Sustainable Development.

No reference was made to the issue of sustainable development in the officer's report or the reasons for refusal.

Sustainable development and the presumption in its favour are at the heart of the **NPPF 2021 (para 7)**.

Para 80 states that planning policies and decisions should avoid the development of isolated homes in the countryside **unless one of six circumstances apply:**

c) the development would re-use redundant or disused buildings and enhance its immediate setting.

The proposed development complies with this exception.

In terms of its location the site lies 3 km from Biddulph, and the facilities and services it provides. Most the rural areas of Staffordshire Moorlands are without public transport, and are predominantly car dependent, as is the case of the appeal site.

Environmentally, the re-use of an existing building, rather than the construction of a new dwelling, represents a sustainable form of development. The conversion of the building will have economic benefits during construction and spend. Socially, an additional house will make a small contribution towards meeting local housing needs.

It is therefore appropriate to conclude that the proposal will be sustainable development.

Conclusion.

The proposed development represents an appropriate form of development in the Green Belt, by virtue of **Exception (d) of paragraph 150 of the NPPF (2021)**, and **Policy H1 of the SMLP (2020)** which acknowledges the pre-eminence of national Green Belt policy.

The proposed conversion of the former reservoir building represents the re-use of a permanent and substantial building, which because of its largely submerged nature, and well screened site will preserve the openness of the Green Belt and does not conflict with the purposes of including land within it.

The photographs in the above Statement illustrate the well screened nature of the site, and that the conversion will not have a detrimental impact on the short or long term views from the surrounding landscape.

Any minor impacts within the site can be addressed by appropriate planning conditions.

In the light of the above Appeal Statement, it is considered that it has been demonstrated that the proposed development fully complies with the Development Plan and the National Planning Policy Framework, and the appeal should be allowed.

**Peter J Yates BA (Hons) M Phil MRTPI.
Planning & Development Consultant.**

APPENDIX 1:

Relevant appeal decision: Ref: APP/R0660/A/14/2219125.



Appeal Decision

Site visit made on 9 September 2014 **by I Radcliffe BSc(Hons) MCIEH DMS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 November 2014

Appeal Ref: APP/R0660/A/14/2219125 Merebrook reservoir, Merelake Road, Alsager ST7 1UF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Rushton against the decision of Cheshire East Council.
 - The application Ref 12/3568C, dated 14 September 2012, was refused by notice dated 20 December 2013.
 - The development proposed is conversion of redundant service reservoir to form Class C3 dwelling with associated landscaping and access.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of redundant service reservoir to form Class C3 dwelling with associated landscaping and access at Merebrook reservoir, Merelake Road, Alsager ST7 1UF in accordance with the terms of the application, Ref 12/3568C, dated 14 September 2012, subject to the conditions in the schedule at the end of this decision.

Procedural matter

2. It has been alleged that a land ownership certificate has been incorrectly completed in relation to the application. The neighbouring landowner advises that she will not permit any use or access to her land to allow any works associated with the development to be undertaken. She also opposes any drainage that would make use of ponds on her land. However, as separate legal matters these considerations have not affected my assessment of the planning merits of the proposed development and whether the appeal should be allowed or dismissed.

Main Issues

3. The main issues in this appeal are;

- whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy and the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would be a sustainable development; and,

if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
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Reasons

Inappropriate development

4. Paragraph 90 of the Framework advises that certain forms of development, including the reuse of a building provided it is of permanent and substantial construction, is not inappropriate in the Green Belt. This is subject to the proviso that the scheme would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. In this case I consider that the most relevant purpose of including land within the Green Belt relates to safeguarding the countryside from encroachment. Paragraph 79 also advises that the essential characteristics of Green Belts are their openness and permanence. The approach of the Framework on this matter is consistent with policies PS7 and H6 of the Congleton Borough Local Plan First Review (Local Plan).
5. The structural engineers report confirms that the square reservoir building is a robust structure constructed from concrete, brick and steel and is in sound condition. The proposal therefore is the type of development which in principle is supported by the Framework and the development plan. Given its out of the way location, the fact that it has no windows, and the only opening it has is a roof hatch, it is not a building that it lends itself to reuse for business purposes. I therefore consider that policies BH16 and E10, which further control the reuse of rural buildings, have been complied with.
6. In relation to openness, the appeal site is located close to the top of a hill. The 18m by 18m flat roofed building has been built set down into the site. Once complete its walls and roof were covered by earth. This resulted in a development that was significantly wider and longer than the building and which rose approximately 2m above the natural line of the hill. As part of the proposed scheme large parts of the earth mound surrounding the building would be removed to allow windows and doors to be inserted. The earth covering the roof would be levelled and a green roof created. These works would have the effect of slightly increasing openness.

7. At present an iron fence in a poor state of repair remains in place around part of the perimeter of the site. Within the meaning of the Act a fence is a building and its presence has a harmful effect on openness. As part of the proposed development a replacement boundary treatment that would improve openness, such as a hedge, could be secured by condition.
8. The existing access from Merelake Road rises up the embankment and gives access to the building close to its roof level. It is proposed that this access would be sealed and a new cutting made through the sandstone embankment at the front of the site to give access to the newly exposed front of the building. This would involve the creation of a short driveway and also a reversing space so that vehicles could turn on site. The cutting is likely to expose a sandstone base. As a result, hard standing for the access and driveway may not be needed. Nevertheless, these works would have the effect of reducing openness by a little.
9. The land surrounding the building, including the terraces that would be created by removal of sections of the earth bund, would create the opportunity for structures to be erected which would reduce openness. However, this could be controlled by the removal of permitted development rights. Whilst the loss of some trees on the site could adversely affect character and appearance it would not harm openness.
10. The improvement in openness, as a result of the works associated with the adaption of the building, would offset the vast majority of the reduction that would occur, as a consequence of creating the new access, short driveway and turning area. As a matter of fact and degree, I therefore find that the overall loss of openness that would occur would be too small to cause material harm. Taking these matters into account, supported by my findings in relation to character and appearance, I therefore find that the proposal would also not encroach into the countryside. For all of these reasons, I therefore find that the proposal would not be an inappropriate development and would comply with the Framework and policies PS7 and H6 of the Local Plan. It is therefore unnecessary to consider whether there are considerations in favour of the appeal which would amount to very special circumstances necessary to justify the development.

Character and appearance

11. The appeal site is next to a quiet rural road on the shoulder of a hill close to its top. It is located within an agricultural landscape of large fields. Medium to long distance views from the north and east are prevented by the dense screening effect of trees within a copse off the site and along Merelake Road. In medium to long distance views on the approach along the road from the south the appeal site is visible. A public footpath runs also runs east west approximately 300m to the south of the appeal site. It is possible that the southern elevation of the building could as a result be seen. However, the setting down of the building into the site, its single storey height, flat roof and trees on the site would ensure that it would blend in with its surroundings and would not be prominent. Some trees will be removed, however they are low quality and the other trees that would be planted would compensate. As a consequence, the verdant setting of the appeal site would not be materially harmed.
12. To the west the shoulder of the hill extends some distance. As a result, in views from the nearest public rights of way to the west the development would be hidden from view. There would be no close public views of the site from the north, south or west. When passing along Merelake Road immediately to the east the height of the embankments, which are over 2m tall, would mean that most passers by would see little if anything of the building. Furthermore, whilst the new access would cut through the sandstone embankment its acute angle would minimise its visual impact on this landscape feature. It would also prevent views along it of the dwelling.

13. Use of the terraces created by the removal of the earth bund by the residents would in part domesticate the site. However, due to the restricted length and width of land surrounding the building the terraces would be small. Taking into account the limited visibility of the site the terraces would not therefore cause material harm to the countryside. The dilapidated iron fence around the boundary of the site is one of its most prominent features. Its replacement with a more appropriate boundary treatment would lead to an enhancement to the immediate setting.
14. Taking all these matters into account, I therefore conclude that the proposed development would complement the character and appearance of the landscape and countryside. As such it would comply with policies GR1, GR2, BH15 and BH16 of the Local Plan. These policies, amongst other matters, require the protection of the character and appearance of a locality through high quality design that respects local design features.

Other matters

Sustainable development

15. Sustainable development and the presumption in its favour are at the heart of the Framework. Paragraph 55 of the Framework supports the re-use of a redundant or disused building that would lead to an enhancement to the immediate setting. These are criteria with which the proposal would comply. In terms of its location the appeal site is located approximately 1.6km from Alsager and the services and facilities it has to offer. A railway station is within 2km. It is therefore in a reasonably accessible location for development. Environmentally, the re-use of the existing building, rather than the construction of a new dwelling, minimises waste and significantly reduces the emission of carbon dioxide. The high standard of construction proposed would also contribute to the low carbon future sought by the Framework. The conversion of the building would have economic benefits in terms of construction employment and spend. Socially, an additional house would also make a small contribution towards helping meet housing need. Taking all these matters into account, I therefore conclude that the proposal would be a sustainable development.

Conditions

16. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. In order to ensure that the development complements its surroundings further details on landscaping and boundary treatments are required. To ensure that any planting becomes well established it needs to be well maintained. Furthermore, the trees on the site which contribute to the mature landscaping and are to be retained need to be protected. Certain sedimentary formations are exposed on the site which form part of a Regionally Important Geological Site on Merelake Hill. These require protection. To ensure that materials and vehicles do not obstruct the highway or harm highway safety a construction method statement is necessary.
17. To prevent future development on the site from harming openness or the low profile appearance of the building that fits in with the landscape permitted development rights need to be removed. Birds may well nest in trees on the site in the spring and summer. As a result, if works take place during this time a survey and mitigation works need to take place. Similarly, the opportunity in accordance with the Framework to enhance the wildlife value of the site by

incorporating features that would attract birds and bats needs to be taken. The site has been redundant for a long time and the detail of how it was used is

unclear. Given that it is a residential conversion a contaminated land assessment is therefore necessary.

18. I have required all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of Planning Practice Guidance. A condition requiring a plan to control dust, noise, emissions and vibrations was sought. However, given that the appeal site has no neighbours for some distance and Merelake Road is particularly quiet this condition is not necessary. I have therefore not attached it to the permission. Given that the point of access will have a sandstone base, and in the absence of further justification from the Council, further details on the geogrid confinement system are unnecessary.

Conclusion

19. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan 1:1250, proposed site plan 1229 L(-1)301 Rev A, Revised Option 1 April 2013, proposed ground floor plan 1229 L(-2)301, proposed elevations 1229 L(-3)301, proposed elevations 1229 L(-3)302, proposed sections 1229 L(-3)301 Rev A, proposed roof plan 1229 L(-2)302, arboricultural implications plan 1103/P05a, Tree protection plan 1103/P07b, with the access, driveway and turning area as shown on plan 'Revised Option 1 April 2013'.
- 3) Prior to the commencement of development a landscaping plan indicating the positions, design, materials and type of boundary treatment to be erected and details of planting shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be carried out in accordance with the approved details and permanently retained unless otherwise first approved in writing by the local planning authority. The boundary treatment shall be completed before first occupation of the dwelling.
- 4) The landscaping plan shall be implemented in full accordance with the approved scheme within the first planting season following completion of the development hereby approved, or in accordance with a programme first agreed in writing with the local planning authority. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become seriously damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
- 5) a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees shown on plan ref 1103/P05a produced in accordance with BS5837 (Trees in relation to Construction 2012:

Recommendations), which provides for the retention and protection of trees, shrubs and hedges grown on or adjacent to the site, including any trees which are the subject of a tree preservation order, shall be submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved scheme are in place.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the local planning authority.

- 6) The area of Merelake Hill Regionally Important Geological Site (RIGS) within the control of the applicant shall be managed in accordance with the Maintenance Statement and Conditions enclosed with the letter of 12 July 2012 from Cheshire RIGS Group to Cheshire East Council.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors.
 - ii) loading and unloading of plant and materials.
 - iii) storage of plant and materials used in constructing the development.
 - iv) works affecting trees, including details of supervision, that provide for the long term retention of the trees.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, reenacting or modifying that Order), no development within Classes A to H of Schedule 2, Part 1 of this Order and no development within Classes A and B of Schedule 2, Part 2 of this Order shall be undertaken at any time.
- 9) Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required shall be submitted to and agreed by the local planning authority.
- 10) Prior to the commencement of development the applicant shall submit for approval in writing detailed proposals for the incorporation of features suitable for use by breeding birds and roosting bats. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

- 11) Prior to development commencing:
- (a) A contaminated land Phase 1 report to assess the actual / potential contamination risks at the site shall be submitted to, and approved in writing by, the local planning authority (LPA).
 - (b) Should the phase 1 report recommend that a Phase II investigation is required, a Phase 2 investigation shall be carried out and the results submitted to and approved in writing by the LPA.
 - (c) Should the Phase 2 investigations indicate that remediation is necessary a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out.
 - (d) Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by the LPA prior to first occupation of the dwelling hereby approved.