

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

Comments on Council's letter of 3rd March on APP/B3438/W/21/3284317.

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

**ON BEHALF OF
MR YASSER HEALD.**

March 2022.

Comments on Staffordshire Moorlands District Council's letter of 3rd March.

The above letter confirms that the delegated report (SMD/2021/2086) forms the Council's Statement of Case. It also contains:

- (1) References to the **interpretation of Policies SS10 & Policy H1** by the Council.
- (2) The provision in **Appendix F of 3 appeal decisions** to support its stance on these policies.
- (3) The **withdrawal** of the **fourth reason** for refusal.
- (4) The **lack of a 5 Year Supply of Housing**, and
- (5) **Proposed Conditions**.

1. Policy SS10 & Policy H1.

Policy SS10 Other Rural Areas Strategy.

These comprise the countryside and the Green Belt outside the development boundaries of settlements.

1. Meeting housing requirements and specific needs by

Allowing the conversion or replacement of an existing rural building in accordance with Policy H1.

6. Maintain the Green Belt within Staffordshire Moorlands.

Strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.

Policy H1

5. In the other rural areas in the open countryside only the following forms of housing development will be permitted

Criterion (d)

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

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

In terms of the appeal proposals it is agreed by both parties that the site is in the Green Belt and that the building is suitable and worthy of conversion in physical terms, as confirmed on page 4 of the delegated report.

This means that the proposed development complies with exception (d) of paragraph 150 of the NPPF subject to assessments in relation to the openness and the purposes of the Green Belt.

Policies SS10 and H1 clearly state in Part 6 of both policies that they rely on National Green Belt Policy, and the exceptions listed in it.

In the light of this, it is considered that on Green Belt sites additional requirements as referred to in Policy H1 5 (d), which relates to the countryside, should not be regarded as a relevant consideration.

If it is considered that these requirements are relevant, they are not consistent with the National Green Belt Policy, and therefore should not be afforded any weight.

2.The 3 appeal decisions.

The 3 appeal decision letters do not consider the approach of Planning Inspectors to the conversion of permanent and substantial buildings in the Green Belt, and the relevance of Policies SS10 and H1.

All 3 appeals relate to the construction of new houses in the Green Belt.

APP/B3438/W/21/3256859 (Decision letter dated 10/11/20) is concerned with the redevelopment of previously developed land.

APP/B3438/W/21/3271925 (Decision letter dated 24/7/21) is a proposal for a self-build dwelling.

App/B3438/W/21/3272703 (Decision letter dated 2/9/21) involves the redevelopment of previously developed land for affordable housing.

All of them state that Policy SS10 confirms that strict control will be exercised over inappropriate development within the Green Belt allowing for exceptions as defined by Government policy.

It is therefore considered that the only relevance to the appeal case is that the decisions support the approach taken in the appellant's Statement of Case.

3.Reason 4 for refusal of SMD/2021/0286.

It is noted that the Council has withdrawn the fourth reason for refusal.

4.5-Year Supply of Housing.

The Council acknowledges that it cannot demonstrate a 5-year Supply of Deliverable Housing Sites as at 1st April 2021 (not 2022 as stated in the Council's letter). The Council only has a supply of 4.21 years. This is a requirement of paragraph 75 of the NPPF.

It is important to be mindful of the support offered in the NPPF to the Government's objective to significantly boost the supply of houses, and appropriate weight should be afforded to the benefits this affords.

In the **Statement of Five-Year Housing Land Supply (as at 1st April 2021)** under the **heading of Small Sites, Appendix 1** it is evident that the Council relies heavily on sites providing only a single house, particularly outside settlement boundaries.

Policy H1 also confirms in its concluding sentence that:

The Council will closely monitor the delivery of residential windfall sites and affordable housing to ensure that it is meeting expected levels.

It is evident that this requirement of Policy H1 has not been followed in dealing with the application SMD/2021/0286, as there is no reference to it in the Delegated Report, and no weight attached to it in reaching a decision on the application.

It is acknowledged in the Council's letter of 3rd March that in not having a 5-Year Supply of Housing, part (d) of paragraph 11 is applicable in the determination of the appeal.

The fact that the site is in the Green Belt and the proposed development fully complies with paragraph 150 (d) the re-use of buildings provided that the buildings are of a permanent and substantial construction, does not provide *a clear reason for refusing the development proposed (para 11 (d) i).*

The request that even if the development complies with Green Belt Policy, **the outstanding reasons** for refusing *the application significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.*

It would appear that the only outstanding reason is **reason 3** which states that: ***The proposed development will cause significant harm to the character and appearance of the surrounding rural landscape.***

The appellant's Statement of Case fully addresses this point on pages 7-11, including appropriate photographs of all the site boundaries.

No attempt has been made **by the Council** to undertake an exercise in terms of **weighing up the benefits and harm of the proposed development either in the delegated report or in the letter of 3rd March.**

As the proposed development would not be inappropriate development in the Green Belt, and would comply with the NPPF, and policies SS10 & H1 of the Local Plan, it is unnecessary to consider whether there are considerations in favour of the appeal which would amount to very special circumstances necessary to justify the development.

The **Statement of Case** concludes that the proposed development will protect and enhance the local landscape and countryside, as the building is largely underground, and is well screened on a wooded hillside.

There are no adverse impacts on amenity, highway safety, trees & biodiversity, and the proposed development is a form of sustainable development (para 80 (c) of the NPPF), which will contribute a residential windfall site, which will help the Council towards addressing its shortfall in housing delivery.

In undertaking the planning balance there is no evidence to significantly and demonstrably outweigh the benefits of the proposed development, and in the light of this the appeal should be allowed.

5. Proposed Conditions.

In terms of the conditions proposed by the Council, the main issue is whether Condition 8 is reasonable and necessary in the interests of the visual impact of the development and the openness of the Green Belt.,

Having regard to paragraph 55 of the NPPF and the PPG, as well as the context of the appeal site, it is considered that the reasons put forward do not justify the imposition of Condition 8.

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