

DELEGATED DECISION REPORT

SMD/2021/0823
Valid 14/12/2021

LOWER OVERTON FARM
OVERTON ROAD
CONGLETON

REMOVAL OF CONDITION 23
TO SMD/2017/0628

(FULL - MINOR)

MAIN ISSUES

Whether the condition 23 of the existing permission continues to be necessary and serve useful purpose when considered against the policies of the Local Plan and the NPPF and the Council's design guide.

DESCRIPTION OF SITE

The application site comprises a detached stone built barn sited adjacent to the farm's driveway, on the approach towards the farmhouse. It is sited to the southwest of the farmhouse and the other barns associated with the former farmstead. The application site is located in the North Staffordshire Green Belt.

PROPOSAL

An application under section 73 of the Act for a differing planning permission to the one granted under reference SMD/2017/0628 (change of use and conversion of barn building to single dwelling). The revised permission sought would be absent condition 23 that prevents the carrying out of other developments to the dwellinghouse that would be otherwise permitted by the GPDO. Condition 23 reads:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings, gates, walls or fences within the site curtilage normally permitted by Classes A to E of Part 1 or Part 2 of Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- In the interest of maintaining the character and appearance of the area.

The applicants consider this condition to be overly restrictive and unreasonable. Presumably this is because at some point in the future they hope, without planning permission, to alter or enlarge the building, build an additional outbuilding, or erect new fences or walls – although they do not specify a particular intention in these regards.

The applicants consider that the inclusion of condition 23 of the October 2018 consent to remove all permitted development rights is unnecessary, irrelevant to planning, irrelevant to the development, and unreasonable, thereby failing four of the six key tests for planning conditions established in the NPPF. The applicants argue that there is no necessary basis for the Council to have effectively removed permitted development rights given the scale of the property and the site which can readily accommodate typical residential householder developments ordinarily allowed by

Class A to E of the regulations without any detriment to either the property or any nearby occupiers.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives
SS1 Development Principles
SS10 Other Rural Area
DC1 Design Considerations
DC2 Heritage Assets
DC3 Landscape Character

SMDC Design Guide
Landscape and Settlement Character Assessment

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2017/0628 Change of use to covert barn to single dwelling. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 16/02/2022
Neighbour consultation period ends: 16/02/2022
Press Advert: N/A

Public Comments

None

Town / Parish Comments

Biddulph Town Council: Object, the condition was applied for a valid reason and should not be removed.

OFFICER COMMENTS

Main Issues

With the grant of planning permission SMD/2017/0628 the Council determined against the policies of the development plan that the proposal to change the use of and convert the barn into a single dwelling was acceptable subject to a number of conditions, including condition 23, that were considered necessary for the development to comply with those policies.

The given reason for condition 23 is to maintain the character and appearance of the area. **The character and appearance of the area is made up of three main elements:** The barn is within the Green Belt, where the essential characteristics of Green Belts are their openness and their permanence; it forms part of, and relates, to a C19th historic farmstead adjacent to the Grade II listed Overton Hall; and it lies within and contributes to a rural landscape assessed as character type 'Gritstone Uplands'

where scattered farms with stone buildings are identified in the assessment as a key characteristic.

The case officer, in his consideration of the principal application, explains in his report that “the applicant had worked closely with the authority during the course of the application, making significant alterations to the plans originally submitted, in order to achieve a scheme that is considered to be acceptable in terms of design/impact on the character and appearance of the area”. Considerable care and attention had been applied to the treatment of the building and the way in which conversion works and alterations would affect the appearance of the building and the way it contributes to, and impacts on, the character and appearance of the area.

The logical and obvious conclusion, once the scheme had arrived at a point where it was considered acceptable, was that planning permission could only be granted if it was subject to a condition that prevented all of those details and careful revisions from effectively being undone, with enlargements and less considerate alterations that would then no longer be within the control of the authority, or require permission, once the barn building had become a dwellinghouse.

Maintaining the open characteristics of the Green Belt

The Green Belt exceptions at para 150 of the NPPF provide for the reuse of the building provided it preserved the openness of the Green Belt and does not conflict with the purposes of including land within it. As a former farm barn the stone building could not be enlarged without planning permission, clearly enlargements that disproportionately increase the size of a building can be harmful to the Green Belt by reducing openness. The scheme of conversion and reuse was only acceptable, therefore, where it made use of the building’s existing size and form. If the proposal to reuse the building had included enlargements and the provision of additional outbuildings in a way that would not preserve openness, then that development would have been inappropriate and harmful to the Green Belt.

However, this could, at a later date, be undermined by Part 1 Sched 2 of the General Permitted Development Order that permits the considerable enlargement of a dwellinghouse in a range of configurations and the provision of incidental outbuildings. Such development could be harmful to the Green Belt and fail to preserve its open characteristics. It was therefore necessary to ensure that, once the building had become a dwellinghouse, it could not be enlarged and other incidental buildings could not be provided without planning permission.

Maintaining some historic significance and integrity as a non-designated heritage asset

Policy DC2 of the Local Plan requires protection to be given to none designated heritage assets as set out in the NPPF requiring the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The original building was a two storey stone combination barn, possibly a threshing barn with hay barn above, forming part of the C19th farmstead of Lower Overton Farm that appears on the County record of historic farmsteads. The building has a close visual relationship with the farmstead of Overton Hall Farm (Listed farmhouse and two separately Listed barns) and may have all formed part of a much larger dispersed farmstead. The building is characterised by few openings although several have been infilled in the past.

Some of the building's significance as a heritage asset would be lost with its conversion and use as a dwellinghouse. However, merits in these regards would be maintained and preserved where the integrity of the stone building's vernacular form and character and its arrangement and relationship with the other buildings within the C19th farmstead have been protected through careful and sensitive development. Uncontrolled alterations to the building, enlargements, other building works and new subdividing means of enclosure, carried out at the will of the householder and permitted by the GPDO, have the potential to harm that significance. There would be 'less than substantial harm', but such harm would not be outweighed by public benefit. Thus undermining and undoing the efforts and care taken at the application stage. There would be conflict with policies SS10, H1, DC1 and DC2 of the Local Plan, the SMDC Design Guide, and the NPPF in these regards.

Maintaining the character and appearance of the building and a positive contribution to the character and appearance of the landscape

Other rural area strategy SS10 allows the conversion of an existing rural building in accordance with policy H1 which supports the conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion. More generally, development must comply with Local Plan design policy DC1 which requires it to be well designed and reinforce local distinctiveness by positively contributing to the special character and heritage of the area in line with the Council's Design Guide SPD. With regard to alteration and conversion the design guide makes the following relevant points:

An old building will have features and detailing that cannot easily be rebuilt today. Alterations need to be undertaken with care. Insensitive changes can easily spoil a building. The aim should be to revitalise the building without altering its fundamental character.....Conversion is often the only feasible way of securing a viable future for the buildings. Although the main demand is for residential use, this is not always suitable or desirable, or indeed permitted in policy terms – particularly if the building is in the open countryside, or is a listed building. The guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained. This means that in most cases the barn, mill or chapel should afterwards look like a converted barn, mill or chapel, and not like a new house or a new block of flat.....new uses should not normally require the construction of extensions or ancillary buildings. However, if alterations are necessary and approached carefully, it may be possible to bring about a new understanding of historic buildings by making a clear distinction between what is old and what is new.

Local Plan landscape character policy DC3 supports development which represents and enhances local landscape character, which in this case is identified in the Landscape and Settlement Character Assessment as a character type of 'Gritstone

Upland' where scattered farms with stone buildings are identified as one of the key characteristics.

In response to the original conversion proposal the Council noted that to comply with the Design Guide SPG the conversion should work with the character of the existing building and utilise existing and former openings, it was important to retain the character of this building not import details from others. For example, an originally proposed double-height glazed gable, which is not a feature of vernacular buildings in the area, and a large first floor opening, were removed from the proposal, they were considered to be wholly inappropriate features which would not reflect the historic character of this building.

It is clear that the policy supports and favours the reuse and conversion of quality vernacular buildings that make contribution to the rural landscape, scattered stone farm buildings in particular are identified as being a key characteristic of a 'Gritstone Upland' character type. Reuse and considerate restoration/conversion can protect their presence and longevity in the landscape and their contribution to quality character and appearance. However, the conversion works must be carried out sensitively within the form and character of the original building to maintain that integrity, character and appearance and the way in which the building relates to other buildings, its arrangement within a farmstead, and its place within the rural landscape.

Alterations to the building, enlargements, other building works and new subdividing means of enclosure, carried out at the will of the householder and permitted by the GPDO, have the potential to harm that character and appearance of the building, its relationship and arrangement with other farmstead buildings and the way it appears and contributes to the rural landscape. Thus undermining and undoing the efforts and care taken at the application stage. There would be conflict with policies SS10, H1, DC1 and DC3 of the Local Plan, the SMDC Design Guide, and the NPPF in these regards.

CONCLUSION / PLANNING BALANCE

The condition numbered 23, that prevents development otherwise permitted by the GPDO from being carried out when the building becomes a dwellinghouse, is considered essential to ensure that the development permitted by the grant of planning permission SMD/2017/0628 complies with the policies of the SMDC Local Plan and the NPPF. The development must result from and accord with the carefully revised plans for it to be acceptable against the terms of the development plan in a way that maintains the character and appearance of the area. Further alterations, enlargements and building work, that has not been agreed in those revised plans, has without the control of the planning authority, the potential to undermine the merits of the approved scheme and to be harmful to the open characteristics of the Green Belt, the significance of heritage assets, and the quality of the rural landscape. As such, there would be conflict with policies SS10, H1, DC1, DC2 and DC3 of the SMDC Local Plan, the SMDC Design Guide, and the terms of the NPPF. In these respects the condition is entirely relevant to planning, specifically relevant to the unique circumstances that apply to the development, and considered reasonable.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 14/04/2022

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council