RTPI
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PLANNING STATEMENT.

Client: **SCOTT SMALLWOOD**

Location: **STANLEY FARM BUNGALOW, DIAL LANE, CONGLETON, STAFFORDSHIRE, SK11 0RU**

Proposal: **REMOVAL OF CONDITION No. 1 ON PLANNING APPLICATION SMD/1998/0210 (formerly SM-98-0123)**

Date: **AUGUST 2023**

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1. INTRODUCTION

1.1 In the late 1980s and the 1990s, several planning applications for a permanent agricultural worker's dwelling were refused. However, in March 2000 following an appeal the chalet (bungalow) on the site was allowed subject to the following condition: -

" The dwelling hereby permitted shall be occupied only by Mr and Mrs S T Flowers. When the dwelling ceases to be occupied by Mr and Mrs S T Flowers, the dwelling shall be removed from the site and the ground restored to its former condition."

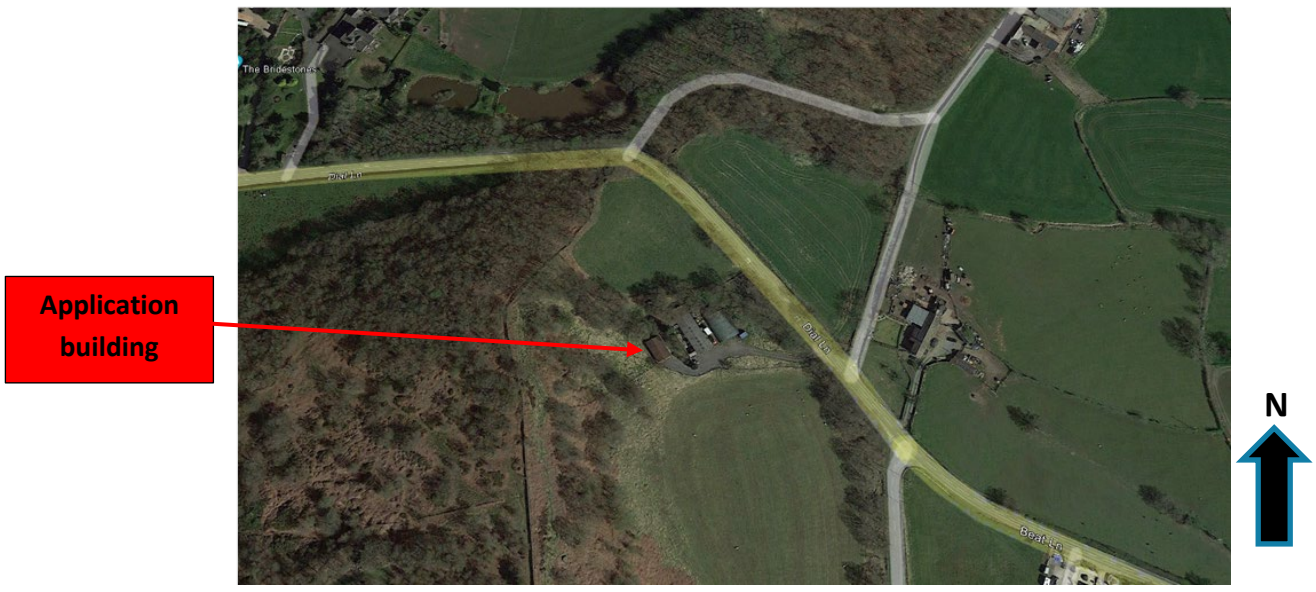
1.2 This application seeks the removal of this condition.

1.3 The submission includes the application form, a location plan and block plan; a floor plan and elevations of the existing building; and a structural report.

2. THE SITE

2.1 The entire holding and the application site are located in Green Belt countryside. The aerial photograph below indicates the location.

Fig. 1 – Site Location



2.2 The farm is approximately 11.3 hectares (about 28 acres) in size and includes the bungalow, a former farm building recently granted permission for conversion to a larger house (ref: DET/2023/0003), a metal hangar agricultural building, a field, and woodland.

3. PREVIOUS PLANNING HISTORY

3.1 In the late 1980s and the 1990s several planning applications for a permanent agricultural worker's dwelling were refused. Temporary planning permission (Ref: SM94-0628) for a prefabricated dwelling was granted in 1995 for three years. The design of the building was changed from a rendered mobile home-type building to a timber building at the request of the Planning Committee.

3.2 In 1998 an application (SM-98-0123) for the renewal of planning permission SM94-0628 (temporary siting of a prefabricated dwelling) at the Farm was submitted. This was refused in January 1999 and the Council resolved to pursue enforcement action.

3.3 In March 2000 following enforcement appeals seeking removal of the building a Planning Inspectorate decision letter allowing the retention of a prefabricated timber dwelling on the site was issued subject to the personal occupancy condition described in the Introduction to this Statement. Whilst the inspector considered that the proposed building was inappropriate and would harm the character and appearance of the countryside he concluded that the development was justified on personal grounds and the extensive effort displayed by the appellant in developing a farm on the site.

3.4 The bungalow was completed and occupied by Mr and Mrs Flowers in 1996 or 1997 - the exact date is not known. All that is known is that the building work was started was completed between 1996 and 1997.

3.5 The building's footprint is 70.5 sq. metres. The internal floor area is 64 sq. metres. This meets the National Space Standard requirement (61 sq. metres) for a single-storey three-person dwelling.

3.6 An Article 4 Direction on the holding was made by Staffordshire Moorlands District Council on 12th January 1988 and confirmed by the Secretary of State for the Environment pursuant to Article 4 of the Town and Country Planning General Development Order 1977. This Direction removed the permitted development rights to carry out on agricultural land having an area of more than one acre and comprised in an agricultural unit building or engineering operations requisite for the use of that land for the purposes of agriculture) unless permission was granted on application made under the Town and Country General Development Order 1977 (as amended).

3.7 There is an Area Tree Preservation Order on the entire holding dating from 1991.

4. THE BUILDING AND ITS HISTORY

4.1 Various terms, such as chalet and prefabricated timber dwelling have been used in the past to describe the building. For simplicity to avoid confusion, in this statement, the building is referred to as the "Bungalow" as described in the site's postal address other than when citing from other documents.

4.2 The walls are dark stained timber with dark stained timber windows except for a UPVC dark oak window to the south east elevation. The roof is covered with felt tiles. The doors are dark-stained timber. The rainwater gutters are brown. The Bungalow is built on a concrete base with brick beneath the cladding. The roof is supported by brick columns.

4.3 After planning permission for the temporary dwelling was granted in 1995 the Council Building Regulation team requirements for the building were the same as if it were a permanent building. The insistence on full Building Regulation compliance considerably increased the cost and the amount of work required for the building including reinforcing the roof trusses and fixing the floor joists into the concrete base with stainless steel straps. In effect making the building a permanent structure.

4.4 A structural report, assessing the condition of the building prepared and written by a structural engineer is submitted with the application. The report demonstrates that whilst there was some initial settlement there were no signs of ongoing structural movement and that the bungalow is in a stable condition and no remedial works of a structural nature are needed. The structural engineer's report states that "we accordingly conclude that the property is in a stable condition and see no requirement to recommend any sort of remedial works of a structural nature to improve the property to consider it as being permanent. We would therefore conclude that it is fit for the proposed change of use/status to a permanently habitable property."

4.5 The Planning Committee report - in the first paragraph on page 9 of application SM98-0123 (see Section 3 below) - stated that "*the dwelling is of permanent construction"*. The relevant paragraph is contained in Appendix 1 of this statement. This matter is discussed in more detail in Section 7.

4.6 Mr. Flowers died on 25th August 2020. Mrs. Joan Flowers continued to live in the house until September 2021 when she moved to a care home where she currently resides. From 2015 – 2021 Mrs. Flowers' daughter lived with her as her carer. Mrs. Flowers' daughter now lives in Alsager. The bungalow is currently vacant. Council Tax has been paid on the property since the Bungalow was first occupied and is still being paid.

5. PLANNING POLICY

5.1 The relevant Development Plan at the time of the Appeal was the now superceded Staffordshire Moorlands Local Plan (adopted September 1998). Policy N2(c) contained a similar policy to the current Green Belt Policy in the NPPF concerning the reuse of buildings providing that the buildings are of permanent and substantial construction.

5.2 The pertinent current Local Plan policies in the Staffordshire Moorlands Local Plan (2020) are: -

- Policy SS 10 - *Other Rural Areas Strategy*.
  Clause 6 in this Policy commits to maintaining the Green Belt within Staffordshire Moorlands by exercising strict control over inappropriate development within the Green Belt in accordance with the policies in the National Planning Policy Framework (NPPF).

- Policy DC 1 - Design Considerations.

- Policy DC 3 - Landscape and Settlement Setting.

5.3 National planning policy as set out in the National Planning Policy Framework (NPPF) is a material consideration for all planning applications. The Staffordshire Moorlands Local Plan does not contain a specific Green Belt policy relying instead on the Green Belt policies in the NPPF.

5.4 New buildings are considered inappropriate in the Green Belt. However, National Planning Policy in the NPPF lists exceptions to the presumption against the construction of new buildings and certain forms of development which are also considered not to be inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of these latter forms of development is the reuse of buildings provided that the buildings are of permanent and substantial contribution. There was a similar policy in the Staffordshire Moorlands Local Plan (adopted September 1998) –

Policy N2(c) which read "the conversion of rural buildings of permanent and substantial construction to suitable alternative uses in accordance with policy B21". The latter policy contained criteria that had to be met before approval could be granted.

6. OTHER MATERIAL CONSIDERATIONS

6.1 Staffordshire Moorlands does not have a five-year supply of deliverable housing land. This has been a long-term problem.

6.2 On the 1st of April 2022, it had a 3.71 years supply. From 2009/2010 until 2018/2019 the Council did not have a five-year supply of deliverable housing land falling as low as 1.8 years supply in 2018. On the 1st of April 2020, this rose to 5.31 years of supply. However, on the 1st of April 2021, there was 4.21 years of supply. The latest figures on the 1st of April 2022 revealed a 3.71 years supply of deliverable housing land.

6.3 The 1st of April 2020 figure contained allocated sites in the proposed Local Plan which were included in the adopted Local Plan (2020). Some of these sites have not materialised and have not been developed. In effect, there was a shortage of deliverable housing land in 2020.

7. THE CASE IN SUPPORT OF THE APPLICATION

The main issues

7.1 It is contended that the personal occupancy condition is no longer relevant, justified, or reasonable because: -

- The building is of permanent and substantial construction; constructed to standards applied to permanent dwellings. The building was erected in either 1996 or 1997 and has been there for at least 26 years.

The Building Regulation requirements described in paragraph 4.2 of this Statement in effect turned the structure from a mobile home or caravan to a permanent building built on a concrete base, supported by brick walls built onto the concrete base, and strapped to the concrete base by stainless steel straps. Underground services are connected. The standard of wall and roof insulation installed in the building was that required for a dwelling.

- Mobile homes used for residential purposes become lawful after 10 years of continuous use. Whilst the Inspector was aware of the permanent nature of the building he still imposed an occupancy condition, but it is unlikely that when imposing the condition, he expected the building to be in place for 26 years during which time the building has become an accepted part of the landscape.

- The Council in the report on Application SM.98-0123 recognised the importance of 10 years when assessing the temporary/permanent nature of a building. See Appendix 2 which contains an extract from the committee report which state “a period of ten years on top of the three years amenity enjoyed is dangerously approaching permanency.” (highlighted in green).

- Certain forms of development are also not inappropriate in the Green Belt (See paragraph 150 in the NPPF) provided they preserve Green Belt openness and do not conflict with the purposes of including land within it. One of these is the reuse of buildings provided that the buildings are of permanent and substantial construction. It is contended that it is unreasonable to treat the house as if it were a new building because it has been there for at least 26 years and therefore it is contended that the house should be treated as an existing building of “permanent and substantial construction”. This contention is supported by the structural engineer’s report submitted with this application.

- The removal of the condition would not harm the Green Belt. In terms of preserving the openness of the Green Belt, the building is part of an existing small, contained complex of buildings and is well-screened by existing trees and hedges in views from nearby roads. In terms of policy, the house does not encroach onto the countryside. It doesn't contribute to the sprawl of large built-up areas or the merging of neighbouring towns.

- Pertinent to this application is the deliverable housing land supply position in the Moorlands. Apart from a period of about 18 months, the District has lacked a five-year supply of deliverable housing land since 2009. Although it is a single dwelling it will still contribute given the long-term nature of the deliverable housing land shortage. Every dwelling is important. Tackling the housing land supply shortage and making use of a permanent building justifies the removal of the condition. Given the long-term shortage of deliverable housing land supply, it is considered that removing the condition would make a valuable contribution to the deliverable housing land supply.

- In terms of housing size, the 2017 Strategic Housing Market Assessment (SHMA), produced in support as part of the Local Plan process, suggested that going forward the housing requirement should be 60% 1 and 2 beds and 40% 3 and 4 beds. This property contains 2 bedrooms.

- Although the inspector considered that the development harmed the character and appearance of the countryside this is contested. The development is only small, well-screened, sits into the landscape, and whilst not constructed of stone, the use of timber is compatible with the rural situation.
- Whilst building new houses in the open countryside and Green Belt is contrary to Local Plan Policy SS10 apart from certain limited exceptions. This policy refers to new buildings and not existing

buildings. Policy SS10 allows for the conversion or replacement of an existing rural building in accordance with Policy H 1. The applicant contends that because of the length of time since the building was completed it is an existing building and that in effect removing the condition would be in accord with Policy H1 which allows the conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion.

- With regard to sustainability and the rural location it is relevant that conversion under class Q – buildings in similar locations – are considered sustainable. Further, the Government is considering extending conversion rights to all rural buildings.

8. CONCLUSION

8.1 In conclusion, the building is of permanent construction; it is a permanent feature in the landscape and has negligible impact on that landscape; its reuse as a permanent dwelling would not conflict with the Green Belt policy; it would make effective use of a permanent dwelling; it would provide a much-needed dwelling of a type that the SHMA considered a priority. For the combined reasons described in the Case in Support of the Application and in this Conclusion, it is contended that very special circumstances exist to justify the removal of the Condition and that the Condition is no longer justified or necessary.

9. APPENDIX 1 – EXTRACT FROM PAGE D.9 OF THE REPORT ON APPLICATION SM.98-0123 FOR THE RENEWAL OF A TEMPORARY PERMISSION

SM.98-0123 - CONTINUED

Observations Continued

In the current application, the dwelling is of permanent construction. The applicant argues that planning officers encouraged him to apply for this dwelling and imposed onerous and costly conditions on the planning approval. However, it is clear that the applicant had been applying for a prefabricated type dwelling rather than a caravan from 1992 onwards (see SM92-0926), although of different materials, and had submitted details of the dwelling types with his applications. In fact the applicant stated in writing that he was willing for the Planning Authority to select the type and design of the building. Furthermore the conditions are not extraordinary for this type of application and were considered necessary. If the applicant felt that the conditions were onerous, there was an opportunity to appeal against them following the planning approval. The conditions have been complied with to the Planning Authority's satisfaction.

10. APPENDIX 2 – EXTRACT FROM PARAGRAPH 2, PAGE D.8 OF THE REPORT ON APPLICATION SM.98-0123 FOR THE RENEWAL OF A TEMPORARY PERMISSION

The previous approval expired on 20th March 1998 and the applicants are now applying for the renewal of that temporary permission for a further period of ten years. It is not normally appropriate to grant renewals of temporary permission as a temporary permission usually has a very specific purpose - in this case to allow the business a chance to become established so that the need for a permanent dwelling could then be assessed. It is considered that if a further renewal of temporary permission was granted, it would be difficult to resist any permanent proposal in the future even if the agricultural need had still not been proven. Government Circular 11/95 "The Use of Conditions in Planning Permissions" states **"a temporary permission will normally only be appropriate either where the applicant proposes temporary development or when a trial run is needed in order to assess the effect of the development on the area".** Although the current application is for a renewal of temporary permission, a period of ten years on top of the three years amenity enjoyed is dangerously approaching permanency. Furthermore, the granting of a temporary permission is rarely justified for the erection of a residential dwelling.
