DELEGATED DECISION REPORT

SMD/2023/0425 **Valid 21/08/2023**	**STANLEY FARM** **BUNGALOW DIAL LANE** **CONGLETON**	**REMOVAL OF CONDITION 1 RELATING TO SMD/1998/0210 (FORMERLY SM.98-0123) APPEAL REFERENCE T/APP/B3438/A/99/1023357** **(FULL - MINOR)**

MAIN ISSUES

- Impact on the Green Belt
- Impact on the character and appearance of the area
- Whether there are very special circumstances that override any harm to the Green Belt

DESCRIPTION OF SITE

The application concerns an existing large lodge/chalet home that sits to the rear or south west of a grouping of farm sheds - a disused portal frame livestock building with concrete base and sheet cladding above and a nissen/dutch style barn. The chalet and small farm yard is situated to the northern end of a long finger of sloping grazing land that amounts to more than 5 ha (11.3 ha) to the easterly, low side of the Long Edge woodland.

PROPOSAL

The application is submitted under s.73 of the Act seeking a differing permission to that which was granted by the planning inspector by decision letter in March 2000. The permission was granted subject to condition that time limited the permission and made it personal to the then appellants and occupants (now deceased). The condition required that the development only be occupied by those occupants and that the development shall be removed from the site when it ceases to be occupied by them.

The application seeks a new permission for the development that would not be subject to such a condition and could therefore be retained and occupied by anyone.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS10 Other Rural Area
DC1 Design Considerations
DC3 Landscape Character
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
SM94-0628 Temporary 3 year permission for dwelling. Approved.
SM98-0875 Renewal of temporary permission. Refused.
APP/B3438/A/99/1023357 – Appeals against enforcement notice and refusal of planning permission allowed and new personal permission granted.

CONSULTATIONS

Publicity
Consultation period ends: 22/09/2023

Public Comments
None

Town / Parish Comments
Horton PC: Awaited

OFFICER COMMENTS

Impact on the Green Belt
The site is in the Green Belt where development is inappropriate and, by definition, harmful unless it is provided for by one of the exceptions that appear on the closed lists at paras 149 and 150 of the NPPF. Any harm to the Green Belt must be attributed substantial weight and planning permission should not be granted unless other considerations, amounting to 'very special circumstances', clearly outweigh the harm to the Green Belt and any other harms that result from the development.

The applicant makes the case that the reuse of an existing building (providing openness is preserved and there is no conflict with the purposes of including land in the Green Belt) is an exception on the closed list and as such the proposed use of the dwelling by persons other than the previous occupants would be provided for by that exception. However, reuse or material change of use, is not the nature of the development that requires planning permission here.

In this case a new and differing planning permission is required for the erection and initial provision of the dwelling, which has only ever relied on a temporary permission or, most recently, a personal permission tied to the occupancy of the previous owners. That permission, granted by the planning inspector, was subject to a condition that requires the dwelling to be removed when it ceases to be occupied by the then appellants. The 'reuse' exception does not therefore provide for the development that has occurred and requires planning permission – i.e. the erection of a dwellinghouse.

The planning inspector confirmed that the provision of the dwelling was inappropriate development in the Green Belt; and, he was unable to find that there was a functional or financial need for an agricultural worker to live permanently on the site. He found that there was harm and conflict with local and national policy in those regards. However, finding that the appellant's personal circumstances outweighed the harm, the Inspector pointed to the money that the appellant had spent ensuring the dwelling

complied with Council requests and requirements, particularly to comply with building regulations, and the efforts they had made to prepare the land for agricultural use. Dismissing the appeals and upholding the enforcement notice would, he reasoned, have effectively made the appellants homeless, particularly as a result of the investment they had been 'encouraged' to make to bring temporary accommodation up to standard.

Acknowledging that these circumstances were very personal to those appellants, and that they would not exist or apply when they no longer required or occupied the dwellinghouse, the Inspector tied occupancy to their personal use. Anticipating that there would be a time when they no longer occupied the property, the permission was granted on the condition that it was removed when it was no longer occupied by the named appellants.

None of the current NPPF exceptions provide for the erection, or provision, of a dwellinghouse in these circumstances and as such planning permission should not be granted unless there are considerations, amounting to very special circumstances, that clearly outweigh the harm. There are no longer circumstances or considerations that meet that test.

The applicant's agent points to the undersupply of housing within the District and the engagement of paragraph 11 of the NPPF in these regards, as a factor in favour of the development. Firstly, any benefit associated with the provision of one small open market dwelling in this rural location would not outweigh the substantial weight that must be attributed to the harm that has occurred. But, secondly, paragraph 11 maintains special protection for land within the Green Belt where the 'titled balance' should not apply.

Impact on Character and appearance of the area
The planning inspector found that the dwelling is sited in the optimum position to reduce its visual impact, being screened to a significant extent by the farm buildings. However, the presence of an additional dwelling in the Landscape Area and Green Belt does not preserve their mainly open rural character. The timber construction of the dwelling is also out of keeping with the stone and late built properties that are typical of this upland area. He found therefore, that the development harms the character and appearance of the area.

There has been no change in circumstances in these regards, and there is conflict with policies SS10, DC1 and DC3 of the SMDC Local Plan 2020.

CONCLUSION / PLANNING BALANCE
The development that requires planning permission, and has already been carried out, is inappropriate development in the Green Belt. There is harm, by definition, to the Green Belt and also harm to the rural landscape and character and appearance of the area. There are no considerations that clearly outweigh that harm and amount to very special circumstances.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst
Recommendation Date: 16th October 2023

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council