

## DELEGATED DECISION REPORT

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**SMD/2024/0215**  
**Valid 16/05/2024**

**STANLEY FARM**  
**BUNGALOW DIAL LANE**  
**CONGLETON**

**APPLICATION FOR REMOVAL**  
**OR VARIATION OF CONDTION**  
**1 RELATING TO**  
**SMD/1998/0210 ALLOWED ON**  
**PLANNING APPEAL.**  
**(T/APP/B3438/A/99/1023357)**

**(FULL - MINOR)**

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### MAIN ISSUES

- Whether or not the proposal amounts to inappropriate development in the Green Belt
- The impact on the character and amenities of the area

### DESCRIPTION OF SITE

The site is in the open countryside about 2 miles to the west of Rushton Spencer. It comprises a 2-bed timber clad bungalow. It sets next to two agricultural buildings (one is a typical portal framed concrete and metal clad modern storage shed and the other a green metal Nissan/Dutch style barn). The group of buildings is on the south-west side of Dial Lane, which also provides the access to the site. The property comprises about 11 hectares of open land to the south of the buildings, on the west side of Long Edge Road. Another country lane lies opposite the side to the east, Red Lane, connected to Dial Lane. The property is largely surrounded by open land although there is one dwelling a short distance to the west on the other side of Red Lane. The site is in the Green Belt.

### PROPOSAL

This is a full Variation/Removal of Condition application to vary a condition attached to 1999 approval which allowed the retention of the timber bungalow (SM.98-0123). The bungalow was approved to be built under a 1995 permission, SM94-0628, which had a condition attached requiring its removal after three years. In 1998 an application was submitted to renew the temporary permission and was refused by the Council but allowed on appeal the following year, allowing the bungalow to remain, but with a new condition imposed by the Planning Inspector which required the bungalow to be removed when the occupants at the time (Mr and Mrs Flowers) ceased to be residents of the bungalow. When the bungalow became unoccupied by them, a further application was submitted, in 2023, by a relative who acquired the site, to completely remove the occupancy condition, which would have allowed its retention as a permanent dwelling. This was refused.

This new application, from the same applicant as the 2023 application, now seeks to vary the condition to allow the bungalow to be present for a term of three years before being removed. The reasons for this are given in the accompanying Planning Statement, which are as follows:

*The site has an extant permission for conversion of the central agricultural building on site into a dwelling (DET/2023/0003) approved 21st of March 2023. It is the applicants intention to carry out this conversion which will be for his family and allow his family's connection with this site to be maintained for perpetuity. The applicant has submitted an application to discharge conditions (DOC/2023/0043) attached to the approval and is pending, his intention is to begin work on the conversion once the conditions have been discharged. Furthermore, there is a second application pending for the other agricultural building for conversion to residential - ref DET/2024/011.*

*To facilitate this conversion the applicant wishes to obtain temporary permission for the retention of The Bungalow for the duration of the conversion work for use by himself and his family for the duration of the conversion work. This is anticipated to take 3 years.*

*The conversion of the agricultural building will effectively be a self build, the applicant does have the benefit of being well versed in construction and wishes to live on site during the build and convert the building as to be his family home. His wish is to retain the family connection with this site for perpetuity.*

*As with most self builds, temporary accommodation for the duration of the build allows the applicant to free up capital from the sale of his own home to fund the build, keep overheads to a minimum which will greatly assist with lending and financing for the project. Funding a self build is notoriously difficult.*

*Having on site accommodation for the duration of the build also allows a degree of security as rural crime and theft from building sites is not uncommon, the site is relatively isolated, having accommodation on site allows a good degree of security and a strong deterrent to thieves.*

*The proposal is also highly sustainable in making use of an existing structure for a little longer prior to its removal and avoids the need to introduce a static caravan to site and its associated costs for the applicant.*

*Having the main contractor on site also reduces traffic movement to and from the site and makes better use of time, no commuting and a reduction in travel expenses for the applicant.*

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

**Staffordshire Moorlands Local Plan (Adopted Sept 2020)**

SS10 Other Rural Areas Strategy  
H1 New Housing  
DC1 Design Considerations

### **National Planning Policy Framework (Dec 2023)**

Section 5 (Housing), 12 (Design) and 13 (Green Belts).

### **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.  
SMD 2023 0425: Removal of Condition 1 of permission SM 98 0123. Refused.

DET/2023/0003: Conversion of barn into one dwelling. Approved.  
DET/2024/0011: Conversion of barn into one dwelling. Approved.

### **CONSULTATIONS**

#### **Publicity**

Site Notice expiry date: 9.7.24  
Neighbour consultation period ends: 9.7.24  
Press Advert: N/A

#### **Public Comments**

None.

#### **Town / Parish Comments**

None.

### **OFFICER COMMENTS**

The site is in the Green Belt and the strategy for the countryside, Policy SS10, requires strict control over inappropriate development in the Green Belt. The NPPF in paras 154 and 155 sets out the forms of development which are exceptionally not deemed to be inappropriate in the Green Belt. This does not include new dwellings but agricultural development, which could include agricultural workers dwellings, could be deemed to not be inappropriate. There were applications in the 1980s and 1990s applications for agricultural workers dwellings which were rejected. In 1995 a temporary 3-year permission was granted and the bungalow was built. Three years later an application to remove the condition restricting the three-year occupation was refused. However, an appeal against the decision was allowed and a “personal permission” granted with a condition restricting occupation to the site owners who were presumably using the land for agricultural purposes.

The site has now been acquired by a grandson of the applicants. The bungalow is still present and therefore in breach of the condition. It is in breach of Green Belt policy and deemed to be inappropriate development that is by definition harmful to the openness of the Green Belt. However, the NPPF also states that inappropriate development should only be allowed unless there are very special circumstances which are considered to outweigh the harm to the Green Belt (and the operation of Green Belt policy).

The applicant is applying to vary the condition to allow the bungalow to remain on the land for a further three years to allow him (and his family) to live on the land so that he can carry out works to convert the two adjacent barns into dwellings which he now has planning approval for, citing a number of reasons, those being the convenience of being present on site as it is a self-build, security reasons and also to prevent a caravan or mobile home from being brought in to accommodate the applicant whilst the works are being undertaken.

I consider there are some advantages of the applicant being on site to undertake the developments and it is common for a caravan and mobile home to be brought in to accommodate site owners whilst works are progressing, often without needing a further planning approval. There are also some sustainability benefits of this as it would reduce the need to travel everyday from the site to another place of residence elsewhere. He and his family would also be living in one of the converted barns and so there would be no further need for the bungalow. I consider that the impacts of a temporary caravan or mobile home on the openness of the Green Belt, or to the character and amenities of the area would not be significantly different to the retention of the current bungalow to be used for this purpose. I consider such matters together with the temporary nature of the development (with the impacts on the Green Belt reversible) could amount to very special circumstances which outweigh the level of harm to the Green Belt.

However, I consider that three years is an excessive amount of time for a bungalow to be stationed on the site in conjunction with the works required to convert two existing barns and therefore three years is an excessive amount of time for a bungalow to be placed on the land contrary to Green Belt policy and in breach of the planning approvals.

I consider that an 18 month temporary permission would be more appropriate, based on a more realistic time limit for the works to be undertaken and completed. The applicant has been informed of this and has accepted the term. A further application could also be submitted at the end of the period to vary the condition further allowing an extended time limit where it is demonstrated that more time is needed to complete the works.

The previous application in 2023 was also refused as it was considered to breach policies SS10, H1 and DC1 in addition to the Green Belt reason for refusal. Policy SS10 also restricts new dwellings in the countryside to protect the character and appearance of rural areas and also because they are generally unsustainable locations for new dwellings. The reason for refusal included that the bungalow did not preserve the open and rural character and appearance of the area and was also

out of keeping with the stone and slate built properties that are that are typical of this upland area. However, on the basis of a 18 month permission, those continued harms would only be temporary.

## **CONCLUSION / PLANNING BALANCE**

I consider the variation of condition to allow the retention of the bungalow, given the circumstances put forward by the applicant, would amount to very special circumstances that would outweigh the individual level of harm to the Green Belt. The proposal would therefore comply with the Council's Local Plan and the government planning guidance contained in the National Planning Policy Framework (NPPF).

**OFFICER RECOMMENDATION :    APPROVE**

**Case Officer: Chris Johnston**

**Recommendation Date: 11.7.24**

X *B.S. Haywood*

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**