

PLANNING STATEMENT

**THE GRANGE
OAKAMoor ROAD, CHEADLE**

AUGUST 2024

Site Address:

The Grange, Oakamoor Road, Cheadle, Staffordshire, ST10 4QR

Applicant:

Acheron Care Limited

Proposal:

Removal of Condition 5 of SMD/2024/0127
(Removal of Permitted Development Rights)

Planning Statement:

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Job Reference: RDP/2024/069

Report Prepared By:

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1 Introduction

1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Acheron Care Limited to seek planning permission for the removal of Condition 5 of SMD/2024/0127. The original application granted consent for the change of use of an existing detached dwellinghouse at The Grange, Oakamoor Road, Cheadle to a care home for children (Use Class C2).

1.2 Condition 5 of SMD/2024/0127 reads as follows:

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, AA, B, C, D and E or Part 20 shall be carried out without express planning permission first being obtained from the Local Planning Authority”.

1.3 The stated reason for imposing the condition reads as follows:

“For the avoidance of doubt and to ensure that the capacity and function of the property is not enlarged without planning permission”.

1.4 This document sets out the applicant’s case for Condition 5 of SMD/2024/0127 to be removed as it is considered to fail the tests of necessity and reasonableness, as set out in paragraph 56 of the NPPF.

2 Site Description

- 2.1 The application site lies within the rural area and comprises a detached two storey dwellinghouse known as The Grange. The property is Grade II Listed and is located on the southern side of the Oakamoor Road, approximately 1.2km from Cheadle.
- 2.2 The building is constructed from red/orange facing brickwork and has a steeply pitched Staffordshire Blue tiled roof atop. Its principal elevation faces to the south, looking out over an extensive area of established hardstanding. A large area of residential amenity space extends to the east of the site. Vehicular access to the site is taken direct off the Oakamoor Road to the immediate east of the dwellinghouse, with parking for 6+ vehicles available.
- 2.3 The existing dwelling has previously been used as a care home, having been approved for such purposes under application SMD/2008/1202. It was subsequently granted consent to revert back to a dwellinghouse under application SMD/2010/0063. Its current use remains that of a dwellinghouse.
- 2.4 To the immediate west of the site lies an 'L' shaped former agricultural building that has been converted into a dwellinghouse under application SMD/1980/0358 (The Barn). That dwelling is served by a winding vehicular access track that runs to the south of the application site, before turning northwards to run alongside the eastern site boundary. A further dwellinghouse lies 83m to the southwest (Lower Grange Farm), with another dwelling located 88 metres to the east further along Oakamoor Road (High View House). The carriageway of the Oakamoor Road encloses the northern site boundary with open fields extending beyond that. The site frontage is enclosed by a mixture of high boundary walls and mature hedgerows which give the site a good degree of natural enclosure.

3 Planning Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The Development Plan for this area comprises the Staffordshire Moorlands Local Plan (2020) of which the following policies are considered to be of relevance:

3.2 Policy SS1 of the Local Plan relates to ‘Development Principles’ and states that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands in terms of delivering, in partnership with other agencies and services:

- a mix of types and tenures of quality, affordable homes, to meet the needs and aspirations of the existing and future communities
- quality local services, including provision for education, healthcare, leisure, community, cultural and tourist facilities in response to anticipated population change and visitor numbers
- easy access to jobs, shops and transport services by all sections of the community; increased economic prosperity and opportunities for employment and greater local capacity with an educated, skilled and flexible workforce
- a healthy, safe, attractive, active, well-designed and well-maintained environment

- development which maintains the locally distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings
- development that is undertaken in a way that protects and enhances the natural and historic environment of the District and its surrounding areas, including the Peak District National Park, both now and for future generations
- support development which secures high quality, sustainable environments, efficient and effective use of resources and contributes effectively to tackling climate change and reduced carbon emissions

3.3 Policy SS10 of the Local Plan relates to the 'Other Rural Areas Strategy' and states that these areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. This will be achieved through a number of actions, including:

- Allowing the conversion or replacement of an existing rural building in accordance with Policy H1
- Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape

3.4 Policy H1 of the Local Plan relates to 'New Housing Development' and states that new housing development should provide for a mix of housing sizes, types and tenure including a proportion of affordable housing as set out in Policy H3,

and where appropriate housing for special groups, to meet the needs and aspirations of the current and future population having regard to the Area Strategies. It goes on to state that the housing for special groups, particularly for older people and others as identified in the SHMA or successor document should be of a scale and in a location which is appropriate to its needs. Policy H1 also allows for:

- The conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion; or such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of the heritage asset.

3.5 Policy DC1 of the Local Plan relates to ‘Design Considerations’ and states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council’s Design Guide SPD. In particular, new development should (amongst other requirements):

- be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area
- be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance
- protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight,

visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution

- provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use
- ensure, where appropriate, equality of access and use for all sections of the community

3.6 Policy DC2 of the Local Plan relates to 'The Historic Environment' and states that:

1. The Council will conserve and where possible enhance heritage assets, including their setting in a manner appropriate to their significance. This will take into account the desirability of maintaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.
2. Protection will be given to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF.
3. All applications likely to affect heritage assets will require the submission of a heritage statement, including a qualitative visual assessment where appropriate.
4. Where development is likely to affect archaeology, both designated and undesignated, the Council requires the submission of a desk based assessment, and where appropriate, field surveys and trench evaluation by a qualified professional.

5. Where the loss of significance is unavoidable, recording should take place and this should be added to the Historic Environment Record as a minimum, held by Staffordshire County Council.
 6. The Council will continue its proactive approach to heritage assets at risk and welcomes development proposals which would result in the sympathetic reuse of these assets in line with NPPF policy.
- 3.7 Policy T1 of the Local Plan relates to 'Development and Sustainable Transport' and states that the Council will promote and support development which reduces reliance on the private car for travel journeys, reduces the need to travel generally and accommodates residual development traffic in line with the Integrated Transport Strategy. This will be achieved (amongst other requirements) by:
- Ensuring that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development.
 - Considering appropriate parking provision on a case by case basis with recourse to the parking guidance set out in Appendix 2.

4 Other Material Considerations

National Planning Policy Framework

- 4.1 The National Planning Policy Framework seeks to secure the delivery of sustainable development, and sets out guidance, *inter-alia*, in respect of the imposition of planning conditions.

- 4.2 Paragraph 56 of the NPPF is of particular relevance, and states that:

“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification”

- 4.3 The provisions of the NPPF have been taken into consideration in the preparation of this application as a material consideration.

Planning Practice Guidance – Imposition of Conditions

- 4.4 The Planning Practice Guidance provides guidance on the imposition of planning conditions including circumstances where conditions should not be imposed. The content of the Planning Practice Guidance has been taken into consideration in the preparation of this application as a material consideration.

5 Planning Assessment

5.1 The approved application granted consent for the change of use of an existing dwellinghouse falling within Use Class C3, to a children's care home within Use Class C2. Both the description of development on the decision notice, and Condition 4 confirms this.

5.2 In granting consent the Local Authority concluded as follows in respect of the principle of development:

"The property is in an 'other rural area' of countryside outside of the Cheadle Town settlement. the 'other rural area' local plan strategy SS10 applies. SS10 and H1 supports the rural diversification and sustainability of the rural areas allowing the conversion or replacement of an existing rural building. The proposed development would provide policy support here and there is further benefit because the site adjoins the edge of a town settlement with some relationship with the facilities and services offered within that settlement".

5.3 The Local Authority went on to comment as follows in respect of the impact of the development on the character and appearance of the area:

"The application does not propose any external alterations and the dwelling would not be enlarged. There are no proposals to alter or improve an existing area of driveway hard surface. There would be no changes to the size or appearance of the property".

5.4 It was also concluded by the Local Authority that the proposal was acceptable in highway safety terms, commenting that:

“Overall, the development should not be the cause of any discernible impact on the road network or safety of the highway, beyond that which is posed by any other vehicle that must negotiate the highway to access and service the existing dwelling. There would be no conflict with policies DC1 or T1 in these regards”.

- 5.5 The Local Authority also concluded as follows in respect of the impact of the proposal on residential amenity:

“The comings and goings associated with the premises will not be dissimilar to those associated with a dwellinghouse, and the use of the premises for such purposes should not materially detract from the amenity of neighbouring residential occupiers to any unreasonable degree. The proposed development is therefore consistent with the requirements of policy DC1 of the Local Plan in this regard. The proposed change of use is not deemed to be development that would ‘result in noise pollution’ relevant to Policy SD4 of the Local Plan”.

- 5.6 The overall conclusion reached by the Local Authority in its assessment of the application was:

“The change of use would result in only limited changes to the character of the land use and would bring some community benefit by providing facility and support for some of the area’s most vulnerable residents. There would be no adverse impacts to the character and appearance of the area, highway safety or the amenity of residents. There would be no conflict with the Local Plan”.

- 5.7 **The removal of permitted development rights was not necessary in order for the Local Authority to reach these conclusions.** The proposal was found to meet the requirements of policies SS1, SS10, H1, DC1, DC2 and T1 of the Local Plan, and this was not dependent upon the removal of permitted development rights.
- 5.8 Despite this, the Local Authority went on to impose a planning condition removing permitted development rights (Condition 5). We submit that this condition is entirely unnecessary, is unrelated to the development that was permitted, and is unreasonable. It consequently fails the tests for conditions as set out within paragraph 56 of the NPPF.
- 5.9 The condition removes Permitted Development Rights pursuant to Schedule 2, Part 1, Classes A, AA, B, C, D and E and Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Those classes of permitted development relate specifically to ‘Development within the curtilage of a **dwellinghouse**’.
- 5.10 The approved development is a care home for children that falls within Use Class C2. It will not be a dwellinghouse. The provisions of Classes A, AA, B, C, D and E of Part 1 of the Order are consequently wholly unrelated to the development that has been permitted. On this basis alone the condition fails the tests for conditions as it is not related to the development that has been permitted and for the reasons set out above, is unnecessary.
- 5.11 Part 20 of the Order is also not relevant to the development that was permitted, as it explicitly precludes the demolition of listed buildings, which this property comprises. Consequently, the provisions of Parts 1 and 20 of the Permitted Development Order have no bearing, relevance, or influence of whether the property could be enlarged or not.

- 5.12 The simple fact of the matter is that if the applicant wants to increase the size of the property and / or wants to increase its capacity, then this would require planning permission (as well as Listed Building Consent). The condition is therefore deemed to be unnecessary to make the development acceptable in planning terms, is unrelated to the development that was permitted, and is entirely unreasonable. There is consequently a compelling case for planning permission to be granted to remove Condition 5 of SMD/2024/0127.

6 Conclusion

- 6.1 Paragraph 56 of the National Planning Policy Framework is clear that conditions must only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 6.2 Condition 5 of SMD/2024/0127 is unnecessary to make the development acceptable in planning terms, as evidenced by the Local Authority's own conclusions about the development that was permitted. The condition is also unrelated to the development that was permitted since the permitted development rights withdrawn by the condition do not relate to buildings within Use Class C2. The condition is consequently unreasonable, and fails the tests for conditions as set out within paragraph 56 of the National Planning Policy Framework.