

Planning, Design and Access Statement

Change of use of an
agricultural building to a
dwelling with a
basement extension

At

Land off Heath House
Lane, Lower Tean,
Staffordshire

April 2024

Document Control Sheet

Project Name	Land off Heath House Lane, Lower Tean, Staffordshire
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Project Reference	3951
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1 INTRODUCTION

- 1.1** Planning & Design Practice is a multi-disciplinary practice consisting of Chartered Town Planners, Architects and Heritage Specialists. The practice operates across England and Wales and has a long track record of success.
- 1.2** We have been instructed by Mr & Mrs Jeffery (the ‘Applicants’) to prepare and submit a full planning application for the change of use of an agricultural building to a dwelling with a basement extension (following Class Q approval DET/2022/0044) at Land off Heath House Lane, Lower Tean.
- 1.3** The statement is laid out so as to provide an introduction to the site and its planning history; details of the proposed development; rationale for the proposed development; and an examination of the key planning issues to be considered.
- 1.4** Also submitted to accompany the report are the following:
- Site Location Plan;
 - Site Plan as Existing;
 - Site Plan as Proposed;
 - Floor Plans and Sections as Existing;
 - Floor Plans and Sections as Proposed;
 - Structural Appraisal; and
 - Construction method statement.

2 SITE DESCRIPTION AND PLANNING HISTORY

Site Location

- 2.1** The application site comprises an agricultural building located off Heath House Lane, Lower Tean, approximately 7 miles north-west of Utttoxeter.

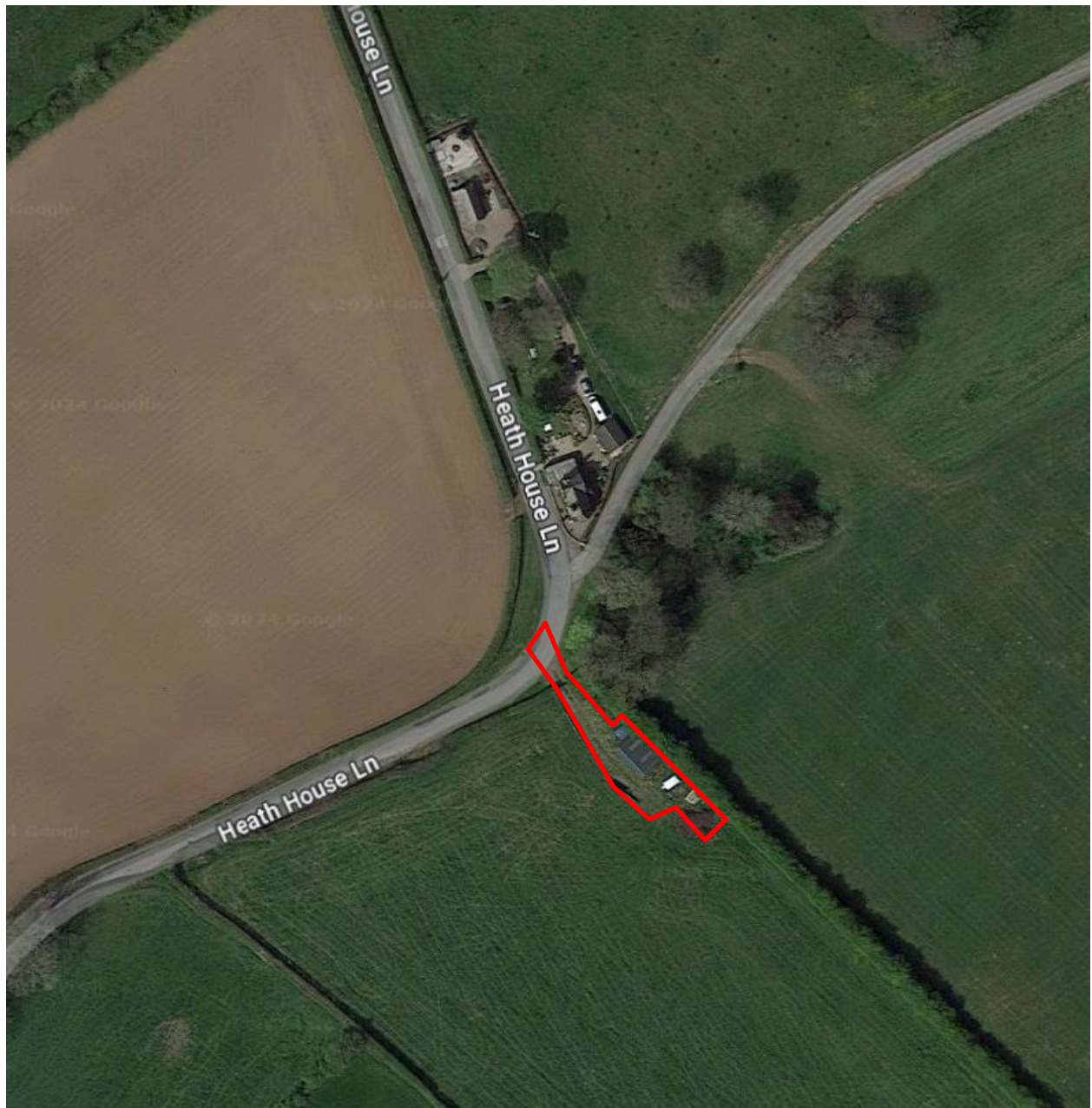


Figure 1: Aerial image of the site (Edged in red)

- 2.2** The agricultural building comprises a small modern steel framed building with three sides metal sheet clad and an open front, with Class Q consent to convert the building to a

dwelling (ref: DET/2022/0044). The building stands close to a mature hedge and field boundary.

- 2.3** Access to the site is via a private drive with an existing gated access, joining Heath House Lane on a bend a short distance south of the junction with Heath House Drive.
- 2.4** There are no planning policy designations on the site. The site is located within Flood Zone 1. There are no listed buildings on or in the vicinity of the site.
- 2.5** To the north east of the site is a cluster of listed buildings relating to Heath House (Grade II*), Stables and Coach House (Grade II), Balustrading, Steps, Piers and Gates (Grade II), Planting trough to orangery (Grade II), Orangery, Screen Wall and Potting Sheds (Grade II) and Dutch Barn (Grade II).

Relevant Planning History

<u>Application Reference</u>	<u>Description</u>	<u>Decision and Date</u>
DET/2022/0044	Change of Use of Agricultural Building to one Dwellinghouse (Use Class C3), and for building operations reasonably necessary for the conversion	Prior Approval Granted – 10 th March 2023
DET/2020/0053	Conversion of Agricultural Building to a dwelling under Class Q of the General Permitted Development Order	Prior Approval Refused – 14 th December 2020
DET/2020/0018	Prior Approval for Change of Use of Agricultural Building to a dwellinghouse including alterations to front elevation	Prior Approval Refused - 13 th August 2020
SME/2015/0082	Enforcement Notice: Without planning permission, the erection of a steel framed shed [to the extent that it exceeded the earlier consent]	Appeal dismissed – June 2016
DET/2015/0022	Change of Use of Agricultural Building to dwelling house (Use Class C3) a Class Q application	Withdrawn
SMD/2011/0282	Construction of barn/sheep shelter including new access	Approved – 28 th July 2011

SMD/2011/0185	Construction of barn/sheep shelter including new access	Refused – 14 th April 2011
SMD/2010/0571	Construction of barn/sheep shelter including new access	Refused – 12 th November 2010

3 THE PROPOSED DEVELOPMENT

- 3.1 Full planning permission is sought for the change of use of an agricultural building to a dwelling with a basement extension (following Class Q approval DET/2022/0044) at Land off Heath House Lane, Lower Tean.
- 3.2 The proposed development adds a basement extension to the proposal approved through the previous Class Q planning permission (ref: DET.2022/0044). This would essentially double the size of the approved dwelling without creating any additional impact on the scale or appearance of the building in the surrounding landscape.
- 3.3 The extension to the existing building will help reconfigure the layout to provide ample space for two bedrooms, a lounge, a WC and a kitchen/dining/lounge area.
- 3.4 As set out in the Construction Method Statement prepared by Town & Country Groundworks and Civilis, the construction of the basement would initially consist of a permanent metal sheet or contiguous bore pile arrangement to form and retain the basement detail, which would be achieved with a mini piling rig offering minimal disturbance to the existing structure and the surrounding area. The piling would provide structural and earthwork support for the reduced level excavations down to the formation depth. The reinforced structural pad would then be cast along with appropriate edge thickening to its perimeters for the block work/concrete wall construction.
- 3.5 Drainage would be discharged from the proposed basement via a rising main system, discharging into a septic or treatment tank.

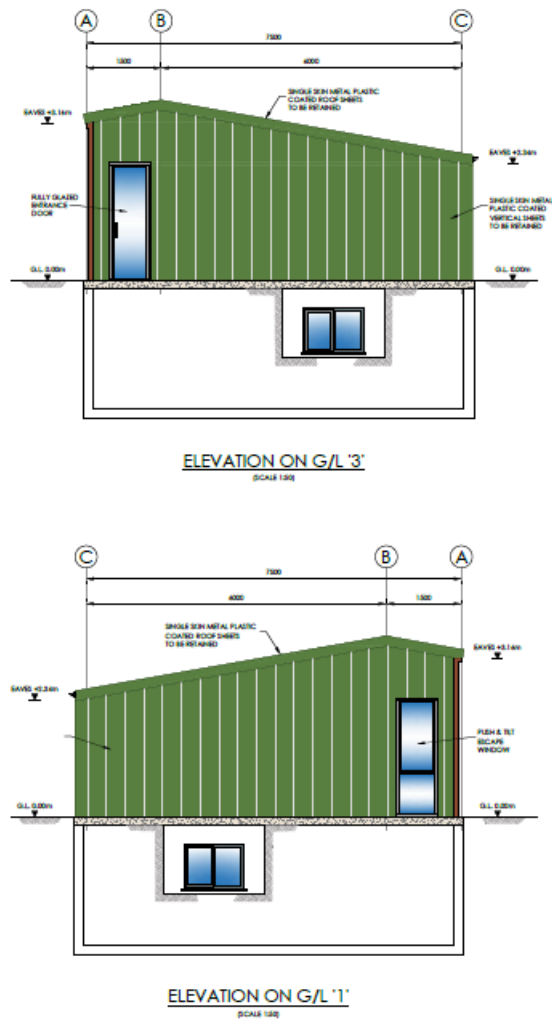


Figure 2: Elevations as proposed

3.6 The dwellinghouse would be accessed via the existing access off Heath House Lane.

4 PLANNING POLICY CONTEXT

- 4.1** The purpose of this section is to set out the relevant planning policy background which is pertinent to the site and proposed development, as well as identifying any key studies or reports which will assist in the determination of this application.
- 4.2** Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.3** In this case, the development plan consists of the Staffordshire Moorlands Local Plan (2020). Other material considerations include the National Planning Policy Framework (2023), associated Planning Practice Guidance and the Environment Act (2021).

Staffordshire Moorlands Local Plan

- 4.4 Policy SD1: Sustainable Use of Resources** – *“The Council will require all developments to make sustainable use of resources, and adapt to climate change.”*
- 4.5 Policy SD2: Renewable/Low-Carbon Energy** – *“The Council will strive to meet part of the District’s future energy demand through renewable or low-carbon energy sources (which could be through a variety of technologies, for example solar energy, biomass etc), in line with the current evidence which identifies the feasibility of these forms of energy across the District.”*
- 4.6 Policy SD3: Sustainability Measures in Development** – *“The Council will support further carbon-saving or water-saving measures in both new and existing developments.”*
- 4.7 Policy H1: New Housing Development** – *“1) 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.*

...

4) Housing development on sites not allocated for such purposes in Policy H2 will be supported as follows::

- a) Within the development boundaries of the towns and larger villages, residential development and development on unidentified (windfall) sites will be permitted, subject to compliance with the Spatial Strategy and wider Local Plan policies
 - b) Outside of the development boundaries, limited infill residential development of an appropriate scale and character for the Spatial Strategy will be supported, provided that:
 - The development will adjoining the boundary of a larger village and be well related to the existing pattern of development and surrounding land uses, or;
 - The development is well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development; and
 - c) In all cases the development will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside.
- 5) In other rural areas in the open countryside, only the following forms of housing development will be permitted;
- a) Affordable housing which cannot be met elsewhere, in accordance with Policy H3.
 - b) A new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere.
 - c) Proposals for replacement dwellings, provided they do not have a significantly greater detrimental impact on the existing character of the rural area than the original dwelling or result in the loss of a building which is intrinsic to the character of the area.
 - d) The conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion; or where such development would represent the optimal viable

use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

- e) Proposals to redevelop previously developed land provided it is not of high environmental value.
- f) The subdivision of an existing residential dwelling provided it is not in an isolated location.

6) When development is located in the Green Belt, national Green Belt Policy will apply.

The Council will closely monitor the delivery of residential windfall sites and affordable housing to ensure that it is meeting expected levels.”

4.8 Policy DC1: Design Considerations – *“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.”*

4.9 Policy DC3: Landscape and Settlement Setting – *“The Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands.”*

National Planning Policy Framework

4.10 The NPPF is the government’s overarching policy framework. At the heart of the NPPF is a presumption in favour of sustainable development. Sustainable development is defined as having economic, social and environmental objectives. The most relevant policies are listed below.

4.11 Paragraph 7 – *“The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴. At a similarly high level, members of the United Nations — have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection”*

4.12 Paragraph 8 – “Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs *and support communities’ health, social and cultural well-being*; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting *to climate change, including moving to a low carbon economy.*”

4.13 Paragraph 11 – “Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*”

- 4.14 Paragraph 60** – *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is need, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.”*
- 4.15 Paragraph 75** – *“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies.”*
- 4.16 Paragraph 79** – *“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority’s housing requirement over the previous three years, the following policy consequences should apply:*
- a) where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;*
 - b) where delivery falls below 85% if the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework, in addition to the requirement for an action plan.*
 - c) Where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plana and 20% buffer.”*
- 4.17 Paragraph 88** – *“Planning policies and decisions should enable:*
- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
 - b) The development and diversification of agricultural and other land-based rural businesses;*

- c) *Sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

4.18 Paragraph 123 – *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”*

4.19 Paragraph 131 – *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*

4.20 Paragraph 135 – *“Planning policies and decisions should ensure that developments:*

- a) *Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

- f) *Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

4.21 Paragraph 200 – *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance...”*

4.22 Paragraph 207 – *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”*

Other material planning considerations

4.23 The Court of Appeal in the case of ‘Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314’ (Appendix A) clarified when a ‘fallback’ development may be a material planning consideration for an alternative development scheme.

4.24 The challenge by the appellant concerned whether there was a ‘real prospect’ of development under the Class Q General Permitted Development Order (GDPO) rights on the lack of contemporaneous evidence that the landowner had contemplated such development. The planning application had sought to demolish the existing agricultural buildings on site and erect 4 new dwellings. The buildings which were proposed to be demolished were arguably of a higher quality than those at Field House Farm. Lindblom LJ confirmed that the legal considerations in determining the materiality of a fallback position as a planning judgement were:

“the basic principle is that for a prospect to be a “real prospect”, it does not have to be probable or likely: a possibility will suffice; there is no rule of law that, in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm

design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's *planning judgement in the particular circumstances of the case in hand.*"

- 4.25** Lindblom LJ then concluded that the clear desire of the landowner to develop and maximise the value of the site was sufficient to demonstrate that there was a real prospect to the Class Q GPDO fallback position in this case. Therefore, the Council made no error in law in giving material weight to the fallback position.

5 KEY PLANNING ISSUES

5.1 The key issues regarding the proposal have been identified as follows:

1. The principle of the development, when having regard to extant permissions and recent case law;
2. The impact on the character and appearance of the area;
3. Impact on heritage assets;
4. Impact on neighbouring amenities; and
5. Impact on highway safety.

The principle of development, when having regard to extant permission and recent case law

5.2 The existing steel portal framed building would be altered in line with what was previously approved by the Class Q approval with the inclusion of a basement below ground. It is still proposed to convert the existing building, albeit with the addition of a basement and an enlarged residential curtilage. These elements are not allowed for under Class Q, meaning full planning permission is required.

5.3 The Court of Appeal Mansell case referred to above confirms that the approval granted under Class Q (ref: DET/2022/0044) is a material planning consideration in an application for alternative development as it represents a legitimate fallback position for the residential development. There are clear comparisons between the Mansell case and the proposed development. The application should, therefore, be assessed in the context of a realistic fallback position where, in planning terms, the existing building can be converted to form a single residential unit following the approval of application ref: DET/2022/0044.

5.4 Policies SS10 and H1 of the Local Plan set out the Council's approach for housing within 'other rural areas'. It states that within the open countryside, proposals for the conversion of rural buildings for residential use are acceptable in principle. It confirms that planning

permission will be granted, in this case, provided that the building is suitable and worthy in physical, architectural and character terms for conversion.

- 5.5** Therefore, when having regard to the Court of Appeal decision and the benefits which the proposed scheme would deliver over the fallback scheme, it is considered that the principle of development is acceptable, in this case.

Impact on the character and appearance of the countryside

- 5.6** Externally, the proposed design is not significantly different from the Class Q approval (application ref: DET/2022/0044) apart from the addition of a basement.
- 5.7** The proposed design will appropriately uphold the character and appearance of the existing building, with the footprint of the building remaining unchanged.
- 5.8** The proposed contemporary design concept in the formation and finishes proposed is considered to respond well to the immediate context which would in turn preserve the openness of the countryside in both visual and spatial terms.
- 5.9** Overall, the proposed development is considered to be a complementary and contemporary addition to this part of the countryside which would not have any greater impact on the character and appearance of the countryside than the Class Q approval.

Impact on heritage assets

- 5.10** The site is located to the south west of multiple listed buildings relating to Heath House. These are located over 500m away from the site and both sites are well screened by trees and hedgerows.
- 5.11** Paragraph 200 of the NPPF states that applicants should describe the significance of any heritage asset, including contribution made by their setting. However, the proposed development would not have an adverse impact on the setting of the nearby listed buildings as the building is already within its setting and there will be minimal alterations to its physical appearance and surroundings. Distant views of the building will not substantially change.

- 5.12** Additionally, Paragraph 208 of the NPPF states that where a proposal leads to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits of the proposal. In this case, the creation of a single dwelling brings public benefit in terms of housing land supply contribution. As of 1st April 2023, Staffordshire Moorlands could demonstrate a 3.58-year housing land supply. Therefore, the minimal contribution to housing land supply outweighs the less than substantial harm to the setting of nearby heritage assets.
- 5.13** Additionally, as the building has extant permission to be converted into a dwelling under Class Q (ref: DET/2022/0044), any harm to the setting of nearby designated heritage assets is set as a precedent. The changes proposed are below ground, therefore, there is no further impact on the setting of the designated heritage asset.

Impact on neighbouring amenities

- 5.14** The site is located in a tranquil, countryside location. There is around 65m between the site and Heath House Lodge, the only dwelling in close proximity to the site.
- 5.15** The development is not considered to result in any loss of privacy or amenity for the occupants of neighbouring properties and therefore is compatible with neighbouring land uses.

Impact on highway safety

- 5.16** Access to the site is via a private drive with an existing gated access, joining Heath House Lane on a bend a short distance south of the junction with Heath House Drive. Therefore, the proposed development would not lead to any traffic or highway safety problems as the lane leading to the site can accommodate a small increase in vehicle movements. There is sufficient parking and turning space on the site.
- 5.17** Considering the above, the proposed dwelling will not create any highway or pedestrian safety issues.

6 CONCLUSIONS

- 6.1** Full planning permission is sought for the change of use of an agricultural building to a dwelling with a basement extension (following Class Q approval DET/2022/0044) at Land off Heath House Lane, Lower Tean.
- 6.2** When having regard to the above assessment, and in the context of the previously approved Class Q development, it is considered that the proposed development accords with policies of the Local Plan and the general aims of the National Planning Policy Framework
- 6.3** The proposed development would not unacceptably impact upon the safe and efficient use of the highway network and would not increase flood risk. The dwelling would be sited in a rural area but has existing access to the highway network. The proposed dwelling is not situated in close proximity to any other uses which are incompatible with the proposed residential use.
- 6.4** This statement has demonstrated that the proposed development constitutes sustainable development and that there are no adverse impacts as a result of the development that would significantly and demonstrably outweigh the benefits of providing additional housing.



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