

DELEGATED DECISION REPORT

SMD/2024/0524 Valid 10/01/2025	STANLEY FARM BUNGALOW DIAL LANE CONGLETON	DEMOLITION OF 2 AGRICULTURAL BUILDINGS TO BE REPLACED BY CUSTOM SELF-BUILD HOUSE; INSTALLATION OF A PACKAGE SEWAGE TREATMENT PLANT, INSTALLATION OF GROUND SOURCE HEAT PUMP PIPE WORKS, SOLAR PANELS AND THE CONSTRUCTION OF 1.8M BOUNDARY WALL.
		(FULL - MINOR)

MAIN ISSUES

- Whether or not the proposal amounts to inappropriate development in the Green Belt
- The principle of the proposal
- The impact on the character and appearance of the area.
- The impact on residential amenities.
- The impact on highway safety
- The impact on the ecological value of the site

DESCRIPTION OF SITE

The site is in the open countryside about 2 miles to the west of Rushton Spencer. It comprises a former farm on the south-west side of Dial Lane, which also provides the access to the site. The property comprises a row of three buildings in the north part of the property closest to the road and about 11 hectares of open land to the south, 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.

The row of buildings comprises a 2-bed timber clad bungalow at the top of the site, up a slope, the furthest from the road and access, a typical portal framed concrete and metal clad modern storage building sits in the middle and the other is a green metal Nissan/Dutch style barn closest to the site access.

The bungalow was provided in 1995, perhaps as an agricultural dwelling, via a temporary planning permission but remains following further approvals to renew the permission. An application to remove the temporary restriction altogether and allow it to become a permanent dwelling was refused in 2023. In 2024, a planning

permission was granted to retain the dwelling but with a condition requiring its removal by 11.1.26.

In 2023, a Class Q approval was given to convert the modern portal frame building into a dwelling.

In 2024, a Class Q approval was given to convert the Dutch barn/nissen hut type building into a dwelling.

The above Class Q approvals have not been implemented and there is no evidence of any works towards the new uses.

PROPOSAL

This is a full planning application to remove all three buildings and provide a new-build dwelling in the part of the site occupied by the portal framed agricultural building in the middle. The dwelling would have two-storeys and have a modern contemporary design with flat roof. It would have a split level approach, appearing to be built into the upward slope (where the timber bungalow is present) to the south-west and would have bedrooms on both floors with a large open plan living, dining and kitchen area on the upper floor with full width balcony in front to make use of the downward views to the south-east and on the lower floor is a garage and gym in addition to two bedrooms. The lower half would have a pink sandstone finish whilst the upper half would be timber clad. The building would have solar panels on the flat roof hidden by a parapet. There would be ground source heat pumps in the field to the south along with foul drainage package treatment plant and soakaways. A 1.8m dry-stone wall would be built along the Dial Lane frontage but set back from the road. This would replace an existing dilapidated dry-stone wall.

The application is accompanied by a Site Survey (Ground Contamination) Report, Arboricultural Report, Ecology Report, Biodiversity Net Gain Report, Design & Access Statement and a Planning Statement.

The proposed dwelling is a “self-build” dwelling. An email from the agent states:

“The applicant lives on site and has taken the site over from his late grandfather. The applicant has built many houses in the past as property and construction is his line of work. This time he wishes to build a house for himself, and his family on a site which he has a family connection to. The applicant has also guided the design and specification of the proposal to the specific requirements of himself and his family and for the long-term with a highly sustainable proposal.”

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (Adopted Sep 2020)

SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
H1 New Housing

NE1 Biodiversity
NE2 Trees, Hedges and Woodland

National Planning Policy Framework (NPPF) (Feb 2025)

Sections 5 (Housing), 6 (Economy), 12 (Design), 13 (Green Belts) and 15 (Natural Environment).

National Planning Practice Guidance (NPPG) (Updated 27.2.25)

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 (to allow permanent occupation of the bungalow). Refused.

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

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

SMD/2024/0215: Removal/Variation of Condition 1 of above appeal approval. Approved with a new condition requiring the removal of the bungalow within 18 months of the date of the SMD/2024/0215 approval.

CONSULTATIONS

Publicity

Site Notice expiry date: 4.3.25
Neighbour consultation period ends: 4.3.25.
Press Advert: N/A

Public Comments

None.

Town / Parish Comments

None.

Local Highways Authority

No objection subject to conditions.

OFFICER COMMENTS

The site is in the countryside (those areas deemed to be outside of the Development Boundaries which are drawn around the towns and large villages as shown in the Local Plan) and is also in the Green Belt. The Strategy for the Countryside, Policy SS10 states there will be strict control over inappropriate development in the Green Belt. Paras 154 and 155 list the forms of development which are exceptionally, not inappropriate in the Green Belt. The proposal does not fall under any of the criteria in para 154. The redevelopment of “previously developed land” (PDL) is listed, but the site is not classed as such because agricultural buildings are not included in the definition of PDL and the existing bungalow was only ever approved to be temporary and is required to be removed from the site by January 2026. The Council therefore considers this is “greenfield” land i.e. not PDL or brownfield, as well as being Green Belt land. Para 154 also allows the replacement of an existing building providing it remains in the same use and is not materially larger than the existing. This cannot be applied to the proposal as although there is an existing dwelling on site, this was always approved as a temporary dwelling and is required to be removed by Jan 2026. The proposed new dwelling is any case substantially larger than the bungalow on site. The proposed new building would also not be in the same use as the two agricultural buildings to be removed in the same part of the site.

A recent update to the NPPF (December 2024) has introduced a new para 155 which allows in some circumstances, some new limited residential development in Green Belt areas in order to try and address housing need and to help the government reach its national targets for new housing (although the main focus is of course on new housing within developed areas in sustainable locations and on brownfield/PDL land).

It states that new development should not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157.

With regard to (a), the NPPF definition of “grey belt” is as follows:

“Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”

As stated above, the site is not previously developed land. However, it is also not in an “area” or “asset” which provides a strong reason for refusing development other than it being in the Green Belt.

Para 143 sets out “the five purposes” of the Green Belt, with (a), (b) and (d) being as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- d) to preserve the setting and special character of historic towns; and

In applying this to the application site, the Council’s Green Belt Review (2015) assesses the area of Green Belt where the site is located, in this case, area “N3 – Land to the north of Newtown” as not having a contribution towards a) or d) but is considered to have a contribution towards b), probably due to its proximity to the towns of Congleton and Biddulph and overall, due to other factors, the study deems this area of Green Belt to have a “contribution” towards the purposes of including land within the Green Belt. Therefore, on this basis, the site is not deemed to be a “grey belt” site.

Para 155 would also require the development to not fundamentally undermine the “purposes” (taken together) of the remaining Green Belt across the area of the plan. The five “purposes”, as listed in para 143, are as follows;

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPG (27.2.25 update) explains that *“in reaching this judgement, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.”*

As it has already been established that the area of Green Belt in which the site is located does have a contribution towards the purposes of including land within the Green Belt, it is also deemed to “fundamentally undermine the purposes, taken together, of the remaining Green Belt across the area of the plan. In other words, the allowance of the proposed development would affect the ability of all the remaining Green Belt across the plan from serving all five of the Green Belt purposes in a meaningful way. The site is not untypical of its Green Belt location. It is a former farm completely surrounded by open land and the development of this site would be contrary to the purposes of including land within the Green Belt.

Overall, the proposal would not comply with para 155(a).

Para 155(b) requires there to be a demonstrable unmet need for the type of development proposed. The proposal would not significantly conflict with this because there is a deemed undersupply of housing in the District. The NPPF requires authorities to demonstrate a five year supply of housing and there is

currently a 3.51 year supply. However, it is acknowledged the contribution towards this would be very limited as only one dwelling is proposed.

Para 155(c) requires development to be in a sustainable location (para 110 and 115 of the NPPF and the 27.2.25 of the NPPG give some guidance on how to determine this). The site is in a rural location with no access to various modes of transport and is not deemed to be in sustainable location.

Para 155(d) requires development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 but this only applied to "major" development (i.e. for housing, ten units or more).

Overall, the proposed development does not fall under any of the categories of development in paras 154 and 155. The proposed development is therefore inappropriate development in the Green Belt, which is by definition harmful to the Green Belt and should not be approved unless "very special circumstances" exist that are considered to clearly outweigh the harm to the Green Belt. Para 153 says that substantial weight should be given to any harm. In this case in addition to definitional harm there is harm to openness. Para 142 confirms that one of the essential characteristics of the Green Belt are their openness and permanence. There is also harm to the purpose of including land in the Green belt as outline above. The totality of the Green Belt harm is very significant.

The NPPF also states that inappropriate development in the Green Belt should not be approved unless there are "very special circumstances" and which are considered to outweigh the level of harm to the Green Belt.

The applicant's agent considers that the "fall-back" position of the "Class Q" (of the GPDO) approvals to convert the two farm buildings into dwellings is a material planning consideration, particularly as there have been court cases which have supported this in the Green Belt on similar schemes (i.e. replacing farm buildings which have Class Q approvals with a new-build dwelling in the Green Belt). Details of the cases have been provided in the Planning Statement and also in a separate letter from the agent dated 3rd March 2025. These have also referenced an approval for a new-build dwelling in the Green Belt in the District in place of an agricultural building with a Class Q approval on the basis of this being a "fall-back" (at Wragg Hall near Biddulph - SMD/2023/0485).

However, the Council would only consider such a "fall-back" position if the proposal would lead to a significant improvement on Green Belt openness and visual/landscape impacts than the implementation of the two approved Class Q conversion schemes. It is not considered the proposal would achieve this.

It is accepted that there would be an overall reduction in the volume of the development as a result of the proposal and so the impact on the actual openness of the Green Belt is insignificant. However, the particular form and design of the proposed dwelling is not in keeping with the traditional rural qualities of the area. It is accepted that the two agricultural buildings it would replace are unattractive and of purely functional design but these buildings are not untypical of rural areas and are characteristic of the countryside and therefore not out of keeping with the area. The proposed dwelling, with a flat-roof form and design, large glass balconies, very large

glass modern floor-to-ceiling windows, particularly on the more prominent upper floor of the south-eastern elevation, dark grey metal window frames and timber cladding on the upper half, would introduce an alien feature into the area which is completely incongruous with it.

The most visible parts of the site from the south-east and east where land slopes downwards from the site affording long-range views across the landscape towards the Peak District (perhaps the reason why the largest balcony proposed is placed on the south-east elevation). The current buildings are easily visible from the nearest roads to the north-east and south-east through gaps in the boundary trees. Although the volume of development would be reduced, the frontage width of the proposed dwelling would be also less than the frontage widths of the two barns combined and the height of the dwelling would not exceed the height of the tallest barn (the nissen-type building at a height of 6.0m), the new dwelling would appear taller than the current development on site when viewed from outside of the site due to it being placed on higher ground than the nissen-type barn. The current max height of buildings above AOD is 294.3m whereas the proposed dwelling max height AOD would be 296.0m. The contrasting choice of materials comprising pink sandstone on the lower half and timber cladding on the upper would also exacerbate the visual prominence of the proposed dwelling in relation to the current farm buildings which have recessive green and grey colours which blend in better to a rural landscape. At night, light from the very large upper floor south-eastern elevation windows (serving the living areas) when the house is in use, would also increase the level of prominence and lead to the potential for light intrusion across the landscape. Overall, when viewing the most prominent part of the site from the roads and across the landscape to the east, it is considered that the proposal development would not noticeably be less prominent than the current development. The timber cladding is not a vernacular material in the District and the use of it is not supported in the Council's adopted Design Guide SPD (Feb 2018).

Overall, as a result of the flat-roofed form of the dwelling, its proposed design and siting and also the proposed materials (including for the wall cladding and fenestration), it is considered the proposal would be harmful to the traditional rural character and appearance of the area and which would also lead to an urbanising impact. It is not considered this would be preferable to the fall-back position of the retention and conversion of the two farm buildings via the Class Q approvals. It should also be noted that in order to qualify for Class Q development, the design and appearance of the buildings as a result of the works was considered to be acceptable.

The Tree Report outlines that the better quality trees would be retained and the proposed development would not harm those trees with the safeguard of tree protection measures during the construction phase.

The benefits of the scheme include the provision of renewable energy measures which would effectively be well screened from views (solar panels on a flat roof hidden by a parapet) and the reduction in the number of dwellings (if both Class Q approvals were to be implemented) therefore leading to a potential reduction in vehicular movements. Such renewable energy measures can be applied to any residential development irrespective of design and the reduction in vehicular movements would be limited. At the same time, the reduction in the number of

dwelling does not address the housing shortfall in the District and it is noted that the proposal is self-build. Overall, the benefits of the scheme would not outweigh the harms to the character and appearance of the area.

The residential amenities of the area would not be harmed as the nearest dwelling outside of the site is about 80m to the east.

There would be no negative impact on highway safety. The site access is safe with the safeguard of conditions which amongst other things ensure that the required visibility splays are provided.

With regard to ecological impacts, the buildings to be removed are not considered to have potential to be used by bats. The proposal is also exempt from the requirement to provide Biodiversity Net Gain as this is a "self-build" proposal (with a site area of less than 0.5ha) and the Council is satisfied with the information to support the "self-build" status.

CONCLUSION / PLANNING BALANCE

The proposal is deemed to be inappropriate development in the Green Belt (and the site is also not deemed to be a "grey belt" site) which by definition is harmful to its openness. There are no very special circumstances considered to outweigh the level of harm to the Green Belt. Although there is the fall-back position of the conversion of the two existing barns into two dwellings, approved under Class Q of the GPDO, this is not considered to amount to very special circumstances in this case as the particular design of the development is considered to be harmful to the visual amenities of the area and the proposal would not be preferable, in terms of the overall impacts on the surrounding environment, to the implementation of both of the approved Class Q schemes. The proposal would not comply with Council's Local Plan or the government's planning guidance contained in the National Planning Policy Framework (NPPF) and therefore should be refused.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston

Recommendation Date: 7.3.25

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council