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Planning Development

Planning Statement

Newfold Farm, Sytch Road, Brown Edge, Stoke-on-Trent, ST6 8QX

Site Description

The application site comprises of a new detached dwelling, driveway and garden areas. The dwelling is a single storey property constructed using stone walling and vertical timber cladding. The roof, which comprises pitched and hipped sections, is covered in Staffordshire blue roof tiles. Access to the dwelling is via a driveway from Sytch Road. A thin strip of patio surrounds the perimeter of the dwelling with a small soft landscaped area located at the front of the dwelling.

Planning History

SMD/2022/0313 – Demolition of existing yard sheds and erection of one single storey dwelling - Approved

SMD/2020/0095 – Proposed demolition of existing building yard sheds and the erection of 2 no. residential properties – Refused – Appeal Dismissed

SMD/2019/0382 – Proposed demolition of existing building yard sheds and the erection of 2 No. single storey residential properties – Approved

SMD/2017/0112 – Demolition of existing building yard sheds and proposed erection of 2 No. single storey residential properties (re-submission SMD/2016/0528) – Approved

SMD/2016/0528 – Demolition of existing building yard sheds and erection of 3 No. 2 storey residential properties – Refused

SMD/2016/0443 – Application for a Lawful Development Certificate for an existing use B8 storage or distribution – Approved

Policy Designation

The application site is located within the Green Belt in accordance with the Local Plan Map.

The Proposals

The house has been recently constructed in accordance with planning permission SMD/2022/0313. It has now reached 'substantial completion'¹ stage following the installation of bathrooms and kitchen.

This application seeks planning permission for:

- 1) Erection of an attached home office / classroom and single garage extension
- 2) Extension of the residential curtilage.
- 3) Alterations to the access layout (straightening out the southern boundary and slightly increasing the width northwards).

Assessment of the Proposals

Green Belt Impact

Paragraph 154 in the NPPF states:

'Development in the Green Belt is inappropriate unless one of the following exceptions applies:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are: material changes in the use of land (such as changes of use for outdoor sport and recreation, or for cemeteries and burial grounds).'

Policy SS 10 in the Local Plan is also relevant and states the following:

'The other rural areas comprise the countryside and the Green Belt outside of the development boundaries of the towns and larger villages and the open countryside surrounding the smaller villages.

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. The Council and its partners will achieve this through the following actions:

1. Meet housing requirements and specific needs by:

Allowing extensions or additional domestic outbuildings to existing dwellings provided they are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and the character of the rural area. The Council will assess schemes having regard to the original dwelling in cases where cumulative change has occurred;

3. Enhance and conserve the quality of the countryside by:

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.'

¹ In the context of established planning law.

In terms of the assessment of the proposals, given the house is now reached substantial completion stage, paragraph 154 (c) of the NPPF applies – i.e. this is not a modified house type whereby the principle and volume of development needs to be assessed. The proposals in essence relate to an extension to an existing dwelling/building. As such, the ‘proportionate additions’ policy applies.

The extension to form the home office/home schooling room, together with a single garage, represent relatively small additions to the overall footprint and volume of the house as built. The proposals effectively fill in the gap at the south-eastern end of the house, situated between that and neighbouring property, thereby minimising impact on openness.

The proposals are therefore considered to be acceptable in relation to paragraph 154c of the NPPF.

The access alterations comprising straightening out the southern boundary and slightly increasing the width northwards, are not considered to be relatively minor changes and therefore uncontentious in relation to Green Belt policy matters.

The issue of the residential curtilage extension is acknowledged to likely need a case for very special circumstances in the Green Belt, given the relatively large curtilage increase. These very special circumstances will be set out below, and within the accompanying (confidential) Therapy Guidance letter.

Best Interests of a Child as a Material Planning Consideration

Full details of the child’s medical condition and needs in relation to these development proposals can be found in the accompanying (confidential) Therapy Guidance letter.

In summary, focusing on the additional outdoor space needs, the need for the proposals is set out as follows:

- 1) The applicant’s child has a very serious and difficult set of medical circumstances arising from a road traffic accident.
- 2) The medical experts therefore recommend a series of ‘zones’ for outdoor recreation and therapy, as set out in the proposed layout plan and the enclosed confidential letter. This includes play equipment within an open play space, quiet/ relaxation areas, and outdoor learning / sensory elements.
- 3) In addition, the previous approved plan virtually no outdoor amenity space for the family as a whole. As such, a family outdoor amenity space is included and the layout plan.

Personal circumstances, the rights of a child, and what is in the best interests of a child are important material planning considerations and need to be given appropriate weight when determining planning applications.

The planning encyclopaedia comments as follows ² :

“It is now clear that, in considering issues relating to personal circumstances, planning decision makers and the courts may need to address, not only art.8 of the ECHR ³, but also, in cases where children are involved, s.11 of the Children Act 2004, which gives effect in England and Wales to art.3 of the UN

² Town & Country Planning Act 1990 Section 70 Determination of applications: general considerations (paragraph 70.31)

³ European Convention on Human Rights

Convention on the Rights of the Child. Subsection (1) of s.11 of the 2004 Act applies s.11 to local authorities in England, and to a district council which is not such an authority. Section 11(2)(a) provides that each person and body to whom s.11 applies must make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the interests of children.”

The planning encyclopaedia goes on to state:

In Stevens v Secretary of State for Communities and Local Government [2013] J.P.L. 1383 Hickinbottom J.....held that where action by the state (including, by implication, in the context of planning) affects a family, whether the action is disproportionate in its interference with their art.8 rights has to be looked at by reference to the family unit as a whole and by reference to the impact upon specific individual members of the family. Further, where those family members include children, their art.8 rights have to be interpreted in the light of general principles of international law, including obligations imposed on the state by international conventions, the most important of which, for the purposes of the instant case and similar cases, were those deriving from art.3(1) of the UN Convention on the Rights of the Child. Thus, according to the court, when a child’s art.8 rights are engaged, they must be looked at in the context of the latter Convention.”

This case set out a number of principles, the most relevant to this case being as follows (relevant extracts taken from the Planning Encyclopaedia):

- i) Article 8 rights will be a material consideration which the decision maker must be taken into account.
- ii) Where the Article 8 rights are those of children, they must be seen in the context of Article 3 of the UNCRC ⁴, which requires a child’s best interests to be a primary consideration.
- iii) This requires the decision maker, first, to identify what the child’s best interests are.
- iv) The best interests of any child must be kept at the forefront of the decision maker’s mind as he or she examines all material considerations and performs the exercise of planning judgment on the basis of them; and, when considering any judgment he or she might make, he or she needs to assess whether the adverse impact of such a decision on the interests of a child is proportionate.

In this case, the rationale of the planning application is to provide suitable multi-functional outdoor spaces to serve the long-term specific medical needs of the applicant’s disabled child.

We therefore respectfully point out that the needs of the child consequently form the focal point for the assessment of this planning application and must be weighed heavily in favour of granting permission in this case.

Appeal examples can be provided on request whereby the interests of children and disabled family members have weighed heavily in granting proposals in Green Belt cases.

Design and Visual Amenity

Local Plan Policy DC 1 states:

⁴ United Nations Convention on the Rights of the Child

'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:

- 1. Be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area;*
- 2. 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.'*

Paragraph 135 in the NPPF sets out various design objectives, including the need to ensure developments will function well and add to the overall quality of an area, are visually attractive, are sympathetic to local character and establish or maintain a strong sense of place.

The proposed driveway alterations will match the existing driveway in terms of materials.

The proposed extension will also be fully in keeping with the newly built property in terms of scale, roof pitch, fenestration detailing, and materials.

Residential Amenity

Local Plan Policy DC 1 states:

'New development should: 5. 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.'

This is also referred to in paragraph 135 f) in the NPPF.

The closest residential properties to the applicant's dwelling are the farmhouse at Newfold Farm which is located directly south-east of the dwelling, and No. 1 Woodhouse Lane which is located north-east of the dwelling. No other properties are within close proximity.

The extension would be positioned relatively close to New Fold Farm, but not in front of the primary parts of the front elevation of that property. In addition, the proposed extension will be single storey and of relatively small proportions. The only opening proposed and the southern elevation would be a level disabled access into the home office / school, which is considered to be acceptable.

Highway Considerations

The access alterations would be beneficial to the safe movement of cars in and out of the site.

Biodiversity Net Gain

Government Guidance on Biodiversity Net Gain states at Paragraph 002:

"The statutory framework for biodiversity net gain has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Once planning permission has been granted,

unless exempt, a Biodiversity Gain Plan must be submitted and approved prior to the commencement of that development.”

As the Guidance also confirms (Para 024), “the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England.”

A biodiversity Net Gain Statement accompanies this application, to address the change of use of the existing grazing land to residential curtilage.

The information provided with this application is considered to address relevant statutory requirements and complies with Local Plan Policy NE 1 and the aims of Chapter 15.

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