

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**14 February 2019**

<b>Application No:</b>	SMD/2018/0733	
<b>Location</b>	Former Stable building at Spring Cottage, Greatgate Road, Winnothdale	
<b>Proposal</b>	Change of use of former stable building to form 1no. dwelling	
<b>Applicant</b>	Mr Tom Whiston	
<b>Agent</b>	Rob Duncan Planning Consultancy Ltd	
<b>Parish/ward</b>	Checkley / Checkley	<b>Date registered</b> 19 <sup>th</sup> Nov 2018
<b>If you have a question about this report please contact:</b> Arne Swithenbank tel: 01538 395578 or e-mail <a href="mailto:arne.swithenbank@staffsmoorlands.gov.uk">arne.swithenbank@staffsmoorlands.gov.uk</a>		

## **REFERRAL**

The application is a Full Minor and is referred to Committee at the request of Cllr Peter Wilkinson in order for committee to determine in particular the sustainability of the location for a new dwelling in the countryside.

### **1. SUMMARY OF RECOMMENDATION**

<b>Refuse</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The total site area is c.660sqm (0.16 acres) occupying a hollow to the north side of Greatgate Road. The site is bounded by trees and hedgerow generally but with a more open boundary to rising field land to the north. There is a brook course passing through the site from west to east alongside the northerly boundary. A public footpath leads away north from the roadside by the westerly corner of the plot. Adjacent the east side of the plot is an entrance drive to Dam Farm, a private residence, which stands on higher ground about 50m north of the application building. The application building (c.10m x 5.5m) is single storey of brick and tile with traditional detailing constructed following a 1998 consent.

2.2 The site is within open countryside towards the lower easterly fringe of a loose knit dispersed settlement of individual farmsteads and dwellings which characterise parts of Winnothdale.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 The proposal as first submitted was to convert the existing building without extension into a three-bed dwelling incorporating two bedrooms within the roof space. In response to LPA feedback a revised drawing has been submitted which shows a two-bed dwelling in order to fall in line with the Government's Technical Housing Standards – nationally described space standard (2015). It is stated that the proposed conversion would result in a building which will have a useable floor area of 73.9m<sup>2</sup>.

3.2 Access would utilise an existing gateway directly off Greatgate Road.

3.3 The application is a re-submission following the withdrawal of application SMD/2017/0838 which had also proposed the conversion of the building to form a single dwelling but which had raised concerns about the location of the site in relation to local services and facilities, and in respect of impact on protected species. The application is accompanied by a Design and Access Statement and protected species survey.

### **4. RELEVANT PLANNING HISTORY**

- 4.1 SMD/2017/0838 Change of use of former stable building to form 1no. dwelling – withdrawn
- 4.2 SMD/2014/0644 erection of residential dwelling (re-submission of SMD/2013/1204) – refused
- 4.3 SMD/2013/1204 proposed residential dwelling – refused
- 4.4 99/00005/OLD stable block – refused
- 4.5 98/00253/OLD stable block – approved
- 4.6 88/00664 site for detached dwelling – refused
- 4.7 80/019135/OLDDC site for replacement dwelling – refused
- 4.8 79/07313/OLDDC details of dwelling – refused

### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The development plan comprises the adopted Staffordshire Moorlands Core Strategy Development Plan Document (26th March 2014) and supporting evidence documents.

Core Strategy Development Plan (Adopted 26th March 2014),

S01 Spatial Objectives

SS1 Development Principles

SS1a	Presumption in Favour of Sustainable Development
SS6c	Other Rural Areas Area Strategy
DC1	Design Considerations
DC3	Landscape and Settlement Setting
R2	Rural Housing
NE1	Biodiversity and Geological Resources
T1	Development and Sustainable Transport

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG

Core Strategy Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

National Planning Policy Framework (NPPF) July 2018

Paragraphs	1 – 14
Section 4	Decision making
Section 12	Achieving well designed places
Section 15	Conserving and enhancing the natural environment
Section 16	Conserving and enhancing the historic environment.

Local Plan Submission Version (February 2018)

SS1	Development Principles
SS1a	Presumption in Favour of Sustainable Development
SS10	Other Rural Areas Area Strategy
DC1	Design Considerations
DC3	Landscape and Settlement Setting
H1	Rural Housing
NE1	Biodiversity and Geological Resources
T1	Development and Sustainable Transport

## 6. CONSULTATIONS CARRIED OUT

### Public

- 6.1 Neighbour consultations x 1 for response by 18<sup>th</sup> December 2018.  
Site notice posted for responses by 7<sup>th</sup> January 2019.  
– no public representations received

### Parish Council

- 6.2 Checkley Parish Council – no representations

### SMDC Environmental Health

- 6.3 No objections subject to conditions as to timing of work during construction (noise); foul drainage; unexpected contamination; tests on any imported garden soil and any imported fill materials; and waste management – no fires.

### SMDC Ecology / Public Rights of Way

6.4 The previous withdrawn application was recommended for refusal until all appropriate bat surveys had been completed.

6.5 A survey by S. Christopher Smith Ecology dated 8th November 2017 showed that evidence of brown long-eared and common pipistrelle bats was found in the building proposed for conversion. The report advised: 'The conversion of the property will have a negative impact on bats due to the loss of the roosting against the ridge board and in the cavity walls. In order to determine how this site is being used emergence surveys are necessary'. The report recommended two emergence surveys. Surveys can only be carried out between May and September.

6.6 An appropriate further survey report dated 16<sup>th</sup> July 2018 has been submitted after two dawn bat re-entry surveys were conducted on 29<sup>th</sup> June 2018 and 12<sup>th</sup> July 2018. These confirmed the active use of the building by the two species of bats suggested to be present by the 2017 survey. The survey concludes that conversion of the property would have "a minor negative impact on bats due to the loss of the roosting against the ridge board and in the cavity walls". The survey recommends a method of working which "must be followed to ensure that the potential for disturbing or harming bats is minimized and avoided" during development work.

- The proposed measures would require a bat box fitted to a tree on the site prior to the commencement of the development, to ensure that there is continued roosting available to bats on the site throughout the development; there must be a clear flight path into the bat box and the box would need to be at about 4-5m above the ground level. A further brick built bat box would be installed at the gable apex of the northern elevation of the building in a location away from doors and windows so that droppings falling from the bat box would not cause a nuisance for the occupiers. The north facing elevation would mimic the existing cavity roosting being used by the crevice dwelling bats.
- The measures proposed would also include details of limits on the use of exterior lighting to ensure the bats present were not prevented from accessing their roosts of the adjacent foraging areas amongst the site's fringing trees and woodlands.
- Finally a specific method of working would need to be adopted during the course of development. This is set out in the submitted report and the measures would need to be attached by way of condition in the event of approval.

6.7 The public right of way to the immediate west lies outside the site boundary and would not be affected.

#### **Severn Trent Water**

6.8 Advise that the proposal has minimal impact on the public sewerage system and therefore there are no objections to the proposals and no requirement for a drainage condition to be applied.

## **7. POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE**

### **Policy Context**

- 7.1 The Local Planning Authority is required to determine planning applications in accordance with the Development Plan unless there are material circumstances which indicate otherwise. In this case the Development Plan for the Staffordshire Moorlands District Council consists of the Adopted Staffordshire Moorlands Core Strategy Development Plan Document (March 2014) with regard also being given to the provisions of the National Planning Policy Framework (NPPF); the Council's adopted Supplementary Planning Guidance documents: 'Space About Dwellings' and 'Design Principles' and the Council's Core Strategy Supporting Evidence Document: Landscape and Settlement Character Assessment (2008). Development boundary mapping remains for the present time as approved under the Staffordshire Moorlands Local Plan (September 1998).

### **Principle of Development and Main Issues**

- 7.2 In the rural areas outside of any development boundary Policy SS6c provides for the conversion of an existing rural building in accordance with Policies R1 and R2.
- 7.3 Policy R1 expects a balanced consideration of the extent to which a proposal protects and benefits rural qualities and supports rural economic and community needs stating that, "appropriate development should not harm the rural character and environmental quality of the area".
- 7.4 Policy R2 provides for conversion of non-residential rural buildings where suitable and worthy in physical, architectural and character terms and either viable alternative uses are unavailable or conversion would enable a building of particular merit to be safeguarded. The R2 requirement for a market evaluation of the viability of the building for agricultural or commercial use is however an out of date policy as it is no longer a requirement of the NPPF and therefore it is no longer a requirement with this application.
- 7.5 This is not a building of particular merit but is suitable and worthy in physical architectural and character terms for conversion.
- 7.6 In terms of respecting rural qualities (Policy R1) of this loosely residentially developed rural neighbourhood it must be considered that a further dwelling would bring additional urbanising influences which would not arise with its current use (if implemented) as a small private rural stable. As such the proposal would not enhance the immediate setting of the building. NPPF Paragraph 79 states that planning decisions should avoid the development of isolated homes in the countryside unless (in summary) one or more of the following circumstances apply, the development would:
- Provide essential rural worker accommodation
  - Enable the optimum viable use of a heritage asset
  - Re-use a redundant/disused building and enhance immediate setting

Amount to the sub-division of an existing dwelling  
Comprise exceptional design

- 7.7 As first submitted none of these circumstances applies in the case here. Subsequently the agent has put forward the following:

*“The applicant, Tom Whiston, currently resides at his parents’ farmhouse at New House Farm, Winnothdale (a short distance to the west of the site). He is an agricultural engineer and services all the farms in the local area. He also works part time on his parents’ land holding at Winnothdale, helping with lambing. His wife, Kelly Whiston, lives with him at Newhouse Farm, and works full time on her parents’ farm at Winnothdale (Beech Farm – located to the north of the site) which extends to 90 acres. They are involved heavily in livestock, and lamb for 8 months a year during which she is on call 24/7 as she is the most appropriately skilled employee to deal with lambing. At other times she is involved with harvesting the land and production of hay on the farm. It is not sustainable for them, as a young couple, to remain living with the applicant’s parents. The applicant has lived in the area for 22 years and wishes to remain, and his wife is the 3rd generation of her family to farm the land at Beech Farm. Conversion of the existing building would enable the applicants to remain living in the area where they both work and this in itself will assist in lessening the number of vehicle movements to and from the site. The applicant is furthermore agreeable, should you consider it appropriate, for an agricultural occupancy restriction to be imposed.”*

- 7.8 A farm worker’s dwelling where shown to be essential (Policy R2 /NPPF) can be found acceptable but this would be subject to appropriate needs analysis and report which has not been provided. If the need were accepted and consent were granted it would normally be subject to an occupancy clause restricting its use to someone engaged in agriculture in the vicinity. At the present time the application does not sufficiently demonstrate this case as the importance – the essential need for the worker to live near to Beech Farm has not been shown.

- 7.9 The agent also submits that the application is eligible under NPPF 79 because the scheme includes landscape planting and this would enhance its immediate setting. This however is judged not to be a strongly supportive point as the site as existing is well assimilated into its surroundings appearing green and well treed and as noted above the proposal would have an inevitable urbanising impact on its surroundings.

- 7.10 A further significant consideration is the distance of the site from schools, shops and other essential services. Policy T1 states that the Council will promote and support development which reduces the reliance on the private car for travel journeys, reduces the need to travel generally and helps deliver the priorities of the Staffordshire Local Transport Plan, where this is consistent with other policies. NPPF paragraph 108 says that in assessing applications for development, “...it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;...”

7.11 Paragraph 122 of the Framework says that “decisions should support development that makes efficient use of land, taking into account [inter alia]:

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change;

7.12 The journey distance from the site to Upper Tean which is a larger village with a range of services including a dentist, doctors surgery, small supermarket and primary schools is 2.8km. The journey distance to Hollington with a more limited range of services is 3km.

7.13 From the above it is concluded that this site is at an unacceptably remote location, with future occupiers having unreasonable access to shops and services. As a consequence, there is a fundamental conflict with Policy T1 of the Adopted Core Strategy and the NPPF more generally which seeks, among other things, to reduce reliance on the private car for travel journeys and reduce the need to travel generally. It is not a sustainable location.

7.14 The agent has drawn comparison with the recent approval (SMD/2018/0278) granted for conversion of buildings at Paradise nurseries to a dwelling at a location some c.125m to the south of the application site. However that case involved the closure of a business which it was judged would have brought significant traffic and therefore conversion to a dwelling would not add journey movements but simply replace the one impact with another and on that basis be acceptable. The agent suggests that a similar comparison is applicable with this site in that its alternative (lawful) use would be as a stables which would generate trip movements of its own. However this is a somewhat uncertain comparison subject to potentially wide variables. There are material differences between a nursery, with deliveries, collections, staff and customer visits and a stable, which could be rented by someone from out of the area, but could equally, and would probably be more likely to appeal to (due to practicalities of regularly tending to horses) a local resident.

7.15 As noted above whilst the applicant Mr Whiston is understood to have a job which takes him to local farms the full range of his travel is not known but to sustain his employment would seem likely not to be solely related to living in Winnothdale.

7.16 The proposed dwelling would clearly relate well to Mrs Whiston’s work at Beech Farm. However the proposed dwelling would still be in a non-sustainable location and the occupants would still be reliant on journeys for shops and services and potentially schools which would be outside of sustainable limits. As discussed above, the application has not been submitted as an essential rural worker dwelling which would be subject to different considerations with different and more specific information submitted.

### **Design and Visual Impact**

- 7.17 In design the proposal appropriately uses existing openings retaining the building characteristics and is found therefore to fit with the Council's adopted design guidance.

### **Amenity**

- 7.18 As an obviously small dwelling it is appropriate to consider the Government's criteria contained in the Technical Housing Standards – Nationally Described Space Standard (2015) which is referenced at paragraph 127(f) footnote 46 of the NPPF (2018) in order to determine whether the building could offer an appropriate amount of living space internally. As a two storey dwelling with three bedrooms accommodating five people (as first submitted) the internal space would need to be a minimum of 93m<sup>2</sup>. A revised plan has been submitted showing a two bedroom / three person dwelling for which the minimum standard is to provide 70m<sup>2</sup>. The proposal just exceeds this minimum requirement with its total 73.9m<sup>3</sup>.
- 7.19 The plot offers sufficient space to provide adequately for parking turning and garden amenity for a dwelling with in excess of the required 65m<sup>2</sup> minimum of garden area additional to the driveway and turning space. The property is at sufficient distance from any neighbouring dwelling (or other developments) to avoid any conflicts in terms of amenity such as privacy or overlooking either for occupants or neighbours.

### **Ecology**

- 7.20 The applicant has submitted an ecology survey which, as noted earlier in the report has confirmed active use of the building by bats. In the event of approval conditions would need to be attached to ensure appropriate safeguards and mitigation are incorporated in the development.

### **Conclusion and Planning Balance**

- 7.21 At the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, it sets out that, in circumstances such as this, where the Council cannot demonstrate a five year housing land supply, with the consequence that policies relating to the supply of housing are not up-to-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific NPPF policies indicate otherwise.
- 7.22 In addition, paragraph 8 of the NPPF advises that significant weight should be placed on the need to support economic growth through the planning system. Future occupiers may generate additional spend in the local area. However, those economic benefits carry very limited weight, given the fact that this is a single small dwelling. The provision of a new dwelling at a time when the Council cannot demonstrate a five year supply of housing land is also a benefit of the scheme. Those considerations would meet with the economic and social roles of sustainable development as set out in Core Strategy Policies SS1 and



SS1a. However the environmental dis-benefits of the scheme arising from the site's location and poor accessibility to services and facilities and reliance on car journeys is considered, in this case to be significant and demonstrable. There is conflict with Policies SS1, T1 of the Core Strategy.

7.23 Therefore on balance it is concluded that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, the proposal cannot be considered as comprising sustainable development and thus does not benefit from the presumption in favour as set out in the Framework. It is concluded, therefore, for the reasons set out above, that the proposal should not be granted planning permission.

## **8 RECOMMENDATION**

### **A. Refuse for the following reason:**

**The application site lies outside a defined Settlement boundary and within the open countryside. Policy SS1 (amongst other things) expects new development to provide easy access to jobs, shops and transport services and to contribute towards a reduction in carbon emissions. Policy T1 similarly states that the Council will promote and support development which reduces the reliance on the private car for travel journeys and reduces the need to travel generally expects. The application site is remote from services and facilities. As a result the majority of trips from the development would be car borne. Notwithstanding the limited economic contribution that a single dwelling would make and the fact that it would deliver a dwelling in circumstances of a significant housing undersupply, the environmental harm and conflict with Polices SS1 and T1 of the adopted Core Strategy and the NPPF is considered to be outweighing in this case.**

**B In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager - Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision**

### Informatives

1. The application has been determined in accordance with Policies: SS1; SS1a; SS2; SS4; SS6c; SD1; SD4; H1; DC1; DC3; C1; R1; R2; NE1 and T1 of the Core Strategy Development Plan and the NPPF.
2. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions

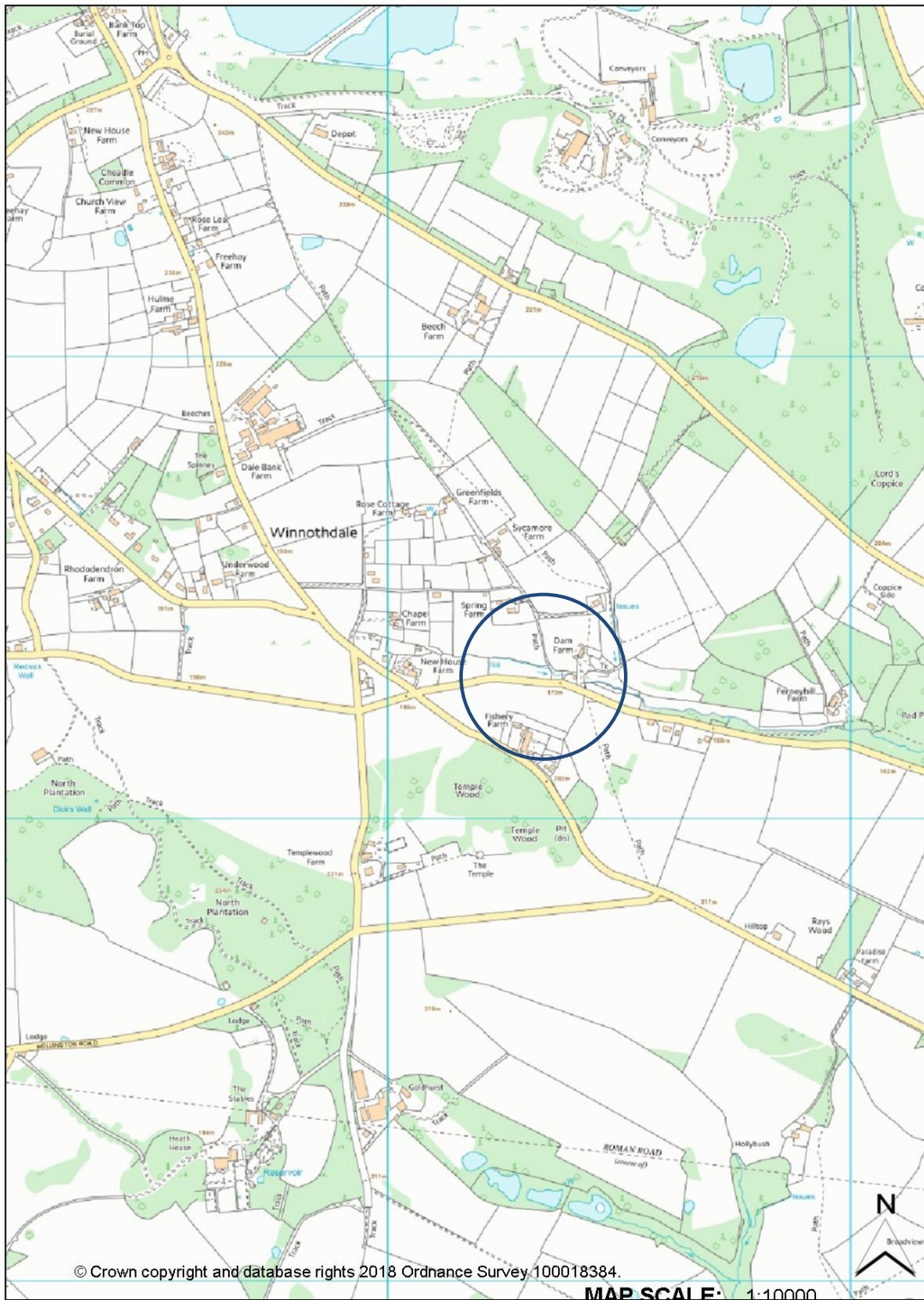
where possible to secure a development that improves the economic, social and environmental conditions of the area.

## **10. APPENDICES TO THE REPORT**

**10.1 The link below to the Council's website is where the detail of this application can be viewed.**

**<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=127128>**

# Spring Cottage – location plan



# Site of Spring Cottage

