

ITEM

Application Reference	DC/070841
Location:	Hilltop Farm Chester Road Woodford Stockport SK7 1PS
PROPOSAL:	Conversion of agricultural buildings to form 4 dwellings, demolition of steel framed building to create garden area and the construction of 1 new dwelling (amendment to DC061184).
Type Of Application:	Full Application
Registration Date:	28.09.2018
Expiry Date:	20181123
Case Officer:	Jane Chase
Applicant:	William Garner Farms Ltd
Agent:	Emery Planning Partnership Ltd

DELEGATION/COMMITTEE STATUS

Called up by Cllr Bagnall.

Should the Area Committee be minded to grant permission under the Delegation Agreement the application should be referred to the Planning & Highways Regulations Committee as the grant of permission would be contrary to the Local Development Framework.

DESCRIPTION OF DEVELOPMENT

Planning permission was approved in 2016 for the conversion of agricultural buildings to form five dwellings and the demolition of steel framed building to create garden areas (DC061184 refers). Conditions imposed on this consent have been discharged and work has commenced on site.

This application seeks a revision to that consent. As now submitted it is proposed that the agricultural buildings would be converted to 4 dwellings only and the part of the existing barn where the 5th 3 bedroom dwelling was approved would be demolished. The 5th dwelling would now comprise a new build 3 bedroom, 2 storey detached dwelling to the west of the converted barn. This new build would measure between 5.4m and 7.1m wide, 10.5m deep, 4m to eaves and 6m to the ridge of the roof. The building would be of a traditional design being constructed from brickwork at ground floor level and timber boarding to first floor level with a pitched roof above. As with the approved scheme, the proposed new build dwelling would have forecourt parking for 2 cars and a private garden area enclosed by hedging.

The application is accompanied by a Planning Statement, Energy Statement and Ecological Statement.

SITE AND SURROUNDINGS

The application site forms part of Hilltop Farm and accommodates a collection of outbuildings including those identified for demolition and conversion (as outlined above). The building to be converted is in the main, built from brick, timber hanging and clay tiles, is arranged in an axis and positioned to the west of the main 2 storey farmhouse. The building is separated from the main farmhouse by an area of hardstanding giving access to further storage buildings to the north of the farmhouse together with silage pits. To the west of the building to be converted is a large steel framed building last used as part of a dairy unit in 2003 which is to be demolished. To the west of this building is a further steel framed building which is to be retained for storage purposes. Access to the site is gained via Chester Road.

Surrounding the site is open farmland within the ownership of the applicant. Beyond that to the south are residential properties on Chester Road whilst further afield to the west and north are residential properties on Church Lane.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan includes-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

Saved policies of the SUDP Review

LCR1.1 Landscape Character Areas
NE1.2 Sites of Nature Conservation Importance
GBA1.2 Control of Development in Green Belt
GBA1.5 Residential Development in Green Belt
GBA1.6 - Re-use of Buildings in Green Belt
GBA2.3 Farm Diversification
L1.1 Land for Active Recreation
L1.2 Children's Play

LDF Core Strategy/Development Management policies

CS2 Housing Provision
CS3 Mix of Housing
CS4 Distribution of Housing
H-1 Design of Residential Development
H-2 Housing Phasing
H-3 Affordable Housing
CS8 Safeguarding & Improving the Environment
SIE-1 Quality Places
SIE-2 Provision of Recreation and Amenity Open Space in New Developments
SIE-3 Protecting, Safeguarding & Enhancing the Environment

CS9 Transport & Development
T-1 Transport & Development
T-2 Parking in Development
T-3 Safety & Capacity on the Highway Network

Supplementary Planning Guidance

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

Design of Residential Development

National Planning Policy Framework

The National Planning Policy Framework (NPPF) initially published on 27th March 2012, subsequently revised and published on 24th July 2018 by the Ministry of Housing, Communities and Local Government sets out the government's planning policies for England and how these are expected to be applied. The revised National Planning Policy Framework will be a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment.

N.B. In respect of decision-taking the revised NPPF constitutes a "material consideration".

Para.1 "The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied".

Para.2 "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise".

Para.7 "The purpose of the planning system is to contribute to the achievement of sustainable development".

Para.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*
- b) a social objective*
- c) an environmental objective"*

Para.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”.

Para.12 “.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

Para.38 “Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.

Para.47 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

Para.124 “The creation of high quality 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”.

Para.130 “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

Para.133 “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

Para.134 “Green Belt serves five purposes:

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

Para.141 “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to

retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.

Para.143 “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Para.144 “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

Para.145 “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- 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;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

Para. 146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

Para.153 states “In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.

Para.213 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

RELEVANT PLANNING HISTORY

DC/061184; Type: FUL; Address: Hilltop Farm, Chester Road, Woodford, Stockport, SK7 1PS; Proposal: Conversion of agricultural buildings to form five dwellings and demolition of steel framed building to create garden areas. Decision Date: 13-OCT-16; Decision: GTD

NEIGHBOUR'S VIEWS

The application has been advertised by way of a site and press notice. The occupier of 1 neighbouring property has also been notified in writing of the receipt of this application. To date no comments have been received.

ANALYSIS

Principle of Development – Housing Supply

Members are advised that the principle of new residential accommodation on this site having regard to Core Strategy policies CS4 and H2 has already been considered appropriate through the grant of planning permission (DC061184). That proposed remains compliant in this respect for the following reasons:-

Policy CS4 directs new housing towards 3 spatial priority areas (the town centre, district and large local centres, and finally, other accessible locations). Policy H2 (Housing Phasing) of the Core Strategy states that the delivery and supply of new housing will be monitored and managed to ensure that provision is in line with the local trajectory, the local previously developed land target is being applied and a continuous 5 year deliverable supply of housing is maintained. Stockport is currently in a position of housing undersupply against the minimum requirement of 5 years +5% as set out in para 47 of the NPPF. In such situations of undersupply, policy CS4 allows policy H-2 to come into effect bringing housing development on sites which meet the Council's reduced accessibility criteria. Having regard to the continued under supply of housing within the Borough, the accessibility score has been reduced to zero.

For the purposes of the above policy position, the application site is in an accessible location and as such the principle of additional residential accommodation remains compliant with Core Strategy policies CS4 and H2.

Green Belt

Policy GBA1.2 (Control of Development in Green Belt) confirms that the construction of buildings in the Green Belt is not appropriate unless it is for one of the following purposes:-

- agriculture and forestry
- essential facilities for outdoor sport and recreation
- limited extension, alteration and replacement of existing dwellings in accordance with GBA1.5 and
- limited infilling or redevelopment of Major Existing Developed Sites identified on the UDP Proposals Map.

Notwithstanding the policy position presented by the UDP Review, the NPPF sets out the most up to date policy position. Para 143 confirms that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances.

Para 145 confirms that the construction of new buildings in the Green Belt is inappropriate. Exceptions to this include:-

- buildings for agriculture and forestry
- appropriate buildings for outdoor sport and recreation
- the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building
- the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces
- limited infilling in villages
- limited affordable housing for local community needs and
- limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development or would not cause substantial harm to the openness of the Green Belt where the development would re-use previously developed land and contribute to meeting an identified affordable housing need.

Para 146 confirms that certain other forms of development are also not inappropriate in the Green Belt including the reuse of buildings provided that the buildings are of a permanent and substantial construction.

In determining the earlier application (DC061184), whilst the proposed conversion of the agricultural buildings was considered to be contrary to Green Belt policies in the UDP Review, it was held to be NPPF compliant. So far as the conversion of the agricultural buildings as now proposed is concerned (for 4 dwellings rather than 5), the proposal remains compliant with the NPPF. The analysis below therefore centres on the compliance of the revisions sought by this application (the construction of a detached dwelling in place of one of the converted dwellings) with regard to the Green Belt policies in the UDP Review and the NPPF.

The applicant has submitted a Planning Statement in support of their application. The Statement advises that work has commenced on the consent scheme for this site and will be completed in full if the current application is unsuccessful.

The applicant asserts that the revised application remains NPPF compliant for the following reasons:-

- Para 145 of the NPPF confirms the construction of new buildings as inappropriate in the Green Belt, however, lists exceptions to this as including limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- The application site has a mixed use for commercial and agricultural purposes with the commercial use being predominant. As such the site comprises previously developed land and the proposal is capable of being appropriate development in the Green Belt providing that there is no greater impact on the openness of the Green Belt than the existing development.
- The development involves an alteration to an approved development. At the time this proposal was originally approved there was a very significant net benefit to the openness of the Green Belt due to the proposed demolition of the very large portal framed building which would open up space between the building to be converted and another large portal framed building used for commercial storage.
- At the time of the previous approval the proposed development was considered compliant with the NPPF and therefore the removal of the large portal framed building was not relied on in any sense to justify approval of the scheme. The benefit to openness was simply a net benefit to both the visual and spatial aspects of openness as compared with the existing situation.
- The same applies in respect of this current proposal. There is still a net benefit to openness as compared with the position before the development commenced, and in comparison with the already approved development, there would be no greater harm to either the spatial or visual aspects of openness, as discussed below.
- In terms of the differential impacts of the proposed and approved development, the proposed dwelling would be slightly smaller than that approved. Consequently, the proposed dwelling will not be as visually prominent in the wider context of the site and would result in a reduced impact on the spatial openness of the Green Belt when compared to the approved dwelling.
- The proposed new dwelling would be constructed within the confines of the existing building lines on the site formed by the existing traditional barns and the large portal framed storage building. These existing buildings create a sense of enclosure to the group of buildings and do not permit views through the site. The approved unit H4 would be seen with other buildings as a backdrop, and the same would be true of the alternatively sited dwelling proposed in this application.

The applicant also asserts that if the proposal is not considered compliant with the NPPF then very special circumstances exist to justify the approval of planning permission. These circumstances are that a fallback position exists in the planning permission for the conversion of the buildings to form 5 dwellings on the site of similar size to what is proposed in this application. That development has commenced and provides the fall-back for the applicant in the event that this application is unsuccessful.

The applicant advises also that the amendments sought by this application:-

- seek to bring about a higher quality development to make the development more attractive to tenants as rental properties. The proposal would provide more attractive living resulting from a higher quality development creating a greater sense of space with a community feel to the development.

- would have a beneficial impact on openness as compared with the approved development and the original development. Just as paragraph 144 of the Framework establishes that substantial weight must be given to any harm to the Green Belt (including to openness which is one of the essential characteristics of Green Belts), a proposal that would enhance openness, as in this case, must also carry substantial weight.

The applicant advises that if the current application is unsuccessful, the approved development is not so unappealing that it would not be proceeded with. In that instance the development would be completed as approved, however, it would be a realistic option for the applicant to complete unit H4 as approved, but to the lowest possible specification, then to subsequently apply to demolish the newly constructed dwelling and replace it as proposed in this application. In that scenario, the replacement of a dwelling within its own curtilage would be indisputably appropriate development (and wholly policy compliant); however this would be highly wasteful of resources and unsustainable. It would also delay the delivery of housing to the market at a time when the council is in a situation of housing need.

In response to the policy position and applicant's case as set out above, Members are advised accordingly:-

The construction of a new detached dwelling on this site is not considered to fall within any of the excepted forms of development set out in policy GBA1.2.

It is noted that the applicant asserts that as the site has a mixed commercial and agricultural use, it falls within the definition of previously developed land. That being the case, the development could be considered compliant with para 145g of the NPPF if it is held that the partial redevelopment of this land would have no greater impact on the openness of the Green Belt than the existing development. The applicant has offered no evidence to support the claim regarding the mixed use of the site. Importantly, Members are reminded that land occupied by agricultural buildings is specifically excluded from the definition of previously developed land as set out in the glossary to the NPPF.

The application site is owned by William Garner Farms Ltd and much of the relevant planning history relates to the agricultural use of the site rather than the alleged commercial use; it is also noted that the current application, like that recently approved, relates to the conversion of agricultural buildings and not commercial buildings. It is acknowledged that there is a commercial element to agriculture, however, it is not considered that sufficient information exists to confirm that this materially impacts on the lawful planning use of the site. Even if it were demonstrated that the lawful use of the site were for mixed commercial and agricultural purposes, the application would still comprise land occupied by agricultural buildings albeit as part of a mixed use and as such would still not fall within the definition of previously developed land. On this basis, it is not considered that sufficient information has been submitted to conclude that the application proposes the redevelopment of previously developed land and

therefore the proposed development would not comply with para 145g of the NPPF (or indeed any other provision within this paragraph).

As the proposed development fails to comply with UDP Review policy GBA1.2, and para 145 of the NPPF the development can only be approved if very special circumstances can be demonstrated.

The case for very special circumstances as presented by the applicant is noted and indeed largely accepted. In this regard it is noted that the proposed dwelling would be slightly smaller than the approved scheme. Whilst the dwelling would now be detached from, rather than forming part of, the existing complex of buildings to be converted, it would still be read as forming part of that complex. On this basis it is not considered that it would unduly intrude into the wider undeveloped Green Belt.

It is acknowledged and accepted that if this application were refused, the applicant could convert to the most basic level, the part of the building that this application proposes to demolish and rebuild. They could then apply for planning permission to demolish that part of the building and rebuild it in the position now proposed by this application. It is most likely the case that such an application would be NPPF compliant in that it would comprise the replacement of a building with the new building being in the same use and not materially larger than the one it replaces. The end result of this fallback position would be the erection of a building of the same size and in the same position as that currently proposed. This together with the very special circumstances presented by the applicant justify the approval of the application in Green Belt terms.

It is however important to note that the applicant argues that the demolition of the large portal framed building will result in a significant benefit to the openness of the Green Belt. It is understood however that this building was last used in connection with the lawful agricultural use of the site. That being the case, agricultural buildings are not considered to have an impact on the openness of the Green Belt and therefore, it cannot be argued that its demolition would improve the openness of the Green Belt. Notwithstanding that, the proposal in so far as it relates to Green Belt policy is considered acceptable for the reasons set out above.

Impact on the Character of the Locality/Residential Amenity

The proposed development retains the character of the existing farm buildings being of a design and using materials appropriate to the location. Garden areas will be delineated using hedging rather than fencing and the use of appropriate materials to the areas of hardstanding will reinforce this character.

The closest neighbouring property to the site is within the ownership of the applicant, that being the farmhouse. Notwithstanding that the relationship between the proposed development and that dwelling is acceptable. Beyond that, the next nearest neighbour is over 160m away to the south on Chester Road and is more than sufficient distance from the proposed development to ensure no adverse impact arises.

Highway Matters

Parking in accordance with the adopted standards is provided. Details of hardsurfacing, drainage and marking out of the spaces has been approved in relation to DC061184 and these approved details can also be approved as part of this current permission.

Other Matters

The Energy Statement provides an acceptable assessment of all the technologies available and is in compliance with policy SD-3 of the Core Strategy.

The Ecology Survey confirms that at the time of the inspection, none of the buildings were occupied by protected species. That being the case there are no ecological reasons why demolition should not proceed. As protected species are mobile, an informative can be added to the grant of planning permission advising the applicant of what to do in the event that such species are discovered at the time of demolition.

RECOMMENDATION GRANT SUBJECT TO CONDITIONS

BRAMHALL AND CHEADLE HULME SOUTH AREA COMMITTEE 13TH DECEMBER 2018

The Planning Officer introduced the application. Cllr Bagnall asked if permitted development rights would be withdrawn and was advised that they would. Members considered the proposed development and agreed the recommendation.