**PLANNING STATEMENT**

***Property***

*Land Adjacent Highfields*

*Crundells Lane*

*Bewdley*

*DY12 1LN*

**E:378632**

**N:276961**

**LOCAL PLANNING AUTHORITY – WYRE FOREST DISTRICT COUNCIL**

PLANNING APPLICATION FOR:

MODIFICATION OF A BUILDING GRANTED PERMITTED DEVELOPMENT RIGHTS

FOR OFFICE USE

1. **INTRODUCTION**
	1. Land Research & Planning Associates Ltd [LRPA Ltd.] has been instructed by

Mr Alan Jones 16, Cordle Street Bewdley to submit a planning application with Wyre Forest District Council [WFDC] for the replacement of the existing building with Permitted Development Rights [Class R], granted on 14 February 2018 for conversion to Office Use.

**2.0 BACKGROUND**

**Site and Planning History**

**Site**

2.1 The Site is part of an agricultural holding that has a brick building on it along with evidence of other agricultural buildings to the rear and side. The proposed siting of the replacement building essentially remains the same as allowed in 2018 as shown on Block and Location Plans [Dwg No.12/2018/1a REV A]

**Consultations**

2.2 A Zoom Meeting was held on 16 November 2020 with KIDDERMINSTER FOREIGN PARISH COUNCIL where the Councillors expressed considerable interest in the proposed concept of a Carbon Neutral/Negative Building.

**Planning History**

2.2 The existing building was granted Permitted Development Rights [Class R] for Change of Use from Agriculture to Office Use on 14 February 2018 [WFDC Ref.: 17/3076/PNCOU] which as provided by the regulations allows 3 years to commence the development. The permission has been implemented by the modification of the access way by widening it and setting the position of a previously existing gateway further into the site. It is worthy of note at this stage that this permitted development is in Green Belt.

**3.0 THE PROPOSAL**

3.1 The main ethos underpinning the proposed development is sustainable small scale commercial rural development being a replacement environmentally energy saving building, coupled with respect for the environment and support for the local rural economy. In addition the social benefit of being an individual office unit whereby a one-person small business can operate in isolation away from Covid-19 risk. Secondly the environmental benefit of carbon neutral design which in turn creates significant economic benefits.

**4.0 DESIGN, SCALE and ACCESS**

**Design/Scale**

4.1 The design is sympathetic to the environment and landscape by keeping the requisite modifications to a modest level. Its proposed scale is simply to allow an increased but sufficiently sized space to accommodate an office economically with the important benefits of toilet facilities, small kitchen facilities and the air source equipment within the building.

**Access**

4.2 The access has been improved by setting it back with a widened gateway which in turns benefits the users of Crundells Lane as it also provides a passing place. In any event the use for the site for office use will be ‘de minimis’ so no access issues should arise.

**Drawing Nos**

12/2020/01a - Location Plan, Block Plan and Proposals Plan

**Reports**

Energy

Ecology

**5.0 NATIONAL PLANNING POLICY FRAMEWORK FEB 2019 [NPPF3]**

5.1 The Local Planning Authority’s [LPA] specific attention is drawn to the following paragraphs in NPPF3 (my emphasis as below)

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 a well-designed and safe built environment, 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 contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

***The presumption in favour of sustainable development***

Paragraph 11.

*Plans and decisions should apply a presumption in favour of sustainable development.*

*For plan-making this means that:*

*a) plans should positively seek opportunities to meet the development*

*needs of their area, and be sufficiently flexible to adapt to rapid*

*change;*

*b) strategic policies should, as a minimum, provide for objectively*

*assessed needs for housing and other uses, as well as any needs*

*that cannot be met within neighbouring areas fn****5****, unless:*

*i. the application of policies in this Framework that protect areas or*

*assets of particular importance provides a strong reason for*

*restricting the overall scale, type or distribution of development in*

*the plan are fn****6****; 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.*

*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 fn****7****, 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 fn****6****; 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.*

**Footnotes** (*fns 5,6,7 above*)

**5** As established through statements of common ground (see paragraph 27).

**6** The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

**7** This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

Paragraph 80:

*Planning policies and decisions should help create the conditions in which businesses can invest expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential*

Paragraph 81:

*Planning policies should:*

*(a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;*

*(b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*

*(c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and*

*(d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation) and to enable a rapid response to changes in economic circumstances.*

**Supporting a Prosperous Rural Economy**

Paragraph 83:

*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 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*.

Paragraph 84 states:

*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*

**Proposals affecting the Green Belt**

Paragraph 143.

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

Paragraph 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 resulting from the proposal, is clearly outweighed by other considerations.*

Paragraph 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****; [my emphasis]*

*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.*

**6.0 WYRE FOREST DISTRICT COUNCIL DEVELOPMENT PLAN [“DP”]**

**Wyre Forest District Council SITE ALLOCATIONS AND POLICIES LOCAL PLAN 2006 - 2026 ADOPTED JULY 2013 - STRATEGIC POLICIES:** Adopted Core Strategy (2010) –

This is the strategic level document within the District’s Development Plan. It sets out the broad locations for delivering housing and other major development needs in the District such as employment, retail and transport. It guides the site specific policies within the Site Allocations and Policies Local Plan and the Kidderminster Central Area Action Plan. [***Comment***: strictly speaking many of these Strategic Policies are out-of-date though have been replaced in the Site Allocations & Policies Local Plan and NPPF1, NPPF2 and NPPF3 have now come into play.]

**LOCAL PLAN POLICIES:**

6.1 In regard to the provision of buildings in rural areas and green belt, for commercial use, the DP is generally relatively silent apart from two policies as follows.

**Generic Policies [DP]**

**POLICY SAL.UP11**

**Re-use and Adaptation of Rural Buildings**

When considering the re-use and adaptation of rural buildings for any new use, the following criteria will need to be met:

1. The building(s) are permanent structures which are in keeping with their surroundings and they are of a size which makes them suitable for conversion without the need for additional extensions, substantial alterations or the addition of new buildings within the curtilage.
2. The building(s) can be converted without significant building works or complete reconstruction and the conversion works would have no significant detrimental effect on the fabric, character or setting of the building.
3. That the proposed development enhances and safeguards heritage assets.
4. That suitable access arrangements can be made, without the need for extensive new access roads.
5. That there is no adverse impact on the countryside, landscape and wildlife or local amenities.
6. That appropriate drainage and flood risk mitigation, including safe access requirements, can be provided and are available for the lifetime of the development.

In addition to the above criteria, proposals must also have regard to the following policy considerations.

1. Economic Development

In assessing proposals for economic development, regard will be had to the local economic needs within the area. Wyre Forest District 108 Site Allocations and Policies Local Plan - Adopted July 2013 - A Unique Place - Other uses proposed for rural buildings which could also provide economic activity (e.g. leisure, sport and recreation) will be considered on their merits and assessed against the criteria in this policy.

**Policy SAL.UP1Green Belt**

Within the Green Belt, as designated on the Policies Map, development will not be permitted, except in very special circumstances, unless one of the following applies:

1. There is a clear need demonstrated for new buildings for the purposes of agriculture or forestry.
2. Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, or for other uses of land which preserve the openness of the Green Belt, and do not conflict with the purposes of including land within it.
3. The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
4. The development involves the re-use or conversion of buildings in accordance with the policies for the re-use and adaptation of Rural Buildings (SAL.UP11).
5. The proposals involve the redevelopment of an identified Previously Developed Site in the Green Belt and, are in accordance with the site specific policies contained in Part B.
6. The proposals are part of a Community Right to Build Order. The development is for housing in one of the following circumstances: a. There is a proven need in association with the purposes of agriculture or forestry. Wyre Forest District 76 Site Allocations and Policies Local Plan - Adopted July 2013 7 A Unique Place b. It is for small-scale affordable housing, reserved for local needs in accordance with policy SAL.DPL2: Rural Housing. c. It is for the extension of an existing dwelling, provided that it does not result in disproportionate additions over and above the size of the original dwelling. Applications for extensions to existing dwellings will be considered on a case by case basis. Proposals within, or conspicuous from the Green Belt, must not be detrimental to the visual amenity of the Green Belt, by virtue of their siting, materials or design.

**Reasoned Justification - *Paragraphs 7.3 to 7.7***

7.3 The precise boundaries of the West Midlands Green Belt within Wyre Forest District were determined in detail in 1989, upon the adoption of the Wyre Forest Urban Areas Local Plan. Although the boundaries have altered slightly since then, there have been no changes to the boundary within the District since May 1996. Within the Wyre Forest District, the extent of the Green Belt includes all of the land as far west as the River Severn, but excludes the towns of Kidderminster, Stourport-on-Severn and Bewdley and the smaller settlements of Blakedown, Cookley, Fairfield and Wilden.

7.4 The essential characteristic of Green Belts is their permanence, and their protection must be maintained as far as can be seen ahead. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Green Belts help to protect the countryside and can assist in moving towards more sustainable patterns of urban development. The inclusion of land in Green Belts is of paramount importance to their continued protection and it is important that the visual amenities of the Green Belt are not damaged by proposals for development within, or conspicuous from, the Green Belt.

7.5 The District Council's Adopted Core Strategy sets the Development Strategy for the District and it was concluded through the Adopted Core Strategy process that no such circumstances exist to justify a review of the Green Belt boundary. Therefore, the existing boundary will be maintained.

7.6 It is nationally recognised that outdoor sport is one of the uses of land which can be appropriate within the Green Belt. Within the District's Green Belt, there is a concentration of outdoor sports facilities on the Minster Road between Kidderminster and Stourport-on-Severn. Because Green Belt areas, by their nature, are located close to towns, they can play a valuable role in opening up access to the open countryside for urban populations.

7.7 The District Council has identified a small number of Previously Developed Sites within the Green Belt on the Policies Map. The policy framework for further development at these sites or for their redevelopment is set out within the NPPF at paragraph 89 (final bullet point). Further site specific policies for each of these "Previously Developed Sites" are set out within Part B of this document. Areas of Development Restraint.

**7.0 SUBMISSIONS**

7.1 Notably of great importance is that Permitted Development has been granted for Office Use in 2018 and this has been implemented as referred to above. It is respectfully submitted that as a consequence the development is in full accordance with policy SAL.UP11.

7.2 Of further importance this proposal allows a commercial operation that employs one full time person to run a small business in the rural area. NPPF3 support economic benefits in the rural areas.

7.3 The justification text above confirms at paragraph 7.4 that; the principle objective of green belt designation is to is to prevent urban sprawl by keeping land permanently open. This proposal is not affecting this principle and so is in accordance with this part of the policy.

7.4 Policy SAL.UP1 states at “paragraph iii” that development is acceptable in green belt in that: “The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces”

7.5 The replacement building is not materially larger than the existing and is for the same use as the PD rights of the existing. It provides for modern day facilities and carbon saving materials/components. It is environmentally friendly and economic development. Socially it provides a unique opportunity for a one person business to operate in isolation.

**8.0 PLANNING BALANCE**

8.1 As set out in paragraph 38(6) of the 2004 Act “decisions should be made accordance with the development plan unless material considerations indicate otherwise”.

8.2 The proposal does not affect the green belt principles in that the size of the building is a modest change to that granted PD rights which allowed a small commercial business premise to be formed in the green belt. It is respectfully submitted that as a consequence there are no adverse reasons why this proposal should not be allowed.

**Conditions – Proposed**

8.3 The site could be screened by further small trees and hedging to the north, east and west preventing any longstanding views being affected at all thereby preventing any possible effect on the landscape. Great care in terms of colouring, positioning and style has been taken to ensure the building blends in with the landscape.

8.4 The access and parking could benefit from the laying of Geotextile [Terram] which is appropriate in green belt.

**9.0 CONCLUSION**

9.1 The proposal is considered to be sustainable development because of the submissions set out above and therefore not in conflict with the DP nor the NPPF3, as rural areas ought to be allowed to develop and expand where a well designed building such as this is proposed.

9.2 In summary very limited harm, if any at all to the green belt, is outweighed by the economic need for a replacement commercial rural business taking into account all the submissions set out above.

9.3 The proposal is in full accordance with the DP and NPPF3 and therefore planning permission should be granted.

**LAND RESEARCH & PLANNING ASSOCIATES Ltd.**

**DAVID R. FELLOWS LL.B (HONS) DIRECTOR - 11 JANUARY 2021**