

# Zenith

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## **PLANNING / DESIGN AND ACCESS STATEMENT**

**September 2021**

**Address: The Stables Town End Lane Flintham NG23 5LT**

**Applicant : Mr G Chiarella**

**Proposal: Change of use of stable block to dwelling to replace existing dwelling in static caravan**



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## **1. INTRODUCTION**

This Statement has been prepared to support a planning application for the change of use of a stable block to a single dwelling.

## **2. THE SITE**

The application relates to a site of 1336 sq metres which forms part of a larger site which has permission for equestrian use on land about 500 metres to the east of Flintham village .

The site has a long established use for equestrian purposes and the existing residential use of the site is also lawful. ( see Planning History below ).

The block comprises 6 stables, a tack room and a feed store and is constructed of rendered block work with a tiled roof. The stable doors are located in the east facing elevation.

Flintham is a small village with a population of about 700. It has a primary school, a parish church and village hall and a public house. The village has a small village community shop operated by volunteers. The nearest other shops and facilities are at Bingham ( 7 Km ) or Newark (10 Km) which are easily accessible by car along the A46.

The village is served by a peak time bus service to Bingham where there are connections by bus or train to Nottingham and Newark.

## **3 PLANNING HISTORY**

There is an extensive planning history to the site, some of which is registered under an alternative address of The Stables Sibthorpe Lane.

The site first became a livery yard more than 25 years ago when the first stable block was erected running at right angles to the road along the western edge of the site. A mobile caravan was then stationed on the site for use as an office / tack room / rest room and this was subject to a number of temporary permissions. The permissions were subject to a condition limiting the use to that which was specified in the description, solely in connection with the livery stables, and not for residential purposes. The caravan lies to the south of the stables and can be seen in the photo above.

In spite of the planning condition, the caravan was subsequently used for residential purposes and in 2010 an application for a Certificate of Lawful Use was submitted ( Ref 10/01825). A Certificate of

Lawful Use was issued on the 14<sup>th</sup> January 2011 in respect of occupation for residential purposes in breach of condition 3 attached to application ref 00/00528.

Planning permission was granted in 2000 for a new stable block to the east of the original block and a new access road. A second application for the same block was submitted in 2009. This stable block now forms part of a separate planning unit and planning permission was granted in 2020 for change of use to a dwelling. ( Ref 20/01018)

### **3.0 PROPOSAL**

It is proposed to convert the stable block to a single dwelling for occupation by the applicant who already resides on the site. The existing openings would be replaced by sliding doors and windows in the east and north elevations. New windows would have dark grey UPVC frames.

The dwelling would provide 1 bedroom and open plan living accommodation.

### **4.0 POLICY BACKGROUND**

#### **National Policy**

The National Planning Policy Framework July 2020 sets out the latest Government planning policy. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development which is defined as development which meets the needs of the present without compromising the ability of future generations to meet their own needs.

The planning system is described as having three overarching objectives – economic, social, and environmental.

Paragraphs 78 -80 relate to the provision of housing in rural areas and LA's are advised that planning policies and decisions should be responsive to local circumstances and local needs. The NPPF states that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and local planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. It also advises that where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 80 states that planning policies and decisions should avoid the development of isolated homes in the countryside except in certain specified circumstances.

The meaning of the word “isolated” in this context has been established through the Courts in the case of Braintree District Council v SSCLG. The judgement issued by Mrs Justice Lang DBE was subsequently upheld by the Court of Appeal in March 2018. At the time of this Judgement the relevant paragraph of the NPPF relating to isolated dwellings was paragraph 55 which has now been replaced by paragraphs 78 and 79. Mrs Justice Lang analysed all the relevant paragraphs of the NPPF relating to the need to support thriving rural communities, together with the advice given in the on-line Planning Practice Guidance on how local authorities can support sustainable rural communities. Her conclusion was that the word “isolated” in paragraph 55 should be given its ordinary objective meaning of “far away from other places, buildings or people; remote, as defined in the Oxford Concise English Dictionary. She stated that there was a distinction in paragraph 55 between “rural communities”, “settlements” and “villages” on the one hand and “the countryside” on the other and that this suggested that “isolated homes in the countryside” are not in communities and settlements and so the distinction between the two is primarily spatial / physical. She also referred to the broader context of paragraph 55 which seeks to promote the economic, social and environmental dimensions of sustainable development and to strike a balance between the core planning principles of “recognising the intrinsic character and beauty of the countryside” and “supporting thriving rural communities within it” (NPPF para 17). She considered that the role of new housing in enhancing or maintaining the vitality of rural communities ( para 55 ) was not limited to economic benefits but also included the social role of sustainable development by providing the supply of housing required to meet the needs of present and future generations which she felt could be achieved by locating a rural home in proximity to other homes.

She also drew attention to the wording in NPPF paragraph 55 that development in a small village without facilities may enhance and maintain services in a neighbouring village.

### **Local Plan Policies**

The current development plan for Rushcliffe Borough Council comprises the Core Strategy which was adopted in December 2014 and the Local Plan Part 2 adopted October 2019.

Policy 3 of the Core Strategy sets out the spatial strategy for the Borough. The policy states that sustainable development will be achieved through a policy of urban concentration and the strategy

defines a settlement hierarchy consisting of the main built up area of Nottingham and the key settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. The policy states that in other settlements development will be for local needs only.

The key policy in the LPP2 is Policy 22 which relates to development within the countryside which is defined in para 6.10 of the Plan as being any development located beyond the Green Belt, on non-allocated sites and outside the physical boundaries of villages and settlements, including Flintham. The Local Plan does not identify settlement boundaries and states that the location of the proposal and its relationship to the physical edge of the settlement will determine whether the site is within the open countryside.

Policy 22 sets out the uses that are considered acceptable within the countryside and these include the re-use and adaptation of buildings for appropriate uses including housing. The Policy then sets out a number of criteria against which such development will be assessed including:

- The conservation and enhancement of the appearance and character of the landscape,
- Except for replacement dwellings, conversions and changes of use, if it constitutes isolated residential development which is separated from the physical edge of the settlement
- If it creates or extends ribbon development
- Whether the built development is well-integrated with existing buildings where appropriate.

The supporting text of Para 6.20 of the Local Plan confirms that the re-use and adaptation of existing buildings to dwellings is acceptable as it is considered to make a valuable contribution to the housing stock and to retain the amenities of surrounding areas. This is caveated by a statement that it should not lead to the loss of employment uses and should ensure that the architectural or historic qualities of the building are retained.

Policy 10 of the Core Strategy and Policy 1 of the LLP2 set out design criteria applicable to all development. Those which are relevant to the consideration of this application are

- Impact on amenity of occupiers or nearby residents including from activity and traffic,
- Materials, architectural style and detailing

- Impact on important views or vistas including landscape
- Suitable means of safe access and adequate parking
- Adequate outdoor amenity space
- Attenuation of noise and minimisation of light pollution
- Use of appropriate renewable energy technologies

## 5.0 ASSESSMENT OF PROPOSAL AGAINST POLICY

The proposed development relates to the change of use of an existing building on the edges of the settlement of Flintham and therefore falls to be considered against LPP2 Policy 22. The principle of the proposed use for residential purposes is in accordance with this Policy and the details of the development comply with the requirements of the Policy. Firstly, it will not impact on the appearance and character of the landscape. The site is well screened by well-established hawthorn hedging and cannot be seen from the road. The stable block sits within a group of buildings on the adjoining site including the other stable block which is now being converted to residential use and is well-integrated with the other buildings. The existing caravan which is occupied by the applicant is to be removed which will enhance the appearance of the site. It is a single storey building and it is not proposed to extend or increase the height of the existing building so there will be no greater impact on the landscape than the existing building. The site does not form part of ribbon development. Although there are other individual buildings located nearby on Town End Lane these are long established farm buildings and cottages and do not constitute ribbon development.

Policy 22 states explicitly that elements of the Local Plan Policy relating to isolated development do not apply to existing buildings. However, the development also has to be assessed against the provisions of the NPPF in respect of development in the countryside. Reference has been made above to the judgement in the Braintree case and how this has established what is meant by isolated in the context of the NPPF. Mrs Justice Lang identified a number of criteria which would indicate whether or not a site would be considered isolated including :-

Whether the settlement had a linear or dispersed pattern of development.

Whether there were other dwellings nearby

Whether the village had any facilities even if these were limited in range and how far it was from the development to a wider range of facilities

Whether there would material harm to the character and appearance of the surrounding area.

She also stated that although residents would be likely to rely heavily on the private car to access facilities and employment, this was not inconsistent with the Framework and that there would be a minor economic benefit from developing the site i.e employment for local builders and from those occupying the buildings using local businesses and services.

When assessed against these criteria it can be seen that the development cannot be considered to be isolated and that it is not necessary to consider whether the development fits into the limited categories of development listed in paragraph 80 of the NPPF as being acceptable in the countryside. There are other buildings, including residential properties nearby, the village has a range of facilities including a primary school, shop, pub and church hall and, although public transport is limited, the market towns of Newark and Bingham are easily accessible by car. There will be no impact on the character or appearance of the area.

With regard to the Local Plan design policies, the development will not have an adverse impact on the amenities of any adjoining occupiers and will provide an acceptable standard of amenity for the occupiers. The immediate area is not noisy and the habitable rooms will have a good outlook and a mainly east facing aspect. It is proposed to install an air source heat pump to comply with the requirement for renewable energy technology to be used. The access to the site already exists and there is good visibility in both directions. There is ample room within the site to accommodate the parking and turning of vehicles. The stables lack any historic character and the utilitarian appearance of the stables will be improved by the alterations to facilitate the conversion.

## **6.0 SUMMARY AND CONCLUSION**

There is already an authorised residential use on the site in the form of the mobile caravan. The proposal is to replace this with a better quality dwelling.

The proposed development is in keeping with both national and local planning policy in that it is located close to an existing settlement and will help to support and maintain the existing facilities in Flintham, without harm to the rural character of the area. There are no other material circumstances that would preclude the grant of planning permission