

Planning Statement

For Mr Phil Kitching | 23-305

Construction of double garage - Ollersett Farm, Laneside, New Mills, Derbyshire,
SK22 4QW

Project: 23-305
Site Address: Ollersett Farm, Laneside, New Mills, Derbyshire, SK22 4QW
Client: Mr Phil Kitching
Date: 26 June 2023
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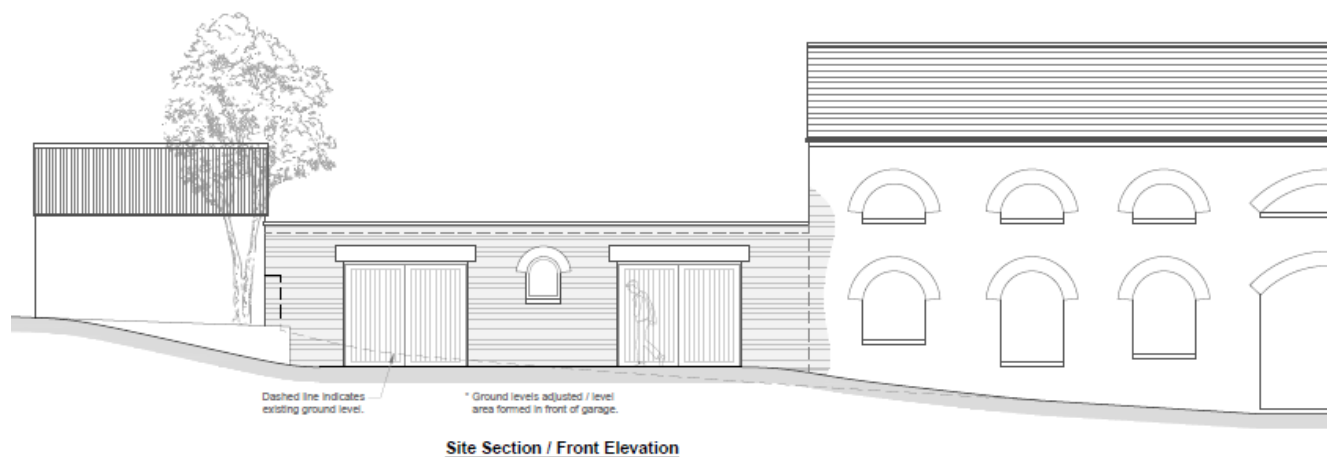
1. Introduction

- 1.1 This statement has been prepared to accompany a householder application seeking planning permission for the construction of an attached double garage to the east of the existing house at Ollersett Farm, Laneside, New Mills.
- 1.2 This application seeks an enhancement to the similar flat roofed double garage that has been confirmed as permitted development under a recent Lawful Development Certificate HPK/2022/. This proposal now seeks to modify the permitted development scheme by closing the gap between the garage and the house to the west, and the garage and existing outbuilding to the east, slightly lowering the overall height of the building. The proposed alteration will lead to an overall improvement to the design of the garage building by creating a uniform appearance on the north elevation, with equally proportioned garage doors.
- 1.3 The site is located in the Green Belt, and it is acknowledged that in planning policy terms, the extension proposed in this application would be a disproportionate addition to the original dwelling. It would therefore be inappropriate development in the Green Belt, that can only be permitted if other considerations amount to the very special circumstances required by planning policy to justify approval.
- 1.4 This statement confirms that the applicant could construct a very similar garage building to the side of the property with a flat roof, which would be of an uncharacteristic design, without the need for planning permission. The scheme now submitted will improve the overall design of the garage. The modifications to the design are an improvement to the permitted development scheme.
- 1.5 This statement demonstrates that the proposal would not result in any additional impact on the character, appearance or openness of the Green Belt over what could be lawfully constructed, without the need for planning permission.
- 1.6 This fallback position is a consideration that clearly outweighs the harm by reason of inappropriateness, arising from the development proposed in this application. As very special circumstances can be demonstrated, this proposal would meet the Green Belt policy tests and therefore planning permission should be granted.



2. The application

- 2.1 The application proposes a single storey flat roofed garage extension to the side of Ollersett Farm. The garage would be constructed from stone to match the existing building with timber doors.
- 2.2 The proposal differs from the permitted development in that it closes the gap with the house and in doing so, means the building is slightly longer than the permitted development scheme. In addition, the proposed ground level of the extension differs, as it now includes an element of 'cut and fill' to allow a level internal floor. Due to the lowering of the levels adjacent to the tool shed, it is necessary to increase the length of the garage to adjoin onto the gable wall of the existing tool shed, to ensure it's structural integrity. It is also proposed to attach the garage onto the gable wall of the dwelling and remove the small gap between the two buildings.
- 2.3 A small amount of 'cut and fill' will take place, to raise the internal floor level adjacent to the dwelling to create a level floor internally across the two garages. This will also provide a slight reduction in the overall height of the garage building and will also allow for a small parapet wall to be created, which will allow for a shallow sloping roof behind to assist with water runoff.
- 2.4 As a result, whilst the proposal is slightly larger it is of a better design that complements the existing building – see below extract.



3. Context

Site location and description

- 3.1 Ollersett Farm is located outside the settlement boundary of New Mills and within the Green Belt. The property is accessed by a private track from Laneside Road, which is also the route of a public footpath. The building is located within the Green Belt. The property is believed to have been constructed in 1752 as a two-storey dwelling with an attached barn. The property has since been extended following the grant of previous permissions for the conversion of the attached barn to additional living accommodation and extensions to the property.



Relevant planning history

- 3.2 The property has a detailed planning history with regard to the previous planning applications and Lawful Development Certificates. The relevant planning history for the property in relation to this current application are as follows:

Application Ref	Description	Decision
HPK/2004/1168	Conversion of existing adjoining barn to form new living room, two extra bedrooms and new extra bathroom	Approved 2005
HPK/2009/0124	Single storey gabled extension and alterations	Refused 2009
HPK/2009/530	Change of use of adjoining barn to additional living accommodation (retrospective application for changes to external design details previously approved under HPK/2004/1168). A planning appeal was submitted seeking the removal of conditions 2 and 3 on this approval but was later withdrawn (Appeal ref: APP/H1033/A/09/2118195/F).	Approved 2009
HPK/2010/0218	Certificate of lawful use or development for use of land as garden. See appendix EP1 for confirmation of area approved as garden to south of building	Approved 30/06/2010.
HPK/2010/0395	Certificate of Lawfulness for use of land as residential curtilage	Refused 30/09/2010
HPK/2010/0439	Proposed single storey extension	Withdrawn
NMA/2010/0017	Non-material amendment to HPK/2009/0530 to amend windows of northwest elevation	Approved 2010.
HPK/2012/0683	Certificate of Lawfulness of proposed development - for single storey extension	Approved 2013
HPK/2020/0024	Certificate of Lawfulness for existing use of residential garden land – see appendix EP2	Approved March 2021.
HPK/2022/0145	Certificate of lawfulness of proposed development – detached orangery and conservatory	Approved January 2023
HPK/2023/0126	Planning permission granted for proposed orangery extension	Approved June 2023



4. Policy context

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (The Framework) and the Planning Practice Guidance (NPPG) are material considerations.
- 4.2 For the purpose of considering the current proposals the development plan consists of the High Peak Local Plan (2016).

Development plan context

- 4.3 The High Peak Local Plan was adopted in April 2016 and covers the plan period to 2031. The relevant policies of the plan are listed below:
- Policy S1 – Sustainable Development
 - Policy EQ3 – Rural Development
 - Policy EQ4 – Green Belt development
 - Policy EQ6 – Design and Place Making

National planning policy and guidance

National Planning Policy Framework

- 4.4 The relevant sections of The Framework are as follows:

Achieving sustainable development

- 4.5 Paragraph 11 in relation to the presumption in favour of sustainable development states:

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



4.6 It also states:

“For decision taking this means approving development proposals that accord within an up-to-date development plan without delay; and 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.”*

Protecting Green Belt land

- 4.7 In relation to proposals affecting the Green Belt, paragraphs 147 - 151 establish that new development should be considered inappropriate in the Green Belt, with certain exceptions as specified in paragraphs 147 and 148. Paragraph 147 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Other material considerations

High Peak Design Guide Supplementary Planning Document (2018)

- 4.8 The Design Guide Supplementary Planning Document (SPD) identifies the overarching principles in securing good design.
- 4.9 The Design Guide places great emphasis on the need for considered and high-quality design, in accordance with HPLP Policy EQ6 and the Residential Design SPD. With regard to extensions to buildings, it requires all extensions to harmonise with the parent building and to be subordinate to it in terms of size and massing.

High Peak Residential Design SPD (2005)

- 4.10 The Residential Design SPD provides specific design guidance in relation to residential development.
- 4.11 The guidance in Section 9: Domestic extensions, overlaps with the more recent Design Guide. The document also advises that extensions and openings should maintain proportion and symmetry and should complement the existing house.



High Peak Landscape Character SPD (2006)

- 4.12 This SPD provides guidance for the design of new developments and alterations to existing developments, including landscape design and covers all forms of development in the countryside, including residential. The area designation for the application site is classed as 'Settled Valley Pastures'. The guidance indicates that new developments should be made to fit in with their surroundings.



5. Planning considerations

- 5.1 This section of the statement will demonstrate that there are strong planning reasons to justify the approval of planning permission for the development proposed. Relevant planning considerations are assessed below.

Green Belt

- 5.2 The proposal is for extension and alterations to an existing building and therefore the principle of the development is capable of being inappropriate in the Green Belt in accordance with paragraph 147 of The Framework. The Framework gives no guidance as to what would be interpreted as 'disproportionate'.
- 5.3 Policy EQ3 allows for extensions to dwelling provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.
- 5.4 Policy EQ4 on the Green Belt seeks to protect and maintain its openness and permanence, and that development will not be granted for development unless it is in accordance with National Planning Policy.
- 5.5 It is acknowledged that the extension proposed in this application would result in a disproportionate addition to the original building. As such, it would represent inappropriate development in the Green Belt.
- 5.6 The Framework advises that inappropriate development should not be approved except in very special circumstances. It also advises that very special circumstances will not exist unless potential harm to the Green Belt is outweighed by other considerations. The case for very special circumstances is set out below.

Very Special Circumstances

The Fallback

- 5.7 In considering whether planning permission should be granted for the proposed extensions, consideration must be given to the 'fallback' position.
- 5.8 Paragraph 70:30 of the Encyclopedia of Planning Law, provides commentary on section 70 of the Town and Country Planning Act 1990 relating to decision making, and other material considerations. It states:

"The planning authority are entitled and indeed obliged, to have regard to the 'fallback' position i.e. what the applicant could do without any fresh planning permission".



- 5.9 It is therefore important to consider what alternative options the applicant would have for developing this site, should planning permission be refused. This includes extending the house using Permitted Development Rights.
- 5.10 Consideration needs to be given to the permitted development scheme set out in the Certificate of Lawfulness application already approved at the property (application HPK/2022/0145), which included a detached garage building. This application proposes to link the garage extension by omitting the gaps at either end of the garage building, by closing the gap between the gable of the house and gable of the storage building (this gap was necessary in order to comply with the limitations of permitted development rights). The applicant also wishes to provide a level floor area within the garage building; to do so will involve a small amount of cut and fill. This will result in the overall height of the garage being reduced from 3.5m to 3.4m
- 5.11 Despite the slight reduction in the overall height, this will enable the external wall to include a parapet wall to enable a slightly pitched roof behind to help improve water runoff. Also due to the proposed excavation to provide a level floor within the garage, this work will undermine the stability of the existing stone tool shed. It is therefore proposed to increase the length of the garage building by 600mm, so that it abuts the existing outbuilding for support. Consequently, planning permission is required for these changes. The introduction of the proposed cut and fill and level internal floor height will allow for two equal proportioned garage doors to be provided on the front elevation, as opposed to the uneven size doors at different heights on the permitted development scheme. The resulting development would involve very little difference to the design of the building that has already been approved under the permitted development scheme.
- 5.12 The fallback option of implementing the already approved development is a material consideration that comprises the very special circumstances required to justify approving an appropriate development and should be given significant weight in determining this application.
- 5.13 It is clearly in the applicant's interests to alter and extend the property; the planning history demonstrates the applicant's intention to do this, and it would add significantly to the enjoyment of their home and the value of the dwelling. The applicant would certainly construct the permitted development scheme if they were unsuccessful in obtaining planning permission for the linked extension proposed in this application. The proposed links and improved design would create no additional impact on the Green Belt.
- 5.14 The design of the garage extension is very similar to the approved scheme and whilst slightly longer is marginally lower. The improved design is in keeping with the existing building. As such in terms of the spatial impact on Green Belt openness, the proposal would be slightly smaller than the fallback option.



- 5.15 The proposal would be constructed in stone to match that of the existing dwelling. In terms of the visual impact on openness, the proposal would appear no larger than the fallback. The narrow gaps that would be a feature of the fallback development would be imperceptible except at very close inspection and they would make no contribution whatsoever to Green Belt openness.
- 5.16 Therefore, the proposal would not result in any additional harm to the openness of the Green Belt or conflict with the purposes of including land within the Green Belt, as compared with what has already been approved and would be constructed, if permission is withheld for the development now proposed.
- 5.17 Given the scale and location of the proposed closure of the gaps, they would not be prominent or adversely affect the openness of the character and appearance of the Green Belt.
- 5.18 If the applicant is unable to obtain planning permission for this extension, they would construct the permitted development alternative. The very minor inconvenience of the narrow gaps between the approved extensions would be no deterrent to construction of the permitted development as a whole. Nevertheless, the applicant would prefer not to have gaps between the buildings due to proximity and stability issues with the existing outbuilding or the complications during the building work, hence this application. As stated above, the approved development would add significantly to the value and quality of accommodation as a whole. It is therefore a certainty that it would be constructed if this application is unsuccessful.
- 5.19 Similar fallback arguments have been accepted as very special circumstances on appeals on numerous occasions. One particular example is Green Lane Farm in Bollington, Cheshire. A positive Lawful Development Certificate (application reference 18/2556M) was granted by Cheshire East Council (CEC) for a number of permitted development extensions at the property, which were all detached and would be constructed in close proximity to each other. A subsequent planning application (18/5585M) was submitted to close the gaps between the permitted development extensions; however, CEC refused the application on the grounds that:

‘the proposals would represent a 200% increase in floor space above the original dwelling and so would be an disproportion addition’.

- 5.20 An appeal was made against this decision (APP/R0660/D/19/3240413- see appendix EP1) and was subsequently allowed with the Inspector commenting on the planning balance as follows:

15. The proposal would be inappropriate development in the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.



16. The proposal would result in disproportionate additions to the original building and so would comprise inappropriate development in the Green Belt. In addition, there are adverse impacts on openness and the Green Belt purpose.

17. However, I give significant weight to the potential fallback position which may be implemented. This would have a greater effect on openness and would be an inferior design compared to the appeal scheme.

18. I find that this other consideration is of sufficient weight to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and effect on openness and Green Belt purpose. As a result, very special circumstances exist to justify inappropriate development in the Green Belt

- 5.21 The fallback development is lawful; there can be no question that it would be implemented for the reasons set out earlier in this statement and clearly the differential impacts between the proposed and the fallback would be no more harmful in planning policy terms. Therefore, the availability of a realistic fallback is a material consideration that amounts to the very special circumstances required, to outweigh the harm caused by granting planning permission for inappropriate development.
- 5.22 This is a material consideration that clearly outweighs the harm by reason of inappropriateness and the other harm that would be caused by the proposed development, because that harm would occur in any event (by the construction of the fallback development). Whilst the proposal is slightly larger than the permitted development scheme, the proposal would have no greater impact on the spatial impact on the openness of the Green Belt. There can be no reason to withhold planning permission for the development proposed.
- 5.23 The proposals would therefore meet the policy test set out in paragraph 150 of The Framework and planning permission should be granted.



6. Summary and conclusions

- 6.1 This householder application seeks full planning permission for the construction of a double garage building on the eastern gable of the dwelling at Ollersett Farm. The proposed garage is comparable to the garage building that could be constructed under permitted development rights. This application proposes to modify the design of the permitted garage building by omitting the gaps between the garage and the gable of the property, and the existing outbuilding. A small amount of groundwork would also be undertaken to enable a levelled surface to be provided internally for the garage building. A small parapet wall would provide a shallow pitched roof to assist with drainage. This will help to improve the appearance of the building, by enabling the doors to be of the same size and the same level on the elevation of the building.
- 6.2 The site is located within the Green Belt, as identified in the adopted local plan. It is acknowledged that the proposed extension would result in a disproportionate addition to the original building and therefore represents inappropriate development in the Green Belt. However, it has been demonstrated that there are other material considerations that comprise very special circumstances to justify the approval of planning permission, as required by the statutory and policy tests.
- 6.3 The permitted development scheme for extensions is a valid alternative to the proposed development. The differences are that the proposed scheme will improve the appearance of the building by creating a level internal floor level which in turn allows the two doors to be of an equal size and design, as well as removing the gaps. The linking of the extensions would have no additional impact on the openness of the Green Belt because the proximity of the permitted development extension is such that it would also read as one single entity. The very narrow gap between would contribute nothing at all to the openness of the Green Belt.
- 6.4 This approach has been previously accepted at appeal.
- 6.5 In summary, the proposal would have no greater impact on the openness of the Green Belt than the fallback position. As very special circumstances have been demonstrated, the proposals would comply with the Green Belt policy test set out in paragraph 144 of The Framework. Planning permission should therefore be granted in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004.



