

**Application No:** 11/4295N

**Location:** Weston Hall, MAIN ROAD, WESTON, CW2 5ND

**Proposal:** Extension to Time Limit of Planning Permission P08/1274 for One Dwelling

**Applicant:** Mr R Galloway

**Expiry Date:** 15-Jan-2012

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Site History;
- Scope of this application; and
- Material Changes in Circumstances/Policy since the Previous Application

**REFERRAL**

This application is referred to the Southern Area Planning Committee as the original proposal was a departure from the Crewe and Nantwich Replacement Local Plan 2011.

**DESCRIPTION OF SITE AND CONTEXT**

The site is located within the open countryside and was formerly occupied by Weston Hall a Grade II\* Listed Building which was destroyed by fire on 1<sup>st</sup> September 2005. All materials which were part of Weston Hall have been removed from the site and it remains vacant. The site is accessed via a drive of approximately 125m in length and is not visible from the road due to dense vegetation growth to the front of the site. A large pond is located to the front of the site and the proposed dwelling would be sited adjacent to a residential property known as 'The Cottage, Weston Hall' which is accessed via a separate driveway.

**DETAILS OF PROPOSAL**

An application for an extension to time has been submitted in relation to the approved planning consent number P08/1274. That planning consent was a full planning application for one dwelling. The proposed dwelling would be two and half storeys in height and would have 4no. bedrooms and a games room in the attic with a detached garage to the rear which would house 3 cars.

**RELEVANT HISTORY**

P08/1274 – One Dwelling – Approved – 22<sup>nd</sup> April 2009

## **POLICIES**

### **Local Plan Policy**

RES.5 (Housing in the Open Countryside)  
BE.1 (Amenity);  
BE.2 (Design Standards);  
BE.3 (Access and Parking);  
BE.4 (Drainage, Utilities and Resources);  
BE.5 (Infrastructure);  
NE.2 (Open Countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)

### **National Policy**

PPS.1 (Delivering Sustainable Development).  
PPS.3 (Housing)  
PPS7 (Sustainable Development in Rural Areas)  
PPS9 (Biodiversity and Geological Conservation)  
PPG13 (Transport)

## **CONSIDERATIONS (External to Planning)**

**Cheshire Wildlife Trust:** No objections

### **Natural England:**

This application is in close proximity to Black Firs and Cranberry Bog Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

No comments received at the time of writing this report

## **OTHER REPRESENTATIONS**

No representations received

## **APPLICANT'S SUPPORTING INFORMATION**

No supporting information included with the application

## **OFFICER APPRAISAL**

### **Site History**

The application site is located within the open countryside. New dwellings in the open countryside are not normally acceptable unless for agricultural purposes, as a replacement dwelling or to infill a small gap within an otherwise built up frontage. In this instance, there was a long established and listed property on the site; because this was destroyed by a fire the 'replacement dwelling' is considered a departure from Policy. However, it is a material consideration that a dwelling occupied the site and the harm of the proposed dwelling which would occur to the character and appearance of the Open Countryside would be minimal. Consequently, it was considered that the special circumstances in this instance were given considerable weight to override the strict planning policy presumption against new dwellings in the open countryside.

### **Scope of this application**

Extensions to the time limits for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

### **Material changes in policy/circumstances since previous application**

The application remains unchanged from the previous approval, which was assessed under the same development plan. As such there are no changes in circumstances or Local Plan policies that would warrant an objection to the proposal. The case officer notes as the application involves development on garden land it is important to consider the implications of the amendments made to Planning Policy Statement 3: Housing on 9<sup>th</sup> June 2010, which amended Annex B so that private residential curtilages are removed from the definition of previously developed land. An additional sentence has also been added to paragraph 41 of the PPS which states that brownfield land is the priority for development, to say that *'there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed'*.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

It is considered that there have not been any significant material changes since application P08/1274 was permitted. The scheme therefore warrants a departure from Policy NE.2 (Open Countryside) and complies with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

**That the application be approved as a departure from the Development Plan subject to the following conditions:**

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials**
- 4. Surfacing Materials**
- 5. Landscape to be Submitted**
- 6. Landscape to be Implemented**
- 7. Drainage Details to be Submitted and Approved**
- 8. Detailed Specification of all Renewable Energy Features**
- 9. Window Reveal Details to be Submitted and Approved**
- 10. Demolition of Existing Buildings**
- 11. Remove PD Rights – Extensions and Outbuildings**
- 12. Works to Stop if Protected Species Found**
- 13. No Trees Removed Other Than Those Specified in the Arboricultural Report**
- 14. Tree Protection Measures**
- 15. Boundary Treatment**
- 16. Tree/Vegetation Removal to Take Place Outside Bird Breeding Season**

