

Application No: 12/0650N

Location: LAND SOUTH OF MEADOW RISE, HOLMSHAW LANE, HASLINGTON

Proposal: A New single-storey dwelling

Applicant: MR & MRS J COUPLAND

Expiry Date: 09-Apr-2012

#### **SUMMARY RECOMMENDATION: Refuse**

##### **MAIN ISSUES:**

- Principle of the Development
- Amenity
- Design and Scale

#### **REASON FOR REFERRAL**

The application was called in to Southern Planning Committee by Councillor John Hammond on the following grounds:

*“Should the officer recommendation be for refusal then Haslington Parish Council has requested that the application be determined by Committee as it is considered that an exception should be made to Policy NE2 of the Crewe & Nantwich Replacement Local Plan 2011 as any objections are outweighed by the specific personal circumstances associated with the applicants and the long term care plans for their disabled daughter.”*

The application was deferred by committee in order that it could be established that Mr Coupland had the authority to release information relating to his daughters condition. This has now been provided.

#### **DESCRIPTION AND SITE CONTEXT**

This application relates to a plot of land on the western side of Holmshaw Lane, Haslington. To the north there are three residential properties including the one owned by the applicant. The site is designated as being within the open countryside in the adopted local plan.

#### **DETAILS OF PROPOSAL**

This proposal seeks full planning permission for a detached bungalow in what is currently a paddock with associated buildings. The dwelling would provide 3 bedrooms, 2 with en-suite and additional living accommodation including kitchen, studies and boot room.

The main justification for the application is that the dwelling would provide suitable living accommodation for the applicants, in particular for their disabled daughter.

## **RELEVANT HISTORY**

|          |      |  |
|----------|------|--|
| 11/3677N | 2011 | Withdrawn application for new dwelling |
| P02/1342 | 2003 | Refusal for dwelling. Appeal dismissed |

## **POLICIES**

### **National Guidance**

National Planning Policy Framework (March 2012)

### **Regional Spatial Strategy**

DP1 Spatial Principles  
DP2 Promote Sustainable Communities  
DP4 Making the Best Use of Existing Resources and Infrastructure  
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility  
DP7 Promote Environmental Quality  
DP9 Reduce Emissions and Adapt to Climate Change  
RDF2 Rural Areas  
L2 Understanding Housing Markets  
L4 Regional Housing Provision  
RT2 Managing Travel Demand  
RT9 Walking and Cycling  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

### **Local Plan**

The site is not allocated in the Local Plan but the following policies apply:

|       |                                   |
|-------|-----------------------------------|
| RES.5 | Housing in the Open Countryside   |
| NE.2  | Open Countryside                  |
| NE.3  | Areas of Special County Value     |
| BE.1  | Amenity                           |
| BE.2  | Design                            |
| BE.3  | Access and Parking                |
| BE.4  | Drainage, Utilities and Resources |

## **CONSIDERATIONS**

### **United Utilities:**

Have not provided a response on this application but had no objections to the previous application that was withdrawn.

### **Environmental Protection:**

Request conditions relating to contaminated land and hours of construction and piling.

### **Highways:**

This development requires the reconstruction of the vehicular crossing to current specifications. The Strategic Highways Manager recommends that the following informative be attached to any permission which may be granted for the above development proposal:

*Prior to first occupation the developer will enter into a Section 184 Agreement under the Highways Act 1980 and will reconstruct the existing vehicular access to current highway specifications.*

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

The application was discussed at the March meeting of Haslington Parish Council. The meeting agreed that Haslington Parish Council support the proposed development on the basis of providing appropriate accommodation for the applicant's disabled daughter with a development that would not appear to result in catastrophic damage to the specific area of open countryside, provided the following conditions can be applied to the development:

- \* The covenants and restrictions proposed by the applicant are applied to development - specifically the unilateral undertaking included in the application and that the proposed bungalow will be used only by a person with disability and their carers
- \* Safeguards are applied to the existing and proposed trees, hedges and other vegetation to retain the local characteristics of the open countryside.
- \* Permitted development rights be removed

Request that Cllr John Hammond call in the application for a decision by the Southern Planning Committee requesting an exception be made to Policy NE2 given the specific circumstances of the applicants and the long term care plans for their disabled daughter.

#### **OTHER REPRESENTATIONS**

None received at the time of report writing.

#### **APPLICANTS SUPPORTING INFORMATION**

The applicant has submitted a letter which seeks to justify why he considers that there are very special circumstances that outweigh the harm that would result from the erection of a new dwelling in the open countryside. For completeness given the circumstances of the application this is detailed in full below:

*Further to the planning meeting of 18 April 2012 at which the above application was deferred, we submit the following information in **Best Interest** for your further consideration.*

*The term (disability) being so comprehensive makes it is impossible to compare any individual, it is important in our view that members carefully consider the circumstances.*

*Since settling in Haslington we acquired the paddock (being the application site) over the years my daughter has developed a love for animals and has come to know that contrary to humans, her love and affection for them is returned unconditionally. Over the years we have taken on any number of animals and still do so.*

*Through her love for animals she has progressed to doing voluntary work at RSPCA cattery Stapley where she has work for eight years.*

*Planning permission is sought for a property which will meet the family and our daughters medium to long term care needs i.e. by moving to a property in the location which she has developed and progressed her love for animals over a period of some thirty years,*

*Alternative properties have been considered many times, however in doing so we are totally convinced the only feasible way forward, is to either stay in our current property or develop a new property for her future.*

*The proposal is for a Bungalow to be built as a Lifetime Home to Level 4 of the code for Sustainable Homes. Planning permission is sought for a property which will meet the family and our daughter's medium to long term needs*

*To care for persons with (ESN) there is a requirement to provide stability in their environment and surroundings which can be gained from living in this area for the majority of her life (31 years). As applicants, we want to provide a Lifetime Home and thus a bungalow built on our own land would not only cost effective but full fill all requirements.*

*Our existing dwellings has poor accesses and with the increase in traffic over later years on a single track lane is dangerous for us never mind someone with (ESN), the property is approx 69 years old and is a two storey house. The rooms and electrics are not to Part M standard and the house falls short on many of the Lifetime homes criteria. The house would require a large amount of building work and investment to be made to achieve both Lifetime Homes and Code 4. The final scheme which was reviewed as an option was a compromise on all fronts, spatial, sustainable, for Part M and not cost effect. The existing dwelling is a family home built many years ago when Building Regulations Part M, sustainability and lifetime living weren't thought about.*

*As applicants are viewing the proposed dwelling as a long term addition for disability living in this area so want to provide a house initially as a family and ultimately for our daughters future, and eternally for future residents with disabilities without discriminating against any type of disability.*

*Having been involved with young adults with Special Needs for many years, we having a full awareness of needs, in 1997 we founded a therapeutic workshop charity based in Crewe, Supported Community Business (Special Needs) and have worked tirelessly to maintain the service.*

*Should our application be successful the bungalow would go into our family trust so to secure the future for our daughter. While supporting our own we are also leaving a legacy which in future years will help others in the local community who need care whilst living in a rural setting and a lovely Cheshire community of Haslington.*

*Whilst the proposed new dwelling might otherwise contravene policies NE.2 and RES.5 it is submitted that our particular circumstances and **specific** needs are **essential** providing suitable accommodation for the family now, in the medium and long term.*

*We genuinely feel that we must make a move to prepare for the future in a very real and practical way, by creating a living space which mirrors our current family home as much as possible.*

*But also and importantly makes it fully accessible for us so that we can continue to provide the high level of specific and structured care and support.*

*If we as parents/ cares are better able to access our home then we are better able to provide continuing care in an environment in which she will thrive and continue to grow, developing her independence and social skills when we can no longer do so and the family take over.*

*We are only requesting one purposely designed dwelling for which all information has been forwarded along with Unilateral Agreement, yet I note that Cheshire East SHALA proposals have identify the site as being possibly capable for development of 11 Dwellings !!*

Also included is a Unilateral Undertaking that would require that the dwelling, when no longer required for the applicants or their daughter, be disposed of to either a disabled person, a person or company who intend to hold the property on trust for a disabled person or a charitable organisation whose objective is the care of disabled persons.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is designated as being within the open countryside where Policies NE.2 and RES.5 apply. These policies state that new dwellings in the open countryside will only be allowed if they are essential for the purposes of agriculture, forestry or outdoor recreation, or involve the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

This proposal is for a new dwelling to accommodate the applicants and their disabled daughter and therefore does not meet the requirements of the policies outlined above. The applicants have submitted supporting information as justification for making an exception to the relevant policies. These documents have been given careful consideration and whilst officers understand the difficulties faced by the applicant's daughter, it is not considered that these circumstances justify the creation of a new dwelling in the open countryside.

This issue was considered at a Public Inquiry in 2006, relating to a similar case, at Mill Run, in the former Congleton Borough. In this case the applicant's daughter's disability and housing needs were considered to be a material consideration, which had to be weighed in the balance against the planning policy presumption against residential development in the Open Countryside. However, in order to determine the weight to be given to those personal circumstances it was necessary to examine the reasonableness of the housing needs which were claimed by the Appellants and the criteria and the efforts employed by them to find suitable accommodation elsewhere.

The Appeal turned on whether the features of the dwelling proposed by the Appellants were "essential" or "desirable" for their disabled daughter. Having considered this issue the inspector determined that, having regard to grants and other assistance which were available to help the family to adapt a dwelling, the needs of the disabled person could be adequately met by an existing property.

The supporting information submitted with the application indicates that the applicant's daughter suffers from mixed anxiety / depression and moderate learning difficulties / disabilities rather than severe physical disabilities which would necessitate more major

structural alterations to the property or a bespoke design of dwelling. The justification for the applicants existing property not being suitable, largely relates to Building Regulations (e.g. energy efficiency measures) and general maintenance / repair and does not give any satisfactory reason why the form and fabric of the property is unsuitable or could not be adequately adapted for her special needs. The applicant's argue that the works considered necessary to bring the existing dwelling up to a suitable standard for their daughter's future care, would cause disruption to her, which may be distressing. Whilst it is acknowledged that avoidance of such disruption would be "desirable" it is not considered to be "essential", given that such impacts would only be short term. It is therefore not considered that these are sufficient reasons to allow a new dwelling in the open countryside contrary to the policies in the adopted local plan.

No evidence appears to have been submitted that the applicants have carried out a search for an alternative dwelling or building plot in a planning policy compliant location. The applicant's argue that they wish to stay in the Holmshaw Lane area to be close to the paddock where they keep their animals. However, this is also considered to be "desirable" rather than "essential".

It is therefore considered that the applicants have failed to demonstrate, with reference to authoritative advice on the subject, that their daughter's needs are "essential" rather than merely "desirable" and that the existing property could not be adapted or that there are no suitable existing properties, or building plots in locations which are compliant with planning policy, which could fulfil these requirements.

This is in contrast to a similar case, which Members may recall was considered by Strategic Planning Board in 2011. In this case it was considered that the specification for the property drawn up by the applicant related to basic necessities such as being able to wash, dress, eat, sleep and access the property and had been drawn up based upon details in the Muscular Dystrophy Campaign's Adaptations Manual 2003. On this basis they were considered to be "essential" requirements of the dwelling rather than "desirable" luxuries. The applicant had also carried out an extensive property search and adequately demonstrated that there was no suitable alternative accommodation available in the vicinity that could meet the applicant's requirements and that the only way in which his needs can be adequately catered for this through the construction of a new-build property adjacent to his parent's house in Chapel Lane, Ravensmoor. Exceptionally, in this case, therefore, the appellants personal circumstances are considered to be a sufficient material consideration to outweigh the general presumption against new development in the open countryside as set out in the development plan.

As stated above, officers understand the aspirations of the applicants to provide a dwelling in the paddock for their daughter, however the information submitted has not given sufficient justification that it is "essential" rather than "desirable" in order to make an exception to Policies NE.2 and RES.5.

Having regard to Policy NE.2, the site is not considered to constitute the infilling of a small gap in an otherwise built up frontage and this view was supported by the Inspector on the appeal decision for the previous application.

The proposal is therefore considered to be contrary to Policies NE.2 and RES.5 and unacceptable in principle and the personal circumstances of the applicants do not outweigh this.

### **Amenity**

Having regard to the amenities of the neighbouring property, due to the siting of the proposed dwelling, it is not considered that there would be any significant adverse impact on the amenities of this dwelling. The proposal is therefore considered to be in compliance with Policy BE.1.

### **Design and Scale**

This proposal is for 3 bedroom bungalow finished in traditional materials. It is considered that the design and scale of the buildings are appropriate in the context of the site. The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

### **Highways and Parking**

The proposal would provide adequate parking spaces for a property of this size and, due to the size of the turning area, vehicles would be able to enter and leave the site in a forward gear. The proposal is therefore considered to be in compliance with Policy BE.3 of the adopted local plan.

### **CONCLUSIONS**

In conclusion, the site is within the open countryside and does not constitute a small gap in an otherwise built up frontage. It is not considered that there are sufficient special circumstances provided to render it an exception to Policies NE.2 and RES.5. The proposal is therefore not acceptable in principle and the application is recommended for refusal.

### **RECOMMENDATION: Refuse for the following reasons:**

1. The proposal is for a new dwelling in the open countryside, which is contrary to the requirements of Policy RES.5 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the applicant has failed to demonstrate that there are very special circumstances that outweigh the requirements of this policy.
2. The proposal does not constitute the infilling of a small gap in an otherwise built up frontage, contrary to the requirements of Policy NE.2 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.



**The Site**