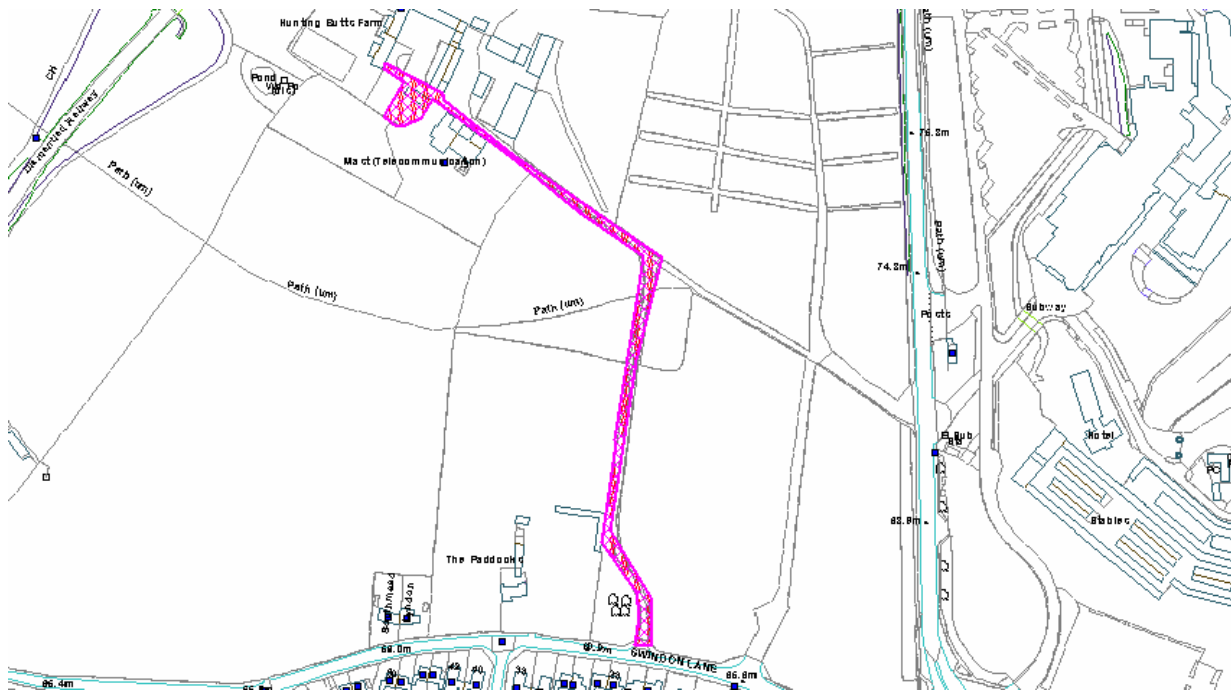


<b>APPLICATION NO: 14/00311/CONDIT</b>		<b>OFFICER: Mr Craig Hemphill</b>
<b>DATE REGISTERED: 22nd February 2014</b>		<b>DATE OF EXPIRY: 19th April 2014</b>
<b>WARD: Prestbury</b>		<b>PARISH: Prestbury</b>
<b>APPLICANT:</b>	Mr R Hanks	
<b>AGENT:</b>	SF Planning Limited	
<b>LOCATION:</b>	Hunting Butts Farm, Swindon Lane ,Cheltenham	
<b>PROPOSAL:</b>	Removal of condition (b) on Application Reference Number: 88T/5657/01/02, dated 15/06/1988, to allow the five B & B units to be occupied for permanent residential occupation	

**RECOMMENDATION: Permit**



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The site Hunting Butts farm is located to the north of Cheltenham and is accessed via Swindon Lane, within the green belt.
- 1.2 The application site is a former stable building that was converted in 1988 (88T/5657/01/02) to provide 5 bedrooms for bed and breakfast accommodation. The site forms part of a wider farmstead comprising of a main farmhouse, a number of converted former agricultural buildings used for holiday accommodation (similar to the application site) and other buildings.
- 1.3 Attached to the original permission dated 07/04/1988 was Condition B which states
- “(B) The proposed development shall only be occupied as holiday units and shall not be let to any one occupant family for more than 2 months in any one period of 12 months.*
- Reason: To ensure that the holiday units are not permanently occupied.”*
- 1.4 This application seeks to remove this condition to allow permanent occupation of the building as a single dwelling. No alternations or extension are proposed to the existing building.
- 1.5 The application is reported to the Planning Committee as the Parish Council have made an objection.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**  
Greenbelt

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 2 Sequential approach to location of development  
CP 4 Safe and sustainable living  
CP 7 Design  
CO 5 Definition of green belt  
CO 6 Development in the green belt  
RC 6 Play space in residential development

### Supplementary Planning Guidance/Documents

Play space in residential development (2003)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Parish Council**  
28th February 2014

STRONGLY OBJECT TO REMOVAL OF THIS CONDITION AS THIS OPENS THE WAY FOR PERMANENT HOUSING ON THIS SITE, ALSO IN GREEN BELT AREA WHICH DOES NOT ACCOMODATE PERMANENT HOUSING.

## 5. PUBLICITY AND REPRESENTATIONS

5.1 No comments have been received.

## 6. OFFICER COMMENTS

- 6.1 The main considerations for the application relates to the reason the condition was attached to the original application. In this case reason for the condition does not provide a policy context or a justified reason for the condition.
- 6.2 In reviewing the original permission there are no reports or comments recorded setting out the reason for the condition. Given the date that the decision took place and the policy context at that time, there are two possible reasons why such a condition may be attached, however these can only be assumed. One may relate to a buildings proximity to nearby agricultural buildings which therefore would be likely to suffer from nuisance by reason of noise, smell and general disturbance and therefore not considered suitable for permanent residential occupation. The other reason may relate to policy restrictions to appropriate uses for rural buildings.
- 6.3 To note a subsequent application at the site, on an adjacent building at Hunting Butts was granted planning permission in 1989 (89/5657/01/02) '*Conversion of existing barn to five holiday units*'. A similar condition was attached to that permission, however a justified reason was provided setting out that the buildings proximity to active farm buildings makes it unsuitable for permanent residential occupation due to noise, smell and general disturbance. To note the removal of this condition has already been granted permission in early 2014.
- 6.4 Hunting Butts Farm is no longer a working farm. The prevailing use of the buildings at the site are for holiday let accommodation and are residential and not agricultural. Given this change to the site there are no longer any concerns in respect of safeguarding the residential amenities of future permanent occupants. Should this have been the reason the condition was attached it is considered reasonable that the removal of the condition would be allowed.
- 6.5 The policy presumption at that time related to the suitability of barn conversation requiring that conversion should provide for holiday let accommodation or employment opportunities rather than permanent residential. This policy approach is still present in the Cheltenham Local Plan, policy CO13
- 6.6 The National Planning Policy Framework (NPPF) came in to force on the 27th March 2012 and largely carries forward previous planning policies and protection. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making but emphasises the desirability of local planning authorities having an up-to-date plan. According to paragraph 215 of Annex 1 of the NPPF, due weight should be given to relevant policies in existing development plans according to their degree of consistency

with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given). Where the development plan is out of date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or specific policies in the Framework indicate development should be restricted.

- 6.7** The site lies in the countryside, outside the principal urban area and in the Green Belt. In such locations new permanent residential uses are normally considered unacceptable. The NPPF however no longer requires that non residential uses for rural buildings are to be considered in preference to residential and it is acknowledged that this advice now outweighs this part of CO13, therefore the application to remove the condition complies with the NPPF on this matter.
- 6.8** The application relates to the removal of a condition, no works are proposed or required to the external of the building to allow it to be occupied as a dwelling. The proposal will therefore not have any impact on the openness of the green belt.
- 6.9** The comments provided by the Parish Council are based on the loss of the holiday accommodation and the sites location in the Green Belt. Given the comments provided above, this objection does not provide a substantive reason to withhold removing the condition. Further to the above, along with the uncertainty for the reason for the condition it is important to note that the lack of justified reasoning will significantly weaken the weight that a condition carries.

## **6.10 Other considerations**

- 6.10.1** Members may be aware that there has been further changed to permitted development rights as granted by the Town and Country Planning (General Permitted Development) Order. Although not directly relevant to this application it is beneficial to aware of. These changes include, under Part 3 Changes of Use, Class M that planning permission is not required for the conversion of agricultural buildings to a use falling within Class C3 (Dwelling house). There are some restrictions which relate to such permitted changes of use, which includes, if a site is located within the Area of Outstanding Natural Beauty; if the conversion would result in more than 3 separate dwellings; and that the building has to been actively used as an agricultural building in the last 10 years.

## **7. Conclusion**

- 7.1** Given the uncertainly around the reason the condition was attached, and the considerations set out above on amenity and policy considerations and the removal of the condition is recommended for permission.

## **8. INFORMATIVES**

- 1** In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.