

Malpas Parish Council Planning Application Report

1. Application under consideration:

Application Number:	21/04515/FUL	
Location:	Levoy, Oldcastle Lane, Sunnyside, Malpas, Cheshire, SY14 7AB	
Proposal:	Alterations and extension to existing stables to create a single residential dwelling, erection of detached carport/outbuilding	
Consultation Deadline Date	4 th January 2022	

2. Executive summary: *(Delete which statements are not appropriate and add reasons.)*

1/ Malpas Parish Council supports this application because:

2/ Malpas Parish Council objects to this application because:

3/ Malpas Parish Council would make the observations as documented below:

If the Cheshire West Council Planning Authority is minded to approve the application the Parish Council would request that the following conditions be included:

1/	Should this application be granted, then Malpas Parish Council would like to see it conditioned that the 100 trees as proposed by the applicant are planted as part of a landscaping scheme.
2/	The development is conditioned to provide an electric vehicle charge point.

3. Background Factors:

Open countryside	<input checked="" type="checkbox"/>	Within settlement boundary	<input type="checkbox"/>	Conservation area	<input type="checkbox"/>
Listed Building	<input type="checkbox"/>	Tree Preservation Order	<input type="checkbox"/>		
Relevant Neighbourhood Plan Policies					

4. Positive aspects of development

Potential benefits to the community	<p>Although there is no mention of electric charging points being provided, the Malpas Parish Council applauds the applicant for the proposal to use green technologies and the provision of disable access/facilities for visitors and residents.</p> <p>The applicant states that it is their intention to plant 100 trees to offset the carbon footprint, although no landscaping scheme has been submitted with the application to confirm this proposal.</p> <p>However, it is recognised that If these proposals are carried out, then there will be a small benefit to the wider community.</p>
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5. Material considerations against development (visual, noise, pollution etc.)

Potential impact on neighbours	Visual amenity of the near neighbours
Potential impact on wider community	<p>The proposed residential development is outside a recognised settlement boundary of either a Key or Local Service Centre and therefore under Strat 9 of the Local Plan part 1, the development falls under Strat 9 and should not be allowed unless it:</p> <p>1/ has an operational need for a countryside location such as for agricultural or forestry operations.</p> <p>2/ is for a replacement building (the existing stable block is not a residential dwelling, so this proposal does not constitute a replacement building.)</p> <p>3/ is small scale and low impact rural / farm diversification schemes appropriate to the site, location and setting of the area.</p> <p>4/ is the reuse of existing rural buildings, particularly for economic purposes, where buildings are of permanent construction and can be reused without major reconstruction.</p> <p>5/ is the expansion of existing buildings to facilitate the growth of established businesses proportionate to the nature and scale of the site and its setting.</p> <p>The proposed development does not meet any of these criteria</p>

6. Other relevant information

History of the property.

A stable block constructed for the use of horses would not make a suitable residential living accommodation without substantial construction work.

An application 03/01445/FUL was submitted in 2003 for the erection of stables, barn and manege. This application was refused, but the applicant decided to ignore the ruling and went ahead and built stable block in contravention to the planning laws.

In April 2018, the property was the subject of an application for a legal development certificate under 18/00671/LDC. This also covered the provision of a static caravan that is on the site. The Parish Council strongly objected to that application on the basis that it was originally refused and therefore constituted an illegal development.

Because the illegal development had not been flagged up to the Cheshire West Planning Enforcement team within the defined timescales, the Planning Authority was forced to issue a lawful development certificate. Malpas Parish Council do not condone retrospective planning permission in any shape or form.

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The stables were last used in that capacity, **in 2014, 4 years prior to the issue of the lawful development certificate being granted**, and never since, the issue of the LDC certificate.

This begs the question was there always a plan to get a residential dwelling on the site when the stable block was built in contravention to the original planning permission refusal back in 2003/4.

On the application form, section 10 states that should the applicant reply yes to either or both questions then a full tree survey should be included with the application.

There is no visibility of a tree survey with the application documents.

Building Construction

Despite the existing building construction being of a brick/block, beneath a pitched and slated roof, Appendix A of the Planning Statement raises many concerns by the lack of clarity and clear evidence on the existing structure's capability to meet the current building regulation standards for residential accommodation.

Appendix A of the Planning Statement quotes *"that the walls **appear** to have been built off a substantial concrete slab at ground level, in turn built off a compacted hard core base and damp proof membrane."*

However as *"No excavation or exposing works have been completed to expose any foundations or confirm the exact construction or reinforcement of the existing concrete base"*, the parish council would ask if the building has suitable foundations to allow it to be converted to residential accommodation under current building regulation guidelines.

The proposed floor plans raise concern that there will be no existing cavity walls between the stable stalls and thus the building will require major internal construction work to take place to provide the required for the current building residential insulation standards.

Other

If the planning Authority were minded to approve the conversion of the stable block, then we would expect to see an application for a change of use from equestrian/agricultural to residential domestic for the property as a whole.

Malpas Parish Council like CW&C, has declared a climate emergency and would expect all proposals for new developments, extensions or alterations to recognise this, specifically by ensuring properties are at least carbon neutral, avoiding the use of fossil fuels and have facilities for the charging electric vehicles.

Signed: Clerk Malpas Parish Council

Dated: