

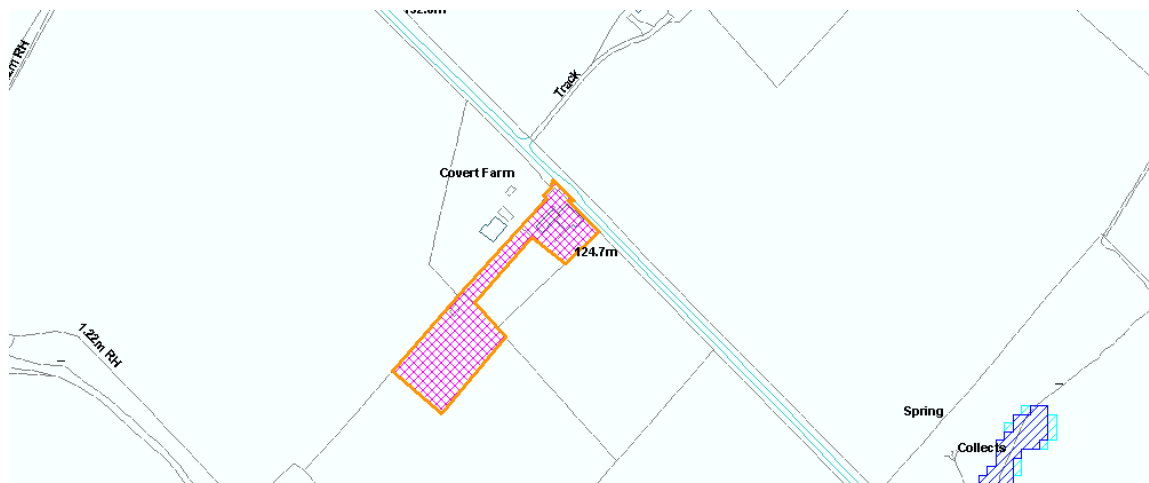
Reference: 15/00208/COU

Date Submitted: 25.03.2015

Applicant: Mrs Sue Duffin

Location: Covert Farm, Garthorpe Lane, Waltham On The Wolds, Melton Mowbray, LE14 4PS

Proposal: Change of use from agricultural to residential annexe including renovation works and formation of new agricultural shed.



**Introduction:-**

The application seeks a change of use of a range of existing stone and brick agricultural buildings to be used as an annexe to Covert Farm house and for a new agricultural storage building. The outbuildings to be converted are situated at the entrance to the farm which lies wholly within the open countryside. The building is a substantial stone building that is capable of conversion with minimal disruption to the fabrication and the tin roof will be replaced with tiles/slate thus improving the visual appearance. The building is of a considerable age and is considered to be a non-designated heritage asset and the conversion will secure the longevity of the building for future generations.

The new agricultural storage building will be sited further to the southwest of the farm dwelling in an adjacent field. A stone track gives access from the entrance of the site to the proposed siting of the agricultural building.

**It is considered that the main issue relating to the application is:**

- **Compliance to the development plan: whether it is justified to make an exception to Development Plan policies**

The application is required to be considered by the Committee as the recommendation represents a departure from the Development Plan.

**Relevant History:-**

There is no relevant history at the site.

**Planning Policies:-****Adopted Melton Local Plan (Saved Policies)**

**Policy OS2** states that planning permission will not be granted for development outside of the town and village envelopes except for:-

- Development essential to the operational requirements of agriculture & fishery
- Limited small scale development for employment, recreation and tourism, which is not significantly detrimental to the appearance or rural character of the open countryside
- Change of use of rural buildings

**Policy BE1** states that planning permission will not be granted for new buildings unless:

- The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing
- The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight / daylight
- Adequate space around and between dwellings is provided
- Adequate vehicular access and parking is provided

**Policy C3** – allows for the erection of agricultural buildings outside village envelopes providing:

- The building is reasonably necessary for agriculture;
- It would not occupy a prominent position in the landscape which could not be ameliorated by tree planting;
- The size, scale, design and construction materials are appropriate;
- The development would not cause loss of amenities through unacceptable noise, smell, dust or other forms of pollution;
- There would be no significant adverse effects on residential amenities; and
- Satisfactory access and parking is provided.

**Policy C6** states that the re-use and adaptation of rural buildings is acceptable providing the following terms are addressed:

- The building is substantial, sound and permanent and if in open countryside does not require entire reconstruction.
- The appearance is in keeping with its surroundings
- Conversion work respects the local vernacular
- Traffic can be accommodated
- The operation of the business does not pollute or cause nuisance
- There is sufficient parking provision and that does not cause visual harm
- No outside storage should take place
- No unnecessary subdivision of the property occurs

**The National Planning Policy Framework it introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - 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; **or**
- specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and building
- take account of the different roles and character of different areas, promoting the vitality of main urban areas, protecting Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- encourage the effective use of land by reusing land that has been previously developed (brownfield)

**On Specific issues relevant to this application it advises:**

**Delivering a Wide choice of High Quality Homes**

- Maintain a five year land supply of deliverable sites with a further 5% headroom.
- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- Deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand
- **Avoid new isolated homes in the countryside unless there are special circumstances**
- Provide rural exception sites on the edge of rural villages to meet local affordable housing needs. Some market housing should be considered if it brought significant additional affordable housing to the area.

**Requiring Good Design**

- The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

**Conserving and enhancing the historic environment**

- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

- The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing application that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significant of the heritage asset.

As stated above, s38(6) requires determination to be in accordance with the Development Plan unless other material considerations indicate otherwise. This is reinforced by paragraph 11 of NPPF. These form the relevant Development plan policies and they remain extant.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Authority:</b></p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Annexe to remain ancillary</p>	<p>The site lies outside of the village envelope and is part of a working farm. The agricultural shed will be replace the storage area lost through conversion of the stone outbuildings and has been designed for its specific function. The site is not considered to be a sustainable location in transport terms having no connection for public transport and the construction of new residential accommodation would be resisted by the Highways Authority where no justification exists. The applicants have applied to have the buildings converted and tied to the Covert Farm as ancillary accommodation which meets the Highways Authority’s standing advice.</p> <p>To allow a dwelling in an isolated location (OS2), special justification is required, such as support for a rural worker (C8); where a case has been proven that the farming practice can support a dwelling, or in the case of affordable housing as an exception site (H8). Policy C11 allows for extensions to existing dwellings situated in the open countryside however this proposal relates to a standalone building that will be used as ancillary accommodation to the host building.</p> <p>Central Government has published new guidance which seeks to utilise suitable existing agricultural buildings for providing housing.</p> <p>The new Class MB of the General Permitted Development) Order 2014 came into force on 6<sup>th</sup> April 2014. This allows for the change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of The Use Classes Order; and covers any building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of that Schedule.</p> <p>The proposal has been received as a formal planning application as it includes modifications to the building that would not be allowed under the new permitted development rights. An</p>

	<p>assessment as to whether the building qualifies under the new legislation has not been undertaken which requires the building to be used for agriculture. The site visit revealed that there was storage of building materials within the site and the building appeared to be used as storage but not agriculture. Therefore there is uncertainty as to whether the building would be granted prior notification without further evidence having been supplied.</p> <p><b>The applicants are seeking consent to use the building as a separate annexe and it is not considered that the application would cause any undue highways safety concerns, the visibility from the existing access is acceptable and additional parking within the site can be accommodated. As requested by the Highways Authority a condition can be imposed to tie the dwelling to the host building.</b></p>
<p><b>Sproxtton Parish Council:</b> No comments received to date.</p>	<p>Noted.</p>

**Representations:**

A site notice was posted at the site as a result no representations have been received to date.

**Other material considerations (not raised through consultation or representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Application of the Development Plan Policies</b> The saved policy <b>OS2</b> carries a general presumption against development outside town and village envelopes except in certain instances such as the need for a rural worker to live close to their place of work. Should development be acceptable in principle it would be considered against more detailed policy criteria within the plan. In this instance policy C8 is considered to be most relevant which relates to agricultural work dwellings.</p> <p>Policy <b>BE1</b> seeks to ensure that new buildings harmonise with the locality, do not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight / daylight and that adequate vehicular access and parking is provided.</p> <p><b>Policy C3</b> allows for erection of new agricultural buildings providing they are reasonable necessary for agriculture and the impacts can be made acceptable.</p>	<p>The proposal relates to the conversion of a rural building to a dwelling, which is not considered to comply policy OS2 as this only applies to the conversion for commercial, industrial, or recreational use (C6). Policy OS2 is considered to closely reflect the overall aims and objectives of the NPPF in terms of sustainability and countryside protection.</p> <p>New dwellings in the open countryside are usually resisted unless there is special justification, as referred to in paragraph 55 of the NPPF, however there is an allowance for the conversion of redundant or disused buildings where it would lead to an enhancement of the immediate setting.</p> <p>In this case, paragraph 55 of the NPPF would apply, even though the site is not particularly visible from the road, albeit the roof. It is however very visible from countryside to the south due to sitting on a higher topography overlooking the wider countryside and its conversion would benefit the appearance of the countryside from this aspect.</p> <p>Recent changes to the GPDO to allow change of use from rural agricultural buildings to dwellings shows the Government's commitment to bringing underused buildings into residential use. Whilst this location is not one that would be considered to</p>

	<p>be sustainable the accommodation will be occupied by existing family members and has been requested to be tied to the main host dwelling. This can be controlled by condition.</p> <p>The building is of substantial construction and capable of conversion without significant rebuilding. The building is an attractive stone and brick structure and the retention and suitable re-use is supported as it would maintain the building and enhance the character and appearance of the site and surroundings. The existing stone and brick barns are traditional in their design. They are considered to be of a design and construction typical of historic agricultural buildings and their retention would be desirable. The barns are considered to be a non-designated heritage asset and worthy of retention.</p> <p><b>Therefore, it is considered that whilst the residential element of the proposal does not meet the objectives of policy OS2 of the Melton Local Plan, it does meet the objectives of paragraph 55 and 135 of the NPPF through an enhancement of the countryside and securing the longevity of a non-designated heritage asset.</b></p> <p><b>The erection of an agricultural building in this location is acceptable and complies with the development plan subject to conditions to restrict outside storage and use of the building for agricultural use only and for no other purpose so that the use remains compatible with the open countryside location.</b></p>
<p><b>Design</b></p>	<p>The proposed annexe will consist of converting the existing work shop into a living space and master suite. The existing barn structure running parallel to the highway will be converted into two further modest sized bedrooms. The existing combination of lean-to roofs will be removed and a more rational pitched roof building will be constructed to house the open plan kitchen.</p> <p>Each element will be linked together by a flat roofed glazed corridor. Both the corridor and kitchen will be oak framed and highly glazed, opening onto the kitchen courtyard, creating a discrete and sheltered amenity space.</p> <p>The dilapidated southern lean-to will be removed, creating a total floor area of 148 square metres, some 32 square metres less than existing. It is proposed that a new stone wall and gate will be installed extending from the gable elevation of the existing workshop to increase the security of the site however this is not part of this application.</p> <p>The existing walls of the roadside barn will be retained with 3 stone courses added to raise the eaves level. This is to accommodate the new roof</p>

	<p>construction and make the buildings habitable. The roof of the barn will then be reverted back to its original form with a traditional clay tile pitched roof with the asymmetrical metal roofing removed. This barn is largely screened from the road by mature hedging and the increased eaves height still retains the existing hierarchy of buildings. Due to the re-roofing, the proposed ridge level will be lower than that of the existing. Elements of vertical timber cladding will be utilised to break up the stone elevations and ensure the rural agricultural appearance of the barns is maintained.</p> <p>An existing timber screen will be made good and utilised for security by shutting off the bedroom window facing the drive. Within the kitchen court yard oak framed glazing will be used for the new kitchen and entrance allowing the living spaces to open onto the private courtyard. The existing garden wall will be retained with the southern lean-to removed. This will allow for a feature window seat to be created which affords open views of the countryside from the bedroom. The new build kitchen will have a similar width footprint as the existing building and is designed to be a discrete addition, appearing to be a part of the original cluster of farm buildings. This idea is also facilitated by the use of a connecting flat roof corridor which remains unseen from the public realm. It is proposed to use matching stone within the development.</p> <p><b>It is considered that the sensitive restoration of the stone barns is acceptable and assists with securing the longevity of a building of considerable age. The proposal is considered to enhance the countryside location and whilst domestic paraphernalia will be inevitable it will be screened by the stone wall when viewed from the south.</b></p> <p>The agricultural building will be of a typical design with shallow pitched roof, concrete panels to the lower portions of the elevations and close timber 'Yorkshire' boarding painted green. It will sit in a prominent position in the landscape and in order to respect the open countryside location a condition can be imposed to restrict storage within the building and not outside.</p>
<p><b>Impact on adjoining properties</b></p>	<p>The dwelling would be sufficiently located to not have any adverse impact upon neighbouring properties due to its remote location. The host building is situated further to the north set apart by sufficient distance however the use is intended to be used ancillary to the main dwelling and a condition has been suggested to tie to the farming practise.</p>

**Conclusion**

The application seeks planning permission for the conversion of agricultural outbuildings to ancillary residential accommodation to Covert Farm for use by a family member. The proposal represents a departure from policy OS2 of the Melton Local Plan, however the proposal is considered to meet with the objectives of the NPPF at paragraph 55, 131 and 132 in bringing back a disused building considered to be a heritage asset and in general will enhance the wider countryside setting. As such, on balance, the application is recommended for approval.

**RECOMMENDATION: Permit, subject to the following conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. This decision relates to the approved plans numbered 6960-03-001, 002, 003, 004, 005, 006, 007 and 008 received at these offices on 19<sup>th</sup> March 2015.
3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
4. The living accommodation hereby permitted shall be occupied solely by members of the household of the principal dwelling, or their dependants as ancillary residential accommodation and it shall not be used or severed from the principal house and used as a separate and unconnected dwelling unit.
5. The agricultural building including the area hatched in black on the attached plan hereby permitted shall be used for the sole purpose of agriculture and for no other use.
6. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent amendment to that Order, no development within classes A, B, C or E shall be carried out unless planning permission has been granted for that development.

**The reasons for the conditions are:**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance.
4. In the interest of Highway Safety.
5. To ensure that the use remains compatible with the countryside location.
6. To enable the Local Planning Authority to retain control over future extensions to preserve the intrinsic character of the countryside.

Officer to contact: **Mrs Denise Knipe**

**14<sup>th</sup> May 2014**