

**Reference:** 10/00474/FUL

**Date Submitted:** 09.07.10

**Applicant:** Mr Len Bowley

**Location:** Poplars Farm, Great Dalby Road, Kirby Bellars, LE14 2TN

**Proposal:** Full permission to restore, occupy and re-use existing farm house and farm buildings.

**Introduction:-**

**The application seeks full planning permission for restoration and re-use of an existing group of farm buildings and farm house in poor condition situated within the open countryside.**

The site occupies a prominent location within the rural landscape and situated in current farmland. The Georgian dwelling is not capable of habitable living without extensive repairs due to the poor state of the building. The roof has collapsed and part of the walls are having to be propped up with stilts to prevent further collapse. The associated outbuildings are in better condition although repairs will be required to bring them back into use.

**It is considered that the main issues relating to the proposal are:**

- **Protection of local heritage asset**
- **Abandonment of the residential use rights**
- **Creation of a residential dwelling in the open countryside with no special justification**
- **Sustainable Development**

The application is presented to Committee as it has been called in by the ward member due to the complex policy issues.

**Relevant History:-**

96/0096/FUL – Planning permission granted for the re-use and renovation of existing farmhouse as one dwelling and conversion of outbuildings to form domestic stabling and garage. Following the approval general clearance of the site took place and propping of the front elevation but no subsequent construction works were carried out.

**Melton Local Plan (saved policies):**

**PPS1 ‘Delivering Sustainable Development’** – The guidance sets out the government's planning policies on delivering sustainable development through the planning system. It advocates development which reduces the need to travel and encourages accessible public transport provision to secure more sustainable patterns of transport development. It states that planning should focus development in existing centres and promote the more efficient use of land through higher density and the use of suitably located previously developed land and buildings. The Statement also outlines the Government's commitment to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas.

**PPS3 Housing** - provides central government guidance for residential development. The general thrust of this policy is that development should be focused in accessible locations and that brownfield land should be developed in preference to greenfield land releases. With regard to the effective use of land, PPS3 states that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed including land and buildings that are vacant or derelict. It goes on to state however that there

is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.

**PPS5 'Planning for the Historic Environment'** outlines the Government's policies for effective protection of all aspects of the historic environment. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government's objectives for planning for the historic environment seek to recognise that heritage assets are a non-renewable resource, recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation.

**PPS7 'Sustainable Development in Rural Areas'**: promotes sustainable development as the core principle underpinning land use planning. It reiterates the objectives in PPG13 regarding modes of travel and that new building development (including residential) in the open countryside away from existing settlements, or outside areas allocated for development should be strictly controlled. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. It includes encouragement of the re-use of buildings that are appropriately located and suitably constructed for commercial purposes as part of the approach to encourage and diversify the rural economy and suggests that residential conversion may be acceptable for some buildings.

**PPG 13 'Transport'** - A main objective seeks to reduce the need to travel, especially by car. With regard to rural areas, the guidance makes clear that jobs, shopping, leisure facilities and services are primarily sited at the most accessible locations in the local area. In determining the appropriate strategy for employment in rural areas, the guidance says that it is important to consider the scale, impact and likely catchment area of development, and that the larger the number of staff employed on site, the greater the need to ensure the development is accessible by public transport, walking and cycling.

#### **Melton Local Plan (Saved Policies)**

**Policies OS1 and BE1** allow for development within Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not have a significantly adverse effect on the historic built environment or buildings and structures of local importance.
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

**Policy C7** states that outside the town and village envelopes, planning permission will not be granted to reuse and adapt a rural building for residential use unless it is to be used as an agricultural or forestry workers dwellings in accordance with saved Policy C6 (re-use and adaptation of rural buildings for commercial, industrial or recreational use) or it is to provide affordable housing in accordance with saved Policy H8; and all the following criteria are met:

- The building is of permanent substantial and sound construction;
- The form bulk and general design of the building is in keeping with its surroundings;
- Any conversion work respects local building styles and materials
- The traffic to be generated by the new use can be safely accommodated by the site access and the local road system;

- There is sufficient room in the curtilage of the building to park the vehicles of those who will live or visit there without detriment to the visual amenity of the countryside: and
- No fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division of it will be erected which would harm the amenity of the countryside.

**Policy C12** states that planning permission will not be granted for the replacement of an existing dwelling outside the town and village envelopes shown on the proposals map unless:

- The replacement dwellings would be of similar size and scale in close proximity to the existing and in character with its surroundings;
- **The existing dwelling has a lawful residential use or is not so dilapidated as to be incapable of habitable use.**

**Melton LDF Core Strategy:** seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. Identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Highway Authority</b> – The site is in an unsustainable location and is therefore likely to rely on the private car for all trips contrary to current policy. However if the Council is prepared to look favourably upon the re-use of the existing buildings then the Highways Authority would wish to see conditions imposed in the interests of highway safety relating to surfacing of the access, gates set back and the stables to be used for personnel use only.	The site is accessed via a long farm track off Great Dalby Road which is an unclassified road. The site is situated wholly within the open countryside between Great Dalby and Kirby Bellars. The site is not served by any public transport and car reliance would be paramount. The national policies seek to promote residential development close to or in existing towns and villages in order to promote Sustainable Development by reducing the need to travel by car to access everyday services. Residential dwellings in the open countryside should be strictly controlled and special justification is needed to comply with local plan policy OS2 and PPS7.
<b>Kirby Parish Council</b> – No objections and supports the restoration of group of buildings.	Noted.
<b>Ecology – No objections.</b>	The application was supported with a Protected Species report which concluded that there was no presence of protected species on site.
<b>Conservation Officer: Supports the proposal in Conservation Terms.</b>  Poplars Farm is a remote hill top farmhouse with associated outbuildings to the rear enclosing a crew yard. It has been vacant and deteriorating for some time and unfortunately all buildings are now in pretty poor condition.  This is possibly an example of a model farmstead, architect designed to ensure the efficient functionality of the farm and has retained a lot of the historic features due to not being in use.	The building's sit in an elevated position along Great Dalby Road and occupies a prominent position within the landscape. It is considered that the buildings are of historic significance, however substantial rebuilding would be required to restore the group of buildings to their former glory. PPS5 seeks to retain buildings which are considered to be of local historic importance however the proposal is required to be considered against the criteria of other local and national policies.

The principal farmhouse was built in 1760. It is in red brick under a Swithland slate roof. It is a double pile build, the formal and symmetrically fronted Georgian farmhouse to the front which displays the grandeur of the building and clearly had large sash windows, a central front door with ornate fanlight above etc. The plainer service area of the house to the rear with a simple rear door, Yorkshire sliding sash windows and a cellar beneath

The building is currently in a very parlous condition, the roof has collapsed into the building, internal walls and ceilings have also collapsed as has the principal staircase. Some of the original window frameworks remain in situ as do the original internal doors, frames and architraves.

Attached to the side is what remains of a single storey red brick extension, probably added in the Victorian era. This appears to be a service wing and is built in different, larger, bricks. There is no evidence of what the roofing material was.

Within this build are the laundry come scullery, which includes two coppers, two bread ovens and a space for the range, together with privies etc. This building is also in very poor condition but architecturally and historically very interesting.

To the rear of the site, behind the formal farmhouse are a series of traditional red brick farm outbuildings which enclose a crew yard which appears to be laid in granite setts.

Whilst they are all in poor condition and no doubt structurally unsound they are architecturally very rich and display certain features that would indicate that this was a designed model farmstead. In particular semi-circular windows with substantial stone cills are widespread, stone lined pig swill openings are also abundant.

The proposal is to restore the farmhouse to its former glory and renovate the outbuildings as required. It is also proposed to dedicate the associated farm holding (80 acres) back to pasture land as was traditional farming practice at that time.

English Heritage advice is that even moderately intact examples of model farms are historically so important that they should be protected.

PPS 5 is in support of restoration of existing buildings

In conservation terms the Conservation Officer would support this proposal in principle to ensure the future of the former farm complex which is

The application was supported with a Structural Engineers report which concludes that the group of buildings can be sensitively restored at a cost. The applicant is in a position to carry out the restoration work should permission be granted. It is considered that the residential use has been abandoned and therefore the proposal should be considered as a new dwelling in the open countryside.

The proposal would result in a substantial market house in the open countryside without any restrictive occupancy condition. The applicant is currently employed in farming and owns the parcel of land in which the buildings sit but the proposal is not for an agricultural workers dwelling. The proposal is considered to be contrary to the policy advice contained in PPS1, PPS3, PPS7 and OS2 which seek to provide new housing in sustainable locations within or close to towns and service centres.

<p>consider to be an important heritage asset within Melton Borough.</p>	
<p><b>Leicestershire County Council Historic and Natural Environment.</b></p>	<p>No comments received at the time of drafting the report.</p>
<p><b>Head of Policy and Performance:</b>  The site is identified in the Melton Local Plan proposals map as being within the open countryside outside of a settlement boundary. National Policy states that local planning authorities should strictly control new house building (including single dwellings) in the countryside away from established settlements or areas allocated for housing in development plans. Local Planning Policy supports this as it states that planning permission will not be granted for development outside the town and village envelopes unless they meet a range of criteria.</p> <p>Special justification is required by national guidance for planning permission to be granted for isolated new houses. The Design and Access Statement accompanying the application states that the surrounding land which is also in the applicant's ownership will not be used for commercial farming. Therefore the application can not be permitted on these grounds. Further to this, Local Planning Policy states that planning permission will not be granted for the replacement of an existing dwellings outside the town and village envelopes unless the replacement dwelling is similar in size and in character with its surroundings; and the existing dwelling has a lawful residential use or is not so dilapidated as to be incapable of habitable use.</p> <p>Although the proposed restoration of Poplars farm would accord with criterion A of Policy C12 of Melton Local Plan as confirmed in the accompanying Design and Access Statement, a site visit was undertaken on Friday 23 August which confirmed that the dwelling would not conform with criteria B due to the building's dilapidated state and it not being in habitable use. Further to this, although the applicant does intend to raise cattle on the surrounding land, it will not be classed as commercial farming and therefore the proposed residential dwelling will not accord with PPS 7.</p> <p>The application is accompanied by an Archaeological Report which identifies Poplar farm as a historic farmstead and concludes that:</p>	<p>Noted</p>

<p>“Whilst Poplars Farm has not been in active agricultural use over the last half century, inevitably resulting in some deterioration of the built fabric, the buildings are sufficiently well preserved that they could be returned to use.”</p> <p>This is supported by the Structural Report which accompanies the application which states:</p> <p>“We are satisfied that our previous comments appertaining to renovation, remain valid and restoration can be undertaken without a requirement for complete demolition”.</p> <p>National Planning Guidance states that local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan. Although the proposed restoration of Poplars Farm would preserve the historic character of the building and surrounding landscape, it would be contrary to the development plan due to its location outside a settlement boundary and there are no other material considerations to outweigh this due to its dilapidated state.</p>	
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**Representations:**

A site notice was posted and neighbouring properties consulted. As a result no letters of representation has been received to date.

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

<b>Considerations</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Application of Development Plan and other planning policy.</b></p> <p><b>Policy OS2</b> carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development</p> <p><b>Policy C12</b> states that planning permission will not be granted for the replacement of an existing dwelling outside the town and village envelopes unless the existing dwelling has a lawful residential use or is not so dilapidated as to be incapable of habitable use.</p>	<p>New residential uses are not supported outside of the town and village envelopes unless special justification applies. The proposal does not relate to an agricultural workers dwelling although it does sit within 81 acres of land. The applicant has now retired from commercial farming but the supporting information states that they intend to raise a herd of cattle on this holding. However it is unlikely that an agricultural workers dwelling could be supported financially from this venture (PPS7).</p> <p>The buildings are part of a farmstead but have not been in active use since the 1960’s. The group of buildings consist of a farm dwelling and agricultural brick barns in a courtyard arrangement. The dwelling has no roof or windows and the front wall is currently propped up to prevent collapse. Inside, the first floor has</p>

**Planning Policy Statement 1: Delivering Sustainable Development** identifies sustainable development as the core objective which underpins planning; and, that planning should promote sustainable and inclusive patterns of development. The guidance requires councils to ensure the provision of sufficient, good quality new homes in suitable locations, whether through new development or the conversion of existing buildings.

**Planning Policy Statement 3: Housing** sets out the national policy framework for delivering the Government's housing objectives. With regard to the effective use of land, PPS3 states that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed including land and buildings that are vacant or derelict. It goes on to state however that there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed

**Planning Policy Statement 7: Sustainable Development in Rural Areas** sets out the national policy framework for rural housing. The guidance states that to promote more sustainable patterns of development and make better use of previously developed land, the focus for most additional housing in rural areas should be on existing towns and identified service centres. In planning for housing in their rural areas, local planning authorities should apply the policies in PPS3 and PPS7. They should strictly control new house building (including single dwellings) in the countryside away from established settlements

collapsed along with the staircase and self set saplings are currently growing inside. The building is in such a poor state of repair that it is incapable of being used as a residential dwelling. It is considered that the residential use rights have long since been abandoned and the development if permitted would introduce a substantial market house dwelling with no restrictive occupational tie. The applicant states that they have every intention to restore the group of buildings for habitable use and the granting of planning permission in 1996 for the same proposal confirms this intent. However it is clear that since the granting of approval in 1996 to restore the dwelling and group of buildings no construction works has taken place and no remedial works were carried out to stop the group of buildings falling into further disrepair. The proposal is considered to be contrary to policy C12 as it is incapable of habitable use.

It is considered that as the residential use rights have been abandoned the proposal would lead to the creation of a residential dwelling in an unsustainable location. The site lies wholly within the open countryside where residential development is discouraged unless special justification is present.

The site would be considered as Brownfield where development is more favoured in preference to Greenfield sites. PPS 3 encourages the reuse of rural buildings and states that some locations will not necessarily be suitable for residential accommodation. It also states that not all previously developed land is necessarily suitable for housing. It is considered that the site is not in a location where housing development should be encouraged given the separation distance from nearby villages and services. Inevitably future occupiers would rely heavily on the private motor car which would not support sustainable development objectives.

or from areas allocated for housing in the development plans.

Paragraph 10 states that isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A to PPS 7.

The Guidance sets out re-use of buildings in the countryside. The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building.

**PPS 5: Planning and the Historic Environment** states in Policy HE1 that...

'Local Planning Authorities should identify opportunities to mitigate the effects of climate change when making decisions related to heritage assets by, amongst other things, seeking their re-use. Keeping heritage assets in use avoids the consumption of building materials and energy.'

Policy HE9 sets out the presumption in favour of the conservation of designated heritage assets. Not all designated assets are of equal significance or sensitivity to change, some will be more capable than others of accommodating it. Any changes must be weighed against the conservation benefits that the proposal would bring in terms of realising the optimum viable use for the asset.

It is important that any use is viable. Viable uses will fund future maintenance but the optimum use is the one that causes the least harm to the significance of the asset, not just through necessary initial changes but also likely future changes. The optimum use is not necessarily the most profitable one.

Policy HE11 concerns Enabling Development and states that local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan or from national policies.

The group of buildings have been considered by the Conservation Officer and Leicestershire County Council Archaeologist to have significant local historical merit and that they are worthy of preservation. The supporting information dates the buildings back to the C18/C19 although the report suggests that there was a small farm dwelling on the site in 1848 which was rebuilt on a larger footprint, possibly incorporating the existing cellar. Since the submission of the application the site has been placed on the Historical Environment Register (MLE18293) as a 'Heritage Asset'. National Planning Policy PPS5 seeks to retain and reuse heritage assets that are considered to be of significant value to the local history recognising that they are a non renewable source; once gone they are lost forever.

It is considered that given the current state of the buildings it represents a 'ruin' in the landscape which is not untypical for the borough. Any renovation programme that didn't incorporate the historical significant elements and retain the overall character of the area would therefore lose the historical arguments. It is considered that there is a fine balance of policy requirements when assessing this proposal: The restoration of a Historical Heritage (PPS5) against Sustainable Development objectives (PPS1) and housing development within the open countryside without special justification (OS2, PPS3, PPS7). In this instance it is considered that the benefits of retaining a Heritage Asset which is so dilapidated would not outweigh the Development Plan and a refusal is justified.



<p><b>Character and appearance of area:</b></p>	<p>The site as reported above lies in open countryside along an unclassified road. The area is therefore considered to be agricultural farming land unspoilt by buildings. Poplars Farm sits sensitively as a back drop in the landscape when viewed from the road which is not considered to represent an 'eyesore'. If restored and brought back into use the buildings would be far more visual in the landscape. The dwelling would not be tied to a person in agriculture and could at any time be sold on the private housing market. Future occupiers would need to have a more suitable access to the dwelling as at present it is not suitable for the modern day car. The site is a long way back from the access and again for security benefits pillars and gates could be erected, along with fencing to delineate the driveway. This additional development potentially could be considered to undermine the character of the area and would not require permission.</p>
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### **Conclusion**

The proposal seeks planning permission to restore an historical farmstead in the open countryside, which has been registered as a local Heritage Asset. It is considered that there is a balance of policy objectives when assessing this application. The building is substantially dilapidated, however the renovation and reuse has the full support from the Conservation Officer and Leicestershire County Council Archaeologist in regards to the group of buildings being of significant historical importance. However, it is considered that whilst there are historical arguments to support the proposal the development does not comply with sustainable development objectives and would lead to the creation of an unrestricted dwelling in the open countryside. Although the proposed restoration of Poplars Farm would preserve the historic character of the building and surrounding landscape, it would be contrary to National Guidance the parts of the development plan that implement the fundamental objectives of the planning system, due to its location outside a settlement boundary and the material considerations are insufficient to outweigh this due to its dilapidated state. Accordingly the proposal is recommended for refusal.

### **RECOMMENDATION: Refuse**

- 1) In the opinion of the Local Planning Authority the proposal would, if approved, result in the introduction of a replacement dwelling which currently is not capable of habitable use. It is considered that the residential use of the property has been abandoned and no longer has a lawful residential use. Therefore, the proposal would constitute a new dwelling which is in an unsustainable countryside location and which would be to the detriment of the character and appearance of the countryside. It is not considered that there is sufficient justification to warrant a new dwelling in an area located within the countryside, which does not fall within the types of residential development for which an exception is made to the general presumption against such development (e.g. new dwellings for workers required by the nature of their employment to be in such a location). The proposal is considered to be contrary to Planning Policy Statement 1 (Delivering Sustainable Communities) and Planning Policy Statement 3 (Housing) and policies OS2 and C12 of the Adopted Melton Local Plan; and the Preferred Options of the Core Strategy.

Officer to contact: **Mrs Denise Knipe**

Date: **10<sup>th</sup> September 2010**