

Reference: 18/01162/FUL
Date Submitted: 27 September 2018
Applicant: Mr Henry Llewellyn
Location: Farm Buildings Adjacent Stapleford Cross Glebe Road Stapleford Melton Mowbray
Proposal: Change of use and extension of the existing stable barn into two residential units



Introduction:-

The proposal seeks full planning permission for the conversion of stable barns on the boundary of Stapleford Hall grounds. The site is also in close proximity to Bryans Lodge, a dilapidated and derelict Grade II listed building. The outbuildings are traditional buildings that were associated with Bryans Lodge

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the setting of the listed building**

The application is presented to Committee for determination as the recommendation is to depart from the policies of the adopted Local Plan.

History:-

None

Planning Policies:-

Melton Local Plan (Adopted October 2018)

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area. Under s.38(6) planning decisions must follow the policies of the Plan unless material considerations indicate otherwise

Policy SS2

Policy SS2 States : Open Countryside

Outside the settlements identified as Service Centres, and those villages identified Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.

Policy SS3 – Sustainable Communities (unallocated sites)

In rural settlements outside the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals in accordance with Policy SS2 above which contribute towards meeting local development needs, contributing towards the vision and strategic priorities of the plan, and improving the sustainability of our rural areas. In addition to those sites allocated through the local plan, planning permission will be granted for new residential development in the rural area within or on the edge of existing settlements, provided it is in keeping with the scale and character of the host settlement and where:

1. The development provides housing which meets a proven local need as identified by substantive evidence, for example within in a Neighbourhood Plan or appropriate community-led strategy, or a housing assessment or other evidence provided by the applicant; and
2. The development respects the Borough's landscape and settlement character such that it conforms with policies EN1, EN4 and EN6; and that (where relevant), the design conforms with Policy D1 and applicable environmental policies in any relevant Neighbourhood Plan; and
3. The development will be served by sustainable infrastructure and or provide new infrastructure or services to the wider benefit of the settlement; and
4. The development respects ecological, heritage and biodiversity features and where appropriate provides mitigation to prevent any potential harm; and
5. Where possible the development does not result in the loss of best and most versatile agricultural land; and
6. The development can be adequately drained and would does not increase the risk of flooding, in accordance with Policy EN11.

EN13 - Policy EN13 states that:

The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through:

- A) seeking to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.
- B) seeking new developments to make a positive contribution to the character and distinctiveness of the local area.
- C) ensuring that new developments in conservation areas are consistent with the identified special character of those areas, and seeking to identify new conservation areas, where appropriate;
- D) seeking to secure the viable and sustainable future of heritage assets through uses that are consistent with the heritage asset and its conservation;
- E) allowing sustainable tourism opportunities in Heritage Assets in the Borough where the uses are appropriate and would not undermine the integrity or significance of the heritage asset: and
- F) the use of Article 4 directions where appropriate

The National Planning Policy Framework introduces a 'presumption in favour of sustainable development' meaning:

Conserving and enhancing the historic environment

- National Planning Policy Framework (Revised and updated 2018)

Para 190 NPPF

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 into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Para 191: Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Para 192 NPPF

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Para 193 NPPF

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Listed Building and Conservation Area Act 1990

As the adjacent farmhouse is a listed building and the outbuilding is within the Conservation Area the Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the building and its setting and preserving and enhancing the conservation area, sections 66 and 72. communities.

Requiring good design

The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 57 further explains that it is important to plan positively for the achievement of high quality and inclusive design for all development.

The NPPF states that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Consultations:-

Consultation Reply	Assessment of Assistant Director of Planning and Regulatory Services
Parish Council – No comment	Noted.
LCC Ecology –	

The ecology report submitted in support of this application (Wildlife Services, September 2018) is satisfactory. No protected species were identified.	Noted. The informative note as recommended by LCC Ecology will be added as part of any subsequent approval.
LCC Highways No comment	Noted, The site is provided with ample space for parking and turning facilities and sufficient width of visibility splays. As such it is in accordance with the LCC Highways standing guidance policies.

Representations:-

The application was advertised by means of a site notice and letters were sent out to a number of neighbouring properties. Objections were received from one individual for the application. Comments received in this objection has been summarised below.

Consideration	Assessment of Assistant Director of Planning and Regulatory Services
Objections No objections	Noted

Other Material Considerations not raised through representations:

Consideration	Assessment of Assistant Director of Planning and Regulatory Services
<p>Policy SS2</p> <p>Open Countryside</p> <p>Outside the settlements identified as Service Centres, and those villages identified Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.</p> <p>Policy SS3 – Sustainable Communities (unallocated sites)</p> <p>In rural settlements outside the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals in accordance with Policy SS2 above which contribute towards meeting local development needs, contributing towards the vision and strategic priorities of the plan, and improving the sustainability of our rural areas. In addition to those sites allocated through the local plan, planning permission will be granted for new residential development in the rural area within or on the edge of existing settlements, provided it is in keeping with the scale and character of the host settlement</p>	<p>Development in this location would normally be contrary to Local Plan policy SS2 and SS3 of the recently adopted Melton Local Plan.</p> <p>The new dwelling will not be for agricultural use and is not normally considered to be appropriate for the open countryside. However in this instance the new dwelling will ensure the preservation of a historic outbuilding range that would otherwise fall into dilapidation through its vacant use.</p> <p>This considerable heritage benefit is considered to outweigh the disbenefits of departing from policies SS2 and SS3. Strict conditions will be placed to ensure the new dwelling cannot encroach on the open countryside further through the removal of permitted development rights within the curtilage.</p> <p>The development is also considered to be in accordance with <i>some</i> aspects of Policy SS3, most significantly because it respects heritage and biodiversity features and will not result in the loss of best and most versatile agricultural land as it is already a brownfield site on the fringes of the countryside.</p> <p>It is acknowledged that the heritage benefits of this application are only less than substantial. However, the site is in very close proximity to Bryans Lodge, where an application for full refurbishment and an extension has recently been recommended for approval under</p>

	<p>18/00923/LBC & 18/00922/FULHH.</p> <p>As such the reinstatement of a modern residential useage at Bryans Lodge, as a stand-alone development, would result in a detached isolated settlement. The proposal to convert this stable block, which has historical association with Bryans Lodge, will enhance the heritage benefits of the listed building and support the reinstatement of the site’s original use.</p>
<p>Planning Policies and compliance with Section 16 of the NPPF and the LB Act (1990)</p> <p>Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.</p> <p>Paragraph 197 of the NPPF states that 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 applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p>	<p>The application is required to be considered against the Local Plan and other material considerations.</p> <p>The stable buildings are considered as non-designated heritage assets by virtue of their relationship with Bryans Lodge and the historic palette of materials employed in their construction.</p> <p>The conversion of the outbuildings are considered acceptable – all existing apertures will be reused, the materials proposed are acceptable with timber windows and doors.</p> <p>The new dwelling would not negatively impact on the setting of Bryans Lodge as there is distinct break between the two sites.</p> <p>As such the application is considered suitable in accordance with Paragraphs 192 and 197 of the NPPF.</p>
<p>The (new) Melton Local Plan –</p> <p>EN13 - Policy EN13 states that:</p> <p>The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through:</p> <p>A) seeking to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.</p> <p>B) seeking new developments to make a positive contribution to the character and distinctiveness of the local area.</p> <p>C) ensuring that new developments in conservation areas are consistent with the identified special character of those areas, and seeking to identify new conservation areas, where appropriate;</p> <p>D) seeking to secure the viable and sustainable future of heritage assets through uses that are consistent with the heritage asset and its conservation;</p> <p>E) allowing sustainable tourism opportunities</p>	<p>As stated above, the application is considered to adhere to principles A) and B) and D) of Policy EN13 as the proposed development will avoid harm to the significance of the listed building..</p>

<p>in Heritage Assets in the Borough where the uses are appropriate and would not undermine the integrity or significance of the heritage asset: and F) the use of Article 4 directions where appropriate</p>	
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Conclusion

It is considered that the application will secure the longevity of a non-designated heritage asset. The building is now in vacant use and if it is left unoccupied it will fall into disrepair. The buildings from a group value with the adjacent Bryons Lodge which is also under consideration for conversion to modern residential use under 18/00922/FULHH and 18/00923/LBC

The proposal to convert these outbuildings is considered to outweigh the disbenefits of redevelopment in the open countryside, which is contrary to local plan policies SS2 and SS3.

It is clear that there is no viable future for the outbuildings if they are left unoccupied, and therefore the new dwelling is supported. The newly built form will not detract from the setting of Bryans Lodge, and the proposal is considered acceptable in accordance with paragraph 190, 192 and 202 of the NPPF.

In conclusion it is considered that, on the balance of the issues, the benefits of the restoration of a heritage asset is considered to be a material consideration of sufficient weight to justify a departure from Local Plan policy which is normally to strictly control the creation of new dwellings in a rural location.

Recommendation: Permit, subject to the following conditions:

1. The works to which this consent relates shall begin not later than the expiration of three years from the date of this consent.
2. A schedule of works must be submitted for approval to the LPA prior to commencement of works. The schedule must include all works that are to be carried out on the building and a specification of all materials proposed.
3. Bat boxes must be situated on the building in order to provide additional bat roosting opportunities. The location must be stated on a submitted drawing prior to commencement of works.
4. All details of external materials including windows and doors shall be submitted to the LPA prior to commencement of works. Details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details
5. 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 Class A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Reasons:

1. To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. To preserve the historic character of the building.
3. In the interests of ecology.
4. Inadequate details of these matters have been submitted with the application.
5. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed

Officer to contact: **Toby Ebbs**

Date: **22.11.2018**