

MEETING:	PLANNING COMMITTEE
DATE:	17 May 2017
TITLE OF REPORT:	<p>162900 - A RETROSPECTIVE PLANNING APPLICATION FOR TWO SMALL OUTHOUSES, CHANGES TO THE ENTRANCE ON TO THE PUBLIC ROAD, THE INCLUSION OF A WOOD BURNING STOVE, THE ERECTION OF FENCES OUTSIDE THE DEVELOPMENT AREA AND THE RESULTANT INCREASE IN THE CURTILAGE AT TOGPEM, WILLEY LANE, LOWER WILLEY, PRESTEIGNE, LD8 2LU</p> <p>For: Mr Murray per Mr Lewis Price, McCartneys, 54 High Street, Kington, Herefordshire, HR5 3BJ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162900&search=162900
Reason Application submitted to Committee – Re-direction	

Date Received: 13 September 2016 Ward: Mortimer Grid Ref: 334255,267075
Expiry Date: 17 May 2017
 Local Member: Councillor CA Gandy

1. Site Description and Proposal

- 1.1 Togpen is a remote barn conversion in an elevated location in the Lingen Valley, in open countryside, it lies adjacent to the original farmhouse, now in separate ownership.
- 1.2 The proposal seeks to regularise a number of elements discovered to be breaches following an enforcement investigation. These are: a lean to wood shed, link between converted barn and garage, together with a wood burning stove flue, the extension of the residential curtilage with erection of fences and provision of below ground water storage tank and alteration to access arrangement. Originally the proposal included the retention of the summerhouse and greenhouse, these have been deleted from the proposal following objection from the Conservation Manager (Historic Buildings).

2. Policies

2.1 Herefordshire Local Plan Core Strategy:

- SD1 - Sustainable Design and Energy Efficiency
- LD1 - Landscape and Townscape
- LD4 - Historic Environment and Heritage Assets

2.2 NPPF

Section 11 – Conserving and Enhancing the Natural Environment
Section 12 – Conserving and Enhancing the Historic Environment

2.3 Neighbourhood Plans

Border Group Neighbourhood Development Plan Area was designated on 18th July 2013. It is presently at Reg 14 stage therefore whilst it is a material consideration it cannot be attributed any weight in the decision making process.

2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

- 3.1 DCNW2005/2237/F conversion of barn to dwelling approved 2005, subject to condition among others which removed permitted development rights.
- 3.2 DCNW2007/3895/F variation of condition re stone wall refused Feb 2008.
- 3.2 DCNW2008/0876/F variation of condition re stone walling approved May 2008.
- 3.3 153215 retrospective application similar to current, refused Feb 2016.
- 3.4 Enforcement Notice served March 2016, subject of appeal - Notice and appeal subsequently withdrawn. The reason for the withdrawal was in part due to the submission of information with the appeal not previously available and the refusal of the Planning Inspectorate to defer the matter to allow consideration of this material.
- 3.5 Breach of Condition Notice July 2016 withdrawn, due to possible technical error with notice plan.

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Consultations

4.2 Conservation Manager (Historic Buildings)

The Heritage Statement needs to be in accordance with the requirements of the NPPF which outlines that an applicant has to describe the significance of a heritage asset. The submission states that the asset has little or no significance. Reference should be made to The Historic England (HE) guidance on the Conversion of Farm Buildings, The HE guidance on the NPPF and the HE document 'Conservation Principles' which outlines a methodology for assessing the significance of heritage assets.

Some aspects of the proposals are not acceptable in the context of a traditional farmstead, for example the summerhouse building. It is recommended that these should be omitted from the application.

The glazed link to the wood store visually causes minor harm to the significance of the building however it is fully reversible and has a transparency which allows interpretation of the original layout of the site. Given policies and guidance on the extension of rural buildings, justification of the need for this element and evidence that the harm to the significance of the buildings is outweighed by any benefit would be required before it could be considered for approval.

The need for an external store with the secondary use of a summer house would be required and any structure should be designed in the context of buildings typical of farmstead groups.

Greenhouses as a rule are generally considered overtly domestic in appearance. To be considered for approval, evidence would be required regarding, screening and the siting of the greenhouse to demonstrate that it did not affect the setting of the building. Such evidence may not mean that consent would necessarily be given due to the nature of the building.

The Threshing barn is considered an undesignated heritage asset. Historic Farm Buildings provide a unique record of developments in agricultural practices, their vernacular forms provide distinct regional identities and are expressions of differing functional needs.

The Barn has strong evidential significance and also aesthetic value. It provides evidence of the use of the building as a combined threshing barn and also the type of farming which took place on the site in the past. It also provide a key contribution to the value of the wider character of the countryside. When considering change to any heritage asset, it is fundamental to understand the character, significance and context of that asset. With historic farm buildings maintaining their agricultural character and rural setting is a key principle to retaining their significance and protecting the wider landscape character.

Additions to Historic Farm Buildings such as the link block to the wood store proposed are generally precluded as they can detract from the understanding of the morphology and use of the building as well as the wider landscape setting. However these can be considered where they follow or respect the pattern of development typical of Farmsteads and help preserve the significance of the building by enabling a sustainable beneficial use.

When considered changes which require consent, for example the greenhouse and summerhouse, as well as the potential impact upon the setting of the heritage asset, it is also important to respect the farmstead setting and how the group of building sits and is experienced in the wider landscape. Aside from the agricultural character of farmsteads another key characteristic is the way in which the landscape around a farm often runs up to the edge of the group with either no defined boundary to the curtilage or a more subtle transition into farmland. These requirements generally preclude the addition of overtly domestic structures such as summer houses and greenhouses, and if it requires permission, fencing of a similar type. Outbuildings can be a way of ensuring the beneficial use of a farm building as often storage areas for lawnmowers garden furniture etc are overlooked during the process of conversion. As a guide any new buildings should be agricultural in character and follow the typical pattern of development associated with farmsteads (see 'informing sustainable development of farmsteads' above). In some instances other structures may be considered however they should not adversely impact upon the setting of the buildings. It should be noted that setting is not dependent upon there being a public view of a building, although any impact may be amplified by there being public access to that view.

The greenhouse and summerhouse are both overtly domestic features, and whilst they are of a high quality of design, conflict with the agricultural character of the buildings and their setting. (Please note: it is important to separate out the current domestic use and the historic characteristics of the buildings which it is the aim of policy is to conserve) It may be that a greenhouse structure could sit within the group of buildings given adequate partial screening or consideration to its location. The summerhouse is more problematic and it may be that

consideration is given to a more agricultural storage building which can also have the secondary function as a garden retreat?

Should the fencing require permission we would recommend that a simpler form of fencing which sits more within the context of a farmstead is considered and follows the established vocabulary of such areas? Care should be taken to not subdivide the group of buildings in such a way which could detract from the interpretation of its former use.

4.3 In response to a subsequent revision advises:

The aim is to justify the proposals in terms of policies relating to barn conversions, which by their nature are historic buildings.

The removal of the Summerhouse from the application is welcomed.

The Heritage Statement doesn't justify the works by relating them to the character of historic farm buildings and their pattern of development which is the crux of the issue.

The applicant states that the proposals for the summerhouse and glazed link are less than substantial harm.

It is felt that the glazed link could be justified by providing a continued beneficial use for the building, being a transparent element which allows interpretation of the form and character of the original farm buildings, being of agricultural character and being reversible in the future, therefore not causing a physical change to the buildings.

It is felt that there is not sufficient justification for the greenhouse.

(The greenhouse and summerhouse no longer form part of the application.)

4.4 **Conservation Manager (Landscape)**

I have read the Landscape and Visual Statement prepared by Anthony Jellard Landscape Architects, Dated Final September 2016. I have also read the Landscape and Visual Statement of Evidence which includes the Plan showing Mitigation Planting, Figure DMQ/04.

I have also seen the Site Plan, Drawing No KI 4847 20A, Dated 29/09/2016.

These are my landscape comments which reference to this application relating to the following above planning policy statements:

The National Planning Policy Framework, Item 11, 109 states: *The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and soils'*

There are no landscape designations for this area, but the Landscape Quality for this area can be considered to be moderate to high. This is due to the area having a good representation of the landscape character of Principal Wooded Hills, with a sloping topography, hedgerows defining field boundaries and a nearby Ancient and semi natural woodland which is also a Local Wildlife Site. The surrounding area is also of good scenic integrity with few incongruous features or detractors. These attractive landscape features make this area a valued landscape.

I have been informed that the original conversion took place when the site was designated an 'Area of Great Landscape Value' The present Herefordshire Local Plan Core Strategy 2011-2031 no longer holds this designation.

No objection subject to condition.

5. Representations

5.1 Border Group Parish Council

BGPC made the decision to object to this application as it felt it undermined the original conditions placed on this development. Although the structures themselves are small scale, BGPC felt strongly the principle should be upheld.

5.2 Three objections have been received, including HCPRE, summarised below:

1. Contrary to original conditions
2. Refused 12 months ago
3. Only one retrospective application allowed
4. Creeping urbanisation of sensitive landscape
5. Draws attention to breach that has been allowed to occur over several years.

Fourteen supportive/no objection comments have been received:

1. Vast improvement on when applicant bought the property.
2. Ordinarily minor structures are permitted development.
3. Well maintained property.
4. No harm to countryside.

5.3 The application includes a number of documents setting out the grounds for the application including landscape appraisal and also responses to the Conservation Manager's (Historic Buildings) comments. This includes reference to the diminished importance of Togpen as a heritage asset following its initial conversion.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162900&search=162900

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 The need for the retrospective application came to light following an enforcement investigation, ostensibly relating to the fence between Togpen and the original farmhouse. A condition imposed on the permission ref DCNW2005/2237/F, removed permitted development for fences/gates/walls, garages/building/extension/dormer windows.

6.2 The summerhouse, now omitted from the proposal, situated forward of the principal elevation of the dwelling would not have benefitted from those rights to start with.

6.3 The greenhouse, also omitted was caught by the condition.

6.4 The lean to log store and link element is also caught by the condition.

6.5 The fence to the rear of the conversion and was not subject to the condition since it was not originally part of the application site. It became part of this property following sale of the farmhouse. It is not subject therefore to the condition removing permitted development rights. However as part of the fence is 2.08m high it exceeds the permitted development limit of 2m. It is understood that this was originally (2011) of lattice type construction, but more recently,

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

(2014), added to with close board fence. Other sections of the fence are 1.96m and thus permitted development.

- 6.6 The extension of the curtilage to the north of the original site constitutes a material change of use for which permission is required. This area includes the site of the underground water storage tank.
- 6.7 The addition of a stainless steel flue to the roof required planning permission.
- 6.8 Some minor changes have taken place at the access, including provision of cattle grid and setting back of field gate. As these do not appear to have affected the access directly onto the road permission is unlikely to have been required. The quality of the plans available of the 2005 conversion do not permit a definitive view on this matter.
- 6.9 The principal matters for consideration remain the impact upon the amenity of occupiers of the original farmhouse, the impact upon the heritage asset and upon the landscape. Since the refusal of the previous application additional supporting documents have been submitted.
- 6.10 The impact of the elements set out above upon the amenity of the neighbouring property immediately adjoining to the north relate to the fence. Regardless of the appearance of the fence only that part of it which exceeds 2m in height requires permission. Therefore we may only consider the 0.08m in terms of amenity. Since that 8cm would not be discernible from the farmhouse it is not considered that it could be harmful to amenity.
- 6.11 Since the building is not a 'designated historic asset' paragraphs 132-134 of the NPPF do not apply. Instead paragraph 135 applies. The Historic Building Officer is satisfied that those remaining elements, including the link, lean-to and flue, do not impact significantly upon the character of the building. The balanced judgement to be made lies with accepting the proposal. The benefit of specialist historic building advice was not available during consideration of the original application.
- 6.12 The reason given in 2005 for the condition removing permitted development rights was 'in order that the LPA can control the form of development in this sensitive historic location'. It is the norm that similar conditions are still imposed on such applications. It does not mean that development of this nature cannot take place but that it is subject to scrutiny in order to safeguard the character of such building, which at that time, was the justification for conversion in the first place. There is no longer a policy stipulation that barns for conversion have any architectural or historic merit.
- 6.13 In 2005 the site was within an area designated as 'Great Landscape Value'. More recently however the weight to be given to such local designations has been downgraded by central policy, 'great weight' now only being attributed to National Parks and Areas of Outstanding Natural Beauty.(para 115 NPPF). The Landscape Officer has considered the proposal, with the benefit not previously available, of a landscape and visual assessment, and considers the proposal acceptable subject to a condition requiring a landscaping scheme to be agreed.
- 6.14 On balance it is considered that the previous reasons for refusal have been addressed and that the application complies with the aforementioned policies and the application can be recommended for approval. As with the original application it is considered appropriate to retain control of additional development within the extended curtilage through imposition of a condition restricting permitted development rights.
- 6.15 The remaining greenhouse and summerhouse are matters to be considered outside of this application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. C65 Removal of permitted development rights**
- 2. C96 Landscaping scheme**
- 3. C97 Landscaping scheme - implementation**

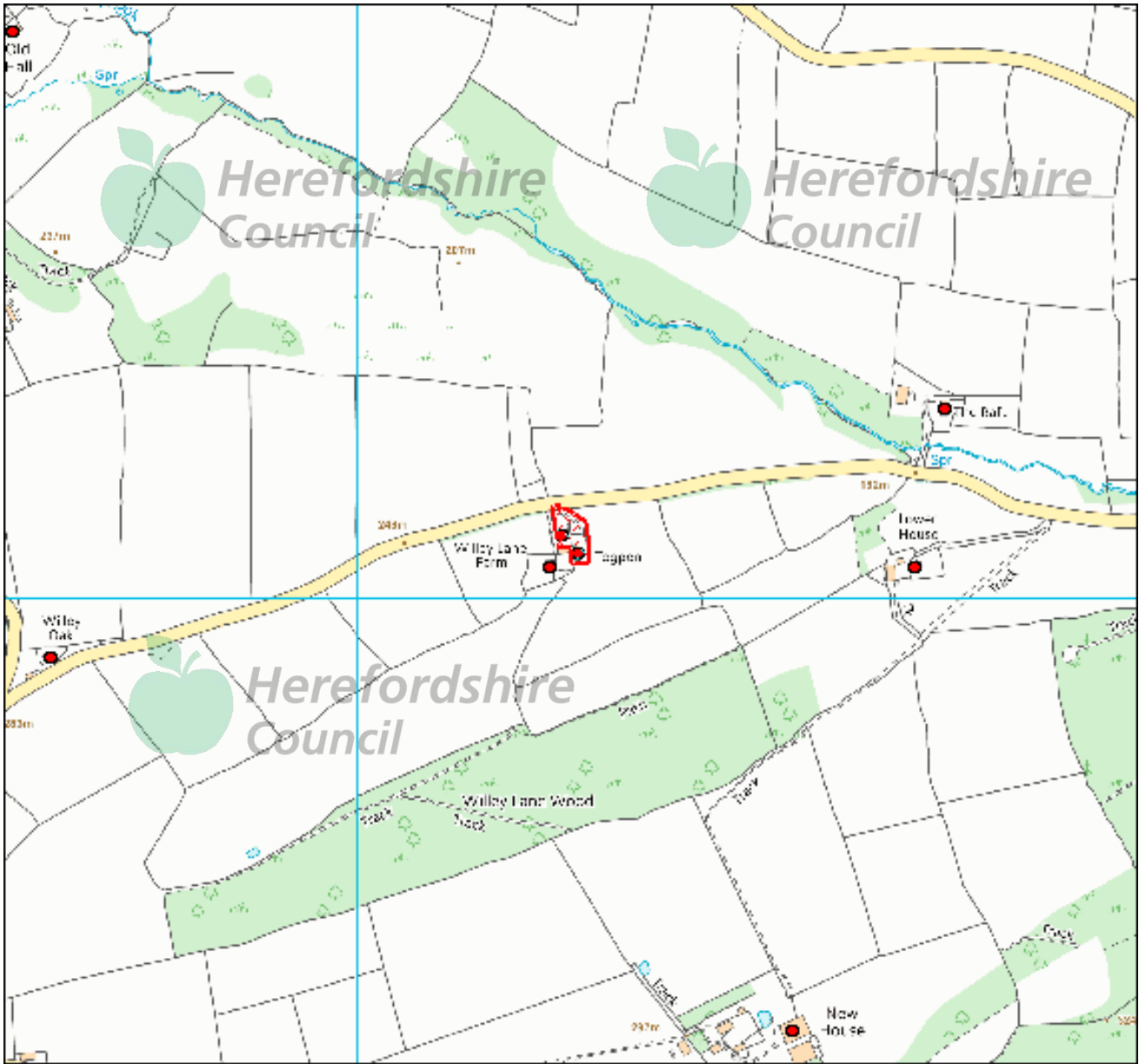
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 162900

SITE ADDRESS : TOGPEN, WILLEY LANE, LOWER WILLEY, PRESTEIGNE, HEREFORDSHIRE, LD8 2LU

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr M Tansley on 01432 261815