

**8 DCNE0009/1061/F - PROPOSED CONVERSION OF REDUNDANT BARN TO A RESIDENTIAL DWELLING. ARGUS FARM, DYMOCK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2HY.**

**For: Mr R Phillips per Bruton Knowles, Bisley House, Green Farm Business Park, Bristol Road, Gloucester, GL2 4LYL.**

**Date Received: 12 May 2009      Ward: Ledbury      Grid Ref: 70968, 35339**

**Expiry Date: 7 July 2009**

Local Member:    Councillors JK Swinburne, PJ Watts and ME Cooper.

**1. Site Description and Proposal**

- 1.1 The application site, accessed from the Dymock road, is located in open countryside, outside of and some distance from Ledbury.
- 1.2 The application site comprises a farm house and associated curtilage, which contains a large barn which has a timber framed section, which has been rebuilt with block and brick and is in a poor state of repair, and a later Victorian brick element.
- 1.3 Adjacent is a B class use building which currently is occupied by Lock Stock and Barrel.
- 1.4 The proposal is for the conversion of the brick part of the barn to form a residential annex.

**2. Policies**

Herefordshire Unitary Development Plan:

S1	–	Sustainable Development
DR1	–	Design
DR2	–	Land use and activity
H13	–	Sustainable residential design
NC1	–	Biodiversity and development
NC5	–	European and nationally protected species
NC6	–	Biodiversity Action Plan priority habitats and species
NC7	–	Compensation for loss of biodiversity
NC8	–	Habitat creation, restoration and enhancement
NC9	-	Management of features of the landscape important for fauna and flora
HBA12	–	Re-use of rural buildings
HBA13	–	Re-use of rural buildings for residential purposes

Re-use and adaptation of rural buildings, Supplementary Planning Guidance (July 2004)

**3. Planning History**

DCNE2008/0842/F - Conversion of agricultural buildings to form four number dwellings and associated curtilage - Refused

**4. Consultation Summary**

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 The Council's Highways department makes no objection to the proposal.
- 4.3 The Council's Conservation Officer makes no objection to the proposal, noting the pre-application discussions, which took place and considers the scheme is acceptable. The Conservation Officer and recommends a number of conditions if approval is granted relating to external materials and details.
- 4.4 The Council's Ecologist makes no objection to the proposal, however, recommends a number of conditions and replacing the proposed bat boxes with bat bricks that would fit in with the character of the building more appropriately or finding alternative locations.

**5. Representations**

- 5.1 Donnington Parish Council makes no objection.
- 5.2 Ledbury Town Council objects to the proposal on ecology grounds, raising concern over the impact upon Barn Owls, and nesting bats. The impact on the existing employment use is also raised.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

**6. Officer's Appraisal**

- 6.1 The proposal follows the pre-application advice and negotiations with Planning and Conservation Officers which followed the refusal of planning application NE08/0842/F. This proposal scales the proposal down, is now an annex created from the brick element, rather than the previous attempts of a residential conversion scheme incorporating all existing agricultural buildings.
- 6.2 The barn has had a marketing exercise undertaken along with also placed on the Council's property register. The unit was offered for rental, however no significant interest has come forward in regards an economic use. The Officer is satisfied that a genuine attempt has been made to source an economic use for the building and therefore the proposed residential use is acceptable as per policy.
- 6.3 The approach taken in creating an annex rather than an independent dwelling is in regards to the issues of privacy and amenity with the existing farmhouse along with structural problems with the timber section of the building. This proposal secures an acceptable planning use for this building worthy of preserving.
- 6.4 An annex is subservient and provides additional accommodation to an existing dwelling with a planning condition limiting occupancy and sale. The lower levels of privacy and amenity are considered acceptable given the relationship between the occupiers of the house and annex.
- 6.5 This relationship would however be unacceptable if the proposal was for an independent dwelling, or if the annex was ever subject of an application to create an individual house.
- 6.6 It is considered that the annex would not be capable of creating a separate residential unit given the privacy issues with the houses proximity. The annex is subordinate to the farmhouse, and

shares the curtilage and parking provision of the farmhouse rather than having its own formal allocation.

- 6.7 The existing barn is a curtilage building within the residential curtilage of the farmhouse and therefore could lawfully be used for an ancillary residential use without formal planning consent. This application formalises that whilst allowing the Local Planning Authority to put controls in place to prevent the introduction of a dwelling via certificate of lawful use processes.
- 6.8 In response to concerns over the intended use and impact upon the adjoining business, the curtilage has been reduced. The application is now only considering the barn itself and no curtilage is allocated to it. This safeguards the curtilage of the business adjacent whilst also negating the ability of the annex to be divorced from the farmhouse or to function independently of the farmhouse and its curtilage area.
- 6.9 The Conservation Officer has continually stated that this element of the existing agricultural buildings is capable and worthy of conversion, however the rest of the unit is not, given its poor state of repair and adhoc repairs. This led the reasons of refusal for the previous applications and is why the other timber framed structure does not form any part of the application.
- 6.10 The issue of protected species has adequately addressed within the ecologist report and the conditions attached ensure compliance with the relevant local policies and national legislation.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

**1 A01 (Time limit for commencement (full permission))**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 Prior to the commencement of the hereby permitted development, full written details and samples of the following items and finish shall be submitted to the Local Planning Authority for written approval:**

- **Timber boarding**
- **Roof tiles**
- **Joinery details**
- **Rainwater goods**

**The proposal shall be carried out in strict accordance with the approved details and thereafter be maintained as such.**

**Reason: To ensure the proposal is of a satisfactory finish, in order to ensure the character and appearance of the agricultural building and the wider open countryside location are preserved and maintained, in accordance with Herefordshire Unitary Plan policies DR1 and HBA13.**

**3 F01 (Restriction on hours of working)**

**The hours during which working may take place shall be restricted to [0800 to 1800] Mondays to Fridays and [0800 to 1300] on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.**

**Reason:** To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

**4 F14 (Removal of permitted development rights)**

**Reason:** In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan.

**5 F13 (Restriction on separate sale)**

**Reason:** It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy ( specify ) of Herefordshire Unitary Development Plan.

**6 Non Standard (Non Standard Condition)**

Occupation of the hereby permitted development is restricted to the children, parents or grandparents of the occupiers of the property known as Argus Farm, Dymock Road, Ledbury, Herefordshire.

**Reason:** To protect the amenity and privacy of the occupiers of the existing farmhouse in accordance with Herefordshire Unitary Plan policies DR1 and DR2.

**7 The recommendations set out in the ecologist's report dated November 2008 should be followed in relation to the identified protected species [bats, great crested newts etc], unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full working method statement – including amended details of the bat and bird boxes to be used should be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter.**

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Council's Unitary Development Plan.

**8 An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

## **INFORMATIVES**

**1 N15 - Reason(s) for the Grant of Planning Permission**

**2 N19 - Avoidance of doubt - Approved Plans**

**3 N11A – Wildlife and Countryside Act 1981 (as amended) - birds**

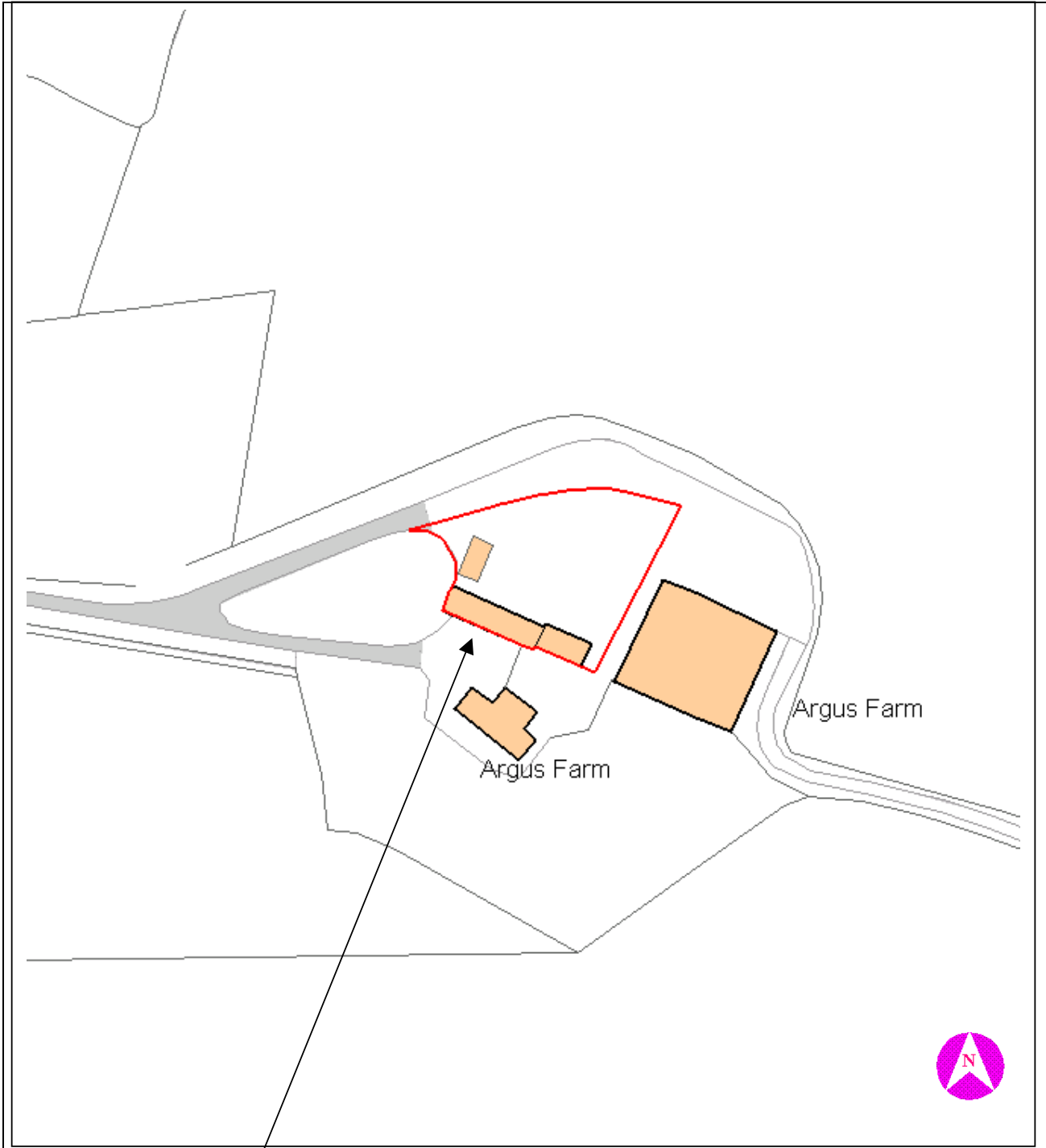
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNE0009/1061/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Argus Farm, Dymock Road, Ledbury, Herefordshire, HR8 2HY

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