

MEETING:	PLANNING COMMITTEE
DATE:	1 FEBRUARY 2012
TITLE OF REPORT:	<p>DMS/113120/F - DEMOLITION OF EXISTING REMAINS OF FARMHOUSE & ATTACHED BARN AND REBUILD NEW DWELLING TO MATCH EXISTING AT MARSH FARM, TANHOUSE ROAD, UPTON BISHOP, HEREFORDSHIRE, HR9 7UP</p> <p>For: Mr Maguire per Mr David Kirk, 100 Chase Road, Ross-on-Wye, Herefordshire, HR9 5JH</p>

Date Received: 4 November 2011

Ward: Old Gore

Grid Ref: 365393,226783

Expiry Date: 5 January 2012

Local Member: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 Marsh Farm comprises a derelict and ruinous farmhouse. All that remains is a stone barn previously used as a cider press and part of the east wall of the farmhouse. The site is located between the B4221 and Tanhouse Lane. The former farmhouse was 2-storey T-shaped building with single storey elements that dated from the late C16 or early C17 with a cider house that was probably added in the C18. Much of the exterior walls were covered with C20 cement render and tile hanging. The original windows had been replaced by modern casement windows. On the northwest side of the farmhouse is a threshing barn a Grade II listed building that dates from the C18 or early-C19 dates. Permission has recently been granted for the conversion of this building to a single dwelling. The site is located in open countryside and public footpath UB22 runs to the east of the site.
- 1.3 This application proposes the reconstruction of the farmhouse some 3 metres from its original position. The reconstructed farmhouse will replicate the original farmhouse in scale, form and materials, and will accommodate living room, kitchen/dining room, entrance hall, gym w.c. and shower room with 5 bedrooms, en-suite bathrooms and a bathroom on the first floor.
- 1.4 Foul drainage is to be disposed of by way of a Klargestor Bio-Disc Sewage treatment plant that will be on the southwest side of the threshing barn.
- 1.5 The proposal is to be accessed off an existing farm track that exits onto Tanhouse Lane and the B4221 at Hill Top.

2. Policies

2.1 National Planning Guidance:

- PPS1 - Delivering Sustainable Development
- PPS5 - Planning for the Historic Environment
- PPS9 - Biodiversity and Geological Conservation

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
HBA4	-	Setting of Listed Buildings
ARCH6	-	Recording of Archaeological Remains
NC1	-	Biodiversity and Development
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

3. Planning History

3.1	DCSE2007/2707/F	Conversion of barn to form residential unit. Withdrawn.
3.2	DCSE2007/2713/F	Conversion of barn 2 to form holiday accommodation and conversion of barn 3 to form office accommodation. Withdrawn.
3.3	DCSE2007/2899/S	Hay barn/implement store. Prior approval not required. 4.10.2007.
3.4	DCSE2007/3445/F	Application for temporary siting of mobile home. Refused 1.10.2008.
3.5	DCSE2007/3452/F	Temporary siting of mobile home. Refused 1.10.2008.
3.6	DCSE2008/0320/S	Implement shed for farm machinery. Prior approval not required 4.3.2008.
3.7	DCSE2008/2995/F	Demolition of existing Grade II Listed farmhouse and attached barns and rebuild new farmhouse. Refused 5.2.2009.
3.8	DCSE2008/2991/L	Demolition of existing of Grade II Listed farmhouse and attached barns. Refused 5.2.2009.
3.9	DCSE2008/2993/F	Conversion and alterations of existing barns within the curtilage of a Grade II Listed barn to form farm office and farm workers staff rooms and secure stores/parking. Refused 6.2.2009.
3.10	DCSE2008/2994/L	Conversion and alterations of existing barns within the curtilage of a Grade II Listed barn to form farm office and farm workers staff rooms and secure stores/parking. Refused 6.2.2009.
3.11	DCSE2008/2926/F	Proposed temporary siting of mobile home. Refused 26.1.2009.
3.12	DCSE2008/2951/F	Temporary siting of mobile home. Refused 27.1.2009.

- 3.13 DCSE2008/3002/F Conversion of Grade II Listed threshing barn to form residential dwelling. Refused 3.2.2009.
- 3.14 DCSE2008/3003/L Conversion of Grade II Listed threshing barn to form residential dwelling. Refused 3.2.2009.
- 3.15 DCSE2009/0855/F Change of use of land and full planning permission to retain existing 1 mobile home. Retain existing log cabin mobile home and 4 additional log cabin mobile homes. Refused 22.6.2009.
- 3.16 DCSE2008/1568/F Change of use of land and full planning permission to retain existing 1 mobile home. Retain existing log cabin mobile home and 4 additional log cabin mobile homes, 6 touring caravans for nomadic use only. Refused 15.9.2008. Appeal Dismissed.
- 3.17 DMS/103232/F Change of use of land to private gypsy site and traveller caravan site comprising of 4 pitches each containing 1 mobile home and 1 toured and utility block. Application withdrawn.
- 3.18 DMS/110942/F Retention of farm track. Approved 29.6.2011.
- 3.19 DMS/113121/F Conversion of redundant barn to form new residential dwelling. Approved 5.1.2012.
- 3.20 DMS/113123/L Conversion of redundant barn to form new residential dwelling. Approved 5.1.2012.

4. Consultation Summary

Statutory Consultees

- 4.1 Severn Trent Water: No reply received.

Internal Council Advice

- 4.2 Traffic Manager: Has no objection subject to conditions.
- 4.3 Conservation Manager/Historic Buildings Officer: Objects to the proposal to demolish the remaining structure and build a facsimile in a different location commenting that this extinguishes all remnants of its heritage value. The justification that this would provide a context for the listed threshing barn is supported to some extent in English Heritage guidance, but this is concerned with farmyard morphology rather than the detail of replacement buildings: a completely new design on the historic footprint would serve this objective equally well. Subject to other concerns being satisfied, I would be prepared to consider a new dwelling from first principles.
- 4.4 Conservation Manager/Ecologist: Notes the presence of a number of bat species flying in the area during the activity survey, but that there is still no evidence of bats roosting in the building that is the subject of this application. There is evidence of nesting birds in the barn and it is important that alternative nesting sites are provided on the development site.

5. Representations

- 5.1 Upton Bishop Parish Council has no objection.
- 5.2 Representations have been received from:

Mr C Curry, Preservation of Rural Beauty, The Old Vicarage, Upton Bishop.
Mr MP and Mrs EA O`Sullivan, Maytree Cottage, Upton Bishop.

5.3 In summary it said:

- The intent to replace the farmhouse would reinstate, at least in appearance, the historic character of this part of Upton Bishop which was lost with the demise of the original listed farmhouse.
- There is no schedule of materials we assume they will be as before; mix of stone, render and hanging wall tiles and slate roof .
- We assume that from the outside it will look just like the house that was there before.
- As the new building will replica of the former listed building we assume there will be no need to replicate the interior.
- We note the undercroft is to be recreated.
- If the old building had been renovated rather than been lost we assume some of its idiosyncrasies may well have been rationalised – will that be the case when replicated?
- Given that the listed building has been lost forever we would expect that the replica will be constructed in as sustainable a way as possible according to modern building standards.
- The plans do not show the position of bathrooms, kitchen or other services. These should be located in the building in such a way to retain the external replica appearance .
- The septic tank should be located to protect the BAP orchard site, protected dormouse and the daffodil meadow.
- The septic tank should avoid seepage into the stream.
- The landscaping shown on the submitted plan is scant and no indication of boundary treatment.

5.4 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

6.1 Marsh Farm, a former Grade II listed building, is located in open countryside where Policy H7 restricts residential development to certain, specified exceptions. One of these is the replacement of a building with established residential use rights provided it is comparable in size and on the same site.

6.2 Although, the existing farmhouse is in a ruinous condition, the application proposes its reconstruction with the principle benefit resulting from recreating the historic farmyard setting. The existing building has fallen into a state of disrepair since the applicant undertook repair work to the roof of the farmhouse as well as other repairs to external walls. In September 2007 the applicant received notification that the building had been included on the statutory list of buildings of architectural and historic interest. Work on the building stopped at this time. Although, the owner was requested to make good the building as well as protect it from the elements this was not done and the building continued to deteriorate with external and internal walls collapsing. The fact that so much of the building was exposed to the weather since 2007 meant that irreversible damage occurred. During this time the applicant submitted applications to replace the farmhouse. While, it is acknowledged that the building cannot be recognised as a dwelling, there is case law that supports the fact the residential use of the building has not been abandoned. Even though the property has not been occupied since 2007, the planning history of the site shows the applicant had no intention of abandoning the residential use of the site. It was in these circumstances that English Heritage determined that the farmhouse was so severely damaged prior to the date of formal listing in September 2007 that it no longer merited inclusion in the statutory list. The building was de-listed on 17 June 2011.

6.3 Based upon survey information and photographic evidence of the original farmhouse the submitted plans show a good reproduction of the original farmhouse that formed part of the

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settled landscape. While, this proposal will remove the remaining structure and build a facsimile in a slightly different position, its juxtaposition to the listed threshing barn will give the proposal historic credence as well as reinstate the farm complex. Notwithstanding the comments of the Conservation Manager/Historic Buildings Officer, it is considered that the reconstruction of the farmhouse will re-establish the farm yard that once formed part of this attractive historic landscape contributing to the estate farmland setting which the site is located and its local distinctiveness.

- 6.4 in view of the isolated nature of the site, the proposed development would not impact upon the amenity of nearby residential properties. The main change will be a modest increase of traffic from the site; it is not considered that this would be harmful. Therefore, this proposal satisfies the requirements of Policy DR2 of the Unitary Development Plan
- 6.5 Parking for the occupiers of the dwelling is proposed within the former fold yard to the front of the barn. This is more than adequate to provide the 2 parking spaces required to meet the parking standards. The submitted plan is diagrammatic and does not show details of surfacing or drainage. Consequently, it would be prudent to require these details to be submitted to and approved by condition to ensure the final surface details do not harm the character and setting of this listed building.
- 6.6 Insofar as Ecology is concerned, the Council's Ecologist advises that the updated ecological report by Baker Shepherd Gillespie dated October 2011 notes the presence of a number of bat species flying in the area during the activity survey, but that there is still no evidence of bats roosting in the building that is the subject of this application. There is evidence of nesting birds in the barn and it is important that alternative nesting sites are provided on the development site.
- 6.7 The proposal is to be drained to a Bio-disc sewerage treatment plant that will be on the southwest side of the threshing barn in a position that is some 80metres or so from the BAP orchard and daffodil meadow. As such it is considered the treatment plant will not harm the recognised ecological value of Marsh Farm. A condition is proposed to ensure appropriate control is maintained to the position and specification of the installation.
- 6.8 The proposal is one that relates to a previously developed site that is now in a ruinous condition that detracts from the amenity of the area and the setting of the adjoining listed building. It is considered that a residential development that respects the limitations of the historic farmyard setting would also enhance the landscape around the site when seen from the nearby public footpath UB22. Having regard to the particular circumstances of this site, it is considered that this approach is acceptable and on balance the application is supported.
- 6.9 The applicant has opted out of making contributions as normally required for housing schemes as set out in Policy DR5 and the Planning Obligations SPD. This would though be dependent upon the submission of detailed plans and the commencement of works within 1 year in order to satisfy the terms of the current suspension.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.**

Reason: To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the local planning authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Authority's Planning Obligations Supplementary Planning Document

(February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

2. B01 Development in accordance with the approved plans
3. C01 Samples of external materials
4. D05 Details of external joinery finishes
5. F14 Removal of permitted development rights
6. H09 Driveway gradient
7. H13 Access, turning area and parking
8. H12 Parking and turning - single house (2)
9. G09 Details of Boundary treatments
10. E02 Archaeological survey and recording
11. I18 Scheme of foul drainage disposal
12. The recommendations set out in the ecologist's report dated October 2011 should be followed in relation to the identified protected species (bats and birds) unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full habitat enhancement scheme and working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

Informatives:

1. HN01 Mud on highway
2. HN04 Private apparatus within highway
3. HN05 Works within the highway
4. N11C General
5. N15 Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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