

MEETING:	PLANNING COMMITTEE
DATE:	19 SEPTEMBER 2012
TITLE OF REPORT:	N121318/F - CONVERSION OF RURAL BUILDING TO ONE DWELLING AND CONSTRUCTION OF NEW VEHICULAR ACCESS AT THE BARRACKS, CHURCH LANE, MUCH COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4JG For: Mr Day per Mr Linden Alcock, Palace Chambers, 3 King Street, Hereford, HR1 9BW
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121318&NoSearch=True

Date Received: 3 May 2012

Ward: Frome

Grid Ref: 362063,247242

Expiry Date: 16 July 2012

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The application site lies on the northern side of Church Lane in Much Cowarne. Much Cowarne is not defined as a main village, therefore does not have a settlement boundary. The application site is therefore considered to be open countryside. Upon the site is a single storey building that is understood was formerly used as a mess room and hop pickers accommodation and dates back to around the 1930s. There is no evidence to suggest that this is a lawful dwelling. The building is 30.4m long by 6.1m wide. It has a total of 10 stable doors on its south elevation all with a small window to their left. There are a further 10 doors and windows identical in size and position on the rear elevation. The building is of brick construction with an asbestos cement sheet roof.
- 1.2 The application follows two applications submitted in 2007 by the same applicant on the site. The first was refused whilst the second was withdrawn. Details of both applications are listed below.
- 1.3 This proposal seeks permission to convert the building into a 2 bedroomed dwelling with a large study, living and kitchen area and utility. There is also a double garage provided in the eastern end of the building. All existing openings are utilised with one new opening on the east elevation to gain access into the garage. There is also an existing lean to detached building to the rear which is retained as a store. The roof will be replaced with slate.
- 1.4 The application has been supported with an Ecological Survey and Structural Inspection report.

2. Policies

- 2.1 National Planning Policy Framework 2012 (NPPF):

The National Planning Policy Framework was published in March 2012 and established a clear presumption in favour of sustainable development unless other material considerations indicate otherwise.

Paragraph 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
HBA12	-	Re-use of Rural Buildings
HBA13	-	Re-use of Rural Buildings for Residential Purposes
HBA8	-	Locally Important Buildings
DR1	-	Design
DR2	-	Land Use and Activity
DR4	-	Environment
T11	-	Parking Provision
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

2.3 Conservation of Habitats and Species Regulations 2010

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

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| 3.1 | DCNE2007/0856/F | Replacement of hop workers accommodation with bungalow and garage. Refused 27 April 2007. |
| 3.2 | DCNE2007/2242/F | Proposed renovation and modernisation to former communal accommodation block to detached bungalow. The application was recommended for refusal by the case officer but was withdrawn prior to the decision being issued. |

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water: No objection, however has advised that the applicant contact the Environment Agency with regards to utilising a private treatment works.

Internal Consultees

- 4.2 Public Rights of Way Manager: Identified the development being in close proximity to public footpath MC2. Concluded that the development proposal is likely to have potential to endanger

members of the public during construction and therefore requested should the application be approved the applicant a temporary closure order must be applied for.

- 4.3 Conservation Manager (Landscape): The building is not considered to be of any particular local landscape value. Its retention and use as a utility building would be most appropriate in landscape terms. The proposal is unlikely to have a significant, negative landscape impact. Careful consideration however needs to be given to the boundary treatments.
- 4.4 Conservation Manager (Historic building/conservation): Is of the opinion that the proposal requires most of the current structure to be replaced and the existing brickwork is not capable of being converted without the addition of loadbearing walls. Therefore the application is considered contrary to policy HBA12. Whilst it is acknowledged there is a degree of historic interest in the building pertaining to the lives of the seasonal hop pickers, it is debatable if its enough to warrant the amount of changes proposed to the building. It is considered perfectly possible to utilise the building for stables/animal housing since it would not require the upgrading necessary for a dwelling, and it is surrounded by paddocks and fields. This would enable the building to be retained so that its historic value could be appreciated and have renewed value in terms of a longer-term purpose.
- 4.5 Conservation Manger (Ecology): There will be some hedgerow loss in order to create the proposed access to the site. Hedgerows are a UK and Herefordshire Biodiversity Action Plan Priority Habitat and the proposed access will have a negative impact on this ecological network which is contrary to the NPPF. Compensation is mentioned in the ecological report in the form of 100 metres of hedgerow planting although this is not identified on the site plan. Has requested that an alternative access be found that avoids hedgerow loss. If clarification that hedgerow loss can be avoided or that adequate mitigation can be provided and this application is to be approved, it is recommend that conditions are attached to ensure that all species are protected.
- 4.6 Ecological Consultant: Has identified that this application utilises a package treatment works as a means of foul drainage out-falling to a watercourse, with surface water from the site also draining to the watercourse. Has concluded that no figures or hydrological evidence is presented to show there is no threat to the River Wye SAC via its tributaries of the River Frome or River Lugg as a result of direct discharges from the package treatment works. Therefore the outcome of the screening stage is that of Likely significant effect. Natural England has not responded.

5. Representations

- 5.1 CPRE: Objects to the proposed development on the basis of the building being of no worth and there being no functional necessity for a dwelling upon this site.
- 5.2 Much Cowarne Parish Council: Support the application as it will tidy up the present site which has become an eyesore.
- 5.3 Four Letters of support have been received. The points raised are summarised as follows:
- The removal of the asbestos concrete roof is welcomed;
 - The building is currently an eyesore and he proposal will visually improve its appearance;
 - Proposal in keeping with the area;
 - Shortage of affordable housing in the area; and
 - Proposal is sympathetic restoration of the former building.

Concern has been raised in the letters in relation to the removal and disposal of waste.

- 5.4 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 The application site lies outside of any defined settlement boundary and as such lies within the open countryside in planning policy terms. The site is in a sensitive location surrounded by public footpaths and in the vicinity of St Marys Church and other buildings of historic interest. Policy H7 in the HUDP identifies the few exceptions to where housing in the open countryside can be supported. The re-use of former rural building is one such exception however a proposal needs to comply with the requirements of Policies HBA12 and HBA13 of the HUDP.
- 6.2 Policy HBA12 states that any building that one is proposing to re-use must be "...of permanent and substantial construction capable of conversion without major or complete reconstruction". The application has been submitted with a structural report which states that the building would require inner loadbearing walls to be constructed to take the increased load and structure required for the new roof. In addition to this, the floor would need to be removed to be upgraded. Therefore it is the officers opinion that most of the current structure would need to be replaced and major reconstruction works required to implement the proposal. As such the proposal is contrary to criteria 1 of HBA12 of the Unitary Development Plan.
- 6.3 Within the open countryside, residential proposals to convert/re-use a rural building will only be supported where the building is of acknowledged historical or architectural interest. The building in question is not considered to be of any architectural or historic interest. This is not to undervalue the importance of the hop growing in the history of the Herefordshire countryside. However, when one is dealing with buildings one needs to be selective in terms of these buildings that are of genuine value. Clearly the Oast house / hop kiln building to the south-west of this site is an excellent example of a building of architectural and historic interest. However, given the building is a modern brick and asbestos structure, its former use is not considered significant to justify the amount of change proposed.
- 6.4 The agent which is representing the applicant, has made various arguments in the design and access in relation to the NPPF and that of sustainability. It is considered that the proposal represents an unsustainable pattern of development, as the site is not readily accessible by modes of transport other than the private motor vehicle. Furthermore, the argument of affordability and that of local need has been put forward, however no case has been put forward that it is essential for the applicant, who is understood to be an agricultural contractor, to live close to his place of employment, only that it is desirable and convenient. It is noted that the applicant's father lives adjacent to the agricultural contractors yard that he operates.
- 6.5 The Council has recently identified an issue regarding phosphate levels in some of its watercourses. These are particularly high in the River Wye and this has significant implications due to its designation as a Special Area of Conservation (SAC). This designation gives the river European protection and the Council has a legal requirement as a competent authority under the Habitats Regulations to take into account the effects of development on it. The Council must be convinced that the scheme in question will not adversely affect the integrity of the watercourse. If it cannot satisfy itself on that point, the scheme cannot proceed. This application has failed to assure the Authority through a lack of information and appropriate mitigation that the Habitat Regulations and Policy DR4 of the Herefordshire Unitary Development Plan are complied with.

6.6 The principle of development is considered unacceptable. The site is within the open countryside and proposes the re-use and adaption of a rural building, which is not considered to be of a substantial construction capable of conversion without major or complete reconstruction. Officers disagree with the application documents regarding the historical significance of the building and its structural capability. Whilst noting the considerable efforts that have been made by the applicant to reconcile these differences, officers maintain the view that the current proposal is contrary to saved Policies H7 and HBA12 of the Unitary Development Plan. Given the Councils legal requirement as a competent authority under the Habitats Regulations to take into account the effects of development on protected watercourses within its jurisdiction, the application is also considered contrary to the Habitat Regulations and Policy DR4 of the Herefordshire Unitary Development Plan.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. In the opinion of the Local Planning Authority, the building is not capable of conversion / reuse without major reconstruction. As such the proposed development is considered to be contrary to criterion 1 of Policy HBA12 of the Herefordshire Unitary Development Plan March 2007 and the Council's adopted Supplementary Planning Guidance entitled 'Re-use and Adaptation of Rural Buildings' July 2004. As a consequence the proposal is also contrary to Policy H7 of Herefordshire Unitary Development Plan March 2007.**
- 2. The building the subject of this application is not considered to be of such historical, architectural, local landscape or amenity value to justify the retention of the building. As such the proposed development is considered to be contrary to criterion 1 of Policy HBA13 of the Herefordshire Unitary Development Plan March 2007. As a consequence the proposal is also contrary to Policy H7 of Herefordshire Unitary Development Plan March 2007.**
- 3. The Council has a legal requirement as a competent authority under the Habitats Regulations to take into account the effects of development on protected watercourses within its jurisdiction. This application fails to assure the Authority through a lack of information and appropriate mitigation that the Habitat Regulations and Policy DR4 of the Herefordshire Unitary Development Plan are complied with.**

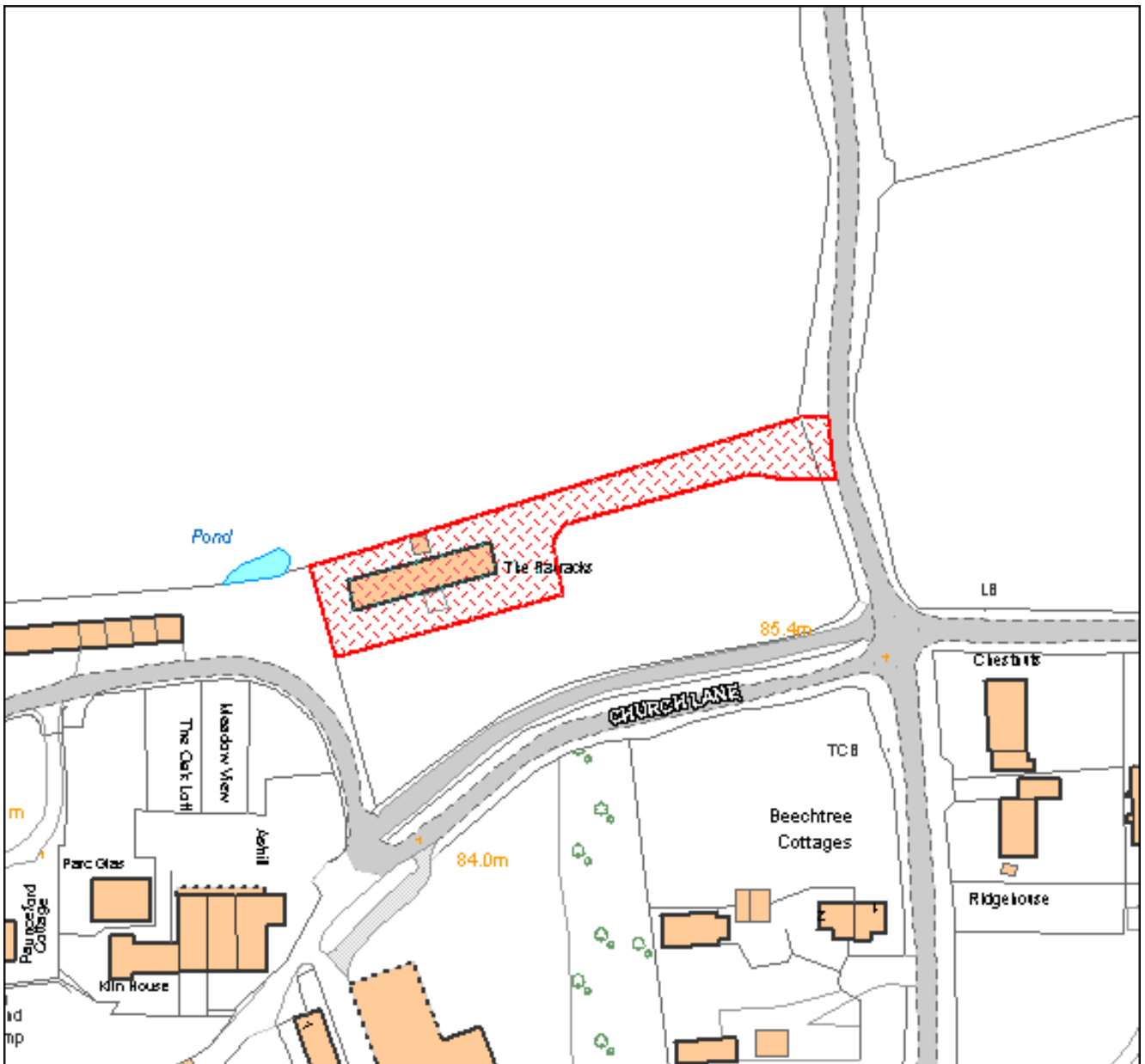
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/121318/F

SITE ADDRESS : THE BARRACKS, CHURCH LANE, MUCH COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4JG

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