

11 DCNW2004/3419/F - PROPOSED BARN CONVERSION TO 3 BEDROOMED DWELLING AT TRADITIONAL BARN (ADJ STANSBATCH HOUSE), STANSBATCH, STAUNTON-ON-ARROW For: A H Morris & Son per McCartneys 46 High Street Builth Wells Powys LD2 3AB

Date Received:
5th October 2004

Ward:
Pembridge &
Lyonshall with Titley

Grid Ref:
34900, 61402

Expiry Date:
30th November 2004

Local Member: Councillor R Phillips

1. Site Description and Proposal

- 1.1 The application site comprises a prominent 0.1 hectare plot of agricultural land located to the east of an unclassified road that links the hamlets of Stansbatch and Byton Hand.
- 1.2 The site contains two disused agricultural buildings. The main building located in the centre of the site is a timber framed barn which is partially weatherboarded under a corrugated tin roof and stands on a rubble stone plinth. The smaller building is a stone built store which occupies a roadside location adjacent to the existing access into the site. The boundary of the site is defined by mature hedgerow and a stone wall.
- 1.3 There is a large pine tree which stands close to the northern boundary of the site. The surrounding area is predominantly in use for agricultural purposes although immediately to the west of the site is the prominent Stansbatch House.
- 1.4 Planning permission is sought for the conversion of the timber framed barn into a 3 bedroom dwelling with the smaller roadside barn being proposed as a small studio/workshop and office. It is proposed to block up the existing dangerous access at the apex of the bend in the road and create a new access in the northern boundary of the site which would involve a small extension to the existing curtilage of the site.
- 1.5 The application is accompanied by a statement of market testing, a timber frame survey and ecological surveys relating to bats and newts.

2. Policies

2.1 Herefordshire & Worcester Council Structure Plan

Policy H16A - Development Criteria

Policy H20 – Residential Development in Open Countryside

Policy CTC3 – Sites of National and International Importance

Policy CTC9 – Development Criteria

Policy CTC11 – Conservation and Expansion of Tree and Woodland Cover

Policy CTC13 – Buildings of Special Architectural or Historic Interest

Policy CTC14 – Criteria for the Conversion of Buildings in Rural Areas

2.2 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources

Policy A2(D) – Settlement Hierarchy

Policy A5 – Sites Supporting a Statutorily Protected Species

Policy A7 – Replacement of Habitats

Policy A8 – Improvements to or Creation of Habitats

Policy A9 – Safeguarding the Rural Landscape

Policy A10 – Trees and Woodlands

Policy A16 – Foul Drainage

Policy A36 – New Employment Generating Uses for Rural Buildings

Policy A60 – Conversion of Rural Buildings Outside Settlements to Residential Use

Policy A70 – Accommodating Traffic from Development

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S1 – Criteria for Retail Development

Policy S2 – Development Requirements

Policy S7 – Natural and Historic Heritage

Policy DR1 – Design

Policy DR2 – Land Use and Activity

Policy H7 – Housing in the Countryside Outside Settlements

Policy E11 – Employment in Smaller Settlements and Open Countryside

Policy LA2 – Landscape Character

Policy NC5 – European and Nationally Protected Species

Policy NC8 – Habitat Creation, Restoration and Enhancement

Policy HBA12 – Re-use of Rural Buildings

Policy HBA13 – Re-use of Rural Buildings for Residential Purposes

2.4 Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

NW2004/1103/F - Proposed barn conversion to 3 bedroomed dwelling. Withdrawn 6 May 2004.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency raise no objection subject to a condition requiring details of a scheme of foul drainage to be submitted and approved by the local planning authority.

4.2 Herefordshire Nature Trust comment that the presence of protected species and the potential for habitat creation should be considered in the determination of the application.

Internal Council Advice

- 4.3 Traffic Manager raises no objection subject to the provision of parking and turning for 2 vehicles within the site.
- 4.4 Conservation Manager raises no specific objection to the detailed design of the conversion subject to conditional control over external materials and joinery. The ecological survey work undertaken is acknowledged but it is advised that the bat assessment and methodology is deficient in so far as only limited survey work was undertaken. The survey did not include an internal inspection or three separate activity surveys. The Great Crested Newt survey is challenged since it was undertaken in September 2004, and it is advised that such work needs to be undertaken between March and June. On the basis of the submitted survey work a recommendation of refusal is made.

5. Representations

- 5.1 A total of 6 letters have been received from the following persons:

Deborah Wood, Hearn's Cottage, Sheriffs Lane, Lyonshall (2 letters)
Mrs Penelope Davies, Stansbatch House, Stansbatch, Leominster
Mr James Weymouth, Upper Tan House, Stansbatch, Leominster
Mr H Spowers, Stansbatch Farm, Stansbatch, Leominster (2 letters)

The concerns raised can be summarised as follows:

- a) Boundary dispute with neighbouring landowner
- b) Overlooking and loss of privacy
- c) Concern about highway safety in respect of additional traffic using the new access
- d) Proposed contrary to re-use and adaptation of traditional rural buildings - substantial changes to existing structure, lowering of footings, increased angle of roof, new openings and prominent roof lights
- e) Contrary to policies restricting residential development - residential development is the last resort and there is local interest in use of buildings for commercial purposes.
- f) Small workshop/office does not represent a dominant commercial element within the context of the whole proposal
- g) Commercial interest expressed in the premises for lease or purchase

Titely and District Group Parish Council comment as follows:-

- a) Proposal appears to contravene UDP policies on the re-use of agricultural buildings.
- b) Offer by local person ignored by applicant
- c) Suggest a site meeting would enable access and privacy to be properly considered.
- d) Presence of workshop/studio appears to be an attempt to secure support for residential use. Would commercial use be controlled and tied to dwelling?

- 5.2 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues for consideration is the determination of this application are as follows:-
- a) the principle of residential conversion having regard to the attempt to secure alternative commercial uses for the buildings;

- b) the principle of residential conversion having regard to the structural integrity of the buildings;
- c) the impact of the proposed conversion on the character and appearance of the buildings and the wider impact on the surrounding countryside;
- d) residential amenity;
- e) highway safety, and;
- f) ecological issues.

Market Testing

- 6.2 The applicant has advised that the buildings have been marketed since 6 October 2003, as being for let or sale and the particulars have been displayed in the agent's office in Kington. As a result the details were available throughout the agents 14 regional offices and were also posted on their website. Further advertising has taken place in local newspapers and in addition the buildings have appeared in the requisite number of editions of the Councils Commercial Property Register.
- 6.3 In the light of this it is considered that the applicant has fulfilled the administrative requirements of Supplementary Planning Guidance on the residential conversion of buildings.
- 6.4 It is acknowledged that there has been a limited amount of interest but it is clear from submissions from interested parties that a specific interest has been registered by a local resident seeking a use for office purposes. The local resident has according to correspondence, indicated an interest in the purchase or leasing of the buildings, which is contested by the applicant who has advised that the only offer made was for the purchase of the barn. It is further suggested that the offer was not deemed acceptable and that in any event the applicant is not under any obligation to sell the property.
- 6.5 In this case it is considered that the commercial interest in the building appears to be a genuine one and according to information supplied this offer was made in a timely manner originating in March 2004 with subsequent approaches being made.
- 6.6 In the light of the above it is considered that there is a realistic likelihood of a small-scale locally based office use becoming established and since Government guidance is clear in its advice that appropriate commercial re-use should be given priority in respect of alternative uses for vacant agricultural buildings, the proposal is considered to be contrary to Policy A60 of the Leominster District Local Plan (Herefordshire).

Structural Integrity

- 6.7 The structural condition of the building and the extent of rebuilding required in order to accommodate its re-use is also a cause for concern in this particular instance. In response to concerns raised by Officers the applicant has produced an existing timber frame survey. This indicates that a significant proportion of the existing framing could be repaired and treated but also that there would be extensive repair and replacement required to facilitate the re-use. Further to this it is considered that the conversion would also require the reconstruction of the stone plinth upon which the structure

stands.

- 6.8 A fully detailed structural appraisal has not been undertaken and based upon the observations undertaken by the Building Control Manager, it is considered that the ability of the building to be converted as opposed to largely rebuilt is questionable.
- 6.9 In the absence of convincing evidence to demonstrate that the building can be converted within the spirit of the Councils adopted policy and supplementary guidance it is not considered that this proposal can be supported. It is advised that these concerns would equally apply to a proposal for commercial re-use and the conclusion reached above therefore sheds doubt on the acceptability of any alternative uses for these buildings.

In view of the serious concerns relating to the adaptability of the building it is suggested that the proposal would again fail the tests set out in Policy A60 of the Local Plan.

Character and Appearance

- 6.10 The main building, as described above, is in a state of advanced dilapidation and as a result a proportion of the sidewalls and gable are exposed offering an opportunity to introduce glazing into the timber framing. This said in its original form it would have been a very simple, largely weather boarded structure with a limited number of openings concentrated on the northern elevation of the building. The compartmentalisation of the barn in order to create an appropriate residential layout would result in the introduction of new windows on all but the east elevation as well as the provision of roof lights to serve first floor bedrooms.
- 6.11 It should be acknowledged that this proposal has been amended and improved following the withdrawal of previous application but it is still considered that the alterations required would have an unacceptable domesticating effect on the simple character and appearance of a building for which there is not an overriding case for retention.
- 6.12 There would inevitably be some site clearance and the works required to form the new access would have an effect on the existing rural character of the locality but this would not in its own right cause unacceptable harm and the amenity value of the pine tree is recognised and would be retained.

Residential Amenity

- 6.13 The proposed use of the site for residential/small scale office and workshop purposes would not in its own right lead to undue concerns in respect of noise and disturbance to adjacent property. The use could be restricted to one falling within Use Class B1 so that it would remain acceptable within an otherwise quiet residential environment.
- 6.14 Concerns have been raised in respect of the potential for overlooking but it is advised that the relative orientation and distance of the barn from the nearest property (Stansbatch House), which is some 35 metres away is such that the privacy of its occupiers could not realistically be substantiated as a reason for refusal.

Highways Safety

- 6.15 Again, local concerns have been raised and in its original form the proposal involved

the continued use of the existing dangerous access at the apex of the road. This has been revised and repositioned to a point sufficiently distant from a bend in the road to overcome concerns about visibility. The Traffic Manager raises no objection and therefore whilst local concerns are acknowledged it is not considered that there would be grounds for the refusal of permission on highway safety grounds.

Ecological Issues

6.16 In response to the identification of bats on site and the strong likelihood of the site and surroundings supporting Great Crested Newts, two surveys have been commissioned. In this respect the applicant has acted responsibly but unfortunately the timing and the extent of the survey work carried out by the applicants consultant is questioned by the Chief Conservation Officer. In the light of the above, it is advised that the implications of the proposed conversion on the existing habitat has not been fully examined and on the basis of the limitations of the information available the application should be refused as being contrary to policies seeking to preserve and enhance the nature conservation interests of sites.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The local planning authorised, based upon the evidence provided, are not convinced that every reasonable attempt has been made to secure a suitable business re-use and it is not considered that the element of studio/workshop and office proposed represents a sufficiently dominant part of the scheme to enable support for the residential use. Accordingly the proposed residential conversion of the barn would be contrary to Policy A.60 of the Leominster District Local Plan (Herefordshire) and the guiding principles identified in PPS7 - Sustainable Development in Rural Areas.**
- 2 The main barn is in poor structural condition, and notwithstanding the information in relation to the condition of the existing timber framing, it is not considered that the building is capable of conversion without extensive alteration and major reconstruction. Furthermore it is maintained that the extent of alterations would have a detrimental effect on the simple character of the building and its setting. This would be contrary to Policies A1, A2(D), A9 and A60 of the Leominster District Local Plan, Policies H.20 and CTC14 of the Hereford & Worcester Council Structure Plan and the guiding principles identified in PP57 - Sustainable Development in Rural Areas.**
- 3 The local planning authority do not consider that the information provided with the application relating to the presence of bats, great crested newts and other protected species is sufficient to enable its impact to be thoroughly assessed. In the absence of sufficient information it is concluded that harm could result that would be contrary to Policies A5, A7 and A8 of the Leominster District Local Plan (Herefordshire) and Policies CTC3 and CTC14 of the Hereford & Worcester Council Structure Plan.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.