

17 DCSE2005/1346/F – ALTERATIONS, REPAIRS AND EXTENSIONS TO EXISTING BARN FOR RESIDENTIAL PURPOSES AT NEWTON FARM, WELSH NEWTON, MONMOUTH, HEREFORDSHIRE, NP5 3RN**For: Mr. & Mrs. Gilling per M. John Crowther & Associates, Suite 2 Cobb House, 82 Newport Road, Caldicot NP26 4BR****Date Received: 25th April, 2005 Ward: Llangarron Grid Ref: 50012, 17861****Expiry Date: 20th June, 2005**

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

- 1.1 The site is located at Welsh Newton which is a small settlement located on the east side of the Class 1 A466 road in the extreme south of the County. The site itself is just to the south east of the settlement and is approached by an unmade track.
- 1.2 The proposal relates to a recently constructed dwelling. This is on the site of a former barn for which planning permission was granted in 2002 for conversion, with extensions, into a dwelling. Although the 2002 permission was implemented recent investigations revealed that the work was almost entirely new build as opposed to a conversion and also differed in size and appearance.
- 1.3 This application seeks to regularise the development, and proposes alterations to the building as constructed. A previous application (DCSE2005/0065/F) sought to retain the building in its current form but was withdrawn. The alterations proposed in this application involve:
- a reduction in the ridge height of the main part from some 7.5 metres to 6.6 metres
 - the eaves height of the main building would be reduced from some 4 m. to 3.7 m. (east side measurement)
 - a reconstruction of the original wagonway entrance on the east side. Its width would be reduced from some 6 m. to 3.7 m. and its ridge height reduced from some 7.3 m. to 5.8 m.
 - the left side rear wing will be reduced in width from 9.7 m. to 9.3 m., its ridge height from 7.6 m. to 6 m., and its length from 11.8 m. to 11.3 m. The chimney would also be removed
 - the right hand rear wing will be reduced in length from 11.8 m. to 11.3 m. and in ridge height from 6 m. to 5.2 m.

2. Policies**2.1 Planning Policy Guidance/Statements**

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|--------|---|---------------------------------------|
| PPG.1 | - | General Policy and Principles |
| PPG.15 | - | Planning and the Historic Environment |

PPS.7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC.2 - Area of Great Landscape Value
 Policy CTC.7 - Development and Features of Historic and Architectural Importance
 Policy CTC.9 - Development Requirements
 Policy CTC.14 - Criteria for the Conversion of Buildings in Rural Areas
 Policy H.16A - Development Criteria
 Policy H.20 - Residential Development in Open Countryside

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
 Policy C.1 - Development within Open Countryside
 Policy C.8 - Development within Area of Great Landscape Value
 Policy C.29 - Setting of a Listed Building
 Policy C.36 - Re-use and Adaptation of Rural Buildings
 Policy C.37 - Conversion of Rural Buildings to Residential Use
 Policy SH.11 - Housing in the Countryside
 Policy SH.24 - Conversion of Rural Buildings

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H.7 - Housing in the Countryside outside Settlements
 Policy H.14 - Re-using Previously Developed Land and Buildings
 Policy HBA.4 - Setting of Listed Buildings
 Policy HBA.12 - Re-use of Rural Buildings
 Policy HBA.13 - Re-use of Rural Buildings for Residential Purposes
 Policy LA.2 - Landscape Character and Areas Least Resilient to Change
 Policy DR.1 - Design

2.5 Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

3.1 There have been a considerable number of applications with respect to Newton Farm. The following are those most directly relevant to this proposal:

SH890603PF) SH890604LA)	Barn to staff accommodation, part of equestrian training centre and stud	-	Approved 21.06.89
SW2000/0312/O	Equestrian centre with car parking	-	Approved 11.10.01
SW2000/0313/F	Conversion of equestrian building to farmhouse	-	Approved 11.10.01
SW2000/0314/F	Conversion to form 6 holiday cottages	-	Approved 11.10.01

NB. A Section 106 Agreement was completed in association with the above-mentioned permissions

SW2002/2136/F	Barn conversion for residential purposes	-	Approved 13.11.02
SW2002/3708/F	Erection of domestic garages	-	Approved 06.03.03
SW2002/3712/F	Conversion of stable block into three holiday cottages	-	Approved 01.05.03
DCSE2003/2909/F	Upgrading existing access	-	Refused 20.11.03
DCSE2003/3063/F	Equestrian Centre, including restaurant, staff and instructors accommodation, car parking and ancillary works	-	Refused 08.01.04 (subject of current Appeal to DoE)
DCSE2004/0912/RM	Proposed equestrian centre, car parking and ancillary works	-	Refused 07.05.04
DCSE2004/3729/F	Conversion of existing stables into holiday accommodation	-	Refused 29.11.04
DCSE2004/2607/RM	Equestrian centre, car parking and ancillary works	-	Approved 17.01.05
DCSE2005/0065/F	Partial reconstruction and extension of barn for one dwelling.	-	Withdrawn 15.02.05

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections subject to conditions.
- 4.2 The Ramblers Association have no objection.
- 4.3 The Open Spaces Society has no objection.

Internal Council Advice

- 4.4 The Traffic Manager has no objection subject to conditions, including measures to protect the public right of way.
- 4.5 The Conservation Manager does not support the proposal bearing in mind the Council's Supplementary Planning Guidance on conversion schemes.

5. Representations

- 5.1 Welsh Newton Parish Council were unanimous in strong opposition to this application. The original permission was granted to convert an old existing barn, however these plans are for a new build. It is evident that the original barn no longer exists and although these plans superficially resemble the original ones the resulting structure would be a 'new build' not a conversion. As mentioned previously the Parish Council are concerned over the setting of a precedent in allowing a new build in such a rural

landscape, which we believe to be of Great Landscape Value and contrary to the local plans.

5.2 The applicants and their agent have both written in support of the application and these are attached as an appendix.

5.3 Eleven letters of objection have been received. The objections raised are:

- the work is contrary to planning policy
- the barn has been demolished and replaced by a new building
- the new building is larger than the barn
- the new stone walling is out of character and original features have been lost
- planning permission would not be granted for a new building in the countryside
- there is harm to the AGLV
- the setting of Pembridge House (Listed Building) should be protected
- the extensions are intrusive, and it harms the setting of Pembridge House
- it is a new building and not a conversion
- the domestic curtilage is unacceptable
- the scale and accuracy of the plans is questioned.

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

6. Officers Appraisal

6.1 Welsh Newton is identified in the Local Plan as a smaller settlement. The application site is to the south of the main group of dwellings that constitute the settlement and therefore is in the open countryside. Planning policy seeks to restrict new development in such locations. With regard to housing, exceptionally, permission can be granted where the proposal is for the conversion of an existing building, and in the case of a new dwelling where it is required for an agricultural worker or for affordable housing.

6.2 This original permission related to a traditional rural building. This essentially comprised a long stone structure of single storey with an attic, with on its west side two single storey additions. In 1989 permission was granted for its conversion to residential accommodation. Subsequently in 2001 permission was granted for its conversion to six holiday cottages with this scheme being one of three permissions, the others being conversion of a further building into a farmhouse and construction of an equestrian centre. In 2002 permission was granted for the conversion of this building into a residential use (SW2002/2136/F).

6.3 The applicant sought to implement the 2002 permission. The approved plans indicated that the principal stone structure would be retained but with the two wings on the west side to be reconstructed. The finished conversion would create a five-bedroomed house.

6.4 Work commenced in early 2003 (as noted by Building Control). However recently it became apparent that the work was not proceeding in accordance with the permission. The majority of the original barn has been demolished and rebuilt. The only identifiable remaining part of the original is a 7 metre length of wall, which is now an internal wall. In the rebuilding of the main structure the ridge height has been significantly increased to some 7.5 metres. The wagon way gable entrance on the east side is significantly

larger than the original both in its width and height. The rear wings are also different to that approved. The northernmost has increased in its width and in its ridge height. The ridge height of the southernmost has also increased. In addition a chimney has been added. There are other matters of important detail – the form of the new stone walling does not reflect the local character, the treatment of the eaves has a modern boxed appearance and the roof is entirely new.

- 6.5 In November 2004 the applicant was advised that due to these significant variations the work did not have the benefit of planning permission and was unauthorised. Subsequently in January 2005 an application was submitted which sought permission for the development as had been carried out. This was withdrawn before its determination.
- 6.6 On 5th April, 2005, under Delegated Powers, it was resolved to issue an Enforcement Notice to secure the demolition of the unauthorised dwelling and to remove from the site all materials that arise from the demolition. The Notice has not been served.
- 6.7 This application seeks to retain the development. However it does propose alterations to the building which in terms of its size and some of its detailing would result in a building more similar to that approved originally in 2002
- 6.8 In considering the original application in 2002 there was no suggestion on the submitted drawings that major reconstruction was intended or even necessary, other than in the two wings. With regard to the issue of the Building Regulations the position as suggested by the agent is disputed. Although the site was visited on a number of occasions by the Building Inspector at no time was it suggested or required that any existing walls should be removed. It is correct that on a number of occasions that Planning Officers did also visit the site but these visits would have been primarily in connection with other proposals.
- 6.9 Planning permission was for the conversion of a building. The only part of the original building that remains appears to be a short section of wall, which is now an internal wall. Effectively this is a new dwelling.
- 6.10 This application does not propose the retention of the building as it currently stands. Significant alterations are proposed. The effect of these will be to give the resultant building a similar appearance to that which would have resulted from the 2002 permission. No timescale is indicated for the progress or completion of this work were permission to be granted.
- 6.11 The works proposed would not however disguise the fact that the building is a new build as opposed to a conversion. Additionally there appears to be no intention to rectify the current poor standard of stonework.
- 6.12 Planning policy clearly restricts new housing in the countryside. This is not a location where planning permission for new dwellings is normally granted. The conversion of rural buildings can be permitted. The scheme in 2002 met the policy requirement.
- 6.13 It is a fundamental element of policy that in dealing with rural buildings any conversion is that – a conversion and not a new structure. This is emphasised in all relevant policies and in the Supplementary Planning Guidance. The policy aim is to preserve the building rather than to permit the construction of new dwellings.

- 6.14 In terms of the principle, the proposal is contrary to policy in that it is the erection of a new dwelling in the countryside without planning permission. The works proposed will result in a building that to a degree resembles the 2002 permission but remains a new dwelling. The alterations proposed would significantly improve the position with regard to the impact on the Area of Great Landscape Value and the impact on the setting of Pembridge House would also be improved.
- 6.15 In conclusion the proposal seeks permission for a new house in the open countryside. It is based on a scheme that received permission in 2002 as a barn conversion. In terms of policy with regard to new housing in the countryside none of the exceptional circumstances are met with this application. Notwithstanding that its size, scale and appearance will be similar to the earlier permission it will remain as a new dwelling and as such is clearly contrary to policy.
- 6.16 In his letter of 26th May, 2005 (see appendix) the applicant proposes that if this application is supported he would be prepared to relinquish the approval for the equestrian centre (Application DCSE2004/2607/RM) and to agree to prevent further development on the current area and adjacent land. If this were to be accepted it would involve a revocation of the permission for the equestrian centre (without compensation) and a Section 106 Agreement. Although there were numerous objections to the equestrian centre the approval of it, in principle in 2001 and the reserved matters in January 2005, was considered to be in accordance with planning policy. Planning policy, although it will change with the Unitary Development Plan, is unlikely to change to such an extent that the equestrian centre as approved would be unacceptable. It would therefore in future years be difficult to resist an application for any equestrian centre. In these circumstances it is considered that this is not an appropriate course and does not overcome the substantive policy issue with regard to the dwelling.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 Planning permission was granted in 2002 (Application SE2003/2136/F) for the conversion of a building. The development as carried out has resulted in the erection of a new dwelling in the open countryside. Although the development now proposed would significantly alter the appearance of the building the development constitutes the erection of a new dwelling in the open countryside This is contrary to Hereford and Worcester Structure Plan Policies H.16A and H.20, and South Herefordshire Local Plan Policies C.1 and SH.11, as supplemented by the advice in PPS.7. There is insufficient justification for these policies to be set aside.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.