

26 DCNW2005/1503/F - CONVERSION OF BARN INTO HOLIDAY HOME AT OAK BARN, UPCOTT, ALMELEY, HEREFORDSHIRE, HR3 6LA**For: Mr S Dick of above address.****Date Received:****6th May 2005****Ward:****Castle****Grid Ref:****32544, 50810****Expiry Date:****1st July 2005**

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The barn subject to this application is a redundant pigscot/cow-byre and is within the curtilage of a dwelling that was also a previous agricultural barn converted to residential use.
- 1.2 The barn subject to this application is a single storey detached building of stone and timber construction under a mainly slate roof (a small section towards the one gable end is of corrugated sheet iron construction). The structure is mainly open on its south eastly elevation which is the opposite side of the structure that faces the existing barn converted to that of residential use.
- 1.3 To the north east of the application site on opposite side of a stone wall and within its own curtilage is the grade II listed former farmhouse known as 'Lower Upcote', this dwelling is in separate ownership.
- 1.4 The application seeks planning permission for conversion of the barn into holiday accommodation.

2. Policies

- 2.1 Supplementary Planning Guidance – Reuse and Adaptation of Traditional Rural Buildings
- 2.2 Leominster District Local Plan (Herefordshire)
 - A1 – Managing the District's Assets and Resources
 - A2 – Settlement Hierarchy
 - A5 – Sites Supporting a Statutory Protected Species
 - A7 – Replacement of Habitats
 - A9 – Safeguarding the Rural Landscape
 - A16 – Foul Drainage
 - A18 – Listed Buildings and their Settings
 - A36 – New Employment Generating Uses for Rural Buildings
 - A60 – Conversion of Rural Buildings Outside Settlements to Residential Use
- 2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S7 – Natural and Historic Heritage
DR1 – Design
DR4 – Environment
H14 – Re-Using Previously Developed Land and Buildings
E11 – Employment in the Smaller Settlements and Open Countryside
NC1 – Bio-diversity and Development
NC5 – European and Nationally Protected Species
NC8 – Habitat Creation, Restoration and Enhancement
HBA4 – Setting of Listed Buildings
HBA12 – Re-Use of Rural Buildings

3. Planning History

NW04/2602/F - Conversion of existing pig cot into one habitable dwelling - refused 10th September 2004.

NW02/0872/F - Proposed barn conversion to provide living accommodation and associated workshop - approved 25th June 2002.

NW99/2649/F - Conversion of barn to dwelling and workshop - withdrawn 10th December 1999.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - Consider the application acceptable subject to the inclusion of a condition with regards to foul drainage and an informative note to any approval notice issued.

Internal Council Advice

- 4.2 Traffic Manager has no objection to the grant of permission.
- 4.3 Conservation Manager has no objections subject to the inclusion of a condition with regards to approval of details of materials.
- 4.4 Ecology Manager expresses concerns with regards to the requirement for a D.E.F.R.A. licence prior to any development on site.

5. Representations

- 5.1 Almeley Parish Council state: 'The plans were considered to be satisfactory, but the need for and the holiday home was questioned. Access drainage needs clarification.
- 5.2 A total of three letters of objections to the proposed development have been received from Peter and Helen Cripwell, Lower Upcott, Almeley, HR3 6LA.

The objections can be summarised as follows:

- Impact of any conversion to the adjacent listed buildings.
- Oak Barn needs the cow byre for garaging and workshop.
- Concerns about planning history of site and reasons for previous refusal on site.
- Concerns about loss of privacy on dwelling within close proximity to site known as Lower Upcott.

Two letters in support of the application has been received from:

Mr & Mrs C Powell, Upcott Cross, Almeley, HR3 6LA.

Mrs Ellis-Jones, Buttington, Hopley's Green, Almeley, Hereford, HR3 6QX

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

6. Officers Appraisal

- 6.1 The application proposes holiday use of the barn and not a separate residential dwelling as stated in one of the letters of objection.
- 6.2 Officers have been involved in pre-application planning advice with the applicant and have stated that separate residential use of the structure proposed for conversion to holiday use would not be supported by officers due to the structures close relationship to the dwelling, Oak Barn, within whose curtilage the structure, subject of this application, is located. This advice has been given due to concerns about privacy and amenity in relationship to Oak Barn and not Lower Upcott to which officers consider there is no detrimental impact to the amenity and privacy of this dwelling or on its listed status.
- 6.3 The application proposes conversion to holiday use and not separate encumbered residential use. In Local Plan policy terms this is considered acceptable as it amounts to business use and therefore the barn does not require marketing for business re-use.
- 6.4 The application proposes a conversion that is considered sympathetic to the existing structures architectural and historic character as noted by the letter received from members of the public in support of the application. The Conservation Manager raises no objection to the proposed development and states in the response received "The proposed scheme makes use of existing openings and appears to be sympathetic to rural character of building".
- 6.5 The Parish Council who also support the application raise concerns about access and drainage.

The application is to be holiday use and it is recommended that any approval notice that Committee are minded to issue contains a condition tying the unit into the same ownership as that of Oak Barn therefore access will be as to that of Oak Barn.

The drainage issue has been a matter of consideration for the Environment Agency who also raise no objection to the proposed development subject to a condition with regards to foul drainage and an advisory note being attached to any approved notice issued.

- 6.6 The Ecology Manager raises concerns about a DEFRA Licence being required for this conversion scheme prior to any development on site. The applicant has submitted a survey on wildlife presence and it is recommended a condition be attached to the approval notice with regards to the requirement for a DEFRA development licence prior to any development on site.
- 6.7 The objectors to the application raise concerns about the site's previous planning history. A planning application for conversion of the structure subject to this application was refused planning permission on 10th September 2004 for conversion to an unencumbered habitable dwelling. The reasoning for this decision was the close proximity of the structure to the adjacent Oak Barn to which any conversion would have an unsustainable and detrimental impact towards with regards to privacy and amenity issues. The present application is for an encumbered unit to this dwelling known as Oak Barn.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

2 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - C02 (Approval of details)

- (a) Window, construction and detail**
- (b) External door construction and detail**
- (c) External roofing material**

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

4 - C11 (Specification of guttering and downpipes)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5 - C12 (Repairs to match existing)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

6 - E15 (Restriction on separate sale)

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

7 - E16 (Removal of permitted development rights)

Reason: In order that the Local Planning Authority can control development on this site with regards to the historic and architectural significance of the building structure.

8 - E18 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties.

9 - E31 (Use as holiday accommodation)

Reason: The local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, [due to the relationship and close proximity of the building to the property known as Oak Barn in this rural location.

10 - No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed.

Reason: To prevent pollution of the water environment.

11 - Prior to any development on site the applicants (or whoever is in ownership of the structure subject to this approval), shall have obtained a D.E.F.R.A. Development Licence and a copy will be forwarded to the Local Planning Authority who will of agreed with its contents in writing to the person(s) who need to obtain it prior to any form of development on site.

Reason: In order to safeguard any wildlife species that are protected under The Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats), Regulations 1994.

Informatives:**1 - Where septic tanks/private treatment plants are proposed, Circular 3/99 (Planning Requirements in respect of Non-Mains Sewerage) advises in Annex A that the application should be accompanied by a full foul drainage assessment to demonstrate that the proposal will not adversely affect the environment amenity and public health of the vicinity. This assessment should clearly set out the responsibility for and means of operation and maintenance of the plant (see paragraph 4) and provide adequate consideration of the points outlined in paragraph 6.**

Reference should also be made to 'Approved document H 2002 Edition', Section H2 paragraphs 1.27-1.30 regarding the siting of the foul effluent soakaway (note the need to be 15m from any building; 10m from any watercourse or permeable drain and 50m from any groundwater abstractions), paragraphs 1.31-1.38 assists with assessing the ground conditions, and Appendix H2A regarding maintenance of the ssystem.

2 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.