

ITEM NO: 6.6	<u>Location:</u>	Minsden Farm, Hitchwood Lane, Preston, SG4 7RY
	<u>Applicant:</u>	Mr P Boyle
	<u>Proposal:</u>	Conversion of barn to 5 bedroom dwelling. (Additional plan received 10.03.08 and amended plan received 13.03.08).
	<u>Ref.No:</u>	07/01674/ 1
	<u>Officer:</u>	Anne Osborn

Date of expiry of statutory period : 24 March 2008

Reason for Delay

Committee cycle.

Reason for Referral to Committee

Officer recommendation contrary to Parish Council recommendation on design issues.

1.0 Relevant History

- 1.1 There is no planning history for the barn forming this application. However, there is a long planning history for the farm as whole. Important applications and appeal decisions include a Lawful Development Certificate appeal allowed in 2005 which accepted that part of the barn had been used for residential purposes for more than 4 years. In 2006 permission was granted to allow the whole of the building to be used as a single dwellinghouse.

2.0 Policies

2.1 North Hertfordshire District Local Plan no.2 with Alterations 1996

- 6 - Rural Areas beyond the Green Belt;
- 25 - Re-use of Rural Buildings;
- 55 - Car Parking

2.2 Government Policy Advice

- PPS1 - Sustainable Development;
- PPS7 - Sustainable Development in Rural Areas.

3.0 Representations

- 3.1 **Preston Parish Council** - raise objection to the application. The Parish Council object on the basis that the design details are aesthetically poor, there is no justification in making this barn a five bedroom dwelling and the site is in the Green Belt.
- 3.2 **Hertfordshire Highways** - no objection.
- 3.3 **Planning Policy** - raise objection to the application on the basis that the site is not in a sustainable location.

- 3.4 **Herts and Middlesex Wildlife Trust** - requests that a bat survey be undertaken to establish if bats roost in the building.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 Minsden Farm is located outside of the village of Preston, and lies to the east of Hitchwood Lane off of an unmade track. The farmyard complex lies at the end of the track and comprises two large barns and one single storey part open sided barn. The buildings form a rough 'U' shape, and the barn at the frontage is f being renovated to implement the 2006 permission.
- 4.1.2 The barn, subject of this application, is a large brick built barn with a tin roof. There are two roller shutter doors and several other window/loading openings in the front elevation. The barn is positioned hard onto the rear boundary and links with a canopy roof to the single storey barn structure / stables at the south of the farmyard.

4.2 Proposal

- 4.2.1 The application is seeking planning permission to change the use of the rear barn into a separate residential dwelling. The application is proposing a large entrance hall, kitchen/breakfast room, utility, study, WC, dining room and lounge on the ground floor and five bedrooms, five bathrooms / en-suites and one dressing room at first floor. Outside the application includes an area where four cars can park and a small area of land, 36 sqm rear of the barn and 250 sqm of land in front of the barn which could be used as amenity land.
- 4.2.2 In terms of elevational alterations, the new doors and windows have little, if any, relationship to the position of the existing openings on the front elevation, and new openings are to be inserted into the two end and rear elevations. A new concrete tile roof is also proposed.
- 4.2.3 A completed and signed Unilateral Undertaking (UU) and a Design and Access Statement (DAS) have also been submitted for consideration. The UU offers a contribution of £4,951.00 and this is considered to be acceptable and in accordance with the Council's approved Supplementary Planning Document 'Planning Obligations'.
- 4.2.4 The DAS sets out the planning argument for the proposal. It mistakes the site for being within the Green Belt, and incorrectly applies PPG2. It also refers to Policy 25 of the Local Plan and states that as the building has remained vacant since the agricultural holding at the unit failed, its change of use to residential will not have an adverse impact on the rural economy. It also states that the building is the same size as the other barn, where the Council has already accepted residential use as being an appropriate re-use of that building.
- 4.2.5 The DAS also goes into detail regarding the design approach of the building, and states that no extensions to the building are required and that the only changes are to the windows, doors and roof.

4.3 Key Issues

Planning history

- 4.3.1 It is stated within the DAS that the Council has recently accepted that a residential use in barn 1 is acceptable, thus implying that the residential re-use of this barn (barn 2) is also acceptable. It should be noted that when the Council became aware that barn 1 was being used for residential purposes appropriate enforcement

action was taken. This resulted in an appeal, where it was concluded by the Inspector that the change of use of the barn from agricultural to residential use has taken place more than four years before the start of the enforcement proceedings. For this reason it was deemed a change of use, so the appeal was allowed. It must be stressed that the Inspector did not examine the planning merits of the case in terms of whether it is an appropriate site for residential development. With regards to the 2006 permission, it was considered that allowing the whole building to be used as a single dwellinghouse rather than a section of it (allowed at the 2005 appeal) would have no increased harm in terms of sustainability issues as it is still only one dwellinghouse.

Consideration of Policy 25

- 4.3.2 Policy 25 of the Local Plan states that the re-use of rural buildings for residential purposes will only be permitted providing:
- there will be no adverse effect on the local rural economy;
 - the building will not require extensive alteration, rebuilding and/or extension;
 - the use of the building will not harm the character of the countryside or have an adverse effect on highway safety.
- 4.3.3 In this instance, the DAS sets out that the building has remained vacant since the farm failed in 1999, and therefore, its loss from the locality from agricultural use will have no adverse impact on the local rural economy. No extension works are required, and while works are required to insulate the building, install the second floor and make changes to the fenestration and roof, the building is brick built and in good condition and on balance is suitable for conversion without substantial reconstruction being necessary. It can also be concluded that the use of the building will not harm the character of the countryside, as there is another residential use in the neighbouring building, and so will not be contrary to the character of the locality and Hertfordshire Highways raise no objection to the proposal. Therefore, it can be concluded that the proposal complies with the objectives of Policy 25.

Consideration of PPS7

- 4.3.4 However, national planning policy PPS7 - Sustainable Development in Rural Areas must also be given consideration. PPS7 was published in 2004 and therefore post-dates the local plan and in particular Policy 25. In my view more weight has to be given to the advice contained in PPS7 than given to Policy 25.
- 4.3.5 Two key pieces of advice in PPS7 must be given due consideration in this instance. Paragraph 17 states: *"The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of building"*.
- 4.3.6 In paragraph 20 it goes on to state: *"The replacement of non-residential buildings with residential development in the countryside should be treated as new housing development in accordance with the policies in PPG3 and where appropriate, paragraph 10 of this PPS". Paragraph 10 states "Isolated new houses in the countryside will require special justification for planning permission to be granted"*.
- 4.3.7 In this instance no evidence has been submitted to show why the building either could not be used for economic use or is not suitable for economic use. It would appear that no consideration has been given to any other use other than residential use, and therefore the proposal fails to comply with this requirement of PPS7.
- 4.3.8 The DAS does recognise the requirements of paragraph 17 of PPS7, but has merely concentrated on the section of paragraph 17 which states that *"residential conversions may be more appropriate in some locations and for some types of buildings"*. The DAS states that the conversion of the barn fits the policy requirement, but it does not set out or justify why this is so.

Sustainability issues

- 4.3.9 PPS7 also requires for the sustainability of the building and use to be given consideration. I consider that two issues of sustainability have to be given consideration in this instance. One aspect is recognising that the building exists and therefore should another use be found/acceptable for the building or should it be left with no beneficial use. The other aspect of sustainability is to assess whether further users of the building will be primarily dependent on the private car as their main mode of transport in living their lives and getting to and from the building, and whether any likely future traffic generation is greater or lesser than the situation of the authorised use.
- 4.3.10 Turning to the first issue, the building was constructed for the purposes of agriculture, at some stage between 1992-1994 and the farm ceased in 1999. The building has been primarily unused since, but it was being used for the storage of building materials at the time of a site visit on 15th February 2008. The building is of plain brick construction and is not of such special character that its retention is necessary. It might be concluded that just because the building exists it does not have to have a use found for it and therefore little weight can be given to this aspect of sustainability in terms of making re-use of the existing buildings in this instance.
- 4.3.11 The other more common issue of sustainability is more easy to rationalise. The potential trips to and from the building if it were still in agricultural use must be compared against the likely future use of the building as a single residential dwelling. The location of the building is remote and whilst it would be possible to walk into Preston in 15 minutes or so, there is not a shop in Preston and the bus service through the village is limited. It can therefore be concluded that future residents of the building will primarily depend on the car for their everyday needs, and given the limited facilities in Preston, other trips would be further afield. It is likely that agricultural trips to and from the building would be few, and more localised if they were occurring. Therefore, it can be concluded that the change of use to residential would be unsustainable both in terms of a higher trip generation and due to the location of the building in a remote part of the countryside future occupiers would be car dependent. The proposal is therefore considered to fail to comply with the first requirement of paragraph 17 of PPS7.

Design and other considerations

- 4.3.12 No objection is raised to the proposed design of the conversion. The building is plain and functional as existing, and the proposed windows and doors will not adversely effect the appearance of the building. The insertion of the doors and windows will result in the property having a domestic appearance, but given that the neighbouring building is in residential use, and given that houses in remote rural locations are a common feature of the countryside, I cannot conclude that the appearance of the building as residential in this location would be harmful to the actual character of the locality.
- 4.3.13 There is adequate space proposed for parking, bins and amenity. The main amenity area of the house is between the application barn and barn 1, and is not a hugely private area. However, I do not consider that it would be appropriate for the domestic curtilage of the building to further encroach into the countryside in this location and therefore this land is the most appropriate location for domestic amenity space.
- 4.3.14 Finally, had I been minded to approve this application, a condition to ensure a bat survey and any necessary mitigation measures would have been recommended.

4.4 **Conclusion**

- 4.4.1 In conclusion the proposal is considered to fail to comply with the requirements of PPS7, due to the facts that no evidence has been submitted to justify why the building should be used for residential purposes only. Furthermore, due to the remote location of the building residential use in this location is considered to be unsustainable. The application is therefore recommended for refusal.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

- 6.1 That permission be **REFUSED** for the following reasons:

1. The proposed conversion from agricultural use to residential use is unacceptable development failing to comply with the policy requirements of PPS7. It has not been demonstrated that the building is no longer suitable or capable of being used for economic use and is therefore contrary to paragraph 17 of PPS7. Furthermore, due to the remote location of the barn, it is in an unsustainable location where the future occupiers would be primarily dependent upon the private car for their day to day needs.