COMMITTEE EXTRACT

Committee Date:

Reference:- **09/00454/FUL** **Parish:-** **Higham On The Hill Parish Council**

Applicant:- **Mr T Preston**
Vale Farm
Stoke Golding Lane
Higham on the Hill
Nuneaton

Location:- **Vale Farm Stoke Lane Higham On The Hill Nuneaton Leicestershire**

Proposal:- **CONVERSION OF DISUSED AGRICULTURAL BUILDING TO FORM ADDITIONAL BED AND BREAKFAST ACCOMMODATION AND ERECTION OF NEW GARAGE**

Introduction:-

This is an application to convert a redundant single storey farm building into bed and breakfast accommodation (2 double bedrooms and one single, each with en-suite facilities). The proposal also includes a new garage building attached to the gable of the barn and the eaves will line through. The provision of the garage will effectively permanently remove an unused access close to the bend in Stoke Lane.

The site is located outside of the settlement boundary for Higham on the Hill within an area of countryside. There are other farms and dwellings located within the local area.

The site consists of a farmhouse and various agricultural buildings accessed off Stoke Lane. The total agricultural holding is 60 acres. The two-storey building attached to the house was granted planning permission in 1996 to be converted to ancillary accommodation and is used for bed and breakfast accommodation. The use for bed and breakfast accommodation at this scale was ancillary to the use of the property as a dwelling and therefore no material change of use had occurred previously.

The barn is brick construction and has a pitched roof with clay tiled roof.

The Design and Access Statement submitted with the application states that existing building is no longer suitable for modern day agricultural needs, both in terms of height and footprint. Existing openings are no longer suitable for modern day machinery and make it difficult to re-use this building for any agricultural purpose. This building does form part of the existing agricultural buildings and plays a key part in the character of the existing courtyard and adds a sense of enclosure and privacy from the main highway.

An Ecological Survey was submitted with the application which identified that the proposed building had open access for bats but no evidence of use by bats was found. The survey was carried out during the bat hibernation period. The building had significant bat roost potential but because it is not entirely weather proof and very drafty, this is likely to be restricted to warm summer days and short periods rather than as a long term roost. The survey identified a colony of bats within the site but not this building. No other protected species were noted. The survey states that mitigation measures are not required but it would be desirable for the proposed redevelopment design to retain an area with some exposed beams that might be attractive to bats.

A Structural Survey has been submitted with the application which states that the barn is solid brickwork construction. The external walls are generally in a sound condition apart from repointing required on the highway elevation. It suggests that the re-pointing should be with lime mortar. The pier which supports the walls can be removed provided that the new cross wall partitions are of masonry construction. The walls will require damp proof treatment. New floors will be required, they can be designed to support the new internal walls. The roof profile undulate slightly and there is no insulation. The survey suggests that the roof should be rebuilt (it suggests that this will be necessary in any case even without conversion in order to secure the structure of the building). All rainwater goods

are to be replaced. The survey concludes that the building can be converted, subject to the roof being rebuilt, by routine maintenance measures such as repointing and renewing of the rainwater goods.

Amended plans have been received which lower the ridge height of the proposed garage, move one of the roof lights from the highway elevation to the farmyard elevation, remove the canopies over the doorways and reinstate the air vent details to the existing ridge of the barn.

Parking is provided within the site and access is provided via the existing farm access.

Planning History

01/00420/FUL Renewal of permission for conversion of outbuilding Approved 16.07.01

96/00447/FUL New vehicle access Approved 12.08.96

96/00222/COU Conversion of outbuilding to ancillary accommodation Approved 10.05.96

Consultations:-

No objections received from;

Director of Community Services (Archaeology)
Higham Parish Council
Head of Community Services (Pollution)
Councillor Ward supports the proposal.

Head of Community Services (Land Drainage) suggests a condition regarding permeable surfacing within access.

Director of Highways Transportation and Waste Management reports that the type and location of the development does not sit well with current guidance with respect to the governments intentions to reduce the need to travel especially by car. However, on the basis that improvements can be provided to the existing access and that an existing substandard access will be permanently closed, leading to a highway gain in highway safety terms, it is unlikely that it would be possible to sustain a reason for refusal of the specific proposal on highway grounds in the event of an appeal and has therefore recommended conditions.

Director of Community Services (Ecology) originally requested an emergence survey for bats but has agreed that the request is unreasonable as there are other options for dealing with the potential for bats within the building.

Director of Community Services (Rights of Way) has recommended notes to applicant with regard to public footpath T47 which crosses the site.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 7 Sustainable Development in Rural Areas encourages the re-use of appropriately located and suitably constructed existing buildings within the countryside where this meets sustainable development objectives. In assessing such development consideration should be given to the potential impact on the countryside, landscape and wildlife; accessibility to settlements. PPS7 recognises that proposals to convert existing rural buildings should be acceptable subject to any general criteria set within development plans on the re-use of such buildings.

Local Plan

The site lies outside the settlement boundaries for Higham on the Hill as identified in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 requires high quality design which complements or enhances the surrounding area and adjacent properties in terms of mass, scale, design, density, materials and architectural features while retaining adequate amenity and privacy.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either: important to the local economy and cannot be provided within or adjacent to an existing settlement; is for the change of use, re-use or extension of existing buildings; and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy BE20 stipulates a number of criteria to which proposals in the countryside should adhere. The proposed use should not adversely impact on the appearance and character of the landscape or building for conversion. The building should be in a structurally sound condition and capable of conversion without significant adaptation and rebuilding. Future occupiers should not be affected by existing activities nor should the proposal impact on a protected wildlife habitat. The proposal should not affect Highway Safety and should comply with Highway criteria.

REC21 deals with tourist accommodation and states that in open countryside, planning permission will only be granted for new accommodation where it can be demonstrated that such accommodation makes use of existing property or can be satisfactorily be integrated within with the scale of existing buildings with which it is associated. The proposal also needs to satisfy the relevant plan criteria in terms of design, siting and highway considerations.

Policy T5 requires all new development to achieve the relevant highway standards and vehicle requirements contained within the County Council's highway design guidance.

The Council's Supplementary Planning Guidance (SPG) on the Conversion of Rural Buildings states that the re-use and adaptation of existing rural buildings has an important role to play in meeting the needs of rural areas particularly for commercial and industrial purposes: reducing the need for new buildings; avoiding vacant buildings becoming prone to vandalism and dereliction; and providing employment. Where demolition and rebuilding of walls would be required to secure the structural integrity of the building, planning permission will not be forthcoming, as the result would be a new building in the countryside which in itself is contrary to policy. Generally, significant extensions to a barn as part of an overall conversion will be unacceptable. The sustainability of a development proposal will be a key factor in its determination. The guidance gives further detailed advice regarding external and internal building design features, the setting of the buildings, habitat preservation and creation, and landscaping.

The Good Practice Guide on Planning for Tourism provides general principles for providing tourist accommodation.

Appraisal:-

The main considerations with regard to this application are the principle of development and use, the impact on the countryside and neighbours, and highway safety.

Principle

The application proposes conversion and alteration of a redundant barn to use for bed and breakfast accommodation. Both government guidance and local plan policy support the re-use of redundant agricultural buildings in the countryside. A commercial, industrial or recreational use would normally be encouraged subject to other considerations. The principle of bed and breakfast use is considered to be acceptable subject there being no significant rebuilding. In this scheme, the roof of the building is to be replaced but this is considered acceptable in that it will secure the structure of the whole building for the future which is an integral part of the farmyard buildings.

Structural Condition

Policy BE20 of the adopted Hinckley and Bosworth Local Plan and the adopted Supplementary Planning Guidance state that the buildings should be structurally sound enough to be capable of conversion without significant adaptation or rebuilding, the survey submitted confirms this. In this scheme, the roof of the building is to be replaced but this is considered acceptable in that it will secure the structure of the whole building which is an integral part of the farmyard buildings.

Use

The proposal is in accordance with Policy REC21 (tourist accommodation) in that it makes use of an existing building and it is not considered that neighbours amenity or highway issues would arise from the granting of this scheme.

Design and Layout

Policy BE20 of the adopted Hinckley and Bosworth Local Plan and the adopted Supplementary Planning Guidance state that planning permission will only be granted for the reuse and adaptation of a rural building if it can be converted without involving extensions that would significantly alter the form and general design of the building in a way that would detract from its existing character and appearance. The original design was considered to involve domestic elements, such as canopies over the doors, the removal of the air vent features to the ridge and the height of the roof of the garage was too prominent, these issues have now been addressed in the revised plans. This scheme to convert the barn utilises the existing openings available and introduces a minimum number of new openings in the form of conservation style roof lights for the roof slopes. The view from the highway is the rear wall and roof to the barns, the new garage will extend this view but is not considered to be obtrusive or of a design out of keeping with the proposed development.

The proposed new garage will be constructed in brick to match the barn to which it is attached, the ridge height will be slightly higher than the existing barn in order to add interest and provide a useable garage in terms of farm vehicles.

A small section of new wall will complete the highway boundary to screen the bin stores within the site.

Impact on the Countryside

The site lies in a rural location where policy NE5 seeks to protect the countryside for its own sake. The policy allows for change of use, reuse and extension of existing buildings providing the development would not have an adverse effect on the appearance or character of the landscape and is in keeping with the scale and character of existing buildings and the general surroundings. It is considered that the proposed development would satisfy criteria i - iii of policy NE5. Furthermore, Policy BE20 and Supplementary Planning Guidance seek to protect the setting of converted buildings requiring the retention of a rural character and appearance.

Although this site falls within the area defined as countryside on the Local Plan proposals map, it is considered that this development could benefit the local landscape through sympathetic reuse of a redundant farm building.

Highway/Access Arrangements

Parking space is available and contained within the yard.

The access approved in 1996 is in use and no alterations are proposed. However, the Director of Highways Transportation and Waste Management has referred to the removal of the unused access close to the bend in the lane as a planning gain and has taken the opportunity to impose conditions on the existing access which is included with the application site, in order to improve highway safety.

In order to provide the visibility splays required, it will be necessary to remove/set back the roadside hedge over a length of approximately 15 metres to the right hand side and 18 metres to the left hand side of the access. A scheme for its reinstatement will therefore be required by condition.

Other Issues

Director of Community Services (Ecology) has had sight of the original protected species survey and has suggested that a further emergent survey should be provided, however, the survey states that there was no evidence of bats within the building and therefore it is considered too onerous to require a further survey. In the circumstances the standard note to applicant with regard to protected species should be imposed. The survey encouraged the provision of exposed timbers within the roof space of the development. This will be provided within the open fronted garage.

The Director of Community Services has requested a note with regard to the public footpath which crosses the access to the site.

Director of Highways Transportation and Waste Management has indicated that due to the bend in the highway boundary a small part of the wall may be located within the highway boundary and has requested a condition to ensure that this issue is resolved before the garage is constructed.

Conclusion

The new build garage is considered to be acceptable in terms of design and subject to the agreement with the Director of Highways Transportation and Waste Management to ensure no encroachment within the highway boundary.

The proposal is considered to be acceptable in terms of use and the scheme respects the scale and design of the traditional barns in this countryside location. Therefore, on balance, the proposal is considered to be acceptable in terms of government guidance, development plan policies and the Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would involve the conversion of existing building of structurally sound condition that is capable of being converted without significant extension or rebuilding and a new garage is of acceptable proportions which would not have an adverse effect on the rural character or appearance of the buildings, the wider site, the surrounding countryside, or highway safety.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5, BE20, REC21 and T5

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed barn conversion and garage shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials. The samples will include details of the bricks, roofing materials, windows, rainwater goods and re-pointing.

3 This permission relates to the application as revised by amended plan 6189P-01B received by the Local Planning Authority on 13th August 2009.

4 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as to open inwards only.

5 Before first use of the development hereby approved turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

6 Before first occupation of the development hereby approved, the redundant existing vehicular access shall be closed permanently and the existing vehicular crossing reinstated to highway verge to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

7 Before first occupation of the development hereby permitted, car parking provision shall be made within the site on the basis of one parking space for each bed and breakfast unit. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

8 No part of the development hereby approved shall be occupied until visibility splays of 2.4 metres by 59 metres shall be provided at the junction of the access with Stoke Lane (Road/Street/Lane etc). These shall be in accordance with the standards contained in Places, Streets and Movement and the current Local Highway Authority design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays

9 No development shall take place until full details of the soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) planting plans
ii) written specifications
(iii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(vi) implementation programme.

10 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

3 For the avoidance of doubt.

4 To enable a vehicle to stand clear of the highway to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

5 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

6 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points in the interests of highway safety to accord with policies BE1, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan.

7 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

8 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

9 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

10 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3. As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 The applicant should be aware that Public Footpath T47 crosses the access drive. The applicant is responsible for ensuring that safe access by predestrians is maintained at all times. Any damage tht may be caused to the current surface of the footpath will be the responsibility of the applicant to repair at his own expense. The applicant is responsible for ensuring that no temporary or permanent structures are installed across the footpath without the written consent of the Highway Authority have first being obtained. Unless a structure is authorised by the Highway authority, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to seek its removal.

6 On the basis of the submitted plans, the details of the visibility splays, car parking and turning facilities are not in accordance with the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'. car parking spaces should have minimum dimensions of 2.4 metres by 5.5 metres.

7 For information regarding the extent of the public highway contact Laraine Hawkins on 0116 3057189

8 Condition 10 relates only to the reinstatement of the hedge that is required to be removed in order to provide the visibility splays to the access.

9 List of plans used in the determination of this application: site location plan, 6189P-01b.

10 Bats, nesting birds, great crested newts and certain other species are protected by law. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. If any such species are discovered before or during the works, the works must be suspended and the local office of Natural England contacted for advice.

Contact Officer:- **Louise Forman** **Ext 5682**