DELEGATED REPORT

Recommendation Made: 8 September 2011

Reference:- 11/00505/FUL **Parish:-**

Applicant:- Mr R.J. Dawson
Charolais Barn
School Lane
Newton Burgoland
Leicestershire

Location:- Land Adj To Comfort Farm Rogues Lane Hinckley Leicestershire

Proposal:- EXTENSION AND ALTERATIONS TO AGRICULTURAL BUILDING TO PROVIDE FIRST FLOOR ACCOMMODATION

Introduction:-

This application seeks retrospective full planning permission for the extension of part of an existing agricultural building involving an increase in the height of the building by approximately 1.5 metres to provide first floor accommodation. The first floor accommodation is accessed by an external staircase on the south east elevation and comprises of a kitchen, rest room, office and bathroom/toilet. The extension of the building includes the insertion of a number of windows and a door at first floor and internal timber stud walls clad in plasterboard and skimmed and painted. Prior to the unauthorised extension of the building it was used as a feed store and isolation pen at ground floor with a hay loft above in the roof space in association with agricultural operations on the holding. The ground floor uses are currently retained.

The site is located in the countryside to the north of Hinckley and south of Rogues Lane adjacent to Comfort Farm and a separate dwelling known as The Barn. The site is accessed from Rogues Lane via an unmade farm track. The part of the building that is the subject of this application measures approximately 5.0 metres x 5.8 metres in footprint, 4.3 metres to eaves and 6.7 metres to ridge. It is constructed of concrete block work walls and plain clay red tiled roof. White uPVC windows have been inserted in the structure and painted brown externally. The door is a two pane glazed unit with brown stained vertical timber boarding to the external elevation. The external staircase is steel steps with handrails either side.

The Design and Access Statement submitted to support the application states that the site originally formed part of the adjacent Comfort Farm and was purchased in 2003 by the applicant. The applicant's landholding extends to approximately 3.4 hectares (although additional adjoining land is also available for use by the applicant for grazing) and includes large stock buildings housing cattle and pigs. The Statement advises that the extension to the building is required to provide sufficient headroom to allow office, rest room and washing and toilet facilities in connection with the agricultural use of the site for use by those operating on it in order to maintain the health and well being of the stock and the efficient long term operation of the unit. A number of letters from contractors, visiting professionals and the local National Farmers Union have been submitted in support of the proposal. A Report on the Structure of the Building confirms that it is structurally suitable for the proposed use and is adequate to support the additional loads of the extension. Additional information has been submitted by the applicant in respect of livestock numbers.

History:-

10/00304/FUL Extension to Existing Agricultural Building (Retrospective) Withdrawn

Consultations:-

No objection has been received from:-

Director of Environment and Transport (Highways)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

The Agricultural Appraisal Consultant has reviewed the information submitted and concluded that the provision of the proposed facilities would accord with the objectives of national planning policy guidance to assist farms to become most competitive and sustainable, and to meet regulatory and best practice requirements.

Ward Members have made no comments in respect of the application.

No written response has been received from:-

Site notice
Neighbours.

Development Plan Policies:-

National Planning Guidance

Planning Policy Statement 7: Sustainable Development in Rural Areas

Local Policy

Local Development Framework Core Strategy 2009

No relevant policies.

Hinckley and Bosworth Local Plan 2001

The site is located in the countryside as defined in the adopted Hinckley and Bosworth Local Plan

Policy BE1: Design and Siting of Development
Policy BE20: Reuse and Adaptation of Rural Buildings
Policy NE5: Development in the Countryside

Supplementary Planning Guidance on the Conversion of Rural Buildings (2004)

Appraisal:-

The main considerations in respect of this application are the principle of development and its design and impact on: the existing building; the character and appearance of the surrounding countryside; the amenities of the occupiers of neighbouring properties and other issues.

The Principle of Development

The site is located outside the settlement boundary within an area of countryside where Planning Policy Statement 7 (PPS7) and local policy NE5 are relevant. Planning Policy Statement 7 in paragraph 15 encourages planning policies to provide a positive framework for facilitating sustainable development that supports traditional land-based activities and paragraph 16 supports development that delivers sustainable farming enterprises. Paragraph 17 supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Paragraph 27 recognises the important role that agriculture takes in the maintenance and management of the countryside and supports development proposals that enable farmers to become more competitive, sustainable and environmentally friendly and comply with changing legislation and associated guidance. Policy NE5 seeks to protect the countryside for its own sake whilst providing a presumption for certain types of development including change of use, re-use or extension of existing buildings within the countryside subject to a number of other material planning matters being appropriately addressed.

The applicant's stated requirements are for a toilet, wash area, office, kitchen and rest room for use by farm workers and visitors to provide basic welfare facilities, bio-security and administrative functions in association with the agricultural operations on the holding. An independent agricultural appraisal has been carried out which considers that, in principle, the stated uses of the extension are not unreasonable and could be

regarded as essential depending upon the particular circumstances of the holding. In this case, there is no dwelling associated with the holding and no access to such facilities currently exists. It is therefore accepted that there is a reasonable need for the facilities proposed (albeit limited by the scale and nature of the operation) and as a result, the proposed extension is considered to be in accordance with the aims of PPS7 and policy NE5 and therefore acceptable in principle for the stated purposes subject to all other material planning considerations being met.

Design and Impact on Existing Building and the Countryside

The extended building is well located at the entrance to the holding where it is ideal to perform its proposed bio-security function and is also well related to other buildings both within the holding and in separate ownership. Policies NE5 and BE20 support the adaptation of suitably constructed rural buildings subject to a number of criteria concerned with the impact of the adaptations on the character and appearance of the building and the surrounding landscape and wildlife habitat. In this case, the modest extension of the building in height by only 1.5 metres and in matching materials over the existing footprint within a group of buildings that includes some of much greater scale will not have an adverse impact on the surrounding countryside in terms of visual amenity. Whilst the increase in the height of the building creates a stepped ridgeline with the adjoining part of the building in separate ownership, such features are not uncommon in ranges of agricultural barns that have developed over a period of time. It could be argued that as a result of the design of the extension and the provision of additional windows more characteristic of residential properties, the appearance of the building has become more domestic and less agricultural, however, it is not unreasonable to provide amenity to the rooms within the building given its stated purpose and function and the applicant has recently improved the appearance of the building to a degree by the use of brown paint and stained timber on the new fenestration to minimise impact on its character and context.

As a result of the siting, scale, and design of the extension it is considered that it would not be contrary to policy NE5 of the adopted Local Plan and whilst it alters the overall form of the building, this is not to an extent that there is any material harm in terms of adverse visual impact on the character or appearance of the building itself, the group of buildings in which it is located or the surrounding countryside that could be sustained at appeal should the application be refused.

Impact on Neighbours

The application building is attached to another building in separate ownership but the extension will not have an adverse impact on the use of that building. Comfort Farm house is located approximately 20 metres to the north, has outbuildings that screen it from the application building and in any case there are no windows in the extension facing the farm house therefore no adverse impact on residential amenity from overbearing impact or loss of privacy to the occupiers will result from the extension.

The adjacent dwelling known as ‘The Barn’ is located approximately 10 metres to the south and has an amenity area to the fore. Given the modest increase in the height of the application building, its location to the north and the separation distance involved it is considered that the extension will not result in any overbearing impact on residential amenity of 'The Barn'. There are first floor windows in the extension that face towards this area and which therefore have the potential to overlook it. Notwithstanding this, given the stated function of the extension and the limitations of its proposed transient uses, together with privacy screening provided by a mature hedgerow along the boundary of the site with ‘The Barn’ it is considered that no adverse impact from overlooking on the privacy or residential amenity of the occupiers will result from the extension.

Overall, the extension will not result in any adverse impact on the amenity of the occupiers of neighbouring dwellings given its proposed and stated purpose and function and the separation distances involved and it will therefore be in accordance with policy BE1 of the adopted Local Plan. No written objection has been received from the occupiers of any neighbouring dwellings.

Impact on Highway Safety

The holding is accessed by a long farm track and adequate parking is available. Given the proposed and stated purpose and function of the building, the proposed extension will not result in the generation of additional traffic to the holding and is therefore considered to comply with policies NE5 and BE1 of the adopted Local Plan. The Director of Environment and Transport (Highways) does not object to the application as no

additional residential unit is being created.

Other issues

This is a retrospective application and the extension has already been completed. As such its potential impact on wildlife habitat is compromised. However, at the time of the site visit there were active swallows nests in the isolation pen on the ground floor of the building and therefore these have clearly been unaffected by the extension works that have taken place. There is no other evidence that the extension has had any adverse impact on biodiversity.

Any displaced limited hay storage from the former loft area can be adequately accommodated in existing buildings within the site.

Conclusion

The extension of the existing building will allow the provision of basic welfare facilities, bio-security and administrative functions in association with the agricultural operations on the holding. An independent agricultural appraisal confirms that in the absence of alternative facilities, in principle, the stated uses of the extension are not unreasonable ancillary requirements on a livestock holding and could be regarded as essential in the context of bio-security interests and statutory responsibilities to employed labour and to meet regulatory and best practice requirements. The location of the building on the holding is appropriate in relation to its intended function and the adaptation of the building negates the need for any new building. The design is appropriate for the proposed function and does not have any adverse impact on the appearance of the building, the surrounding countryside, residential amenity, highway safety or biodiversity. The proposal is therefore considered to be in accordance with Planning Policy Statement 7 and policies BE1, BE20 and NE5 of the adopted Local Plan and is recommended for approval subject to conditions.

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 not have an adverse impact on the character or appearance of the existing building, the surrounding countryside, residential amenity, highway safety or biodiversity and would therefore be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001):- NE5, BE1 and BE20

1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. D042010.3, Block Plan Drawing No. D042010.2 , Drawing No. D042010.1 received by the local planning authority on 14th July 2011.

Reasons :-

1 For the avoidance of doubt and in the interests of proper planning.

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 6 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 In the interests of clarity and for the avoidance of doubt, the applicant is advised that this consent does not give or imply permission for any residential occupation of the resultant building as a dwelling house but only for purposes of the provision of welfare facilities in connection with the agricultural operations on the holding as stated in the application.

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