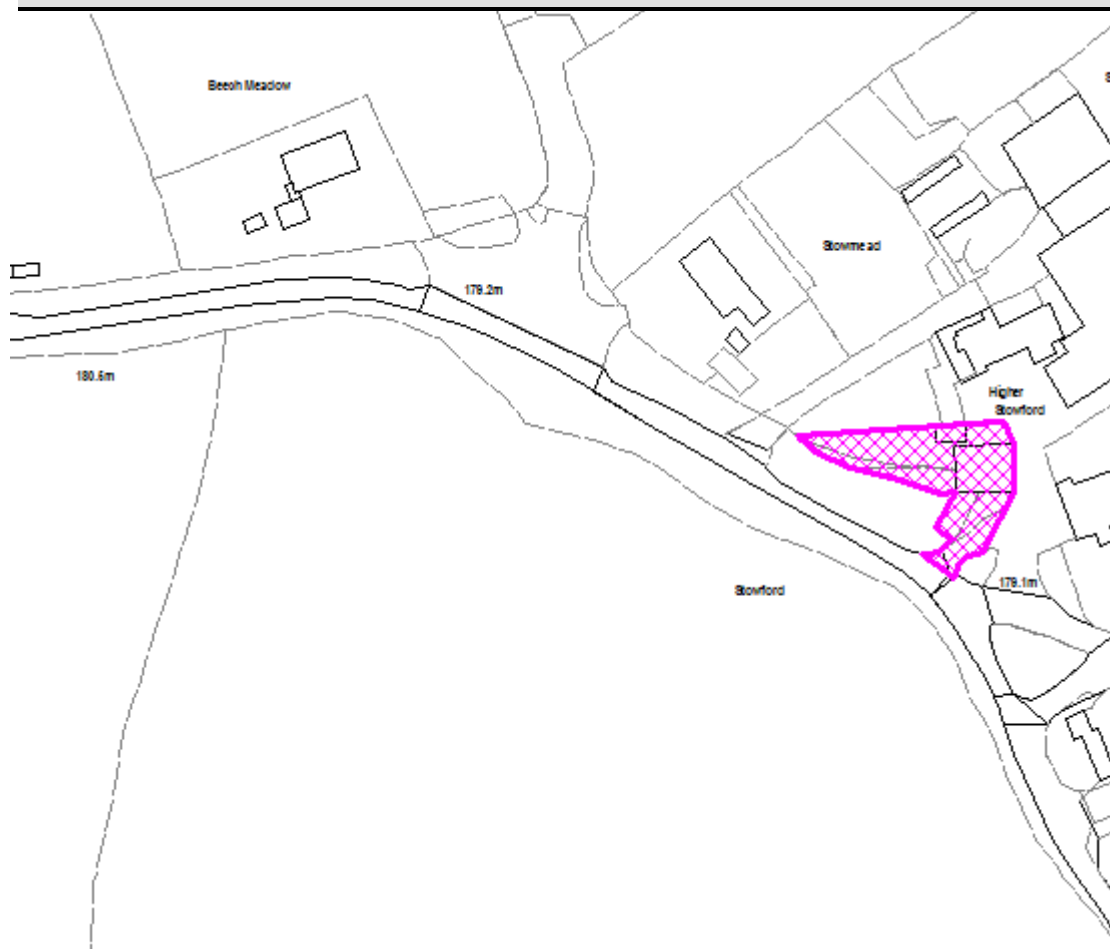


## Committee Report – 7<sup>th</sup> December 2023

<b>Application Number:</b>	1/0707/2023/FUL
<b>Registration date:</b>	7 August 2023
<b>Expiry date:</b>	2 October 2023
<b>Applicant:</b>	Lee James & Heidi Horn
<b>Agent:</b>	Piper Architecture Ltd
<b>Case Officer:</b>	Debbie Fuller
<b>Site Address:</b>	Barn at Grid Reference 243124 097942, Halwill, Devon
<b>Proposal:</b>	Conversion of redundant rural building to residential dwelling
<b>Recommendation:</b>	Refuse



## Reason for referral:

Councillor James has referred the planning application to Plans Committee for the following reasons:

- *The application makes use of a redundant building (in line with current policy and Government Permitted Development Consultation)*
- *It provides a dwelling for a young couple (retention of young people in our Rural Communities)*
- *The applicants are the son who works there on the family farm and the member of well-known established farming business*
- *The siting of the Barn does not have a major material effect on the running of the farm and vice-a versa*
- *The application should be decided on material effect not theoretical circumstances.*

## Relevant History:

<b>Application No.</b>	<b>Description</b>	<b>Status</b>	<b>Closed</b>
1/1586/1994	PROPOSED AGRICULTURAL BUILDINGS	Approved	15.12.1994
1/2256/2006/AGR	Extension to agricultural building to provide machinery and fodder storage	Approved Determination	05.12.2006
1/1140/2009/FUL	Proposed roof to cover existing cattle milling / collecting yard	Approved	05.01.2010
1/0085/2016/FUL	Construction of dry cow housing.	Approved	03.03.2016

## Site Description & Proposal

### Site Description

The application building is a detached barn, located approximately one mile south of 'Halwill,' on 'Higher Stowford Farm.' The main farmhouse is approximately 14 metres to the north of the barn. There are dwellings (not within the same ownership), known as 'Stow Mead,' 50 metres to the northwest, and 'Stowford Barton,' 10 metres to the southeast. The current access is from the road to the south.

### Proposed Development

The planning application seeks full planning permission for the conversion of a redundant barn to create a three-bed dwelling.

There is a proposed side extension (west), which measures approximately 3.2 metres in depth, 5.5 metres in width and 3 metres in height. The works include isolated repairs to the cob, replacement of timber posts and frame, lintels, underpinning of the walls and a new floor. The existing rear lean to is to be replaced. The existing garage to the rear, is to be replaced.

The proposed materials are lime render for the walls; retention of natural stone; natural slate for the roof of the dwelling; aluminium conservation style rooflights, timber windows, aluminium doors; and composite cladding and corrugated roof sheets for the rear extension.

The access will be separated from the main farmhouse. Two parking spaces are proposed to the front of the proposed dwelling, and one to the rear, in front of the garage. A garden area will be created to the west of the proposed dwelling, creating a separate area from the garden of the main farmhouse.

## Consultee representations:

### Devon County Council:

*Refer to Standing advice.*

### Halwill Parish/Town Council:

No response received.

### Environmental Protection Officer: (first response, received 9<sup>th</sup> August 2023)

*The following consultation response is provided by the Environmental Protection Team in relation to the above application.*

*The application building is located on a wider farmstead consisting of several large agricultural buildings in close proximity to the northeast. The agricultural buildings appear to house livestock and as such, given the close proximity and scale of the farmstead, there is the potential for an adverse impact on residential amenity from the odour, noise and fly nuisance associated with livestock. The Environmental Protection Team considers the proposed development to conflict with Policy DM01 and objects to the application on the grounds of harm to amenity.*

*The application contains no detailed information on the historic use and subsequent land quality of the application site. Agricultural use and activity can result in ground contamination and ground conditions that are potentially harmful to human health or unsuitable for occupation without remediation. Given the sensitive end use, it is essential that the application site is appropriately assessed for any potential contamination that may impact future occupants and, where identified, remediated accordingly. Should planning consent be granted, the Environmental Protection Team recommends the imposition of the Authority's full standard contaminated land condition.*

*The proposed development is to be served by an existing non-mains foul drainage provision. However, no information has been submitted to indicate that the existing provision has the capacity to accommodate the additional loading associated with the proposed development.*

### Environmental Protection Officer: (second response, received 30<sup>th</sup> October 2023)

*Further to the previous consultation response dated 9 August, the Environmental Protection Team has reviewed the additional information pertaining to the use of buildings on the wider farmstead. Having regard for the uses, which are considered to result in harm to residential amenity contrary to Policy DM01, the Environmental Protection Team reiterates its objection to the proposed development.*

## Representations:

Number of neighbours consulted:	4	Number of letters of support:	0
Number of representations received:	1	Number of neutral representations:	0
Number of objection letters:	1		

One objection has been received, which supports the conversion of redundant outbuildings to dwellings, but only if they are built to meet Local Needs.

## Policy Context:

### North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character) and DM27 (Re-use of Rural Buildings).

## Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities) and WACA (Wildlife & Countryside Act 1981).

## Planning Considerations

Main planning considerations: -

1. Principle of development
2. Character and appearance
  - *Structural integrity and proposed works*
  - *Historic Interest*
  - *Impact on the immediate setting of the building and the wider character*
3. Access, Parking and Highway Safety
4. Residential amenity
5. Flooding and drainage
6. Ecology

### 1. Principle of development

In planning terms, the site is in the open countryside. The North Devon and Torridge Local Plan (NDTLP) seeks to restrict development within the open countryside (beyond villages, local centres, and rural settlements) to that 'which is enabled to meet local, economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.' (Policy ST07: 'Spatial Development Strategy for Northern Devon's Rural Area'). Therefore, rural building re-use is supported in principle.

Paragraph 80 of the National Planning Policy Framework (NPPF) states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless on or more of the following circumstances apply:' Criteria c ('the development would re-use redundant or disused buildings and enhance its immediate setting.' is relevant here. The proposed conversion is supported by national policy.

Policy DM27: 'Re-use of Disused and Redundant Rural Buildings,' in the Local Plan supports the conversion of rural buildings where: -

- (a) *Such conversion would not harm any intrinsic qualities and historic interest of the building;*
- (b) *The proposal will have a positive impact on the immediate setting of the building and the wider character is protected;*
- (c) *Development can be achieved without significant external alteration, extension or substantive rebuilding;*
- (d) *Suitable highway access can be provided and the surrounding highway network can be support the proposed use(s); and*
- (e) *Any nature conservation interest within the building or wider site is retained.*

The principle of the re-use/conversion of the redundant rural building is supported by the NDTLP. It is accepted that the barn is redundant. Further assessment including structural aspects, historic interest, impact on the immediate setting, amenity, highway access and ecology are covered in the sections below.

### 2. Character and appearance

Policies DM04: 'Design Principles,' and ST04: 'Improving the Quality of Development,' in the Local Plan aim to ensure good quality design.

Policy DM04 seeks to guide overall scale, density, massing, height, landscape, layout, materials access and appearance of development. The policy requires development to be appropriate and sympathetic to its setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood. Policy ST04 states 'design

will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in DM04.'

The NPPF, (specifically Part 12), attaches great importance to the design of the built environment and states that developments are sympathetic to local character, including the surrounding built environment, and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### *Structural integrity and proposed works*

Policy DM27 requires that the building is physically capable of conversion and re-use for the intended purpose. This must be achievable without significant alteration, extension, or substantive rebuilding (criterion c).

The barn has been assessed in detail, and the submitted 'General structural appraisal report,' concludes, *'This report concludes that the barn is structurally suitable for conversion as is proposed such that it may be conserved and repurposed.'*

The works involve repairs, and the replacement of an existing lean to, and the addition of an extension, but overall, it is considered that the external works are compliant with policy.

#### *Historic Interest*

Policies ST15 and DM07 of the Local Plan aim to protect north Devon's historic environment. Policy DM27 requires that such conversion would not harm any intrinsic qualities and historic interest of the building (criterion a). Whilst the barn is not listed, it is clear it has some historic value. The proposed works aim to retain the original features as much as possible and is therefore in accordance with policies ST15, DM07 and DM27 (a) of the NDTLP.

#### *Impact on the immediate setting of the building and the wider character*

A fundamental principle underpinning the Policy DM27 *'Re-use of Disused and Redundant Rural Buildings,'* is the protection of the rural character. Development proposals will be expected to make a positive contribution to rural character. The conversion should be undertaken in a sympathetic manner which retains important aspects of the original character and any distinctive elements of the building's design. The conversion must ensure that the immediate setting of the building is enhanced. The proposal should pay regard to highway access, landscaping, means of enclosure and the provision of domestic paraphernalia to ensure there is a positive contribution to the setting of the building and not detract from the wider rural character of the countryside.

Policy DM08A 'Landscape and Seascape Character' of the Local Plan states that *'Development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes'*.

It is proposed to locate the amenity space to the rear of the building, and this is a positive contribution towards retaining the setting, as domestic paraphernalia (such as garden furniture, children's play equipment etc) will be screened.

Overall, the proposed works for the conversion are appropriate and sympathetic to its setting in terms of materials, fenestration and appearance, and the design is based on a clear process that analyses and responds to the characteristics of the site, its wider context, and the surrounding area. The proposed scheme therefore accords with Policies DM04, ST04, DM08A and DM27 (b) in the Local Plan.

### 3. Access, Parking and Highway Safety

Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy DM05 of the Local Plan requires development to have safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians, and all development shall protect and enhance existing public

rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so. Policy DM06 of the Local Plan states that proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs. Policy DM04: 'Design Principles' has a criterion related to 'safe and appropriate highway access.' Policy DM27 (d) states, *'Suitable highway access can be provided, and the surrounding highway network can be support the proposed use(s).'*

The proposed dwelling will have its own access separate from the main farmhouse.

Devon County Council Highways have been consulted and refer the planning officer to Standing Advice.

There is adequate space for parking and turning areas, and the main access and highway safety has been assessed. Therefore, the proposed accords with policies DM04 (h), DM05, DM06 and DM27 (d) of the Local Plan.

#### 4. Residential Amenity

Policy DM01 of the NDTLP seek to ensure the protection of the amenities of the neighbouring occupiers of the site, as well as future occupiers of the development. Policy DM04: 'Design principles' has a principle regarding amenity. Policy DM02 'Environmental Protection,' of the Local Plan, states that development will be supported where it does not result in unacceptable impacts to smell, fumes, noise etc.

Paragraph 185 of the NPPF states, *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.'*

There are livestock sheds to the northeast of the application building.

The Local Authority's Environmental Protection Team (EP) were consulted and objected to the application on the grounds of harm to amenity.

The matter was later discussed on the officer site visit, (21<sup>st</sup> September), with the agent, applicant, and relatives, and advised that a condition limiting the use for storage rather than for housing livestock could be applied to a planning permission, which may overcome EP's objections. However, the applicants later made it known that they did not wish to do this, but to use the shed on a temporary basis.

Details were requested and the applicant's agent submitted details of the uses of the buildings. Two plans have been submitted, one a Google image, 'labelled 'functions on farm,' and the other labelled 'uses on farm,' (drawing numbered 1191 05 B), (both received 13<sup>th</sup> October 2023).

EP were re-consulted on the email and the submitted plans, (received 13<sup>th</sup> October 2023), and made the following comment: -

*'Further to the previous consultation response dated 9 August, the Environmental Protection Team has reviewed the additional information pertaining to the use of buildings on the wider farmstead. Having regard for the uses, which are considered to result in harm to residential amenity contrary to Policy DM01, the Environmental Protection Team reiterates its objection to the proposed development.'*

The temporary use of livestock sheds would not be able to be enforced, and therefore would not meet one of the six tests in national policy.

It was also discussed that the applicant could apply for a rural worker dwelling or annexe, which would not raise the same concerns with amenity, (as it would be part of the agricultural unit), but the applicants explained this would not enable them to raise a 'self-build' mortgage. A letter has been submitted from a mortgage advisor, (received 20<sup>th</sup> November).

Applying for a 'Local Needs Dwelling,' would still raise the same concerns with amenity.

Policy DM02 of the Local Plan is also concerned with hazards, including contaminated land. However, the barn has been used for storage, and it is not felt necessary to add a condition requiring a report, prior to commencement, but if the application were approved, to add a condition requesting information if any contamination is found.

There is adequate private amenity space and parking spaces, although no details of the boundary treatment have been submitted. To ensure privacy for the occupants and neighbour/s, if the application were approved, a condition requesting details of landscaping and boundary treatments could be added.

The floorspace meets the minimum for a two storey 3 bed dwelling. There is adequate daylight.

It is concluded therefore, that in terms of the proposed development it will not significantly harm the amenities of any neighbouring occupiers. However, due to the proximity to livestock sheds, officers are of the view that the intended occupants of the proposed development would be harmed.

The proposal therefore does not comply with Policies DM01 (b) and DM02 (2) of the Local Plan.

### 5. Flooding and drainage

The site is not within an Environment Agency flood risk zone and/or Critical Drainage Area. The proposal would need to accord with Policy ST03: '*Adapting to Climate Change and Strengthening Resilience*' of the Local Plan, which requests that development be designed and constructed to take account of the impacts of climate change, by adopting effective water management including Sustainable Drainage Systems, (i.e., reducing rates of surface water run off). Policy DM02 '*Environmental Protection*,' of the Local Plan, states that development will be supported where it does not result in unacceptable impacts to pollution of surface water or ground water.

The proposed dwelling will be served by existing non-mains foul drainage provision. It is the responsibility of the applicant to ensure there is adequate capacity. However, the applicant has confirmed that it has sufficient capacity for the main house and the converted barn.

The proposal accords with Policies DM02 and ST03 of the Local Plan.

### 6. Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced by Policy DM08 of the NDTLP. Policy ST14: '*Enhancing Environmental Assets*' is also relevant.

The works trigger the need for a wildlife survey. The application is accompanied by a '*Bat & Nesting Bird Survey*,' (dated July 2023), by Penpont Ecology Services Ltd. The report states, '*It is identified that Natterer's bats may be using the barn as an occasional night-time feeding perch. This type of roost has a low conservation status, the loss of which can be tolerated*,' and in terms of birds '*Sparrow and Swallow are nesting in the barn*.' The report recommends precautionary measures and provision for nesting birds.

Policy DM08 of the NDTLP that aims to enhance biodiversity where possible. A planning condition could be applied, for example to install a bird or bat box.

The application therefore accords with Policies DM08 and ST14 of the Local Plan.

### Conclusion

As set out above, it is evident that the principle of the conversion of the redundant rural building is acceptable. The proposed works are sympathetic to the character of the area and will improve the immediate setting. There is no detrimental impact on the landscape, on the safety of the highway, on historic aspects and/or ecology. However, in terms of residential amenity, the proximity of an open market dwelling to livestock sheds is an issue in terms of odour, noise and fly nuisance associated with

livestock, and is contrary to Policies DM01 (b) and DM02 (2) of the Local Plan. The recommendation is therefore for refusal.

### Human rights

Consideration has been given to the Human Rights Act 1998.

### Recommendation

REFUSE for the following reason: -

- 1 The proposed development is an open market dwelling, which is near to agricultural buildings which house livestock, and there is the potential for an adverse impact on residential amenity from the odour, noise and fly nuisance associated with livestock. The proposed development is therefore contrary to Policies DM01 (b) and DM02 (2) of the Local Plan and Paragraph 185 of the NPPF.

### Plans Schedule

Reference	Received
1191 20	18.07.2023
1191 21	18.07.2023
1191 22	18.07.2023
1191 23	18.07.2023
1191 05	18.07.2023

### Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following and positive and proactive manner. We have made available detailed advice in the form of our statutory policies in the Development Plan, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In such ways the Council has demonstrated a positive and proactive manner in seeking solution to problems arising in relation to the planning application.

In this instance the applicant did not enter into pre-application discussions with the Council.

Discussions were necessary with the applicant during the processing of the application as there were concerns about proximity of an open market dwelling to livestock sheds. However, the concerns were not resolved, as the applicant did not wish to change the proposal to a rural worker dwelling or annexe or limit the sheds to storage rather than housing livestock.