Planning Committee: 21 July 2021 **Item Number: 9**

Application No: W 21 / 0149

Registration Date: 26/01/21
Town/Parish Council: Kenilworth **Expiry Date:** 23/03/21
Case Officer: George Whitehouse
01926 456553 george.whitehouse@warwickdc.gov.uk

Hope Barn, Dalehouse Lane, Kenilworth, CV8 2JZ
Resubmission of previously withdrawn application - W/19/0476 for a Single Storey Extension FOR Mr. Tibbatts

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This application is being presented to Committee as 5 or more public representations of support have been lodged and the application has been called in to committee by Councillor Hales.

RECOMMENDATION

That planning permission be refused for the reason set out at the end of this report.

DETAILS OF THE DEVELOPMENT

This application is the resubmission of a previously withdrawn application - W/19/0476 for a Single Storey Rear Extension, which would be comprised of a modern extension linked to the dwelling with a lightweight glazed link

The previous application was withdrawn following similar concerns being raised with the applicant regarding its acceptability in planning terms.

THE SITE AND ITS LOCATION

Hope Barn is a traditional agricultural barn which was converted to residential use in 1993. The property is within 50m of the proposed HS2 line and the bund and associated boundary for HS2 are close to the bottom of the garden.

PLANNING HISTORY

W/92/0193: Granted for: Conversion and extension of barns and stables to form 4 dwellings, provision of garage and alterations to access.

W/19/0476: Withdrawn: Erection of single storey extension.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- DS18 - Green Belt
- H14 - Extensions to Dwellings in the Open Countryside
- BE4 - Converting Rural Buildings
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE4 - Landscape

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No Objection

Conservation Officer: We object to this application as we do not generally support extensions to current or former agricultural barns. The plans are considered contrary to policies BE1 and BE4 of the Local Plan and the Agricultural Conversion Guidance SPG. The proposed extension would be harmful to the original characteristics of the barn and appear out of context with its agricultural setting.

WCC Ecology: Recommend a condition is attached to any approval granted to safeguard Great Crested Newts, along with amphibians in general and reptiles as well as notes relating to protected species.

HS2 LTD: Has no objections to the proposals in safeguarding or planning terms, in the event that the Council is minded to grant planning permission given the close proximity of the site to the HS2 proposed scheme it is advised that the applicant follow ongoing progress of the HS2 Phase One construction programme. It is also recommended that a standard informative is included on the decision notice.

Councillor Richard Hales: Supports for the following reasons; The proposals are only adding a small amount onto the existing property and no one will be able to see the changes. There is strong local support for the proposals. As HS2 is going to impact on the resident to such a large extent I cannot see why we can't support these proposals. However, I appreciate that it goes against policy, but after visiting the location (and seeing the proximity of HS2) I support the application.

Councillor George Illingworth: Although I am not the ward councillor I write as the councillor leading on HS2. The maps supplied by HS2 with their comments clearly show the dramatic impact on this property. The property is entirely

surrounded by safeguarded land and is close to the actual trace. I am very surprised that the applicant does not provide details of the significant impact of HS2 in his application. Previous Government guidance indicates that planning authorities should be sympathetic in interpreting Green Belt policies in such circumstances and I urge such an approach here if this development ensures the sustainability and practicality of this dwelling

Public Response: 18 Letters of public support citing the impact on HS2 on the dwelling, the design of the proposals and the isolated location of the extension.

ASSESSMENT

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

The NPPF states that the essential characteristics of Green Belt are openness and permanence. Paragraph 145 of the National Planning Policy Framework makes it clear that the construction of new buildings is to be regarded as inappropriate development in the Green Belt. An exception to this includes extensions to existing buildings which are not disproportionate additions over and above the size of the original building. Local Plan Policy DS18 states that the Council will apply national planning policy to proposals within the Green Belt.

Policy H14 of the Local Plan allows extensions to dwellings unless they result in disproportionate additions to the original dwelling. The justification for the policy defines the original dwelling as that which existed on 1st July 1948 or, if constructed after that date, as it was originally built. This reflects the definition given in the Framework. The justification also indicates that additions to dwellings within the Green Belt (taking into account any previous extensions permitted) which represent an increase of more than 30% to the gross floor space of the original dwelling, excluding any detached buildings, are likely to be considered disproportionate.

The proposed extension to the garage would amount to a 26.8 % increase in the floor area of the building. It is considered that the proposal as amended constitutes appropriate development in the Green Belt in that it doesn't comprise a disproportionate addition and therefore wouldn't impact on the openness of the Green Belt to the extent that planning permission should be refused.

This element of the proposal therefore complies with the NPPF, and the criteria of adopted Local Plan Policy H14 which tests for proportionate additions to dwellings in the Green Belt.

Design and Impact upon the Character of the Barn Conversion and its surroundings

Paragraph 127 of the National Planning Policy Framework (NPPF) requires that all development adds to the overall quality of the area and reflects the identity of local surroundings and materials, and responds to local character. This is echoed

in Local Plan Policy BE1 which requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design. Furthermore, Local Plan Policy H14 requires all development in the Green Belt to respect the character of the original dwelling by retaining its visual dominance and not substantially alter the scale, design and character of the original dwelling. The purpose of this policy is to ensure that extensions to dwellings do not have an adverse impact on the surrounding open countryside and are of an appropriate design and scale for their location.

Policy BE4 of the Warwick District Local Plan 2011-2029 sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside.

The Council has adopted a Design Guidance for Agricultural Buildings and Conversion as Supplementary Planning Guidance which seeks to protect the character and integrity of barns. As per standard practice, permitted development rights were removed as part of the permission for the conversion of the barn in order that the LPA could retain control over future alterations and extensions to ensure only appropriate works were carried out.

Rural barns are characterised by their simple appearance and fenestration and the Council's Design Guidance is clear that barn conversions should remain as "barn-like" as possible. Domestic or residential features are inappropriate and harmful additions to barns and their settings, not in keeping with their character.

Although the design ethos is clear by making the extension appear as visually distinct with a modern unobtrusive glazed link the conservation officer has concerns that the proposed extension to the existing barn would have an adverse impact on the integrity and setting of the barn. The extension is considered to be inappropriate, the modern extension would appear out of place in the rural setting and would detract from the traditional rural character of the barn.

In the opinion of the Local Planning Authority, the proposed extension disrupts the simple form of the converted barn by reason of its scale and design and this detracts from the original rural character and appearance of the building.

It is considered than Local Plan Policy BE1, BE4 and H14 are not complied with.

Ecology

The county ecologist has recommended a pre-commencement condition and notes relating to protected species to be attached to any approval.

This is an appropriate approach in order to safeguard protected species in accordance with local plan policy NE2

Summary

The proposal is not considered to meet the requirements of Local Plan Policies BE1, BE4 and H14, nor follow the Guidance for Barn Conversions SPG and is therefore recommended for refusal.

REFUSAL REASONS

1 Policy BE4 of the Warwick District Local Plan 2011-2029 sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside. The explanation to the policy states that where proposals include extending rural buildings as part of their conversion, these will not be approved unless it can be demonstrated that the extension is essential for the retention of the building.

The District Council has also approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions are removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected and protected.

In addition, Para. 4.96 of Policy H14 states that, in the case of barn conversions in the open countryside, the Council is extremely unlikely to grant approval for any extensions. Such conversions are only usually permitted where they can be undertaken with minimum disruption to the integrity of the original building. Any extension, however sensitively implemented, would harm this integrity.

The application site comprises a converted former agricultural building that has largely retained its original agricultural character. In the opinion of the Local Planning Authority, the proposed extension disrupts the simple form of the converted barn by reason of its scale and design and this detracts from the original rural character and appearance of the building, thereby prejudicing the objectives of the aforementioned policies. If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to resist, thereby cumulatively eroding the rural character of the countryside.