Planning Committee: 22 February 2011 **Item Number:**

Application No: W 10 / 1221

Registration Date: 17/12/10
Town/Parish Council: Budbrooke **Expiry Date:** 11/02/11
Case Officer: Penny Butler
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Land at Junction, Hampton Road and Henley Road (A4189), Hampton On The Hill, Warwick

Proposed conversion of a barn into a dwelling with access to Henley Road FOR Mr Maloney

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This application has been requested to be presented to Committee by Councillor Sawdon.

SUMMARY OF REPRESENTATIONS

Budbrooke Parish Council: The Parish Council objects strongly to the application as the proposals are on green belt land. Additionally, the PC originally did not object to a seasonal lambing shelter on this site and not a traditional barn construction which is year round use. There are also issues regarding safety and access to this site. The rural environmental comments and safety aspects made against the last application relating to this site and upheld by the planning inspector are still and just as relevant for this application.

Public response: 32 letters of objection received. The barn is a lightweight metal structure recently clad in corrugated sheet and is an eye sore that should be removed. There is poor visibility onto this busy road close to an awkward junction therefore the proposal will harm highway safety, and this was one of the Inspector's reasons for dismissal. The Inspectors other reasons for dismissing the appeal remain valid. Inappropriate development in the Green Belt for which there is no very special justification, and would set a precedent. The need to provide care for the horses on the land is not adequate justification for a new dwelling. This proposal is effectively a new dwelling since it proposes a new roof and walls and to describe it as a conversion is misleading. No structural survey has been submitted with the application to demonstrate the building is capable of conversion, and such a report would be likely to show the proposal would be tantamount to a new build project. The building is not of 'substantial' construction. No ecological report has been submitted. The building is not sustainably located, as confirmed by the Inspector. The applicant has not demonstrated a local need for the dwelling. Other uses have not been considered. After conversion the building would resemble a modern bungalow and add nothing to the character and appearance of the area, or no impression that it was a former agricultural building. Parking and garden areas would detract from the character and appearance of the Green Belt. The existing storage building may need to be replaced for agricultural storage leading to further loss of openness. There are restrictive covenants on the land. Health risk from water run off if a septic tank is proposed.

A petition containing 126 signatures objecting on the grounds that the development is on Green Belt land.

Budbrooke Area Residents Group: Object strongly. The barn has the appearance of a large steel container with no special architectural or historical importance or interest, or other discernible character which would justify its conversion. No evidence has been provided to demonstrate other uses are not appropriate or viable in accordance with Policy RAP7. Evidence substantiated by a structural report should be provided to demonstrate the stability of the structure is adequate. The building would require very substantial rebuilding for conversion, so this is effectively a new dwelling which is inappropriate development in the Green Belt without very special circumstances. Harmful to highway safety at dangerous unlit junction. Noise and light from the site would be intrusive to the rural area and nearby residents. Detrimental to the unspoiled rural character and harmful to openness.

Environmental Health: In order to comment they require further information regarding water supply and foul drainage. Is a private or mains supply of water to be used and has this been assessed as fit for human consumption? The applicant needs to demonstrate that the drainage proposals (septic tank) satisfy DETR Circular 03/99. In order to provide renewable energy, if an air source heat pump, wind turbine or generator is proposed then they may wish to comment with regard to noise. If the burning of solid fuel, bio fuel or like material is proposed then they may wish to comment on potential for smoke or odour nuisance.

WCC Highways: No objection subject to conditions for access surfacing, width, visibility splays, no gates within 7.5m of carriageway and no reduction in drain/ditch capacity. The Authority confirms they have taken into account the Inspector's decision, however, the access does meet the relevant standards, therefore the only other information the Highways Authority would look at is trip generation. The development is for a single dwelling, which would generate 4-6 movements per day, and this increase is not substantial.

Cultural Services: Because this is in a rural location, the local Parish Council should consider if an offsite capital contribution to improve any green space within close proximity is appropriate.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
- Planning Policy Guidance 2 : Green Belts
- Sustainable Buildings (Supplementary Planning Document - December 2008)

PLANNING HISTORY

1980- Laying of underground and overhead cable line.
2001- Building for storage, field shelter and lambing.

2009- Change of use to caravan site for occupation by gypsy family with associated operational development (utility room, septic tank, hard and soft landscaping and widen dropped kerbs). Refused by Planning Committee and dismissed at appeal. Harm to the Green Belt by reason of inappropriateness, and harm to openness, and highways safety, was not considered outweighed by the family's gypsy status and personal need, and the lack of gypsy site provision elsewhere.

KEY ISSUES

The Site and its Location

The application site is a roughly triangular shaped piece of land that lies between Hampton Road and Henley Road just outside Hampton on the Hill, in the Green Belt. The road rises in level from the West towards the site, and then drops away from the site to the East, giving far reaching views across to Warwick town centre. The site includes a roughly surfaced area just inside the vehicular access gate and a paddock beyond. The gate is approximately 30m from the Henley/Hampton Road junction, and the footway has recently been widened to allow for use by cycles. There is an unmarked (not public) footpath shown on the Ordnance Survey plan which runs along part of the Western boundary of the site from Henley Road, to allotments at the rear of houses on Old School Lane. The nearest dwelling is 250m away from a metal barn on the site, behind the allotments. There is overgrown deciduous hedging including some poor quality trees on the Hampton Road and Henley Road boundaries to a height of 4m, with a 2m high close boarded fence behind, and a post and rail fence to the field. The site is within the Green Belt.

Details of the Development

The proposal is to convert the existing agricultural barn to a five-bedroom dwelling.

The existing barn consists of a steel frame, clad with corrugated metal with a flat metal roof. The proposed floor plans show the retention of the existing metal structure, which will be clad with brick and internally divided, with a new tiled mansard roof added above with roof lights. The site layout shows use of the existing vehicular access from the Henley Road, with an 'eco driveway', a grassed 'touring trailer car park', area of gravel hard standing for parking, siting of a septic tank, and new planting.

The applicant grazes a number of horses in the field forming the western part of the site, and the RSPCA has received a number of complaints about their care. The applicant currently lives in Birmingham, so he would like to live on this site in order to be able to tend to the horses properly.

Assessment

Within the Green Belt, the conversion of suitable buildings to other uses can be an appropriate form of development subject to criteria. Policy RAP7 sets out the local criteria for converting rural buildings and requires that proposals for re-use comply with the following:

- buildings are of permanent and substantial construction
- the condition, nature and situation of the building is suitable for re-use
- the proposed use can be accommodated without extensive rebuilding or alteration to the external appearance of the building

- the proposal retains and respects the special qualities and features of listed and other traditional rural buildings
- the appearance and setting of the building following conversion protects, and where possible enhances, the character and appearance of the countryside, and
- the proposed use would not give rise to legitimate planning objections which would outweigh the benefits of re-use.

Since the existing building is of a metal frame construction clad with metal sheeting, the construction is not what can be accepted as permanent or substantial. A photograph submitted by the applicant shows a block work inner leaf inside part of the building, but this does not in my opinion make the building of substantial construction, and the nature of the structure does not make it suitable for re-use. The proposed plans show that a brand new raised roof structure would be added to accommodate the first floor of the dwelling, therefore extensive alteration to the building would be required. The removal of the existing cladding, and replacement with brick, would also constitute an extensive alteration to the building. The siting of the barn is prominent within the surrounding landscape, being on land higher than the surrounding roads and on two busy traffic routes, which means that the setting of the building following conversion would be significantly affected. I consider that the setting and appearance of the building following conversion would not enhance the character and appearance of the countryside as it would introduce a permanent domestic structure of poor character and design to a visually prominent location, that would have a much taller roof and therefore greater visual impact than the existing building. The proposal therefore fails to comply with Policy RAP7 and PPG2 and is therefore inappropriate development in the Green Belt. The applicant states he wishes to live on the land so that he can care for his horses which graze there, but I do not consider this to constitute very special circumstances as many horses are grazed on land detached from their carer's dwellings.

Policy RAP1 permits residential development in the rural areas, for the conversion of appropriate rural buildings, in accordance with RAP7, where all the following criteria are met:
- the building is located within or adjacent to a village
- the housing meets an identified local need
- outside of the Limited Growth Villages, the applicant can demonstrate that other uses or a mixed use (where the residential element is subordinate to a business use) are not appropriate or viable.

The site is not within or adjacent to a village, since it is separated from the village by a field and allotments. The housing is not intended for an identified local need and no evidence has been submitted to demonstrate that other uses, or a mixed use, are not appropriate or viable. On this basis the application fails to comply with Policy RAP1.

The application proposes the installation of a septic tank but it is not clear what has been done to assess the practicability of connecting to any existing sewers in the area. DTR Circular 03/99 requires applicants to submit with applications an assessment of the options for the non-mains drainage of foul water. The Inspector commenting on the appeal considered the same issue. He considered it would be possible to impose a condition on the grant of planning permission requiring the provision of adequate facilities before use commences, in order to avoid potential harm on this matter. On this basis I do not propose to include the lack of foul waste disposal details as a separate reason for refusal. Water

supply is not a planning matter therefore this should not form a separate reason for refusal.

A sustainability statement has been submitted with the application which sets out the intention to provide 10% of the energy needs of the dwelling from renewables. However, full details and the specification for a chosen technology have not been supplied therefore the application fails to comply with policy DP13 and the Sustainable Buildings SPD.

The comments from the Highway Authority are noted but there is some concern that the actual number of vehicle movements and the size of vehicles, may be greater than that anticipated as this is the same applicant who applied for the gypsy site in 2009. The Inspector decided that the increase in the number of vehicle movements for a residential caravan site use could be considerable. In addition, he considered that the location of the access, which was his principal concern, although meeting visibility requirements, was not a matter that could be resolved by a condition. It would have been unreasonable to require the relocation of the access by a condition, since no alternative position had been identified and no modifications to the access open to the applicant would resolve its deficiencies. This therefore remained a significant objection to the use. A single barn conversion could generate a similar number of vehicle movements and there is the same applicant, so potentially no material change in the potential use of the access. Without the support of the Highway Authority it is normally difficult to defend an appeal on highway grounds, but the Inspectors decision must be taken into account and I feel there is sound reasoning behind his decision, therefore I propose to include this as an additional reason for refusal.

RECOMMENDATION

REFUSE, subject to the refusal reasons listed below.

REFUSAL REASONS

1 PPG2: Green Belts sets out the criteria whereby the re-use of buildings is not inappropriate development and Policy RAP7 of the Warwick District Local Plan (1996-2011) repeats a number of these criteria. Policy RAP7 requires 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. Buildings for conversion should also be of permanent and substantial construction, and their condition, nature and situation should make them suitable for re-use or adaptation.

The existing building is not considered to be of substantial construction and its condition and nature makes it unsuitable for re-use. It is also considered that the proposed development would be detrimental to the character and appearance of the rural area by reason of the extensive alteration that would be required to the building including new walls and a new raised roof. The proposed conversion would introduce a building of domestic character and poor design in a visually prominent location that would significantly reduce openness.

The development is thereby considered to be contrary to Policy RAP7, and since the proposed conversion fails to comply with the requirements for conversions under PPG2, it constitutes inappropriate

development for which no very special circumstances have been demonstrated.

2 Policy RAP1 of the Warwick District Local Plan 1996-2011 permits residential development as part of the conversion or subdivision of appropriate rural buildings in accordance with Policy RAP7, where the building is located within or adjacent to a village, it meets an identified local need, and outside of the Limited Growth Villages, where the applicant can demonstrate that other uses or a mixed use are not appropriate or viable. The applicant has not provided any evidence to suggest that other uses or a mixed use are not appropriate or viable, the proposal is not intended for an identified local need, and the building is not located within or adjacent to a village. The development is thereby considered to be contrary to the aforementioned policy.

3 Policy DP6 of the Warwick District Local Plan 1996-2011 only permits development which provides safe access routes and expects development proposals to not cause harm to highway safety. The proposed access to the site is close to a hazardous junction and onto a busy road, where the topography of the land restricts views of the access from the west, and the proximity of the access to the junction may cause confusion about the destination of turning movements, where there is no street lighting. Combined with the increased number of vehicle movements to the site, the proposed access is considered unsatisfactory in that it would be likely to lead to harm to highway safety, and as such would fail to comply with Policy DP6.

4 Policy DP13 of the Warwick District Local Plan 1996-2011 requires developments to provide 10% of the predicted energy requirements to be produced on site or in the locality from renewable resources, while the Sustainable Buildings Supplementary Planning Document provides guidance on how to achieve this. The application outlines an intention to comply with the policy, but a specific technology has not been selected and no detailed scheme for implementation has been submitted. The proposal would therefore be contrary to the aforementioned policy.