

Application No: 11/3661N

Location: OLD HALL FARM, COOLE LANE, BADDINGTON, NANTWICH, CHESHIRE, CW5 8AS

Proposal: Dismantle a Grade II Listed Building, Restore, Re-erect on a New Site at Old Hall Farm, and Convert to Residential Accommodation with Ancillary Accommodation

Applicant: Mrs J Sadler, The Sadler Family

Expiry Date: 28-Nov-2011

MAIN ISSUES

The main issues are:-

- **Principle of the development**
- **Design and layout,**
- **Impact on highway safety,**
- **Living conditions,**
- **Ecology,**
- **Trees and landscape**
- **Contaminated land.**

SUMMARY RECOMMENDATION

Approve subject to conditions.

REFERRAL

This application is referred to the Strategic Planning Board because the development is a departure from the Replacement Local Plan.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The proposal involves the careful dismantling of an existing listed barn, currently located in the centre of the existing Old Hall Farm complex, and the restoration and re-erection of the structure on the application site, which forms another parcel of land within the farm. Upon re-erection the barn would be converted to residential use. A parallel application for Listed Building Consent is considered elsewhere on this agenda.

The barn is described in the list description as follows:

"Barn, late C16, now multi-use farm building. Part brick-nogged and part weather-boarded timber frame with corrugated metal sheet roof. 5 truss-bays, single storey and loft. Fairly close studding with single middle rail and passing braces. Built on sandstone plinth. Full and

half-heck softwood doors mainly unpainted. Square oak loft doors on strap hinges. Softwood cladding, north end repaired in brickwork. Interior: Very heavy posts support the ends of high collar queen post trusses which have side struts. Original wind braced purlins, ridge tree and rafters. The softwood loft floor is a later addition."

On assessing the barn, in addition to the Listed Building description, the architect, has noted the following additional items:

1. There are four bays, including the very heavy posts supporting the ends of the high collar queen post trusses, which have side struts to the south of two bays of later construction incorporating secondary use of timber members.
2. The floor construction throughout the building appears to have been a later addition, but includes secondary use of large oak timber beams, some of which have chamfers and stop-end mouldings.
3. The softwood loft floor construction is in part supported on large brick piers on the centre line of the four bays to the south.
4. Each main side wall of the building, within the four bays with the very heavy post supports to the trusses includes a threshing door opening, later infilled. The finding of the threshing door openings and the potential to reinstate them is significant.
5. The heavy posts and high collar queen post truss bottom tie does not have evidence of oak uprights below on the south gable roof truss, as if this construction was once possibly part of the interior of a longer barn.
6. The heavy posts which support the ends of the high collar queen post trusses have internal large braces, which span almost to the centre of the building.
7. It appears the longer barn frame may have been reduced and replaced by the 2-storey adjacent brick stables with storage over.

It is considered that the above features, and particularly the original threshing door openings, increase the historic significance of the oak framed barn building – there being no knowledge of similar medieval oak framed barns with threshing openings in East Cheshire. Whilst the barn is a Grade II Listed Building, once dismantled it will be de-Listed but it is proposed to apply for re-Listing upon re-erection and completion of the proposed works. Re-listing was successfully achieved for the Old Hall following dismantling and re-erection in 1973, which was overseen by the same architect.

The proposal also involves the erection of a single storey ancillary building, which would be located, almost at right angles, to the barn providing garaging, storage, workshop and stabling.

The proposed site for re-erection (the application site) comprises an area of approximately 0.383ha of agricultural land, used primarily for grazing which is located in the south east corner of a larger field of approximately 2.59ha in area. The site is located to the east of Coole Lane and is bounded to the north side by agricultural land and the Old Hall Farm complex. The site is surrounded to the east by adjacent agricultural land belonging to Old Hall Farm and to the south by a bridleway and shared driveway in the ownership of the applicant beyond which lies further agricultural land, which also forms part of Old Hall Farm.

2. RELEVANT PLANNING HISTORY

There are no relevant previous applications relating to this site. However, in 2004 a planning application for the re-erection of the barn and conversion to single dwelling, on land at Junction of Cinder Hill and Foxwist Green was submitted to Vale Royal Borough Council. A simultaneous

application for listed building consent (P04/1122) for the dismantling of the barn and re-erection on another site was submitted to Crewe and Nantwich Borough Council. The planning application was refused by Vale Royal Borough Council on the 17th November 2004 on the grounds that there is a presumption against the building of new residential premises in the open countryside and the listed building consent application was refused by Crewe and Nantwich Borough Council on the 10th November 2004 on the grounds that the applicant could not demonstrate that there is a likely chance of re-erecting the building on an alternative site.

A further planning application was submitted to Vale Royal Borough Council in February 2009. This application sought to address the reasons for refusal, namely planning policy, but also any previous concerns expressed regarding the design of the development. The application was refused on the 9th February 2010 on the same grounds as previously. The applicant lodged an appeal against this decision. It was subsequently dismissed. However, the Inspector stated that the proposal has much to commend it and, if the removal of the building from its present site were approved, it would largely achieve the primary objective of the immediate preservation of the special interest of the historic timber-framed structure.

3. PLANNING POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

Regional Spatial Strategy

DP1 (Spatial Principles)
DP2 (Promote Sustainable Communities)
DP4 (Make the Best use of Existing Resources and Infrastructure)
DP5 (Manage Travel Demand)
DP7 (Promote Environmental Quality)
DP8 (Mainstreaming Rural Issues)
DP9 (Reduce Emissions and Adapt to Climate Change)
RDF2 (Rural Areas)
L5 (Affordable Housing)
MCR4 (South Cheshire)

Cheshire Replacement Waste Local Plan

Policy 11A (Development and Waste Recycling)

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
TRAN.9 (Car Parking Standards)
NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
RES.5 (Housing in the Open Countryside)
BE.9: Listed Buildings : Alterations And Extensions
BE.10: Changes Of Use For Listed Buildings
BE.11: Demolition Of Listed Buildings

Other Material Considerations

PPS1 (Delivering Sustainable Development)
PPS3 (Housing)
PPS5 (Planning for the Historic Environment)
PPS7 (Sustainable Development in Rural Areas)
PPS9 (Biodiversity and Geological Conservation)
PPG13 (Transport)

4. OBSERVATIONS OF CONSULTEES

English Heritage:

Do not wish to comment in detail, but offer the following general observations:

- The proposal to dismantle and re-erect this listed barn building has been part of an ongoing discussion with the local authority for a number of years. The barn is partially potentially a medieval construction and, as such, a rare survival and of national interest. Unfortunately, the previous dismantling and removal of the main building (grade II* before dismantling) resulted in loss of an important part of its context. The barn has since become redundant and, as many former farm buildings without active use, has fallen into disrepair. This is a very regretful scenario and the poor condition of the building should not be weighted in to the decision of whether moving the barn is acceptable or not. Dismantling of a listed structure will always result in loss of historic fabric and authenticity as well as loss of its historic setting and the preference is to keep it in its original location. However, in this case we accept that the current setting, which has been compromised by the removal of the main hall, makes it difficult to find a suitable use for the building. The proposal is to keep the barn within the grounds, repaired and converted to residential use. We accept a careful dismantling and re erection of the building on the proposed site, subject to continued advice by the conservation officer and per photographic recording. A re-assessment of the buildings significance will have to be made after the re-erection.
- English Heritage recommends that this application be determined in accordance with national land local policy guidance and on the basis the Council's own expert conservation advice. It is not necessary for them to be consulted again.

Highway Authority:

- There are no highways objections to this proposal.
- Any alterations to the access must be carried out under a section 184 licence agreement, via CEC highways department.

Environmental Health:

No objection to the application subject to the following comments with regard to contaminated land:

- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The contaminated land assessment submitted with the application indicates a low potential for contamination on the site. However, it recommends a watching brief be employed throughout the development.
- In accordance with PPS23, Environmental Health recommends that the standard contaminated land conditions, reasons and notes be attached should planning permission be granted.

5. VIEWS OF THE PARISH COUNCIL

Sound and District Parish Council has no comments.

6. OTHER REPRESENTATIONS

No other representations have been received at the time of report preparation.

7. APPLICANT'S SUPPORTING INFORMATION:

- Design and Access Statement
- Land Contamination Report
- Planning Statement
- Landscape Design Observations
- Structural Engineers Report
- Ecological Survey

8. OFFICER APPRAISAL

Main Issues

The main issues are the principle of development, design and layout, impact on highway safety, living conditions, ecology, trees and landscape and contaminated land.

Principle of Development.

Although the proposal relates to the relocation of an existing building, given that it involves complete dismantling and re-erection on a different site for residential use, it is considered to be tantamount to the erection of a new dwelling. The site is located within the open countryside where Policies RES.5 and NE.2 of the local plan state that new dwellings will be restricted to those that involve the infilling of a small gap with one or two dwellings in an otherwise built up frontage or are required for a person engaged full time in agriculture or forestry. None of these exceptions would apply to the proposal in question. Consequently, there is a presumption against the development, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications

and appeals must be determined *"in accordance with the plan unless material considerations indicate otherwise"*.

The barn, which is Grade II listed, is currently located in the midst of a modern working farm, and is surrounded by modern portal framed agricultural buildings. In this location it cannot be seen and enjoyed by the general public. It was formerly associated with Austerston Old Hall, the latter having been dismantled and re-located to Yarnall Green Alvanley (Vale Royal) in 1973.

The barn has been redundant since 1981 and the owners were advised by ADAS that this historic building was no longer suitable for use for agriculture in 2001. It is in very poor structural condition, is deteriorating and will continue to deteriorate. The oak frame has racked, (i.e. parts of the structure which have rotted away) resulting in twisting of the oak framed structure and the opening up of existing medieval morticed, tenoned and pegged joints which will be extremely difficult to repair and bring together in-situ. The structure is also settling as the ends of posts within the structure continue to deteriorate. The framed and timber clad gable is deteriorating as the framing timber is deformed and elements have fallen away from the elevation. The first floor boarding is rotting away and it is not considered safe to walk on. The building is not water-tight and is at the mercy of the elements.

During the course of the Appeal process, referred to above, as a result of gale force winds, it was noted that the oak framed barn structure had moved, and that it had bowed outwards to the east, to the extent that the joints in the oak frame, which had previously opened up, had opened up more, and that the barn was moving off its foundations at the centre of the building, on its east side. Following an assessment of the movement by the Architect and a specialist Consulting Engineer, it was necessary to incorporate structural scaffolding into the building, to assist to stabilise the barn structure and provide lateral restraint across the width of the barn, for the full length of the barn

The owners have been seeking to secure the restoration of and a long term viable future for the building for some time. A number of alternative uses for the building have been considered. An appraisal by Wright Manley, providing information on the financial costs of dismantling, repair and reinstatement of the barn accompanies the applications for planning permission and Listed Building Consent. The report concludes that the conversion of the barn to residential use creates the best opportunity to generate value to repay the costs of dismantling, repair and reinstatement of the barn. Conversion to commercial uses, including offices, would not generate sufficient income to fund the cost of the work.

Conversion of the building to a dwelling in-situ, however, would be impractical, as it is located within a complex of existing buildings comprising a working farm. Consequently, there is insufficient space around the building to provide an adequate domestic curtilage. Residential amenity of future occupiers would be severely diminished by the proximity to the working farm buildings and the creation of an "island" of separately owned property in the centre of the farm complex would create significant management / health and safety difficulties as well as impeding the operation of the farm. The new dwelling would also need to share an access with the farm, which is used by all the associated farm vehicle traffic. Furthermore, in this location, as a result of the factors referred to above, the value of the completed property would be severely depressed and would not generate sufficient funds to cover the cost of restoration. It is also considered that the existing modern farm buildings detract from the character and appearance of the setting of the listed building and obscure it from public view.

As English Heritage have pointed out dismantling of a listed structure will always result in loss of historic fabric and authenticity as well as loss of its historic setting and the preference is to keep it in its original location. However, relocation carries with it:

- the benefits of securing a new use for the building,
- a long term sustainable future,
- a setting which is befitting of its status, where it can be seen from the public domain
- will maximise the value of the finished property to ensure that the scheme is financially viable and can be completed.

Consequently, English Heritage has raised no objection.

Exceptionally, in this case, therefore, the benefits in terms of securing a long term future for a listed building at risk are considered to be a sufficient material consideration to outweigh the general presumption against new development in the open countryside as set out in the development plan.

The proposal would also assist the Council to meet its housing land requirements and would ease pressure of Greenfield sites elsewhere within the Borough. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing.

Furthermore, the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Mr. Greg Clark) states that *“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.”* It goes on to say that *“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore, inter alia,*

- *consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;*
- *take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- *consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- *ensure that they do not impose unnecessary burdens on development”*

The proposal will help to maintain a flexible and responsive supply of land for housing, which is specifically identified above as a “key sector”. The proposal will also create jobs and economic growth in the construction industry and all the associated supply networks, including specialist crafts people and conservation and restoration experts. The Secretary of State for Communities and Local Government has made it clear that he will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.

Whilst the application is primarily recommended for approval, because of the benefits that it would bring in terms of the restoration of the listed building, these matters are further material considerations which weigh in favour of the proposal.

Demolition of Listed Building

Policy BE.11 of the Local Plan deals with the demolition of listed buildings and states that this will only be approved provided it can be demonstrated that:

- there is clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable and compatible alternative uses and that these efforts have failed. These efforts should embrace financial, structural and technical matters;
- detailed proposals for redevelopment have been approved, and an uninterrupted phased programme for demolition and redevelopment has been agreed;
- there is agreement for a full record of the building to be made and deposited with relevant authorities; and
- there is agreement to salvage historically important features/materials for reuse in the redevelopment or elsewhere.

Having due regard to financial, structural and technical matters, full consideration has been given to securing an alternative use for the building in-situ. However, for the reasons stated above, this is not considered to be viable.

This application provides full details of the proposed re-erection of the building and the salvage and re-use of all the remaining historically important features and materials within that development. Full survey drawings have been provided within the application and a condition will be imposed to ensure that a full photographic record is also made of the building. Subject to this condition, it is considered that the proposal fulfils the requirements of policy BE.11.

Design and Layout

A number of alternative sites within the applicant's farm were investigated and considered prior to the application being submitted. The field in question has been selected, in consultation with Planning Officers, on the basis that it would have the least impact on the character and appearance of the open countryside, the amenity of neighbouring properties, and taking into account constraints such as susceptibility to flooding. The broad principle of the location is therefore considered to be acceptable.

The barn is to be sited in the south east corner of the field. In this location, it will be visible from both Coole Lane and the bridleway running to the south of the site, and, unlike its current location, it can be enjoyed by passing members of the public. However, it will not appear overly prominent and visually intrusive, which would be the case, if it were located in the south west corner of the field, adjacent to Coole Lane.

In this location, existing boundaries to the south and east can be utilised to help to delineate and contain the domestic curtilage and can be enhanced with native hedgerow planting in order to minimise the visual impact when viewed from the surrounding open countryside to the south and east. The only disadvantage of this location is that it requires a relatively long length of driveway across the field in order to provide access on to Coole Lane. An alternative would be to utilise the existing shared access drive to the south of the site in order to provide more direct access into the development. However, it is acknowledged, that this would result in additional vehicular traffic along the bridleway and also serving the property from a shared access would reduce its sales value, which may render the scheme unviable which would jeopardise the ability of the applicant to secure a long term future for the listed building.

The barn is to be erected on a broadly north south alignment, which reflects its original use as a threshing barn. The proposed ancillary accommodation building would be located on a broadly east-west alignment, which, along with the existing field boundaries to the east and south would form an enclosed space, typical in size and shape to a traditional farm yard. This would be simply and sympathetically landscaped to maintain a simple, agricultural, setting to the building. However, in order to create a more informal and organic appearance to the grouping, the 2 buildings would not be at perfect right angles to each other.

The area of the south east corner of the field which would be provided as residential curtilage for the proposed dwelling, is considered to be sufficiently large to reflect the fact that this would be a substantial detached dwelling in the open countryside, and the resultant expectations of prospective purchasers. This will help to ensure a sufficiently high sales value to cover the cost of the restoration. However, the area is not considered to be unreasonably large, such that it would have a severe impact on the open character and appearance of the countryside. As stated above, the curtilage would be simply landscaped and would be mainly laid to grass, with post and rail fencing and native hedgerow planting to the boundaries. A parking and turning area would be provided between the ancillary building and the northern site boundary which, along with the driveway, would be surfaced using loose gravel, which would help to maintain the rural character and appearance of the site. Only a small hard surfaced footpath is proposed around the building, which would widen out to each side of the threshing barn doors and between the buildings. This would be finished in Indian Stone flags and sets.

Given that this would be a substantial and prestigious dwelling located in the open countryside, it is likely that future occupants would require ancillary accommodation such as ample garaging, workshop or stable space. By taking into account the likely domestic needs of future occupants at the design stage, and providing all these facilities within a sympathetically designed and sited ancillary building, it is hoped that future applications for extensions and additional buildings can be avoided. Permitted development rights would be removed to ensure that the curtilage did not become cluttered with ancillary domestic structures to the detriment of the setting of the listed building and the openness of the countryside. It is also proposed to remove permitted development rights for all extensions and other alterations.

Overall, it is considered that in layout terms the proposal represents a high quality design, which will respect the character and appearance of the open countryside and will provide a worthy setting for the re-erected listed building.

To turn to the elevational detail of the scheme, the existing oak framed barn is covered with black corrugated iron roofing sheets. The long walls of the barn and one gable wall are faced with modern timber cladding over the oak framed structure, and the south gable is covered by a brick built stables and storage building. A part of one long wall is built in brickwork where the oak framed structure collapsed some years ago.

There are a number of shuttered pitch holes for loading hay to the upper part of the barn, and there are several stable doors and openings on the elevations, and a sliding door to an opening in the brick wall. The majority of the original oak framed lower cill beams have rotted away and brickwork has been introduced to support the remaining oak framing above. There is evidence of sandstone cill stones to the lower perimeter of the building. Generally, the barn is settling as framing is deteriorating, and the exposed gable has oak framing timbers breaking away from the face of the gable.

The proposed two storey re-erected oak framed building will rise from sandstone perimeter cill stones, or a brickwork cill wall, and will have horizontal oak boarded outer walls. The roof, with new or salvaged handmade clay ridge tiles and roof tiles, will appear traditional and will have traditional cast metal gutters and downspouts, with outfalls to typical agricultural dished clay gully tops with cast iron inserts to collect rainwater.

Door and pitch-hole openings and other openings will be reinstated in their original locations, but will include contemporary fenestration in oak frames and will have external oak shutters/doors which can be opened and closed. When closed the barn would look as it did when first erected.

The original threshing door openings will be reinstated in their original locations. Each threshing door opening in the east and west elevations will have large contemporary double glazed screens introduced into each opening, with solid oak central entrance doors within the glazed screens to each elevation. The contemporary glazed framing enables the threshing door openings to be appreciated for much of the time. When closed the threshing doors will appear as they did when the barn was first constructed.

Internally, a cellar is proposed in order to maximise the internal accommodation, without requiring the addition of extensions to the building. This will be finished with stone paving, exposed brickwork walls, oak doors and staircase, which will be traditional in appearance. The ground floor stone internal paving layout will run with the length of the barn, but at the location of the threshing doors it will change direction for the width of the threshing door openings, and continue beyond the openings to east and west as a paved area as an indication that people, horses and carts passed through the openings.

The oak framed structure, including the whole of the roof structure, rafters, ridge, purlins and wind braces, the walls with their wall plates, vertical and horizontal framing members, cill beams and braces, first floor construction with oak beams and joists, will all be exposed, and will be buff coloured as found. They will not change in appearance with ageing as their colour has remained unchanged since originally constructed.

The infill panels, first floor ceiling soffits and roof covering between the rafters will all be painted off white/cream so as to enhance the colour of the exposed oak members. The first floor oak floorboards, doors and door frames, staircase and handrails will all be oak and compliment the oak framed structure.

The two story full height will be retained in the centre four bays of the building, which corresponds with the two full height threshing barn doors to each side. This will allow the viewer to appreciate the original form of the building. Mezzanine floors will be installed at each end of the building, accessed by two separate stair cases to provide the first floor bedrooms and balcony study area. Glazed panels will be used for balustrading and the upper portion of the bathroom enclosure to allow the oak structure to be viewed and appreciated even where the first floor has been installed.

In conservation terms, the numbering of the existing wooden members and the proposal to retain as much of the original materials as possible, replacing only missing, defective members and splicing in new elements of oak where deteriorated, will serve to ensure the integrity of the original building is retained.

Similarly, the proposed attention to be given to the works to repair the building and to execute its conversion, as indicated in the design and access statement and in the detailed drawings will also assist in ensuring that the integrity of the original building is retained.

The proposed scheme is now largely based on using the existing ground and first floor plans and making use of the existing openings and using materials which are in keeping, as a result of recent officer involvement at pre application stage.

The proposed ancillary building will be single storey to ensure that it will complement the oak framed barn and will be subservient to it, maintaining the traditional hierarchy of the principal and less important buildings in farm groupings. It will have a roof of new or salvaged handmade clay tiles and brickwork walls, oak framed doors and windows rising from a natural stone perimeter surround, and will be traditional in appearance.

Overall, it is considered that the design approach that has been taken is extremely sensitive and will ensure that the integrity of the remaining historic fabric is preserved and that it is sympathetically complimented by new additions to restore the building and facilitate its conversion to a sustainable long-term use without detriment to its historic and architectural interest.

The Conservation Officer and English Heritage, satisfied with the approach that is being taken to the dismantling, conservation and re-erection of the building, and subject to appropriate conditions, raises no objection. The scheme is therefore considered to be acceptable in conservation and design terms and in accordance with the relevant local plan policies.

Highways

The proposed dwelling would be accessed via a long driveway from a new access which would be formed directly on to Coole Lane. The access is located on the outside of a slight bend in the road, which ensures that adequate visibility splays can be achieved in both directions without necessitating additional hedgerow removal. The gates would be set back into the site sufficiently to allow vehicles to pull off the road whilst they are being opened and the area in front of them would be hard surfaced in order to avoid loose material from the gravel driveway being deposited over the road. The proposal is therefore considered to be acceptable in terms of highway safety.

It is not considered that the proposal for a single additional dwelling would raise any significant concerns in respect of traffic generation. Adequate parking and turning space for the occupant's vehicles would be provided within the site and therefore the proposal would not result in any additional on-road parking which would be to the inconvenience of other residents or the detriment of highway safety.

In the absence of any objection from the Strategic Highways Manager it is not considered that a refusal on highway safety / traffic generation grounds could be sustained.

Living conditions

With the exception of Old Hall Farm to the north and the properties known as Coole Lane Cottage / Meadowvale to the south west, the site is entirely surrounded by open countryside. Old Hall Farm is within the ownership of the applicant and distances in excess of 240m will be maintained to the other properties, which are considerably in excess of the 21m which is usually considered to be sufficient to maintain an adequate level of privacy and amenity between dwellings. Furthermore, the existing field hedges and trees provide a good level of screening between the site and the neighbouring dwellings. The boundary to domestic curtilage for the proposed dwelling could be enhanced to provide additional screening through native hedge planting which could be secured by condition.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places:

- in the interests of public health and public safety,
- for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection:

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. *“This may potentially justify a refusal of planning permission.”*

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species *“Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”*

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to *“refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”*

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The Council’s Ecologist has examined the proposals and stated that there are a number of ecological issues associated with the proposed development.

Barn Owls

There is evidence of barn owls being active on this site. However there is no evidence to suggest breeding is taking place. To mitigate for the potential loss of roosting habitat the submitted ecological assessment has recommended the provision of two barn owl boxes, one placed in the adjacent buildings and a second attached to a mature tree on site. This proposed mitigation is acceptable. However the ecologist recommended that the applicant submitted an annotated plan showing the location of the proposed barn owl boxes. This has now been received and he is now satisfied that the potential adverse impacts of the development barn owls has been satisfactorily addressed.

Other Protected Species

Other protected species are present on site. The proposed development has the potential to result in a disturbance of their habitat. To mitigate the risk of injuring or disturbing protected species during the construction phase the submitted ecological assessment recommends moving them off the site under the terms of a Natural England license. The ecologist advises that the proposed mitigation was acceptable but recommended that the applicant submits an outline mitigation method statement prior to the grant of any planning consent. This has now been received and he is now satisfied that, subject to the imposition of a condition requiring the development to proceed in strict accordance with the submitted ecology report dated August 2011 and Mitigation Strategy dated October 2011, the potential adverse impacts of the development has been satisfactorily addressed.

Hedgerows

The proposed development will result in the loss of a section of hedgerow to facilitate the new site access. Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. However, the submitted landscaping plan indicates significant hedgerow creation associated with the proposed scheme which can be secured by means of an appropriate condition.

Breeding Birds

If planning consent is granted conditions are required preventing any works from being undertaken between 1st March and 31st August, unless a survey has been carried out to safeguard breeding birds. Conditions are also recommended requiring the incorporation of features into the scheme suitable for use by breeding birds.

SBI

The access for the proposed development is located within the boundary of this Site of Biological Importance. However, the ecologist has advised that the proposed development is unlikely to have a significant adverse impact upon the features for which the SBI was designated.

Contamination

The Council's Environmental Health officer has commented that the application is for a new residential property which is a sensitive end use and could be affected by any contamination present. Therefore, conditions are recommended requiring that, a ground investigation be undertaken and any necessary mitigation be identified and carried out. Subject to compliance with these conditions, it is considered that the proposal will accord with the relevant development plan policies in respect of contaminated land.

Trees and Landscape

The site of the proposed development is a grazing field in open countryside and has no formal national or local landscape designation. It is located to the east of Coole Lane and to the north of a farm access which is also a bridleway. There is an existing hedgerow adjacent to Coole Lane. The land level rises from the road and views of the site can be obtained from Coole Lane and from the bridleway.

The Landscape Officer has reviewed the application and agrees with the comments in the submitted landscape design observations stating that the landscape character of this area is currently one of open grassland with scattered farms, small holdings and other roadside dwellings. She would also agree that should the development be permitted, the underlying landscape character of the area would remain similar to that which exists at present. Inevitably, there would be some landscape and visual impact. However, subject to appropriate controls, she is generally satisfied that the development would not be out of character with that which exists in the vicinity.

Native tree and hedge planting is proposed along the southern and eastern boundaries of the site with a group of trees close to the new access from Coole Lane. Although views of the building would still be possible, once established the proposed planting would help to screen views from these viewpoints.

The creation of a new access would necessitate the removal of a section of the existing hedgerow adjoining Coole Lane. Provided there is no other reasonable means of access, (or if an existing access is closed up within 8 months), such work could be deemed an exemption to the Hedgerow Regulations 1997. However, if there is a practical alternative access, the hedgerow would need to be assessed under the criteria in the Regulations. In this case the existing access to the field is via another field from the farm. It is therefore not considered to be a practical alternative, as it would involve a long a tortuous driveway which would be unreasonable for occupants and would have an even greater impact on the character and appearance of the open countryside than the length of driveway currently proposed. The alternative option of taking an access direct from the shared farm drive to the south, as mentioned previously, would be the most preferable alternative, as it would avoid the need for any hedgerow removal. However, as stated above, this would impact on the viability of the scheme.

No details have been provided in the submission of the proposed gates to the site and it is necessary to ensure these are of a sympathetic design for the location. However, this can be secured by condition. The landscape officer has commented that the proposed new landscape and boundary treatment appear to be appropriate and their implementation can also be secured through condition.

9. CONCLUSIONS

The proposal involves the erection of a new dwelling in the open countryside, which is contrary to established local plan policies. The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

In this case the new dwelling is to be created through the dismantling and re-erection of a Grade II listed building, which is currently in very poor structural condition and is considered to be at risk. Viability appraisals have demonstrated that the only way in which sufficient funds for the necessary restoration can be generated is through conversion to a dwelling. Conversion of the building in situ is considered to be impractical, due to the fact that it is located in the centre of a working farm, which would create

practical difficulties, an inadequate standard of amenity for future occupiers and would adversely affect the sales value of the completed dwelling. This would jeopardise the financial viability of the project.

Relocation carries with it the benefits of securing a new use for the building, a long term sustainable future, and a setting which is befitting of its status, where it can be seen from the public domain and will maximise the value of the finished property will be maximised to ensure that the scheme is financially viable and can be completed. Exceptionally, in this case, therefore, the benefits in terms of securing a long term future for a listed building at risk are considered to be a sufficient material considerations to outweigh the general presumption against new development in the open countryside as set out in the development plan.

The proposal is acceptable in terms of design and layout, impact on highway safety, living conditions, ecology, trees and landscape and contaminated land and complies with the relevant local plan policies in this regard.

Therefore, for the reasons stated above and having due regard to the relevant local plan policies, and all other material considerations raised, the proposal is recommended for approval subject to appropriate conditions.

10.RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Standard**
- 2. Plans**
- 3. All repair and detailing works to be carried out in accordance with the detailed A3 plans and drawings submitted;**
- 4. Submission and approval of materials including surfacing materials**
- 5. All repairs and replacement of oak to be in oak;**
- 6. Oak frame to remain exposed as detailed in design access and heritage statement;**
- 7. All timber cladding shiplap boarding to be oak;**
- 8. All repairs or replacement of plinth/cill stones to be in matching materials;**
- 9. All roof tiles and ridge tiles to be in clay;**
- 10.All roof lights to be recessed to lie flush with the roof plane;**
- 11.All rainwater goods and downpipes to be black cast metal;**
- 12.All windows to be oak framed;**
- 13.All doors to be in oak;**
- 14.Brickwork and lime mortar to walls of ancillary accommodation to be agreed;**
- 15.All roof tiles and ridge tiles to ancillary accommodation to be in clay to match barn;**
- 16.Photographic recording of building**
- 17.Remove Permitted Development rights**
- 18.Provision of barn owl boxes**
- 19.Development to take place in accordance with submitted ecology report and mitigation statement**
- 20.No development within bird nesting season without a survey being carried out**
- 21.Implementation of boundary treatment**
- 22.Implementation of landscaping scheme**
- 23.Contaminated land investigation / remediation**

- 24. Submission and approval of design for gates**
- 25. Scheme for the disposal of foul drainage**

