

Planning Reference No:	09/1664C
Application Address:	Brownlow Farm, Brownlow Heath Lane, Newbold Astbury, Congleton
Proposal:	Retention of existing annexe building. Change of use to form integral garage, games room, toilet facilities and loft storage. Associated car parking and landscaping
Applicant:	J. Ekin Construction
Application Type:	Full Planning Permission
Ward:	Congleton Town East
Earliest Determination Date:	10 August 2009
Expiry Dated:	22 July 2009
Date Report Prepared:	01 September 2009
Constraints:	None

SUMMARY RECOMMENDATION: REFUSE

MAIN ISSUES:

The key issues that Members should consider in determining this application are

- Principle of Development
- Highways
- Design
- Landscaping & Ecology
- Amenity

1. REASON FOR REFERRAL

The application was deferred from the Planning Committee held on 26th August 2009 to allow for Members to visit the site.

Councillor P. Mason officially requested that the application be determined by planning committee. The reason stated on the Committee request form was 'The design, character, and relationship of adjacent buildings' and also 'as there was concern that the inferior design would have an adverse effect on the development and the area.'

2. DESCRIPTION OF SITE AND CONTEXT

This proposal is associated with application 09/1665C that is also pending determination by Planning Committee.

The site relates to an existing detached brick and tile built building within the Brownlow Farm complex and would form part of the barn residential conversion scheme. The entire site is located within the Green Belt.

The building in question was originally granted consent for use as three garages relating to a barn conversion approved by application 35646/3 however, work commenced on the

development prior to pre-commencement conditions being formally discharged and as such the development approved by 35646/3 was never lawful.

In addition to this, the building was increased in size via significant unauthorised roof alterations which resulted in another floor level being created.

It is noted that the building at present is not entirely garaging but contains facilities including a kitchen, living area, bathroom, and bedrooms. Such residential use has never been approved at the site.

3. DETAILS OF PROPOSAL

Full planning permission is sought to retain the unauthorised works to the building, which include the addition of an extra floor level. This was achieved by altering the roof height from 4.8 metres with a 20-degree dual pitched roof to 6.8 metres with a 35-degree single pitched roof. Consent is also sought for other unauthorised alterations to the building, which include alteration of fenestration details to all elevations of the building.

The proposal also seeks to change the use of the building to a residential annexe that would be associated with residential barn conversions that are currently pending determination under application 09/1665C.

4. RELEVANT HISTORY

09/1665C - Conversion of redundant barns to form two dwellings, associated detached garage and landscaping. Pending determination

09/0744C Conversion of redundant barns to form two dwellings, associated detached garage and landscaping. Withdrawn (May 2009)

09/0757C Retention of existing annexe building. Change of use to form integral garage, games room, toilet facilities, and loft storage area. Associated parking and landscaping. Withdrawn (May 2009)

35846/3 Conversion of redundant farm buildings to two dwellings. Approved (2003)

5. POLICIES

National Planning Policy

Planning Policy Guidance 2: Green Belts

Planning Policy Statement 7: Sustainable Development in Rural Areas

Regional Spatial Strategy

DP1 Spatial Principles

DP7 Environmental Quality

Local Plan Policy

PS7 Green Belt

GR1 General Criteria

GR2 Design
GR6 Amenity and Health
H1 Provision of New Housing Development
H2 Housing Supply
H6 Residential Development in the Open Countryside and Green Belt
BH15 Conversion of Rural Buildings
BH16 The Residential Re-use of Rural Buildings
Supplementary Planning Document 7: Rural Development

6. CONSULTATIONS (External to Planning)

Highways

[30.07.2009] The Highway Authority has no comment or observation to make on this application.

Environmental Health

[15.07.2009] The Environmental Division has no comment or observation to make on this application.

Senior Landscape & Tree Officer

[12.08.2009] There are ponds in the vicinity of the site. No Great Crested newt survey is provided. This is necessary and the application could be refused on the grounds of insufficient information.

(A previous submission for this site included a Great Crested newt survey. If resubmitted, that report was undertaken at a sub-optimal time of year. However no evidence of this protected species was found and notwithstanding the restrictions of the GCN survey, the ecologist concludes that there is low potential for impact on the species. Reasonable avoidance measure would be required).

The buildings offer potential for bats, barn owl and nesting birds. The submission includes reports of surveys for these species. Although suitable habitat is present no evidence of bats and barn owls is recorded. There is evidence of bird nests. Reasonable avoidance measures are suggested and I am satisfied that such measures could be covered by condition.

There are a number of existing trees along the driveway. A tree protection condition is recommended. The submission includes a landscape scheme. (Plan 458 –B-SL-01 and Plan 458 – F-L-01). The proposals in the scheme are acceptable. An implementation condition will be required.

VIEWS OF THE PARISH / TOWN COUNCIL

[10.08.2009] Newbold Astbury cum Moreton Parish Council has agreed unanimously to support the application.

The building forms a part of a group that was once a working farm and the barns are within a few yards of a family occupied dwelling. It is the view of the Parish Council that the use of the building for residential use is the only appropriate use, as a commercial or

light industrial use would not be fitting for the environment. The proposed development is in an essentially rural landscape, which the proposal will not in any way significantly alter.

It is noted that a similar application was granted permission by the former Congleton Borough Council however; there had been a delay in meeting the conditions of the original permission, which was not the fault of the developer.

It is acknowledged that there has been a change in relevant Local Plan policies since the original grant of permission however, in the view of the Parish Council, the new policy BH16 has been met in that the application contains a statement which details the present day market regarding the sale or rental of rural buildings.

To conclude although the Parish Council would normally support national, regional and local planning policies, it is felt that in this particular instance and bearing in mind all the facts of the specific case, it would be more advantageous to permit the development than to refuse.

OTHER REPRESENTATIONS

[01.07.2009] A representation was received from Councillor J. Wray that sought to call the application in for determination by planning committee should it be recommended for refusal under delegated powers.

This was on the grounds that the Barn conversion has previously been granted permission, which lapsed after works had started.

The resubmission has only minor modifications that only enhance and improve the original design by use of 'matching Staffordshire blue tiles' to that of the original farm building and old barn and additional information has been submitted which provides some reasonable evidence of marketing the barns for a commercial use.

An unfortunate set of circumstances and a certain misunderstanding of the original permissions have led to the current situation, which gives rise to the exceptional circumstances in this case.

APPLICANT'S SUPPORTING INFORMATION

The following documents were submitted in support of the application:

- **A Design and Access Statement**

The statement outlines issues relating to the site and its existing use, the sites planning background and policy, the developments context, layout scale, access, appearance, and landscape context and also ecology issues.

- **Structural Survey**

The submitted structural survey concludes that the brickwork of the external elevations is in a good condition and that the roof slopes were found to be straight with no evidence of distortion.

- **Ecological Surveys**

Surveys for Barn Owls, nesting birds, and bats concluded that proposed work would be unlikely to cause a net loss of habitat or disturbance. A newt survey concluded that there is

very small potential for the development to impact upon great crested newts however, reasonable avoidance measures are recommended.

7. OFFICER APPRAISAL

Principle of Development

This application is intrinsically linked to application 09/1665C as it would provide residential accommodation for one of the units with the barn conversion. This link to the residential usage means that policy BH16 of the Congleton Borough Local Plan First Review 2005 is applicable.

Policy BH16 requires that every reasonable attempt has been made to secure business reuse or that the location and character of the site is such that makes residential purposes the only appropriate use.

No evidence of any attempt to secure business re-use at the application site or the barn conversion site was submitted with the application – only information relating to other sites within the Cheshire East Borough. Such information is not sufficient evidence to demonstrate that this is not commercially viable and it does not justify the residential reuse of the building.

The location and character of the site is such that residential use may not be the only viable option. This is for two reasons, firstly although there are other residential properties in the vicinity, these are far from forming a cohesive group and as such it is not considered that residential uses are predominant in the area. Secondly although it is accepted that the barn building is located within somewhat close proximity to Brownlow Farm Farmhouse, approximately 10 metres to the north of the barn, this close proximity does not automatically rule out commercial uses as it is unreasonable to exclude other appropriate rural uses such as farm shops, equestrian facilities, live and work units, and tourist accommodation, which would be no more detrimental to the farmhouse amenity than residential units.

It is appreciated that the site has previously been granted consent for garaging under application 35846/3 however, it is noted that this was over six years ago and the consent was never lawful as work commenced prior to the discharge of pre-commencement conditions.

Highways

No response was received from the Strategic Highways Manager at the time of report preparation however; it is noted that there is a significant amount of space available within the application site for parking and as such it is not considered that the proposal would pose a threat to highway safety. Nonetheless Members will be provided with Strategic Highways Manager comments via an update.

The new development would be accessed via an existing access track however, this access would divert onto a new track. Given that such new track would somewhat follow an existing field line it is not considered that the access would appear detrimental within the surrounding Green Belt.

The proposal would include the provision of garaging which would ensure that the detrimental impact of parked cars within the Green Belt would be avoided.

Design

Significant unauthorised alterations have been made to the original building and this application seeks to regularise the situation. It is brought to Members attention that planning policies are still applicable despite the applications retrospective nature.

Policy BH15 outlines that a rural building would only be permitted for re-use if it was permanent and substantial as well as not requiring significant extension, rebuilding or extensive alteration.

In relation to the former criteria, the submitted structural survey concludes that the building is in sound condition allowing for re-use however, with regard to the second criteria the proposal clearly conflicts with the policy as substantial alterations have been made to the height and pitch of the buildings original roof.

The applicants reasoning for the significant increase in scale was to allow for a more appropriate tile to be used on the building that would match those of the adjacent barn building however, it is not considered that this justification outweighs the significant physical visual harm that the increase in roof pitch and height has as albeit having a matching tile to the barn-building roof, the increased roof height and pitch causes significant detriment to the open character and nature of the surrounding Green Belt by virtue of its large mass, scale, and positioning. The building by virtue of its scale can even be described as being tantamount to the erection of a new dwelling in the Green Belt, which would not normally be permitted.

It is not contested that the alterations have been completed to a high standard however, the use of matching roof tiles cannot justify the detrimental impact of the roof alterations of the building which appear significantly incongruous as the building is located immediately adjacent to a Green Belt field and as such is relatively exposed to the wider area.

Landscaping & Ecology

Landscaping - Subject to tree protection and landscaping implementation conditions, there are no landscaping objections to the proposal.

It is noted that there are ponds in the vicinity of the site and newt survey was submitted to the Local Authority on 17.08.2009. This information is an identical re-submission of the surveys received in relation to withdrawn applications 09/0744C and 09/0757C. The report concludes that there is very small potential for the development to impact upon great crested newts and although there was no evidence on of the species on site, it recommended that reasonable avoidance measures are implemented should the development be approved.

Amenity

The change of use of this building and its physical alterations are not considered to be detrimental to the amenity or privacy of surrounding residential properties given the significant distances and existing boundaries in position.

8. CONCLUSIONS

It is appreciated that Congleton Borough Council have previously approved a residential scheme at the site which allowed for the building to be used for residential purposes however, it is noted that this was over six years ago. As each application must be judged on its own merits and against current planning policies, it is concluded that the proposal does not comply with the planning policy framework governing the provision of housing in the greenbelt and is recommended for refusal accordingly.

Additionally the alterations to the building are not in accordance with policy which would not permit changes to buildings if significant alterations are required and the retrospective changes to the building are considered to cause visual harm to the open nature of the surrounding green belt. It is noted that the application would have been recommended for refusal regardless of the application being retrospective.

9. RECOMMENDATIONS

REFUSE for the following reasons: -

- 1. The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development would therefore be contrary to Policy BH15 of the adopted Congleton Borough Local Plan First Review. It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.**
- 2. Insufficient information has been submitted with the application relating to the commercial marketing of the property in order to assess adequately the impact of the proposed development having regard to the provision of housing within the Green Belt. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies namely BH16 and other material considerations.**
- 3. The proposed development, by reason of its size, siting and design, would form a visually obtrusive feature which would detract from the rural character and appearance of the area within which it is located. The approval of the development would therefore be contrary to Policies GR1, GR2, and BH15 of the adopted Congleton Borough Local Plan First Review.**

LOCATION PLAN: Cheshire East Council licence no 100049045

