

Application No: 22/2593M

Location: NEW HALL, STOCKS LANE, OVER PEOVER, CHESHIRE, WA16 9HE

Proposal: Refurbishment and restoration of the existing dwelling to include demolition of cottage/link/coach house, rear wing and part of the garage and their replacement with a reconfigured two storey rear and side extension, internal and elevation alterations, demolition of the existing agricultural building and part of the garage to be replaced with a single storey leisure suite and detached garage, landscaping enhancements, reconfiguration of the garden curtilage and associated works.

Applicant: c/o Agent, Calderpeel

Expiry Date: 26-Sep-2022

SUMMARY

The application site comprises New Hall, a Grade II listed building and its associated outbuildings. The site is set within spacious grounds and is located within the countryside and Green Belt.

This submission mirrors applications 22/1586M and 22/1088M which secured consent for modifications to the main dwelling in April 2023, with the addition of a leisure suite to be incorporated into the existing former stable/barn building with a single storey extension replacing the current rear parking bays. These additions retain a subservient role in scale and appearance, appropriate to its context, and positively contribute to the historic group of buildings whilst being acceptable within the Green Belt.

The proposals also include a new two storey garage to replace the existing agricultural outbuilding (which has extant permission to be converted into a separate dwelling) and works to adapt and reduce the domestic curtilage.

Very special circumstances are considered to exist which are considered to outweigh the identified harm to the Green Belt by reason of inappropriateness.

The proposals include a comprehensive landscaping scheme for the site to secure improvements to the overall appearance and biodiversity of the site, but also facilitating improvements to the historic significance of New Hall, and a green energy strategy.

No concerns are noted with regards to highway safety matters, trees, contamination, flood risk or drainage, or subject to conditions where appropriate.

The proposal accords with the policies in the development plan and represents a sustainable form of development.

The application is therefore recommended for approval, subject to the receipt of outstanding energy information.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

This application is referred to the Northern Planning Committee because the site area is 2.2 hectares and in line with the Council's Constitution it requires a Committee decision.

DESCRIPTION OF SITE AND CONTEXT

The application relates to New Hall, a 4 storey Grade II listed building, with its adjoining cottage and coach house, and associated outbuildings accessed off a private drive off Stocks lane, Over Peover. New Hall is a late 17th century local gentry house, extended in the 19th century. The site was formerly in use as a polo club and latterly as a family home.

The property occupies a relatively flat and isolated position with several outbuildings located within its spacious grounds including a converted stable/barn and garage building previously used as holiday let accommodation, and a portal frame agricultural building. A separate dwelling lies some 100m to the south east of the site (also within the ownership of the applicant.)

The site is located within the Green Belt and open countryside, and lies within flood zone 1 and within an area of generally very low flood risk with several small areas of a higher risk within the site. There are no public rights of way (PROW) within the application site, with bridleway (Peover Superior BR25) located to the east of the site which runs in a north to south direction.

There are mature trees surrounding the site though none are formally protected.

DESCRIPTION OF PROPOSAL

The application seeks consent for a scheme of works to refurbish the dwelling (including the replacement of modern windows, reconstruction of later side extensions, removal of rear later extension and replacement with two storey rear extension, re-landscaping (including replacement of secondary driveway), relocation of the tennis courts, expose original brickwork to New Hall). These works have previously been approved as part of householder application (22/1586m and LBC 22/1088m). During the course of this application the plans for an attached leisure suite were amended, in line with officer advice.

This application now proposes the conversion and extension of the existing former stable building to a leisure suite and a proposed two storey building for parking and ancillary accommodation which would replace the existing agricultural building. It is also proposed to improve the landscaping surrounding the dwelling and proposed leisure suite and to formalise the curtilage of the site as a whole through a reconfiguration of curtilage.

The following plans and documents accompany the application;

- Planning application statement;
- Planning Statement
- Updated and supplementary Heritage statements
- Landscape and visual assessment
- Landscape strategy
- Garden curtilage comparison
- Ecological Report
- Arboricultural information
- Flood risk assessment

RELEVANT HISTORY

22/2594M - Listed building consent for refurbishment and restoration of the existing dwelling to include demolition of cottage/link/coach house, rear wing and part of the garage and their replacement with a reconfigured two storey rear and side extension, internal and elevation alterations, demolition of the existing agricultural building and part of the garage to be replaced with a single storey leisure suite and detached garage, landscaping enhancements, reconfiguration of the garden curtilage and associated works. – Pending

22/1586M - Refurbishment and restoration of the existing dwelling to include demolition of Cottage/link/Coach House, rear wing and part of the garage and their replacement with a reconfigured two storey rear and side extension, internal and elevation alterations landscaping enhancements and associated works - Approved 31 April 2023

22/1088M - Listed building consent for refurbishment and restoration of the existing dwelling to include demolition of Cottage/link/Coach House, rear wing and part of the garage and their replacement with a reconfigured two storey rear and side extension, internal and elevation alterations landscaping enhancements and associated works. – Approved 31st April 2023

20/5111M Prior approval for conversion of agricultural building into Dwelling Approved 12 January 2021

20/3962M Prior approval of change of use for conversion of agricultural building into dwelling. Refused 4 November 2020

11/3859M Change of use of Barn to Holiday Accommodation Approved 14-Dec-2011

10/4017M Erection of field shelter for use in conjunction with polo pitch Refused 4 February 2011

10/0818M Proposed single storey rear extension Approved 28 April 2010

10/1122M - Proposed Single Storey Rear Extension - Approved with conditions - 19-May 2010

09/4299M - Proposed agricultural storage building - Determination - appvl not reqd (stage 1) / 20-Jan-2010

09/3673M - Change of use of barn to holiday accommodation - Approved with conditions / 10-Feb-2010

09/3449M - Erection of stables and agricultural building - Withdrawn / 16-Dec-2009

09/1745M Construction of helicopter landing pad and agricultural outbuilding with associated footpath and track (retrospective) - Refused 26 August 20019

07/1390P Retention of orangery/conservatory. Refused 26 July 2007

06/0351P Certificate of lawfulness for existing use of land as residential Curtilage - Withdrawn 16 March 2012

06/0515P - Demolition of agricultural buildings. erection of single storey Building & refurbishment of existing barn to form stables & agricultural storage - Approved with conditions / 19-Apr-2006

06/0514P Listed building consent - Demolition of agricultural buildings. Erection of single storey building & refurbishment of existing barn to form stables & Agricultural storage - Approved 19 April 2006

05/2906 Demolition of existing agricultural buildings. Erection of single storey building & refurbishment of existing barn to form stables & garaging - Withdrawn 26 January 2006

05/2907P Demolition of existing agricultural buildings. Erection of Single storey building & refurbishment of existing barn to form Stables & garaging - Withdrawn 25 Jan 2006

05/1857P Full planning Conversion of barn to form ancillary accommodation & erection of Stable block with garages & first floor workshops - Withdrawn 9 July 2005

05/1856P Listed building consent - Conversion of barn to form ancillary living accommodation. Erection of extension and demolition of existing buildings. Withdrawn- July 2005

00/0199P - First floor front extension - Refused 28 March 2000

00/0937P First floor side extension Approved 21 June 2000

32277PB - Bedroom, bathroom, kitchen and laundry extension and internal alterations - Approved 28 January 1983

34388P Brick garage Approved 11 August 1983

30297PB – Kitchen and utility extensions – 11 June 1982

29128P - Conversion of outbuildings to form separate dwelling - Refused 1982

RELEVANT PLANNING POLICY

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

Cheshire East Local Plan Strategy 2010-2030 – Adopted July 2017

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG 3 Green Belt

PG6 Open Countryside

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 – Design

SE 3 – Biodiversity and Geodiversity

SE 4 – The Landscape

SE 5 – Trees, Woodland, and Hedgerows

SE 6 - Green Infrastructure

SE 7 - The Historic Environment

SE13 Flood risk and water management

Appendix C - Parking Standards

Cheshire East Site Allocations and Development Policies Document (SADPD)- Adopted December 2022

PG9 Settlement Boundaries

HER1 Heritage assets

HER 4 Listed Buildings

GEN1 Design principles

ENV 1 Ecological Network

ENV2 Ecological implementation

ENV 3 Landscape character

ENV5 Landscaping

ENV6 Trees, hedgerows and woodland implementation

ENV7 Climate Change

ENV16 Surface water management and flood risk

HOU 12 Amenity

HOU 13 Residential standards

RUR 11 Extensions and alterations to buildings outside of settlement boundaries

RUR 12 Residential Curtilages outside of settlement boundaries

Peover Superior Neighbourhood Plan - November 2019

LCDC1 – Local Character and Design

LCDC3 – Extensions and remodelling

LCDC4 – Alterations to roofs

LCDC5 – Alterations to openings

ENV 1 – Biodiversity
ENV 2 – Trees, hedgerows and watercourses
HA1 – Heritage Assets

Other material planning considerations

Over Peover Design Guide
National Planning Policy Framework (updated 20th July 2021)
National Planning Practice Guidance (NPPG)
Supplementary Planning Guidance - Cheshire East Design Guide
Planning (Listed Building and Conservation Areas) Act 1990

CONSULTATIONS (External to Planning)

Strategic Highways – No objections.

Environmental Protection (CEC)

Contaminated Land – No objection. Recommend informative regarding environmental protection act.

Amenity – No comments. Recommend informatives regarding hours of construction.

Air Quality – Recommend condition for EV charging.

Lead Local Flood Authority (CEC) – No objections in principle subject to condition requiring details surface water drainage scheme.

United Utilities- No comments received

Peover Superior Parish Council – No comments received

Cadent Gas – No comments received

REPRESENTATIONS

No representations received

OFFICER APPRAISAL

Background

Planning permission (22/1586M) and listed building consent (22/1088M) was secured at this site in April 2023, for improvements to the dwelling, comprising;

- replacement of modern windows with timber windows,
- reconstruction of later side extensions,
- removal of rear later extension and replacement with two storey rear extension,
- relandscaping (including replacement of secondary driveway),
- relocation of the tennis courts,
- removal of rear recessed patio
- removal of render to the front elevation of New Hall to expose original brickwork.
- removal the rear brick built open fronted garage at the rear of the stable building.

This current application for full planning incorporates all the details within the above approved applications in addition to the incorporation of the leisure suite to the former stable block and an extension to this building and replacement of the agriculture building with a detached garage.

This scheme originally proposed a large addition to the side of the main house to contain the leisure facilities which was considered to be harmful to the setting and significance of the listed manor house and its barns, due to its scale and design.

Principle of development

Green Belt

The application relates to an existing dwellinghouse within the Green belt.

Extensions or alterations to a dwelling that do not result in disproportionate additions over and above the original dwelling are acceptable within the Greenbelt as outlined within the NPPF and CELPS policy PG3.

SADPD policy RUR11 advises extensions and alterations to existing buildings in the open countryside and Green Belt will be only be permitted where the proposed development would:

- i. not result in disproportionate additions over and above the size of the original building;
- ii. respect the character of the existing building, particularly where it is of traditional construction or appearance;
- iii. not unduly harm the rural character of the countryside by virtue of prominence, excessive scale, bulk or visual intrusion.

RUR11 states that proposals will usually be considered to represent disproportionate additions where they increase the size of the original building by more than 30% in the Green Belt.

The dwelling has been extended previously, although the heritage assessment (and planning history) demonstrates that much of this was pre-1948. The rear single storey extension is the exception, constructed in the late 20th century and is considered an extension to the existing dwelling. The proposed extensions to the dwelling occupy similar footprints (the rear extension will be a reduced length and width although shall be slightly greater in height) and largely replace existing extensions. This is calculated as a 27% increase in floor area of the dwelling, (around 24% in volume) and is considered to comply with the provisions of SADPD RUR 11 in this regard. It is noted that the extensions to the dwelling proposed are the same as part of the recent approval (22/1586M).

The proposed leisure suite comprises a conversion and extension of the existing former stable block for use as ancillary accommodation / leisure suite for the main dwelling. The existing flat roof extension at the rear of the stables is to be removed and replaced with a single storey extension of a slightly smaller footprint, lower eaves and ridge height. The proposed leisure suite is considered to be in accordance with the provisions of CELPS policy PG3 and SADPD policy RUR 11.

The proposed garage will be constructed in place of the existing agricultural building which would be demolished. The existing agricultural building, has extant consent (prior approval) for the conversion into a five-bedroom detached family dwelling along with associated curtilage

and parking. The proposed garage would be smaller in volume (10m³) and would have a smaller eaves height (0.7m). The garage building would have an asymmetrical roof and would result in a greater ridge height (0.8m). Overall the building would represent a similar scale and mass of the agricultural building. However, the building would not be in the same use and does not therefore meet the criteria for replacement buildings within the Greenbelt, that is not materially larger and in the same use. As such the proposals would comprise inappropriate development within the Greenbelt.

Furthermore, the proposals include the creation of a formal garden area to the east of the existing former stable building and between the agricultural building through the reconfiguration of the curtilage surrounding the site. As this change of use does not comprise an exception to greenbelt policy, this part of the proposals is also considered to comprise inappropriate development within the Greenbelt.

Heritage and Design

New Hall is a late 17th century Grade II listed local gentry house, extended in the late 19th century. Set within landscaped grounds with a central tree lined driveway it is surrounded by open fields, with tree lined boundaries. It has an early 18th century barn range to its south (considered to be curtilage listed).

The Grade II designation of New Hall denotes it is a building of national importance for its special architectural and historic interest. Its interest lies in its origins as a local gentry house, its architectural form set around a centralised plan. It holds a group value with the stable block and currently has a sympathetic immediate and wider landscape setting, with sylvan character and open fields beyond.

To the east of the main house are two later C19th additions, a two-storey former cottage / kitchen wing and coach house, likely to be added when the site became a farmstead in the C19th. Both have been heavily modified with modern render and replacement windows, porch and link additions to the front, a 20th century stack to the kitchen wing. There have been significant internal alterations to both buildings and a late 20th century addition to the rear of the kitchen wing. The only part of remaining historic fabric is a small area of exposed brickwork to the rear.

The stable/barn range lies to the south of the dwelling and dates from the 18th century, with the southern range added in the 19th century, with various alterations in the 2000s. Prior to the alterations, historic information shows that the building has had a number of large sheds and additions to its east and south during the 20th century which filled the courtyard space, subsequently demolished.

Internally the former stables have been previously partially converted into self-contained units with modern fittings, the only main element of interest being the trusses within the attic and remain ancillary to the main house.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

The NPPF makes clear in paragraph 199 that great weight should be given to the conservation of designated heritage assets and their setting. CELPS Policy SE7 supports proposals which do not cause harm to or better reveal the significance of heritage assets. SADPD policy HER 4 requires, amongst other things, that proposals affecting a listed building have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest that it possesses. Where a proposal would lead to less than substantial harm to the significance of a listed building, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable alternative use.

Policy HA1 of the Over Peover Neighbourhood plan advises that proposals which conserve and enhance the Parish’s heritage assets and their setting will be supported particularly if the proposals would help retain the assets in active use. Support may only be given where the level of harm to the significance of the asset has been sufficiently outweighed by arising public benefits.

Paragraph 130 of the NPPF seeks to ensure that, amongst other things, developments function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and landscaping; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit. Policy SE1 of the CELPS sets out the design criteria for new development and states that development proposals should make a positive contribution to their surroundings. It seeks to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements. It should also respect the pattern, character and form of the surroundings. Policy SD2 of the CELPS further details the design matters that should be considered, including; height, scale, form and grouping of development, choice of materials, external design features, massing of development and the balance between built form and green/public spaces. Furthermore, development will be expected to respect and where possible, enhance the significance of heritage assets, including their wider settings.

SADPD Policy GEN 1 requires proposals to create high quality development reflecting local character and design and creating a sense of identity and legibility by using landmarks and incorporating key views into, within and out of new development and reflecting local character. Peover Superior NP Policy LCD 1 seeks to ensure buildings, features and materials are representative of the area.

The Conservation officer is satisfied that the former stable block is a suitable base for the leisure complex and that the internal alterations and extension at the rear are acceptable and more in keeping with the historic barn range than the existing extension and will utilise materials to match. The design of the extension is a simple addition that is subservient to the existing building and will not detract from the appearance of the collection of buildings.

The agricultural shed will be replaced with a traditionally designed brick building. A courtyard is retained between the rear of the proposed leisure suite and proposed garage with landscaping surrounding the buildings. The replacement building is considered to be an acceptable form and design for this domestic outbuilding.

Overall, the scheme is considered to have overcome heritage concerns raised on the original scheme.

Subject to the inclusion of an appropriate conditions, the proposals are considered acceptable and in accordance with the provisions of development plan policy, and advice within the NPPF.

Landscape

Policy SE4 of the CELPS seeks to conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes. Policy SD2 advises that development should respect and, where possible, enhance the landscape character of the area.

Policy ENV3 of the SADPD outlined that development proposals should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area, as described in the Cheshire East Landscape Character Assessment (2018) taking into account any cumulative effects alongside any existing, planned or committed development. Policy ENV5 of the SADPD sets out what should be included in landscaping plans.

The site lies within landscape character type (LCT) 7: Lower Wooded farmland and Landscape character area (LCA)7D: Marthall as identified in the Cheshire East Landscape Character Assessment. The site forms a cluster of built form set a considerable distance from Stocks Lane. This is characteristic of other built clusters in the vicinity of the site.

The site is generally well screened with mature hedgerow and trees running along the site boundaries. The proposals will largely follow existing footprints and roof forms and materials will be sympathetic to the existing. The submitted site plan indicates new tree planting, hedgerows to the north and east and an area of woodland to the south west. The formal planting area surrounding the parking area to the rear of the main dwelling is shown to be larger than previously approved although further landscaping detail can be secured by condition.

Large areas of hard landscaping to the front of the dwelling will be removed and replaced with a formal gardens and new access driveway to the side of the dwelling providing access to the proposed garage. This will require the removal of several mature trees however the application states this will be compensated for by replacement planting. It is also proposed to alter the lawn area and tennis courts to the south west of the dwelling to grazing land outside of curtilage as part of a reconfiguration of curtilage. Notwithstanding the principle within in the greenbelt issue, the visual impact of this is acceptable.

From longer range views, the site will continue to be viewed as a cluster of buildings set within treed surroundings. Overall, the landscaping envisaged will enhance the setting of the site and the setting of the listed building. Furthermore, the proposals are considered to conserve the landscape character of the area in accordance with CELPS policy SE4, SE5 and SADPD policy ENV 5.

Living Conditions

CELPS policy SE1 seeks to ensure appropriate levels of privacy for new and existing residential properties. Policy SD 2 also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of its relationship to

neighbouring properties. SADPD policy HOU 12 seeks to ensure development does not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

This advice is echoed within Over Peover neighbourhood plan Policy LDC3.

SADPD Policy HOU 13 (table 8.2) and the Cheshire East Design Guide set out the standards for space between buildings and the requirement to include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development. This is required to maintain an adequate standard of privacy and amenity between residential properties and provide appropriate amenity space for future occupants.

New Hall is located a significant distance from the nearest neighbouring property, New Hall Farm, (some 90m to the south of the site), also within the applicants ownership. The proposals to replace the agricultural building with a proposed garage would result in an improved amenity position with regards to comings and goings and general activity at the site to the neighbouring property.

It is noted that there are no neighbour objections to the proposals.

It is therefore considered that the proposals comply with the principles of CELPS policy SE1, SADPD policies HOU 12 and 13, Over Peover NP policy LDC 3 and advice within the Cheshire East Design Guide in this regard.

Highways/Accessibility

CELPS Policy CO 1 deals with sustainable travel and transport. It supports a shift from car travel to public transport and seeks to guide development to sustainable and accessible locations.

SADPD policy INF3 requires that amongst other things, proposals provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles.

The highway officer has not raised any objections to the proposals as pedestrian and vehicular access to the site remains unchanged although a secondary driveway through the site will be removed. Ample parking exists on site.

There would be no adverse impact on the safety or operation of the adjacent highway. The proposals comply with CELPS Appendix C: Parking Standards and SADPD policy INF 3, and Policy CO1 of the CELPS.

Trees

CELPS Policy SE5 seeks to ensure the sustainable management of trees, woodland and hedgerows including provision of new planting to provide local distinctiveness within the landscape, enable climate adaptation resilience, and support biodiversity. Furthermore, the planting and sustainable growth of large trees within new development as part of a structured landscape scheme is encouraged in order to retain and improve tree canopy cover within the borough as a whole. Similarly SADPD policy ENV 6 and Over Peover NP policy ENV 2 requires proposals to retain and protect trees, woodland and hedgerows. Proposals should include measures to secure the long term maintenance of newly planted trees.

The application site benefits from extensive tree cover within and adjacent to the site boundaries including an avenue of trees bordering the main access driveway. None of the trees on the site are afforded any statutory protection although they are considered to make an important contribution to the setting of a Grade II Listed building.

The relocation of the tennis courts formed part of the previously approved application for the extension and remodelling works (22/1586m). As part of that application, the court was moved further to the east and away from mature trees and hedgerow along the western boundary in line with the tree officer comments at the time. The approved layout forms part of this scheme however the arboricultural assessment, refers to the previous layouts and as such is inaccurate. As the current layout was found to be previously acceptable, it is not considered that the proposals would harm trees in this regard.

Flooding and Drainage

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

The site is located within Flood Zone 1, indicating that the site is not at risk from fluvial or tidal sources according to the Flood Map for Planning.

The Local Lead Flood Authority has commented on the application and raised no objections to the proposals on the basis that a detailed drainage scheme is provided by condition, based on the principles outlined within the submitted flood risk assessment.

It is considered that a condition could appropriately deal with drainage design and management at the site and that the proposals accord with policy SE13 of the CELPS and the NPPF in this regard.

Contamination and Environmental Protection

CELPS policy SE12 seeks to ensure that all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. In most cases, development will only be deemed acceptable where it can be demonstrated that any contamination or land instability issues can be appropriately mitigated against and remediated, if necessary.

Environmental Health have suggested a condition requiring an EV charging scheme to encourage the uptake of electric vehicles to promote sustainability and air quality, however Part S of Schedule 1 of the Building Regulations 2010 covers legislation regarding infrastructure for

charging electrical vehicles. Planning decisions should not duplicate the function of other regulatory bodies or controls, and therefore as the development would be subject to Building Regulations, it is not necessary to impose such a planning condition.

It is therefore considered that the proposed development would comply with Policy SE12 of CELP and the NPPF.

Ecology and Biodiversity

Section 15 of the NPPF considers the conservation and enhancement of the natural environment. Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This is echoed within SADPD policy ENV 2. Policy ENV 1 of the Over Peover Neighbourhood Plan, seeks to prevent any development that would have an adverse impact on biodiversity, and support where biodiversity can be enhanced.

Bats

Evidence of bat activity in the form of minor roosts of a number of relatively common bat species has been recorded within the existing buildings on site (the house, former stables building, brick outbuilding and wooden stable building). The usage of the buildings by bats is likely to be limited to single or small numbers of animals using the buildings for relatively short periods of time and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees and also features for bats to be incorporated into the proposed building as a means of compensating for the loss of the roost and also recommends the supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

Taking each test in turn:

- The proposed development would secure the long term viability of this listed building thorough its extension, and through the extension and conversion of buildings which affect its setting. It is therefore considered that the development is of overriding public interest,
- The works are required to sustain and modernise the listed building and those within its setting and there are no suitable alternatives to this. Other works that may not require any form of permission from the LPA could have an equally harmful impact upon bats.

- The Council's Ecologist advises that the proposed mitigation and compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned. As such, it is recommended that the mitigation proposed be conditioned in the event of approval.

The tests of the Habitats Regulations are therefore met, with the favourable conservation status of the species likely to be maintained, and Natural England are considered to be likely to grant a licence for these works.

Nesting Birds

A condition requiring construction/demolition and/or vegetation clearance works to avoid nesting season is required.

It is unlikely any other protected species are affected by the proposals.

Ecological Enhancement

In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3. This can be secured by condition.

Other Considerations

Further to the assessment of the principle of development above, Paragraph 147 of the NPPF advises *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.

Para 148 continues *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*.

It has already been established that the application proposals represent inappropriate development in the Green Belt. As stated in para 148 of the NPPF, this harm is to be afforded substantial weight. As such, any considerations in favour of the proposed development would need outweigh the harm identified in order for Very Special Circumstances to exist.

Very special circumstances are required to justify:

A) the proposed replacement of the existing agricultural building/approved dwelling with the proposed detached two storey garage/ancillary building,

B) the proposed reconfiguration of the residential curtilage.

The following other material considerations have been put forward by the applicant as a package of measures to clearly outweigh the harm to the Green Belt and amount to the required VSCs.

- The development that could be achieved on the site without the need for planning permission would facilitate a more intensive use resulting from an additional dwelling

- The scale and siting of the additions proposed would deliver a more compact arrangement than the fall back, and significant and structural landscaping would soften the site.
- Substantial reduction in formal curtilage achieved through the reconfiguration of the gardens.

Planning Balance

The proposed garage building and the alterations to the garden area of the application property would be inappropriate development in the Green Belt. Inappropriate development should not be approved except in very special circumstances. As advised in Green Belt policy, substantial weight should be afforded to any harm to the Green Belt.

The existing agricultural building has extant consent (20/5111m) for a two storey 5 bed dwelling with associated curtilage and garage. The applicant contends that the proposals would have a greater impact on openness in terms of the size and extent of curtilage approved and the increased use and degree of activity that a separate dwelling would have. Whilst this extant permission is acknowledged, it is considered that the use of the agricultural building as a dwelling would be comparable in terms of the intensity of use to the existing agricultural use. The proposed garage building is also notably higher than the existing building and the proposed conversion. For these reasons only very limited weight is afforded to the fallback position of the agricultural building being converted to a dwelling.

Returning the front lawn and former tennis courts to the south west of the dwelling to agricultural / grazing land is put forward to off-set an additional area of curtilage to the north east of the dwelling to accommodate the garage and driveway to access the rear of the dwelling, required as a result in the approved landscaping to the front of the dwelling which is currently used as a parking area. The 'swap' would be for a much smaller area of curtilage and therefore there are benefits to the Green Belt through reduced encroachment into the Green Belt and a consolidation of the curtilage closer around the existing buildings. This carries moderate weight.

During the course of the application, in order to further supplement the package of very special circumstances, the applicant has provided an initial energy and sustainability strategy for this site which would, amongst other things, propose solar panels on the proposed garage roof and an air source heat pump within the garage. Further details on this matter are awaited and will be reported as an update, but initial discussions suggest that the proposals would generate energy for use on site to significantly boost the sustainability performance of the site as a whole, including solar and air source energy. The applicant has advised that further information will be supplied and this will be reported to committee, and have requested that a detailed scheme could be required via condition. It is intended that a significant amount of the on-site energy usage will be delivered by these green energy proposals. This is a further positive aspect of the proposal.

The development as whole delivers benefits to the listed building, notably including the removal of unsympathetic additions to the house and the curtilage listed stables. The stables have a lawful use as individual units of holiday accommodation, which would be removed and would reduce levels of activity within the site, thereby benefitting the openness of the Green Belt. The traditional design of the proposed garage utilising matching brick and would be more sympathetic to the setting of the listed building and surrounding buildings than the approved

dwelling, and arguably the existing agricultural building. The development would also result in the reduction of hardstanding as this would be incorporated into the landscaping scheme proposed and the overall reduction in domestic curtilage. It is also now proposed that green energy measures will be incorporated into the proposal, which adds more weight to the package of benefits resulting from the proposed development.

Overall, subject to the receipt of the green energy strategy, the proposed benefits in this case are considered to clearly outweigh the identified harm to the Green Belt, and very special circumstances are considered to exist. The development would support the long-term viability of the listed building, remove unsympathetic alterations to the listed buildings, improve the site's sustainability credentials through the provision of a suitable and sensitively designed renewable energy scheme, reduce the extent of domestic curtilage, and the levels of activity associated with the holiday lets within the stables.

Conclusion

The proposed extensions to the dwelling and the proposed conversion and extension of the former stable building to a leisure suite are considered to represent proportionate and sympathetic alterations and additions to this property within the Green Belt. Furthermore, the proposals would preserve the character, appearance, historic integrity and significance of this listed building and the wider rural area. No concerns are noted with regards to heritage and design, highway safety, landscape, trees, flood risk and drainage or amenity subject to conditions where appropriate.

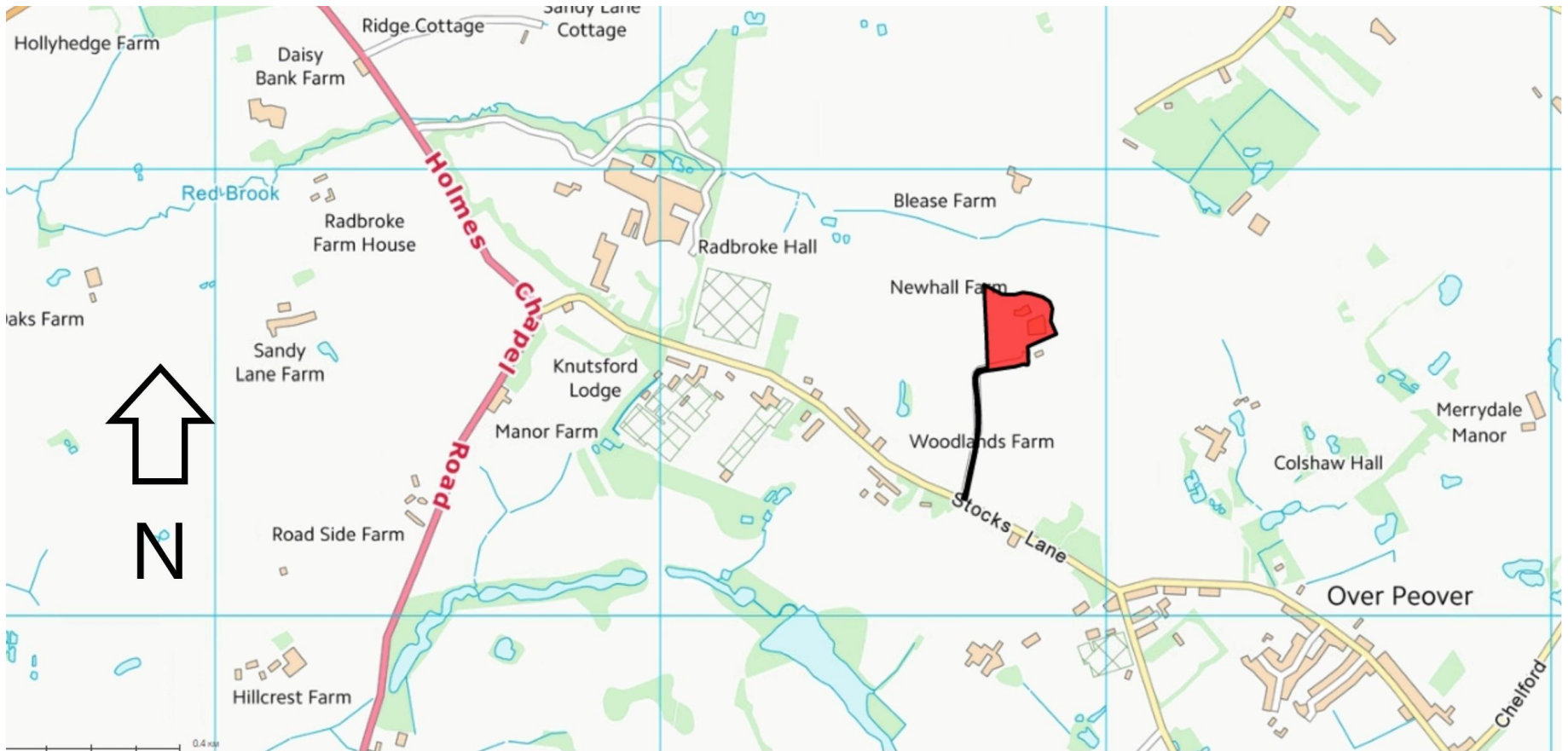
Whilst the proposed garage building and the alterations to the garden area of the application property would be inappropriate development in the Green Belt, very special circumstances are considered to exist to outweigh the identified harm to the Green Belt.

The proposal is therefore considered to comply with local and national planning policy, and is accordingly recommended for approval, subject to the receipt of outstanding energy information.

RECOMMENDATION: Approve subject to the following conditions

1. Time limit
2. Approved plans
3. Materials samples to be submitted and approved
4. Details of bricks to be submitted and approved
5. Brick sample panel to be provided prior to commencement
6. Details of windows and doors at 1:20
7. Window/doors recessed a minimum of 100mm
8. Rainwater goods to be black metal
9. Conservation style roof lights
10. Method statement for replacement/ repair/treatment of remaining brickwork to the main dwelling
11. Details of replacement staircase to dwelling
12. Hard and soft landscape scheme to be submitted, agreed and implemented
13. Tree retention
14. Works in accordance with the Arboricultural information
15. Works to proceed in line with ecological report

16. Works to avoid nesting birds
17. Scheme for ecological enhancement to be submitted, agreed and implemented
18. Drainage scheme to be submitted pre commencement, agreed and implemented
19. Tennis courts to be relocated / domestic use of field to cease
20. Details of boundary treatment.
21. Energy and sustainability strategy to be submitted prior to demolition of existing agricultural building.



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