

Application No: 11/3123N

Location: Land Adjoining White House Farm, HITCHENS LANE, BULKELEY, SY14 8BX

Proposal: CHANGE OF USE OF EXISTING STABLES/GARAGE TO A SINGLE DWELLING

Applicant: MR TERRY WALLACE

Expiry Date: 10-Oct-2011

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Design Considerations
- Impact on residential amenity
- Impact on Highways
- Other Matters

This application would normally be dealt with under delegated powers however given the nature of the development and the linked application to discharge the attached Section 106 agreement it was considered necessary to refer this planning application to committee along with the Section 106 Agreement discharge report.

DESCRIPTION OF SITE AND CONTEXT

The proposal site is situated on Hitchens Lane which is a private road and is within the Open Countryside and Peckforton/Bickerton Hills Area of Special County Value. The application site relates to a large 'L Shape' detached garage/stable block of recent construction with brick walls and a tiled roof. The building was originally granted permission for ancillary use to the adjacent White House Farm dwellinghouse, however this property is now in separate ownership. The garage/stable block has a separate access and area of hardstanding, with a substantial 1.8m wall to the road side of the property.

DETAILS OF PROPOSAL

The application proposes full planning permission for the conversion of the garage/stable block to form a single detached dwelling. The building will be a five bedroom property with a separate means of access which is already established.

The site is also subject to a legal agreement which ties the building to the adjacent dwelling (White House Farm). An application to discharge the Section 106 agreement is subject to a separate application reference 11/3903N.

RELEVANT HISTORY

7/11163 – Alterations and extensions – Approved 19th July 1984

7/11253 – Siting of residential caravan – Positive certificate 30th August 1984

7/11560 – Replacement Dwelling – Approved 8th November 1984

7/20161 – Conversion of farm building to dwelling – Refused 28th November 1991

P91/0308 – Change of Use redundant building to a dwelling – Approved 6th February 1992

P92/0300 – Relation of existing hay barn – Approved 1st September 1992

P97/0177 – Single storey extension – Approved 26th June 1997

P97/0201 – Detached stable block – Refused 26th June 1997

P97/0202 – Double garage/workshop/stables and tack room – Refused 26th June 1997

P97/0749 – Demolition of existing barn and erection of out building comprising garage and stable block – Approved 16th October 1997

P99/0126 – Vehicle access and re-routing of public footpath – Refused 1st April 1999

P01/0878 – Change of use of land to extend residential curtilage and modification to boundary treatment – Approved 15th October 2002

POLICIES

The policies from the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP) are:

Local Plan Policy

- NE.2 (Open Countryside)
- NE.3 (Areas of Special County Value)
- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)

- NE.16 (Re-Use and Adaptation of a Rural Building for Residential Use)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Parking and Access)
- RES.5 (Housing in The Open Countryside)

Other Material Considerations

- PPS1: Delivering Sustainable Development
- PPS7: Sustainable Development in Rural Areas
- PPS9: Biodiversity and Geological Conservation

CONSULTATIONS (External to Planning)

Environmental Health – No objection subject to comments. Require a condition for a phase one contaminated land survey to be carried out and restriction of Construction Hours, and external lighting.

Natural England – Standard Advice Note; No objections

VIEWS OF THE BULKELEY AND RIDLEY PARISH COUNCIL – Object for the following reasons;

1. The original permission for the block was given with the express condition that it must only be ancillary to White House Farm and not for any commercial or independent dwelling use.
2. Hitchens Lane is very narrow, single track for most of it's length, especially where it meets the A534 where even a small car waiting to emerge onto the main road completely blocks the entrance, leaving nowhere to go for a vehicle on the main road wishing to turn into the lane.
3. The conversion of a garage at Bridge Farm Barns was refused recently.

OTHER REPRESENTATIONS

A letter of objection has been received from the Occupants of Springfield Cottage, Bulkeley. The main issues raised are;

- When the stable block was approved it was with the express conditions that it remained ancillary to White House Farm and not used for commercial or as a separate dwellinghouse,
- Personal circumstances should not be a reason to alter the conditions,
- Hitchens Lane is an unadopted road, a five bedroom property will generate more vehicle movements per day than a private stable block,

- The whole block is to be converted with no garaging remaining. Parking cars on the hardstanding adjacent to the pond will have an adverse impact on wildlife in the pond.
- This is creeping development in an area of Area of Special County Value.

APPLICANT'S SUPPORTING INFORMATION

- Planning, Design and Access Statement
- Protected Species Survey

OFFICER APPRAISAL

Principle of Development

The application proposes the conversion of an existing rural building, which was approved as an ancillary garage/stable block for the adjacent property known as White House Farm. Although the building is of recent construction its design and appearance is traditionally rural. The application site is located within the Open Countryside and Peckforton/Bickerton Hills Area of Special County Value; therefore Policies NE.2 (Open Countryside) and NE.3 (Areas of Special County Value) are most relevant. Policy NE.16 (Re-use and Adaptation of a Rural Building for Residential Use) allows for the conversion of rural buildings to residential where the building is inappropriate for alternative uses by virtue of its character and location, that the applicant can demonstrate that every reasonable attempt has been made to secure a business re-use, or where conversion is a subordinate part of a scheme for business re-use.

Consideration of Alternative Uses

The applicant considers that the proposed development site is unsuitable for alternative uses. They consider that the proposal site would be unacceptable for industrial uses due to its relationship with existing residential development, its location within an ASCV/Open Countryside, and also its poor access arrangements. It is agreed that there are certain constraints to this site which would make it unsuitable for industrial development.

With regard to alternative commercial uses of the building, such as offices, the applicant firstly considers that the site is unsuitable for such uses due to its poor access arrangements. The applicant has demonstrated that the unit, which is over 300sq.m would require parking for 12 vehicles as required by Local Plan standards. This would require additional hardstanding, to the detriment of the character of the area, and also harm to highway safety, through the increase in vehicular movements. These arguments are considered to be reasonable and it is also considered that there would be harm on the amenities of the neighbouring property due to the intensification of vehicular movements.

Two surveys have been carried out of holiday accommodation in the area. The surveys conclude that at the time the first survey was carried out that there is considerable rate of vacancy for weeks within the school half term and summer holiday of 2010. A second survey of the whole of 2011 identified that there was also substantial vacancy rates for the year at the time of survey. The survey identifies that there are numerous units available for holiday let in this area, some of which have low rates of occupation. It is considered that the applicant has considered this option and to convert to this use would raise questions over the financial viability of the venture.

Whilst the building was never marketed solely for commercial purposes, the site as a whole (both White House Farm and the Stable Block) were marketed for sale for some 6 years, with two years of marketing in equine publications such as Racing Post, Horse and Hounds and The Farmers Guardian, with only one offer made on the property which was substantially lower than the asking price. In 2010 the applicant separated the garage/stable building from the dwellinghouse and sold the dwellinghouse plot separately. There have been no separate commercial/recreational marketing carried out for the garage/stable block however in this instance and as noted above it is considered that the substantial marketing previously carried out is suitable in this instance.

It is therefore considered that the applicant has demonstrated that the site is unsuitable for alternative uses due to its location.

Intensification of Development

Concern has been raised that the use of the building would result in a significantly detrimental impact on the character of the area through the intensification of residential development in the Area of Special County Value. It was also considered that the proposal would lead to greater pressure for ancillary buildings to be constructed.

The supporting documentation to the application states that level of intensification would not be significant and would indeed result in less activity than alternative proposed uses such as commercial operations. Furthermore, it is stated that if there was concern over the erection of ancillary buildings this could be controlled through a condition withdrawing permitted development rights for the resultant dwelling.

It is considered that the arguments put forward are reasonable and that the withdrawal of permitted development rights as a condition attached to any permission would allow the LPA to have control over the construction of further development and protect the Open Countryside / Area of Special Country Value from further unnecessary development. Control over PD rights would ensure that the character of the area can be preserved.

It is therefore considered that the principle of development in this instance is acceptable provided that the development accords with policies BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) or the Crewe and Nantwich Replacement Local Plan 2011.

Design

The proposed design of the dwelling would remain largely unaltered to the current building other than the insertion of two small windows in the 'main elevation', and 'south elevation', a window in the projecting gable within the courtyard, infilling the underpass with glazing, removing doors and infilling with glazing and the insertion of nine rooflights. The new openings which are proposed are of acceptable proportions and in character with the existing building. However the drawings show projecting rooflights, given that the site is situated within the open countryside and ASCV is it considered that a conditioning to require conservation style roof lights would be more suitable. To ensure that the materials and design of openings are acceptable conditions should be attached to ensure that they are appropriate in this context.

Amenity

The existing outbuilding is sited fairly close to the adjacent White House Farm property and the adjacent property known as the Wenning. At the time of the planning officers site visit a 2m close boarded fence was under construction between White House Farm dwellinghouse and the stable/garage block. The insertion of this fence separating the ownership of the land will help to mitigate for any overlooking which could occur from the change the use of the building, particularly as the large garage doors are proposed to be used as large windows. It is therefore considered given the new boundary treatment it is unlikely that the proposed change of use will have a significantly detrimental impact on neighbouring amenity at White House Farm.

The adjacent neighbours on the opposite side of the road 'Wenning' have three windows on the side elevation of the property facing the proposal site. The existing garage/stable building has a first floor window which serves the gym/storage area of the garage/stables facing towards the three windows of the side elevation of the Wenning. The first floor window will be used as a bathroom window on the proposed floor plans and it is therefore considered that with the addition of a condition for an obscure glazed window to be inserted at first floor any amenity impact will be reduced. There are also two ground floor windows proposed in this elevation however, there is a substantial 1.8m high brick wall between the two properties which will mitigate for any overlooking at ground floor level. It is therefore considered that the proposal is acceptable and in accordance with policy BE.1 (Amenity).

Highways

The garage/stable block was originally accessed through the front garden of White House Farm, up to the garage openings within the courtyard on the south elevation. This access has recently been closed and a close boarded fence constructed between the outbuilding and the dwellinghouse. The current access arrangements are slightly further up Hitchens Lane, where large double gates have been erected slightly off the road. There is an area of hardstanding within the site where there is space for the

parking of vehicles safely off the adjacent road. Furthermore there is sufficient space within the curtilage of the adjacent White House Farm to accommodate several cars. The proposed change of use to residential should not significantly increase car movements than the existing stable and would be much less than a commercial use. It is therefore considered that the proposal is unlikely to result in a detrimental impact on highway safety.

Protected Species

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons.

The Directive is then implemented in England and Wales by the Conservation (Natural Habitats etc) Regulations 1994 ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

Regulation 3(4) of the Regulations provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

The applicant submitted a protected species survey dated March 2011 (amended in August 2011) for bats, great crested newts, barn owls and breeding birds. The report states that the proposal poses a low risk to legally protected or biodiversity target species. The report includes mitigation measures for bats and breeding birds and 'Reasonable Avoidance Measures' for Great Crested Newts and therefore the Councils Ecologist has requested that a condition is attached to any permission to ensure the development is carried out in accordance with the mitigation measures requires by the Protection Species Survey dated 11th March 2011 (Amended August 2011) in accordance with the guidance set out in Planning Policy Statement 9.

Legal Agreement

The site is subject to a Section 106 Agreement which as part of planning application P97/0749 restricted the use of the garage and stable block to be used solely for ancillary purposes to the main dwellinghouse and not to be used as a separate dwellinghouse. Currently the building is in a 'none use' and therefore even though the building and the dwelling have been separated, the applicant is not in breach of the legal agreement. Planning Application 11/3903N submitted alongside this application seeks to discharge

the section 106 agreement. The Council cannot give permission for development which would breach a legal agreement and therefore as noted above the application is acceptable in planning policy terms and as the two buildings are in separate ownership it would be difficult to argue that the Section 106 was still relevant.

Other Matters

The proposed development will result in the creation of a new dwelling which involves the conversion of an existing rural building. As a dwelling is a sensitive end use to ensure that the building is fit for this use a Phase I contaminated land survey will be required. This however can be conditioned.

Environmental Health have suggested that construction hours should be restricted, and any external lighting is subject to detailed submission. Given the close nature of the adjoining properties it is considered in this instance that these conditions are acceptable.

Within the Parish councils comments another site, Bridge Farm Barn, Wrexham Road, has been cited as it has recently been refused (reference 10/3327N) for the conversion of a garage to a dwelling. These two applications are different as the refused application building was clearly a domestic residential building and not a rural building and therefore could not be considered under Policy NE.16 (Re-use and adaptation of a rural building for residential use), notwithstanding this each application must be considered on its own merits.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It has been demonstrated that the building is not suitable for other uses, it has been marketed for several years and is therefore acceptable in principle. The proposed development is of an appropriate design which would not result in any additional significant harm on the character and appearance of the Open Countryside, and Area of Special County Value to the existing. There would be no significant harm caused on the amenities of neighbouring properties, highway safety or protected species as conditioned. The proposal is therefore considered to be in compliance with Policies NE.2 (Open Countryside), NE.3 (Areas of Special County Value), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), NE.16 (Re-Use and Adaptation of a Rural Building for Residential Use), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Parking and Access), and RES.5 (Housing in The Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATIONS

APPROVE with conditions

- 1) Standard Time**
- 2) Approved Plans**
- 3) Materials to Match**

- 4) Openings to be timber**
- 5) Conservation Style Rooflights**
- 6) Phase I Contaminated Land Survey**
- 7) Protected Species Mitigation**
- 8) Landscaping to be submitted**
- 9) Landscape implementation**
- 10) Removal of all Permitted Development Rights**
- 11) Details of any new or replacement Boundary Treatment to be submitted and approved**
- 12) Hours of Construction**
- 13) External Lighting to be submitted and approved in writing**

