

Application No: 13/1590N

Location: GILLY'S FARM, WRENBURY, NANTWICH, CHESHIRE, CW5 8HN

Proposal: RECONSTRUCTION OF GRADE 2* 17TH CENTURY TIMBER FRAMED BUILDING TO FORM A DWELLING HOUSE ON THE SITE OF A FORMER DWELLING.

Applicant: MR PHILIP HORSLEY

Expiry Date: 05-Jun-2013

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 Southern Planning Committee because the development is a departure from the Replacement Local Plan.

1. SITE DESCRIPTION

The application relates to approximately 0.186ha of land forming a paddock associated with Gilly's Farm at Wrenbury Heath.

The application site is situated within a loose knit cluster of dwellings and other rural buildings sprinkled either side of Nantwich Road at this part of Wrenbury Heath. On the site's southern boundary is Swallow Cottage and beyond that a travellers site comprising caravans, mobile homes and utility buildings. Gillys Farm itself is located south of the application site. The eastern boundary of the site fronts on to Nantwich Road, beyond which lies predominantly open fields with a property known as Plum Tree Farm, offset to the south east. To the north, and west lies predominantly open countryside, although there are a number of isolated properties around the junction of Nantwich Road and Baddiley Hall Lane.

The site is an open grassed paddock area, which according to the applicant's submission once contained a dwelling, which was demolished many years ago and although the applicant states that some evidence of foundations remain, these are not visible above ground level. The land rises up slightly from the road frontage and the boundaries of the site are formed by a combination of post and rail fencing to the driveway to the south and native hedges with hedgerow trees to the other sides.

2. DETAILS OF PROPOSAL

Planning permission is sought for the erection of a new dwelling on the site, part of which would be formed from the surviving timber frame of a 17th Century cottage, which the applicant states was known as the Hawk Inn and formerly stood in the garden of an inter-war council house located in a narrow lane on the south side of Marsh Lane, Edleston.

In 1985, Cheshire County Council obtained consent to dismantle and re-erect the Hawk Inn at Tatton Park near Knutsford. The Inn was dismantled but never relocated and has since been held in storage. The application site is around one mile from its original location at Edleston.

What remains of the salvaged timber frame would be erected on site, and a new ancillary building with linking extension would be erected to the rear. The development would be utilised as a single dwelling.

2. RELEVANT PLANNING HISTORY

A previous application for reconstruction of the 17th century timber framed building was withdrawn in 2012 (application ref: 12/2381N). The Council's historic application records also show an application for a new dwelling on the application site in place of a previous dwelling, which was refused on 17th February 1989 (application number 7/16538).

3. PLANNING POLICIES

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

National Planning Policy Framework

4. OBSERVATIONS OF CONSULTEES

Highway Authority:

- No highway comments or objections

United Utilities

- Have no objection to the proposed development.
- If possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority.
- If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Environmental Health:

- The hours of construction works taking place during the development (and associated deliveries to the site) shall be restricted to:
 - Monday – Friday 08:00 to 18:00 hrs
 - Saturday 09:00 to 14:00 hrs
 - Sundays and Public Holidays Nil
- The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:
 - The application area has a history of agricultural use and therefore the land may be contaminated.
 - The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
 - A pre-determination questionnaire for contaminated land was submitted for a previous application for this site. The questionnaire showed there to be a low potential for contamination on the site.
 - As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:
 - § Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and this section be contacted for advice.

5. VIEWS OF THE PARISH COUNCIL

- No comment received at the time of report preparation

6. OTHER REPRESENTATIONS

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

7. APPLICANT'S SUPPORTING INFORMATION:

- Planning Statement
- Design and Access Statement

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 the re-erection of a former listed building, given that the building has been completely dismantled and is to be re-erected 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.

The applicant's agent has argued that the proposal meets the provisions of the infilling policy. He acknowledges however, that:

"the application site is situated within a loose knit cluster of dwellings and other rural buildings sprinkled either side of Nantwich Road at this part of Wrenbury Heath. On the site's southern boundary is Swallow Cottage and beyond that a travellers site comprising caravans, mobile homes and utility buildings. Gillys Farm is located south of the application site."

Neither the existing dwellings at Swallow Cottage and Gillys Farm, nor the development beyond the road junction to the north, share the same building line. The development is very sporadic with wide irregular gaps between properties. The application site itself is approx 37m wide. A considerable distance of over 60m and other intervening features, (including a road junction), exist between the site of the proposed dwelling and the next dwelling to the north. Therefore, the site does not form part of a built up frontage and fails to meet the requirements of Policy NE.2 in this respect.

The application site is approximately 37m in width between the boundaries, and a gap of 135m exists between the built form of Swallow Cottage and the nearest dwelling to the north. This is not considered to be "a small gap". Although the Local Plan does not define what constitutes a "small gap", the question has been considered on many occasions by Inspectors at Appeal.

One such decision relates to a property known as Estele. It is one of six properties fronting London Road. Like the application site and its neighbours, the properties are set in relatively large plots. A single dwelling was proposed within a gap of 46m in width between Estele and the adjoining dwelling, known as Hollies. At paragraph 5 the Inspector says

"significant separation distances between the properties which, in my opinion, gives rise to a sporadic pattern of development rather than a cohesive group of dwellings."

There were two garage buildings within the 43m gap but the Inspector concluded that:

“whilst the presence of the garages reduces the size of the gap between the dwellings I do not consider that they consolidate it to such an extent that the development would appear as an integral part of the existing sporadic group of dwellings. I therefore conclude that the proposed development would not constitute infill development and would thus materially harm the character and appearance of the open countryside, contrary to Policies NE.2 and RES.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.”

In the case of the current application the gap between the properties is 135m, 92m wider than at Estele, and does not contain other intervening outbuildings, other than the existing pre-fabricated dwelling, which is to be removed. For these reasons it is considered that the site is not a small gap and the proposal fails to comply with the exceptions criteria under Policy NE.2. It is therefore unacceptable in principle.

The applicant's agent has also made reference to the site of a now demolished dwelling, shown on the 1963 OS map. The site is grassed over but the footings remain in situ. The claim that there have been previous structures on the land is not disputed. However, the submitted evidence would imply that the buildings have not been demolished in recent years. An examination of aerial photographs supports the view that there has been no dwelling on the site for at least 10 years. This is a sufficient period of time for this no longer to be considered an established or existing use of the land. As a result the development does not constitute the replacement of an existing dwelling by a new dwelling as permitted by Policy RES.10 of the Local Plan.

It is therefore concluded that none of the exceptions to the general presumption against new residential development in the open countryside 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 applicant would argue that the proposal will enable the re-erection of timbers from a former listed building and that the re-use and preservation of this heritage asset is a material consideration to outweigh the local plan presumption against the proposal. The application, therefore, turns on the significance of the building to be erected.

Statements accompanying the application advise that the building which is to be re-constructed on the application site was a Grade II* listed C17 timber framed building, previously located in the garden of Briarcroft, Marsh Lane, Edleston an inter-war council house. In 1985, the former Crewe and Nantwich Borough Council in conjunction with Cheshire County Council obtained planning consent from the Historic Buildings and Monuments Commission to dismantle and re-erect the building on land near Old Hall, Tatton Park, Knutsford. It was dismantled but never relocated and has since been held in storage. Its deconstruction was the subject of photographic record, with individual timber members being numbered and recorded in detailed technical drawings.

The applicant's supporting documentation includes photographs of the building prior to and during dismantling. There is also a copy of an archived detailed specification in the statement for the removal of the building and its planned re-erection and restoration in Tatton Park in Knutsford (Cheshire County Council, dated October 1985) with a plan, elevation, and cross section.

A copy of a report by Cheshire County Council entitled “*Specification for dismantling the 17th Century timber framed cottages in the garden of Briarcroft, Edleston, Nantwich and for re-erecting the structure on a selected site near the Old Hall in Tatton Park, Knutsford*” has also been provided.

The report says:

As a Grade 2 Listed Building the removal of these dwellings is subject to the approval of the Historic Buildings and Monuments Commission whose agents are the Planning Departments of Crewe and Nantwich and Macclesfield Borough Councils for the dismantling and re-erection sections of the project respectively.

Unfortunately, lack of funding jeopardised the planned relocation, with Cheshire County Council Historic Building Officer Lawrie McKenna commenting in the Nantwich Chronicle no 5847 Thursday October 16, 1986 (a copy of which has been submitted with the application)

“We were interested in the cottage especially because of its small size - there are not many of that period left.”

The Council’s Conservation Officer has examined the application and commented that the current register of listed buildings has a record of a Grade II listed cottage adjoining Briarcroft, which is timber framed and formerly thatched (added to the register on 16th July 1982). The Council’s own historic listed building records do not appear to have details of a Grade II* listed building in this location. The building appears nevertheless to be a Heritage Asset, given details in the information submitted by the agent.

Statements accompanying the application indicate that the building may have formed part of the Hawk Inn. The Council’s historic listed building records have a record of a Grade II listed building known as Hawk House (formerly an inn), in the parish of Wrenbury not Edleston and in brown brick rather than being half timber. The current register of listed buildings also has a record of a Grade II listed Hawk House (included in the register on 12th January 1967), in the parish of Wrenbury not Edleston but in whitewashed brick rather than half timber.

Whilst there may be some lack of clarity as to the original identity of the building, there is no doubt that a Grade II listed timber framed building was removed from the garden of Briarcroft by Cheshire County Council and was intended for re-erection at Tatton Park and that this building, or what remains of it, do represent a heritage asset.

The principle of dismantling listed timber framed buildings, which are at risk, and their re-erection on alternative sites within the open countryside has been deemed to be acceptable through the granting of planning and listed building consents on a number of previous occasions, including the original consent which was given in 1985 for the dismantling of the building in question and it’s relocation to Tatton Park. Members may also recall a similar case earlier this year, where Strategic Planning Board granted consent for the dismantling and re-erection of a listed timber framed barn at Old Hall Farm in Austerson.

Exceptionally, in these cases, the benefits in terms of securing a long term future for a listed building at risk were 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.

What is unclear in this case, however, is the amount of the original historic fabric that remains. Also, no detail has been provided as to the condition of the remaining elements of the original building.

Reference is made to timbers being secured, dry storage, but no independent assessment of their extent or condition has been carried out. Therefore, it is unclear how much of the original fabric could, or is intended to, be re-used in the re-building project. There are a number of references in the design and access statement to alterations which would need to be made to the frame in order to provide the proposed internal accommodation. Part of the timber framing to the east elevation appears to have been omitted and it is unclear as to whether this is missing or beyond re-use. The proposed internal works include raising the height of the internal rooms, replacement of the internal staircase, insertion of new internal doors and erection of internal partitions. These will all alter the architectural and historic interest of the heritage asset and will reduce the extent of the original fabric and the degree to which it faithfully restores and reinstates the original historic structure.

In contrast, in the Austerson example referred to above, the building remained standing, largely intact and structural surveys and reports were provided relating to its condition. Furthermore, details method statements for the removal, restoration and re-erection of the timbers and other salvaged elements of the building, such as plinth stones were provided. Details of the extent and nature of supplementary new material was also included within the application. Therefore, the Strategic Planning Board could be confident that this was primarily the re-erection and restoration of an historic building, with elements of new material added where necessary, rather than an essentially a new structure, utilising a small amount of material from a demolished building. This information is critical in determining how much weight should be given to the restoration, re-use and preservation of a heritage asset as a material consideration, relative to the local plan presumption against the proposal.

In the absence of this information, it is considered that the re-erection of the formerly listed structure is an insufficient material consideration to outweigh the presumption against the erection of an isolated new dwelling in the open countryside, under policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

Housing Land Supply

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- n any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- n specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land. However, the Council has recently published a 5 Year Supply Position Statement which, seeks to remedy this, by evidencing a five year supply of housing land in the Borough. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to all housing sites of which the Council is aware. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply which could accommodate in the region of 9,757 residential units. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Development Strategy or the emerging SHLAA.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

The NPPF also states that *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities..... Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling.*
- *Such a design should:*
 - n be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - n reflect the highest standards in architecture;*
 - n significantly enhance its immediate setting; and*
 - n be sensitive to the defining characteristics of the local area.”*

The application site is located in an isolated location where it would not enhance the vitality of a rural community. Therefore, it does not represent sustainable development and the adverse impacts in terms of development in the open countryside would outweigh the benefits of an additional housing unit and economic growth. However, it could be argued that the development would represent the optimal viable use of a heritage asset. This is discussed in greater detail below.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “*not sufficient directly related to housing land supply that it can be considered time expired for that purpose.*” Instead the Policy is “*primarily aimed at countryside & green belt protection*”. These objectives are largely in conformity with the NPPF and attract “*significant weight*”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

Re-erection of Listed Building

The applicant would argue that the proposal will enable the re-erection of timbers from a former listed building and that the re-use and preservation of this heritage asset is a material consideration to outweigh the local plan presumption against the proposal. The application, therefore, turns on the significance of the building to be erected.

Statements accompanying the application advise that the building which is to be re-constructed on the application site was a Grade II* listed C17 timber framed building, previously located in the garden of Briarcroft, Marsh Lane, Edleston an inter-war council house. In 1985, the former Crewe and Nantwich Borough Council in conjunction with Cheshire County Council obtained planning consent from the Historic Buildings and Monuments Commission to dismantle and re-erect the building on land near Old Hall, Tatton Park, Knutsford. It was dismantled but never relocated and has since been held in storage. Its deconstruction was the subject of photographic record, with individual timber members being numbered and recorded in detailed technical drawings.

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The report says:

As a Grade 2 Listed Building the removal of these dwellings is subject to the approval of the Historic Buildings and Monuments Commission whose agents are the Planning Departments of Crewe and Nantwich and Macclesfield Borough Councils for the dismantling and re-erection sections of the project respectively.

Unfortunately, lack of funding jeopardised the planned relocation, with Cheshire County Council Historic Building Officer Lawrie McKenna commenting in the Nantwich Chronicle no 5847 Thursday October 16, 1986 (a copy of which has been submitted with the application)

"We were interested in the cottage especially because of its small size - there are not many of that period left."

The Council's Conservation Officer has examined the application and commented that the current register of listed buildings has a record of a Grade II listed cottage adjoining Briarcroft, which is timber framed and formerly thatched (added to the register on 16th July 1982). The Council's own historic listed building records do not appear to have details of a Grade II* listed building in this location. The building appears nevertheless to be a Heritage Asset, given details in the information submitted by the agent.

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Whilst there may be some lack of clarity as to the original identity of the building, there is no doubt that a Grade II listed timber framed building was removed from the garden of Briarcroft by Cheshire County Council and was intended for re-erection at Tatton Park and that this building, or what remains of it, do represent a heritage asset.

The principle of dismantling listed timber framed buildings, which are at risk, and their re-erection on alternative sites within the open countryside has been deemed to be acceptable through the granting of planning and listed building consents on a number of previous occasions, including the original consent which was given in 1985 for the dismantling of the building in question and its relocation to Tatton Park. Members may also recall a similar case in 2012, where Strategic Planning Board granted consent for the dismantling and re-erection of a listed timber framed barn at Old Hall Farm in Austerson.

Exceptionally, in these cases, the benefits in terms of securing a long term future for a listed building at risk were 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.

What was initially unclear in respect of the previous application, however, was the amount of the original historic fabric that remains. Also, no detail was provided as to the condition of the remaining elements of the original building. Reference was made to timbers being secured, dry storage, but no independent assessment of their extent or condition had been carried out. Therefore, it was unclear how much of the original fabric could, or was intended to, be re-used in the re-building project. There were a number of references in the design and access statement to alterations which would need to be made to the frame in order to provide the proposed internal accommodation. Part of the timber framing to the east elevation appeared to have been omitted and it was unclear as to whether this is missing or beyond re-use.

In contrast, in the Austerson example referred to above, the building remained standing, largely intact and structural surveys and reports were provided relating to its condition. Furthermore, detailed method statements for the removal, restoration and re-erection of the timbers and other salvaged elements of the building, such as plinth stones were provided. Details of the extent and nature of supplementary new material was also included within the application. Therefore, the Strategic Planning Board could be confident that this was primarily the re-erection and restoration of an historic building, with elements of new material added where necessary, rather than an essentially a new structure, utilising a small amount of material from a demolished building. This information is critical in determining how much weight should be given to the restoration, re-use and preservation of a heritage asset as a material consideration, relative to the local plan presumption against the proposal.

In the absence of this information, at the time of the previous application, it was considered that the re-erection of the formerly listed structure was an insufficient material consideration to outweigh the presumption against the erection of an isolated new dwelling in the open countryside, under policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework. Accordingly the application was recommended for refusal, although it was withdrawn prior to determination.

These concerns have been addressed in respect of this application through the submission of a detailed report by a Building Surveyor with particular expertise in Timber and Historic Building Conservation. He concludes that:

- *It is my opinion the existing timber frame can be re erected. All the timbers are clearly marked and had been removed in an orderly manner together with a full inventory and drawings to show where and how the frame can be reconstructed.*
- *Inevitably some repairs will be required to sections of timber where decay has occurred to the original building. These repairs can be undertaken using traditional carpentry techniques and in accordance with guidelines provided by the Society for Protection of Ancient Buildings Technical Pamphlet 12. The Repair of Timber Frames and Roofs.*
- *Some insecticidal paste treatments will be required as a precautionary measure in locations where there are signs of heavy insect infestation.*
- *Any bituminous paint systems present on the timber surfaces should be carefully removed to enable surface evaporation to take place whilst the timber is in service.*
- *The amount shrinkage which will take place after reconstruction of the frame is considered to be minimal and will have no detrimental effect on the structure.*

The Council's Conservation Officer has examined the submitted information and commented that this is a very good report, as it illustrates the applicant's understanding of the background to the current storage of the building and gives a written explanation of both their findings on the condition of the wooden framework illustrated with supporting photographs, and, sets out the best approaches to addressing the problems which are present. It will form a valuable basis for the applicant to follow and this can be ensured by condition. It is therefore considered that the previous reason for refusal has been overcome in this respect. However, conditions will be required to ensure that the re-erection is carried out in accordance with the submitted report.

Design and Layout

The location of the proposed site is considerably closer to the building's original site than would have been the case had it been moved to the Tatton Park site. Notwithstanding the fact that the proposal does not constitute infill development in the context of local plan policy, if the principle of a departure were accepted, it is considered that the relationship of the site with the surrounding sporadic group of buildings is acceptable. It is noted that there is a similar timber framed listed building elsewhere.

The applicants consider that the original building is of insufficient size to accommodate a modern residence and therefore the new dwelling will need to be considerably larger than the re-erected timber frame. A number of options of how this could be achieved were considered. They included:

- enveloping the timber frame in a very modern 'glass box' or similar contemporary enclosure to totally protect and preserve the timbers from the elements;
- to re-erect the timber frame on a new stone plinth at ground level, and design a rear extension as a modern timber frame construction, or a contrasting contemporary design to provide the desired accommodation;
- or to give Hawk Inn the appearance of standing alone, by constructing a significant amount of accommodation below ground level.

The latter is the option which the applicant chose to pursue with a formal planning application in 2012 and would be achieved partially through excavation, and partially through the creation of an earth bank or bund around the building. The effect would be that the building would sit inside an earth "bowl" and when viewed from outside the site, the basement storey, and associated sunken terrace around it would not be visible and only the original building would be seen above ground level.

However, the site itself, and the surrounding landscape are relatively flat and it is considered that the earth bund would form an un-natural and "engineered" earthwork which would appear out of keeping with the character of the surrounding area. Furthermore, it would give the appearance of the building standing on a man-made, flat-topped mound, which would also appear out of place, and would do little to enhance or create a suitable setting for the heritage asset.

When viewed from closer to the building, on top of the earth bund, or from within the excavated below ground terrace the whole structure would appear even more awkward, unwieldy and out of character with the surrounding area. The proposed use of either railings or Cheshire railings will be visually dominant and the proposed raised rooflight would also be visually dominant.

Consequently, a second reason for that the application was recommended for refusal was on the basis that the design of the proposed dwelling, by virtue of the proposed basement and associated

earthworks, would fail to respect and would detract from the character and appearance of the remaining elements of the former listed building and the surrounding area contrary to Policies BE.1 (Design); BE.9: Listed Buildings : Alterations And Extensions of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice within the National Planning Policy Framework.

Since the previous application was withdrawn, prior to determination, discussions have taken place between the applicant and officers and a more sympathetic approach has been devised which involves the re-erection of the formerly listed building on the site frontage and the construction of an ancillary building to the rear to provide additional living accommodation to the area. The two buildings would be connected by a simple, single storey, flat roofed glazed link, which would allow the original building to retain the appearance of a separate building and be easily distinguished and read as a separate element to the modern extension. Both the ancillary building and the link would be lower in overall height than the original building which would allow it to remain the dominant element. .

To turn to the proposed alterations to the structure, appearance and materials of the former listed building, the proposed external works will preserve much of the character of this heritage asset, albeit that a new opening is to be inserted in the west elevation to give access to the glazed link. The style and positioning of the opening, however, is in keeping and is appropriate and utilises the spaces between the timber posts without compromising the integrity of the historic timber frame.

It is also proposed to lower the sill height of the existing windows by glazing the panels in the timber frame immediately below the windows rather than infilling them with solid material. Whilst this would not cause any harm to the historic frame or loss of any historic fabric (as the original wattle and daub panels do not survive), the previous scheme proposed the retention of these windows at their original size use of small leaded light windows which was considered to be more sympathetic. However, this could be addressed through an appropriate amending condition.

It is noted that the original building prior to dismantling appeared to have a distinctive overhanging eaves detail, which does not appear to be present on the drawings of the re-erected building. This is considered to be a significant omission and may indicate further elements of the historic frame which do not survive or are not suitable for re-use. However, a condition could be applied requiring this detail to be replicated.

A new inglenook fireplace and chimney is also proposed. This is also considered to be acceptable and in keeping with the building and it's historic timber frame.

The glazed link includes a lantern feature on the roof. This is considered to be an inappropriately "suburban" feature and it is therefore recommended that a further amending condition is added requiring this to be a rooflight fitted flush with the roofcovering.

With regard to materials, the use of stone for the base of the building is visually and structurally acceptable. According to the plans, the panels to the timber frame are to be new materials and its roof is to be in timber shingle. The use of new materials for the non original frame panels use of timber shingle for the roof rather than thatch was already anticipated in the specification by Cheshire County Council. However, it is considered that this could be improved upon and if Members were minded to approve the application, the use of traditional wattle and daub and thatch to the roof would be more appropriate and would complement and enhance what remains of the heritage asset. This would help to ensure that, as rebuilt, its appearance would be as close as possible to that of the original structure and could be secured by condition.

The proposed ancillary building would be finished in timber cladding to the elevations and the roof covering has not been specified. It is considered that a simple plain clay tile would be appropriate and this can also be conditioned.

In summary, it is considered that the revised scheme has overcome the fundamental concerns about the design approach which has been chosen and the adverse impact that the proposal would have on the setting or what remains of the heritage asset and the character and appearance of the surrounding open countryside. The proposal is therefore now in accordance with relevant local plan policies and advice within the NPPF relating to alterations to listed building and design generally.

Highways

The site is part of the existing paddock / field to Gilly's Farm, which has the benefit of a field gate onto the Nantwich Road, and the existing access driveway to the former farmhouse, barns outbuildings and garaging. The intention is to maintain a small paddock and the field gate access and, a new access to the new residence will be formed off the existing driveway from the South.

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 Gillys Farm and Swallow Cottage to the south, the property known as Plum Tree Farm on the opposite side of the road to the east, and Corner Cottages to the north, the site is entirely surrounded by open countryside.

Gillys Farm and Swallow Cottage are within the ownership of the applicant and distances in excess of over 30m 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

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 The Conservation of Habitats and Species Regulations 2010. ("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.

The Regulations provide 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.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF.

In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

No ecological surveys have been submitted with the application. However, the previous application was examined by the Council's ecologist who has confirmed that he does not anticipate there being any significant ecological issues and therefore no surveys are required in this instance.

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, Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and the Council be contacted for advice. 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

Existing landscaping within the site comprises native hedgerows, incorporating hedgerow trees, to the road frontage, north and west boundaries. There is a post a rail fence separating the site from the farm drive to the south. The site itself is open paddock with no existing trees within it. It is concluded, therefore, that the proposed dwelling can be accommodated without removal of any existing trees within the site, and sufficient separation can be achieved to avoid any adverse impact on boundary trees and hedges. Access can be taken through the post and rail fence from the existing farm drive and therefore no hedgerow removal will be necessary to create access or visibility.

Tree and hedgerow protection conditions would also be required if Members were minded to approve the scheme. Proposed landscaping for the completed development could also be secured by condition.

Therefore it is not considered that any significant tree or landscape issues are raised.

9. CONCLUSIONS

The proposal involves the erection of a new dwelling in the open countryside, which is contrary to established local plan policies. It does not fall within the infilling or replacement dwelling policies within the Local Plan. Therefore the proposal is contrary to development plan policy. The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

The Council has a 5 year housing land supply but regardless of the housing land supply position open countryside policy remains up-to-date and in accordance with the NPPF. Therefore, notwithstanding the provisions of paragraph 14 and 49 of the NPPF, there is no presumption in favour of this development. Furthermore, the site is located in an isolated location where it would not enhance the vitality of a rural community and it is therefore contrary to the advice in paragraph 55 of the NPPF which presumes against isolated new dwellings in the open countryside.

However, in this case, the new dwelling is to be partially created through the re-erection of a timber frame from a Grade II listed building, which was demolished in the 1980's. Whilst the benefits in terms of securing a long term future for a listed building can be a sufficient material considerations to outweigh the general presumption against new development in the open countryside, in this case no information was initially provided as to the extent of the historic fabric which has been retained, its condition, and the amount will be utilised, or capable of being utilised, in the reconstruction. This resulted in a previous application for this proposal being recommended for refusal. However, this information has now been provided, and it is considered that the re-erection of the formerly listed structure is a sufficient material consideration to outweigh the presumption against the erection of an isolated new dwelling in the open countryside, under Local Plan policy NE.2 and the NPPF.

In terms of design and layout, the previous scheme involved creating a basement and associated bund which would form an un-natural and "engineered" earthwork, and create the appearance of the re-erected building standing on a flat topped mound. When viewed from closer to the building, the whole structure would have appeared even more awkward, unwieldy and out of keeping. This would have failed to respect, and would detract from, the character and appearance of the surrounding area and the setting of the remaining elements of the former listed building.

However, this revised scheme addresses these concerns through the re-erection of the formally listed building at ground level on the site frontage and the erection of an ancillary accommodation building to the rear with a simple glazed link between the two structures which would allow the original building to retain the appearance of a separate building and be easily distinguished and read as a separate element to the modern extension. Both the ancillary building and the link would be lower in overall height than the original building which would allow it to remain the dominant element.

Subject to suitable conditions to control the detailed aspects of the reconstruction, materials, and other elevational details, it is considered that the revised scheme has overcome the fundamental concerns about the design approach which has been chosen and the adverse impact that the proposal would have on the setting or what remains of the heritage asset and the character and appearance of the

surrounding open countryside. The proposal is therefore now in accordance with relevant local plan policies and advice within the NPPF relating to alterations to listed building and design generally.

The proposal is acceptable impact on highway safety, living conditions, ecology, trees and landscape and contaminated land and complies with the relevant local plan policies in this regard. However, this is insufficient to outweigh the concerns in terms of the principle of development and the design and layout as set out above.

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.

10. RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Standard**
 - 2. Plans**
 - 3. Re-erection to be carried out in accordance with submitted report unless otherwise stated in conditions**
 - 4. Windows to be retained at original size, with small leaded light windows in accordance with details to be submitted**
 - 5. Submission, approval and implementation of overhanging eaves detail**
 - 6. lantern feature on the roof to be omitted in favour of a rooflight fitted flush with the roofcovering**
 - 7. Submission and approval of materials including surfacing materials. Materials to include thatch to roof, wattle and daub infill panels, plain clay tiles to ancillary building, All timber cladding shiplap boarding to be oak; Natural Stone Plinth to main building**
 - 8. Landscaping to include native hedge planting to boundary**
 - 9. Implementation of landscaping.**
 - 10. The hours of construction works taking place during the development (and associated deliveries to the site) shall be restricted to:**
 - Monday – Friday 08:00 to 18:00 hrs**
 - Saturday 09:00 to 14:00 hrs**
 - Sundays and Public Holidays Nil**
 - 11. Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and Environmental Health to be contacted for advice.**
 - 12. All repairs and replacement of oak to be in oak;**
 - 13. Oak frame to remain exposed;**
 - 14. All rainwater goods and downpipes to be black cast metal;**
 - 15. All windows to be oak framed;**
 - 16. All doors to be in oak;**
 - 17. Remove Permitted Development rights**
 - 18. Implementation of boundary treatment**
 - 19. Submission and approval of design for gates**
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