

<b>Planning Reference No:</b>	09/1665C
<b>Application Address:</b>	Brownlow Farm, Brownlow Heath Lane, Newbold Astbury, Congleton
<b>Proposal:</b>	Conversion of redundant barns to form 2no. dwellings. Associated detached garage and landscaping
<b>Applicant:</b>	J. Ekin Construction
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Congleton Town East
<b>Earliest Determination Date:</b>	10-August-2009
<b>Expiry Dated:</b>	22-July-2009
<b>Date Report Prepared:</b>	01- September 2009
<b>Constraints:</b>	None

## **SUMMARY RECOMMENDATION: REFUSE**

### **MAIN ISSUES:**

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

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

## **1. REASON FOR REFERRAL**

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

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

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a red brick barn associated with Brownlow Farm. The building is a two-storey construction and appears to date from the 19<sup>th</sup> Century. The entire site is located within the Green Belt.

## **3. DETAILS OF PROPOSAL**

Full planning permission is sought for the conversion of the barn into two residential units.

#### **4. RELEVANT HISTORY**

09/1664C Retention of existing annexe building. Change of use to form integral garage, games room, toilet facilities, and loft storage area. Associated parking and landscaping. Pending determination

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 Withdrawn (May 2009)

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 Withdrawn (May 2009)

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

#### **5. POLICIES**

##### **National Planning Policy**

Planning Policy Guidance 2: Green Belts

Planning Policy Statement 7: Sustainable Development in Rural Areas

##### **Regional Spatial Strategy**

DP1 Spatial Principles

DP7 Environmental Quality

##### **Local Plan Policy**

PS7 Green Belt

GR1 General Criteria

GR2 Design

GR6 Amenity and Health

H1 Provision of New Housing Development

H2 Housing Supply

H6 Residential Development in the Open Countryside and Green Belt

BH15 Conversion of Rural Buildings

BH16 The Residential Re-use of Rural Buildings

Supplementary Planning Document 7: Rural Development

#### **6. CONSULTATIONS (External to Planning)**

##### **Highways:**

[18.08.2009] The Strategic Highways Manager has no objection to the proposal.

##### **Environmental Health:**

[13.08.2009] It is recommended that conditions relating to contaminated land and hours of construction are added to any consent should Members be minded to approve the application.

## **Senior Landscape & Tree Officer:**

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

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

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

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

## **VIEWS OF THE PARISH / TOWN COUNCIL**

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

The building forms a part of a group that was once a working farm and the barns are within a few yards of a family occupied dwelling. It is the view of the Parish Council that the use of the building for residential use is the only appropriate use, as a commercial or light industrial use would not be fitting for the environment. The proposed development is in an essentially rural landscape, which the proposal will not in any way significantly alter.

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

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

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

## **OTHER REPRESENTATIONS**

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

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

The resubmission has only minor modifications that only enhance and improve the original design and additional information has been submitted which provides some reasonable evidence of marketing the barns for a commercial use.

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

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents were submitted in support of the application:

### **Design and Access Statement**

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

### **Marketing Report**

A marketing report was completed in March 2009, which outlines the marketing of six different farm buildings in the Sandbach and Congleton areas within the last 5 years. It outlines methods that were undertaken to market such properties and highlights that enquiries into properties were limited and the no reasonable offers received on an of properties. The report concluded that conversion to residential use as opposed to commercial use would be the only use to generate sufficient value to make conversion viable.

### **Structural Survey**

The submitted structural survey concludes that the barns are in adequate conditions and that there is no reason to consider that substantial rebuilding would be required in order to allow the barns to be converted for residential use.

### **Ecological Surveys**

Surveys for Barn Owls, nesting birds, and bats concluded that proposed work would be unlikely to cause a net loss of habitat or disturbance. A newt survey concluded that there is very small potential for the development to impact upon great crested newts however, reasonable avoidance measures are recommended.

## **7. OFFICER APPRAISAL**

### **Principle of Development**

Policy H6 of the adopted Congleton Borough Local Plan First Review 2005 outlines a presumption against new residential development in the Green Belt unless it complies with

certain limited criteria, one of which is the conversion of existing rural buildings in accordance with Policies BH15 and BH16.

Policy BH15 outlines that for a rural building to be appropriate for re-use, it must be permanent, substantial, and should not require significant extension, rebuilding or extensive alteration. Given that the existing barn building is a substantial brick built structure and evidence within the submitted Structural Survey suggests that significant rebuilding would not be necessary, it is considered that the principle of re-use is acceptable.

Policy BH16 requires that every reasonable attempt has been made to secure business reuse or that the location and character of the site is such that makes residential purposes the only appropriate use. This is as Business re-use is the preferred option for re-use of rural buildings.

In relation to the former criteria, no evidence of any attempt to secure business re-use at the application site has been supplied. Supplementary Planning Document 7 outlines the criteria for acceptable marketing reports; the main purpose of is to satisfy the Borough Council that genuine attempts have been made firstly to market the property actively and secondly to market it at a reasonable price for business or commercial uses. Given that the only evidence submitted relates to properties elsewhere within the Cheshire East Borough and not specifically the application site and no actual evidence was submitted to demonstrate that commercial conversion would not be financially viable, the marketing report is not sufficient to justify the residential reuse of the building.

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

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

## **Policy**

The Borough Council is not able to demonstrate a 5-year supply of housing as outlined in Planning Policy Statement 3: Housing (PPS3) as such this application is not subject to the restrictions outlined in Housing Policies of the adopted Congleton Borough Local Plan First Review or Supplementary Planning Document 10: Housing Land Supply.

## **Highways**

No response was received from the Strategic Highways Manager at the time of report preparation however; it is noted that there is a significant amount of space available within the application site for parking and as such it is not considered that the proposal would

pose a threat to highway safety. Nonetheless Members will be provided with Strategic Highways Manager comments via an update.

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

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

## **Design**

### **Barn Building**

With conversions of barn buildings it is important to retain as much of the original building fabric as possible and minimise alterations to help preserve the character of the building and produce a successful conversion.

No extensions are proposed for the barn building and the proposal makes good use of existing openings. Whilst it is noted that new openings are proposed, such are limited and it is not considered that their insertion would pose a threat to the character or appearance of the existing building subject to the use of appropriate materials as they would reflect the scale and proportions of existing openings.

The proposed conversion would make use of existing dormer windows on the barn building. Whilst such features are considered to be alien features on older rural buildings and not entirely appropriate, given that they are in existence and have been for a substantial period, it is not considered that the application could be reasonably refused for this aspect.

The proposal also includes numerous roof lights however, these are of a small scale and subject to the use of conservation style it is considered that are located in a satisfactory irregular groups in order to not be detrimental to the character or appearance of the building.

### **Garage**

The garaging of cars should be contained within existing buildings where possible and it is noted that the annexe, which is subject to application 09/1664C, does include a garage area for one of the proposed residential unit.

An additional new build garage is proposed for the other residential unit and whilst this should usually be avoided, it is noted that the proposed garage would be located within the corner of the site and would be viewed from the wider Green Belt in the context of the barn building, its detached annexe, and the other farm buildings on the site. It is therefore not considered that the detached garage subject to the use of appropriate materials is of a scale, design or appearance that would appear incongruous within the Green Belt.

## **Amenity**

The northern elevation of Unit 1 would directly face a gable of Brownlow Farm Farmhouse – both elevations would contain principal windows. Given that a distance of approximately 10 metres would exist between both elevations, it is considered reasonable and necessary to request an obscured glazing to the windows within Unit 1's northern elevation to protect the privacy afforded to both properties.

## **Landscaping**

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

## **Ecology**

The Senior Landscape and Tree Officer concludes that although there is a suitable habitat for bats, barn owls, and breeding birds, conditions could be attached to any consent to ensure there would be no detrimental ecological implications.

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

## **8. CONCLUSIONS**

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

## **9. RECOMMENDATIONS**

**REFUSE for the following reasons: -**

**1. Insufficient information has been submitted with the application relating to the commercial marketing of the property in order to assess adequately the impact of the proposed development having regard to the provision of housing within the Green Belt. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies namely BH16 and other material considerations.**

**LOCATION PLAN: Cheshire East Council licence no. 100049045**

