

**Planning Committee:** 10 January 2017

**Item Number: 11**

**Application No:** [W/16/1831](#)

**Town/Parish Council:** Shrewley

**Case Officer:**

Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

**Registration Date:** 17/10/16

**Expiry Date:** 12/12/16

**Newlands, Mill Lane, Little Shrewley, Shrewley, Warwick, CV35 7HN**

Conversion of coach house to form 1no. dwelling FOR Mr & Mrs Ingleson and van den Berg

-----

This application has been requested to be presented to Committee by Councillor Gallagher.

**RECOMMENDATION**

Planning Committee are recommended to refuse planning permission for the reason set out at the end of the report.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for a change of use of the existing outbuilding to the rear of the main dwelling into a new independent dwelling to provide separate accommodation for the applicant's elderly relative.

The agent has presented a Planning Statement which details that the coach house will be utilised by one of the applicants' mother who makes monthly car journeys to visit the applicants. The statement claims that as a result of the change of use, there will be net reduction in car journeys by more than 5,000 miles per year. The coach house would provide the applicant's mother independence of her own and cooking facilities and would allow one of the applicants to return to work full time.

The agent proposes a personal condition to overcome concerns raised by officers regarding the sustainability of the site to limit the occupancy to the parents of the occupiers of the main dwelling, and the coach house would revert back to incidental use on the discontinuance of the occupants of the main dwelling.

**THE SITE AND ITS LOCATION**

The application relates to a detached outbuilding serving a two storey property with driveway parking. The application site is positioned to the north east of Mill Lane and is located within the Green Belt.

**PLANNING HISTORY**

W/83/0896 - Conversion of a barn into dwelling for occupation by invalid relative  
- Granted.

W/84/0294 - Conversion of barn into dwelling without compliance with condition 2. of W/83/0869 - Granted.

W/03/0479 - Erection of a car-port linked to existing outbuilding - Granted.

W/16/1827 - Erection of a single storey rear extension - Granted.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

## **SUMMARY OF REPRESENTATIONS**

**Shrewley Parish Council:** No objection.

**Cllr Gallagher:** Supports application as there was a previous permission on the site for a new dwelling. Queries whether other sites with approval for new dwellings nearby are sustainable and highlight that Shrewley has a limited bus service.

**Waste Management:** No objection.

**WCC Highways:** No objection.

**WCC Archaeology:** No objection, subject to condition requiring the provision of a programme of archaeological works.

**WCC Ecology:** No objection, subject to conditions and note.

### **Assessment**

#### Principle of the Development

The relevant Local Plan Policy in relation to residential development is RAP1 - 'Directing New Housing'. The proposals would be contrary to Policy RAP1. However, the National Planning Policy Framework (NPPF) 2012 states (para. 49) 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 against their housing requirement.

Whilst significant steps have been made towards meeting a five year housing land supply an analysis of all current information indicates that the District Council are not able to demonstrate a five year supply of deliverable housing sites.

Accordingly Policy RAP1 is to be considered out-of-date and in these circumstances the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 14). However, footnote 9 lists exemptions to this, with Green Belt land being excluded. The Framework explains that there are three dimensions to the concept of sustainable development: economic, social and environmental.

Therefore the main assessment of this application is, whether, in the absence of a five year supply of housing, any adverse impacts of the proposed development, having particular regard to the effect upon the Green Belt, the character and appearance of the area and whether the location is sustainable, would significantly and demonstrably outweigh the benefits of the scheme.

#### The current policy position

The current Local Plan covered the period 1996-2011 and therefore makes no provision for future housing needs. This forms the Development Plan, which decisions should be made in accordance with, unless material considerations

indicate otherwise. The NPPF is a material consideration, as are other policies under preparation such as the emerging Local Plan. The proposed change of use would not conform with Emerging Local Plan Policy H1 - 'Directing New Housing', which has some weight given the emerging Local Plan is subject of examination.

### Green Belt

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that there is an objection in principle to inappropriate development within the Green Belt.

The proposed change of use from an outbuilding serving the main property to a separate dwelling would not harm the openness to the Green Belt; there will be no extensions to the outbuilding which would generally retain the same external appearance. Existing hard standing which serves the main dwelling would provide driveway parking and therefore it is considered that there would be no harm to the openness of the Green Belt as a result of the proposed change of use.

### Sustainability

Paragraph 34 of the NPPF states that plans and decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas and states that LPA's should avoid new isolated homes in the countryside.

Whilst the site is not isolated in terms of its location to other residential properties, the proposed dwelling would be located outside of the village envelope of Little Shrewley, which has no services of its own, and there is no regular bus service which would allow residents sustainable access to nearby areas for services or for work. The site is therefore highly likely to be car dependant.

The existing outbuilding is of substantial construction and appears to be in good condition. It is considered that there would be no material benefits to the appearance of the site as a result of the proposed change of use.

Cllr Gallagher supports the proposed change of use as there was a previous permission on the site for a new dwelling. Cllr Gallagher has highlighted that there are other sites nearby with planning permission in locations which she considers to be less sustainable than the application site. The previous permission for the conversion of the outbuilding into dwelling for occupation by an invalid relative (W/83/0896) was approved over 30 years ago in 1983, prior to the adoption of the current local plan, but more pertinently, prior to the adoption of the NPPF. Planning policies have changed significantly over this period with a much stronger emphasis now placed on sustainable development. The sustainability of the site would not have been assessed under the previous application and the scheme was not implemented. It is therefore considered that the previous permission should be attributed very little weight. Furthermore, Cllr

Gallagher has not provided the addresses of nearby dwellings which she states have recently received planning permission, so no further comment can be made in relation to these sites.

The agent has provided a planning statement which states that there would be an overall net reduction of 5,000 miles of car trips per year as a result of the change of use of the coach house to a separate dwelling. The applicant's personal circumstances are presented as extenuating circumstances to overcome the Council's concerns regarding the sustainability of the site. However, National Planning Policy Guidance ("the NPPG") advises against granting planning permission solely on the grounds of an individual's personal circumstances. The NPPG provides that there may be "*exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission*". The NPPG provides the example of "*conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need*". The Council considers that it has not been demonstrated by the applicant that there are exceptional circumstances which justify granting permission on the basis of the applicant's mother personal circumstances.

Furthermore, the agent also details in the planning statement that they consider that the location is sustainable owing to the local services (including shops, primary school, village halls, bus services and train services) within walking distance of the application site. However, there are no pavements along Mill Lane, which would make walking to these services dangerous and unlikely. It is highly unlikely that the occupants of the new dwelling would walk to these local services and therefore the dwelling would be car dependant.

The agent has proposed that a condition could be imposed to limit occupation of the new dwelling to parents of the occupiers of the existing dwelling. However, para 015 of the NPPG makes it clear that unless the permission otherwise provides planning permission runs with the land and it is rarely appropriate to provide otherwise unless there are exceptional circumstances.

The proposal for a dwelling on the site is unacceptable in principle and it is not considered that a personal permission will make it acceptable in planning terms. It is the type of case that could be made time and again and would set an undesirable precedent for new dwellings being created in locations where they should not be.

There are no exceptional circumstances which have been presented which demonstrate the need for the applicant's mother to live at the coach house independently. The site is not considered to be located within a sustainable location and the reduced number of trips that the family would undertake is not justification to approve a new dwelling in an isolated location. The provision of an additional dwelling in this location is therefore considered to contravene the aims and objectives of paragraph 55 of the NPPF 2012. The proposal constitutes an unsustainable form of development.

## Design

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact upon the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The proposed change of use would require the insertion of rooflights and minor alterations to the fenestration of the existing outbuilding. So long as these are constructed from matching materials to those of the existing building, which could be conditioned, the design is considered to be acceptable and would not be harmful to the street scene.

The design is considered to be acceptable and conforms with Local Plan Policy DP1 and the NPPF.

## Impact on Neighbouring Residential Amenity

There are no nearby neighbours which could be impacted as a result of the proposed change of use.

## Archaeology

WCC Archaeology have commented on the application and note that building in question is shown on the 1st edition 1:10,560 Ordnance Survey map for this area indicating that it existed by the later 1880's. The proposed development is likely to alter, damage or obscure elements of the historic building fabric, which are important in understanding the nature, extent and function of this structure. They therefore propose a condition for the provision of a programme of archaeological investigation.

## Highway Safety

The Highway Authority have been consulted and consider that no harm would be caused to vehicular or pedestrian safety as a result of the proposed additional dwelling.

### Renewables/ Fabric First

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO<sup>2</sup> production through a fabric first approach would be appropriate. No information has been provided in reference to this matter, however, a condition can be imposed to ensure that the required level of energy saving will be achieved.

### Waste

There is ample space within the boundaries of the site to store waste and it is noted that Waste Management have no objection to the proposed change of use.

### Ecology

There have been substantial negotiations between the applicant's and Council's ecologists to ensure that protected species would not be harmed as a result of the proposed change of use. Following submission of further details by the applicant's Ecologist, it has been agreed that conditions can be added to any approval granted to ensure that the development is carried out in accordance with the mitigation measures proposed in the report submitted. The Council's ecologist also recommends the inclusion of a nesting bird note.

## **REFUSAL REASONS**

- 1 Paragraph 55 of the National Planning Policy Framework 2012 seeks to promote sustainable development in rural areas and avoid new isolated homes in the countryside. None of the special circumstances identified within Paragraph 55 are considered to have been met and the building is located in an isolated location outside of a village, with no easy access to services or public transport. Whilst the site is not isolated in terms of its location to other residential properties, the proposed change of use to provide one dwelling would be located outside of the village of Little Shrewley with no pedestrian access to local services and would not allow residents sustainable access to nearby areas for services or for work. There are no extenuating circumstances which have been presented which demonstrate the need for the applicant's mother to live at the coach house independently. The site is not considered to be located within a sustainable location and the reduced number of trips that the family would undertake is not considered sufficient justification to approve a new dwelling in an isolated location. The site is therefore highly likely to be car dependant. The provision of a dwelling in this location is therefore considered to contravene the aims and objectives of paragraph 55 of the NPPF 2012.