

Planning Committee: 27 February 2018

Item Number: 15

Application No: [W 17 / 2370](#)

Town/Parish Council: Sherbourne
Case Officer: Liz Galloway

01926 456528 Liz.galloway@warwickdc.gov.uk

Registration Date: 20/12/17

Expiry Date: 14/02/18

Sherbourne Farm, Sherbourne Hill, Sherbourne, Warwick, CV35 8AD

Erection of a tiled roof, open sided timber gazebo. FOR Mr Lea

This application is being presented to Committee as there are more than 5 letters of support for the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to REFUSE planning permission for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The application proposes a detached timber gazebo with a tiled roof and open sides.

THE SITE AND ITS LOCATION

The application site relates to a group of former agricultural buildings surrounded by fields and washed over by Green Belt. The site is located north of the A46 dual carriageway close to the junction with the M40 where the site access is located, however, the proposed access for the development is located to the North of the site off the B4463 via a recent gravel track some 750m in length. Sherbourne Brook runs East/ West through the site and the application site sits on the edge of Flood Zones 2 and 3.

PLANNING HISTORY

Various planning history, the most recent being:

W/13/0700/AG - Re-siting of existing barn and lean-to shelter to enable livestock and materials/supplies to be handled more rationally - Granted 18th June 2013.

W/13/1403 - Change of use and partial demolition of redundant barns, farm buildings and the erection of new reception space to create a bespoke wedding venue including parking for 36 cars - Refused 29/11/13;

W/13/1735 - Application for Prior Approval for proposed change of use of agricultural building to a flexible use (only 150 square metres) - Planning permission is not required.

W/14/0239 - Application for Prior Approval for proposed change of use of barns to restaurant (Use Class A3) and assembly & leisure (Use Class D2) - Planning permission required (not PD).

W/14/0875 - Application for a Lawful Development Certificate for established use of barns as shoot room and catering facility (Use Class D2) - Not lawful

W/14/1325 - Application for Prior Approval for proposed change of use of agricultural building to Use Class (A3 & D2) - shoot room, catering facilities, kitchen, toilets, storage - all ancillary to the function of the farm and estate - Planning permission required (Not PD).

W/15/0539 - Application for prior approval for the change of use of agricultural building to mixed use comprising restaurant (Use Class A3) and assembly & leisure (Use Class D2) - Planning permission required (Not PD).

W/15/1471 - Alterations to former barns (retrospective application), granted 16th November 2015.

W/17/1197 - Change of use of existing buildings from Use Class A3 (Restaurants and Cafes) to Use Class D2 (Assembly and Leisure) & Use Class A3 (Restaurants and Cafes). Granted October 2017.

RELEVANT POLICIES

- National Planning Policy Framework
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Barford Sherbourne & Wasperton Joint Paris Council: No objection.

Public response: 8 comments in support.

WCC Ecology: Recommend bat box/tile condition and bird, amphibian and reptile notes.

RECOMMENDATION

Planning Committee is recommended to REFUSE planning permission for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The application proposes a detached timber gazebo with a tiled roof and open sides.

THE SITE AND ITS LOCATION

The application site relates to a group of former agricultural buildings surrounded by fields and washed over by Green Belt. The site is located north of the A46 dual carriageway close to the junction with the M40 where the site access is located, however, the proposed access for the development is located to the North of the site off the B4463 via a recent gravel track some 750m in length. Sherbourne Brook runs East/ West through the site and the application site sits on the edge of Flood Zones 2 and 3.

PLANNING HISTORY

Various planning history, the most recent being:

W/13/0700/AG - Re-siting of existing barn and lean-to shelter to enable livestock and materials/supplies to be handled more rationally - Granted 18th June 2013.

W/13/1403 - Change of use and partial demolition of redundant barns, farm buildings and the erection of new reception space to create a bespoke wedding venue including parking for 36 cars - Refused 29/11/13;

W/13/1735 - Application for Prior Approval for proposed change of use of agricultural building to a flexible use (only 150 square metres) - Planning permission is not required.

W/14/0239 - Application for Prior Approval for proposed change of use of barns to restaurant (Use Class A3) and assembly & leisure (Use Class D2) - Planning permission required (not PD).

W/14/0875 - Application for a Lawful Development Certificate for established use of barns as shoot room and catering facility (Use Class D2) - Not lawful

W/14/1325 - Application for Prior Approval for proposed change of use of agricultural building to Use Class (A3 & D2) - shoot room, catering facilities, kitchen, toilets, storage - all ancillary to the function of the farm and estate - Planning permission required (Not PD).

W/15/0539 - Application for prior approval for the change of use of agricultural building to mixed use comprising restaurant (Use Class A3) and assembly & leisure (Use Class D2) - Planning permission required (Not PD).

W/15/1471 - Alterations to former barns (retrospective application), granted 16th November 2015.

W/17/1197 - Change of use of existing buildings from Use Class A3 (Restaurants and Cafes) to Use Class D2 (Assembly and Leisure) & Use Class A3 (Restaurants and Cafes). Granted October 2017.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified
- Design
- Impact on neighbouring residential amenity
- Ecology

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

Warwick District Council Policy DS18 states that the Council will apply national planning policy to a proposal within the Green Belt.

Paragraph 89 of the National Planning Policy Framework states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, other than certain exceptions. The proposed development does not fall within any of these exceptions and therefore the proposal must be regarded as inappropriate development and would, therefore, be harmful to the openness of the Green Belt.

Paragraph 87 in the National Planning Policy Framework states that inappropriate development in the Green Belt should not be approved except in very special circumstances.

There are considered to be no very special circumstances in this case to outweigh the conflict with Green Belt policy or the harm to the openness of the Green Belt and therefore the proposal does not comply with the National Planning Policy Framework.

There is an existing converted open sided barn within the site which provides a covered external seating area for users of the venue. It is considered that a further covered building would negatively impact on the openness of the Green Belt.

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 2011 - 2029 Policy BE1 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 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 the character of the area.

The application relates to a complex of converted barns and Warwick District Council have produced supplementary planning guidance on barn conversions which discourages the introduction of any domestic elements that are visually detrimental to the agricultural character of the barns.

The proposal relates to a detached gazebo, typical of a structure found in a residential curtilage. The adjacent buildings are converted barns, which by their very nature were outbuildings that have a traditional agricultural character. To grant permission for a building of a domestic character alongside the barns would harm the character, setting and integrity of the converted barns and would be contrary to Warwick District Local Plan Policy BE1 and the SPG.

Impact on neighbouring residential amenity

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There are no nearby residential uses which would be impacted as a result of the proposed development and therefore it considered to comply with Local Plan policy BE3 and the NPPF.

Ecology

WCC Ecology have commented on the application and recommend a condition relating to the provision of a bat box/bat tile be attached to any approval granted. Furthermore, Ecology have recommended bird, amphibian/reptile notes and ground clearing and storing material notes.

Summary/Conclusion

The application is for a new building within the Green Belt, which is contrary to National and Local Policy. No very special circumstances have been put forward which would outweigh the harm by reason of inappropriateness and harm to openness. Furthermore, the proposal would result in material harm to the character and setting of the converted barns.

REFUSAL REASONS

- 1 Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The proposed gazebo does not meet any of the exceptions listed under paragraph 89 of the NPPF. No very special

circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness.

- 2 The proposal relates to a group of converted barns which are used as a wedding venue, which by their very nature were a rural outbuildings with an agricultural character. To grant permission for an outbuilding with a domestic character to serve these barns would harm their character and setting and would be contrary to Policy BE1 and the Council's Barn Conversion SPG.
