

**Application No:** W 12 / 1022

**Town/Parish Council:** Barford

**Registration Date:** 24/08/12

**Case Officer:** David Edmonds

**Expiry Date:** 19/10/12

01926 456521 david.edmonds@warwickdc.gov.uk

**Plestowes House, Hareway Lane, Barford, Warwick, CV35 8DD**

Change of use from offices (Use Class B1) to 2 live/work units (sui generis) with minor alterations including erection of previously permitted garaging and conversion of garaging to form additional living accommodation. FOR Mr Murdoch

-----

This application is being presented to Committee due to the likely support from the Parish/Town Council based upon the fact that they supported the previous application. In this event, it would be contrary to the recommendation for refusal in this report.

**RECOMMENDATION**

Refuse for the reasons listed below.

**DETAILS OF THE DEVELOPMENT**

It is proposed to convert barn 1 into a 3 bedroom dwelling which would accommodate a living room, kitchen, two bedrooms and bathroom on the ground floor and an ensuite bedroom on the first floor. Additionally, it is proposed to construct the approved triple garage structure but 'convert' the first bay of it to a dining and utility room leaving the remaining two bays for dedicate parking for barn 1. The proposed residential space including garaging/car ports would be circa 143 square metres.

Barn 2 would be converted to a 5 bedroom dwelling comprising living, dining and kitchen, hallway/ utility and an ensuite bedroom on the ground floor and four bedrooms and a bedroom sized study on the first floor . The first bay of the adjacent garage range would provide covered parking for barn 2 with additional storage on the first floor. The proposed residential space including garaging/ car ports would be circa 250 square metres.

The remaining office uses would be concentrated in the Long Barn a two storey building within the northern part of the site. Although no floor plans of this accommodation are provided the measurement of the footprint on the block plan indicates it to be 312 square metres. The car port space dedicated to office use this amounts to a further 50 square metres making circa 362 square metres.

The boundary between the office and dwelling uses across the open courtyard would be defined by brick setts. That part of the courtyard defined as residential is shown to be provided with 5 open parking spaces shared between the two dwellings. Enclosed gardens for both of the dwellings would be formed from land between both barns and the post and rail fence forming the southern boundary

of the site. It is intended that the houses would be let rather than sold to minimise potential conflict between the residential and commercial users.

## **THE SITE AND ITS LOCATION**

Plestowes House and the adjacent Plestowes Farm is located broadly 1.5 km's to the east of Barford and the same distance to the west of Bishops Tachbrook. Both sites which are in separate ownership and control are served by separate private drives off Hareway Lane.

The application site comprises a range of former barns of brick and clay tile construction with rooflights. The Long Barn which comprises the northern part of the courtyard complex of barn conversions, is still in office use, one unit of which was said to be an office for the applicant, who resides in Plestowes House. The south west and south east sides of the courtyard are partly enclosed by barn 1 and barn 2, respectively. To the west lies Plestowes House and its curtilage. The eastern boundary abuts the more modern agricultural buildings and yard associated with Plestowes Farm, in different ownership. One of these buildings houses a grain dryer. To the south lies open countryside.

## **PLANNING HISTORY**

- 1987 - Planning permission for change of use of existing barns and outbuildings to holiday accommodation (Ref W86/0582)
- 1987 - Planning permission for change of use of barns to provide six holiday cottages and laundry/ storage rooms. (W86/1043)
- 1988 and 1993 - Planning permission granted for conversion of barns and piggery to four dwellings and 7 garages - (W88/0852 & W93/0735). Not implemented.
- 1999 - Planning permission granted for conversion of barn to offices (class B1)- 'Long Barn' - (W99/0220).
- 2002 - Planning permission granted for change of use of partially converted farm building to offices. (W02/0822).
- 2012 - Planning permission refused for proposed change of use from offices (Use Class B1) to 2 houses (Class C3) with minor alterations. The four reasons for refusal related to insufficient evidence that a non residential use is not appropriate/ viable; incompatible nature of residential and agricultural uses, the living conditions for future residential occupants, and the creation of unacceptable restrictions on an agricultural business.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- 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)

## **SUMMARY OF REPRESENTATIONS**

### **Barford and Wasperton Joint Parish Council**

To be reported.

## **Environmental Health**

In summary, the only real difference between the earlier application W11/0193, in Environmental Health terms is the filling in of one window overlooking the adjacent farm. It would appear that the applicant is relying on this to resolve the previous refusal of planning consent, one of the grounds of which was in relation to possible noise nuisance.

Therefore, with regard to the above planning application W12/1022, it is clear that the residents of "Barn 2" situated on the boundary with the working farm yard are likely to be adversely affected by noise from existing farm yard activities, including grain drying. There is also potential for odour nuisance should the storage buildings revert to live stock use at some point in the future. Measures required to control the nuisance at source could adversely limit the operation of the farm yard and attempting to build protection into the dwelling is likely to impair the quality of life for the residents.

## **Ecology**

It appears the application will ingress into an area of the roof to accommodate what appears to be a chimney. From the photographs and plans the roof does appear to offer opportunities for roosting bats with a number of slipped tiles providing potential access. Furthermore, the Unit's mapping and background records indicate that the barns are situated in an area of good potential foraging ground with a number of records of bats in the area. It would appear that the majority of the roof will remain undisturbed, however a pre-determinative internal/external bat survey needs to be undertaken focused on the areas of roof/loft to be affected by the proposals. As there is no predeterminative bat survey then the current application is not acceptable.

## **Letters of representation**

A letter of objection has been received on behalf of the owner of the neighbouring Plestowes Farm:

- The influence of noise from my client's dryers is of great significance in the context of an incompatible proposal to establish a residential use so close to a farm hub.
- Future complaints from residential occupiers, quite likely to be of urban origins, are more or less inevitable.
- While one may sympathise with the applicant's prospect of paying Non-Domestic Rates on empty buildings this hardly excuses a obviously inappropriate change of use.
- If the roles were reversed and there was an application to establish his farm hub next to a residential building it would be dismissed as risible.

The owner of the farm has also requested his following comments on the previous application be taken as part of his views on the current application:

- The long established use of the buildings within the farmyard for storage, drying and conditioning of grain is incompatible with any form of residential use.
- The noise is unavoidable in the use of the machinery, the dust when harvesting or moving of the grain stocks and the attraction of vermin.

- A plan has been supplied showing the relative locations of plant and machinery. This is likely to cause serious conflict between those involved in agriculture and any 'unconnected' residential occupier.
- Doubts are raised as to whether exhaustive efforts have been indeed made to find a new office user, particularly as one tenant has only recently vacated one of the buildings.

## **Assessment**

The main issues are considered to be whether the proposal accords with housing and employment policies; whether the buildings are appropriate for conversion; the potential harm to amenity of occupiers from adjoining uses; whether the use would restrict agricultural activities; the need for car parking; and impact on ecology.

### Whether the rural housing would be sustainable development - NPPF and policy RAP 1

In accordance with local plan policy RAP1 residential development is only permitted in rural areas where specific criteria have been met. Criteria d) which states that the conversion of appropriate rural buildings in accordance with Local Plan Policy RAP7 will be permitted subject to three sub criteria being met, is of relevance to this application. In respect of the sub criteria, as the site falls outside of the Limited Growth Village, criteria iii) of criteria d) requires that the applicant demonstrates that alternative non residential uses are not appropriate or viable.

The applicant has submitted evidence cross referenced with that of the previous application when considering various alternative uses. Much of this evidence asserts that the proposed residential units can be tied to the existing employment use such that overall it amounts to a live-work unit. It is asserted that the office floorspace within the 3 barns would be 50% such that it would be a genuine live work unit and one where the tie could be secured by planning condition. However, calculations indicate that the residential floorspace would still predominate such that it would not be subordinate in accordance with criteria d iii.

Moreover the applicant's own evidence submitted in connection with the previous application casts doubt on the viability of such live work units. The applicant asserted that a live-work unit where the residential element is subordinate to a business use is not viable and is not likely to be implemented. The evidence submitted with the previous application to substantiate this included a telephone survey of local estate agents and recent appeal decisions. Therefore it has not been demonstrated that these alternatives amount to material considerations which outweigh the provisions of the local plan policy.

In respect of the prospects for holiday accommodation, there is also insufficient evidence that this potential option has been thoroughly considered. Reliance had been placed on general assertions that by reason of location away from the main tourist centres of Stratford upon Avon, Warwick and the Cotswolds and remote from local amenities, makes it unattractive for holiday accommodation. The applicant now maintains that the prospect of a holiday home use cannot be viable due to the unattractive noisy location near a working farmyard. However, it had been previously admitted that the property has not been marketed as holiday accommodation. It is also asserted that conversion to holiday

accommodation would not be viable without any evidence of costs and revenues. The applicant relied on anecdotal evidence that a self catering holiday cottage in Barford has recently been converted to a dwelling. It is considered that this analysis is too superficial to meet the requirement that this use is not appropriate. Furthermore, it is considered that the site seems relatively well located as a tourist base in the triangle of countryside with easy car drive of three major sets of tourist attractions. Also it enjoys an attractive outlook over countryside. Finally, the fact that the site has previously been the subject of applications for holiday homes and has had planning permission in the late 1980's indicates that it is a potentially realistic alternative use.

Since the assessment of the previous application, the NPPF has been issued and is a material planning consideration. Paragraph 55 states that re-use of disused rural buildings for housing may amount to a special circumstance to allow new isolated homes in the countryside but only where it would lead to an enhancement to the immediate setting. It is not considered it would lead to an enhancement particularly in the context of potentially incompatible land uses explored under later sections of this report.

#### Employment protection.

In accordance with local plan policy SC2, the change of use of existing employment land and buildings is not permitted unless any one of four criteria is satisfied. Of these criteria b) the demonstration of the reasons why an existing or another employment user is not economically viable; or criteria d) if the application for a non housing use it is demonstrated that it would not limit the provision and quality of the land available in the district for employment. In respect of this policy it was accepted that the marketing exercise undertaken by the appellant resulted in the previous application resulted in a housing development being policy compliant. There is no reason to contradict this assessment for this proposed development. Therefore it is accepted that the applicant has broadly satisfied criteria b such that the proposed development would accord with local plan policy SC2.

#### Appropriateness of conversion - policy RAP7

The buildings are permanent and substantial constructions in good condition which makes them suitable for re-use in accordance with criteria a) and b) for this criteria based policy. In terms of criteria c), the proposed uses would involve limited rebuilding or alteration and the proposed garage extension to barn 1 already benefits from an implemented planning permission. The design also would accord with the design characteristics of the traditional farm complex and rural character of the countryside - criteria c) and d). However, the proposed use as permanent dwellings adjacent to the site of a noisy working farm yard in different ownership gives rise to legitimate planning objection which it is concluded under consideration of issue 3 and 4 outweighs the benefits of re-use. Therefore there is a conflict with criteria f) of policy RAP7.

#### Living conditions of future occupants - policy DP2

The applicant considers the harm caused to future occupiers from the adjoining farm use is limited and would not be harmful. The reports from Environmental Health on both this and the previous application presents compelling reasons for regarding a residential use adjacent to a working farm yard in separate ownerships as fundamentally incompatible. These views are reinforced by the

concerns of the owner of the adjacent working farm regarding the noise and disturbance outside the control of the occupants of the application site being unacceptable in terms of living conditions of future occupants. It is not considered that this can be mitigated by conditions e.g. one requiring a high standard of insulation and a wholly mechanical ventilation because it is considered that the ability to open a window for rapid ventilation of stale air and release of excessive heat is inherent in the quality of the living conditions of future occupants. Moreover since the property would be designed with a garden its use particularly in the summer months would be unacceptably affected by noise, particularly from the grain dryer which cannot be mitigated. Also, the prospect of the nearest unit to the farm yard - unit 2 being rented to the applicant's son and the assertion that they would be tolerant of such noise is not sufficient to allay these concerns since the planning permission goes with the land and it would not be appropriate to grant a personal permission. The harm would also be exacerbated by the likelihood of dust from the farm.

There is also the prospect of unacceptable levels of noise reaching barn 1 particularly in the likely event that if a use of barn 2 is not found it is a distinct possibility that it would be demolished thereby removing an effective noise attenuation barrier which currently partly shields barn 1 from unacceptable noise. There is insufficient information to demonstrate that there will not be a significant increase in noise levels experienced at the remaining barn.

#### Protection of agriculture

Similarly Environmental Health endorses the concerns of the owner of the adjacent working farm that if this is granted there is likely to be serious conflict between those involved in the agricultural enterprise and future occupants who are unconnected. Measures required to control nuisance at source to protect the future occupants of the dwellings are likely to adversely limit the operation of the farm. In this respect it is understood that the agricultural enterprise that the farmyard serves encompasses three former separate farms - Plestowes, Hareway and Debden. In this respect it should be noted that various agricultural buildings have been constructed within the last circa 15 years to consolidate the farm yard. Therefore the application would undermine the general promotion of agriculture contrary to policy PA15 in the West Midlands Regional Spatial Strategy 2008. The prejudicing of the adjacent agricultural business would also be contrary to the requirement in paragraph 28 of the NPPF to promote the development of agricultural and other land bases rural businesses. The NPPF indicates that this is part of the need to promote economic growth in rural areas.

#### Car Parking

The Parking SPD indicates that the parking provision for two dwellings from barns should have a maximum of 4 spaces in addition to any garaging, (the latter often being used for storage). It is considered the maximum is appropriate for 5 and 3 bedroom dwellings in a rural area. It also indicates that the office space - circa 300 square metres requires circa 10 spaces. In this context it is considered that the parking demand would be competitive. However there is scope to secure extra car parking on land within the applicants ownership and control by condition and whilst this may have some impact on rural character it would not result in highway safety issues due to the site being situated at the end of a relatively long private drive. On balance therefore the parking provision is capable of being modified by conditions to a level which is appropriate such that there is no fundamental conflict with local plan policy DP8.

## Protected Species

The County Ecologist has requested the need for further information in terms of a pre-determination bat survey for this application. Without this information the Council cannot be sure that protected species do not represent a constraint to this development. On the current information, the application therefore conflicts with local plan policy DP3.

## **REFUSAL REASONS**

- 1 The proposed development fails to meet the criteria within Warwick District Local Plan policy RAP1 relating to the direction of housing to sustainable locations to minimise travel requirements. Criteria d) relating to conversion of appropriate rural buildings states that their conversions to dwellings would only be permitted if all three sub criteria are met. These relate to need for the site to be within or adjacent to a village, and meet an unidentified local need and it is demonstrated that alternative non residential uses are not appropriate or viable. It is concluded that insufficient evidence has been submitted and has not been rigorously analysed to demonstrate that a non residential use is not appropriate or viable. The support in principle for the residential re-use of disused rural buildings in paragraph 55 of the National Planning Policy Framework is subject of the caveat that it should lead to an enhancement of the setting which it is considered does not apply in this case. Therefore there are no material considerations which outweigh the requirement to determine the application in accordance with the development plan.
- 2 The siting of the proposed dwellings relatively close to an established and substantial working farm yard unconnected with the owners or occupiers of the application site and which is the source of significant noise and other environmental issues would result in unacceptable harm the living conditions of future occupants of the those dwellings. This unacceptable harm would not be adequately mitigated by valid planning conditions to secure the omission of the proposed larger dwelling conversion in the barn which is nearest to the farmyard. Moreover it would not be mitigated by the provision of a higher standard of sound insulation since the quality of living conditions depends on the ability to open a window and to use the garden unfettered by noise and other environmental emissions. Furthermore it is inappropriate to limit the occupation of the dwellings to specific people. Since the development would cause unacceptable harm to living conditions it would conflict with Warwick District Local Plan Policy DP2.
- 3 The proposed conversion of rural buildings to dwellings in close proximity to a substantial working farm yard associated with a large farm enterprise would by reason of noise, particularly from the grain dryers and other environmental matters, lead to legitimate requests by future occupants for unacceptable restrictions in the manner of agricultural operations within the farm yard such that it would not represent the promotion of agriculture in accordance with policy PA15 in

the West Midlands Regional Spatial Strategy. This would not amount to the promotion of agricultural development and therefore it also conflict with paragraph 28 of the National Planning Policy Framework.

- 4 The proposed use of the rural buildings for full time residential occupation would result in a legitimate planning objection relating to unacceptable living conditions of future occupants that cannot be controlled by an enforceable planning condition or planning obligation without unacceptable future restrictions of an existing agricultural enterprise, such that the conversion to dwellings would not be appropriate in accordance with Warwick District Local Plan Policy RAP7
  - 5 In the absence of a pre-determination bat survey there is insufficient information to assess whether protected species are a constraint to development. Therefore the application fails to accord with policy DP3 which states that development will only be permitted which protects important natural features and positively contribute to the character and quality of the natural environment through good habitat design and management. The application does not demonstrate that local ecology is protected.
-