

**Planning Committee:** 22 June 2022

**Item Number: 11**

**Application No:** [W 21 / 0710](#)

**Town/Parish Council:** Budbrooke

**Registration Date:** 25/06/21

**Case Officer:** Rebecca Compton

**Expiry Date:** 20/08/21

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**Barn 1-5, Stanks Farm, Old Budbrooke Road, Budbrooke, Warwick, CV35 8RH**

Conversion of rural buildings (Barns 1-5) into three residential dwellings FOR Mr & Mrs Glover

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This application is being presented to Planning Committee due to an objection from the Parish Council having been received and the application being recommended for approval.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks to extend the curtilage area granted under Class Q for the application barns which are identified as Barns 1, 3 & 5 on the proposed plans. The proposal also seeks permission for the conversion of Barn 2 to ancillary residential accommodation to Barn 1.

**THE SITE AND ITS LOCATION**

The application site is accessed off the Old Budbrooke Road, via a private lane. It is in close proximity to Warwick Parkway station and the A46. There is a substantial farmhouse on the site and several barn and outbuildings.

**PLANNING HISTORY**

W/20/1850 – Barn 1 – Prior Approval application for the change of use of an agricultural building (Barn 1) into a smaller residential dwelling (C3) and associated operational development under Class Q parts (a) and (b) of the General Permitted Development Order (GPDO) 2015 (as amended) - Granted

W/20/1851 – Barn 3 – Prior Approval application for the change of use of an agricultural building (Barn 3) into a smaller residential dwelling (C3) and associated operational development under Class Q parts (a) and (b) of the General Permitted Development Order (GPDO) 2015 (as amended) - Granted

W/20/1852 – Barn 5 – Prior Approval application for the change of use of an agricultural building (Barn 5) into a larger residential dwelling (C3) and associated

operational development under Class Q parts (a) and (b) of the General Permitted Development Order (GPDO) 2015 (as amended) - Granted

W/20/0496 – Barns 1 – 5 - Full application for the conversion of five rural buildings into five residential dwellings – Refused

### **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS18 - Green Belt
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- BE4 - Converting Rural Buildings
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)
- Budbrooke Neighbourhood Plan (2018-2029)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- FW3 - Water Conservation

### **SUMMARY OF REPRESENTATIONS**

**Budbrooke Parish Council:** Objection due to concerns over need for housing in this location, refuse arrangements, access and traffic concerns and the housing being situated in an unsustainable location.

**WCC Landscape:** Requested details of hard and soft landscaping and recommended size of new trees and trees to be located within garden areas.

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

**WDC Waste Management:** No objection, subject to sufficient turning space within the site for refuse vehicles.

### **ASSESSMENT**

#### Principle of residential development

Paragraph 79 of the NPPF seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply. This includes development that would re-use redundant or disused buildings and enhance its immediate setting. This is echoed in Local Plan Policy H1 of the Warwick District Local Plan (2011-2029) which permits new dwellings in the open countryside where the development would involve the re use of redundant or disused buildings in

accordance with Policy BE4 which leads to an enhancement to the immediate setting.

Policy H1 of the Local Plan states that for a residential use of a rural building to be acceptable, the building would have to be redundant or disused and the proposal would need to demonstrate an enhancement to the immediate setting. The supporting information states that the buildings are disused which has been confirmed through the officer's site visit.

The agricultural barns were granted a prior approval under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 to convert into a total of 3 smaller dwellings. These permissions remain extant. The principle of residential development has already been established on the site through the Class Q conversion, the development would not increase the number of residential units compared to the Class Q application.

Policy BE4 of the Warwick District Local Plan allows for the conversion of rural buildings providing that they satisfy the following criteria:

- a) The building is of a permanent and substantial construction
- b) The condition of the building, its nature and location make it suitable for re use or adaptation
- c) The proposed use or adaptation can be accommodated without extensive rebuilding or alteration to the external appearance of the building
- d) The proposal retains and respects the special qualities and features of listed and other traditional rural buildings and
- e) The appearance and siting of the building following conversion protects and where possible enhances the character and appearance of the countryside.

The supporting text of Policy BE4 clearly sets out that the purpose of the policy is to ensure that conversions take place in a manner that respects the local character of the rural areas and the original qualities and features of the existing building without extensive rebuilding and alteration.

The proposed alterations to barns 1, 3 & 5 have been previously approved under the Class Q prior approval applications W/20/1850, W/20/1851 and W/20/1852. The proposed alterations to these barns have been previously approved under the extant Class Q applications.

This current proposal seeks also to convert Barn 2 to ancillary residential accommodation for Barn 1 to be used as a home office and storage. This building is a redundant barn and due to its small size would lend itself to ancillary accommodation rather than as a separate dwelling. The proposed alterations largely seek to retain the existing openings with 2no. windows on the side elevation and 1no. window on the rear elevation. The new fenestration has been kept to a minimum and has been designed to be in keeping with the character of the barn in terms of their scale and design. Officers are satisfied that the conversion of this barn would not be detrimental to the character of the barn and the barns in the wider complex.

The proposal would comply with Policies H1 and BE4 of the Warwick District Local Plan (2011-2029) and the NPPF and is therefore acceptable in principle.

## Design and impact on visual amenity and the character of surrounding area

Section 12 of 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.

Policy BE1 of the Local Plan 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 local area.

Policy BE4 of the Warwick District Local Plan (2011-2029) seeks to ensure that the conversion of rural buildings respects the character and features of traditional buildings, enhances the area and does not create significant alterations.

The proposed dwellings and ancillary accommodation will retain the same footprint as the original barns and the floor area will not be extended in anyway and so would encroach no further on the open countryside. The proposed conversion of Barn 2 is considered acceptable, and the proposed design retains the character and appearance of the barn and the wider area.

The proposal seeks to extend the approved curtilage area for Barns 1, 3 and 5 as part of the Class Q application, the approved curtilages under those applications was minimal. Class Q permits the change of use of a building and any land within its curtilage to a use that falls within Use Class C3 (dwelling). Part 3, Paragraph W defines the meaning of 'curtilage' for Class Q applications to include an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building. As originally submitted the proposed curtilage areas would far exceed the footprint of the barns and has therefore been amended to be no greater than the footprint of the buildings, i.e. the maximum that would be permitted under Class Q. In the case of Barn 1, the curtilage area has been limited to the footprint of Barn 1 and does not include Barn 2 given that the fall-back position is for Barn 1 only. Officers are satisfied that should the applications for the Class Q have been submitted with the areas of curtilage now shown on the proposed plans, officers would have granted the Class Q. Given that the fall-back position for a residential conversion for these barns is the Class Q applications, officers are satisfied that a larger area of curtilage can be granted given that it would be the absolute maximum permitted by the fall-back position.

Permitted development rights should also be removed to reflect the fall-back position

Overall, I am satisfied that the development will have a positive impact on the character and amenity of the local area and open countryside. The scheme is therefore considered acceptable having regard to Policy BE1 of the Local Plan.

### Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The principle of residential use has already been established through the Class Q applications; the proposed curtilage areas would not impact on the amenity of any neighbouring residential units.

I therefore consider that the proposal is acceptable having regard to Policy BE3.

### Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

The principle of residential use has already been established through the Class Q applications, this proposal does not seek to alter the approved floor plans or fenestration. Barn 2 would benefit from sufficient levels of light and outlook to the proposed habitable rooms.

I therefore consider that the proposal is acceptable having regard to Policy BE3.

### Parking & Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The proposal benefits from a driveway parking for 2 cars per barn proposed in the same location as the approved Class Q application. The access will not be altered as part of this development.

I therefore consider that the proposal is acceptable having regard to Policies TR1 and TR3.

### Landscape

WCC Landscape have been consulted and did raise concerns over the proposed tree planting, however, the scheme has subsequently been amended to reduce the level of curtilage for barn 7 which is limited to existing areas of hardstanding. The areas of concern raised by WCC Landscape no longer form part of the curtilage areas.

### Air quality and Water Conservation

Conditions will be attached to ensure compliance with the Air Quality SPD and Local Plan Policy FW3.

## **Conclusion**

Officers are mindful of two separate planning applications of a similar nature that have been submitted for this site in relation to barn 6 (W/21/0708) and barn 7 (W/21/0709). The applicant has put forward a fall-back position in terms of the approved Class Q applications, therefore officers need to be satisfied that granting planning permission for the current application and the two other applications would not exceed the fall-back position. Class Q places limitations on the cumulative number of dwellings that can be created for a particular site, this includes the cumulative number of larger dwellings not exceeding 3 and the cumulative number of separate dwellings not exceeding 5. Having reviewed the current scheme and the two other applications at this site, officers are satisfied that the cumulative number of larger dwellings would not exceed 3 and the cumulative number of separate dwellings would not exceed 5. The proposal to convert Barn 2 would not create an additional dwelling but would rather provide additional accommodation for Barn 1 which benefits from permission for a residential conversion. It is considered necessary to condition Barn 2 to only be used as ancillary accommodation for Barn 1 to avoid this building being used as a separate dwelling in the future which would exceed the Class Q fall-back. The curtilage will be no greater than permissible under Class Q and permitted development rights will be removed by condition. Therefore, subject to condition, the grant of planning permission would not exceed the limitations of Class Q and would lead to no greater harm than the fall-back position.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 21-17-12, 21-17-13A, 21-17-14, 21-17-15, 21-17-110, 21-17-112, and specification contained therein, submitted on 13th April 2021, 09th September 2021, 13th May 2022 and 20th May 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall take place until:
  - a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
  - b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
  - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has

been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

**Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the district's historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

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1. No development shall take place until
    - a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.
    - b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
      - A risk assessment to be undertaken relating to human health
      - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
      - An appropriate gas risk assessment to be undertaken
      - Refinement of the conceptual model
      - The development of a method statement detailing the remediation requirements
    - c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
    - d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

**Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

5 The development hereby permitted shall not commence until:  
a) a noise assessment has been undertaken to assess the impact of noise arising from road and rail transport on the proposed development with reference to the guidance contained in BS8233:2014 and the World Health Organization's Guidelines for Community Noise (1999)

b) the results of the noise assessment carried out to comply with criteria (a), together with details of any necessary mitigation measures to protect residents of the development from noise, have been submitted to and approved in writing by the local planning authority; and

Any necessary mitigation measures shall be implemented in full accordance with the approved details and retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

6 The approved curtilage shall be restricted to the areas identified on the Curtilage Plan 21-17-112 received by the Local Planning Authority on 13th May 2022. **REASON:** To comply with the requirements set out in Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

7 All rooflights shall be conservation style and maintained as such. **Reason:** To ensure an appropriate standard of design and appearance, and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

- 8 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development. **Reason:** To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 9 The development hereby permitted shall not be occupied unless and until the car parking areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted. **REASON:** To ensure that the rural character and appearance of the barn is protected, in accordance with Policy BE4 of the Warwick District Local Plan 2011-2029.
- 11 The conversion of Barn 2 hereby permitted shall only be occupied for purposes ancillary to the residential use of the dwelling known as Barn 1 and shall only be occupied by members of the family occupying Barn 1 and shall not at any time be used as a separate dwelling **Reason:** To avoid the creation of isolated dwellings in the open countryside in accordance with policies H1 and BE4 of the Warwick District Local Plan 2011-2029.
- 12 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

- 13 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.
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