

Planning Committee: 01 November 2006

Item Number:

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Registration Date: 11/09/06

Town/Parish Council: Beausale

Expiry Date: 06/11/06

Case Officer: Steven Wallsgrove

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Barn at Fernwood Farm, Rouncil Lane, Beausale, Warwick, CV8 1NN
Conversion of farm building into live/work unit FOR Mr Stephen Collier

This application has been requested to be presented to Committee by Councillors Compton and Shilton.

SUMMARY OF REPRESENTATIONS

Beausale (Joint) Parish Council: no objection

WCC (Archaeology): no comment

WCC (Ecology): request condition for measures for protected species mitigation and conservation for the buildings to be demolished and nearby hedgerows and trees.

RELEVANT POLICIES

- (DW) C3 - Criteria for the Conversion of Rural Buildings (Warwick District Local Plan 1995)
- (DW) EMP4 - Employment Development in the Rural Areas of the District (Warwick District Local Plan 1995)
- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) C2 - Diversification of the Rural Economy (Warwick District Local Plan 1995)
- (DW) H9 - Open Countryside (Warwick District Local Plan 1995)
- (DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
- (DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)
- (DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)
- PPG7: Sustainable Development in Rural Areas
- PPG2: Green Belts
- RA.4 - Conversion of Existing Rural Buildings (Warwickshire Structure Plan 1996-2011).

PLANNING HISTORY

Since the farm was sold in c.2003, there have been 11 applications for development of different parts of the site, including the present proposal. Of these, a proposal to convert the farmhouse into two dwelling units was dismissed on appeal as not being sustainable, while two applications (one for part of the house and one for the conversion of a traditional brick and tile stable block) were granted for live/work units. Other applications were for the re-use of buildings for business use (the former farm shop) and as a stables/store (with an adjoining

riding arena). Another application, on adjoining land, was for the erection of a grain/potato store and machinery workshop/store. The last two applications, which were for the conversion of the present building into a live/work unit, were refused on 4th November 2005 (W2005/1266) and 3rd February 2006 (W2005/2092).

KEY ISSUES

The Site and its Location

The buildings subject of this application consist of a modern, steel-framed, farm shed, one side wall being blockwork (the back wall of some lean-to, modern, buildings which have recently been made into garages), and the other long wall being an old, brick, freestanding wall from an earlier building. A second, attached, building is of blockwork. Both buildings have corrugated/profiled sheeting roofs. Other modern farm sheds lie to the north and east, with the farmhouse to the south, having its own access.

The whole site lies in a relatively isolated position in the Green Belt and the Arden Special Landscape Area.

Details of the Development

The proposal consists of the conversion of a large farm shed into a live/work unit, with the removal of a large dutch barn. The plans show there would be some 504 m² of office space (including 2 staff sleep-in rooms) and some 287 m² of residential (including a bridge link to the stairs and the staff sleep-in rooms). The plans also include the existing carport and garages which were approved for a previous live/work unit (W05/0679) the works for which have been carried out although details required under some of the conditions were never submitted. The floor area of this building has not been included in the above figures.

The conversion works include replacing all the existing corrugated fibre-cement sheeting on the walls with vertical timber cladding, which would be continued over the blockwork. The roofing would be covered in light grey profiled metal sheeting, with patent glazing. All the existing openings would be infilled with new windows and glazed timber screens, with large horizontal timber fins on the upper parts of two of the main openings.

In addition, the conversion works include details of the structural steel work required to not only support the inserted first floor, but also to strengthen the existing steel frame by, effectively, doubling up all the existing stanchions and rafters. This work is needed to comply with the Building Regulations.

The red line of the application site also includes the area to the east of the conversion and upto the road where a dutch barn is shown as to be demolished. The land would then be laid out with 5 parking spaces, a 1.2 m high, amorphously shaped mound, and some tree planting.

Assessment

Green Belt policy only allows for the reuse of permanent and substantial buildings which are capable of reuse without major or complete reconstruction

(PPG2 "Green Belts - para 3.8), whilst Structure Plan policy favours reuse for employment purposes, including live/work where employment is the dominant element.

I consider that the principal issues in this case are the definitions of the words/terms "permanent", "substantial" (in terms of the building, and the alterations) and "live/work".

"Permanent" is considered to mean a structure which has either been in existence for a substantial period of time, and is capable of being used for a further substantial period without the need for substantial repairs or reconstruction, or a more recent building which is designed to be in use for a substantial period, without the need for substantial alterations or reconstruction.

In the present case, the farm buildings were probably erected in the 1960's/1970's and, therefore, should be considered as "permanent" since they could have continued to be used for their original (or similar) purpose if the farm had not been split up or sold.

"Substantial" has to be considered in three different contexts, namely (1) the quality of the structure itself (not its size), (2) the amount of alterations proposed/needed for the proposed new use, (3) and the amount of reconstruction/rebuilding needed.

(1) In the first case, a "substantial" building is taken to mean one which is of solid construction (such as traditional, brick built, farm buildings) which have a good degree of natural insulation from the weather due to the materials used. It is considered that modern sheds, with profiled sheeting on their walls and roof, are not "substantial", particularly if one or more of the sides are open to the elements.

This is supported by an appeal case at Church Farm, Sherbourne (W99/411) where the building was described by the Inspector as "tall open-ended agricultural storage building, constructed of a steel framework to which metal and asbestos corrugated sheeting has been fixed". He stated that "I do not believe that it can be reasonably described as being of substantial construction."

It is further supported by a very recent decision which was reported, in brief, in 'Planning' magazine of 13th October 2006. In this case, the building was described as comprising an eight bay, gable ended farm shed clad in asbestos cement sheeting with a shallow pitched roof supported on lightweight trusses. The proposal included reducing it to seven bays, inserting cedar clad walls and installing a zinc roof. The Inspector decided that the building was unsightly and typical of modern general purpose sheds used for industrial, commercial and agricultural purposes. He found little to differentiate it from any similar building built in the last 60 years and was of the opinion that its recladding in unsympathetic and non-traditional materials would be almost as much of an incongruous element in the countryside. He ruled that its form, bulk and design did not lend itself to conversion and dismissed the appeal.

(2) In the second case, "substantial alterations" relates to the amount of change which is proposed to the building to enable the new use to operate. This can mean alterations to the external appearance of the building which could seriously affect its existing character (e.g. infilling open walls, inserting windows, rooflights

etc.) or other changes to satisfy Building Regulations (e.g. adding a second "skin" to the external walls to provide satisfactory insulation).

(3) In the third case, "substantial reconstruction" means the degree to which the building has to be taken down and rebuilt, for structural reasons, rather than being repaired. This generally relates to more traditional forms of building, rather than modern steel, or concrete, framed structures.

The term "live/work" is a modern creation and relates to the use of a building as a mixed use where the person/people living in the building also work from that building, with the employment floorspace being more than incidental to the residential floorspace. In this context, the explanation to County Structure Plan Policy RA.4 states that for a case to be acceptable the "residential conversion is a subordinate part of a scheme for business re-use". This is consistent with PPG7, which promotes sustainable development.

In an appeal at Stratford District, relating to the creation of a live/work unit in a former agricultural building, the reason for the appeal being dismissed included that the employment use would only have been 30% of the floorspace, whereas in a subsequent case on the same site, the employment element was 70%. That second appeal was allowed for that, and other, reasons, as the Inspector concluded that the scale of the employment element met structure plan requirements.

Application of policy to the Present Case

All decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise (Section 54A of the Planning Act 1990) - i.e. if it complies with policy, then there is a presumption in favour of the proposal but, if it conflicts with policy, then there is a presumption that it will be refused. A contrary decision should only be made if all the other material matters to be taken into consideration are considered to be so important as to outweigh established policy.

In considering this application, there are a number of stages to be gone through, with progression to the next stage being possible only if the previous stage has been passed successfully.

In this case, the first stage is whether the building itself is suitable for re-use. To pass this step it must be both "permanent" and "substantial". As explained above, while it could be considered to be "permanent", it cannot be considered to be "substantial", a point supported by the Secretary of State. It is considered, therefore, that this application fails at this, first, stage.

The next step is to consider the amount of alteration needed. Whether these changes "improve" the building or not is irrelevant at this point. In the present case, all the existing cladding to the roof and walls would be removed and replaced. The blockwork walls are shown as to be covered with timber cladding, while the former open end has already, recently, been infilled. This aspect was one of the elements for the appeal being dismissed in the case as Sherbourne and in the recently published case.

In addition, the building to be used as a conference room would have its open side infilled and its exposed walls covered with timber cladding.

An inspection by the Head of Building Control, at the time of the previous application, also found that the free-standing brick wall could not be retained, in its entirety, and would have to be rebuilt, since a substantial part of it is actually leaning against the steel frame. The present application includes details of how this freestanding wall would be tied back to the steel frame, as well as details of the substantial amount of strengthening of the existing steel frame that would be needed.

It is clear, therefore, that the scheme fails at this stage as well since these works clearly amount to "substantial" alterations.

Only if both these steps have been passed successfully can consideration then be given to whether the use, itself, is appropriate.

The appropriateness of a use is set out in the Development Plan, where the County Structure Plan states (Policy RA.4: Conversion of existing rural buildings):

"Where appropriate to the location, local plans should give preference to the conversion of existing rural buildings for employment use."

In the text it explains that "conversion for small businesses and employment purposes is likely to be one of the more sustainable re-uses for rural buildings which are worthy of retention ... "[my emphasis]. It goes on to say, when quoting PPG7 (now replaced by PPS7), that policies should "not allow residential re-use unless either : the applicant has made every reasonable attempt to secure suitable business re-use ... or residential conversion is a subordinate part of a scheme for business re-use". This has already been referred to above, and appeal cases were cited in support and explanation.

The present application, with only 30% being residential, complies with this element. However, this aspect can only be considered if all the previous steps have been passed successfully, which is not considered to be the case with this particular building.

RECOMMENDATION

REFUSE for the following reasons:-

REFUSAL REASONS

- 1 Policy (DW) C3 of the Warwick District Local Plan 1995 and emerging policy RAP8 of the Revised Deposit Version of the Local Plan 1996-2011 sets out a number of criteria for the re-use or adaptation of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding, alteration or extensions to the building. This reflects paragraph 3.8 of PPG2: Green Belts which refers to the re-use of buildings in Green Belt areas which are of "permanent" and "substantial" construction, capable of conversion without "major or complete reconstruction". In the present case, the building is not considered to be "permanent" or of "substantial"

construction and the works involve substantial alterations, both internally and externally, and to grant consent, therefore, would be contrary to both the local development plan and national policy.

- 2 The application site includes the garaging approved with the conversion of another unit, the work of which has been carried out, and to grant consent, therefore, would remove that garaging from that unit and would be likely to result in applications for replacement garaging which would be contrary to Green Belt Policy.
- 3 The submitted plans include a landscaping scheme for the front part of the site which includes mounding and is of an artificial, and domestic, character. The implementation of this scheme would be seriously detrimental to the rural character of the area and would be contrary to the Warwickshire Landscapes Guidelines for the Arden area, which has been adopted as supplementary planning guidance under the development plan.
