

Application No: W 11 / 0193

Town/Parish Council: Barford

Registration Date: 11/02/11

Case Officer:

David Edmonds

Expiry Date: 08/04/11

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**Barns 1 & 2, Plestowes House, Hareway Lane, Barford, Warwick, CV35
8DD**

Proposed change of use from offices (Use Class B1) to 2 houses (Class C3) with minor alterations including erection of previously permitted garaging and infilling of garaging to form additional living accommodation FOR Mr A Murdoch

This application is presented to Committee because the recommendation is contrary to the support for the application from Barford, Sherbourne and Wasperton Joint Parish Council.

SUMMARY OF REPRESENTATIONS

Barford, Sherbourne and Wasperton Joint Parish Council

'No objection always provided there is sensitive use of materials to match the existing'.

In respect of whether it constituted positive support for the application in terms of the scope of the delegation scheme, this response was subsequently clarified, as follows:

'I am sure that you realise that the standard response format is somewhat limiting in terms of expression, except where objection is expressed, and this conceals my council's support for this proposal. In particular we considered the current application to be a more appropriate use of what were originally derelict/redundant agricultural buildings, particularly in view of the fact that residential use is likely to generate significantly less traffic on the very narrow and frequently hazardous Hareway Lane.

Furthermore we understand that it is proposed that the residential units will be occupied by family members and a person currently employed at the site which must be more sustainable and minimise the need to travel. Please take this email as indicative of my council's support, subject to our original comment on materials, for this application'

Environmental Health

Objection to the conversion of Barn 2 to residential use. 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 as witnessed today. 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.

The living conditions of the residents of barn 1 are likely to be acceptable given the distance of this building and curtilage from the farmyard and the noise attenuation provided by the mass of barn 2, which lays between the noise sources and barn 1. However if it is likely that barn 2 would be demolished it is likely that this would result in increased noise being experienced by the residents of barn 1. There is insufficient information to be able to assess objectively whether this increased noise would be acceptable.

WCC Ecologist:

It appears that the proposed works would impact on the existing roofspaces by installing new rooflights, removing existing rooflight, adding flues and building an extension to barn 1. Although a bat survey is not necessary a condition is recommended to secure the supervision of the destructive works in the roofspaces by a qualified and licensed ecologist.

Interested Parties:

Objections

One letter of objection received from the representative of the owner of the adjoining farm yard. 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. Also 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.

Support

One letter of support received from the office occupant of the no. 1b, otherwise known as 'Long Barn' which lies adjacent to the site stating that the change is welcome in view of the noise and disturbance caused by delivery vehicles and visitors to the offices when they were occupied together with the competition for parking.

RELEVANT POLICIES

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- PA15 - Agriculture and Farm Diversification (West Midlands Regional Spatial Strategy)

Officers would like to draw to members attention that there are changes to the reasons for refusal No. 3 and 4 as a result of information supplied at the 29th November 2011 Planning Committee.

RELEVANT PLANNING HISTORY

Plestowes House

- 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). Inherent in the permission was use of much of the courtyard for office parking.
- 2002 - Planning permission granted for change of use of partially converted farm building to offices. (W02/0822)

Plestowes Farm:

- 1992 - Agricultural notification for the erection of an agricultural building to store machinery - accepted as agricultural permitted development. (Ref W92/0151/AG)
- 1999 - Agricultural notification for the erection of a dutch barn - permitted development (00/0713/AG)

KEY ISSUES

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 is the southern part of a range of former barns of brick and clay tile construction with rooflights. These barns were converted to four office units in the late 1990's/ early 2000's. The Long Barn which comprises the northern part of the courtyard complex of barn conversions, and which lies to the north of the application site is still in office use, one unit of which is 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. To the south lies open countryside.

Barn 1, which is wholly within the original application site is smaller in footprint and single storey but with a smaller first floor in that part of the roof space which is usable. It has a broadly rectangular footprint currently providing accommodation for 2 ground floor offices and a small projecting gable enclosing the kitchen and store. There is a smaller office in the roof space. Barn 1 is adjoined by a existing wall which currently defines parking and which straddles the application site boundary. Planning permission exists for a triple garage structure on this space (W02/0822)

The larger Barn 2 is one and one and a half storey, with a broadly 'L shaped footprint and the long east elevation directly abuts the boundary with Plestowes Farm. The building currently accommodates two office units and an kitchen store on the ground floor and three office units on the first floor. A single storey

range of four bays of open fronted garages adjoins the application building but lies outside the original application site. The site boundary was extended to encompass the garage bay immediately adjacent to barn 2 to accommodate a dedicate parking bay to address concerns about the adequacy of car parking.

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.

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 remaining office uses would be concentrated in the Long Barn with a boundary between the office and dwelling uses across the open courtyard 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.

Assessment

The main issues are considered to be:

1. Whether the proposed development conflicts with the local plan policy RAP 1 (Directing new housing) which is designed to prevent the conversion of appropriate rural buildings to new dwellings remote from Limited Growth Villages whether for local need or for the open market together with proof that non residential uses are not appropriate or viable.
2. Whether the proposed development is an appropriate rural building for conversion in accordance with the criteria in local plan policy RAP7 (converting rural buildings) particularly whether it gives rise to legitimate planning objections which would outweigh the benefits of re-use.
3. Whether the proposed use of the barns as dwellings individually or collectively is likely to result in unacceptable harm to the living conditions of future occupants by reason of abutting a working farm, which is not in the ownership or control of the applicant contrary to local plan policy DP2.
4. Whether the proposed development would result in the unacceptable restrictions in agricultural activities on the adjacent working farm such that it would undermine the general promotion of agriculture contrary to policy PA15 in the Regional Spatial Strategy.
5. Whether the loss of employment land and buildings inherent with an application for dwelling complies with the criteria of policy SC2 'Protecting Employment Land and Buildings.
6. Whether the parking provision meets the appropriate parking standards in accordance with local plan policy DP8 and the Parking SPD

Issue 1 Rural Housing - policy RAP 1

The thrust of Government policy is to encourage residential and economic development in sustainable locations to minimise travel requirements particularly by car. However in accordance with local plan policy RAP1 residential development is only permitted in rural areas where specific criteria have been met. The first three criteria which are designed to restrict the construction of new dwellings to previously developed land in limited growth villages for identified local needs are not relevant to the conversion of appropriate rural buildings.

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 is the only criteria within RAP1 which is relevant to the application. However, the policy states that conversions of appropriate rural buildings in accordance with RAP7 will only be permitted if all, not just some of three specific criteria are met. In respect of sub criteria i) the site is clearly not located within or adjacent to a village, being remote from both Barford or Bishops Tachbrook. Even if the site met this locational criteria there is no evidence that the proposed 3 and 5 bedroom dwelling is housing that meets an identified local need - criteria ii). Criteria iii) of criteria d) additionally requires that the applicant demonstrates that the alternative non residential uses is not appropriate or viable. The applicant has submitted evidence considering various alternative uses.

Much of this evidence relates to the prospect of a live-work unit on the application site or another form of mixed use involving uses outside the application. The applicant asserts 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 to substantiate this includes a telephone survey of local estate agents and recent appeal decisions. The applicant argues that the retention of the office use within the long barn provides for a mixed employment and residential use of the wider site. The applicant has argued since the office and residential use is and will remain in the same ownership it provides some comfort for the Council that intention to keep a mixed use would be honoured. He also suggests that this could be secured by a planning condition. However it is not considered that these good intentions can be secured by a valid planning condition and there is concern that the residential mixture would dominate the remaining employment uses in terms of competition for more limited car parking spaces and the prospect of complaints from additional residential neighbours about noise and disturbance e.g. of delivery vehicles. 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 insufficient evidence that this potential option has been thoroughly considered. Reliance is 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. They assert also there would be a conflict with the remaining commercial uses. However, the application details admits 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 relies 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. Moreover some the assertions do not seem to be credible. In particular, 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 and the adjacent B1 office use is by definition a commercial activity which would not, in principle, unacceptably harm adjacent residential uses. 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 that deserves a more rigorous analysis.

Issue 2; 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 a permanent full time 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.

Issue 3: Living conditions of future occupants - policy DP2

Environmental Health largely endorses 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.

In this context it would be inappropriate to attempt to secure a split decision by imposing a condition saying that notwithstanding, the application's proposals only barn 1 would benefit from the permission, as suggested by the appellants

agent. In reaching this conclusion I am mindful that the applicant is inclined to object to the condition in any event and that it is envisaged that barn 2 would be the one rented to his son. Therefore the proposed development would unacceptably harm the living conditions of future occupants contrary to local plan policy DP2.

Issue 4: 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 is 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.

Issue 5 - 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.

The marketing report from a commercial property consultant which accompanies is relatively detailed. It indicates that the property has been actively marketed through a site board, newspaper adverts, two direct mail outs to a list of commercial agents and on a website. This marketing has resulted in 3 viewings in the last 3 years with feedback that potential occupants are put off by the remote location and broadband speeds It is argued that this is compounded by a surfeit of office accommodation and the unattractive rental levels in a recession. Comparisons are drawn with Barford Exchange the larger office development on the former Oldhams Transport site at the southern edge of Barford which it is asserted had substantial vacancies but is accepted that it is now fully occupied. Further information has been provided on price which is stated to be negotiable but with a guide price of £15 per square foot. It is asserted that incentives e.g. long rent free periods and reduced commencing levels have been offered. It is argued that this is realistic and negotiable and but there is little information of costs to justify the assertion that an employment user is no longer viable. Nevertheless, there is not hard evidence available to the Council's officers to dispute, fundamentally the broad thrust of the report.

Therefore it is accepted that the applicant has broadly satisfied criteria b such that the proposed development would accord with local plan policy SC2.

Issue 6: 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.

Other matters

The applicant argues that there are material considerations that outweigh the provisions of the development plan citing in particular the ministerial statement emphasising the need to promote sustainable growth but it is not considered this overrides the requirement under the Planning and Compulsory Purchase Act 2004 to determine applications in accordance with the development plan. In this case there would be clear conflict with the plan in terms of conflict with local plan policies RAP1, RAP7, DP2 and RSS policy PA15.

RECOMMENDATION

REFUSED for the following reasons.

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. 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 driers 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.

- 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.
