

Planning Committee: 02 November 2005

Item Number: 03

Application No: W 05 / 1266

Registration Date: 15/07/05

Town/Parish Council: Beausale

Expiry Date: 09/09/05

Case Officer: Steven Wallsgrove

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Barn, Fernwood Farm, Rouncil Lane, Beausale, Warwick, CV8 1NN
Barn conversion to live/work unit FOR Mr S Collier

This application was deferred at the meeting on 13th October 2005 for (1) clarification of the reasons for refusal and (2) to ask the applicant if he could adjust the residential/work balance.

The following report is that previously considered but with the section on 'Application of policy to the present case' replaced and expanded.

This application has been requested to be presented to Committee by Councillor Mrs. Compton.

SUMMARY OF REPRESENTATIONS

Beausale (Joint) Parish Council: Express concern that the live/work unit will become purely residential, so how will this be monitored?

W.C.C. (Ecology): recommend a Barn Owl survey condition.

W.C.C. (Archaeology): have no comment.

RELEVANT POLICIES

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

PLANNING HISTORY

Since the farm was sold in c.2003, there have been 9 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.

KEY ISSUES

The Site and its Location

The buildings subject of this application consist of a modern, steel-framed, farm shed with an open end, 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 the main farm shed into a live/work unit. The residential part would consist of a large living/dining/kitchen area open to the roof, with a substantial games room with a utility, store and shower at one end. There would be 5 bedrooms at first floor. One end of the building would be used for offices on the ground and first floors (with direct access to three of the bedrooms). The attached blockwork building would be substantially altered to form a double garage (one wall would be removed and sliding timber doors installed, while the opposite side would be filled in with a new wall).

The office floorspace would represent some 25% of the total floor area. Adjoining, modern, farm sheds are shown as to be removed.

Assessment

Green belt policy allows for reuse of permanent and substantial buildings which are capable of reuse without major or complete reconstruction. (PPG 2 "Green Belts - para 3.8)., whilst Structure Plan policy does favour 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 and sold.

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

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 "a 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."

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).

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 works 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 - 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, and the whole of the large open end of the main shed would be infilled. This was one of the elements for the appeal being dismissed in the case at Sherbourne, and in the more recent dismissal at Fulready, which was included in the addendum to the last meeting.

In addition, the building to be used as a garage would have its open side infilled and the present back wall taken down and replaced with garage doors.

An inspection by the Head of Building Control also found that the free-standing brick wall cannot be retained, and would have to be rebuilt, since a substantial part of it is actually leaning against the steel frame, a point that could not be seen by members when they visited the site since sheeting had been put up to screen this wall, and the gap at the top of it.

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.

It is clear that the original plans, again, did not comply with this advice but amended plans are being prepared by the applicant. 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 :

- 1 Policy (DW) C3 of the Warwick District Local Plan and emerging policy RAP8 of the first 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 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 creation of a live/work unit would require works of major reconstruction to a structure, which is considered to be contrary to both local development plan and national policy guidance.
- 2 Policy RA.4 of the County Structure Plan states that the residential part of a live/work unit should be a subordinate part of a scheme for a business re-use. In the present case the business element only represents some 25% of the total floor area and to grant consent, therefore, would be contrary to the Development Plan.

