

**Planning Committee:** 05 December 2017

**Item Number:** **8**

**Application No:** [W 17 / 1534](#)

**Town/Parish Council:** Lapworth

**Case Officer:** Ed Pigott

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**Registration Date:** 17/08/17

**Expiry Date:** 12/10/17

**Bakers Barn, Bakers Lane, Knowle, Solihull, B93 0EA**

Change of use of existing stable building to a holiday let FOR Mrs Smith

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This application is being presented to Planning Committee due to the number of objections received.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought to change the use of the existing stable building to a one bedroom holiday let. The applicant has confirmed that the existing first floor (described as a hay loft) will be removed and is not included within the scheme making the holiday let single storey only. The proposal will be assessed as the creation of a new dwelling which would be controlled via an occupancy condition.

**THE SITE AND ITS LOCATION**

The application site comprises a triangular plot of land on the southern side of Bakers Lane, between Ploughman's Barn on the east side and a long vehicular access to the adjoining property on the west side. Bakers Lane is a quiet single track lane in the Green Belt characterised by isolated or small groups of dwellings surrounded by agricultural land. The application site has fencing and conifers to the boundaries, with a line of newly planted conifers along the road frontage adjacent to the application building. The vehicular access leading into the site is bound by tall brick walls leading to an inset pair of gates. This application relates to the existing brick built stable building positioned with its rear wall close to the site frontage with Bakers Lane and gable end close to the site access.

**PLANNING HISTORY**

The site, previously known as Bakers Barn, has a considerable planning history. There were several refusals of planning permission for conversion of the small

brick-built agricultural building (which used to exist on the site) into residential use (applications W/90/0611, W/94/0100 and W/940445).

In 1999 (W/99/1418) permission for change of use of the barn to storage uses, with some repairs was granted permission. It appears at this stage that the barn was demolished and an application was made to rebuild it, which was refused and an appeal was dismissed (W02/1318).

In 2004 (W/04/0352) an application for two stables and a tack room was refused and an appeal dismissed. The building was considered excessive in size in relation to the small area of the plot of land (0.29h). The dimensions were 11.8m x 6m with a ridge height of 6.5m.

In 2009 (W09/0745) permission was granted for two stables, a hay store and W.C. with the same footprint but with a ridge height of 3.9m. At this time the applicant had acquired further grazing land on the other side of the access drive which runs along the side of the application site.

In 2010 (W/10/1211) permission was granted for stables of the same footprint but with an increased ridge height of 5.1m. This provided a roof pitch of 35 degrees, allowing the use of reclaimed plain tiles. Also approved were 1.9m high side walls to the vehicular access with 2m high solid timber gates set back 6.5m into the site, however, only the parts of the walls within 2m of the front boundary required planning permission.

In 2011 (W/11/1626) permission was granted to regularise building works that have been carried out on site. The building which had been erected differed from the 2010 approval in that it had a steeper roof pitch which resulted in a ridge line of 5.6m high, whereas the approved building had a ridge height of 5.1m. The footprint of the building was identical to the approved building.

In 2012 (W/12/0863) an application for the removal of condition 1 (requiring the removal of three roof lights from the front elevation) of planning permission ref: W/11/1626 for the erection of stable and hay store was refused. A subsequent appeal was allowed.

In 2015 (W/15/0866) an application for a change of use of existing stable building to a holiday home was refused for the following reasons:-

*"The stable building was originally granted planning permission under national policy PPG2 'Green Belts', however the essence of current national planning policy within the NPPF 2012 para.89 remains the same that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include: provision of appropriate facilities for outdoor sport and outdoor recreation, such as stable buildings.*

*Local Plan Policy RAP7 'Converting Rural Buildings' reflects the National Planning Policy Framework (NPPF) 2012 paragraph 90, which states that the re-use of buildings is not inappropriate development within the Green Belt provided that the buildings are of permanent and substantial construction. However, it is the Local Planning Authority's view that the building subject to this planning application has never been fully completed and has never been used for stabling and that the approved use has therefore never been implemented. The erection of a new building to be used as a holiday let does not fall within the exception*

*criteria set out in NPPF para.89 and a new building with such a use would not have been accepted within the Green Belt.*

*The scheme is therefore considered to fail to meet the re-use requirements of Policy RAP7 and the NPPF para.90 and the retention of the building to be used as a holiday let would be contrary to NPPF para.89 and Policy RAP16 'Directing New Visitor Accommodation' of the Warwick District Local Plan 1996-2011, which indicates that new buildings for visitor accommodation will not be permitted. The development proposed would cause serious harm to the Green Belt as it is inappropriate; diminishes openness; and conflicts with the purpose of including land in the Green Belt by encroaching upon the countryside and being harmful to the maintenance of its character; whilst failing to contribute to the achievement of any of the objectives for the use of land in the Green Belt. There are no very special circumstances sufficient to outweigh such harm."*

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

### Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
- Open Space (Supplementary Planning Document - June 2009)

## **SUMMARY OF REPRESENTATIONS**

**Lapworth Parish Council:** Initial objection withdrawn.

**WCC Ecological Services:** No objection, subject to note regarding native planting

**WCC Highways:** No objection

**WDC Environmental Protection:** No objection

**Public Response:** 11 letters of objection have been received. Objections relate to:

- History of the site
  - Procedural issues
  - Access issues
  - Impact on amenity
  - Additional light/noise pollution
  - Loss of privacy
- Impact on the character of the area

## **ASSESSMENT**

The main issues relevant to the consideration of this application are as follows:

- The principle of conversion
- The impact on the Green Belt
- Impact on character and appearance of the area
- Impact on neighbouring amenity
- Parking and highway safety

### Principle

Policy H1 concerns new housing and states that new dwellings in the countryside will be permitted where the development would re-use a redundant or disused building in accordance with Policy BE4 and lead to an enhancement to the immediate setting.

Local Plan Policy CT3 concerns the direction of new visitor accommodation within the District. It states that visitor accommodation within rural areas will be permitted where it is located within the Growth Villages or is for the conversion of a rural building as defined in Policy BE4. All visitor accommodation in rural areas should be of a proportionate scale, appropriate in relation to surrounding uses, should not generate significant volumes of traffic and should not harm the character of the area.

Policy BE4 states that proposals to re-use and adapt existing rural buildings will be permitted subject to the following criteria:

- a) the building is of permanent and substantial construction;
- b) the condition of the building, its nature and location, makes 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 setting of the building following conversion protects, and where possible enhances, the character and appearance of the countryside.

The stable building is brick built and of permanent and substantial construction, however, given how recently the stable building has been erected it is considered important to consider why this building was permitted in the first place. The stable building was originally granted planning permission in 2009, although a number of design amendments were made in 2010, 2011 and 2012. Public comments suggest that the building has not been used as stables but various sworn statements have been submitted with the application to refute this claim and in the absence of any contrary evidence are considered to demonstrate, on the balance of probability, that the building has been in use as stables.

It is considered that the proposed development would not comply with Policy H1 as it would not lead to an enhancement of the immediate setting. Notwithstanding this fact, the proposal would comply with Policies CT3 and BE4 as it is a building of permanent construction, is suitable for re-use and protects the character of the area. This test is lower than that set out in Policy H1, as the proposal is limited to holiday accommodation. This holiday use generates economic income for the area and would be less intensive than a standard residential use. I also note that the use of the stables would no longer be acceptable due to the small area of paddock land now available due to the personal circumstances of the owner. On balance, the proposal is therefore considered acceptable as holiday accommodation and would comply with Policies CT3 and BE4. An assessment will, however, have to be undertaken regarding all other material considerations.

### Green Belt

Policy DS18 concerns development within the Green Belt and states that national policy will be applied.

Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence

Paragraph 90 of the NPPF states that certain forms of development are not inappropriate within the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. In this case the building is of permanent construction and is therefore appropriate development. Further to this, the lack of any increase in size would mean that it would preserve the openness of the Green Belt and would not cause any additional harm. With regards to any curtilage created, the proposed block plan shows the area to be utilised as private garden land. This area would be tightly bounded around the building to ensure that any sprawl is kept to an absolute minimum.

With regards to the above, the proposed development would be considered to be acceptable and would comply with Policy DS18.

#### Siting/design

Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. The scheme proposes no significant changes to the external appearance of the building and can be easily converted to a holiday let. The proposed changes would retain the rural character and would therefore be considered acceptable and in accordance with Policy BE1.

#### Amenity

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users and occupiers of the development.

It is considered that the creation of one holiday let on the site would not create a level of disturbance, through its use or the vehicular movements which it would attract, which would be materially harmful to any neighbouring residents. The building is also some distance from the nearest properties. This is a view which has been confirmed by WDC Environmental Protection.

As such, the proposed would comply with Policy BE3 of the Local Plan.

#### 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 existing access will be used with ample space within to turn vehicles and exit in a forward gear. No highway safety issues are raised.

#### Other Matters

##### Ecology

Warwick District Local Plan Policy NE2 states that the Council will protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 states that new development will be permitted provided that it protects, enhances and/or restores habitat biodiversity.

The County Ecologist has raised no objection to the scheme, but recommends native species are used for any soft landscaping scheme.

##### Open Space

Given the rural location and type of development, it is not considered necessary or reasonable to require a contribution to the enhancement of public open space in this instance.

### Low Emissions

The proposal would facilitate an increase in vehicular movement and therefore, in accordance with Policy NE5, provision must be made for air quality mitigation measures to improve air quality. This could be done through the provision of electric car charging points within the scheme which can be secured by condition.

### **Conclusion**

The principle of development is considered acceptable having regard to the applicable policies. There would be no material harm caused to the character of the wider area, the amenity of neighbouring properties or the highway network. Suitable planning conditions shape the development and therefore, it is considered to represent a sustainable form of development overall. For these reasons, it is recommended that planning permission be granted subject to the following conditions and notes.

### **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 drawing(s) 3638-2-1 REV C and 3638-401 and specification contained therein, submitted on 13th October 2017 and 17th August 2017. **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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall not be occupied until a scheme

which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 5 The development hereby approved shall only be used for holiday accommodation purposes and not for any other residential use falling within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Statutory Instrument revoking and re-enacting that Order with or without modification. For the avoidance of doubt 'any other residential use' includes a person's or persons' main residence, or a permanent residential unit of accommodation. **REASON:** To ensure that the holiday let unit is not used for permanent residential occupation which, given the open countryside location would represent an unsustainable form of development in accordance with Policy H1 of the Warwick District Local Plan 2011-2029.
- 6 The area shown as amenity land on plan number 3638 - 201 Rev C in a darker green shade shall be retained as amenity land in perpetuity. **REASON:** To ensure that the development does not encroach on the open countryside to an unacceptable extent in accordance with Policy DS18 of the Warwick District Local Plan 2011-2029.

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