

## Item No. 10

<b>APPLICATION NUMBER</b>	<b>CB/15/04370/FULL</b>
<b>LOCATION</b>	<b>150 Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BJ</b>
<b>PROPOSAL</b>	<b>Demolition of two barns and replacement with two dwelling-houses</b>
<b>PARISH</b>	<b>Northill</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mr Firth</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>13 November 2015</b>
<b>EXPIRY DATE</b>	<b>08 January 2016</b>
<b>APPLICANT</b>	<b>c/o Agent</b>
<b>AGENT</b>	<b>GC Planning Partnership Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call in by Cllr Firth for the following reasons:</b>  - Government policy allows for conversion of barns, yet there appears to be no policy for the demolition and replacement. - The site has permission to convert the buildings into 2 units. This proposal is to re-build like for like, hence no overall harm to the character and appearance of the area or neighbours.
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommend Refusal</b>

### Site Location:

The site lies approximately 250m beyond the eastern Settlement boundary of Upper Caldecote, in open countryside.

It comprises two timber clad barns which are sited in an L shape footprint, with the foremost barn projecting to within approximately 13m of Biggleswade Road and the existing access to the site, which is currently shared with No 150 a dwelling under the ownership of the applicant. The barns are attached by a flat roof section, with a single storey lean addition attached to the back of the rear barn.

The buildings lie between No.s 150 and 154 Biggleswade Road and were previously used as part of the horticultural nursery associated with No. 150. On the opposite side of Biggleswade Road are fields, whilst across the road and to the west are a number of terraced properties. A horticultural business surrounds the site to the rear.

### The Application:

Planning permission is sought to demolish the existing derelict and redundant former horticultural barns and to replace them with two dwellings (1 No.3 bed and 1 No. 2 bed).

The accompanying Design and Access Statement states that the replacement buildings would be a "like for like replacement" of the existing barns, however the application drawings indicate otherwise as various external changes would be required. The new dwellings would however replicate the barns (as shown to be converted, and extended with a raised roof, in planning permission 15/01879/FULL). That consent was granted following a prior notification approval for a conversion (14/03042/PAAD).

As amended, parking is shown for 5 cars and two separate amenity areas indicated.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF) (March 2012)**

### **Core Strategy and Development Management Policies - North 2009**

CS1 Development Strategy

DM3 High Quality Development

DM4 Development within and Beyond Settlement Envelopes

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

## **Relevant Planning History:**

Application Number	CB/15/03409/FULL
Description	Demolition of 2 barns and replacement with two dwelling houses.
Decision	Approved
Decision Date	09/11/2015
Application Number	CB/15/01878/FULL
Description	Conversion of agricultural building in 1 bed dwelling including increase in height of roof to create additional floor.
Decision	Approved
Decision Date	30/07/2015
Application Number	CB/14/02033/PAAD
Description	Prior Notification change of use from 3 agricultural buildings to three dwellings
Decision	Withdrawn
Application Number	CB/14/03042/PAAD
Description	Prior Notification change of use from an agricultural building to two dwellings
Decision	Prior Approval Approved
Decision Date	30/09/14
Application Number	CB/11/03614/Full

Description	Erection of three dwellings to replace existing dwelling and barn. (150 and land adj)
Decision	Refused 25/11/12
Appeal Decision	Dismissed at appeal 29/11/12

### **Consultees:**

Northhill Parish Council      No comments received to date.

### **Other Representations:**

Neighbours                      No comments received to date.

Highways                         No objection subject to conditions

Internal Drainage Board      No objection subject to surface water disposal being agreed prior to commencement.

Ecologist                         Request condition requiring an assessment of bat and bird interest prior to demolition.

Public Protection              No objection subject to conditions relating to possible contamination.

### **Determining Issues:**

1. The principle of development
2. The effect upon the character and appearance of the area
3. Neighbouring amenity and amenity provision for future occupiers
4. Any other considerations

### **Considerations**

#### **1. The principle of development**

- 1.1 The site is located outside of any defined Settlement Envelope (approximately 250m beyond the village of Upper Caldecote). It therefore lies within open countryside with fields separating it from the village.
- 1.2 There is no provision within the Councils Adopted Core Strategy for the replacement of agricultural buildings with residential dwellings in the open countryside.
- 1.3 The NPPF states that Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. It is not considered that the site is adjacent to the settlement envelope and there is a significant gap between the site and the built up area.
- 1.4 An appeal (11/03614) was dismissed in 2012 for the erection of 3 dwellings following demolition of the existing house (No.150) and the barn the subject of this application. The Inspector considered that whilst the principle of a

replacement of the existing house was acceptable the development would comprise more than that, by replacing the barns with houses and therefore did not meet the objectives of Policy CS1 to restrict development to settlement envelopes.

- 1.5 The changes made to the General Permitted Development Order Class Q currently allows the change of use of agricultural buildings to residential use through the prior notification process. The 2015 Planning Practice Guidance makes clear what works are permitted:

"such building operations allows for the installation of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house, and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right".

- 1.6 Under that notification process a proposal to convert the building was submitted (14/03042/PAAD). It was confirmed on the basis of the information provided, that the change of use of the two barns was permitted development. A schedule of works submitted with the notification set out the extent of works required:

- Roof structure to be retained.
- Roof slates to be removed, repaired, reconditioned and then reinstated
- Loadbearing timber frame to support outer wall.
- New black painted timber edge boarding

- 1.7 A subsequent planning permission (15/01858/FULL) allowed a 1.5m increase to the roof height of one barn to create a first floor, and for the insertion of additional windows. That consent was only granted on the basis of the prior approval to convert the building and because the changes to the existing building would not result in a significant extension. It is important to note that this permission was still for a conversion of the existing building and **not** a replacement.

- 1.8 Whilst the special circumstances set out in the NPPF (para 55) relate to the re-use of redundant or disused buildings it provides no justification for the replacement of agricultural buildings with new dwellings (unless it is essential for a rural worker). This proposal does not relate to the provision of a dwelling for a rural worker.

- 1.9 The Design and Access Statement makes reference to the fact that the Council cannot demonstrate a 5 year supply of deliverable housing. However, the Council does at the time of determining this application, have a 5 year supply of housing and in any case the site already benefits from permission for a conversion to two dwellings. Therefore this proposal would not result in a net gain, and even if was considered that it did, the contribution of two houses towards the supply of housing within the District would be so minimal as to be

insignificant.

1.10 Notwithstanding the above, were it necessary to consider the application in the context of a presumption in favour of sustainable development the following considerations would apply:

- Social: The development would result in an additional use of local community facilities but would also put additional pressure on facilities without any infrastructure contributions to mitigate the additional pressure from the increased use. It is concluded that the development would have a neutral benefit socially.

- Economic: The development would involve the loss of existing buildings which could be utilised for commercial use, although it is accepted that they could be converted into residential use by virtue of the prior approval. As such it is considered that the economic benefits would be neutral.

- Environmental: The existing buildings are in a poor state of repair but as confirmed by the applicant in applying for the prior notification are capable of being converted with works reasonably necessary to allow residential use. The applicant has not provided any justification as to why they cannot be converted. It is considered that demolition of the existing agricultural barns and replacement with new residential buildings would neither protect nor enhance the rural environment. They would instead introduce a domesticated appearance to the site which would be harmful to the rural character of the site which is clearly detached by a significant distance from the built up settlement (matters that could not be considered as part of the prior approval process).

1.11 The fact that a prior approval for a conversion exists, does not provide any justification for a replacement building. That is apparent by the clear criteria set out in the General Permitted Development Order. To accept that a replacement building is no different would be contrary to the objectives of the government and clear policies within the NPPF. It would set an unfortunate precedent where applicants would seek to obtain consent via the prior approval process where otherwise planning permission would be refused and then seek to demolish those buildings and replace with new buildings as is the intention of the applicant in this case.

1.12 The principle of the development therefore is unacceptable, contrary to both the NPPF and the Councils Core Strategy (policies CS1 and DM4).

## **2. The impact on the character and appearance of the area**

2.1 The application site is screened from Biggleswade Road by the existing hedgerow and mature trees along the boundary. While the existing landscaping screens the buildings, the boundary frontage is not included in the red line of the application site and does not appear to be within the applicants ownership. It therefore cannot be relied upon as permanent screening and the new dwellings would be visible from outside the site.

2.2 The proposed building would be the same as that for which approval for conversion and a change to the roof was granted, solely on the basis that it

could be converted to a dwelling without requiring planning permission. The merits of such a conversion in terms of the impact on the character of the area were not able to be considered in determining the notification application and the merits. The subsequent application was approved as it would enhance the building.

- 2.3 However, should it be the case that a conversion is not practically possible then a replacement building should be considered on its own merits without having regard to the notification. To do otherwise would be to set a precedent for accepting replacement buildings for residential use where the conversion of the buildings is not possible in the first case, not the governments intention. This would be at odds with the government objective of encouraging conversion of buildings rather than stating that applicants may demolish those buildings and replace.
- 2.4 The addition of a dwelling within a site isolated from the main settlement would result in a domestication which would be harmful to the rural character of the area.

### **3. Neighbouring amenity and amenity provision for future occupiers**

- 3.1 The proposal is sufficiently separated from the adjacent property, 150 Biggleswade Road so as to avoid any impact on amenity.
- 3.2 No other neighbouring properties are affected by the proposal.
- 3.3 The Councils Design Guide suggests a minimum garden area of 60sqm for a 3 bed property and 50m for a 2 bed property. Whilst the previously refused application did not indicate any private amenity areas this proposal as amended now includes individual adequately sized private amenity areas, with the parking also relocated to the front part of the site to avoid conflicting with the amenity space.

### **4. Other Considerations**

#### Highways

- 4.1 As amended, parking is shown for 5 cars which is considered an acceptable level of provision to serve the two dwellings, in accordance with the Councils current parking requirements.
- 4.2 There are no objections to the proposal from a highway safety point of view subject to conditions.

#### Infrastructure

- 4.3 Due to recent government guidance it is not considered appropriate to require infrastructure contributions in respect of this current proposal.

- 4.4 Human Rights/Equalities Act

Based on the information submitted there are no known issues raised in the

context of the Human Rights and the Equalities Act and as such there would be no relevant implications.

**Recommendation:**

That Planning Permission be Refused for the following reason:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The proposed development would, by reason of its location outside any designated Settlement Envelope, introduce a residential use into the open countryside. Notwithstanding the extant approved conversion of the existing barns (granted on the basis of a previous prior notification approval), the proposal to demolish the existing buildings and replace with two new dwellings would be contrary to the governments objectives to avoid new homes in the open countryside, other than where there are special circumstances. There are not considered to be any special circumstances in this case.

The intention of the government in giving greater flexibility to the reuse of redundant agricultural buildings does not support the demolition of such buildings to create dwellings.

Therefore the proposed residential development, by nature of its location well beyond any defined Settlement Envelope, would represent a new isolated home in the countryside, harmful to the rural character of the area. As such the proposal is contrary to policies CS1 and DM4 of the Central Bedfordshire Core Strategy and Development Management Policies, and the National Planning Policy Framework.

**INFORMATIVE NOTES TO APPLICANT**

**DECISION**

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