

Item No. 8

APPLICATION NUMBER	CB/14/02051/FULL
LOCATION	Land West of 71 Woburn Road, Heath And Reach, Leighton Buzzard, LU7 0AP
PROPOSAL	Conversion, alteration and extension of barn to form single dwelling. Creation of basement under barn. Erection of secure bin/cycle store. Construction of passing bay
PARISH	Heath & Reach
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Debbie Willcox
DATE REGISTERED	05 June 2014
EXPIRY DATE	31 July 2014
APPLICANT	
AGENT	Jeffrey Charles Emmett Planning Consultancy
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Councillor Versallion called the application in as he disagrees with officer recommendation. Full Application - Recommended for refusal

Summary of Recommendation:

The proposed development would constitute inappropriate development within the Green Belt and the applicant has failed to demonstrate that 'very special circumstances' exist in this case to overcome the harm by reason of inappropriateness and limited harm to the openness of the Green Belt. The proposal would result in the loss of a Cypress hedge that has value in its role screening and softening the site. The applicant has also failed to submit a signed Unilateral Undertaking and therefore has not demonstrated that the proposed development would make sufficient provision for financial contribution towards community infrastructure. The proposal is therefore contrary to the National Planning Policy Framework, policies GB3 and BE8 of the South Bedfordshire Local Plan Review, policies 19, 36 and 43 of the emerging Development Strategy, the Central Bedfordshire Planning Obligations Strategy and the Central Bedfordshire Design Guide.

Site Location:

The application site has an area of approximately 0.21 hectares and comprises meadow land, a single storey barn, and the single access track leading to Woburn Road. The site is located immediately south of Kingswood Farm, which comprises the farmhouse, farm buildings associated with the farm, a kennels and cattery business and Heath and Reach Veterinary Surgery .

The site is located to the north of the village of Heath and Reach. It is accessed from Woburn Road via a single track lane. To the east of the site are Nos. 71 and

73 Woburn Road and to the south of the site is No. 61 Woburn Road, all residential dwellings.

The application site is located within the South Bedfordshire Green Belt, outside of the village envelope of Heath and Reach as defined in the Local Plan.

The barn is a single storey, open fronted structure with a floor area of approximately 54 square metres. It has brick and stone walls and a tiled roof and is currently used for limited agricultural storage.

The Application:

The application seeks planning permission to convert and extend the existing barn to provide a two bedroom dwelling with associated amenity land, parking and turning areas, cycle parking and bin store. A passing bay will also be created part way along the existing access track.

The conversion of the barn would allow the applicant, who has recently taken over the running of Kingswood Farm Kennels and Cattery, to live on site and provide 24 hour supervision of the business.

The existing barn would be relatively unchanged externally, although windows and doors would be inserted in appropriate locations and a small chimney would be added to the roof. The barn would provide a living room, dining room and kitchen. A basement would be created under the barn which would provide a family room. The extension would link to the existing barn via a glazed link which would contain stairs leading to the family room. The extension itself would utilise the existing level change and would be located partly underground; it would include two bedrooms and a bathroom. The extension and the glazed link would be single storey, with dual pitched roofs set approximately 1.5m lower than the ridge line of the existing barn. The extension and the glazed link would have a combined footprint of 52 square metres.

The proposal also includes a small, flat roofed, detached structure to provide secure cycle storage and bin storage. This structure would measure 2m wide by 3m deep by 2.1m high.

Two parking spaces would be provided on the site and a turning area would be created in front of the barn.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

South Bedfordshire Local Plan Review Policies

GB3 Green Belt Villages

BE8 Design Considerations

H10 Control of Agricultural Workers Dwellings

T10 Parking - New Development

NE12 Reuse of Rural Buildings

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & H10 are still given significant weight. Policies T10 and NE12 are afforded less weight).

Development Strategy for Central Bedfordshire Revised Pre-Submission Version (May 2014)

Policy 3: Green Belt

Policy 19: Planning Obligations and the Community Infrastructure Levy

Policy 25: Functioning of the Network

Policy 27: Car Parking

Policy 36: Development In the Green Belt

Policy 43: High Quality Development

Policy 50: Development In the Countryside

Policy 52: Re-Use of Buildings in the Countryside

Policy 54: Rural Workers' Dwellings

Policy 59: Woodlands, Trees and Hedgerows

Having regard to consistency with the National Planning Policy Framework, the adoption in June 2014 for Development Management purposes of the Development Strategy for Central Bedfordshire and the proposed submission of that document to the Secretary of State in October 2014, the above policies are given some weight, other than policies 19, 27 and 36 which are given more weight).

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development:

Design Supplement 1: New Residential Development, 2010

Planning Obligations Strategy, October 2009

Planning History

None

Representations: (Parish & Neighbours)

Heath and Reach
Parish Council

The parish council supports this application with the proviso that the bats, swifts and swallows are carefully managed.

Neighbours (60, 61, Old
Timbers & Kingswood
Farm, Woburn Road, 16
Reach Green, 48 New
Road, Borderlands
Heath Park Road, 11
Sylvester Street, 12
Reach Lane, 10 Brickhill
Road

Support the application on the following grounds:

- The site is not in the open countryside, it is surrounded by other buildings.
- The site is in the village envelope as houses on Brickhill Road are on the other side of Kingswood Farm.
- The design is sympathetic to its surroundings and will not change the character of the village.
- The development will allow a young village family who work in the village to have their own home within the village.
- The development would not be visible from the road.
- The development will have minimal impact upon neighbouring occupiers.
- There will be no increase in vehicle movements.
- The neighbours are supportive of the application.

Consultations/Publicity responses:

Trees & Landscape
Officer

I refer to your memorandum dated 10th June 2014 and my subsequent comments in respect of Pre-App No. CB/13/03679/PAPC.

My original concerns were that the extension should not encroach into an adjacent boundary hedge, in order to retain screening value and boundary integrity, thereby reducing the visual impact of this enlarged structure within the Green Belt.

Unfortunately, this Pre Application advice has been ignored, and the barn extension will infringe into the hedge, which will be to the detriment of boundary screening.

On this basis I object to the application.

Highways Officer

The application proposes the conversion and alteration of an existing barn which together with an extension and a basement will result in the creation of a 2 bedroom dwelling.

No changes are proposed to the existing means of access to the highway and a passing bay is shown to be constructed mid-way along the length of the existing farm access road.

Two parking spaces are shown to be provided together with a cycle store. The proposal can thus be deemed to be compliant with the Council's residential parking standards for the scale of dwelling proposed.

There is sufficient room within the application site for vehicles to enter, turn and leave in forward gear; therefore I have recommended a condition to ensure the provision of a formal turning area.

The site access lies within the existing 30mph speed limit and the requisite visibility splays can be achieved at the access and lie within the public highway. However they would benefit from routine maintenance; therefore I have recommended a condition to secure this too.

The creation of a two bedroom dwelling in this location has the potential to generate some four to six vehicle movements per day. However it is considered that these can be satisfactorily accommodated on the local road network and the proposal is unlikely to have any adverse impact, once completed.

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

- 1 Before any other part of the development hereby permitted is commenced visibility splays shall be provided on each side of the access road at its junction with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the access road from its junction with the channel of the public highway and 43m measured from the centre line of the access road along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction to visibility exceeding a height of 600mm above the adjoining carriageway level.

Reason

To provide adequate visibility between the existing highway and the proposed means of access and to make the access safe and convenient for the traffic that is likely to use it.

- 2 Before the development hereby permitted is first occupied or brought into use, the scheme for the internal access drive including the passing bay, together with the scheme for parking and manoeuvring, all as shown on Drawing No 1100/2/A shall be laid out, drained and surfaced in accordance with details previously submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose.

Reason:

To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

- 3 Before the development hereby permitted is commenced, details of a scheme showing the provision of a turning area suitable for use by refuse, service and emergency vehicles shall be submitted to and approved by the Local Planning Authority. The details to be approved shall include the proposed materials for construction and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the

highway. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.

Reason

To enable refuse, service and emergency vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of such vehicles on to the highway.

- 4 No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the site developer shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been substantially completed.

Reason

In the interests of highway safety and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 5 Before development begins, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason

To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

Furthermore, I should be grateful if you would arrange for the following Notes to the applicant to be appended to any Consent issued:-

- 1 The applicant is advised that in order to achieve the vision splan in condition 1* of the permission it

may be necessary for vegetation overhanging the public highway to be removed. Prior to the commencement of work the applicant is advised to contact Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049 to request the removal of the overhanging vegetation on the public highway.

*May need to be amended to suit decision notice.

- 2 The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

CBC Archaeologist

The proposed development is located within the core of the medieval settlement of Reach (HER 16869), a heritage asset with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*. However, the scale and nature of the proposal are such that there is unlikely to be a major impact on archaeological remains or on the significance of the heritage asset with archaeological interest. Therefore, I have no objection to this application on archaeological grounds.

CBC Ecologist

I have read through the ecology report for the site and note that evidence of bat and bird use has been identified within the barn. The proposed mitigation in section 5 should form a **condition** of any planning permission granted. This consists of provision of bat crevices beneath ridge tiles and additional roost opportunities through 2 bat boxes. A toolbox talk will be given to contractors to advise on avoidance of harm to bats and the ecologist will use the NE fast track system to apply for a derogation licence.

Works should avoid the bird nesting season of March to August inclusive, if this is not possible then the site should first be assessed for nesting birds. Further enhancements are proposed in the form of a sparrow terrace.

If works do not commence within 2 years then an updated bat survey will be required to ensure the status of the building has not changed.

Determining Issues

The main considerations of the application are;

1. **Principle of Development**
2. **Design Considerations**

3. **Impact on Residential Amenity**
4. **Parking and Highway Safety**
5. **Other Issues**

Considerations

1. Principle of Development

The application site is located in the Green Belt and thus the key consideration is whether or not the proposal amounts to inappropriate development in the Green Belt and if so, whether there are any 'very special circumstances' sufficient to outweigh the harm by reason of inappropriateness and any other harm.

The protection of Green Belts is one of the core planning principles embodied within the National Planning Policy Framework (NPPF), published March 2012. The NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It goes on to state that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Policy 36 of the emerging Development Strategy for Central Bedfordshire is given more weight than other policies within the Development Strategy because of its high level of consistency with Section 9 of the NPPF. Both Section 9 of the NPPF and Policy 36 of the emerging Development Strategy for Central Bedfordshire state that most forms of development within the Green Belt are inappropriate; except for the forms of development which are listed within both documents, which are not considered to be inappropriate within the Green Belt.

In itself and in accordance with the NPPF and Policy 36, the conversion of the barn would not constitute inappropriate development as it is of substantial and permanent construction. It is also considered that the conversion would be in accordance with policy NE12 of the South Bedfordshire Local Plan Review and policy 52 of the emerging Development Strategy for Central Bedfordshire.

Section 9 of the NPPF and policy 36 would also not consider the proposed extension to be inappropriate, if it were modest and proportionate to the existing building. The agent has stated that the extension would represent only 50% of the existing barn, excluding the glazed link, however, it is considered that the glazed link must be included in any calculations as it expands the massing and extent of the built form on the site. It is noted that the proposed extension (excluding the basement and cycle/bin store, but including the glazed link) would increase the floor area of the building by 96%, and including the basement would increase the floor area by 150% which is considered to be too extensive to be acceptably modest and proportionate, and therefore the proposed extension and thus the proposal as a whole are considered to represent inappropriate development within the Green Belt. Such development should not be approved except in 'very special circumstances' that are sufficient to outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

The applicant has put forward a justification for the proposal as follows:

- The applicant has recently taken over the family Kennels and Cattery business, which is well established within Heath & Reach and has been running for over 30 years.
- The Kennels and Cattery business requires on-site supervision.
- The applicant and his wife have very recently had a baby and are currently still living at Kingswood Farmhouse with his parents and younger siblings.
- The proposal has used clever use of levels and underground accommodation to minimise the impact of the proposal on the Green Belt.
- The site is not located in the open countryside, but is read as being part of the built-up area of Heath and Reach.

It is important to clarify that the question of whether or not the site is located in the open countryside is not material to the consideration of whether the application represents inappropriate development within the Green Belt. The site is located within the Green Belt, where policies of restraint at both national and local level apply. When it comes to the matter of inappropriateness, Green Belt policy does not differentiate as to whether a site is located in isolated countryside, or within a cluster of built form. While the existence of other dwellings within the vicinity would go some way to mitigate the visual impact of the proposal on the amenities of the Green Belt, it is not sufficient to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness. Policy GB3 of the South Bedfordshire Local Plan Review excludes the majority of Heath and Reach from the Green Belt and states that development and redevelopment will only be permitted within the boundaries defined on the plan. The application site is located outside the defined boundary and is washed over by the Green Belt, so in policy terms, the site is located within the countryside.

As the majority of the applicant's justification involves the need for him to live on site to fulfill his responsibilities at the Kennels and Cattery business, policy H10 of the South Bedfordshire Local Plan Review and policy 54 of the emerging Development Strategy for Central Bedfordshire apply. Policy 54 states that, where there is a clearly established functional need for a rural worker to live permanently at their place of work, permanent dwellings will be permitted, provided that the business in question has been established for at least three years, profitable for at least one of them, currently financially sound and have a clear prospect of remaining so; and that the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available. The preamble to the policy states that and permanent dwelling permitted will be restricted to occupancy of the worker on the establishment. This is to ensure that the dwelling is retained to continue to meet the functional need of the business and to avoid the same situation arising in the future.

Officers consider that the business has been established for sufficiently long enough, and is sufficiently viable to meet the policy. It is considered that there is a clearly established need for an on-site presence. The applicant's desire to establish an independent family home away from the farmhouse is considered reasonable and it is acknowledged that there is not an available dwelling on the

unit which is existing and available to meet the functional need. We therefore considered that the controlled provision of an otherwise too large dwelling in the Green Belt for the reasonable purpose of the businesses could significantly add to a 'very special circumstances' case to enable the application to be approved. Officers therefore approached the applicant and explained that it would be necessary for him to enter into a Section 106 agreement or accept a planning condition, restricting the occupancy of the dwelling to workers at the Kennels and Cattery business and / or the Veterinary business. The applicant advised that they are unable to enter into a Section 106 agreement for the following reasons:

- The special conditions of the sale of the barn to them preclude this
- It will prohibit raising finance for the building works
- It will frustrate the resale of the premises in the event of a change in circumstances.

It is noted that the intention of the restrictive covenant/condition would be to prevent the resale of the premises away from the business, to ensure that the dwelling would remain to meet the functional needs of the businesses on the site and to protect the Green Belt from further encroachment.

The applicant also refused to accept a planning condition for the following reasons:

- This is unreasonable as it will render the scheme unviable as Banks, Building Societies and even Specialist Financial Institutions would be unwilling to lend due to the very restrictive nature of the occupancy.
- This is unnecessary because, as we have argued from the outset, it is by no means clear cut that this site lies in "open countryside". As such we continue to assert that the site "reads" as part of the built up area and for this reason planning permission for unfettered residential use should be forthcoming. In our opinion the visual and physical relationship of the barn with the surrounding built up area is the special justification for the grant of planning permission.

The requirement for rural workers' dwellings to be restricted by condition is a well-established planning principal and is considered to be both reasonable and necessary to protect the Green Belt from future encroachment and therefore necessary as part of a 'very special circumstances' consideration for development in the Green Belt. As explained above, in policy terms, the site is located within the Green Belt and within the open countryside where policies H10 and 52 apply in full.

In terms of the impact of the proposal on the openness of the Green Belt, the proposal would cleverly utilise the levels on the site to limit its impact, however, the proposed extension would still be disproportionate to the existing barn in terms of its width and extent. While the impact would be limited by the low height of the proposed extension, the proposal as a whole would represent an insidious erosion of the openness of the Green Belt, which, if repeated on the existing site, or on other sites within the Green Belt, would cumulatively,

materially detract from the openness of the Green Belt. It is therefore considered that there would be limited impact on the openness of the Green Belt.

On balance, it is considered that, without a commitment from the applicant that the proposed dwelling would be retained to serve the functional need for an over night presence at the Kennels and Cattery business, the justification provided for the proposed dwelling would not be sufficient to outweigh the harm that would be caused by the proposal by reason of inappropriateness and limited impact on openness therefore would not constitute 'very special circumstances' as defined within the NPPF. The proposal is thus considered to be in conflict with Section 9 of the NPPF and policy 36 of the emerging Development Strategy for Central Bedfordshire.

2. Design Considerations

Policy BE8 states that development proposals should ensure that:

- any natural and built features which are an attractive aspect of the site are protected and conserved; and
- proposals take full account of the need for, or opportunities to enhance or reinforce the character and local distinctiveness of the area; and
- the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views.

It is considered that the proposed conversion of the barn would be sympathetic to its character and appearance. Its integrity would be preserved by the use of the glazed link to separate the converted barn from the proposed extension. The extension itself would be appropriately subservient in height and sensitive in design, and would complement and harmonise with the converted barn.

The proposal would provide an acceptable standard of amenity to the future occupiers; it meets the Council's minimum space standards and provides a generous quantity of outdoor amenity space.

However, the proposal would encroach onto an existing boundary hedge which is considered to add value to the site through screening and softening. The hedge is a Cypress and therefore not native or particularly attractive, however, the hedge serves an important purpose, both screening and softening the site. It is considered that the proposed extension would be so close to the boundary as to prevent the establishment of a replacement hedge and the site would therefore be without screening to the rear, to the detriment of the character and appearance of the site.

It is therefore considered that the proposal would fail to accord with policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire.

3. Impact on Residential Amenity

As a result of the scale and siting of the proposal, there would not be a material impact upon the occupiers of neighbouring dwellings. In this aspect, the proposal is considered to accord with policy BE8 of the South Bedfordshire

Local Plan Review, policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

4. Parking and Highway Safety

The comments of the Highways Officer are noted, and it is considered that, subject to the recommended conditions, the proposal does not raise any concerns in regards to parking provision or wider highway safety.

5. Other Issues

Planning Obligations

The applicant has indicated their willingness to pay planning obligations of £3,589 in line with the Council's Planning Obligations Strategy. However, at the time of writing, no signed agreement has been received.

Ecology

The comments of the Council's Ecologist are noted, and it is considered appropriate that, should planning permission to be granted for the proposal, the conditions as suggested by the Ecologist be imposed to ensure the protection of bats and birds.

Human Rights issues

The proposal raises no Human Rights issues.

Equality Act 2010

The proposal raises no issues under the Equality Act 2010.

Recommendation

That Planning Permission be REFUSED for the following:

RECOMMENDED REASONS

- 1 The site lies within the South Bedfordshire Green Belt and the proposed extension to the barn would not be acceptably modest and proportionate to the existing building. The proposal would therefore constitute inappropriate development within the Green Belt, harmful to the Green Belt by definition. Very special circumstances have not been satisfactorily demonstrated in this case to overcome the harm to the Green Belt by reason of inappropriateness and the limited harm to openness and therefore the proposal is contrary to the National Planning Policy Framework and policy GB3 of the South Bedfordshire Local Plan Review and policy 36 of the emerging Development Strategy for Central Bedfordshire.
- 2 The proposed extension to the barn would encroach into an existing boundary hedge, necessitating the removal of this feature of the site and preventing the establishment of a replacement hedge. The hedge provides screening and softening to the site and its loss would have a detrimental impact upon the character of the site and its surroundings. The proposal is therefore contrary to the principles of good design as set out in the National

Planning Policy Framework, policy BE8 of the South Bedfordshire Local Plan Review, policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

- 3 In the absence of an appropriate signed Unilateral Undertaking, the application has not demonstrated that the proposed development would make sufficient provision for financial contribution towards community infrastructure and is therefore contrary to Policy 19 of the emerging Development Strategy, the Central Bedfordshire Planning Obligations Strategy and the National Planning Policy Framework.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been recommended for refusal for this proposal for the clear reasons set out in this report. The Council acted pro-actively through positive engagement with the applicant before and during the application in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek further pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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