

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

Report No.

Date of Meeting	26th November 2008
Application Number	07/01771/COU
Site Address	The Stables adjoining The Orchard, Wood Street, Clyffe Pypard
Proposal	Change of use of existing barn to tourist accommodation
Applicant	Mr S. Rimmer & Mrs J. Tutt
Town/Parish Council	Clyffe Pypard
Grid Ref	406784 178015
Type of application	Change of Use

Reason for the application being considered by Committee

This application has been submitted to the committee for decision under the scheme of delegation in force after the 8th April 2002 because five or more letters of objection have been received.

Summary of Report

This application is for the change of use of an existing barn to tourist accommodation. The site is located outside the village of Clyffe Pypard and falls within the open countryside. The key points to consider are as follows:

- Implications on DC Core Policy C3.
- Implications on Policy NE15 (Landscape Character of the Countryside).
- Implications on Policy BD6 (Re-use of rural buildings) and TM1 (Tourism).

Officer Recommendation

Planning Permission be GRANTED subject to conditions.

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Proposal and Site Description

This application is for the change of use of an existing barn to tourist accommodation.

The development site is located off Wood Lane, outside the village of Clyffe Pypard, in open countryside. The site currently accommodates an unused and dilapidated 'L' shaped barn.

The plans submitted show that the existing building is to be converted to tourist accommodation providing a kitchen/dining/living area, a bathroom and a bedroom.

Relevant Planning History		
Application number	Proposal	Decision
04/00925/COU	Conversion of barn to residential accommodation	Refused
04/02805/COU	Conversion of barn to residential accommodation	Dismissed
07/00826/COU	Extension and change of use of existing barn to tourist accommodation	Withdrawn

Consultations

Parish Council objects to the proposal for the following reasons:

- Building was originally a pigsty and has never been used as stables.
- Building is not suitable for conversion.
- Negative impact on local residents.
- Drainage and risk of flooding.

County Highway Officers raise no objections to the proposal subject to conditions being attached to any permission granted.

Environmental Health Officers raise no adverse comments.

The Wiltshire Wildlife Trust has requested that the recommendations outlined in the submitted protected species survey be conditions of any planning permission granted. They have also requested that a Great Crested Newts survey be undertaken, to be conditioned to any permission granted.

Wessex Water/Thames Water have commented on the application but has raised no objections.

Representations

Six letters of objection have been received from local residents. The following concerns have been raised:

- Building used to be a piggery, not a barn
- Poor state of repair
- Implications on highway safety
- Building has no architectural features worth saving
- Remote location for tourist accommodation, far from local facilities
- Work has been carried out without planning permission
- Contrary to Policy BD6 due to extensive alteration and rebuilding
- New drive and access are unacceptable
- Building is unfit for conversion
- A one-bed building will provide little tourism gain
- Planning permission has previously been refused on this site and this application is no different
- Loss of privacy to adjoining property
- Risk of flooding

Twelve letters of support have been received from local residents. The following reasons were given:

- Excellent use of an otherwise redundant building
- More tourist accommodation is needed in Wiltshire
- Conversion will have no detrimental effect on the surrounding area
- Building is currently an eyesore to the otherwise beautiful surroundings
- Applicants have renovated other properties locally and very sympathetically

Planning Considerations

Principle of the development

The proposal seeks to change the use of an existing barn to a one-bed tourist accommodation.

The development site is for the conversion of a rural building in the countryside for tourism purposes and therefore Policy C3, BD6, TM1 and NE15 are of relevance when determining this application.

Impact of the development on the character and appearance of the building and countryside:

The building to be converted is located in open countryside and is in keeping with the rural surroundings. The plans show that the proposal would not extend beyond the existing footprint or height of the existing building.

Objectors are concerned that works have been undertaken without planning permission. This issue was considered by the Planning Inspector when determining the 04/02805/COU application who noted it but did not consider it any further. These works were apparently maintenance works which did not require planning permission.

When determining the appeal, the Inspector took the view that “substantial works would be required before the building could be rendered fit for human habitation”. He considered the engineer’s report which was submitted at the time but concluded that this report did not contain enough information for him to be convinced that the proposal did not require extensive alteration and rebuilding.

During the course of this current application, the applicant has submitted a ‘Conversion Methodology Statement’ to demonstrate that the proposed conversion would not compromise the integrity of the existing structure, together with a plan clearly showing which elements of the building would need work. This report has been considered by the Council’s Building Control Officers who are of the opinion that the building is ‘repairable’ without extensive rebuilding.

On the basis that the proposed use is to be contained within the existing structure and does not require extensive alterations and rebuilding, and that the proposed use respects the character and setting of the subject building, the proposal is considered to be in accordance with Policy NE15, TM1 and BD6 of the North Wiltshire Local Plan (2011).

Impact of the development on residential amenities:

A number of objectors are concerned that the proposal will have an adverse impact on the amenities of adjoining residents. On the basis that the building to be converted is some distance away from any residential property, that it is single storey and that the conversion does not involve new openings, it would be difficult to argue that the proposal would adversely affect the amenities of nearby residents.

The proposal is considered to be in accordance with Policy C3 of the North Wiltshire Local Plan (2011).

Impact of the development on highway safety:

Local residents are concerned that the proposed barn conversion will have an adverse impact on highway safety.

Highway safety was considered by the Inspector in the 2004 appeal decision. At the time, the Inspector took the view that the additional traffic that would be generated by the modest dwelling proposed would not be so great as to cause a significant increased risk to the safety of highway users. He agreed though that the proposed access (which was to be in the north-western corner of the site) would have inadequate visibility splays.

When originally submitted, the application included the creation of a new vehicular access to the east of the existing access. Due to the impact such an access would have on the character and appearance of

the streetscene and the engineering operation involved, the applicant was advised to look into using the existing access. Following negotiations with County Highways, it was agreed that subject to the upgrading of the existing access to provide the required visibility splays, the proposal would be acceptable on highway safety grounds. The applicant has now submitted a plan clearly showing how the visibility splays are to be provided and how much vegetation is to be removed to provide these splays. A condition for the replanting of a hedge along the new visibility lines is proposed should planning permission be granted.

County Highways have raised no objections to the proposal and the development is therefore considered to be in accordance with Policy C3 of the North Wiltshire Local Plan (2011).

Conclusion

The proposed barn conversion is to be contained within the existing structure and does not require extensive alterations and rebuilding, and respects the character and setting of the surrounding countryside. Accordingly, the proposal is in accordance with Policy C3, BD6, TM1 and NE15 of the North Wiltshire Local Plan (2011).

Recommendations and Proposed Conditions / Informatives

Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the Local Planning Authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. All works to be undertaken shall be in accordance with the Conversion Methodology Statement date stamped 7th January 2008 and drawing No. 133/PL/010C date stamped 3rd October 2008. This permission does not grant consent for any other structural works and should more extensive works be required to convert the building to tourism use, a revised application shall be submitted to the Local Planning Authority.

Reason: To preserve the character and appearance of the building and to comply with Policy BD6 of the North Wiltshire Local Plan 2011.

4. Notwithstanding Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, the accommodation shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as primary place of residence.

Reason: In order to ensure that the accommodation is not occupied on a long term basis and to ensure that the accommodation remains available for holiday use.

5. No development shall take place until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (1) walls, fences, gates and other means of enclosure;
- (2) ground surfacing materials;
- (3) finished floor levels of all buildings;
- (4) finished levels across the site;

- (5) the means of surface water disposal;
- (6) the means of foul sewage disposal.

The development shall be carried out in accordance with the details so approved.

Items 1 and 2 shall be completed prior to the use or occupation of the converted barn.

Reason: In the interests of amenity and satisfactory layout and to comply with Policy C3 of the North Wiltshire Local Plan 2011.

6. No development shall take place until details of any external chimneys, flues, vents or other ventilation equipment have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character and appearance of the building and to comply with Policy C3 of the North Wiltshire Local Plan 2011.

7. Notwithstanding the information shown on the plans/forms, no development shall take place until details of materials to be used externally have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.

Reason: In order to ensure the satisfactory appearance of the completed development and to comply with Policy C3 of the North Wiltshire Local Plan 2011.

8. The access for the first 5m from the edge of the carriageway to the gates shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development hereby permitted shall not be occupied until such works have been undertaken.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

9. No development shall take place until details of all new external joinery have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include depth of reveal, materials and full drawings including both horizontal and vertical sections, to a scale of not less than 1:10. The development/works shall be completed in accordance with the approved details and at no time shall the approved joinery be altered without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the development and to comply with Policy C3 of the North Wiltshire Local Plan 2011.

10. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

11. The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

12. Provision shall be made within the site for the disposal of surface water so as to prevent its

discharge onto the highway, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

13. A new hedge shall be planted behind the new visibility lines and on both sides of the access, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include species, number, sizes and positions. The planting shall be implemented within 6 months of the barn first being occupied and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C3 and NE15 of the North Wiltshire Local Plan 2011.

14. No television or radio aerial, satellite dish or other form of antenna shall be affixed to the building without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and the area and to comply with Policy C3 of the North Wiltshire Local Plan 2011.

15. No development shall take place on site until a Great Crested Newt survey has been submitted to and approved in writing by the Local Planning Authority. Should Great Crested Newts be found within the development site, an appropriate mitigation survey shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with a timescale contained within the scheme.

Reason: To ensure that appropriate measures are taken to protect existing wildlife in relation to the proposed development.

Informatives:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan References

133/PL/003A, 133/PL/010C and 133/PL/013A date stamped 3rd October 2008.

2. You are advised that this planning permission does not override any interests that third parties may have regarding civil matters such as ownership, covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents have been obtained from all persons having an interest in the land.

If you intend carrying out works in the vicinity of the site boundary you are also advised that it may be expedient to take your own independent advice with regard to the requirements of the Party Wall Act, 1996.

3. It appears the proposal involves works which will affect the highway and/or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact The Director of Environmental Services, Wiltshire County Council, County Hall, Trowbridge, Wilts, BA14 8JD.

4. The applicant's attention is drawn to the contents of the attached letter from Wessex Water dated 6th July 2007.

5. The existing barn may potentially hold roosting opportunities for bats and barn owls. If bats are found, all work should stop immediately and Natural England should be contacted. Please note that bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations.

6. The following policies of the Development Plan are relevant to this decision:-

North Wiltshire Local Plan 2011:- C3, BD6, TM1 and NE15

Reason for Decision

The proposed barn conversion is to be contained within the existing structure and does not require extensive alterations and rebuilding, and respects the character and setting of the surrounding countryside. Accordingly, the proposal is in accordance with Policy C3, BD6, TM1 and NE15 of the North Wiltshire Local Plan (2011).

Appendices:	Decision Notice for 04/00925/COU Decision Notice for 04/02805/COU Appeal Decision for 04/02805/COU
Background Documents Used in the Preparation of this Report:	1.20, 2.02, 2.23, 2.34, 4.02, 4.04, 4.07, 5.01, 5.04