

Date of Meeting	14 October 2015
Application Number	15/05186/FUL
Site Address	The Long Barn Cumberwell Farm, Great Cumberwell, Bradford on Avon, BA15 2PQ
Proposal	Retrospective permission for reconstruction of an agricultural barn.
Applicant	Messrs C & A James
Town/Parish Council	SOUTH WRAXALL
Ward	HOLT AND STAVERTON
Grid Ref	381874 163276
Type of application	Full Planning
Case Officer	David Cox

Reason for the application being considered by Committee

Councillor Trevor Carbin has requested that this application be determined by Members should officers be supportive of it and to allow Members to consider the following key issues:

- The design, bulk and general appearance of the proposal.

This application was brought before the Planning Committee on 12 August 2015 with a positive officer recommendation and the case was debated by members before agreeing to defer making a decision until members had visited the site and to enable the case officer to obtain additional information from the applicant/agent quantifying the size, form and appearance of the demolished barn.

1. Purpose of Report

The requested additional information has been thoroughly assessed and following a detailed appraisal of the application, officers now recommend that the planning committee refuses the application. From a procedural stance, members are advised that since the application was deferred to allow members to visit the site and see the unauthorised nature of the development for themselves, this application should remain a committee item.

2. Report Summary

The main planning issues to consider are:

- The Principle of Development.
- The Impact on the Green Belt.
- The Impact on a Non-Designated Heritage Asset.
- Impact on Archaeology.
- Impact on Ecology.
- Developer Contributions / Community Infrastructure Levy.(CIL)

3. Site Description

The unauthorised building (which is referenced and known as the Long Barn) is comparable to a two storey building and is constructed from natural stone (facing a blockwork inner skin) under a clay tiled roof. The long barn is part of a wider complex of buildings which include a green metal clad steel framed agricultural building, a farm house and other former agricultural buildings that are now used as holiday lets. The long barn is approximately 170 metres to the south east of the Cumberwell Golf Course club house but is within the Western Wiltshire Green Belt. A Bridleway – SWRA26 runs immediately past the barn.

4. Planning History

W/92/00884/FUL Additional 18 hole golf course amendments to design and siting of clubhouse incorporating stewards accommodation

The 1992 application had a red outline that captured the whole Cumberwell Farm and did not directly involve or change the long barn.

5. The Proposal

Under this application, retrospective planning permission is sought for the construction of what the applicant purports to be an agricultural barn. As members will see for themselves on site, the building is substantially complete and measures approximately 32 metres long by 10.5 metres wide and has a ridge height of approximately 9 metres sloping to 5.2 metres at the eaves. The barn has been split into two sections and has a number of windows on both levels and door openings which include two arched openings into each section. As part of the planning submission, the applicant has produced photographs showing a top loader (an agricultural vehicle) accessing the inside of the building. Although officers recognise that such a vehicle appears to be smaller than most modern day tractors.

The submitted plan drawing of the former barn indicates that there was a drop in levels which has been removed. The extent of the excavation works have not been confirmed, although the D&A indicates that the west side of the barn was 1.5 metres below the level of the adjacent modern barn. When the site was visited, there was evidence of earthwork scarring on the adjacent agricultural building which remains on site.

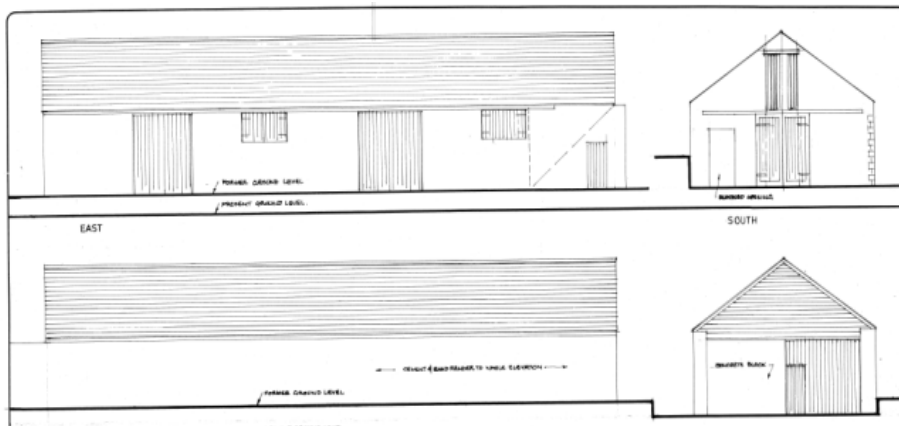
The application is also supported by an historic photograph which was used as a reference for the elevation plans of the demolished barn. This photograph is reproduced below:



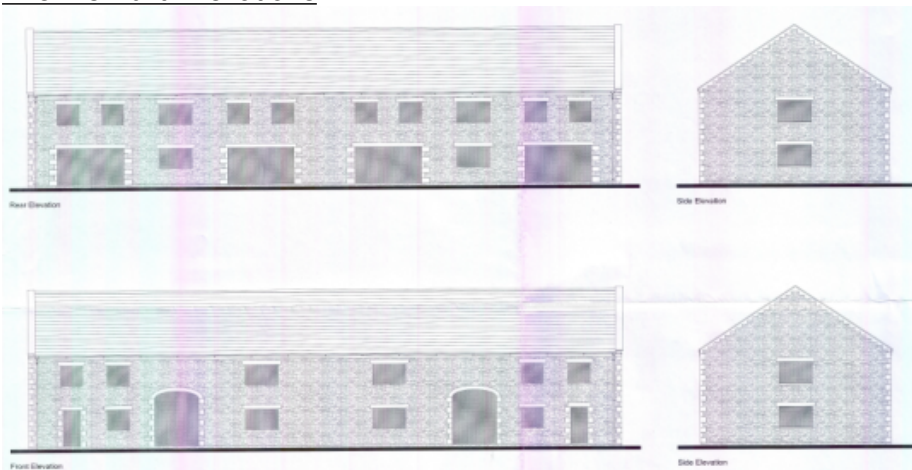
Officers understand that the photograph illustrates the western side elevation of the former barn. The submitted photograph implies that the barn was essentially single-storey with eaves more or less at head height and the barn certainly did not have the numerous domestic scaled wall openings created in the unauthorised structure. However, the plan

does illustrate that the barn was dug into the ground and the finished floor level would have been at a lower level compared to the levels shown on the photograph.

The Former Barn Elevations



The 'As Built' Elevations



The elevation plan drawings of the former barn are not consistent and offer conflicting heights as to how much that the demolished barn was dug into the ground, varying from 1m to 1.7m on the north and south elevations. On the western elevation (the same elevation the above historic photograph illustrates) there is a constant 3.4m from ground level to the eaves. Rather than delay matters further requesting the agent to correct such anomalies they are recorded here for members to duly note.

6. Planning Policy

Government Guidance - The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The National Planning Policy Framework (NPPF) acts as a principal material consideration in the determination of planning applications. It introduces the presumption in favour of sustainable development at paragraph 14 as a 'golden thread' running through plan making and decision taking

The Adopted Wiltshire Core Strategy (Jan 2015) - Strategic Objective 1 - Delivering a Thriving Economy; Strategic Objective 4 - Helping Build Resilient Communities; and Strategic Objective 5 - Protect and Enhance Natural, Built and Historic Environment. The following Core Policies are also relevant to this case:

CP7- Bradford on Avon Community Area; CP48 - Supporting Rural Life; CP51 - Landscape; CP57 - Ensuring High Quality Design and Place Shaping; CP50 - Biodiversity

and Geodiversity; CP58 – Ensuring the Conservation of the Historic Environment; CP67 – Flood Risk.

The adopted WCS also includes a number of policies carried over from the West Wiltshire District Plan 1st Alteration 2004 (as documented within Appendix D) however, in this particular case none of the policies are relevant.

Since May 2015, Wiltshire Council has become a CiL charging authority and the following documents are relevant: Wiltshire's Community Infrastructure Levy – Planning Obligations Supplementary Planning Document (Planning Obligations SPD); Wiltshire's Community Infrastructure Levy - Charging Schedule (Charging Schedule) and Wiltshire's Community Infrastructure Levy - Regulation 123 List

In the event of any appeal being lodged against a refusal decision, it is prudent to record here that the DCLG Statement dated 31 August covering "Green Belt Protection and Intentional Unauthorised Development" would be a material consideration. For the record, the Statement is clear that applications submitted prior to 31 August 2015 are not included, but applications and appeals following this date, most certainly are.

7. Consultations

South Wraxall Parish Council – Objects for the following reasons:

- Deliberate destruction of original historic building.
- Should have been re-built with respect to original barn.
- Original design should have been given on the application so consideration could be given to the changes.
- Do not feel it resembles an agricultural barn, but more like a residential property.

The Council's Archaeologist – No objection subject to a planning informative.

The Council's Ecology Officer – No objection subject to conditions and informative.

8. Publicity

This application was advertised by a site notice which was displayed on a telegraph pole at the main entrance to the golf club as well as individual neighbour notifications. The expiry date for third party representations was 30 June 2015, however no comments were received.

9. Planning Considerations

9.1 The Principle of Development - The building could be used for agricultural storage purposes, although officers recognise that by virtue of the wall openings and the dwarf walls, accessing the building by modern tractors and other agricultural vehicles would be difficult, if not impossible. The photograph showing a top loader seemingly squeezing into one opening does not convince officers that the building would be suitable for significant agricultural vehicular use. It could be used for storage purposes, but the way the building has been constructed so far with the domestic styled/sized wall openings indicates a potential alternative use. Whilst the applicant maintains it is for an agricultural barn, it cannot be ignored that there is substantive doubt raised about the true function for the building.

9.1.1 The unauthorised "barn" may well have been constructed re-using good quality stone and inserting bull's-eye window(s), but significant concern exists about the nature of this unauthorised development.

9.2 The Impact on the Green Belt - Paragraph 89 of the NPPF states that the construction of new buildings is inappropriate in the Green Belt unless it is for certain exceptions. One of

these exceptions is the limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. Paragraph 90 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These certain other forms of development include engineering operations.

9.2.1 If the submitted elevations of the former barn can be relied upon, the unauthorised barn would be the same length and width of the demolished barn. However, its eaves and ridge have been increased in height by 1 metre across its full 32 metre length.

9.2.2 Despite officer requests, the applicant has not fully demonstrated the extent of the excavation works confirming the ground floor levels of the demolished and unauthorised barns. Additionally it must be said that the historic photograph only captures part of the building and it fails to provide any immediate site context to enable officers to appreciate building heights and levels. It is however broadly accepted that there has been excavation works carried out to the west of the barn i.e. the ground area partially shown in the historic photograph where a new retaining wall has been built adjacent to the farm buildings; but no documentary evidence has been submitted to demonstrate that the floor area of the demolished barn has been excavated. The case officer's site visit photographs show some excavations adjacent to a fence but this is approximately only a foot deep and could reasonably be assumed to have only been excavated for the access road and not the barn itself.

9.2.3 Due to the limited information/evidence submitted with this application, it is not possible to confirm whether the building stands higher in the landscape. There is however no doubt that the bulk, massing and appearance of the unauthorised building is substantially different to the building shown in the historic photograph. Setting aside any concern held about what the building could be used for, the increased bulk and mass is significant which has eroded the openness of the Green Belt. The engineering operations which have been carried out on the land and the erection of the appeal building are considered to be inappropriate forms of development in the Green Belt which conflicts with national policy as set out in the NPPF.

9.2.4 In volumetric terms, the demolished building has been calculated as approximately 2083m³, whereas the unauthorised building has a volume of 2419m³ representing a 16% increase which in addition to the increased bulk, constitutes a significant material increase over and above the previous barn. Whilst the Council has been mindful of the presence of the former barn, and has acted entirely reasonably, following the submission of new information supplied by the applicant's agent, the unauthorised building is inappropriate and harmful development in the Green Belt, and is contrary to established national policy as set out in the NPPF.

9.3 The Impact on a Non-Designated Heritage Asset - Whilst due regard has been given to the parish council's concerns, the barn is not listed nor is it within a conservation area; and consequently, it has no designated heritage asset status. Officers do however fully concur that the former barn was of some considerable age. Within paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account as part of the determination process. The NPPF calls for a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

9.3.1 Whilst retrospective applications are never ideal, the Council must consider the application on its merits and assess the impacts accordingly. The site inspections, historic site photograph and the evidence submitted by the applicant as well as officer knowledge of

the site have been taken into account as part of the 'balanced judgement'. The Design and Access Statement includes three external pictures of the barn which show that it had stone walls and a red tiled roof. Whilst officers have been unable to confirm whether there the barn had significant structural failings, which may have been the trigger for the unauthorised commencement of work on site, it is noted from appraising the applicant's submitted photographs, there were signs of the internal walls leaning significantly.

9.3.2 The Design and Access statement states that the existing stone has been re-used but at first glance the stone appears to be new as it is much lighter colour. However the agent is adamant that the stone was cleaned to ensure the full removal of old mortar.

9.3.3 The increased bulk, the introduction of two clear storeys, and the formation of the domestic scaled wall openings have a consequential impact on the character of the old steading. However, officers acknowledge that several existing buildings within the old steading are of comparable size and appearance therefore officers cannot reasonably raise a concern about such matters in terms of the compatibility with the immediate buildings.

9.4 Impact on Archaeology - The application site is identified as having an Archaeology monument record titled as "Cumberwell Deserted Medieval Settlement". The applicant has also confirmed to have excavated the ground level down by 1.5 metres (which could have necessitated the need for a survey or watching brief). However, the Council's archaeologist has confirmed that the monument is not protected by statute like a listed building or scheduled monument. The archaeologist further submits given that the ground has already been excavated and the building has been rebuilt, there is little the Local Planning Authority can do other than add an informative to make the applicants aware of the monument record.

9.5 Impact on Ecology - The Council's Ecology Officer has stated that the precautionary principle should be applied to retrospective applications and assume that roosting bats were present and compensation is required to provide replacement roosting features/areas. The Ecologist advised that the photos of the original barn building demonstrated that it had potential for roosting bats with a partially open wooden slat door on the gable end, gaps at the bargeboards and a slate/tile roof. Bats had access through the open door, including horseshoes.

9.5.1 Whilst there are no bat records for the site, there are several bat roost records within 1 – 2 km including Lesser horseshoe, Whiskered, Natterer's, Brown long-eared, Pipistrelle and Serotine bats. The landscape around the site would be highly suitable for commuting and foraging bats with hedgerows, woodlands, wetlands and watercourses. There is a watercourse to the northeast that eventually meets the River Avon south of Broughton Gifford. This passes through Little Chalfield and Great Chalfield, which are known roosts for Lesser horseshoe bats (including a maternity roost) and also has records for Greater horseshoe bats.

9.5.2 The site also lies within the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) Consultation Zone and the Lesser horseshoe and Greater horseshoe buffer areas to the SAC. It is submitted that it is likely that bat surveys would have been required before determination of the application if the works had not been commenced due to the likelihood of it being used by horseshoe species.

Bat roosts will therefore need to be retrofitted into the converted barn as a condition.

9.6 Developer Contributions/ Community Infrastructure Levy - This development proposal is not CIL liable as agricultural uses are not listed in the adopted Charging Schedule.

Conclusion (The Planning Balance) The unauthorised barn has been significantly increased in size which has caused a diminution of the openness of the Green Belt, its essential characteristic contrary to national policy. The domestic scaled wall openings appear alien and raise substantive doubt about the true function of the unauthorised building. The associated engineering/excavation works, which have led to a building of full two-storey height, are also inappropriate development in the Green Belt and as a consequence, the application is recommended for refusal.

RECOMMENDATION: Refuse for the following reason

The unauthorised development, by reason of its increased bulk and mass compared to the previous structure on the site and the engineering works have led to a diminution of the openness of the Green Belt, its essential characteristic. The uniform/regimented domestically scaled wall openings are also considered inappropriate. The proposal is therefore found contrary to Wiltshire Core Strategy Policy 51 – Landscape and Part 9 of the National Planning Policy Framework and specifically to paragraphs 87-89 and that no ‘very special circumstances’ exist to outweigh the demonstrable harm caused.