

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	09.11.2011		
Application Number	W/11/02216/FUL		
Site Address	Upper Farm Upper Farm Northwest To Upper South Wraxall Lower South Wraxall Bradford On Avon Wiltshire		
Proposal	Alterations to bring about the change of use of two redundant agricultural buildings to form 2 dwelling houses and associated works		
Applicant	Mr Ian Digges		
Town/Parish Council	South Wraxall		
Electoral Division	Holt And Staverton	Unitary Member:	Trevor Carbin
Grid Ref	383289 164415		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Carbin has requested that this item be determined by Committee due to:

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Environmental/highway impact

1. Purpose of Report

To consider the above application and to recommend that planning permission be approved subject to conditions.

Neighbourhood Responses - Two letters of concern/objection received.

Parish/Town Council Response - objects

2. Report Summary

The main issues to consider are:

Principle of Development/Rural Conversions
 Impact on the Green Belt
 Impact on Conservation Area/setting of listed buildings
 Impact on Environment/Highway Interests
 Impact on Ecology
 Relationship to adjoining properties

3. Site Description

The application site forms part of a unlisted property known as Upper Farm, which consists of the former farmhouse and two detached traditionally built agricultural barns in South Wraxall, which is a "settlement" without defined village policy limits, and is therefore considered to be located in the open

countryside. The site is also located within the designated Conservation Area and is washed-over by the West Wiltshire Green Belt.

Misons Farm, a separate property and its range of agricultural buildings, is located to the east, south and west of the application site. The land beyond the unclassified road which runs along the site's northern boundary, is open farmland.

4. Relevant Planning History

88/02199/FUL - Conversion of farm outbuilding to dwelling and new associated access - Committee Permission 02.05.1989

89/01419/FUL - Conversion of farm outbuilding to new single dwelling - Committee Permission 19.09.1989

5. Proposal

Under this application, the applicant seeks permission to convert two detached barns to form two dwellings. The two barns have been surveyed and are structurally sound and do not require substantial or material alterations to bring about the change of use. The asbestos roof over Barn A would be removed and replaced with slate material. No extension to either barn is proposed under this application.

The proposal includes the delineation of two new residential curtilages using natural stone walling to match the existing boundary wall material. Through negotiations with the Council's highways officer, the applicant proposes to improve visibility from the existing farmyard access which would serve the two new residential units. An alternative access to the existing farmhouse at Upper Farm would be provided through exercising permitted development rights.

In accordance with adopted District Plan policy, the buildings were marketed for alternative business, tourist and recreational uses by Chesterton Humberts. In support of the application proposals, details of the marketing exercise have been submitted.

In addition to the marketing report, a structural survey, a design and access statement, a protected species survey and follow-up bat survey have all been submitted.

6. Planning Policy

National Guidance

PPS1 Delivering Sustainable Development

PPG2

Green Belts

PPS3 Housing

PPS5 Planning for the Historic Environment

PPS7 Sustainable Development in Rural Areas

PPS9 Biodiversity and Geological Conservation

PPG13

Transport

Wiltshire Structure Plan 2016

DP1 Priorities for sustainable development; DP2 Infrastructure; DP9 Reuse of land and buildings; DP12 Western Wiltshire Green Belt; DP14 Housing, employment and related development in the open countryside;

C1 Nature conservation; C5 The water environment; HE7 Other sites of archaeological or historic interest.

West Wiltshire District Plan - 1st Alteration 2004

C1 The countryside; C15 Archaeological assessment; C17 Conservation Areas; C18 New development in Conservation Areas; C20 Change of use in Conservation Areas; C31a Design; C32 Landscaping; C38 Nuisance; H21 Conversion of rural buildings; E8 Rural conversions; T10 Car

parking; U1a Foul water disposal; U2 Surface water disposal; U4 Groundwater source Protection Areas

7. Consultations

Parish Council - Objects on the grounds that the proposal would totally change the character of the rural area and increase traffic.

Highways - It is understood that the holding is not currently operating as a farm and that the barns were last used in 1966. As such, they would not, of themselves, currently generate traffic movements other than that associated with the dwelling at Upper Farm. It is however necessary to note that traffic from the two dwellings would not be materially greater than any farming use.

Following the submission of revisions, no objections are raised subject to conditions.

Conservation Officer - No objections.

The buildings subject to this application are not curtilage listed buildings but are located within the Conservation Area and within the setting of the Grade II listed Misons Farm, Granary, Barn and Stable.

This application is a sensitive conversion that would adequately retain the agricultural character and appearance of the barns. The special character and appearance of the Conservation Area and the settings of the listed buildings would be preserved. There would be no window openings created in the northwest elevation of Barn B which is the most important elevation from the point of view of the nearby listed buildings. The character from that perspective would not change.

The proposed enclosure of the open fronted section of the barn has been detailed with care, and the use of vertical timber boards and full height glazing would give the impression of the historic arrangement. The new window openings are minimal on the southeast and would still retain the agricultural appearance.

The only point of concern to highlight relates to the design of the proposed dormer window shown on the courtyard elevation on Barn B. This does appear to be slightly out of context. However, due to its position on the building relative to the Conservation Area views and the locations of the listed buildings, this window would result in only limited harm to those heritage assets.

Council's Ecologist - The proposals involve the conversion of two barns, one of which has been identified as a roost site for a number of bat species (Barn B). Thorough and satisfactory survey work has identified usage of the barn by low numbers of lesser horseshoe, brown long-eared, and pipistrelle bats. The barn is used as a summer non-maternity roost site, and possibly a hibernation site for brown long-eared and pipistrelle bats.

Conversion of the barn would result in the loss of some roosting opportunities and there is a potential risk of injury/killing to individual bats during construction work. The consultant has acknowledged that works will need to be undertaken under a Natural England licence.

Appropriate mitigation measures have been incorporated into the plans: the provision of roosting spaces (two loft voids, bat boxes), retention of the existing access point on the north-east wall, and additional bat access tiles. It is pleasing to note that these have been fully incorporated into the plans (Barn B - Proposed Elevations, drawing no. LDC.1485.011c). Further details on the protection of bats during construction work will be included in the Method Statement for the Natural England licence.

Since the proposals will impact the existing roost sites, the LPA is required to consider the 'three tests' under Regulation 53 of the Habitat Regulations 2010. Guidance states that application of the tests should be proportional to the severity of the potential impact - in this case it is considered to be minor; and further information, by way of a planning condition is not necessary.

Ecological Recommendations:

This application is supported by satisfactory survey work and the plans include appropriate mitigation measures. The development will be carried out under licence by Natural England therefore no objection is raised, subject to an informative.

Wessex Water - No objections subject to an informative.

Environment Agency - No objections subject to an informative.

Environmental Health - No objection. Turning Barn B into a dwelling does raise some concern as it is immediately adjacent to a working farm and the access to that farm. If this was a proposal for a new dwelling, it would be recommended for refusal. However, it is appreciated that the barn conversion would not have any windows on the facade of concern, or any amenity area. On balance therefore, provided there is a planning justification for the change of use, no environmental protection objection is raised.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification. Expiry date: 23 September 2011

Summary of points raised: Two letters from third parties raising the following points:

Surprised to note that the buildings are not listed.

If granted, three properties would be located close together and rely on an existing stretched sewage infrastructure.

The lane leading to the site is very narrow and in poor repair. Increased traffic would make matters worse.

Concerns raised about the position of bat boxes (on Barn B) facing a neighbours property. The bat box would be below an existing oil tank and concerns are raised about their maintenance. Could these boxes be re-positioned?

Misons Farm is a working farm with a variety of livestock and large agricultural vehicles which use the existing entrance access which is adjacent to Barn B. This should be taken into consideration.

9. Planning Considerations

9.1 Principle of Development/Rural Conversions

The conversion of rural buildings must be considered against policies E8 and H21 of the West Wiltshire District Plan. Policy requires the conversion of rural buildings in the countryside to be for employment, tourism or recreation uses so as to have a positive impact on local employment, and these are the uses preferred over residential. Policy H21 states that "The conversion of rural buildings in the countryside and in settlements without Village Policy Limits to residential use will be permitted only where:

A The applicant has made every reasonable attempt to secure business, tourism or sport and recreation re-use, and the application is supported by a statement of the efforts which have been made;

B The building is of substantial, sound and permanent construction and capable of conversion without extensive alteration, rebuilding, and/or extension or otherwise significantly altering its original character;

C The proposed conversion safeguards and/or enhances the essential form, structure, character, and important traditional features of the building and the countryside;

D It can be satisfactorily serviced and does not create highway problems;

E It is not subject to flood risk and does not harm the natural environment including the water environment.

"In considering such proposals structural surveys of buildings proposed for conversion will be required. All proposals must be submitted as detailed applications".

Policy H21 essentially seeks to promote rural employment by prioritising new business uses and/or expand tourism and sport and recreational accommodation through the re-use of redundant farm buildings in the countryside.

The two barns have been marketed since June 2010. The estate agents, Chesteron Humberts have provided details of the marketing exercise which is explained in detail within a letter dated 23 June 2011 along with associated accompanying marketing particulars. The estate agency's submission concludes that following a marketing campaign exceeding one calendar year, 21 enquiries were received relative to the two barn buildings. They also advise that none of these enquiries led to any viewings or offers. The lack of any firm interest shown in the buildings suggests that they are not regarded as being appropriate, suitable or desirable for business, recreational or alternative non-residential uses. It should also be duly noted that the marketing exercise did not seek to obtain residential interest.

On the basis of the details submitted, the buildings have been robustly marketed and consequently, the applicant has satisfied criterion A of Policy H21.

Both barns are of permanent, substantial construction that do not require significant alteration or rebuilding. The structural survey and the findings of the site visit confirm this opinion. Although no longer used for agricultural purposes, the barns form part of a traditional farm steading with a sense of enclosure being formed. This is accentuated by the way buildings are set out and their relationship with both the farmhouse and the road. It is also worthy of noting that both barns are orientated away from the farmhouse and detached from the neighbouring Mison's Farm, of which several buildings are listed.

It is duly noted that the applicant does not propose to extend the two barns and seeks to use the existing footprint and internal space without any rebuilding or significant alteration. Having said that, the applicant does propose to form some new window openings. For Barn A, a window would be formed by re-opening a previously blocked up doorway on the NW elevation (whilst utilising the existing upper floor window). A new window opening would be formed on the SW elevation and insert two small rooflights (along with retaining the existing large barn opening and introduce full wall height glazing). No new openings are proposed to the SE elevation. Full height glazing would replace the barn doors on the NE elevation, but retain the doors as side shutters. On the same elevation a new window opening is proposed on the ground floor level with the insertion of two rooflights.

For Barn B, no new openings are proposed for the two gables. The NW elevation, which backs onto Mison's Farm, would be retained as having no openings at all. On the SE elevation, the two existing window and one door opening would be retained. In addition, one further ground floor window and one wall head dormer window would be provided along with three small rooflights. The applicant also proposes to retain three of the open fronted sections of the lower level barn structure, but install glazing within the openings. The other sections would be built up using timber boarding.

Whilst there would be some physical alterations made to the two barns, it would be limited and the essential form, character and appearance of the barns would be retained. The introduction of the wall head dormer to Barn B has been carefully considered. Although it would result in a completely new element to the barn, its design and detailing are not considered out of keeping or significantly harmful to justify a refusal.

9.2 Impact on the Green Belt

Within any Green Belt setting, there is a presumption against inappropriate development.

Paragraphs 3.7 - 3.9 of PPG2 states that "with suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It can help to secure the continuing stewardship of land, especially by assisting farmers in diversifying their enterprises, and may contribute to the objectives for the use of land in Green Belts. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction.

The re-use of buildings inside a Green Belt is not inappropriate development providing:

- (a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- (b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);
- (c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
- (d) the form, bulk and general design of the buildings are in keeping with their surroundings. (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out).

If a proposal for the re-use of a building in the Green Belt does not meet the criteria in paragraph 3.8, or there are other specific and convincing planning reasons for refusal (for example on environmental or traffic grounds), the local planning authority should not reject the proposal without considering whether, by imposing reasonable conditions, any objections could be overcome. It should not normally be necessary to consider whether the building is no longer needed for its present agricultural or other purposes. Evidence that the building is not redundant in its present use is not by itself sufficient grounds for refusing permission for a proposed new use".

The Government policy guidance states that substantial weight should be given to the level of harm caused to the Green Belt when considering any planning application or appeal. In terms of the conversion proposals, the development would not have a demonstrable impact on the openness or the character of the Green Belt. The use and type of traffic generation would change on site, but the essential character of the site would not.

9.3 Impact on Conservation Area/Setting of Listed Buildings

Planning Policy Statement 5 and Section 66 & 72 of the Planning (Listed Building and Conservation Area) Act 1990 highlights that the Local Planning Authority has a duty to pay special attention to the desirability of preserving and enhancing the setting of a building or buildings of special architectural or historic importance and character or appearance of the Conservation Area. At the very early stage of this application, due consideration was given to whether or not the barns were curtilage listed buildings, given the proximity and historic association to the listed Mison's Farm. Following a review of the planning history of the site and the listed status of Mison's Farm, Council officials concluded that the two barns at Upper Farm are not listed.

As reported above, the Conservation officer states that this proposal would be a "sensitive conversion that would adequately retain the agricultural character and appearance of the barn. Therefore the special character and appearance of the Conservation Area and the settings of the listed buildings would be preserved". Notwithstanding the Conservation Officers comments about the proposed new wall head dormer on Barn B, no planning based objection is raised as it would not constitute as a significant alteration and nor would it cause demonstrable harm to either the host building or its surroundings, and on this basis, it is supported.

9.4 Impact on Environment/Highway Interests

The proposed development would not cause significant detriment to environmental or highway interests. In this particular case, it is understood that the subject buildings and land are the residue of a former agricultural holding that existed in its own right, and on this basis, could be used for agricultural purposes (and generate agricultural traffic movements separate from the on-site residential traffic). Having due cognisance of this, and following negotiations with the applicants agent, the highways authority report no objection, subject to conditions and an informative.

9.5 Impact on Ecology

The submitted protected species survey and follow-up bat surveys indicate that the barns are host to roosting bats and breeding birds. The surrounding area is also known to have greater horseshoe, lesser horseshoe and bechstein bats hibernating in abandoned mines in the Bath and Bradford on Avon Special Area of Conservation. This site is designated due to the national importance of the hibernation roosts, particularly for greater horseshoe bats. Habitats on the site and in close proximity to it were found to be of "medium suitability for foraging or commuting bats with the nearby hedgerows and grazed fields likely to produce moderate quantities of flying insects for feeding bats". The bat surveys recorded that pipistrelle, lesser horseshoe and brown long eared bats roosted within the subject buildings during the course of the bat emergence and dawn re-entry surveys. Bat droppings were found within the barn and additional bat activity was observed with other bat species also making occasional flights over the site.

The Council's Principal Ecologist has analysed the data submitted and reports that the application has been subject to the appropriate level of survey work and that the proposed plans include the necessary mitigation measures. If granted, any permission should be subject to an informative advising the developer(s) about the need to obtain a European Protected Species licence from Natural England.

9.6 Relationship to adjoining properties

The proposed conversion of the two barns would not result in demonstrable detriment being caused to neighbouring privacy and amenities enjoyed by the host farmhouse at Upper Farm (which is within the ownership and control of the applicant) or to Misons Farmhouse.

Whilst there is some concern held over the proximity of Barn B to existing agricultural buildings located only 5-10 metres away, it is acknowledged that there are no existing or proposed openings to be formed in the western facade of this building which backs onto neighbouring agricultural land (associated to Mison's Farm). To ensure that the future amenities of any occupants of this building are fully taken into account, the Council's Environmental Health team were consulted, and as reported above, no environmental protection (i.e. noise based) objection was raised. If granted, the application should be subject to a planning condition removing pd rights to prevent the formation of new wall openings in the north-western elevation of Barn B to protect residential/occupier amenity.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

LOCATION PLAN – Drawing no. LDC.1485.001 received on 06.08.2011

SITE PLAN – Drawing No. LDC.1485.002 Rev C received on 05.10.2011

EXISTING PLANS BARN A – Drawing no. LDC.1485.003 received on 06.08.2011

EXISTING ELEVATIONS BARN A – Drawing No. LDC.1485.004 received on 06.08.2011

PROPOSED PLANS BARN A – Drawing No. LDC.1485.005 Rev C received on 06.08.2011

PROPOSED ELEVATIONS BARN A – Drawing No. LDC.1485.006 Rev B received on 06.08.201

SECTIONS BARN A – Drawing No. LDC.1485.007 Rev B received on 06.08.2011

EXISTING PLANS BARN B – Drawing no. LDC.1485.008 Rev A received on 06.08.2011

EXISTING ELEVATIONS BARN B – Drawing No. LDC.1485.009 Rev C received on 06.08.2011

PROPOSED PLANS BARN B – Drawing No. LDC.1485.010 Rev C received on 06.08.2011

PROPOSED ELEVATIONS BARN B – Drawing No. LDC.1485.011 Rev C received on 06.08.201

PROPOSED ELEVATIONS BARN B – Drawing No. LDC.1485.012 received on 06.08.2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

- 3 No development shall commence on site until details and samples of the materials to be used for the external walls (including the new means of enclosure) and roofs 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: In the interests of visual amenity and the character and appearance of the area.

POLICY: PPG2 - Green Belts and West Wiltshire District Plan 1st Alteration 2004 policy C31a and H21.

- 4 The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C31a

- 5 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C31a

- 6 No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C31a

- 7 No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 0.9 metres above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C31a

- 8 The development hereby permitted shall not be occupied until 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 have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

- 9 No development shall commence on site until details of the external timber boarding finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: PPG2 - Green Belts and West Wiltshire District Plan 1st Alteration 2004 policy C31a, C17 and H21.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E and Part 2 Class A-C shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for future alterations, additions, extensions or enlargements.

POLICY: PPG2 - Green Belts and West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no additional wall or roof openings, other than those shown on the approved plans, shall be formed in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY: PPG2 - Green Belts and West Wiltshire District Plan 1st Alteration 2004 policy C31a, C38, E8 and H21.

- 12 The mitigation measures detailed in the approved Ecological/Bat Surveys undertaken by Skilled Ecology Consultancy Ltd shall be carried out in full prior to the first occupation of the development hereby approved.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

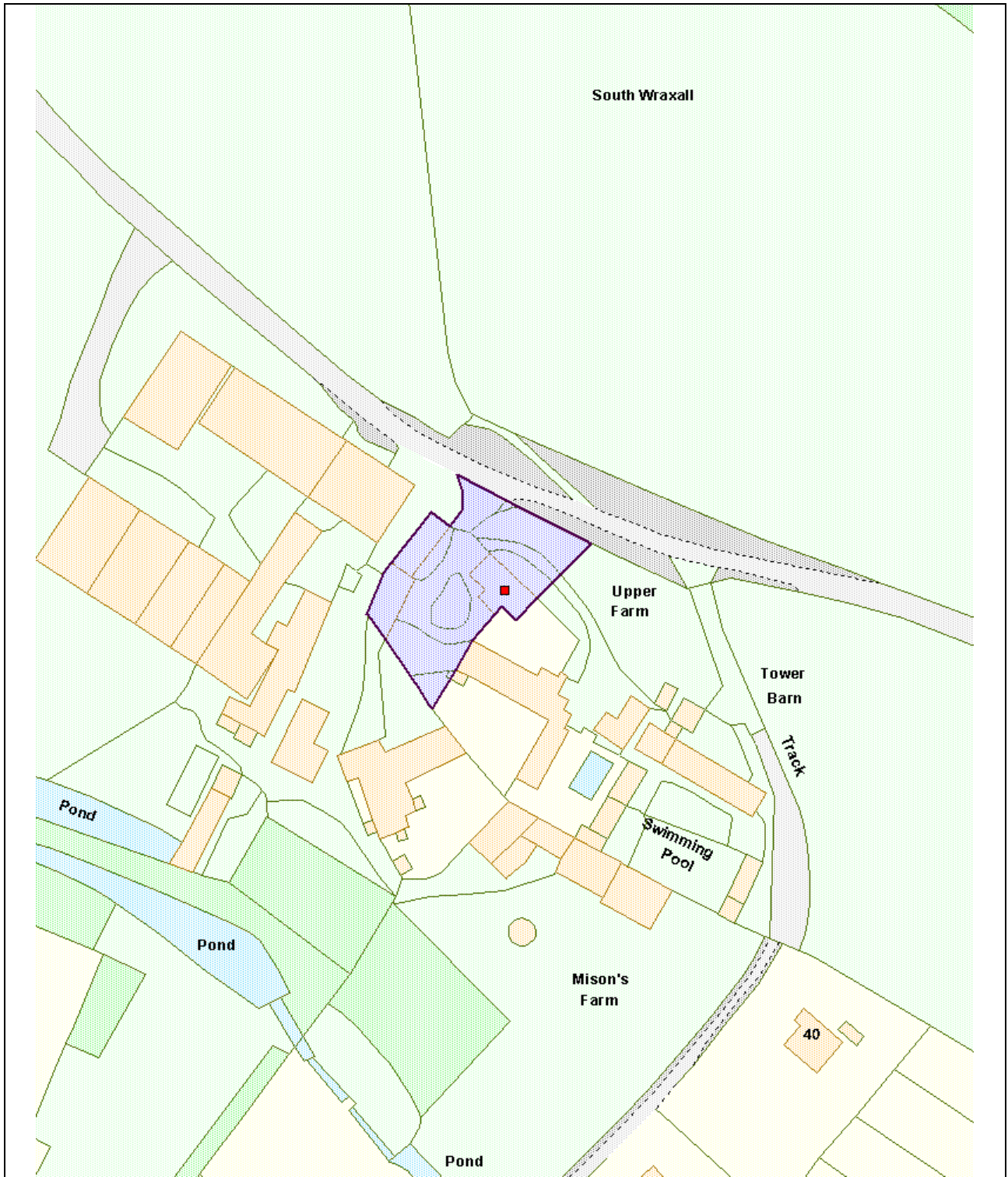
POLICY: Planning Policy Statement 9: Biodiversity and Geological Conservation.

Informative(s):

- 1 The applicant/developer is advised to note that the grant of planning permission does not derogate the applicant's legal responsibilities under the Conservation of Species and Habitats Regulations (2010). It is the applicant's responsibility to obtain a European Protected Species licence from Natural England to legitimise any action likely to breach Regulation 41.
- 2 The applicant/developer is advised to note the content of Wessex Water's letter dated 30 August 2011.
- 3 The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

- 4 The applicant is advised to ensure that all asbestos material is removed and disposed of properly in accordance with Hazardous Waste Regulations. The applicant is encouraged to contact the Environment Agency for more information.
- 5 The applicant/developer is advised to note the content of the Environment Agency's letter dated 5 September 2011.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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