

Part 1

Applications recommended for Refusal

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Application Number:	S/2005/1509		
Applicant/ Agent:	THE JONATHAN BARLOW PARTNERSHIP		
Location:	MANOR FARM FISHERTON DE LA MERE WARMINSTER BA120PY		
Proposal:	CONVERSION OF EXISTING REDUNDANT AGRICULTURAL BUILDINGS TO RESIDENTIAL		
Parish/ Ward	WYLYE		
Conservation Area:	LB Grade:		
Date Valid:	27 July 2005	Expiry Date	21 September 2005
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

REASON FOR REPORT TO MEMBERS

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

- the significant interest shown in the application
- the controversial nature of the application

The application is also contrary to two statutory consultees recommendations, namely the Highways Agency and Highways Authority) recommendation

The application was also deferred at the meeting on 22/9/05 to enable supply of the following information:

1. Details on the vacancies of similar commercial properties in the locality to enable members to establish whether there is a demand for commercial property in the locality
2. Revised plans showing a change in internal access so all 3 units are accessed from the northern access and the access parallel to the A36 is deleted. If this cannot be achieved then full details of the method of surfacing of the parallel surface road be submitted to demonstrate no adverse impact on the trees.
3. Clarification of the sightlines following the applicant's meeting with the Highway Authority
4. The correct blue lines on the application plan to show clearly what land is in the applicant's control.

The previous committee report is attached as [Appendix 1](#).

CONSULTATIONS

WCC Highways - Objection, as previous
 Highways Agency - Objection, as previous
 Tree Officer - Objection. Deletion of access road overcomes the second reason for refusal relating to damage to beech trees between the proposed access road and A36.
 Otherwise, comments as previous (see below).
 Economic Development - Objection on grounds of loss of potential rural workspace and insufficient evidence of lack of demand in the area.
 Conservation Officer - In considering the revised site plan 18B and siting of the internal access road, Members' attention is drawn to the previous comments of the CO, regarding the desirability to retain the existing open character of the former farm yard.

PLANNING CONSIDERATIONS

The applicant has submitted the following information, as requested by committee:

- A site plan clearly outlining red and blue land.
- A statement regarding the sightlines ([Appendix 2](#)).
- Revised site plan (18B), deleting the internal access road parallel to the A36 and relocating it to the north of the walled courtyard.
- Details of a report and subsequent letter regarding availability of commercial premises ([Please see Appendix 3 and 4](#)).

Economic Development

Following receipt of the additional information from the applicant regarding the availability of commercial premises, a further letter was sent on 20th October, requesting clarification on the following:

Details of the vacant premises at Deptford Farm, Wylve
Details of the vacant premises at Ballington, Steeple Langford
Details of how long the above units have been vacant for?
Clarification of location of units on Fonthill Estates (eg a plan)
Clarification of location of units in Durrington (eg a plan)

This information has been forthcoming, in a letter dated 31/10/05 and **attached as Appendix 4**.

Economic Development are still concerned about the loss of potential rural workspace. The market demand is difficult to quantify and whilst details of a number of available comparable units have been given, it has not yet been proven to officers' satisfaction that there is lack of demand in the area or that the only viable use of the building would be redevelopment for residential use. The Economic Development Officer would prefer to see the buildings converted to rural workspace and believe the buildings may be eligible for the Rural Renaissance grant which offers 25% towards the total investment of the conversion. ([Please see Appendix 5](#))

Trees

Members will recall late correspondence regarding the potential impact of the development on existing trees at the entrance to the site. These trees are the subject of a TPO. The revised internal access proposals have removed concerns regarding damage to roots caused by the construction of the access road. However, the tree officer still considers that having viewed the highway comments, in order to implement the scheme there would need to be significant changes in banks of earth at the front of the site to get visibility splays and this would result in significant root damage to existing trees, which would be detrimental to their health.

Highways

The applicant has circulated a letter to members (dated 18/10/05 and **attached as Appendix 2**) which states that the Highways Agency did not consider that this section of the A36 had a high accident record, but that they did not see how the applicant could cut and maintain the bank to keep the visibility splays clear of obstruction. Concerns regarding the internal access road have been removed by its deletion from the scheme.

The Highways Agency have responded to the revised scheme, and consider that development of the site for commercial purposes *could* be less desirable than its development for residential purposes, because of the additional traffic flows generated ([see Appendix 6](#)). However, there are still concerns that the required visibility splays of 215 metres can not be achieved without removal of a substantial number of trees and lowering the verge, and that the existing achievable visibility is substandard in both directions without these works. The Agency is therefore unable to change its previously stated position that unless the existing visibility is further improved to the full Highways Agency standards, this application should still be refused on the grounds of highway safety.

The Highway Authority has not removed its previous objection to the proposals.

CONCLUSION

The applicant has supplied the information previously requested by Members. Further consultations have taken place with the tree officer, Highways Agency, Highway Authority and Economic Development, and objections remain from these consultees for the reasons given in this report.

RECOMMENDATION: REFUSE for the following reasons:

(1) The proposals seeks to renovate and restore redundant farm buildings in the countryside of the AONB. The buildings are considered desirable to retain, and provision for alternative uses is made under Policy C22 of the Salisbury District Local Plan. However, the applicant has not demonstrated that every reasonable attempt has been made to secure an alternative (agricultural, economic, tourism or community) use for the buildings, in preference to complete residential conversion. The proposal would therefore be contrary to Policy G1, C22 and H22 of the Salisbury District Local Plan, and the objectives of PPS7.

(2) Without further improvements to access and visibility, it is considered that the proposal would generate turning movements on a fast, straight section of derestricted trunk road, to the detriment of road safety on the A36. The required improvements to provide visibility to Highways Agency standards would require the removal of several mature beech trees and the lowering of the verge, which is likely to damage existing root systems to the detriment of tree health. The proposal would therefore be contrary to Policy G1 and G2 of the Salisbury District Local Plan.

(3) The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Salisbury District Local Plan because appropriate provision towards public open space has not been made.

And contrary to the following policy/policies of the adopted Salisbury District Local Plan:

Policy G1 and G2	General Principles for Development
Policy C22	Change of Use of Buildings in the Countryside
Policy R2	Public Open Space
Policy H22	Application of Housing Policy Boundaries
PPS7	Sustainable development in rural areas
PPG3	Housing

INFORMATIVE: - R2 FOR REFUSAL

It should be noted that the reason given above relating to Policy R2 of the adopted Local Plan could be overcome if all the relevant parties can agree with a Section 106 Agreement, or, if appropriate by a condition, in accordance with the standard requirement of public recreational open space.

Part 1

Applications recommended for Refusal

Item No.	Case Officer	Contact No.	
App.Number	Date Received	Expiry Date	Applicant's Name
Ward/Parish	Cons.Area	Listed	Agents Name
Proposal			
Location			

1	Case Officer Mrs B Jones	Contact No 01722 434388	1
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S/2005/1509	27/07/2005	21/09/2005	D BARCLAY
WYLY			THE JONATHAN BARLOW PARTNERSHIP
Easting: 399691.095068455	Northings: 138788.878205299		

PROPOSAL:	FULL APPLICATION -CONVERSION OF EXISTING REDUNDANT AGRICULTURAL BUILDINGS TO RESIDENTIAL
LOCATION:	MANOR FARM FISHERTON DE LA MERE WARMINSTER BA120PY

REASON FOR REPORT TO MEMBERS

Councillor Mills has requested that this item be determined by Committee due to: the significant local interest shown in the application, and the controversial nature of the application

The application is also contrary to two statutory consultees' recommendations, namely the Highways Agency and Highway Authority.

SITE AND ITS SURROUNDINGS

The site is to the north west of Fisherton de la Mere, separated by the A36 trunk road. The site has an existing vehicular access from the A36, which is shared by Manor Cottages, immediately to the north of the site, and a secondary access to The Manor, to the east. The site consists of vacant agricultural barns positioned around a central courtyard area, with open countryside to the north and west. The whole site is in open countryside and is part of the AONB.

THE PROPOSAL

The application seeks consent to convert two redundant farm buildings to residential use, and to convert part of a third building for parking. Alterations to the existing access are proposed, to provide appropriate visibility splays.

It is proposed to convert the barn to the north of the site (barn 1) into a single 3-bed dwelling with a single storey extension to the east elevation providing a carport (following removal of an existing lean-to). The conversion will utilise the existing external envelope, retaining existing openings and structural features, as outlined in the engineering survey and method statement.

The barn to the west of the site (barn 2) would be converted into two semi-detached 3 bedroom dwellings. The proposed conversion of barn 2 will involve the creation of some new openings, with glazing of the north and south elevations, however it is considered that the character of the barn would be substantially retained, with the external envelope and internal features remaining intact, as outlined in the engineering survey and method statement.

It is proposed to create an access through the single storey stables and storage barn which runs parallel to the A36 to the south of the site, and to convert the end of the stables building into a proposed open carport. It is not proposed to structurally alter the access road, (which lies adjacent to trees covered by tree protection orders) other than to lay additional gravel.

PLANNING HISTORY

2004 1562 Conversion of existing barn into 3 residential units Withdrawn 27/01/2005
 2005 735 Conversion of existing barn into 3 residential units Withdrawn 6/06/2005

CONSULTATIONS

WCC Highways	-	Objection (see below)
Highways Agency	-	Objection (see below)
Forward Planning	-	Objection (see below)
English Nature	-	No objection, subject to conditions
Conservation Officer	-	Buildings are considered worthy of retention and are of some historical significance within the landscape.
Environmental Health Officer	-	No Observations
Wessex Water Authority	-	No objection. Not in A WW sewer area, Council to be satisfied
Environment Agency	-	No Objection. Discharge consent for 3 dwellings has been issued
Arboricultural Officer	-	No objection subject to plans and site levels remaining unchanged, as submitted

REPRESENTATIONS

Advertisement	Yes	Expiry 12/5/05
Site Notice displayed	Yes	Expiry 12/5/05
Departure	No	
Neighbour notification	Yes	Expiry 4/5/05
Third Party responses	Yes	Two letters of support for residential conversion and objection to commercial use on general grounds of disturbance and highway safety.
Parish Council response	Yes	Support. Consider that buildings are more suitable for residential use than business use.

MAIN ISSUES

Conversion of redundant buildings in the countryside to residential use
 Nature conservation and non mains drainage
 Highway safety
 Public open space
 Trees

POLICY CONTEXT

Adopted SDLP Policies G1, G2, G5, C5, C8, CN17, C12, C22, R2, T6, H22
 PPS 7 (sustainable development in rural areas)
 PPG 9 (nature conservation)

PLANNING CONSIDERATIONS

1. Conversion of redundant buildings in the countryside to residential use.

Policy C22 provides the criteria for the reuse and conversion of redundant buildings in the countryside, subject to five criteria. Following submission of an engineer's report and

construction method statement, officers are satisfied that the buildings would be capable of conversion without substantial reconstruction, and that the brick and stone envelopes (and certain internal features such as timbers) could be retained. The Conservation Officer considers that the buildings form part of the historic landscape and should preferably be retained with the existing courtyard kept open. The proposed conversion of the buildings is unlikely to prejudice the vitality of Fisherton de la Mere or other nearby settlements. The proposal would therefore satisfy criteria (i), (ii), (iii), (iv) and (v).

However, C22 requires that where the conversion is for a mixed business/residential use, the residential element should be ancillary to the business use. Where the proposal is for full residential use, the Council will expect every reasonable attempt to secure a suitable business or community reuse. The supporting text acknowledges (7.48) that the conversion of barns is a sensitive issue, and that the most appropriate use for the building is normally its original purpose. Preference will therefore be given to new uses which respect the building's special characteristics. Therefore, before residential conversion is considered, a number of *"alternative uses should be evaluated. In order of preference, these are community uses which keep the interior wholly open, industrial uses related to agriculture, office and commercial uses, other industrial uses that preserve the openness of the barns, and craft and studio type uses."* If after careful investigation no alternative to residential can be found, the LPA will seek to retain the interior as undivided as possible. *The number of units will therefore be strictly limited.* The text concludes that there is no automatic assumption that alternative uses will be acceptable, and there may well be occasions when the only acceptable course of action is to preserve in its present form.

Barn 2 is currently single storey only with limited internal subdivision. Barn 2 would therefore be significantly altered internally, by addition of a new first floor, and additional subdivision. Barn 1 is 2 storey, but the first floor is currently open plan, and ground floor has only limited subdivision at the eastern end. Barn 1 would also be significantly altered by the subdivision of the first floor to provide 3 beds and the ground floor. The impact of the conversion to 3No 3bed dwellings would therefore have a significant impact on the existing internal character of the barns, through the subdivision and addition of a first floor to Barn 2.

The applicant has submitted statements from Woolley and Wallis and Savills, regarding the potential for conversion to commercial use. W&W consider that it would be possible to convert the barns to provide 6,065sqft gross internal area of commercial floorspace. The report concludes that demand for small industrial units has been poor over the last 12 months. They consider that industrial and office units to the west of Salisbury generally take 6-12 months to let and rarely reach full occupancy. *"Bearing in mind the achievable rents and construction costs, we do not believe a conversion of these buildings to commercial units would be economically viable."* Savills similarly conclude that there are unsustainable returns, oversupply of premises and lack of demand for units at present.

Forward Planning have considered the submissions, and consider that whilst the reports are convincing, they are not site specific and are largely focussed on business space to rent. There is little consideration of mixed business with ancillary residential. The Council's general practice for a marketing exercise is to allow 6-9 months to identify a user, even in larger settlements. Therefore, according to the agents' experiences, a normal marketing exercise may well identify a business user. A full range of uses should be included in the exercise.

PPS7 also promotes the conversion of rural buildings for business uses where possible so as to protect the interests of the rural economy. Under the previous application in 2005, Economic Development officers expressed concern about the loss of rural workspace, and thought there was need for a market test to prove that the site is no longer viable for an employment generating use. *The local plan states that conversion of agricultural buildings into residential is the least desirable. Business use with ancillary residential use is certainly more favourable than purely residential. There are grants available through the Rural Regeneration Partnership to convert redundant rural buildings to provide rural workspace.*

The site lies in the open countryside, outside the housing policy boundary, and does not lie adjacent to any of the main settlements in the District (Policy H22). Therefore, there is no automatic policy assumption that new residential development would be considered acceptable or sustainable in this location.

Conversion of the buildings for tourist accommodation would at least provide a local economic benefit for the conversion, and this was only briefly considered by Savills (no marketing has taken place). **Policy T6** would support the change of use of the farm buildings for either bed and breakfast, self catering or guest house accommodation, subject to Policy C22, and there being no adverse effect on the amenities of the area. A legal agreement would also be required to prevent change to a solely residential use. Members may consider that the barns are well suited for tourism accommodation, being in the countryside, close to the A303, and on the A36 between Salisbury and Bath.

Officers do not consider that, "every reasonable attempt" has been made to secure an alternative use to residential. Tourism, commercial or a mixed commercial/residential end use should be fully examined through a thorough 6-9 month marketing exercise, before residential is concluded to be the only viable option under Policy C22. A view should also be taken regarding the impact of the subdivision for 3 dwellings on the character of the buildings themselves.

Nature Conservation

A bat survey with recommendations has been submitted, and English Nature have raised no objections, subject to the recommendations of the report, and that works must cease if bats are found. The proposal would therefore satisfy Policy 12.

Non Mains and surface water drainage

The applicant states that a septic tank would serve the properties. A discharge consent has been obtained for the tank from the Environment Agency, and no objection is raised. The proposal would therefore satisfy Policy G5. Wessex Water consider that the LPA should be satisfied with the disposal of surface water from the site.

Highway Safety

Policy G2 requires new development to avoid placing an undue burden on the local road network. The applicant states that it would be possible to provide the required visibility splays and sight lines of 215 metres. However, the splay is not included within the red line of the application, and it is therefore assumed that the applicant does not have ownership of the land required for control over the splays.

The Highways Agency have advised that the speed limit on the A36 is derestricted and they are concerned that the required splay of 215m to the edge of carriageway, from a setback of 2.4m cannot be achieved without substantial improvements, and that the achievable visibility is substandard in both directions.

The proposed north south internal road between the access and the proposed barn conversions is 3.5m wide. This single carriageway road cannot accommodate two way traffic and there are no proposals to provide passing bays. This could potentially give rise to conflicting vehicular movements close to the access with the A36, resulting in vehicles overhanging the A36 or vehicles standing on the A36 waiting to enter the access, to the detriment of highway safety.

No proposals have been made to screen the vehicles on the north/south internal road from the A36. Due to the level differences between the proposed internal road and the A36 carriageway, headlights from vehicles within the site could potentially dazzle drivers of vehicles travelling along the A36. The Highway Agency therefore recommend that the application is refused on the grounds of highway safety.

The Highway Authority have expressed concern regarding the safety implications of additional traffic using the entrance and sustainability. WCC are not satisfied that the site is close to employment opportunities. Also, although there are bus stops close to the site, the public transport available may not be deemed suitable for children, in particular to use to get to and from school, as both stops are accessed via the footway located on the opposite side of the A36.

WCC also feel that visibility cannot be achieved without major works to the verge/bank in order to achieve the desired splay (free of obstruction at and above a height of 900mm). Even if the

vegetation is cleared to the required height, highway officers would not be happy that this would always be maintained and would want the verge to be reduced in height to half a metre to allow for any growth in between maintenance works, and this is not considered achievable due to site limitations. The agent has suggested a legal agreement to secure the maintenance of the splays but highways are not happy that this would be achievable or enforceable.

Therefore, members are advised that two highway objections are raised as follows:

The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport is contrary to the key aims of PPG13 which seeks to reduce growth in the length and number of motorised journeys.

Without further improvements to access and visibility, it is considered that the proposal would generate turning movements on a fast, straight section of derestricted trunk road, to the detriment of road safety

Public Open Space

The applicant has entered into a Section 106 Agreement in respect of Policy R2. Monies are outstanding.

Trees

The mature trees to the south boundary are subject to a tree preservation order. An arboricultural method statement has not been submitted and no details have been provided of the proposed mitigation measures to protect these trees. On the basis that there would be no alteration to the existing levels around the trees to provide the visibility splay and access, or alterations to the existing driveway that would require excavation, the tree officer has raised no objection to the proposals, in accordance with Policy C8.

However, on the basis of comments from the Highway Authority regarding a change to the levels of the banks/verges, the tree officer would raise an objection on the grounds of the potential damage to trees subject to the TPO.

CONCLUSION

Whilst the proposal seeks to renovate and restore redundant farm buildings which are considered desirable to retain, the applicant has not demonstrated that *every reasonable attempt* has been made to secure an alternative (agricultural, economic, tourism or community use) for the buildings in preference to residential conversion. The proposal is unlikely to be able to achieve the necessary visibility splays (which are outside the red line of the application) to the detriment of users of the A36 trunk road.

RECOMMENDATION: REFUSE for the following reasons:

(1) The proposal seeks to renovate and restore redundant farm buildings in the countryside of the AONB. The buildings are considered desirable to retain, and provision for alternative uses is made under Policy C22 Salisbury District Local Plan. However, the applicant has not demonstrated that every reasonable attempt has been made to secure an alternative (agricultural, economic, tourism or community) use for the buildings, in preference to complete residential conversion. The proposal would therefore be contrary to policy G1, C22 and H22 of the Salisbury District Local Plan and the central aims and objectives of PPS7.

(2) Without further improvements to access and visibility, it is considered that the proposal would generate turning movements on a fast, straight section of derestricted trunk road, to the detriment of road safety on the A36, and contrary to policy G2 of the Salisbury District Local Plan

(3) The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the adopted Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

And contrary to the following policies of the adopted Salisbury District Local Plan:

Policy G1 General principles for development
Policy G2 General principles for development
Policy C22 Change of Use of Buildings in the Countryside
Policy R2 Public Open Space
Policy H22 Application of Housing Policy Boundaries
PPS 7 (sustainable development in rural areas)
PPG 9 (nature conservation)

INFORMATIVE: -

It should be noted that the reason given above relating to Policy R2 of the Adopted Replacement Salisbury District Local Plan could be overcome if all the relevant parties agree to enter into a Section 106 legal agreement, or if appropriate by condition, in accordance with the standard requirement for recreational public open space.

NOTES: