

Date of Meeting	12 August 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.

1. Purpose of Report

To consider the above application and to recommend approval subject to conditions.

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 subject building known as the long barn is comparable to a two storey building and is constructed from natural stone under a clay tiled roof. The long barn is part of a wider complex of buildings on site which includes a farm house and other buildings that are used as holiday lets. The long barn is approximately 170 metres to the south east of the Cumberwell Golf Course club house. The application site is within the Western Wiltshire Green Belt and 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

It should be noted that 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 re-construction of the agricultural barn. The barn is approximately 32 metres long by 10 metres wide and has a ridge height of approximately 9 metres sloping to 5.2 metres at the eaves. It has been constructed using natural stone and has a double roman tiled roof. The barn has been split into two sections and has a number of window and door openings but also includes two archway openings into each section. Both archways are large enough to allow a tractor to enter the building.

The applicant states that the ground level has been excavated by approximately 1.2-1.8 metres across the site. The boundary with an adjacent farm building with green metal sheet cladding appears to show evidence and scarring of earthworks and excavation where a stone wall is being built. Whilst the extent of excavation is unknown it does appear that some excavation works have taken place.

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; CP57 – Ensuring High Quality Design and Place Shaping; CP50 – Biodiversity and Geodiversity; CP51 – Landscape; 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

7. Consultations

South Wrexall 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 Enforcement Officer – Reported that he had visited the site on several occasions in the recent past before the barn was reconstructed whilst investigating matters relating to the adjacent holiday lets. The Council's enforcement officer was asked to review the submitted application details and reflect upon his own site inspections and members are advised that the officer is confident that the barn has not been raised in height since his site visit. The officer further reports that it would have been apparent to him if this was the case when he visited the site on the 21st May 2015, which was after the barn was reconstructed. The officer also confirmed that when he inspected the barn on the 21st May 2015, it did not appear to have a different footprint. On the basis of the above, the size and dimensions of the barn when visited were found to be the same as when the site was previously visited (prior to the barn's reconstruction).

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

The Principle of Development: The reconstructed barn has been built to a high specification using good quality stone and good attention to architectural detailing, as demonstrated by the bull's-eye window. The barn has two archway openings that are large enough for tractors to access (as illustrated in the applicant's submission). From the site inspections undertaken by officers the barn could function as part of a working farm, officer's report there is no reason or evidence to suggest that the reconstructed barn is for anything other than for agricultural purposes.

Contained within the applicant's Design and Access Statement, there is a photo snippet of the previous barn which reveals the former barn was built with stone under a tiled roof. Whilst the concerns raised by the parish council are duly noted, the fact that the building has been reconstructed to a high specification is not contrary to established planning policy. Officers find no reason to doubt that the building could be used for agricultural storage purposes. Since there has clearly not been a material change of use of the building, officers find no reason to doubt the applicant's intention.

The Impact on the Green Belt: The NPPF (paragraph 89) states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. However, the NPPF provides some exceptions and one of which relates to buildings for agriculture. Given the officer appraisal above and the extant agricultural use for the site, paragraph 89 is satisfied and the proposal is therefore considered appropriate development in the Green Belt.

The NPPF (paragraph 79) leads on to state that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts is their openness and permanence. It is therefore necessary for the Council to assess the effect of any new development on the openness of the green belt. In order to make a reasoned appraisal, officers have visited the site and appraised the evidence submitted by the applicant in the form of historic site photographs. The Council's enforcement officer has shared his site inspection records and recollection which assists in building an understanding about the site and the barn's former design, bulk and appearance. Officers acknowledge that the historic photographs do not fully capture the former barn and

since the old barn has been reconstructed, a qualified assessment must be made on the evidence that exists. The Council's enforcement officer has been involved in this site in the past and has knowledge of the previous barn. The enforcement officer has made it clear that the replacement barn is of a similar height, size and dimension to the building it replaced. In the absence of any evidence to the contrary, elected members are invited to concur with officers and conclude that the reconstructed barn would not detrimentally affect the openness of the Green Belt.

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 accept 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 any 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 any such asset.

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 photographs 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. Officers have appraised the submitted photographs showing internal walls leaning significantly. Whilst it is not possible to confirm that the former barn had to be rebuilt for structural reasons, there is some evidence showing structural failing.

The Design and Access statement reveals that existing stone has been re-used, which was the subject of an officer query, since the stone appeared to be new and of much lighter colour. However the applicant's agent has advised that the stone was cleaned to ensure the full removal of the previous mortar. Overall, officers are satisfied that the development does not harm the significance of the Cumberwell Farm steading.

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 1.2-1.8 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.

Impact on Ecology: The Council's ecologist has stated that the precautionary principle should be applied to retrospective applications and makes the assumption that roosting bats were possibly present and compensation should be required to provide replacement roosting features/areas. 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 horseshoe bats.

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. 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.

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

Conclusion (The Planning Balance) Whilst the concerns of the Parish Council are duly noted and have been taken into account, officers have exercised a balanced judgement for this particular case and have used site knowledge as well as appraising all the submitted evidence and information. On the basis of the above appraisal, officers respectively advise members that there is no planning reason to refuse the application. The building is capable of functioning for agricultural purposes and is immediately adjacent to a working farm; and in officers opinion, the proposal would not contravene Green Belt policy, the NPPF or established WCS policies.

RECOMMENDATION

Approve with conditions.

1. The development to which this planning permission relates (having been begun in advance of the determination of this planning application) is considered to have become authorised on 08/06/2015, being the date on which the development was known to have been begun.

REASON: To clarify the terms the planning permission, in relation to the provisions of Section 73A of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Within 3 months from the date of this permission, details of the provision of bat roosting features into the retrospective agricultural building shall be submitted to the local planning authority for approval, including a plan showing the locations and types of features. The approved details shall be implemented within 6 months of the date of planning consent.

REASON: Where works have already commenced on site with the potential to support protected species and where a planning application has been submitted retrospectively, the precautionary principle is applied to ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.

Informative:

1. The applicant is advised that the application site is located over an archaeology record of a possible deserted medieval village, Cubrewelle in AD 1086. Whilst the record is not statutorily protected it is still a material consideration that would have needed to be taken into account. Further information of the record can be found on this link and should be consulted for any further applications that may come forward in this general area <http://www.wshc.eu/our-services/archaeology/24-our-services/archaeology/226-wiltshire-farmsteads-project.html>

2. Please note that this consent does not override the statutory protection afforded to any protected species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and are therefore European protected species, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If bats are discovered, all works should stop immediately and a licensed bat worker should be contacted for advice on any special precautions before continuing (including the need for a derogation licence from Natural England).

3. The applicant is advised that in order to help discharge condition 2, there is a list of consultant ecologists that operate in Wiltshire on the council's website. <http://www.wiltshire.gov.uk/consultant-ecologists-working-in-wiltshire.pdf>