

**Application Ref:** 21/00335/FUL

**Proposal:** Construction of a single dwelling house

**Site:** Newport Farm, Newport Way, Ufford, Stamford  
**Applicant:** Mr A Brown

**Agent:** John Dickie Associates  
**Site visit:** 26.05.21

**Called in by:** Ufford Parish Council  
**Reason for Call-In:** Concerns relating to the design of the proposal and its associated visual impact, situated on a significantly larger plot. The scheme does not offer a betterment over the Prior Approval scheme.

**Case officer:** Mrs L Simmonds  
**Telephone No.** 01733 453410  
**E-Mail:** louise.simmonds@peterborough.gov.uk

**Recommendation:** **GRANT** subject to no new material planning matters being raised subject to public consultation, and conditions

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## 1 Description of the site and surroundings and Summary of the proposal

### Site Description

The application site comprises a standalone steel-framed agricultural building accessed via a private access road from Newport Way. The access is laid to gravel and also serves the village recreation area and 5x residential dwellings, some of which park on the access road at an angle.

The agricultural building and paddock are situated outside the settlement boundary. There is a mature hedge that runs along the northern boundary, backing onto residential gardens as well as to the recreation area. The application site is not situated within the Conservation Area, and is situated within Flood Zone 1.

### Pre-Amble

In 2016, a prior approval application was submitted under App Ref: 16/01189/PRIOR for the 'Conversion of agricultural barn to two four-bed dwellings', however prior approval was refused for on the grounds that significant structural works would be required that did not fall within the limits of permitted development.

In 2020, prior approval was granted under App Ref: 20/00657/PRIOR for the conversion of the agricultural building to a single residential dwelling (C3). External works were proposed, which would include re-roofing the building in zinc, cladding the exterior of the building and installing windows at ground and first floor, as well as a mezzanine. The application was accompanied by a structural survey (JDA/2020/985, May 2020), which stated the building could be converted without substantial rebuilding, including supporting the proposed mezzanine floor. This prior approval application was subject to a number of conditions, some of which were pre-commencement conditions.

### Proposal

The Applicant seeks planning permission for the 'construction of a single dwelling house, formation of pond and re-wilding of land'.

The proposed dwelling would for all intents and purposes demolish the existing barn, and in its

place erect a new dwelling within the original footprint and roofscape of the existing building.

At ground floor there would be an entrance, snug, study, open plan living, dining and kitchen space, a boot room and utility space, larger and plant room, with a guest suite with its own en-suite bedroom and living room. At first floor, there would be three en-suite bedrooms, all served by roof terraces.

Materials proposed include dry stone walling, vertical oak boarding and zinc cladding with a zinc roof. Solar panels are proposed on the southern elevation. The scheme includes provision for parking two cars on the driveway.

The Applicant sets out within the Covering Letter, and expanded upon within the Design and Access Statement, that the principle of residential development has been established due to the 2020 prior approval application. The Agent refers to case law and a scheme which was approved by South Kesteven District Council, whereby this approach was supported by Officers. This is discussed in detail below.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/01189/PRIOR	Conversion of agricultural barn to two four-bed dwellings	Not PD	09/08/2016
20/00657/PRIOR	Change of use of agricultural building to a dwelling house	Prior Approval Permitted	19/08/2020

## **3 Planning Policy**

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

### **National Planning Policy Framework (February 2021)**

**Section 12: Achieving well designed places**

**Section 14: Meeting Climate Change**

**Section 15: Conserving and enhancing the natural environment**

**Section 16: Conserving and enhancing the historic environment**

### **Peterborough Local Plan 2016 to 2036 (2019)**

#### **LP02 - The Settlement Hierarchy and the Countryside**

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

#### **LP03 - Spatial Strategy for the Location of Residential Development**

Provision will be made for an additional 21,315 dwellings from April 2016 to March 2036 in the urban area, strategic areas/allocations.

#### **LP08 - Meeting Housing Needs**

LP8a) Housing Mix/Affordable Housing - Promotes a mix of housing, the provision of 30% affordable on sites of 15 or more dwellings, housing for older people, the provision of housing to meet the needs of the most vulnerable, and dwellings with higher access standards

#### **LP09 - Custom Build, Self-Build and Prestige Homes**

b) Proposals or residential development will be considered more favourably if they provide appropriate opportunities for custom build and self-build.

### **LP13 - Transport**

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

### **LP16 - Urban Design and the Public Realm**

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

### **LP17 - Amenity Provision**

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

### **LP19 - The Historic Environment**

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

### **LP27 - Landscape Character**

New development in and adjoining the countryside should be located and designed in a way that is sensitive to its landscaping setting, retaining and enhancing the landscape character.

### **LP28 - Biodiversity and Geological Conservation**

Part 1: Designated Site

International Sites- The highest level of protection will be afforded to these sites. Proposals which would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no suitable alternatives, overriding public interest and subject to appropriate compensation.

National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Local Sites- Development likely to have an adverse effect will only be permitted where the need and benefits outweigh the loss.

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have

an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

#### Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

#### Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

#### **LP29 - Trees and Woodland**

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered. Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

#### **LP32 - Flood and Water Management**

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

#### **LP33 - Development on Land Affected by Contamination**

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

#### **Other Documents**

Peterborough Design and Development in Selected Villages SPD (2011).

## **4 Consultations/Representations**

### **Ufford Parish Council**

#### *First Round*

Object - Ufford Parish Council object to the current proposal. The Parish Council supported the original Class Q application (20/00657/PRIOR) for the subtle conversion of the existing barn. Due to the location outside the village envelope the proposed development should maintain an agricultural presence and be visually un-intrusive.

The Parish Council oppose a transfer from Class Q to standard planning permission on a site outside the village envelope and in open countryside. Normal planning permission in this location would be invalid under local policy.

The Parish Council would not wish to see a change in status to this plot which could set a precedent for other houses or further development outside the village envelope.

#### *Second Round*

Ufford Parish Council maintain their objection.

The proposal for a new dwelling in the countryside is contrary to Local Plan policies due to the development being sited outside the village envelope and in open countryside, therefore strict controls must be exercised in determining this proposal.

It is the view of the parish council that the proposed new build scheme does not offer betterment beyond the Class Q barn approval and strongly believe the re-consultation amendments should be refused. The proposed development does not provide betterment as:

1. It is more visible and obtrusive, creating a larger impact. The building is seen by a number of close properties and from public amenity space (the recreational play park and field).

Private vehicle parking is no longer hidden within the building's structure, unlike the previous Class Q approval.

There is an increased number of windows with larger areas of glazing and the addition of balconies. The materials proposed are significantly different in style and mass giving a much greater visual impact to the existing barn.

2. It would be detrimental to village design. Ufford was and still is a farming village. Land and buildings outside the village envelope should seek to maintain the very simple agricultural style that was achieved through the Class Q. This would not be achieved with the new (and more suburban) proposal.

3. The overall residential area (compared with the Class Q approval) including the garden is significantly larger and leads to greater visual impact on the open countryside. This area should remain as agricultural land – as with the Class Q requirement. The Parish Council see no reason why the residential land area identified should increase beyond that of the Class Q.

Ufford Parish Council request that the application be determined at a meeting of the Planning Committee.

**PCC Tree Officer**

No objection - Further to the receipt of amended plans, no objections subject to a landscaping condition being secure, using native species.

**PCC Wildlife Officer**

No objection - It is noted that the biodiversity checklist was filled out incorrectly with two boxes asking if agricultural buildings were being disturbed by the proposal being ticked 'no', when the proposal clearly described the renovation of an old barn. Further to undertaking a site visit, it was established that no further surveys were necessary.

A site visit was conducted on the 9<sup>th</sup> of September 2021. The site visit confirmed that the building had no significant potential for roosting bats or larger nesting birds due to the close construction of the building and unsuitable materials being used. This would be the assumption unless evidence proves otherwise, as it is illegal to disturb the resting place of any protected species regardless of reason. As such if there is any doubt during construction that protected species are being disturbed a consultant ecologist should be contacted as soon as possible.

The potential for smaller nesting birds is very difficult to discount for any agricultural building however. As such, a suitably worded condition shall be attached to ensure nesting birds are not disturbed during construction.

A bird and bat box condition is also sought, to ensure that any roosting features are maintained.

**PCC Local Highway Authority**

No objection – Subject to conditions being appended with the creation of an improved pedestrian access, provision of parking and turning, wheel wash and temporary facilities during construction.

**PCC Archaeological Officer**

No objection - The proposed development site contains no known heritage assets, However,

Roman occupation debris, including a silver spoon, are located at c. 200m to the NW. Further to the NE there is additional evidence of Roman occupation. Although presently unknown, buried archaeology may be present.

Archaeological monitoring of the excavation of the pond and any temporary/permanent deep excavations, including subsoil surface preparation, is recommended

### **PCC Pollution Team**

No objection – The Pollution Control team originally raised an objection to the proposal, advising that an asbestos survey had been submitted which evidenced that that 1 sample contained Chrysotile / Amosite asbestos, therefore in accordance with the NPPF, adequate site investigation information prepared by a competent person was required to enable an informed decision on the sites suitability for its proposed use.

A revised Phase 1 contaminated land assessment (August 2021) has been submitted, of which the Councils Pollution Control team have raised no objections, subject to a condition being appended with respect to uncovering contaminated land. The disposal of asbestos is handled by the Health and Safety Executive.

With respect to the air source heat pump, it is ultimately the landowners responsibility to ensure that all of the conditions and limits to be permitted development will be met, the installer of the equipment should check to ensure that the installation complies with the Microgeneration Certification Scheme planning standards (MCS020), including requirements on noise. If the installation does not comply with MCS 020, a noise assessment will be required to demonstrate acceptability of the air source heat pump prior to installation.

### **PCC Open Space Officer**

No objection – Please note however, the application site is situated next to PCC's Playing Fields with access being restricted down Newport Way. Please make the Developer aware of the need to keep a clear and unrestricted access through to our Playing Fields for Children and all users to enjoy plus Ground Maintenance Staff carrying out Operations

### **Local Residents/Interested Parties**

Initial consultations: 25  
Total number of responses: 24  
Total number of objections: 11  
Total number in support: 12

**A revised site notice was posted on the 24<sup>th</sup> September 2021, which expires on the 15<sup>th</sup> October 2021, therefore should any additional letters of representation be received, these will be added to the Update Report.**

### First Round

4x letters of **objection** have been received from 4 adjoining neighbours raising the following concerns:

- The proposed works enlarge the building and bring the living quarters closer to the northern boundary, when considering the prior approval scheme;
- Given the number of rooflights, this would emit more light pollution;
- The west facing balcony would overlook neighbour gardens;
- The application site has never been a farm, it is a field with a shed on it. It has never been used for livestock;
- Loss of protected species
- The building has been constructed out of asbestos
- There are concerns that the re-wilding of the field will become a development site for residential in the open countryside;

- This part of the village suffers with poor water pressure;
- The sewerage system will not be able to cope;
- There are issues of surface water drainage to neighbouring properties;
- Noise and disruption caused by construction traffic.

### Second Round

13x letters **support** have been received from 9x addresses situated within the village, and one from Stamford, raising the following:

- The proposal would be a beautiful modern home, rather than a fake barn;
- The design is a brilliant blend of the shape of a barn with the strength and purpose of a modern and beautiful home;
- This house will replace a poor design with a better design and will widen the choice of high-quality homes;
- It is clearly an improvement on the current building and a betterment to the previous application;

7x letters of representation have been received from 5x addresses, which adjoin the application site, raising the following **concerns**, which have raised the following additional matters:

- The proposal would increase the amount of traffic using the access road;
- Children play in the field adjacent;
- Concerns as to where the existing machinery and storage containers would be situated in the future;
- Concerns with respect to a Walnut Tree adjacent to the existing vehicle access, specifically root protection and overhanging branches;
- The shed has historically been used for the storage of cars, a mechanic, storage of corn and machinery, it is not a farm;
- Additional time should be allowed for members of the public to comment. Neighbours did not receive notification by post, and the site notice posted on the Council's website is situated in another village; and
- A number of the comments in favour of the proposal are not from the neighbours which immediately adjoin the application site.

3 x letters of **objection** has been received, raising the following:

- Since moving to Newport Way in 2016, the barn has not been in agricultural use, so unsure why conversion has been granted?
- Design is entirely out of keeping with the agricultural setting;
- Increased number of windows and balconies would be obtrusive and is unnecessary;
- Only reason that this is a full application as opposed to a revision of Class Q is to establish precedent for new houses in the open countryside. It is the Council's duty to prevent this from happening;
- One supporter is no longer purchasing a property in Newport Way and so cannot be considered a near neighbour;
- The northern area of the new build is in unreasonably close proximity to existing dwellings and gardens;
- Very important to consider whether today's architectural designs will become tomorrow's architectural carbuncles;
- The fall of the land from the application site is downward sloping towards other properties on Newport Way, particularly no.16. The gravelled highway lacks sufficient drainage and following rainfall a small stream often forms from the application site, running along the highway and down to our front doorstep. There were occasions last winter where surface water originating from the application site was pooling by our front door and was threatening to breach the threshold;
- If there is any doubt whatsoever that the proposed development may adversely impact surface

water run off, conditions should be imposed to improve drainage both on the application site and the highway;

- None of this is helped by the current poor state of the highway where much of the gravel has been worn away from the volume of traffic, turning it into a mud bath in inclement weather. The boundaries of the park and highway are becoming blurred as the greenery is expanding due to the substandard condition of the road. I would request that highways revisit to observe the current state if they have not attended site recently.

## **5 Assessment of the planning issues**

The main considerations are:

- Principle of development
- Design and layout
- Access and parking
- Neighbour amenity
- Amenity of future occupiers
- Biodiversity
- Contamination

### **a) The Principle of Development**

#### Policy Considerations

In accordance with Paragraph 47 of the NPPF (2021), 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'.

Paragraph 12 states that, 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'.

Paragraph 80 of the NPPF advises that local planning authorities should avoid the development of isolated homes in the countryside unless certain circumstances apply such as an essential need for a rural worker, enabling development to secure a heritage asset, re-use of redundant or disused buildings, sub-division of an existing dwelling or the design is of exceptional quality.

This proposal is for a dwelling situated outside the village settlement boundary of Ufford within the open countryside. Policy LP2 states:

'... development in the countryside (ie outside the boundary of all settlements in the hierarchy) will be restricted to that which is:

- Demonstrably essential to the effective operation of local agriculture, horticulture, forestry ,outdoor recreation and access to natural greenspace, transport or utility services; or
- Residential development which satisfies the 'exception' test set out in policy LP8 (Meeting Housing Need); or
- Development in accordance with Policy LP11 (Development in the Countryside); or
- Minerals or waste development in accordance with the separate Minerals and Waste Development Plan Documents.

All other residential development outside of village envelopes and outside of Peterborough Urban

Area boundary will, by definition, be contrary to the vision, objectives, development strategy and policies of this Local Plan, and should be refused, unless otherwise acceptable within a made Neighbourhood Plan'.

To confirm, Ufford does not have a Neighbourhood Plan.

Policy LP8 (Meeting Housing Needs) states, 'development proposals for housing will be supported where they provide a range of high quality homes of varying sizes, types and tenures to meet current need, including homes for market rent and plots for self-build (LP9)'. Policy LP8 does specifically refer to Rural Exception Sites, which are for affordable housing situated outside but adjacent to the village envelope, however, for the avoidance of any doubt, this application is not proposing to form an affordable dwelling, nor is there demonstrable local support.

Policy LP9 does make provision for Custom Build, Self-Build and Prestige Homes, and that 'proposals for residential development will be considered more favourably if they provide appropriate opportunities for custom build and self-build'.

Policy LP11 relates to 'Development in the Countryside' which, amongst other things, allows new residential development in the countryside providing that they fall under certain types of development. These include the re-use and conversion of non-residential buildings, the replacement of a permanent existing dwelling and where the new dwelling would be for agricultural, forestry and other enterprises where a countryside location is essential. The proposal does not fall within any of these types of development and therefore does not benefit from this policy. The proposal is therefore contrary to Policy LP2 which restricts development in the countryside.

Whilst the application site is considered to be located in the countryside as it is outside the settlement boundary of Ufford, it is not considered to be in an isolated location in the context of paragraph 80 of the NPPF(2021). The site is immediately adjacent to the built up area and is accessed from a private drive that is also shared by existing residential development located within the village.

#### The 'Fall-back Position'

The Applicant argues that, 'across the UK, there have been a great many successful applications for complete re-builds of agricultural buildings previously consented under Class Q...' These have been based on the existence of a fall-back position where a previous prior approval under Class Q is considered to be a material planning consideration that should be given weight in the decision-making process when assessing proposals for a new dwelling to replace an agricultural building.

In support of his argument, the Applicant has referred to the following cases;

#### *Zurich Assurance vs North Lincolnshire Council (Case number is CO/4764/2012)*

Turning to the first example, the case for Zurich Assurance vs North Lincolnshire Council, this is from 2012 and relates to 'Foundry Shopping Centre' which lies in the centre of Scunthorpe, comprising 19,000sqm of retail floor space in 45 units. Officers understand that in this Case, which relates to a large retail development, has been submitted to demonstrate Officers consider material fall back positions.

#### *Planning permission for new dwelling at King Street, Baston (App Ref: S18/2188)*

The planning permission granted by South Kesteven District Council for the demolition of an existing poultry shed and erection of a new dwelling. The site previously had permission for the conversion of an agricultural building under the Class Q prior approval process. The Case Officer Report stated, '*... it is established that relevant previous decisions constitute material planning considerations and there are previous planning decisions on this site which are considered relevant to this application, the most relevant being S18/0741 under which prior approval was granted for the conversion of the existing poultry shed to a larger dwelling house. The above mentioned approval allows a dwellinghouse on the site irrespective of the location being*

*considered unacceptable under the spatial strategy. Importantly, it is considered that there is a real prospect of this approval being implemented and as such, a significant weight is accorded to the approval as a material consideration in the assessment of the current proposal'.*

The Case Officers continues, *'in addition, it is important to point out that whilst the location may not be acceptable for new developments as set out within the Core Strategy, the site is however not isolated in that there are some commercial developments as well as dwellings in close proximity to the site. As such, the erection of a dwelling on the site would not have the same effect on the character of the area as that of a new dwelling in an open countryside location'.*

The Case Officer then goes on to assess matters of character of the area, neighbour amenity, highway issues, as well as crime and disorder and human rights implications, and concludes '... notwithstanding the location of the site, it is considered that a new dwelling is now accepted in principle at this unsustainable location having regard to the planning history of the site'.

*Court of Appeal in Mansell v Tonbridge And Malling Borough Council (2017)*

With respect to the Court of Appeal in Mansell v Tonbridge And Malling Borough Council (2017) EWCA Civ 1314 (Case Number, C1/2016/4488), the Applicant states that this example was discussed with the Case Officer in advance of the application being submitted, and 'Officers attached no weight'. It is important to understand the context of the planning application to which this Case relates, specifically, it was for change of use of an agricultural barn and the erection of new build residential development within the open countryside. The application of which was being reported to members of the relevant Planning Committee as it was 'a departure from the Local Plan', and the Case Officer was simply highlighting that part of a 600sqm agricultural building, could be converted to residential use under the prior approval process. In the opinion of Officers, in relation to that specific case, a positive recommendation was being put to the Planning Committee, contrary to the local plan as they felt a better scheme could be achieved. However, it is not clear whether any such prior approval had in fact been permitted for the Case in question, therefore Officers cannot say for certain whether this was indeed a legitimate fall back that met all of the tolerances under Part 3, Class Q.

Officers have identified a recent appeal decision for 'the replacement of agricultural buildings and erection of 2no. dwellings with associated works (following previous prior approval under Class Q – Ref 36/18/0008/CQ) in Taunton, Somerset (APP/W3330/W/20/3248009), whereby the Inspector concluded under Paragraphs 28-30:

*'I have found that the appeal proposal would enhance the appearance of the site and would not harm the character of the area or designated heritage assets. It would also comply with other development plan policies in relation to parking, highway safety and the living conditions of neighbours. It would not however be an appropriate location for housing given the limited access to services and facilities. As such, the proposal would conflict with the development plan taken as a whole.*

*However, there is a realistic fallback position which would result in the same amount of housing being delivered in the same location, and in these circumstances I afford the conflict with the development plan moderate weight. The appeal proposal would however deliver significant benefits to the appearance of the site compared to that fallback position, and this carries significant weight in favour of the appeal proposal.*

*Overall, taking account of the Framework and the above considerations, I find that the benefits of the proposed development compared to the identified fallback position are a material consideration which outweighs the conflict with the development plan and justifies granting planning permission for the proposal. Consequently, I conclude that the appeal should be allowed'*

In general, it is accepted under case law that previous planning decisions on a site may be capable of being material planning considerations in the consideration of subsequent applications. The potential for a fall-back position in the circumstances of Class Q prior approvals has been identified

in case law, appeal decisions and decisions made by other Local Planning Authorities. The cases identified above are not considered to be an exhaustive list but provide Members with some recent examples. One important factor is that the prior approval permission must be extant and have a realistic prospect of being implemented. In this case, the applicant has demonstrated that there are no constraints that would prevent the prior approval from being implemented. It is therefore accepted that the existence of a fall-back position can be a material planning consideration in the determination of this application.

#### **b) Design and Layout**

As detailed above, the application site is located within the open countryside and at the edge of the settlement of Ufford. There is little by way of existing vegetation or screening to the south and east of the site and it is therefore readily visible from the surrounding countryside. The existing barn is of a utilitarian appearance and typical form of many agricultural buildings not only within Peterborough, but also the country. It is not considered to be attractive, but owing to its typical appearance, nor is it considered to be incongruous or offensive in visual amenity terms.

The fall-back position in regards to the current proposal - the permitted conversion of the existing building to residential use with associated external changes – is set out above. As there is a reasonable prospect of this conversion taking place, this is a material consideration and therefore the design of the proposal should not be considered from a baseline of no development within the site, but instead, in comparison to the consent already in place.

The proposal seeks to maintain the siting, footprint, height and mass of the existing building. It would also maintain a dual pitched form, with a single storey side off-shoot, typical of many barn buildings. However, the proposal seeks a far more modern architectural style with the introduction of dry stone walling, oak boarding, glazed recessed balconies and zinc cladding and roofing. This is in contrast to the conversion which has been permitted, which permitted slate grey cladding across the entire expanse of the building, and zinc roofing. A copy of the elevations and visuals for this previous consent are attached for Members reference at **Appendix A**.

The concerns of the Parish Council in regards to the design of the development are noted. It is accepted that the proposal does not accord with the Ufford-relevant policies set out within the Peterborough Design and Development in Selected Villages SPD (2011) which seeks that ‘the design of any new building or an extension to an existing building should be sympathetic to its neighbours and in keeping with the village environment.’

Furthermore, it is acknowledged that paragraphs 52 and 53 of the National Design Guide (2021) state, ‘local identity is made up of typical characteristics such as the pattern of housing, and special features that are distinct from their surroundings. These special features can be distinguished by their uses and activity, their social and cultural importance, and/or their physical form and design. Most places have some positive elements of character, particularly for their users. These can help to inform the character of a new development.’

Well-designed new development is influenced by an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents, the characteristics of the existing built form, the elements of a place or local places that make it distinctive, and other features of the context that are particular to the area’

Paragraphs 56 and 57 goes on to state ‘Well-designed places contribute to local distinctiveness. This may include adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns and colours of an area ... using local building ... materials, creating a positive and coherent identity that residents and local communities can identify. Materials [and] construction details ... are selected with care for their context. They are attractive but also practical, durable and affordable. They contribute to visual appeal and local distinctiveness...’

However, the National Design Guide and NPPF do not seek to ensure that innovation and modern development cannot take place. Instead, consideration must be given as to whether or not the

proposal would result in harm to the amenity of the locality. The barn conversion already permitted would not respect the local vernacular, and it is considered that the current proposal represents a far greater quality of and more sympathetic design compared to that consent. The materials proposed, their application and the use of glazing would strike a balance between an appearance of a barn-style agricultural structure, whilst securing a high quality modern form which is striking and attractive. Officers are of the view that the current proposal would represent a betterment in design and character terms that that which has already been permitted.

In addition, the opportunity is available to secure appropriate soft landscaping of the site boundaries which would, over time, assist in reducing the impact of the proposal upon the open countryside beyond. Whilst Officers do not consider that it would be reasonable or appropriate to seek a dense soft boundary to the site, appropriate landscaping can be secured such that reduced views are possible such that the hard edge created by development on this site is softened.

As the quality of materials to be used is essential in securing an acceptable appearance, a condition requiring submission of samples to be viewed on site shall be secured.

As such, the proposed development is considered to represent good quality of design that would not unacceptably harm the character and appearance of the area, or detract from the wider landscape character. It is therefore considered to be in accordance with Policies LP16 and LP27 of the Peterborough Local Plan (2019). The overall design quality is considered to be a betterment compared to development which has already been permitted on the site, and this benefit is considered to outweigh the conflict with the Peterborough Design and Development in Selected Villages SPD (2011).

As noted by the Parish Council, this scheme does not make provision for garaging, therefore vehicles as submitted would park outside, and the dwelling would be served by a larger garden than previously secured. It is considered reasonable and necessary to attach a planning condition which restricts permitted development rights for extensions, alterations and outbuildings. The reason for this is that the design of the new build has been accepted on the basis that it is a betterment than the prior approval scheme, and that it fits within the original scale and mass of the original barn. Officers wish to avoid the expansion of the building and the associated domestication and spread of residential paraphernalia outside the village envelope.

### **c) Access and Parking**

The Local Highway Authority (LHA) have raised no objections to the proposal, however have advised that the gravel surfacing of the existing access track would make access difficult for vulnerable users, and should therefore be improved if possible (even a bound material surfacing for a pedestrian route along one side of the track would be an improvement on the existing provision).

The LHA acknowledge that this is an existing access, but would still like to see access improvements carried out (to accord with Policy LP13). These improvements would be essential for any additional development of the land.

The LHA have recommended conditions, which include the provision of temporary facilities. In this instance, the would have sufficient space off the public for the storage of materials and parking of materials, however, depositing on the highway is a matter for the Local Highway to enforce, therefore Officers would not be seeking to include this condition in any event.

Subject to conditions being appended with respect to the provision of parking and turning, wheel wash facilities, and access improvements, the proposal would provide satisfactory off-street parking and would not constitute a highway safety hazard, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

A letter of representation has been received, raising concerns that the proposal would increase the amount of traffic using the access road. The site has planning permission to be used for

agricultural purposes, which could generate movements by HGV's and large agricultural machinery 24 hours a day, 7 days per week. The proposal would change the nature and type of traffic using the access road, however, for the reasons set out above it is not considered the proposal would exacerbate the amount of traffic using the access, which would constitute an adverse highway safety hazard.

#### **d) Neighbour Amenity**

The proposed dwelling has been designed so first floor north facing openings would be rooflights only; given the internal floor levels it would not be possible to see out of these windows, and the rooflights on the north elevation at first floor serve bathrooms, and would be sought to be obscurely glazed by condition.

The scheme does introduce balconies at first floor on the east, south and west elevations, however when considering the juxtaposition of neighbours to the north and north-west, the distances involved and intervening landscaping, it is not considered the proposed balconies would give rise to unacceptably adverse levels of overlooking, or a loss of privacy, and the relationships are accepted in this instance.

Subject to a condition being appended with respect to obscurely glazing the bathroom rooflights, the proposal would not give rise to an unacceptably adverse impact to neighbouring amenity, and the proposal would accord with Policy LP17 of the Peterborough Local Plan (2019).

The proposal would introduce an air source heat pump; such apparatus could fall under permitted development provided it meets set tolerances. A condition shall therefore be attached ensuring the equipment complies with the Microgeneration Certification Scheme planning standards (MCS 020), including requirements on noise. If the installation does not comply with MCS 020, a noise assessment would be required to be submitted by way of a planning condition, to demonstrate acceptability of the air source heat pump prior to installation.

#### **e) Amenity of Future Occupiers**

Further to the receipt of amended plans, the red line has been redrawn so that the dwelling would be served by a garden commensurate in size and scale with the host dwelling. Rooms would be afforded satisfactory levels of natural light, and whilst vehicle access is to be retained for the Fitzwilliam estate along the northern and western boundaries, such movements would not be intense and the relationship is accepted in this instance.

It is noted that a ground floor en-suite bedroom is proposed, which has a northern outlook, however, given the overall size and scale of the proposed dwelling, accompanying plot, and links to public rights of way and the open countryside, this relationship is accepted in this instance.

As such, future occupiers would be afforded satisfactory living conditions, and the proposal would accord with Policy LP17 of the Peterborough Local Plan (2019).

#### **f) Biodiversity**

##### Trees

Further to the receipt of amended plans, the Tree Officer has withdrawn his original objection, subject to a landscaping scheme being secured which would utilise native species.

##### Wildlife

Notwithstanding that the Biodiversity Checklist was incorrectly filled out, the Council's Wildlife Officer visited the site to undertake a visual inspection, and has raised no objections to the proposal subject to conditions and informatives being attached.

In the absence of an ecological survey being submitted, the Council's Wildlife Officer has stated that the demolition of the barn should not take place during the bird breeding season, which is considered reasonable in this instance.

Conditions and informatives also include no removal of trees or hedgerows during bird breeding season, the submission of a landscaping scheme utilising natural species, and the provision of a new bird and bat boxes. Subject to these conditions, the development would preserve the biodiversity value of the site, in accordance with Policies LP28 and LP29 of the Peterborough Local Plan (2019).

Letters of representation have been raised with concerns of impact to protected species, however, as set out above, subject to relevant conditions and informatives the biodiversity value of the site, including protected species, would be preserved. It is worthwhile noting that it is an offence to kill or injure any wild animal listed in Schedule 5 of the Wildlife and Countryside Act (1981), and it is also an offence to intentionally or recklessly damage or obstruct any place used for their shelter or protection. As such, the protection of such species are covered by their own legislation.

A letter of representation has also been received with respect to a Walnut Tree adjacent to the existing vehicle access, specifically root protection and overhanging branches. Matters of hard landscaping would be secured by planning conditions; if any hardstanding were to be within the vicinity of the tree, it would be required to take the roof protection area into account, however if no works are to take place within this location, or the branches are affected, this is a civil matter between the two parties, separate to the planning process.

#### **g) Contamination**

Further to initial comments from the Council's Pollution Control Officer, additional contaminated land information has been submitted, and the Council's Pollution Control team have withdrawn their objection, subject to attaching a condition with respect to uncovering unsuspected contamination.

A letter of representation has raised concerns of asbestos, however, the control and disposal of asbestos rests with the Health and Safety Executive, and any undertaker would be required to accord with HSE guidance. That said, should planning permission be granted, an informative shall be attached advising that the Applicant, Agent or Successor in Title inform neighbouring residents when the building would be demolished, so that they might close their doors and windows, bring in their washing etc.

#### **h) Other Matters**

The following matters were raised within letters of representation, which have not been addressed above:

*- The proposed works enlarge the building and bring the living quarters closer to the northern boundary, when considering the prior approval scheme*

Officer Response: The proposed works would be within the confines of the overall scale and massing of the existing barn. The internal layout would differ to that of the previous approval, however, for the reasons outlined above this is not considered to give rise to unacceptably adverse levels of neighbour amenity harm.

*- Given the number of rooflights, this would emit more light pollution*

Officer Response: It is recognised that the rooflights would introduce light pollution, however, the amount of lighting is not going to give rise to levels of harm which would affect wider night-time sky glow, and as it currently stands, external lighting could be installed to the building and around the barn without the need for planning permission. An external lighting scheme has been sought by condition.

*- The application site has never been a farm, it is a field with a shed on it. It has never been used for livestock*

Officer Response: As established as part of the previous Prior Approval application, Officers are content that the historic use of the building has predominantly been for agricultural purposes.

*- There are concerns that the re-wilding of the field will become a development site for residential in the open countryside*

Officer Response: This no longer forms part of the proposal, however, planning permission is not required to re-wild an agricultural field, or plant ornamental fruit trees. The residential curtilage of the property is clearly shown on the submitted Site Plan.

*- This part of the village suffers with poor water pressure*

Officer Response: This concern should be directed to the relevant water authority, and is a matter outside of the planning remit.

*- The sewerage system will not be able to cope*

Officer Response: A dwelling has already been permitted on this site through the granting of prior approval consent, and therefore this proposal would not alter from the fall-back position in this regard. Therefore, whilst these concerns are noted, this is not a matter for which the current proposal could be resisted.

*- There are issues of surface water drainage to neighbouring properties*

Officer Response: Officers do not considered the proposed change of use would exacerbate issues of surface water run-off; should planning permission be granted a detailed hard landscaping scheme would be sought by planning condition(s).

*- Noise and disruption caused by construction traffic, and children play in the adjacent field*

Officer Response: Any noise or disruption caused by construction traffic would be temporary and limited to the period of construction; noise generated by construction sites is covered by separate Health and Safety legislation.

*- Concerns as to where the existing machinery and storage containers would be situated in the future*

Officer Response: The site would become residential in nature; the permanent storage of agricultural machinery and storage containers would require planning permission in their own right.

*- Additional time should be allowed for members of the public to comment. Neighbours did not receive notification by post, and the site notice posted on the Council's website is situated in another village*

Officer Response: Neighbours have been notified in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's Statement of Community Involvement. A new site notice has been erected for the avoidance of doubt.

*- A number of the comments in favour of the proposal are not from the neighbours which immediately adjoin the application site*

Officer Response: Officers have made it clear that adjoining residents have objected to the proposal.

*- Only reason that this is a full application as opposed to a revision of Class Q is to establish precedent for new houses in the open countryside. It is the Council's duty to prevent this from happening*

Officer response: All applications are considered on their own merits and in accordance with the adopted Local Plan, taking account of all material considerations. Planning decisions do not therefore set precedence, and any future development would be considered against the current policies of the Local Plan. The proposal in this instance is only considered as acceptable owing to the fall-back position whereby conversion of the existing barn for residential use has already been permitted.

*- If there is any doubt whatsoever that the proposed development may adversely impact surface water run off, conditions should be imposed to improve drainage both on the application site and the highway*

Officer response: The concerns of the objector are noted and, whilst not usually sought on an application for non-major development, Officers have requested that the Council's Drainage

Engineer review the proposal and provide comment. These shall be provided to Members within the Briefing Update Report.

## 6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The application site is situated within the open countryside outside the settlement boundary, however, there is a legitimate fall-back position which has a realistic prospect of being implemented. The proposed scheme is considered to be an improvement in design terms, whilst sitting within the original mass and scale of the agricultural building. As such, the overall design quality is considered to be a betterment compared to the development which has already been permitted on the site under Class Q prior approval. This benefit is considered to outweigh the conflict with Policy LP2 and the Peterborough Design and Development in Selected Villages SPD (2011), and is accepted in this instance;
- The application site is not considered to be in an isolated location and accords with paragraph 80 of the NPPF(2021);
- The proposed dwelling would not have an unacceptable harmful impact to neighbouring amenity, and would provide satisfactory amenity for future occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019);
- The proposal would not have an adverse impact on the biodiversity value of the site, and would accord with Policies LP28 and LP29 of the Peterborough Local Plan (2019);
- The development would make provision for dealing with known and unsuspected contamination, in accordance with Policy LP33 of the Peterborough Local Plan (2019);
- There are no Highway safety concerns and parking can be accommodated on site, in accordance with Policy LP13 of the Peterborough Local Plan (2019)

## 7 Recommendation

The Case Officer recommends to the Planning and Environmental Protection Committee that Planning Permission is **GRANTED** subject to receipt of no new objections raising new material planning considerations as part of the revised site notice, and the following conditions:

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- JDA/2020/800/OS.001A – Site Location Plan
- JDA/2020/800/BLOCK.002B – Existing Block Plan
- JDA/2020/800/BLOCK.001A – Proposed Block Plan
- JDA/2020/800/SITE.001A – Proposed Site Plan
- JDA/2020/800/STR.001 – Existing Elevations
- JDA/2020/800/PLANNING.001A – Proposed Floor Plans and Elevations
- JDA/2020/800/DRAINAGE.001A – Proposed Drainage and Lighting

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.

- C 3 No development shall take place above slab level unless and until material details of walling, roofing and external doors have been submitted to and approved in writing by the

Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C 4 Prior to occupation of the development hereby permitted, the parking and turning areas shall be laid in accordance with Drawing JDA/2020/800/SITE.001A (Proposed Site Plan) and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles in connection with the use of the dwellings hereby permitted.

Reason: To ensure the development is provided with satisfactory parking, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 5 Prior to the commencement of development a wheel cleaning system for construction vehicles (i.e. a portable wheel wash) including a contingency measure should this facility become in-operative shall be installed on site. The wheel cleansing equipment shall remain on site throughout construction and be capable of cleaning the wheels, underside and chassis of all construction vehicles that shall visit the site during the construction/demolition phase.

Reason: In the interest of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 6 Notwithstanding the submitted information no land raising is permitted and the finished floor levels of the dwelling hereby permitted shall be no more than 100mm above existing ground floor level.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers and the visual amenity of the surrounding area, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019)

- C 7 The air-source heat pump hereby permitted shall accord with the standards set out under the Microgeneration Certification Scheme for air source heat pumps (MCS 007).

Reason: In the interest of protecting neighbour amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

- C 8 Notwithstanding the submitted details, the dwelling hereby permitted shall not be occupied unless and until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

- Planting plans including retained trees, species, numbers, size and density of planting; and
- Details of any boundary treatment(s).

The approved hard landscaping scheme shall be carried out prior to the occupation of the dwelling, and retained thereafter.

The soft landscaping shall be carried out within the first available planting season following first occupation or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are

removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of visual amenity and enhancement of biodiversity, in accordance with Policies LP16, LP27 and LP28 of the Peterborough Local Plan (2019).

- C 9 During construction works, all construction trenches shall be covered overnight and a method of escape for mammals, specifically hedgehogs, shall be provided to each trench. With respect to any impenetrable barriers hereby approved adequately sized gaps shall be provided every 10 metres to enable the movements of hedgehogs.

Reason: In the interest of preserving the biodiversity value of the site, in accordance with Policy LP28 of the Peterborough Local Plan (2019)

- C10 Notwithstanding the submitted external lighting details (Drawing JDA/2020/800/DRAINAGE.001A (Proposed Drainage and Lighting)), any external lighting for the site shall not, either individually or cumulatively, exceed Zone E1 of the Guidance notes for the reduction of obtrusive light 01/21 (Institute of Lighting Professionals, 2021) (or any such guidance note replacing that note with or without modification).

Reason: In the interest of protecting the character of the area and biodiversity value of the site, in accordance with Policies LP16, LP17 and LP28 of the Peterborough Local Plan (2019)

- C11 The development hereby permitted shall not be occupied unless and until details of bat and bird boxes have been submitted to and approved in writing by the Local Planning Authority. Thereafter the bat and bird boxes shall be implemented prior to first occupation in accordance with the approved details, and thereafter retained and maintained as such in perpetuity.

Reason: In the interest of preserving the biodiversity value of the site, in accordance with Policy LP28 of the Peterborough Local Plan (2019).

- C12 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, AA, B, C, D, E and G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be constructed other than as those expressly authorised by this permission or those expressly authorised by any future planning permission.

Reason: In order to protect the character of the area, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C13 The development hereby permitted shall achieve the Optimal Technical Housing Standard of 110 litres of water usage per person per day.

Reason: To minimise the impact on the water environment, in accordance with Policy LP32 of the Peterborough Local Plan (2019).

- C14 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with Paragraphs 183-185 of the NPPF (2021) and Policy LP33 of the Peterborough Local Plan (2019).

Copy to Councillor David Over

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