

10/01202/LBC
&10/01258/FUL

CONVERSION OF BARN TO 3 BED DWELLING WITH SEPARATE GARDEN
AREA AT ELMS FARM, GREAT NORTH ROAD, WITTERING

VALID: 27/09/2010

APPLICANT: MR SIAMAK FARIDI

AGENT: MRS AZAR WOODS

REFERRED BY: HEAD OF PLANNING TRANSPORT AND ENGINEERING SERVICES

REASON: TO ENSURE FAIR AND TRANSPARENT DECISION PROCESS GIVEN
COMPLAINTS BY THE AGENT

DEPARTURE: NO

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact on the amenities of occupiers of neighbouring dwellings
- Impact upon the character of the application site and the listed building
- The poor amenity offered to the occupants of the proposed development
- The vehicular access to the development
- Proposal of development outside of supplied red line
- Level of amenity space provided
- Parking provision
- Insufficient separation distance between dwellings

The Head of Planning Transport and Engineering Services recommends that both the applications are REFUSED.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Key policies highlighted below.

DA1	Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact.
DA2	Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties.
CBE7	Development affecting the setting of a listed building
H16	Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
H19	Conversion of agricultural buildings to residential use in the open countryside
T1	New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network.
T10	Car parking provision to be in accordance with maximum car parking standard

Planning Policy Statement 3: Housing. This requires Local Planning Authorities to make best use of land for new residential development and to ensure that it is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

Planning Policy Statement 7: The Countryside, Environmental Quality and Economic and Social Development seeks to integrate development necessary to sustain economic and social activity in rural communities whilst protecting the character of the countryside. It indicates that new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources.

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

3 DESCRIPTION OF PROPOSAL

The proposal is to create a self contained three bedroom property from the conversion of a listed barn / outbuilding. This requires the insertion of a first floor and balcony, removal of part of the internal dividing wall, insertion of internal room partitions, re-location of the metal animal drinking bowl and two roof lights to the east and west roof elevations.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is an isolated former farmstead accessed from the south bound A1. The site includes the listed building Elms Farm and a number of barns in various states of repair. The barn subject to the application is curtilage listed.

The application site is a cart barn, slightly rectangular in plan, of symmetrical appearance with a hipped pantile roof. It is an open cart barn/byre (east and west elevations) with a central dividing wall providing internal shelter of just over 3m. The southern side wall is jointly the common boundary wall of Elms Farmhouse. The northern side wall has an opening which has a three way metal animal drinking trough making this also accessible from the crewyard. The cart barn has typical supporting cast iron posts under large timber lintels (east and west elevations). The building is in a very poor condition having had partial roof collapse and is showing signs of other structural failure. In summary, this is a simple and subservient agricultural outbuilding in the former crew yard flanked by principle farm barns and implement buildings.

The wider area is characterised by the presence of the principal barns set around a crew yard in a 'C' shaped configuration, with an additional barn (F) to the west of the application site effectively creating a closed circle of barns, with the application site lying in the centre, ancillary to the larger barns.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
05/01479/FUL	Conversion of stone barn to a five-bedroom dwelling with use of freestanding barn as car port	Withdrawn	20.09.2005
05/01481/LBC	Conversion of barn to a five-bedroom dwelling with use of freestanding barn as car port	Withdrawn	20.09.2005
06/00266/LBC	Conversion of barn to 5 bedroom dwelling and use of freestanding barn for ancillary accommodation	Refused	16.02.2006
06/00268/FUL	Conversion of barn to 5 bedroom dwelling	Refused	16.02.2006
06/01454/FUL	Conversion to dwelling and freestanding barn for use as an ancillary building	Approved	15.09.2006
06/01455/LBC	Conversion to dwelling and freestanding barn for use as an ancillary building	Approved	15.09.2006
10/00676/NONMAT	Non-material amendment to planning permission 06/01455/LBC - Conversion to dwelling and freestanding barn for use as an ancillary building	Approved	19.05.2010

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – Objects. A visitors' parking space outside Barn A has been referred to, but this has been excluded from the plans and the application site.

Conservation Officer – Objects. The proposed changes will significantly harm the essential character and appearance of this simple building. If this proposal had formed part of original scheme then it is most likely that a refusal would have followed. Limiting the amount of alteration to the building to the approved scheme is in accordance with national guidance contained in Planning Policy Statement 5 and policy CBE6 of the adopted Peterborough Local Plan. This building should remain subservient in appearance and use to the adjacent principle barns. The approved scheme should represent the limit of change to the building fabric that can be supported by the local planning authority. The approved scheme would retain and largely preserve the buildings architectural and historic character – the proposed works and use will significantly harm that character.

Refuse - No objection subject to upgrading of the access road and provision of refuse vehicle turning area. A bin collection point will need to be identified for this barn too as above with adequate space and turning head for the RCV. Alternatively the collection point can remain as at present.

Rights Of Way officer - No objections

Archaeology – No objection. Given the historic interest of the building and associated curtilage any permission should have a condition to ensure that any proposed groundwork is monitored by an appointed archaeologist.

Natural England – No objection. The site proposed for development is located within approximately 700m of a Site of Special Scientific Interest (SSSI) at West Abbot's and Lound Woods which is designated for its woodland flora. It also falls within 2km of 3 further SSSIs: Southorpe Roughs, Southorpe Meadow and Southorpe Paddock which are designated for the unusual meadow plants they support. Whilst these sites are of national conservation importance, we believe it is highly unlikely that the proposed development will have any adverse impact on their interest features.

Sec 106 Officer - A S106 contribution of £6000 + £120 monitoring fee applies

EXTERNAL

Parish Council – No reply received

Highways Agency – No objection subject to condition in relation to a S278 agreement for the upgrading of the access from the A1 (this is in place for the extant permission for the wider conversion of the wider barn complex).

NEIGHBOURS

The following comments were received in respect of the proposal:

- No pedestrian or motorised access
- Public services, transport, footpaths
- According to the deeds held by our client, the owner of Barn B can legally only use Barn B and its ancillary land buildings etc, as ONE domestic dwelling. And amongst other covenants, cannot park or block with vehicles any land approaching/and including the inner courtyard, namely that area around the barns (Committee should be aware that any covenants contained within premises deeds are a matter of property law and not planning law as such are not considered a material planning consideration).

COUNCILLORS

- No comments received

7 REASONING

a) Introduction

The application is part of a Listed Barn complex that has permission for conversion in to 4 residential units. Under that permission, the structure subject to the current application formed part of one of the residential units (barn B) as an outbuilding in the garden which could be used as ancillary accommodation to barn B. The current application seeks to separate the two buildings resulting in the barn as a stand alone unit, separate from barn B. The application site barn is completely enclosed by land outside of the applicants' ownership and is effectively land locked. There is no vehicular access to the proposed dwelling and it is unclear whether pedestrian access to the dwelling exists.

b) Character of the area

The insertion of a mezzanine floor and balcony, removal of much of the central internal wall and re-location of the metal drinking trough would significantly change the simple character and appearance of this building. The level of change proposed to the small ancillary building is contrary to national guidance, including English Heritage guidance on the conversion of former agricultural buildings and Peterborough Local Plan H19 of the Peterborough Local Plan (First Replacement) 2005.

There is little justification to accept the changes proposed to the outbuilding and create a separate residential use. The proposed separate residential use and the amount of alteration to the building will harm neighbouring residential amenity and adversely change the character of the building and its contribution to the character of the courtyard. In planning and conservation terms the building should remain ancillary and subservient to the main courtyard buildings.

As a small cart barn in the former crew yard it is appropriate that the building retains its subservience in scale and character to the surrounding principle farm buildings. The approved scheme for the outbuilding as an ancillary building has much merit, in that minimal alterations to the existing fabric are supported to achieve a beneficial use and this is consistent with good conservation practice for the re-use of former agricultural buildings.

The construction of the two walls necessary to create the enclosed amenity space proposed would fundamentally alter the open nature of the crew yard and is considered harmful to the character of the area and to the setting of the adjacent listed building.

c) **Impact on neighbour amenity**

The proposal would result in two separate dwellings whose front elevation window to window distances were approximately 11 metres apart. Given the otherwise spacious nature of the development and its open countryside location this is considered inadequate and would result in unacceptable levels of overlooking and a lack of privacy for both the occupiers of Barn A and any occupiers of the application site barn.

Barn A would also appear completely overbearing to the occupiers of the dwelling proposed under this application. The amenity space would be unacceptably overlooked by the occupants of barns A, B, C and D and it is considered that the proposal does not provide adequate amenity space with an acceptable level of privacy, a key element of local plan policy H16 of the Peterborough Local Plan. It should also be noted that a small section of the garden shown on plan no: 69 would appear to be outside of the ownership of the applicant and no notice would appear to have been served to the owner of barn A and certificate B has not been filled in on the application form, this is contrary to statutory requirements.

d) **Section 106**

A section 106 agreement is required for this development in accordance with the Council's Planning Obligations Implementation Scheme SPD which at the time of writing has not yet been completed.

e) **Highways/parking**

As stated in section (a) the property has no access for vehicles and is land locked, making it unacceptable as a standalone dwelling. The application documents make no mention of how this issue is to be overcome other than showing the route for emergency vehicles to enter the crew yard across the curtilage of Barn A, which is outside the ownership of the applicant and is unlikely to be a suitably surfaced access, given that is for emergency vehicle use only. There is no evidence submitted with the application of an agreement with the owner of barn A that a route of access is to be provided.

The single parking space is not shown on any submitted plans and is only mentioned on the application form as one space, which would be visitor parking in front of barn A, on land outside of the applicants ownership. Even if the applicant were given permission to site the space in the location stated, the single parking space proposed is substandard and two spaces would be insisted upon, given the isolated location of the site and the size of the dwelling proposed.

f) **Other matters**

The applicant proposes that the bins will be collected by the City Council and would be stored in covered area. Currently the local council refuse vehicles collect the waste from Wittering Cottages and Elm Farm from the end of the track in the lay-by near the A1, they do not drive up the access road as it is not satisfactorily surfaced and would not be willing to collect from the application site unless it was upgraded to a hard surface.

There are no turning heads for the refuse vehicle on site and bin collection points would need to be identified as the crews would not walk up to the houses. Some of the unloading areas may be suitable if turning heads are in place, however given the land locked nature of the application site it would not be possible to get the bins from the barn to any possible collection point.

No information has been provided relating to the improvement of the access road or the location of the bin store and as such the proposals must be considered unacceptable.

The applicant also proposes landscaping of the crew yard, this is outside of the ownership of the applicant and no notice would appear to have been served on the owner of the crew yard area and certificate B on the application form has not been signed. This is contrary to statutory requirements and would need to be remedied prior to any permission being granted. Even if this were to occur the landscaping of the crew yard is unlikely to be acceptable and is out of character with the functional

open character of the crew yard. The landscaping would be considered harmful to the area and to the setting of the adjacent listed building Elms Farm.

8 CONCLUSIONS

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

- The proposal will significantly harm the character and appearance of the simple barn building and the building should remain subservient in appearance and use to the adjacent principal barns.
- No vehicular or pedestrian access is shown on the submitted plans.
- The proposal does not provide a convenient area of amenity space with reasonable privacy.
- The dwelling would harm the amenity of the occupiers of the neighbouring dwellings and it would suffer from unacceptable levels of overlooking and overbearing.
- The applicant proposes landscaping of the central courtyard area which is outside of the ownership of the submitted red line and certificate B has not been filled in on the application form.
- The parking proposed is not shown on any submitted plans, is substandard and is proposed in a location outside of the supplied redline and outside of the ownership of the applicant.

9 RECOMMENDATION

A) 10/01202/LBC

The Head of Planning, Transport & Engineering Services recommends that this application is **REFUSED**.

R1 The proposal by way of the scale and appearance of the alterations proposed will significantly harm the character and appearance of the simple barn building which should remain subservient in appearance and use to the adjacent principal barns. This is contrary to policy CBE6 of the Peterborough Local Plan (First Replacement) which states:

CBE6 The City Council will not grant consent/permission for the alteration, extension or carrying out of other works to a listed building or building which is within its curtilage where it would:

- (a) be unsympathetic to the character of the original building or its setting in scale, form, materials or situation; or
- (b) be detrimental to the long-term stability of the fabric of that building; or
- (c) result in the removal of internal or external features of a listed building, or features within its curtilage, which contribute to its architectural or historic interest.

B) 10/01258/FUL

The Head of Planning, Transport & Engineering Services recommends that this application is **REFUSED**.

R1 The proposal by way of the scale and appearance of the alterations proposed will significantly harm the character and appearance of the simple barn building which should remain subservient in appearance and use to the adjacent principal barns. This is contrary to policy CBE6 of the Peterborough Local Plan (First Replacement) which states:

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- (a) be unsympathetic to the character of the original building or its setting in scale, form, materials or situation; or

- (b) be detrimental to the long-term stability of the fabric of that building; or
- (c) result in the removal of internal or external features of a listed building, or features

R2 The submitted plans do not include a safe and convenient access to the development. This is contrary to policy T1 of the Peterborough Local Plan (First Replacement) which states:

T1 Planning permission will only be granted for development if:

- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan; and
- (b) it will not result in unacceptable impact on any element of the transportation network.

R3 The dwelling by way of its close proximity to neighbouring dwellings would harm the amenity of the occupiers of the neighbouring dwellings. The application site would suffer from unacceptable levels of overlooking and overbearing and does not provide a convenient area of amenity space with reasonable privacy. This is contrary to policies DA1, DA2 and H16 of the Peterborough Local Plan (First Replacement) which state:

DA1 Planning permission will only be granted for development if it:

- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
- (b) creates or reinforces a sense of place; and
- (c) does not create an adverse visual impact.

DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- (a) can be satisfactorily accommodated on the site itself; and
- (b) would not adversely affect the character of the area; and
- (c) would have no adverse impact on the amenities of occupiers of nearby properties.

H16 Planning permission will only be granted for residential development (including changes of use) if the following amenities are provided to a satisfactory standard:

- (a) daylight and natural sunlight; and
- (b) privacy in habitable rooms; and
- (c) noise attenuation; and
- (d) a convenient area of private garden or outdoor amenity space with reasonable privacy.

R4 The parking space proposed is not shown on any submitted plans and a single parking space is considered inadequate given the size of the development and unsustainable isolated location of the proposed development. This is contrary to policies T1 and T10 of the Peterborough Local Plan (First Replacement) which state:

T1 Planning permission will only be granted for development if:

- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan; and
- (b) it will not result in unacceptable impact on any element of the transportation network.

T10 Planning permission will only be granted for car and motorcycle parking outside the City Centre if it is in accordance with the standards set out in Appendix V. Car and motorcycle parking in the City Centre will be assessed against policy CC15.

