

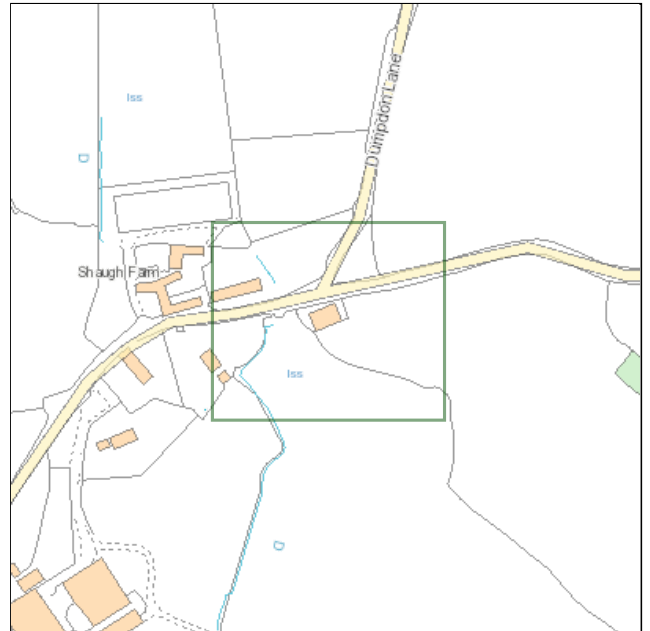
Ward Dunkeswell And Otterhead

Reference 21/0372/FUL

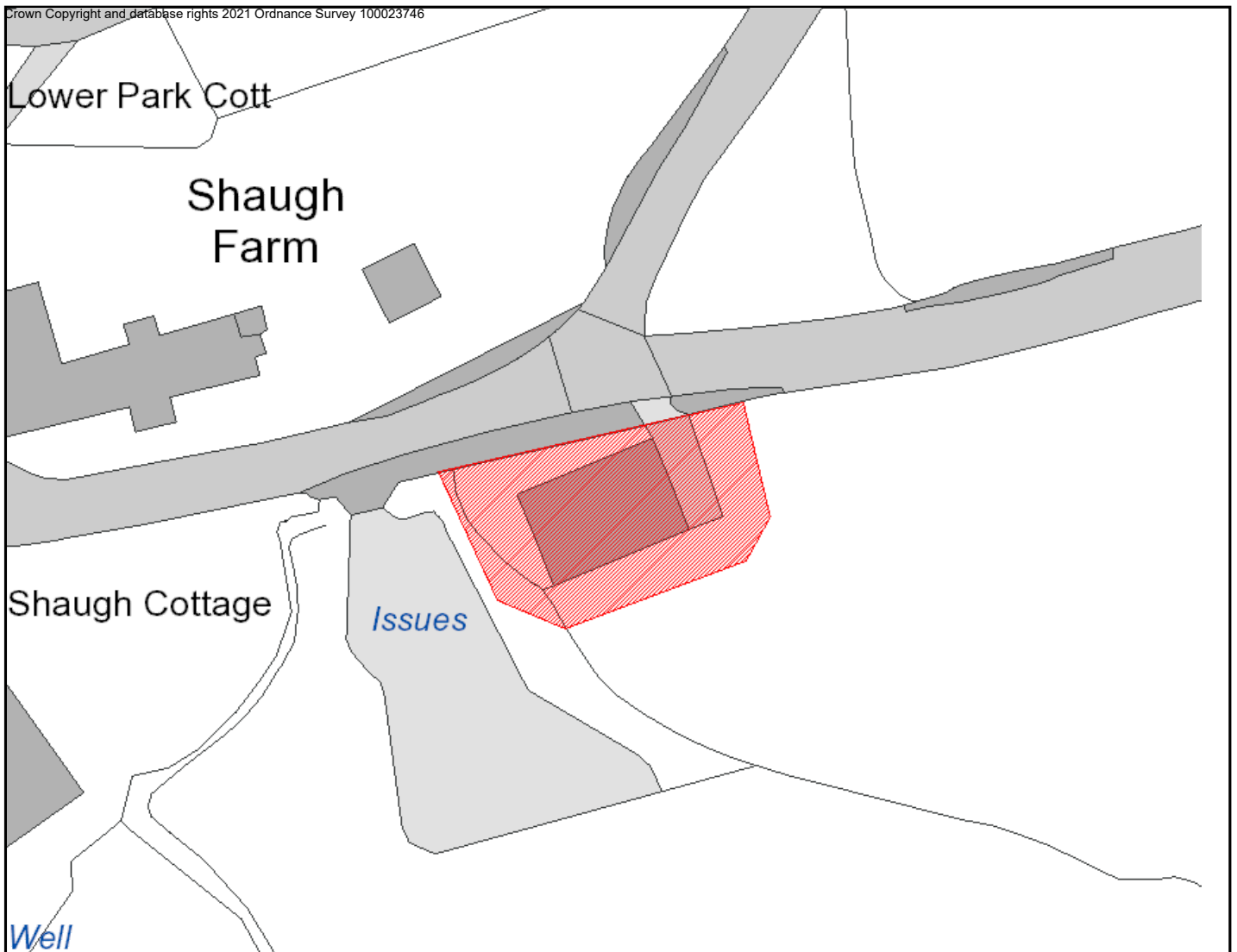
Applicant Jo and Mathew Davis

Location Barn At Otter View Farm (NE Of Shaugh Cottage) Luppitt Honiton EX14 4TP

Proposal Proposed conversion of agricultural building to form residential dwelling and associated works.



RECOMMENDATION: Refusal



		Committee Date: 7th April 2021
Dunkeswell And Otterhead (Luppitt)	21/0372/FUL	Target Date: 05.04.2021
Applicant:	Jo and Mathew Davis	
Location:	Barn At Otter View Farm (NE Of Shaugh Cottage) Luppitt	
Proposal:	Proposed conversion of agricultural building to form residential dwelling and associated works.	

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EXECUTIVE SUMMARY

The application is before committee because the officer recommendation differs from that of the ward member. The parish council are also in support of the proposal.

Permission is sought to convert an existing rural building, comprising of an original stone barn and later lean-to addition, to form a dwellinghouse. At present the building appears to provide some low key agricultural use.

The site is located outside in open countryside forming part of the Blackdown Hills Area of Outstanding Natural Beauty however it forms part of the lose collection of properties which form the hamlet of Shaugh and where there are other residential properties nearby.

The building is considered to be capable of conversion, subject to some strengthening works and localised sections of rebuilding, and in terms of design is considered to be relatively sympathetic. Additionally, it would be possible to limit any impact of the development of the wider AONB landscape through appropriate landscaping of the site which could be controlled by condition.

Although it is recognised that the proposal would give rise to some limited social and economic benefits, it has not been demonstrated that the building is no longer required for agricultural purposes and the identified benefits are considered to be outweighed by the harm that would be caused through the creation of an unrestricted residential use in this unsustainable location. As a result the proposal is considered to be in conflict with the relevant policies of the Local Plan and the National Planning Policy Framework and is recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

Luppitt Parish Council supports this planning application.

Dunkeswell And Otterhead - Cllr David Key

I have visited this site and am convinced this little or none use barn would make a good barn conversion for a local young family wanting to move back to their original community and would also preserve the barn for the future. I support this application.

Further comment:

My opinion does not change as the occupant would be partially working on her parents adjoining farm and so prevents applying for a workers dwelling.

This is the use of a disused farm barn which is opposite to other barn conversions and houses. I still fully support this application.

Other Representations

None received.

Technical Consultations

None received.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D8 (Re-use of Rural Buildings Outside of Settlements)

EN5 (Wildlife Habitats and Features)

EN16 (Contaminated Land)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Luppitt Neighbourhood Plan 2013-2031 (Consultation Draft)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

The application site relates to a stone barn and immediately adjoining area of land located at the eastern end of the small collection of dwellings that form the small hamlet of Shaugh within the parish of Luppitt. The existing building is single storey and constructed mainly of stone with some areas of brick/blockwork and metal sheet cladding, it has an asymmetrical pitched roof covered in corrugated sheet panels. Off the south elevation is a lean-to section supported of timber posts and partially enclosed by corrugated sheeting on the west elevation and the upper part of the south elevation.

The building sits back from the road behind an informal layby parking area and there is an existing vehicular access to the east side of the building leading to a small concrete yard area. The site area includes adjoining land to the east, south and west of the building.

The site lies in open countryside outside of any designated settlement boundary and within the Blackdown Hills Area of Outstanding Natural Beauty.

Proposed Development

Permission is sought for the conversion of the existing building to form a residential unit.

The submitted plans indicate that the stone barn would be retained and converted with the roof returned to its original symmetrical pitched roof form and slate replacing the existing roof covering. The rear lean-to section would have infill stone walls, to match the main barn, on the east and west elevations with vertical timber boarding infilling the south elevation. The roof would be replaced with a single ply membrane. Externally it is intended to use the existing access to provide a parking area to the east of the building with a garden area defined to the south.

It is relevant to note that due to the location of the site within the AONB, the building does not benefit from any fall-back position for conversion under the Prior Approval permitted development rights.

ANALYSIS

The application proposes the alteration and conversion of the existing barn to facilitate the change of use to a single dwelling. The main issues in the determination of the application are considered to be:

- Principle of development
- The design, method of conversion and effect on the character and appearance of the area
- Accessibility of the site
- Ecological Impact
- Access and Highway Safety
- Other considerations

Principle of development

The site lies in a rural location outside of any designated built up area boundary and is therefore considered to fall within open countryside. Strategy 7 of the Local Plan, strictly controls development in such locations, unless explicitly permitted by another policy of the Local (or where relevant) Neighbourhood Plan.

There is no 'made' neighbourhood plan in place that covers the site but a first consultation draft of the Luppitt Neighbourhood Plan has been produced this provides some broad support for barn conversion proposals and draft policy D1 of the Neighbourhood Plan supports barn conversions to residential and business uses providing the buildings heritage is protected and appropriate materials and good craftsmanship are employed. This consultation draft has been informed by some community consultation to assess the key issues for the parish community but remains at a relatively early stage of the plan making process and can therefore only be given limited weight.

In terms of the Local Plan, Policy D8 (Re-use of redundant rural buildings) potentially offers support for such development, subject to a number of criteria. As the proposal does not propose a dwelling to meet the essential need to house a rural worker or to provide affordable housing there are no other policies of the Local Plan that would offer explicit support. The proposal is assessed against the criteria of policy D8 below.

In relation to national policy paras. 77 - 79 of the NPPF cover rural housing. In this regard paragraph 77 indicates that support should be given to developments that reflect local needs, placing particular emphasis on affordable housing; paragraph 78 states that in rural areas housing should be located where it would enhance and maintain the vitality of rural communities; and paragraph 79 seeks to restrict isolated homes in the countryside, setting out the circumstances in which their provision is acceptable. As the proposed development would not meet a specified local need (the application has not been put forward as an agricultural workers dwelling), and would not provide affordable housing, it would not help to deliver either of the objectives set out in paragraph 77 of the Framework. In addition the site is located adjacent to existing properties within the hamlet of Shaugh and as such is not regarded as 'isolated', therefore even were they to be demonstrated as relevant to the proposal the exception criteria set out under para. 79, including the proposals re-use of a redundant building would not be applicable.

In relation to paragraph 78 of the Framework, it is recognised that this offers potential support for development which would enhance or maintain the vitality of rural communities. Para. 78 goes on to give the example of how development in one village might help support services in a village nearby. In this instance the development proposed is not in a village but a small hamlet with no community facilities. There are other hamlets within the parish but these are similarly limited in terms of community facilities which are restricted to a pub, church and village hall. Future occupiers may provide some support to these facilities but the benefits of such support would be very limited due to the scale of the development.

The design, method of conversion and effect on the character and appearance of the area

Policy D8 of the Local Plan seeks to support proposals for the re-use of redundant rural buildings where a number of criteria are met. Those criteria are set out below followed by consideration of the proposal against them.

1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.
2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;
3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;
4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;
5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

In addition, where residential re-use is proposed it must also be established that a) the building is no longer required for agricultural or other diversification purposes; b) the conversion will enhance its setting, and; c) the development would be located so as to be close to a range of accessible services to meet the everyday needs of residents.

Each criteria will be considered in turn.

In the first regard whilst the proposed residential use of the building would represent a change it could be considered to be in character with the use of other buildings within the hamlet of Shaugh. Whilst the traffic associated with the proposed use is unlikely to be substantial future residents are likely to rely heavily on the use of private transport for the vast majority, if not all, of their journeys. The issue of the site's accessibility is considered separately below.

In terms of the structural condition of the buildings, the application is accompanied by a structural appraisal report. This report concludes that, '*..with a sympathetic approach this building would be suitable for conversion as intended without significant rebuilding of the primary structure.*' With regards to the extent of alteration, reconstruction and extension proposed, the changes to the principal barn appear to include rebuilding some sections of wall and strengthening of the roof to the building. At the western end of the building the existing areas of cladding would be replaced by building up the walls in stonework. The roof would be clad in natural slate and returned to its original form. More significant work is required in relation to the lean-to element, where all of the original cladding is to be removed and the elevations built up with stone to the side elevations and vertical boarding to the south elevation. The existing roof overhang is removed and the existing metal clad roof replaced with a single ply roof membrane. These alterations would result in some change to the character and appearance of the building but are considered to be relatively restrained and overall would retain the simple form of the building and limited openings to the roadside which are its principle characteristics.

It is not considered that the proposal would have any significant impact on the wider landscape as no extension to the built form is proposed and the change of use of adjoining land is limited in its extent. The domestic curtilage of the property could be appropriately defined through a landscaping condition and as such the impact on the wider designated landscape could be controlled and its natural beauty conserved.

In relation to criteria 4 of policy D8, the proposed use would generate a limited amount of traffic but occupiers are likely to rely on private transport for the vast majority, if not all, of their journeys. The issues related to site access and highway safety are considered separately below.

The buildings would have originally been constructed for agricultural use and whilst the supporting statement advises that the building is no longer required for agricultural or diversification purposes it was in use for the purpose of housing sheep at the time of officer site visit. This somewhat calls into question its redundancy for agricultural purposes.

In terms of the additional criteria to be met for residential conversions a) is considered above.

In relation to enhancement of setting, there appears to be little scope for, or demonstration of, enhancement. The planning statement refers to perceived improvements in the external appearance of the building through the removal of metal cladding but notwithstanding that this could be considered part of its functional character its removal would not represent an enhancement to the 'setting' of the building in the same way that for example removal of another building might, but instead would represent a change to the appearance of the building.

Criteria c), relating to the accessibility of the site is considered separately below.

In conclusion, in relation to compliance with the requirements of policy D8, this policy seeks to ensure that proposals for conversion of existing buildings are sympathetic to the character of the buildings and their rural setting. This is to ensure that the benefits

arising from the suitable re-use of redundant rural buildings are not outweighed by harm to their character. In this case the application proposes limited interventions into the building resulting in limited harm. In terms of enhancement to the building's setting it has not been demonstrated that any such enhancement would arise.

Accessibility of the site

Of the additional criteria of policy D8 that applies to residential conversions, criteria c) requires development to be located close to a range of accessible services and facilities to meet the everyday needs of residents. What constitutes 'close' and indeed what a range of accessible services might be is not defined. However, clearly the thrust of the policy is similar to policy TC2 to ensure that development is well located so as to promote alternative modes of transport and reduce reliance on private vehicle use. This is in line with the general approach of the NPPF in seeking to move towards a low carbon economy and promoting alternative modes of transport.

The site is located in open countryside and whilst not 'isolated' in the physical sense of the word it is located where it is divorced from the services and facilities required to support day to day living. The nearest settlement with a recognised range of services is Honiton, the town centre of which is located approximately 2 miles away by road to the southwest of the site. The proposed access route to the town, requires travel via narrow, unlit rural lanes. There is no public transport serving the site and no bus stops within reasonable walking distance of the site – the nearest being in Monkton over a mile from the site. From here there is access to 2 no. bus services but these run a combined total of 3 return journeys a week to Honiton and beyond and as such do not offer a viable alternative to private transport for most journeys. There are some other facilities in Luppitt (2 miles distant) and Monkton including a farm shop, pub, village hall

The planning statement submitted with the application highlights a number of recent appeal decisions that the applicant considers supports their case, these are considered in turn below,

Otter Valley Golf Centre, Rawridge, Honiton (Appeal ref. APP/U1105/W/19/3234774). This related to a proposal to convert a building formerly in use as part of a golf centre to form a dwellinghouse. It is acknowledged that in arriving at his decision the Inspector considered that the proposed residential conversion would not substantively add to the need to travel by car and ultimately allowed the appeal considering it to represent sustainable development. However, this view took into account the historical trip generation associated with the golf centre use which as a destination site would have been likely to attract higher volumes of traffic to it than the proposed residential use. The same would not apply in the current circumstance as any agricultural use associated with the use of the building is likely to have been lower key and would be displaced to elsewhere within the farm unit. It is though recognised that the appeal site is located a similar distance to Honiton.

The second appeal referred to relates to Harcombe House near Lyme Regis (Appeal ref. APP/U1105/W/19/3223511) this sought the removal of a holiday occupancy condition. Whilst the Inspector ultimately dismissed the appeal on other grounds he found the site, located approximately 1 mile northwest of the village of Uplyme, a

sustainable location in terms of accessibility. In coming to this view he gave weight to the traffic generation associated with the existing tourism accommodation use and considered that there was no substantive evidence in that instance to consider that the proposed unrestricted residential use would give rise to substantially more traffic.

The third and fourth appeal decisions referenced relate to barn conversions at Monkton Park Farm, Payhembury (APP/U1105/W/20/3246094) and Coldharbour Farm, Ottery St, Mary (APP/U1105?W/20/3249590). In both cases the sites were considerably closer to facilities available in the nearest settlements. In the Monkton Park Farm appeal the Inspector acknowledged the services available within the village (not all of which were available at the time the Local Plan was adopted) which was just over ½ mile from the site. In the case of the Coldharbour Farm decision, the site was located less than ½ mile from the built-up edge of Ottery St Mary where a wide range of services and facilities are available.

On the other hand there are other appeal decisions that support the view that the council has taken on similar developments these include the following.

High Bank, Road from Colyton Road to Orchard Close, Whitford EX13 7PJ (APP/U1105/W/19/3230043) related to the refusal to grant planning permission for a residential barn conversion. In that instance, the Inspector acknowledged the site was not isolated and was located close to the village but that there were limited services in the village (just a village hall). In relation to alternative modes of transport he noted,

“Although an hourly bus service is supportive of daily life it would represent the only means of accessing services without a private vehicle. Subsequently, I consider that there would be a strong reliance on using a private vehicle for day to day living due to the absence of any services in the village and the lack of a bus at off-peak times.”

The bus service in the above appeal scheme was significantly more frequent than that available to serve the application scheme.

An appeal at Oaklands Farm, Monkton (APP/U1105/W/19/3243903) for conversion of barns to form 5 no. dwellings was dismissed with the Inspector finding that the site would, ‘...not be in an appropriate location, having particular regard to the accessibility and development in the countryside...’. This site would be served by the same bus services and facilities as referred to by the applicant as serving the application site.

In an appeal at Gardener’s Barn, Honiton (APP/U1105/W/19/3243366) an Inspector dismissed an appeal for a barn conversion to residential use on grounds including, that the location of the development was unsuitable as it would fail to provide satisfactory access to services and facilities by means other than the private motor car. The site was again less than ½ mile from the built-up edge of Honiton.

Finally in an appeal relating to a barn conversion at Carpenter’s Cottage, Combyne (APP/U1105/W20/3246701) the nearest settlement with a defined built-up area boundary, Musbury, was just over 2 miles from the site. The Inspector dismissed the appeal and in arriving at her decision found that the site would not provide a suitable location for housing given its relatively poor access to local services.

What can be concluded from the various appeal decisions is that each case needs to be considered on its merits. However in the decisions that have been allowed there have tended to be considerations that have influenced the Inspectors' decisions which are not relevant to the application at hand. These include closer proximity to a wider range of services, or presence of an existing use likely to attract similar or greater levels of traffic. In this instance future occupiers of the site are likely to be almost entirely reliant on private transport for the vast majority of their journeys and where, if the building is considered to be redundant, there would be much lower levels of existing traffic movements, as such the proposal would conflict with policies D8 and TC2 of the Local Plan and by extension Strategy 7.

Ecological Impact

The application is accompanied by a Bat & Protected Species Survey Report which has assessed the building's potential for use by protected species. The report found the building to have negligible potential to support roosting bats and as such that the development would be unlikely to cause disturbance to bats or to significantly affect the distribution or abundance of local populations. Precautionary recommendations are made to avoid disturbance to any bats or nesting birds that might be present and ecological enhancements are also proposed. Such measures could be secured by means of a suitably worded condition to ensure that the requirements of policy EN5 of the Local Plan and the relevant wildlife legislation are met.

Access and Highway Safety

In terms of highway safety the existing access is proposed to continue to serve the site. Visibility from this is good in a westerly direction but slightly more restricted in an easterly direction by the roadside hedgebank. The submitted Planning statement advises that a parking area would be created to the east side of the building served by the existing access. It appears that vehicles would be able to turn within the site. Given the single carriage width nature of the approach road and the low speed and volume of traffic past the site is not considered that the proposal would result in an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe, the proposal is therefore considered to be in compliance with para 109 of the NPPF and acceptable in relation policy TC7 of the Local Plan. The requirements of policy TC9 of the Local Plan, which seeks a minimum of 2 no. spaces per 2 + bed properties, could also be met.

Other considerations

Whilst the proposal is considered to fail to accord with the relevant policies of the development plan it is necessary to consider whether any support is found under the National Planning Policy Framework that might otherwise weigh in favour of it and indicate that the application should otherwise be approved.

Para. 12 of the NPPF confirms the Development Plan as the starting point for decision making and that development that conflicts with it should not usually be granted. Para. 212 of the NPPF confirms that the policies with the framework (NPPF) are themselves material considerations.

Para. 213 of the NPPF confirms that policies in development plans should not be considered out of date simply because they were adopted prior to the publication of the (revised) framework and that due weight should be given to them, according to their degree of consistency with the framework. The application proposes the re-use of an existing building in the countryside, which, it is suggested, is no longer required for its existing /original purpose and therefore can be considered to be redundant. The fact that the building was in agricultural use at the time of officer site visit casts some doubt over whether or not the building can be considered redundant. However setting this aside, two of the special circumstances set out at Para. 79 of the NPPF is where, *'the development would re-use redundant or disused buildings and enhance its immediate setting,'* or where the development would, *'represent the optimal viable use of a heritage asset'*. Although it is not considered that para. 79 would apply in this instance, as the applicant recognises the site is not 'isolated', the applicant has suggested that the proposal might be considered a non-designated heritage asset. The building has some vernacular character and simple charm, informed by its form and use of materials and it is not disputed that it may have its origins in the late 19th century. However, it has been extended, altered and patched up over the years and does not appear to have any particular distinctive features to mark it out from many similar buildings. Even were it to be considered as a non-designated heritage asset the proposed changes to it would affect a change in its character and appearance and the benefits in retaining the building would therefore be lessened and not of sufficient weight to overcome the harm in terms of the identified conflict with policy.

There is considered to be sufficient separation distant from nearby neighbouring residential properties such that the amenity of existing or future resident would not be harmed. The applicant suggests that the loss of the agricultural use may be beneficial in amenity terms however this use is lawful and historic, the site lies in a rural area where agricultural practices are part of the way of life and as such little weight is given to this perceived benefit, It is also noted that there are a number of other working farm buildings within the hamlet.

A new package treatment plant is proposed to provide foul drainage for the site. Given the location of the site mains drainage is not an option and as such there are no objections in principle to the use of a private system, were the application to otherwise be considered to be acceptable further details of this could be secured by condition to ensure compliance with policy E19 of the Local Plan.

CONCLUSION

The application seeks to re-use an existing rural building and convert it to use as an independent dwellinghouse. At present, the building appears to be used for some low key agricultural use and there is therefore a question mark over whether it is truly redundant for this purpose. In terms of the design and method of conversion it is noted that the envelope of the building is not extended and that the submitted structural appraisal considers the building to be capable of conversion. Whilst keeping the lower lean-to –extension lighter weight with timber cladding may be more appropriate, overall the design is considered to be acceptable and the external areas of the site are kept to an area immediately around the building and could be visually contained with

appropriate landscaping. In this regard the environmental impact of the proposal would be limited.

The proposal would also provide a dwelling for persons with a local connection to the area and potentially provide some, albeit limited, support for community facilities within the parish. The conversion scheme would also provide economic benefits through support to the construction industry and potentially through the occupier's patronage of local businesses. There would therefore be some limited social and economic benefits of the scheme.

To be weighed against these benefits would be the harm that would arise through the creation of a dwellinghouse in an unsustainable location where future occupiers are likely to be heavily, if not entirely, reliant on private transport, for their journeys to and from the site. This harm is considered to outweigh any limited benefits that would otherwise arise and as a result the application is recommended for refusal as being contrary to Local Plan policies guiding the location of residential development.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development by reason of its location in the open countryside, distanced from essential services and facilities required for daily living and where options for alternative modes of transport are extremely limited, would result in an unsustainable form of development with reliance upon the use of private transport to access such services and facilities to meet the everyday needs of residents. As such, the proposal would be contrary to the provisions of Strategies 5B (Sustainable Transport) & 7 (Development in the Countryside), and policies D8 (Re-use of Rural Buildings Outside of Settlements) & TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 as well as the guidance contained in the National Planning Policy Framework (2019).
2. It has not been demonstrated that the building is no longer required for agricultural use or diversification purposes or that the loss of the building for such purposes would not result in a requirement for replacement buildings to fulfil a similar function. The development is therefore not in accordance with policy D8 (Re-use of Rural Buildings Outside of Settlements) of the East Devon Local Plan 2013-2031.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

	Location Plan	08.02.21
DAVISPRO REV 1.4	Proposed Plans	08.02.21
SP500 REV 1.2	Proposed Site Plan	08.02.21

List of Background Papers

Application file, consultations and policy documents referred to in the report.