

**Ward** Yarty

**Reference** 21/3211/FUL

**Applicant** Sharon and Nigel Harding

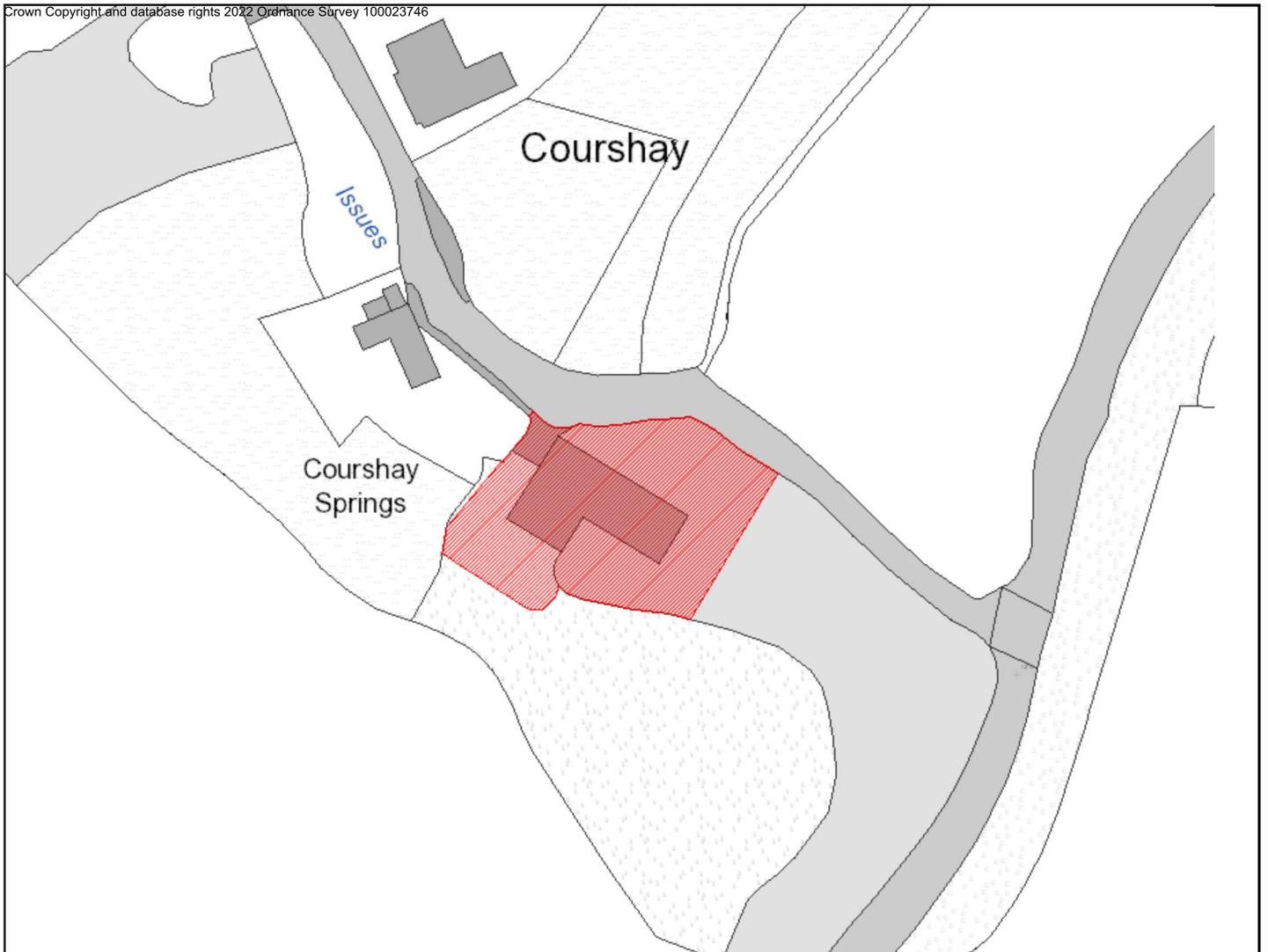
**Location** Land And Building South East Of Courshay Springs Hawkchurch

**Proposal** Proposed conversion of a redundant building to form 1 no. residential dwelling and associated works.



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 16<sup>th</sup> February 2022</b>
<b>Yarty (Hawkchurch)</b>	<b>21/3211/FUL</b>	<b>Target Date: 08.02.2022</b>
<b>Applicant:</b>	<b>Sharon and Nigel Harding</b>	
<b>Location:</b>	<b>Land And Building South East Of Courshay Springs Hawkchurch</b>	
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#### **EXECUTIVE SUMMARY**

**This application is before the committee because the applicant is related to member of staff.**

**Planning permission is sought to convert a former workshop building to a dwelling. The building is situated in the countryside to the east of Hawkchurch and was formerly used as a workshop in association with a mixed industrial/agricultural business. All business activity has ceased and the site is in the process of being cleared of considerable amounts of waste that was left behind.**

**The building is of steel framed construction with some masonry walls. Whilst there would be fairly extensive new cladding of the walls, on balance the proposal would amount to a conversion rather than a rebuild. A dormer would be added to facilitate insertion of a first floor, and although it would not be characteristic of such buildings, the enlargement would not compromise the overall character and design.**

**The site is located outside Hawkchurch which benefits from a relatively good range of amenities for a small village. The dwelling would be on the limit of what may be considered a reasonable walking distance from the village. Whilst it is likely that some journeys would be made on foot or by bike, in the absence of a good bus service there would be some reliance on a car. Notwithstanding this, the development would support services and facilities in the village.**

**As well as delivering a dwelling, which is a modest benefit, it would have the more substantial benefit of ceasing an industrial use which is not compatible with its surroundings.**

**In conclusion there are sufficient benefits arising from the proposal to overcome any reservations about the building works and the location. On that basis the proposal is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

Yarty Ward Member – Cllr P Hayward

No further comment from me.

Clerk To Hawkchurch Parish Council

Support

### **Other Representations**

Two comments have been received.

One raised a query about land ownership which has been addressed by the submission of a revised location that omits an area of land which is classed as highway.

The second raises the following concerns:

- There are omissions and inaccuracies in the application
- There is insufficient information for the Council to make an informed decision on the application
- The site is water-logged, with water running out of the ground in many places
- No percolation test has been carried out although no justifications are given
- A trial hole has not been dug
- There is a very high likelihood that the site is contaminated
- The addition of a very large, hence 'substantial' flat-roof dormer is not in keeping with the conversion of an agricultural building
- The planning application form incorrectly states that the roof is metal cladding whereas it is asbestos/fibre cement sheeting
- The connection between the applicant and East Devon Council should be disclosed
- It is potentially a very tricky site and a very tricky, possibly inappropriate, building

### **Technical Consultations**

None.

## **PLANNING HISTORY**

None.

## **POLICIES**

## Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN16 (Contaminated Land)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

## Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

## **Site Location and Description**

The site is located just to the east of the main settlement of Hawkchurch amongst a small cluster of dwellings at Courshay. It forms part of a larger area of land which was formerly used for a mix of agricultural and industrial purposes but is in the process of being cleared of the detritus left over from that use. At the western end of the site is a former workshop building. There is a residential property to the west and a lane providing access on the north side. The main access is currently from a gate at the east end of the yard but there is a pull-in between the site and the neighbouring dwelling. To the north, east and south lie open fields sloping down to the north east.

## **Proposal**

Planning permission is sought for the conversion of a former workshop building to a dwelling. A dormer extension would be added to the south west elevation but otherwise the form of the building would remain the same. Internally it would provide 4 bedrooms on two levels and a large double height living space. The garden would extend around the property and access would be from a driveway on the north west side of the building to a parking area on the south west side.

## **Background**

In the absence of any recent planning permission or lawful development certificate it is not clear what the lawful use of the building and land is but based on the activities described in the planning statement it is likely a sui generis or mixed use incorporating elements of industrial activity. The former business activities included:

- Lime spreading, straw and hay haulage and selling seasoned logs;
- Storage of tractors, lorries and machinery;
- Collection and return of milk churns; and
- Breaking down and recycling of old lorries and tractors.

Following the applicant's purchase of the site industrial activity has ceased and considerable volumes of scrap and waste have been removed from the site.

At the site visit the applicant explained that the workshop was created (by way of substantial alteration and enlargement) from a small, possibly derelict, dwelling in which family members had lived. This is supported by the 1840 Tithe map which shows a 'cottage and garden' on the site and OS maps up to 1906. In addition, in the 1947 aerial photo there is still a dwelling. The next available OS map is dated 1962 and appears to show a derelict building. This was around the time that planning permission was granted for an agricultural building which it is presumed later became the workshop.

Notwithstanding the history of there being a dwelling on the site, the residential use was abandoned decades ago and therefore there is no dwelling to replace nor any fallback in which a dwelling could be lawfully resurrected without planning permission.

## **ANALYSIS**

The main issue for consideration is whether the proposed development would provide a suitable location for housing having regard to the policies of the Local Plan.

### **Location**

The site is in the countryside outside the main settlement of Hawkchurch but is not regarded as being isolated because it is part of a cluster of about 9 dwellings at Courshay. Although it is not isolated, it is in the countryside for planning policy purposes and in such locations new dwellings are only supported if there is support in a specific local or neighbourhood plan policy. There is no neighbourhood plan but Local Plan Policy D8 supports the re-use of rural buildings such as this and provides the basis for further consideration of the proposal.

Policy D8 sets out a number of criteria that must be satisfied, including additional criteria for residential proposals. These are considered below.

**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.**

Excluding this site, the surrounding area is typical of any hamlet and is characterised by a mix of residential and agricultural activity. In this context another dwelling would not appear out of character. Indeed, permanently ceasing the industrial use of the building would be a welcome enhancement. Already the applicants have made considerable efforts to tidy the surrounding land and this proposal would lead to further enhancement. The issue of travel by car is considered below.

**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;**

The building has stood for many years and although it is principally a steel framed structure it has some block walls, stone walls and walls made up of concrete panels.

The upper parts are generally less robust and clad in corrugated metal (internally lined) and the roof is covered with asbestos or fibre cement sheets.

The structural report concludes:

"The existing steel portal building, including the rear masonry extension, appeared to be in relatively good order and structurally suitable for conversion with some minor strengthening. These works would include the installation of an internal structure to subdivide the building. Using the proposed internal walls to prop the steel frames would help minimise deflection, ensuring compliance with the guidance within current standards."

On this basis the building is considered capable of conversion but consideration must be given to the works proposed and whether or not they amount to a conversion without substantial extension, alteration or reconstruction.

The drawings show that the steel structure would be retained, along with the stone and block walls. It is not clear whether or not the concrete panels would be retained but the structural survey indicates that they are showing signs of deterioration and the reinforcement is exposed in places. The drawings also show that all of the metal and fibre cement cladding would be replaced with timber cladding on the walls and modern sheet cladding on the roof. Whilst the works would not mean starting from a skeletal framework they would be fairly extensive. Nevertheless there would be sufficient fabric retained to conclude that the building had been converted rather than rebuilt.

One small enlargement is proposed to facilitate the provision of two bedrooms and a bathroom in the roof space. This would take the form of a modest dormer and whilst not characteristic of farm or industrial buildings it would be an unobtrusive addition on the rear of the building. Furthermore, by way of compensation for the enlargement it is proposed to remove a secondary structure attached to the south west side of the building which is described as 'ramshackle' in the structural survey.

On balance the proposal is considered to satisfy this criterion.

### **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;**

The building is typical of modern industrial building in terms of its scale and use of sheet materials although it has some unusual features, namely the stone, block and concrete walls. Although the introduction of doors, windows and modern materials would create a domestic character, the form and scale would remain industrial. Overall, the proposal would result in an enhancement to the appearance of the building and the wider area.

### **4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;**

The proposal includes adequate space within the site for parking and bin storage. In time there may be demand for garden buildings but such development would be an

improvement on the current appearance of the site which is still framed by old lorry bodies and other ancillary structures.

The proposed use would not give rise to pollution but carrying out the development might disturb ground that has become contaminated as a result of the past use. This can be addressed by way of a suitably worded condition.

In terms of traffic, the traffic associated with a single dwelling would not have a material impact on the character of the surrounding countryside.

**5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.**

In the absence of an active use following the cessation of the former business activities there would appear to be no immediate demand for a replacement building. There is uncertainty as to what the remainder of the land to the south of the site would be used for but the loss of the building would not necessarily prevent future uses.

**For residential proposals it must be established that:**

**a) the building is no longer required for agricultural use or diversification purposes; and**

As already noted, all business activities have ceased and the building has become redundant.

**b) that its conversion will enhance its setting - e.g. through removal of modern extensions and materials, outside storage, landscaping etc.**

By virtue of the removal of extraneous structures, objects and scrap materials the proposal would result in a considerable enhancement to the site and this would be further enhanced by landscaping.

**c) Development is located close to a range of accessible services and facilities to meet the everyday needs of residents**

Hawkchurch has a general convenience store, primary school, public house, community hall and place of worship but the bus to Axminster only calls once a week. It is therefore possible to meet some basic needs within the village but journeys elsewhere would need to be made by car.

The site is about 775m by road from the edge of Hawkchurch, 900m from Hawkchurch primary school and slightly further from the other amenities in the village. The route is along lightly trafficked country lanes and whilst there is no lighting or pavements, it would be an attractive and realistic journey to make on foot or by bicycle in good light.

It is unlikely that every journey into Hawkchurch would be made on foot or by bicycle but paragraph 105 of the NPPF acknowledges that "opportunities to maximise sustainable transport solutions will vary between urban and rural areas". A certain level of car dependence is therefore not uncommon in rural areas.

In this case the site has an advantage over many barns in that it is close to a village with a relatively good level of amenities, albeit lacking in public transport. On balance the potential for some journeys to be made on foot or bicycle to support local facilities and services indicates that this criterion is satisfied.

In summary, it is concluded that the proposal satisfies all of the criteria listed in Policy D8 and therefore having regard to Strategy 7 it is a suitable location for a barn conversion.

### **Other matters**

An objector has asserted that the site is waterlogged and has drawn attention to springs and watercourses which were indeed evident at the site visit. However the site is not in a flood zone and the only area of risk from surface water flooding lies to the south east of the building. Consequently no specific measures are required in this application to address flood risk.

Foul sewage is proposed to be disposed of via a package treatment plant. Whilst the suitability of the land for this method of treatment has not been assessed formally, there will be a technical solution that would satisfy building regulations given the space available.

The building has been surveyed for wildlife and it has been concluded that it does not support a bat roost. It is, however, recommended that bat and bird boxes are provided in the development and these can be secured by condition.

There is some uncertainty as to the applicant's future intentions for the land beyond the boundaries of the application site. Given that it would retain its lawful use there is potential for an unneighbourly business to be resurrected. However, whilst this cannot be controlled by way of a condition it is considered to be an unlikely eventuality with the probable outcome being a more benign use.

It may be argued that the proposal would result in the loss of a business use but in this instance continued industrial use would significantly harm the environment of the locality and therefore the loss would be compatible with Strategy 32 which seeks to protect business premises only where appropriate.

### **CONCLUSION**

Balanced conclusions have been reached on two key aspects of the proposal, namely the works required to convert the building and the accessibility of the site. However, there are clear benefits in ceasing the industrial use of this part of the site and considerably enhancing the appearance of the building and its setting.

The proximity to Hawkchurch also means that the occupants would be likely to support local services which would be a benefit to the community as a whole. In conclusion there are sufficient benefits arising from the proposal to overcome any reservations about the building works and the location. On that basis the proposal is recommended for approval.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy shall include the following components:
  1. A preliminary risk assessment which has identified:
    - I. all previous uses
    - II. potential contaminants associated with those uses
    - III. a conceptual model of the site indicating sources, pathways and receptors
    - IV. potentially unacceptable risks arising from contamination at the site
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

  5. In the event that unexpected contamination is found at any time during the approved development works that was not previously identified, the findings must be reported in writing immediately to the Local Planning Authority. A new investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 & 2 and where remediation is necessary a new remediation scheme must be prepared in accordance with the requirements of

condition 3. This must be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification plan must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

6. Where long term monitoring and maintenance has been identified as necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the LPA, and the provision of plans on the same shall be prepared, both of which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency Land Contamination Risk Management (LCRM).

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN16 - Contaminated Land of the East Devon Local Plan 2031-2031.)

4. No window, door, roof, or exterior wall shall be installed until details of the materials to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)
5. No development above foundation level other than clearance works to prepare the site and building for the approved conversion shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan 2013-2031.)

6. Development shall be carried out in accordance with the recommendations of the Bat and Protected Species Survey prepared by Ecologic Consultant Ecologists (report reference 210837 dated September 2021).  
(Reason - In the interests of wildlife protection and habitat creation in accordance with Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan 2013-2031.)
7. Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) the dwelling shall not be enlarged without the prior express consent of the Local Planning Authority.  
(Reason - To protect the character of the building and the surrounding area in accordance with Policy D1 - Design and Local Distinctiveness 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 works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

##### Plans relating to this application:

HARDINGPRO 1.1	Proposed Elevation	09.12.21
HARDINGPRO2 1.1	Proposed Floor Plans	09.12.21
SP500	Proposed Site Plan	19.01.22
	Location Plan	19.01.22

##### List of Background Papers

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