

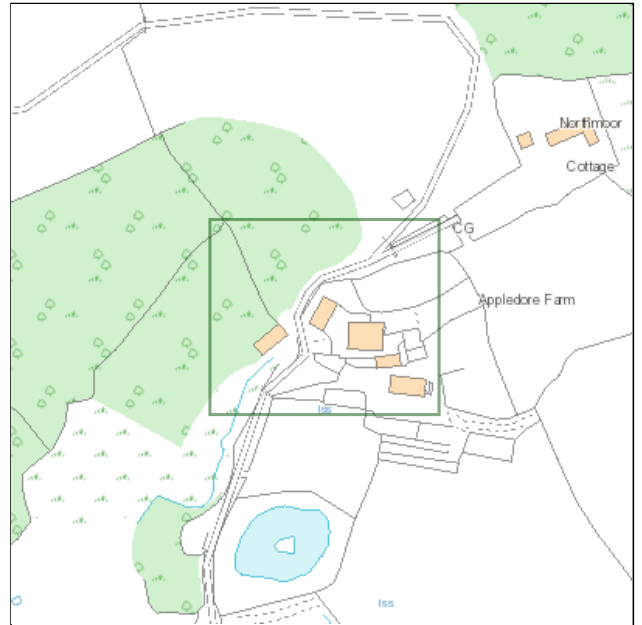
Ward Coly Valley

Reference 22/1506/FUL

Applicant Miss & Mr Tedford & Dockley

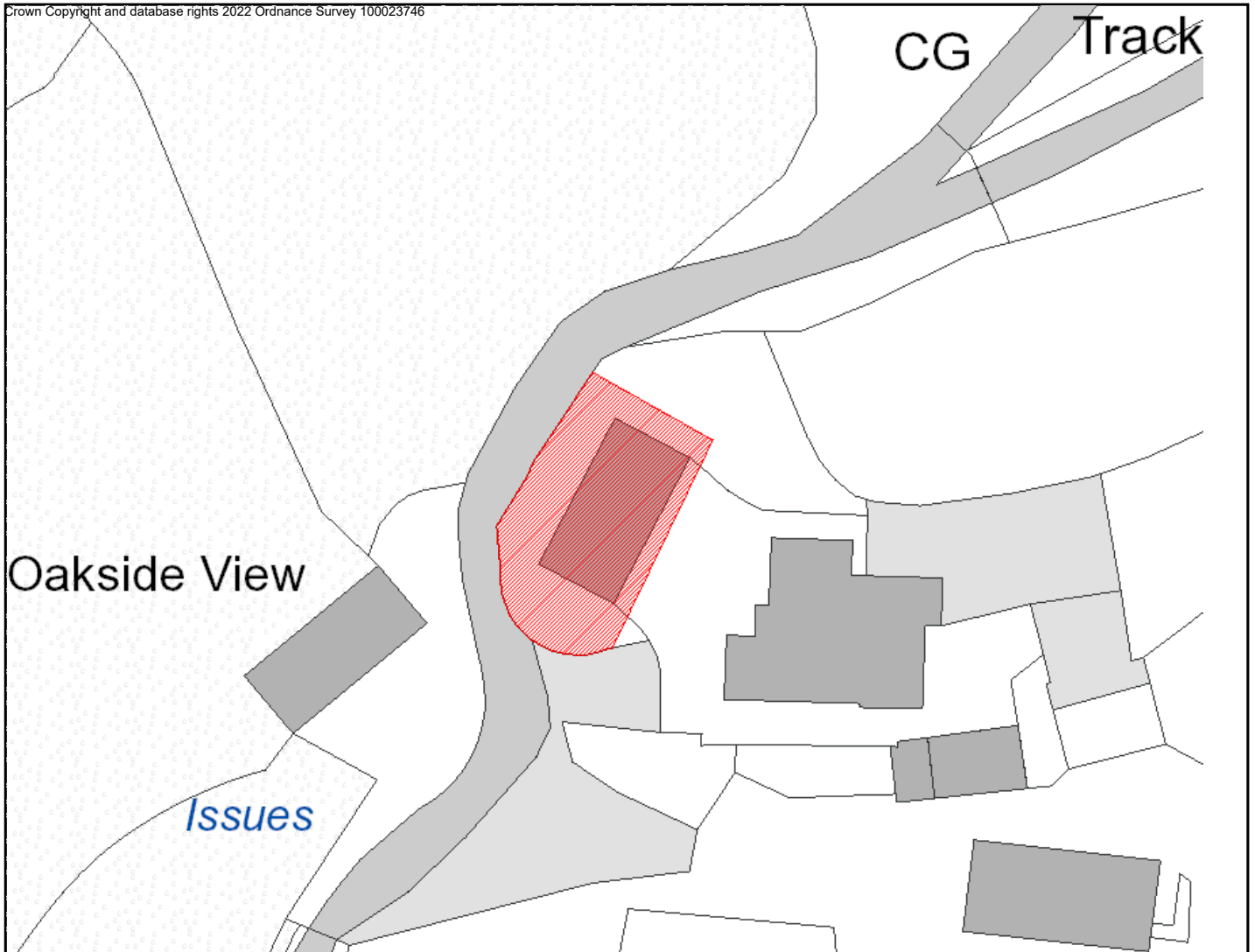
Location Appledore Farm Farway

Proposal Demolition and rebuild of existing barn to form two bedroomed dwelling (approval for dwelling under reference number 22/0809/VAR)



RECOMMENDATION: Approval with conditions

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		Committee Date: 30th September 2022
Coly Valley (Farway)	22/1506/FUL	Target Date: 31.08.2022
Applicant:	Miss & Mr Tedford & Dockley	
Location:	Appledore Farm Farway	
Proposal:	Demolition and rebuild of existing barn to form two bedroomed dwelling (approval for dwelling under reference number 22/0809/VAR)	

RECOMMENDATION: APPROVE subject to conditions

EXECUTIVE SUMMARY

The application is before committee as the proposal represents a departure from the development plan and is recommended for approval.

The site is located in open countryside to the south of Honiton and outside of any defined built-up area boundary, therefore Strategy 7 of the Local Plan applies. This policy seeks to strictly control development in the countryside unless explicitly supported by another policy of the Local, or where relevant, Neighbourhood Plan.

In this instance there are no other policies that would explicitly support the development, however there is an existing permission in place to convert the barn on the site to an unrestricted residential use (22/0809VAR). That permission, granted earlier this year represents a variation to the original planning permission (99/P1851) to convert a series of barns at the site to holiday lets. The original permission has been commenced through the conversion of other barns to which the application related. Furthermore, following a successful appeal against a refusal to remove the holiday occupancy restriction on one of the other barns the condition restricting the occupation of the subject barn to holiday accommodation use only has been removed.

As it stands the subject barn can be converted to an unrestricted residential use and this, represents a fallback position which is material to the determination of the application. In terms of the principle this is considered to be sufficient to allow consideration of an alternative scheme, subject to other considerations being satisfied.

The proposed design reflects that approved for the conversion of the existing building under 22/0809/VAR. The proposal would be on the same footprint, be of the same dimensions, would have the same fenestration layout and utilise the

same materials as approved for the conversion scheme, as such in terms of impact on the character and appearance of the area and the wider Area of Outstanding Natural Beauty it is not considered any additional impact would arise.

The principal reason put forward for the proposed rebuild is to improve the energy performance of the building by providing an improvement in the air tightness and thermal efficiency of the building. Such benefits would be minor but positive and given the lack of harm otherwise identified; the extent of intervention already permitted to the existing barn, and; that in all other respects the proposal is considered to be acceptable, or can be made so through the imposition of conditions, the proposal is considered to be acceptable and the application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

11/08/22 - Originally the Parish Council felt that it would be a shame to knock the old building down and start again, but after consideration all our thoughts were that this would be the best option as the completed look of the barn would be exactly the same as the original and the majority of the existing materials used.

Having been taken down and rebuilt it would give more room inside without steel frames holding the existing building together, be more heat efficient and would lend itself to be more cost effective in other ways after the rebuild.

Technical Consultations

None received.

Other Representations

3 no. representation in support of the application received, raising the following:

- Proposal will retain form and appearance of the existing barn as already granted approval for conversion
- The proposal will allow for improved build quality and use of renewable energy measures

PLANNING HISTORY

Reference	Description	Decision	Date
99/P1851	Conversion Of Barns To Form Four Holiday Lets	Approval with conditions	17.12.1999
17/2506/VAR	Variation of condition 3 of planning consent 99/P1851 to facilitate the unrestricted occupation of "Barn A" as a dwelling house	Refused Allowed at appeal	27.11.2017 04.09.2018

20/0563/VAR	Variation of condition 3 of planning permission 99/P1851 (conversion of barns to form 4 no. holiday lets) to allow the occupation of Barn B for full time residential use	Approval with conditions	30.04.2020
22/0809/VAR	Variation of condition 1 of planning permission 20/0563/VAR (Variation of condition 3 of planning permission 99/P1851 (conversion of barns to form 4 no. holiday lets) to allow the occupation of Barn B for full time residential use) to facilitate design changes.	Approval with conditions	07.06.2022

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 3 (Sustainable Development)

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)

H6 (Replacement of Existing Dwellings in the Countryside)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN5 (Wildlife Habitats and Features)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Planning Background

The building subject of this application and another two barns at Appledore Farm were granted permission for conversion to form 4 no. holiday lets in 1999, under application 99/P1851. The subject building was referred to as Barn B in that application.

A later application in 2017 (17/2506/VAR) sought to vary condition 3 of the original permission to allow the unrestricted residential occupation of the 2 no. units forming Barn A. That application was refused but subsequently allowed at appeal (APP/U1105/W/18/3195007) with the Inspector concluding that an unrestricted residential use would be unlikely to result in additional traffic movements, over those associated with the holiday let use; would provide some limited benefits in relation to support for rural services, and; that no harm would result, in that instance, from the loss of holiday accommodation.

On the basis of the appeal decision a subsequent application (20/0563/VAR) was approved to vary condition 3 on the original approval, insofar as it related to the current application building (Barn B). This being the case there is currently no restriction on the residential occupation of the barn and as the permission granted under 99/P1851 has been commenced, through the conversion of other barns on site, there is nothing to prevent the subject barn from being converted to an unrestricted residential use without the requirement for any further planning consent.

Most recently, indeed earlier this year, permission has been approved to allow some design changes to the approved dwelling whilst remaining a conversion of the existing building (22/0809/VAR refers).

Site Location and Description

The application site relates to a stone barn forming part of a traditional group of farm buildings at Appledore Farm, some of which have been converted to residential use already. The application barn remains unconverted and appears to be currently in low key storage use. The barn is set into the slope of the land on which it is sited so that at its rear northern end ground level is at eaves level a hatch here provides access to an internal mezzanine level, other openings are restricted to the southeast elevation facing the farmhouse.

The site occupies a relatively remote rural location on the upper south facing slope of a narrow valley approximately 2 miles south of Honiton town centre and within the East Devon Area of Outstanding Natural Beauty.

Proposed development

The current application seeks an alternative to the development approved under application 22/0809/VAR. The design of the building is largely unchanged from the recently approved conversion scheme but differs in that it is now proposed to demolish the existing barn and replace it with a new building replicating the design of that previously approved.

ANALYSIS

The main issues in the determination of the application are as follows:

- The principle of the development and policy compliance
- Impact on the character and appearance of the area and wider AONB landscape
- Other issues

Principle of development

The site lies in open countryside outside of any designated built-up area boundary and therefore within open countryside where development is strictly controlled, by Strategy 7 of the Local Plan, unless explicitly permitted by another policy of the Local (or where relevant) Neighbourhood Plan.

There is no neighbourhood plan in place that covers the application site.

In terms of the Local Plan, whilst there is policy support, subject to meeting listed criteria, for conversion of redundant rural buildings to alternative uses (policy D8), including in certain circumstances residential use, there is no support for new build residential development, unless required to meet an essential rural worker or affordable housing need. The proposal therefore falls to be considered as a departure from the development plan.

It is though necessary to consider if there are any other material considerations that would weigh in favour of the proposal and which indicate that a departure from the policies of the development plan should be considered. Planning case law represents such a material consideration, in a Court of Appeal decision, *Mansell v Tonbridge And Malling Borough Council [2017] EWCA Civ 1314*, consideration was given to when a 'fallback' development may be a material consideration in relation to the determination of alternative proposals for the development of a site. Whilst in that case the proposal related to a Class Q barn conversion the principle is equally applicable in this instance. The relevance in the current case is that permission has been granted for the conversion of the existing building on site to a dwelling house (22/0809/VAR), that permission is still extant and could be implemented and would equally result in the creation of a dwelling house in the same location, albeit through conversion as opposed to new build.

It is also worth noting that policy H6 of the Local Plan permits the replacement of existing dwellings in the countryside subject to a number of listed criteria being met. Although this policy would not apply at present as there is no existing dwelling on site, were the conversion scheme to be implemented the applicant could then apply to replace the dwelling as now proposed and where the other criteria of policy H6 would appear to be met.

In this case the principle of residential development in this location has been accepted through the conversion of the building.

The Design and impact on the character and appearance of the area

Policy D1 of the Local Plan seeks to ensure that new development respects the key characteristics and special qualities of the area in which the development is located and that the scale, massing, density, height, fenestration and building materials relate well to their context.

In this instance, the existing building is a substantial stone barn of some character but is not a designated heritage asset and where significant intervention and change, albeit through conversion, has already been permitted. The proposal seeks to replicate the overall form and appearance of the existing building it seeks to replace. The simple recti-linear form is retained and whilst there is an increased roof height/pitch resulting in a taller building it would remain single storey in form and as approved – a replacement roof structure was permitted under 22/0809/VAR.

As previously approved, the increased roof pitch would allow the use of a natural slate roof covering in lieu of the existing corrugated metal sheeting roof. The elevation treatment seeks to reflect the materials used on the existing building with re-use of existing stonework and natural timber fenestration.

There is the potential for some loss of character to arise with new build but in this instance fairly significant alteration to the building has already been permitted. Subject to the replacement being finished to a good standard the proposal would result in a building of a very similar external appearance to that approved for the conversion of the existing building.

The site is located at the end of a private road shared with other properties at Appledore Farm some of which result from previous conversions. In the wider context any public views would see the proposal as a replacement to the existing barn and in the context of the main farmhouse and other residential barn conversions. As the approval granted under 22/0809/VAR included a replacement roof, once constructed the replacement building would result in little discernible change and the natural beauty of the surrounding Area of Outstanding Natural Beauty would be conserved.

Other considerations

Generally there is support in principle for conversion of redundant rural buildings as they provide a viable re-use for an existing building and where such buildings often are of themselves structures worthy of retention, reflecting the agricultural character and heritage of the surrounding landscape. The conversion of an existing building also is often a more sustainable option, ensuring the embodied energy contained with the existing building is retained.

The applicant has been asked to demonstrate how the replacement of the existing building would represent a more sustainable form of development than the conversion of the existing building, Strategy 39 of the Local Plan seeking, amongst other things, to encourage new development to utilise sustainable methods of construction and use of renewable energy technology.

In response, it has been suggested that, the conversion of the building requires retention of the existing structure and that this places restrictions on how the building can be converted and retrofitted to achieve the necessary thermal and energy performance requirements. Whereas the proposed replacement would be capable of providing a much higher standard of envelopment. It is also acknowledged that even with the approved conversion scheme a number of interventions would be required including:

- The existing structure requires its floor to be replaced, as this was a former agricultural building, and has no insulation nor damp proofing.
- The existing external walls have no damp proofing or insulation - which would need to be addressed - effectively building a new inner skin and excavating the perimeter of the building to address water penetration.
- The existing roof is uninsulated and covered in corrugated metal, and so wholesale replacement would be required either way.

It is also indicated that the proposal would include an air source heat pump, which would be likely to operate more efficiently in a more air tight building and which in turn would be easier to achieve in a new build. Solar panels are also proposed for use. Overall and across the lifespan of the building there are likely to be some energy efficiency improvements to be made which would represent a limited but positive environmental impact.

As with the approved conversion scheme it is proposed to connect the property to an existing private packaged treatment plant that serves the other properties at the farm, a mains drainage connection being unavailable.

The proposal would result in no change in terms of amenity impact over that associated with the existing approval for conversion and which itself partially sought to improve the relationship between the building and the neighbouring farmhouse.

Similarly, the proposal is not considered to result in any increased potential for ecological impact. The original 1999 permission has been commenced and the conversion of the barn under this permission would be permitted without requirement for further planning consent. Such conversion would involve the removal of the existing roof structure in its entirety, in addition the nature of the existing roof covering is likely to result in unfavourable conditions for use by bats. It is however suggested that an informative should be added to any permission requiring demolition to proceed with caution to avoid harm to any protected species that may be present.

CONCLUSION

The application proposes the construction of a new dwelling house on the site of an existing stone barn which has an extant planning permission for conversion to a dwelling. Whilst the site lies in open countryside at a distance from services and facilities and where new residential permission would not normally be permitted, the 'fallback' position of the conversion scheme is material to the determination of the application. In terms of environmental impact of the development the embodied energy in the existing building would be lost but improvements are likely to be achieved in the energy efficiency of the new building over its lifetime. Whilst it may be preferable to

see the conversion of the existing building (as already approved), as opposed to its replacement with something similar, policies of the Local Plan allow for replacement of existing dwellings. In this case the other impacts of the proposal, in particular with regard to visual impacts, character and social and economic impacts, are very similar. It is not therefore considered that the principle of replacement could be reasonably resisted. The application is therefore recommended for approval subject to the conditions set out below.

RECOMMENDATION

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. All new window frames, windows, doors and door frames shall be formed in timber to match the style shown in the approved plans.
(Reason - In the interests of the character and appearance of the area and to replicate the traditional character and appearance of the barn to be replaced, in accordance with policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)
4. No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. In relation to stonework the materials to be used shall constitute existing stonework reclaimed from the site supplemented by matching stonework where necessary. 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 Adopted East Devon Local Plan 2013-2031.)
5. Prior to any development above foundation level, a 1-2 square metre sample panel of stone walling to be used shall be constructed on site for inspection by an officer of the Local Planning Authority. Any such sample provided shall be agreed in writing with the Authority and any variations as to coursing, pointing and the type of stone to be used. All stone walling as may be agreed, shall be completed prior to the beneficial use of the building to which the application relates.
(Reason - To ensure that the materials are considered at an early stage in the interests of the appearance and character of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

6. No development above foundation level 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:

- Details of any tree or hedge planting and areas to be grassed;
- Details of any proposed walls, fences or other boundary treatment;
- Details of any external areas of hard surfacing

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 Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Informative:

Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001 and it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore the applicant is advised of the need for caution prior to the commencement of works to determine if any bats or birds reside. No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are found to be present works should cease until the applicant has obtained further advice from Natural England on 0300 060 3900. Further advice on bats is available from The Bat Conservation Trust (0345 1300 228).

Plans relating to this application:

P2128:101	Location Plan	06.07.22
P2128:102 : site - Barn B	Combined Plans	06.07.22
P2128:104 : Barn B	Proposed Plans	Combined 06.07.22

List of Background Papers

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