

**Ward** Axminster

**Reference** 20/0818/FUL

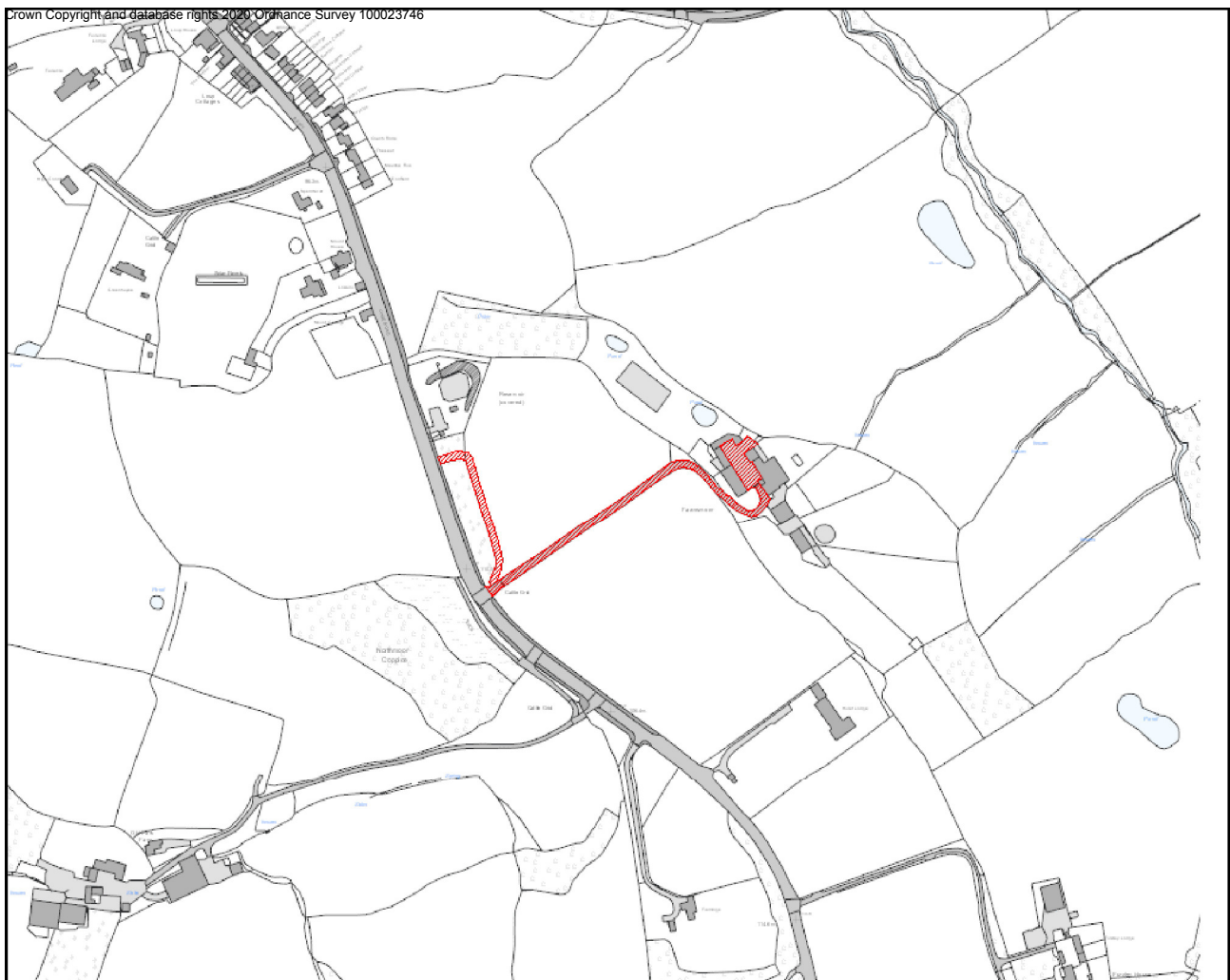
**Applicant** Douglas - Mort

**Location** Fawnsmoor Farm Lyme Road Axminster EX13 5SW

**Proposal** Conversion of redundant agricultural buildings to market dwelling



**RECOMMENDATION: Refusal**



		<b>Committee Date: 22<sup>nd</sup> July 2020</b>
<b>Axminster (Axminster)</b>	<b>20/0818/FUL</b>	<b>Target Date: 15.06.2020</b>
<b>Applicant:</b>	<b>Douglas - Mort</b>	
<b>Location:</b>	<b>Fawnsmoor Farm, Lyme Road, Axminster</b>	
<b>Proposal:</b>	<b>Conversion of redundant agricultural buildings to market dwelling</b>	

**RECOMMENDATION: REFUSE**

#### **EXECUTIVE SUMMARY**

The application is reported to committee because the officer recommendation differs to that of one of the Ward Members.

The site is located to the southeast side of Axminster outside of the built-up area boundary and 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 policy D8 of the Local Plan potentially offers support for development involving the re-use of rural buildings, subject to compliance with a number of listed criteria.

Amongst the stated criteria of policy D8 is a requirement for the conversion to protect and enhance the character of the building, which should be capable of conversion without substantial extension, alteration or reconstruction. In this instance the proposed method of conversion does involve substantial alteration and extension, including the addition of a first floor where none currently exists and extensions to the building footprint. The combined effect of these works would be a significant change in the character of the building and development that would go significantly beyond a conversion scheme.

Whilst the proposal is otherwise considered to be acceptable in relation to accessibility to services; highway safety; residential amenity and landscape and ecological impacts its conflict with the requirements of the principal Local Plan policies, which might otherwise permit such development, lead to a recommendation of refusal. This recommendation takes into account other material considerations including any support that might arise for the development from the National Planning Policy Framework.

## **CONSULTATIONS**

### **Local Consultations**

Axminster - Cllr Andrew Moulding

I recommend that this application is approved

Parish/Town Council

AXMINSTER TOWN COUNCIL SUPPORTS THIS APPLICATION

### **Other Representations**

None received

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
18/1403/FUL	Proposed new vehicular access and entrance track	Approval with conditions	10.09.2018
19/1165/PDQB	Convert 2 redundant barns to 2 single dwellings 180msq and 200msq	PDQB Prior Approval granted	15.07.2019

## **POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

D1 (Design and Local Distinctiveness)

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

EN5 (Wildlife Habitats and Features)

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)

### **Site Location and Description**

The application relates to a range of existing farm buildings located to the north of the main farmhouse and the separate range of buildings to the east of this. The buildings are all single storey and together have a 'C' shaped plan form. At their southwestern end they adjoin the farmhouse range which together with the buildings opposite are of two storey form.

The application buildings together with the farm house and eastern range of buildings form an enclosed yard area with access from the south and a further opening in the northeast corner.

To the north of the farm buildings is a level area of land with fields to the east and west, it is bounded by a line of trees to the northeast with some further tree planting within the site and at its north-western end. This area of land also contains a pond towards its south-eastern end and an enclosed equestrian manege to the northwest of this.

The site is accessed via the existing farm drive that runs northwest from the B3261 before turning to the southwest and then back again to serve the farmhouse. This drive also serves 2 no. modern farm buildings to the southeast of the site.

The site lies in open countryside slightly approximately 1 mile southeast of the town centre of Axminster.

The submitted location plan indicates the applicant owns adjoining land to the northwest and southeast of the buildings.

### **Background**

Prior approval has been granted for the change of use of the 2 no. modern farm buildings to the southeast of the site under permitted development rights for such conversion (19/1165/PDQB).

Permission (18/1403/FUL) has also previously been granted for the construction of a new access and driveway to serve the site and which is indicated as the means of accessing the proposed dwelling.

### **Proposal**

The application proposes the alteration and extension of the redundant range of outbuildings to facilitate the change of use to a single dwelling.

The conversion includes a two-storey and single-storey extension to the building, construction of a glazed canopy as well as construction of a first floor above parts of the building.

The building would be finished with a flint/stone base, cedar cladding and natural slate roof with oak frame windows.

## **ANALYSIS**

. 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 the designated built up area boundary for Axminster – which lies approximately 275m away, as the crow flies, to the northwest of the site. The site is therefore considered to fall 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.

The whole of Axminster Parish has been designated as a Neighbourhood Area but to date no draft plan has been produced and there are therefore no policies, draft or otherwise, which might support the development.

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 application therefore needs to be considered against the criteria to Policy D8.

### **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 the adjoining farmhouse and also the permitted use of the modern agricultural barns just to the south of the site. Whilst the traffic associated with the proposed use is unlikely to be substantial, future residents are likely to rely on the use of private transport for at least some 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 limited structural survey report. This report is largely descriptive but concludes that the buildings overall are in good structural condition and suitable for conversion. It does however confirm that no trial holes were provided to inspect foundations and that the roof is in very poor condition and will require replacing in some areas and altering in others to provide sufficient head height.

With regards to the extent of alteration, reconstruction and extension proposed, this is considered to be significant and includes:

- the increase in height of the buildings at the western end of the range (north of the farmhouse) to provide first floor accommodation;
- construction of a two storey extension off the north-western corner of the range;
- construction of linking glazed canopy across the south elevation;
- new roof structure/coverings
- Introduction of new or enlarged window/door openings

Whilst the submitted Design and Access Statement suggests that, "...*the footprint of the buildings remains almost the same...*" there are in fact two extensions proposed to this, notwithstanding the addition of the glazed canopy. Arguably of more impact, is

the addition of a first floor across the whole of the western range. In total, the floor area would almost double from 150m<sup>2</sup> to 285m<sup>2</sup>. In addition, the changes to the height and roof form represent a significant alteration to the appearance of that building, as do the other proposed additions.

Whilst the proposed extensions/alterations utilise a traditional design and materials they would significantly alter the appearance of the building and fundamentally alter the functional and agricultural character of, what are at present, a simple range of single storey former farm buildings, resulting in a development that is clearly residential in character and appearance. In respect of the western range, the resulting development would bear no resemblance to the existing buildings. The proposal would therefore fail to accord with criteria 2 or 3 of policy D8.

It is not considered that the proposal would have any significant impact on the wider landscape as the existing building group is screened from the west by topography and is not visible from Lyme Road. To the east, more distant views of the site from public footpaths and local roads are likely to be possible but, in such views, the site would be seen in conjunction with the existing building group and against the backdrop of rising land, as such there would be no adverse impact. The proposal includes an extensive area of land to the northwest of the building group the current use of which is unclear but appears to be a mixed residential (garden) and equestrian use. If the application were otherwise found to be acceptable it would be possible to impose a condition to define the extent of garden area associated with the proposed dwelling.

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 at least some of their journeys. The submitted design and access statement advises that the yard area adjacent to the buildings offers ample parking and turning space provision and whilst this is not defined on the plans this could be secured by condition if necessary. It is considered that the requirements of policy TC9 of the Local Plan, which seeks a minimum of 2 no. spaces per 2 + bed properties, could be met.

Although the buildings were originally constructed for agricultural use they are no longer in such use and there appears to be limited agricultural land retained in the same ownership, such that the buildings appear superfluous 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, other than the general tidying up of the site, the current appearance of which is not particularly harmful, there appears to be little scope for further enhancement to the 'setting' 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 restricted to just that, conversion. 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, or the extent of alteration takes the development beyond what could be considered to represent a

conversion and by default a limit on occupation and impact in a countryside location. In this case the application proposes significant and substantial elements of new-build and extension to the retained part of the buildings and as such conflicts with the requirements of policy D8 and causes harm to the character and appearance of the buildings.

### **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 at 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.

The site is located in countryside to the southeast side of Axminster. The proposed access route to the town for all modes of transport would be via the proposed new driveway and then via Lyme Road to the town centre. There is a footway alongside Lyme Road (on the same side of the road as the site) from the site entrance all the way to the town centre. The distance from the site to the town centre for pedestrians/cyclists would be just over a mile although certain facilities would be closer including a petrol filling station and primary school.

In terms of public transport provision there are bus stops on Lyme Road to the north and south of the site providing a link to the town centre in one direction and Lyme Regis/Dorchester in the other, the service however is limited. The train station at Axminster provides opportunities for travel further afield but is located beyond the town centre.

Although the distance to the town centre would mean future residents are likely to relay on private car use for some journeys, the distance and ability to walk safely to the town centre via the existing footpath leads to the view that there are reasonable alternatives available to future residents and that on balance the location of the site would meet criteria c) of policy D8.

### **Ecological Impact**

The application is accompanied by a Protected Species Survey Report which has assessed the buildings potential for use by protected species. Bat emergence surveys identified the use of the as a day roost by a low number of common pipistrelle, soprano pipistrelle, lesser horseshoe, long-eared and serotine bats. The conversion of the barn would result in the loss of such roosts and the works could also potentially result in bats being disturbed, injured or killed during works a European protected species licence (EPSL) from Natural England would therefore be required. In order to maintain the favourable conservation status of these species mitigation measures are proposed to provide alternative roosting provision for bats and to minimise any potential disturbance to acceptable levels. 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 has severely restricted visibility in both directions but particularly to the north, as such the use of this access is considered to represent a danger to road users. An alternative access and section of driveway has previously been approved under application (18/1403/FUL) and this is proposed to serve the barn conversions to the south of the site as well as the existing dwelling and the current proposal. This new access is yet to be constructed but when completed will provide an appropriate means of access to serve the development.

## **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 within the framework (NPPF) are themselves material considerations.

Para. 79 of the NPPF states that decision should avoid the development of isolated homes in the countryside except where one or more exceptions apply. Those exceptions include where the dwelling is required to meet the essential need for a rural worker; where it would represent the optimal viable use of a heritage asset; would re-use a redundant building and enhance its immediate setting; would involve the subdivision of an existing dwelling or represent a design of exceptional quality. Of these circumstances only that relating to the re-use of a redundant building appears to be potentially relevant. In this regard, in assessing the proposal against policy D8 of the Local Plan, it has already been found that no enhancement to the buildings immediate setting has been demonstrated.

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 existing buildings in the countryside, which are no longer required for their existing /original purpose and therefore can be considered to be redundant. One of the special circumstances set out at Para. 79 c) of the NPPF is where, 'the development would re-use redundant or disused buildings and enhance its immediate setting.' The proposal therefore may gain some support on this basis, if enhancement of the immediate setting can be demonstrated. However, policy D8 of the Local Plan provides a more detailed framework around which to assess such applications. This policy forms part of the adopted East Devon Local Plan which whilst adopted in accordance with the earlier version of the NPPF is considered to remain fully in accordance with the NPPF and as such can be afforded full weight– the relevant part of para. 79 being unchanged from its predecessor para. 55. This stance has been supported by Inspectors in appeals elsewhere in the district. In an appeal against a

refusal to remove a holiday let tie on a property at Hawkern Cottage, Ladram Road, Otterton (APP/U1105/W/18/3206768) the Inspector in considering the degree of consistency between policy D8 of the Local Plan and para. 79 of the NPPF stated,

*“I am not of the view that Policy D8 of the EDLP is inconsistent with the Framework, when considered as a whole. Indeed this is supported by the fact that Policy D8 of the EDLP was found sound at examination, where its conformity with national policy would have been considered, which would have included at the time, Paragraph 55 of the previous Framework (now Paragraph 79 of the Framework 2018, which remains largely unaltered).”*

The supporting information refers to section 11 of the NPPF and to making effective use of land para. 118 d) of the NPPF encourages Local Planning Authorities to, “... promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained...”. However, this policy cannot be viewed in isolation from other policies of the Framework the overarching objective of which is to promote sustainable development through, amongst other means, using natural resources more prudently and moving to a low carbon economy. Whilst a sensitive conversion utilising the existing building could potentially be considered to accord with the thrust of this policy the extent of new/re-building proposed leads to the view that the establishment of an unrestricted dwelling in this location would not, overall, find support through the NPPF. It is also the case that East Devon is able to demonstrate a five year supply of housing land to meet its identified needs and as such land supply is not constrained.

The applicant proposes a new sewage treatment plant to serve the dwelling and a number of energy saving initiatives, such as the use of a ground source heat pump, are proposed.

The location and orientation of the there is no reason to consider the proposal would result in any harm to residential amenity.

## **CONCLUSION**

The application proposes the re-use of redundant rural buildings to create an unrestricted residential unit.

Although the site is located outside of the built-up area boundary for Axminster it is considered to be within a reasonable walking/cycling distance to the facilities/services within the town and as such a sensitive conversion of the buildings could be considered to accord in principle with part of policy D8 of the Local Plan.

However, that policy seeks to limit the extent of rebuilding, extension and alteration permitted to ensure that the development secures the fundamental benefits of a conversion and does not instead represent a re-build/new build. In this case the proposal includes significant extensions and alterations to the building that are considered to go considerably beyond what the policy seeks to permit and as such the proposal fails to accord with all of the requirements of that policy and therefore is also found to be contrary to Strategy 7 relating to development in the countryside.

The supporting statement highlights the potential benefits of the scheme in terms of construction related employment and patronage of local shops and community facilities by future residents. The proposal would also provide some benefits through an increase in housing supply and would have limited wider environmental impact. These benefits however are limited due to the scale of the development and do not outweigh the conflict with adopted policy and as such the proposal is recommended for refusal.

## **RECOMMENDATION**

REFUSE for the following reason:

1. The proposal takes place within an open countryside location where new development is strictly controlled. The development proposes substantial extension and alteration to facilitate the change of use to a residential dwellinghouse and would result in a building of more domestic appearance. The proposal would therefore have a harmful impact on the low key, functional and rural character and appearance of the existing buildings and would undermine the strong policy presumption against new development in the countryside unless specifically supported by policy. The proposal therefore fails to accord with Strategy 7 (Development in the Countryside), and policies D1 (Design and Local Distinctiveness) and D8 (Re-use of Rural buildings Outside of Settlements) of the East Devon Local Plan 2013-2031

### Plans relating to this application:

b165/08	Proposed Combined Plans	20.04.20
b165/07	Proposed Elevation	20.04.20
b165/06	Proposed Combined Plans	20.04.20
b165/02	Proposed Site Plan	20.04.20
b165/01	Location Plan	20.04.20

### List of Background Papers

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