

Item No 03:-

19/02114/LBC

**Yew Tree Farm
The Street
Somerset Keynes
Cirencester
Gloucestershire
GL7 6DT**

Item No 03:-

Formation of double gates and demolition of garden wall at Yew Tree Farm The Street Somerford Keynes Gloucestershire GL7 6DT

Listed Building Consent 19/02114/LBC	
Applicant:	Mr Tim Hodgetts
Agent:	James Slater & Co
Case Officer:	Ben Bendall
Ward Member(s):	Councillor Tony Berry
Committee Date:	11th March 2020
RECOMMENDATION:	PERMIT

Main Issues:

(a) Impact on Listed Building

Reasons for Referral:

The application has been referred to the Planning and Licensing Committee for determination in accordance with the Council's Scheme of Delegation at the request of the Ward Councillor, Tony Berry, because of the local concerns in relation to an unsafe access being formed.

1. Site Description:

The proposal relates to a Grade II listed building within the built settlement of Somerford Keynes. The property is set within a spacious plot to the south of Water Lane and to the east of The Street. The property has a curtilage listed outbuilding adjacent to the dwelling where a wall of natural Cotswold stone was erected between the two buildings in 2013. The boundary wall is also a curtilage listed wall due to the fact it is attached to the outbuilding.

2. Relevant Planning History:

02/02570/LBC and 02/02571 FUL Extensions to existing dwelling, installation of dormer windows and internal works: Permitted 07.06.02

03/00500/LBC and 03/00501/FUL Dry stone garden wall within curtilage of rear garden: Permitted 03.03.03

06/02414/FUL Dry stone wall within curtilage of rear garden: Permitted 23.11.06

10/04428/FUL Formation of new vehicular access and erection of new walls: Permitted: 02.02.11

11/04677/LBC and 11/04116/FUL Formation of new vehicular access and side hung vehicular gate: Permitted 13.2.12

12/00877/LBC and 02/00878/FUL Conversion of existing stable to form annexe to main dwelling: Permitted 13.02.12

12/02024/LBC and 12/02023/FUL Installation of side-hung wooden gates at vehicular access and retention of gate piers (Amendment to 11/04116/FUL): Permitted 13.09.12

12/03730/LBC and 12/03729/FUL Erection of fence, wall and gate: Permitted 09.11.12

17/03431/LBC and 17/03430/FUL First floor extension, internal alterations, wall and gate: Permitted 01.11.17

3. Planning Policies:

NPPF The National Planning Policy Framework

4. Observations of Consultees:

Conservation Officer: Comments incorporated within Officers Assessment.

5. View of Town/Parish Council:

Somerford Keynes Parish Council Object:

'The original entrance gateway for the 17/18C Yew Tree Farm was on the outside curve of the junction of the Main Street and Water Lane. Whilst acceptable in the 17thC this was a hazard as modern traffic increased in that the sight lines were bad in most directions.

This problem was recognized by the previous owner of Yew Tree Farm who in 2010 proposed moving the access along the Main Street to the South and changing the existing access to a pedestrian only one.

The application in 2010 (Ref: 10/04428/FUL | Decided: 07 Feb 2011) was justified by a report on traffic and sight lines and was supported by Highways, the CDC and the Parish Council. That report is still valid (part shown below) and the application was approved. The whole report can still be read on the CDC website and to revert to the original access arrangement can only add to the hazards of modern traffic and potentially create a dangerous situation.

The problem is simple: the present arrangement is dangerous. It was built in an era when nothing moved faster than a walking pace and there was time to react to oncoming carthorses. The existing crossover straddles the give way markings at the head of Water Lane, ensuring that however one exits the drive one will be wrongly positioned to deal with traffic. Not only that, but as one pulls out there are three different directions from which vehicles can come, and only from one of these directions is there any worthwhile warning of a vehicle's approach.

The Parish Council strongly recommends that this application is refused in the interest of highway safety'.

6. Other Representations:

2 Third Party objections:

- i) When the wall was blocked up it was for safety reasons due to limited visibility.
- ii) Traffic levels have increased in the village since it was blocked making the access more dangerous than previously stated.
- iii) There is no line of sight down Water Lane due to the Barn building because of the dry stone wall and recently planted hedge. This would mean that vehicles driving down Water Lane approaching the junction, to turn left, would not be able to see any vehicle exiting the property until the last second. Additionally, their main attention would be looking for cars approaching along Main Street from the right.
- iv) Vehicle exiting the site are unable to manoeuvre on site to allow vehicles to exit the site in a forward moving gear requiring vehicle to reverse out blindly onto the carriageway or alternatively stop in the road and reverse into the property, both would be dangerous.
- v) There was a requirement in the Decision Notice for 10/04428/FUL it states:

"The existing vehicular access to the site shall be stopped up, its use permanently abandoned and the verge/footway crossing reinstated".

vi) The verge/footway has never been reinstated as required and it is hoped the planning committee honours their previous decision and ensure the entrance is never brought back into use and enforces the reinstatement of the verge/footway.

vii) Highways have not objected to this planning application for the reason that there has not been any fatalities, hopefully the planning committee has a more responsible view on safety.

7. Applicant's Supporting Information:

Drawings and Design and Access statement

8. Officers Assessment:

Proposal and Background

The proposal would involve the opening up and removal of a section of curtilage listed boundary wall which was granted permission in 2011 to be closed up with matching natural Cotswold stone walling and to insert two traditional 5 bar timber gates within this opening. The proposal would also involve the opening up and removal of a section of modern walling which was erected in 2013 between the dwelling and outbuilding. It was contended by the former applicant in the 2010 application reference (10/04428/FUL) that the access was unsafe.

In considering the 2010 application, it was acknowledged by Officers that the revised access to the south of the property would provide enhanced visibility onto the carriageway. It would also allow for vehicles to manoeuvre on site to enable them to leave the property in a forward moving gear onto 'The Street' which is a classified road.

During the determination of the 2011, application the Parish Council objected to the closing off of the access point that would be formed by this application for the following reasons:

"1 The junction at which the current entrance/exit to the property stands is not a busy one, therefore it is not considered that the entrance/exit is dangerous.

2 The proposed new entrance will break up a stretch of dry stone wall and pavement surrounding a listed building. This wall makes a positive contribution to the appearance of the village, and is one of the few continuous lengths of dry stone wall still existing. To break it up will detract from the appearance of the property, with little benefit except to the applicant.

3 The barn belonging to the property is currently let to a tenant, who uses the existing entrance/exit to enter the courtyard for parking. If they are no longer able to use the courtyard, there is a concern that they will park on the road, again detracting from the amenity of this area of the village."

In the case of the current application planning permission is required because the proposed works relate to the formation of a boundary treatment within the curtilage of a listed building.

(a) Impact on the setting of the listed building and curtilage listed wall

Yew Tree Farmhouse is a Grade II Listed Building which dates from the late C17/C18. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

The barn which sits adjacent to the farmhouse was converted to ancillary domestic use in the early C21. The building is considered to be a curtilage listed building due to its age (pre 1948), its location within the site and its associated ancillary use in connection with the main Yew Tree

Farmhouse. The removal of the modern wall between the 2 buildings and a section of boundary walling that forms part of a curtilage listed wall erected in 2011 are also subject to the legislation quoted above.

Section 16 of the NPPF requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 states that harm to, or loss of its significance (from its alteration or destruction or from development within its setting), should require clear and convincing justification.

Paragraph 196 of the NPPF states 'that where proposals will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works'.

The proposal would involve the loss of some natural Cotswold stone walling to the curtilage listed boundary wall. This would form an opening within it at 4 metres in width and 1.031 in height to facilitate the creation of wider access. In this particular instance, Officers consider that the proposals are not harmful to the curtilage listed wall. This is on the basis that the section of walling in isolation is not historic fabric and that an opening existed previously in this location. The proposed two new gates would be centrally opening onto the site and of a traditional 5 bar type gate at 1.372 metres in height. The proposed gates would be 4 metres in width and open inwardly onto the property. When not in use the gates would maintain a defined boundary to this elevation that are of an appropriate design, height and material.

The proposed works are considered to respect the curtilage listed wall as there would be no loss of historic fabric. The section of wall to be removed between the dwelling and outbuilding would reinstate the open historic layout of listed buildings, thereby preserving the curtilage listed wall and setting of the listed buildings, in accordance with the objectives of Section 16 of the NPPF and Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

9. Conclusion:

Officers consider that the removal of the recently constructed natural Cotswold stone wall within the site, which is not of historic interest, and the removal of a recently rebuilt section of curtilage listed boundary walling would be unarmful to the listed structure and the setting of the listed building. The proposed works and associated opening up of the site to reflect its historic layout are considered to preserve the special architectural and historic interest of the listed building in accordance with the objectives of Section 16 of the NPPF and Section 16(2) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby granted consent shall be implemented in accordance with the following drawing numbers 17-092A-101 and 17-092A-100.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

3. Prior to the insertion of the treatment of the gates hereby approved, a samples of the proposed finish shall be submitted to and approved in writing by the Local Planning Authority and only the approved finish shall be used and shall be permanently retained as such thereafter.

Reason: To ensure that the development will be constructed of materials that are appropriate to the building which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.