

**Item No 01:-**

**17/04719/FUL**

**Dutch Barn At Nesley Farm  
Nesley  
Tetbury  
Gloucestershire  
GL8 8UA**

**Item No 01:-****Conversion of barn to dwelling at Dutch Barn At Nesley Farm Nesley Tetbury Gloucestershire GL8 8UA**

<b>Full Application 17/04719/FUL</b>	
<b>Applicant:</b>	David Morris
<b>Agent:</b>	Andrew Miles
<b>Case Officer:</b>	Claire Baker
<b>Ward Member(s):</b>	Councillor Tina Stevenson
<b>Committee Date:</b>	13th June 2018
<b>RECOMMENDATION:</b>	<b>REFUSE</b>

**Main Issues:**

- (a) Conversion of a Rural Building to a dwelling
- (b) Sustainability of location
- (c) Design and impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty.
- (d) Other matters

**Reasons for Referral:**

This application has been referred at the request of Councillor Stevenson for the following reason:

'The NPPF states Conversion of rural buildings such as Dutch Barn at Nesley Farm should be treated as an exception to the restraint on new isolated homes in the countryside, particularly where the reuse of redundant buildings would lead to an enhancement of the immediate setting notwithstanding the fact that the removal of the Pole Barn would also result in an improvement to the setting of the buildings; including the Stone Barn, within the AONB. Furthermore the application site is not remote as Tetbury is under a mile away and access to amenities is easily accessed not only by motor vehicle but also by bicycle, a form of transport being highly promoted as a positive form of travel.

**1. Site Description:**

The site is located on the south side of an unnamed lane which feeds onto Hookshouse Lane. The site is approx. 2.2 miles from the junction of Hookshouse Lane with the A4135. The A4135 would appear to be the most direct vehicular route to Tetbury, the nearest Principal settlement to the application site. The site and Dutch barn is served by an area of hard standing to the north which is, in turn, accessed via the unnamed lane.

The Dutch barn is of steel frame construction and is arranged over a broadly southeast- north west alignment. A lean-to extension, permitted in 2010, is attached to the barn on its south elevation. The barn was formerly in agricultural use, providing for the storage of hay and straw produced by the applicant on his holding which is centred on Nesley Farm some 0.8 km west of the application site. The central element of the building measures approximately 6.7 m in height. The conditions report submitted with the application describes the barn as being a 4 bay largely open sided Dutch steel frame barn with a classic hooped roof structure.

Immediately to the south of the Dutch barn is a substantial stone barn which is not within the ownership of the applicant. Officers consider it to be a non-designated heritage asset. To the immediate north east are two residential properties, Nesley Down and Hookshouse.

The site is bordered by existing vegetation although the screening that this vegetation provides, particular during the winter months, is sparse with the Dutch barn clearly visible from public vantage points.

## **2. Relevant Planning History:**

10/01692/FUL Erection of a replacement fodder/grain/machinery store. Permitted 18.06.2010  
16/03751/FUL Conversion of barn to form dwelling. Refused 17.11.2016

## **3. Planning Policies:**

NPPF National Planning Policy Framework  
LPR05 Pollution and Safety  
LPR09 Biodiversity, Geology and Geomorphology  
LPR19 Develop outside Development Boundaries  
LPR28 Conversion of Rural Buildings  
LPR38 Accessibility to & within New Develop  
LPR39 Parking Provision

## **4. Observations of Consultees:**

Biodiversity Officer: No objection subject to condition

Environmental Health Officer: No objection subject to condition

## **5. View of Parish Council:**

Tetbury Upton Parish Council supports the application and can see no real visual impact from the change of use from a barn to a house and feel the area would be improved when the rest of the shed, which is falling down, is removed.

## **6. Other Representations:**

3 letters of objection:

- (i) the information submitted fails to provide sufficient details on how the existing light weight agricultural steel shed can be converted into a dwelling without extensive enabling building works;
- (ii) the application is similar to that previously refused;
- (iii) the fenestration in south facing elevation would give rise to light pollution;
- (iv) the new build would be in an isolated location;
- (v) the Ecological report is inadequate and surveys were carried out at the wrong time so there may be bats and birds present; report says there are no badgers but there is a significant badger community in the vicinity;
- (vi) the design is insensitive and no aesthetic consideration has been given to the layout or fenestration
- (vii) the historic relationship between the agricultural buildings which have a natural hierarchy would be destroyed if the new dwelling effectively replaces the existing Dutch barn.
- (viii) a domestic dwelling will require compliance with building regulation and a gap between the proposed Yorkshire boarding is impractical
- (vix) the proposal would have a negative rather than a positive impact;
- (x) the design is poor and the application should be refused on these grounds alone;
- (Xii) the current application does very little to meet the objections which led to refusal of the earlier application;
- (xiii) the claim that the existing structure 'would not require substantial alterations' seems unrealistic especially as the building consists essentially of a shed on posts and does not even have foundations and flooring;
- (xiv) All the reasons quoted in the refusal of the previous application are still applicable;

## **7. Applicant's Supporting Information:**

Planning Statement  
Structural survey  
Protected species assessment

## **8. Officer's Assessment:**

### **Background and Proposed Development**

Planning Permission to convert the barn to a dwelling was refused under Delegated Powers in November 2016. The reasons for refusal were as follows:

The existing building comprises a 4 bay Dutch steel frame barn with a classic hooped roof structure. The functional agricultural use and form of the Dutch barn is in-keeping with its agricultural context and represents a form of development typical of an agricultural landscape. On the basis of the information submitted, the Dutch barn is considered neither suitable nor capable of conversion having regard to the substantial alterations required to facilitate the proposed development. As such, the proposals are considered to constitute the erection of a new dwelling which would fail to accord with Cotswold District Local Plan Policy 28. Furthermore, the design of the proposed development is considered inappropriate. The proposed scheme will result in the creation of an overtly domestic development which, by virtue of the physical alterations to the building, the associated domestic activities and light pollution arising from new fenestration, would have a significant adverse impact on the character of the building, its setting and the appearance of the landscape. Moreover, the proposed development would fail to conserve or enhance the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB) which is to be given great weight in accordance with Paragraph 115 of the NPPF. On balance the proposals are contrary to Cotswold District Local Plan Policies 28 and 42 and the guidance contained in the NPPF including, but not limited to, Paragraphs 17, 64, 109 and 115.

The application site is located in an isolated location remote from services, facilities, amenities and public transport links. The application site therefore represents an unsustainable location for new open market residential development and would result in future occupiers of the proposed dwelling having to rely on the use of the private motor car to undertake most day to day activities. The proposal will therefore increase reliance on the use of the private motor car materially increasing car borne commuting and compromising the principles of sustainable development. It would result in the creation of an isolated dwelling in the countryside for which there are no special circumstances and would be contrary to Cotswold District Local Plan Policy 19 and guidance contained in the National Planning Policy Framework, including but not limited to Paragraphs 17, 35 and 55.

The current application is for the conversion of the same barn to a 2 bedroom, with study, dwelling. The main difference between the previous and current proposal is the design of the conversion.

The conditions report submitted with the application describes the barn as being a 4 bay largely open sided Dutch steel frame barn with a classic hooped roof structure. There is existing walling of corrugated steel sheeting and Yorkshire boarding on the elevation fronting the road. The existing access to the building would be utilized and car parking would take place to the south of the building between it and the stone barn.

### **(a) Conversion of a Rural Building to a Dwelling**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of an application would therefore be the current development plan for the District which is the Cotswold District Local Plan 2001-2011. The application site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2001-2011. Development in such locations is therefore subject to Policy 19: Development Outside Development Boundaries of the aforementioned plan. Policy 19 can be

supportive of 'development appropriate to a rural area' outside Development Boundaries subject to a number of criteria. These are that the development should not:

- a) Result in new build open market housing other than that which would help to meet the social and economic needs of those living in rural area;
- b) Cause significant harm to existing patterns of development;
- c) Lead to a material increase in car-borne commuting;
- d) Adversely affect the vitality and viability of settlements; and
- e) Result in development that significantly compromises the principles of sustainable development.

The supporting text (Para 3.3.19) accompanying Policy 19 advises that the conversion of rural buildings to open market housing can be acceptable in principle outside Development Boundaries subject to the above criteria being satisfied.

In addition to the above, Local Plan Policy 28: Conversion of Rural Buildings is also applicable to this proposal.

Policy 28 can be supportive of the conversion of rural buildings to alternative uses, including residential. The criteria pertinent to this proposal are that:

- i) The altered appearance of the building as a whole does not have a materially harmful impact on the landscape.
- ii) The building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or re-building which would be tantamount to the erection of a new building.
- iii) The proposed conversion would not significantly harm the character of the building, its setting and the character and appearance of the landscape in the area.
- iv) the proposed use would not lead to any significant harm to the operation of the local highway network.
- v) Provision is made for biodiversity, including the safeguarding of protected species such as bats and owls that use rural buildings as part of their habitat.

In terms of national guidance, Paragraph 17 of the National Planning Policy Framework (NPPF) states that planning should 'support the transition to a low carbon future' and 'encourage the reuse of existing resources, including conversion of existing buildings'.

With regard to the emerging Local Plan, draft Policy DS4: Open Market Housing Outside Development Boundaries and Non-Principal Settlements is considered pertinent. It states;

New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.

In respect of the aforementioned policy, the Council's Forward Planning Section (Proposed Main Modifications to Draft Local Plan 12th January 2018) states;

6.4.2: The Local Plan's Development Strategy seeks to promote sustainability by focussing most growth in 17 Principal Settlements, notably Cirencester (Policy DS2), while facilitating small-scale residential development in non-Principal Settlements (Policy DS3). The Strategy facilitates sufficient development within Development Boundaries to meet, in full, the District's objectively assessed housing needs over the Plan period.

6.4.3: Besides the provisions of NPPF 55, which makes an exception for country houses that are truly outstanding or innovative, the Local Plan has policies that potentially allow for certain types of housing development in the countryside including:

- affordable housing on rural exceptions sites (Policy H3);
- housing for rural workers (Policy H5);
- accommodation for gypsies and travellers (Policy H7); and
- conversion of rural buildings (Policy EC6).

6.4.4: Policy DS4 is intended to preclude, in principle, the development of speculative new-build open market housing which, for strategic reasons, is not needed in the countryside. The policy does not, however preclude the development of some open market housing in rural locations; for example, dwellings resulting from the replacement or sub-division of existing dwellings, or housing created from the conversion of rural buildings. It would also not prevent alterations to, or extensions of, existing buildings.

6.4.5: For the purposes of Policy DS4, any land that falls outside Development Boundaries and Non-Principal Settlements is referred to as countryside, even if it is technically previously developed land.

The application site falls outside a Principal or Non-Principal Settlement and is therefore covered by draft Policy DS4. However, Policy DS4 can be supportive of the conversion of existing buildings in such locations to residential accommodation. Moreover, draft Local Plan Policy EC6 Conversion of Rural Buildings states that the conversion of rural buildings to alternative uses will be permitted provided:

- a. The building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or re-building;
- b. It would not cause conflict with existing farming operations, including severance or disruption to the holding that would prejudice its continued viable operation; and
- c. The development proposals are compatible with extant uses on the site and existing and planned uses in close proximity to the site.

The aforementioned draft policies have been through Local Plan Examination and have not been proposed for amendment in the Planning Inspector's Main Modifications Note produced in January 2018. Policies DS4 and EC6 are considered to carry moderate weight at the present time. However, this weight will increase in the coming months as the new Plan gets closer to adoption in summer 2018. In addition, it is evident that the policies are largely consistent with guidance in the current Local Plan insofar as conversion policies are concerned.

With regard to the existing building, the conditions report makes clear that the only elements of the building being retained is the steel frame, including hooped roof truss system. The building has no walls on three sides and therefore to facilitate the conversion it would be necessary to construct external walls. It is therefore considered that the building is not capable of conversion to the proposed use without substantial alteration and that the proposal fails to with criterion ii) of Local Plan Policy 28 and criterion of emerging Local Plan Policy EC6.

#### **(b) Sustainability of Location**

The application site is located in an area of open countryside outside an existing settlement. The nearest settlements to the site are Westonbirt and Doughton which offer few, if any, facilities that would be used on a day to day basis by future occupants of the converted barn. There is a public house (Hare and Hounds) and a school at Westonbirt. However, the school is a private school. In light of the limited services and facilities on offer in both Doughton and Westonbirt, neither has been identified in existing or emerging Local Plan documents as sustainable settlements where new open market dwellings would generally be allocated/supported. It is the case that future residents of the converted barn would need to travel to Tetbury (the nearest Principal settlement) to reach shops, schools, employment or healthcare facilities. There is no opportunity to use alternative modes of transport to the private car in order to access such facilities. The application site is located in excess of 2 miles from Tetbury, with the majority of the route from the application site being along unlit single width lanes, that have no footways or cycle paths. It is not therefore considered likely that future occupiers would realistically take up either walking or cycling to everyday facilities. On this basis it is considered that future occupants would be likely to rely on the use of the private motor car to undertake most day to day trips. The site is therefore considered not to represent a sustainable location for new residential development in terms of its accessibility to facilities and services. The proposal would therefore fail to accord with Paragraph 17 of the NPPF which seeks to support the transition to a low carbon future. It would also conflict with Local Plan Policy 19 of the Local Plan which seeks to prevent development that would result in a material increase in car borne commuting.

Paragraph 55 of the NPPF advises that Local Planning Authorities should avoid isolated homes in the open countryside unless there are special circumstances such as the need for a rural worker to live near their place of work or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

The term 'isolated' was recently given clarification in the High Court judgment *Braintree District Council v Sec of State* (Case No: CO/1207/2017 15th November 2017). Paragraph 28 of the judgment states:

'NPPF 55 cannot be read as a policy against development in settlements without facilities and services since it expressly recognises that development in a small village may enhance and maintain services in a neighbouring village, as people travel to use them. The PPG advises that "all settlements can play a role in delivering sustainable development in rural areas", cross-referencing to NPPF 55, "and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided....". Moreover, in rural areas, where public transport is limited, people may have to travel by car to a village or town to access services. NPPF 17 penultimate bullet point identifies as a core planning principle to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". But as the PPG states, NPPF 29 and 34 recognise that the general policy in favour of locating development where travel is minimised, and use of public transport is maximised, has to be sufficiently flexible to take account of the differences between urban and rural areas. The scale of the proposed development may also be a relevant factor when considering transport and accessibility. As Mr Dagg rightly pointed out, the policy in NPPF 17 in favour of focusing development in locations which are or can be made sustainable applies in particular to "significant development".

The above judgment was subsequently subject to a challenge to the Court of Appeal. The Court of Appeal issued its judgment on the 14th March 2018 (Case No: C1/2017/3292). The judgment supported the initial High Court judgment. Paragraphs 31 and 32 of the judgment state:

Para 31 - 'In my view, in its particular context in paragraph 55 of the NPPF, the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.'

Para 32 - 'What constitutes a settlement for these purposes is also left undefined in the NPPF. The NPPF contains no definitions of a "community", a "settlement", or a "village". There is no specified minimum number of dwellings, or population. It is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement. In my view a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement, or a "village", for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker. In the second sentence of paragraph 55 the policy acknowledges that development in one village may "support services" in another. It does not stipulate that, to be a "village", a settlement must have any "services" of its own, let alone "services" of any specified kind.'

It is evident from the above judgment that residential development in a settlement without facilities and services will not necessarily represent isolated development for the purposes of Paragraph 55 of the NPPF.

In the case of this application, it is noted that the application site is not within or in close proximity to a settlement that has any facilities and therefore does not have the potential to 'enhance and maintain services' in another settlement. In light of this, it is considered that the existing building is situated in an isolated location in the countryside. The proposal therefore needs to satisfy one of the special circumstances set in Paragraph 55 of the NPPF in order to be acceptable.

The Planning Statement advises that the Dutch barn is now redundant as it is no longer required for the storage of hay and straw in connection with the activities at Nesley Farm. However, in accordance paragraph 55 the exception is for the re-use of redundant/disused buildings that lead to an 'enhancement'. For the reasons outlined in the following section it is not considered by officers that the proposals would lead to an enhancement in this case.

Reference is also made in the application submission to the provisions of Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015 which grants permitted development rights (subject to prior approval) for conversion of agricultural buildings to dwellings. Whilst this is noted by officers, Class Q does not apply in areas of Outstanding Natural Beauty. As such, no weight can be accorded to the provisions of Class Q as a fall-back position.

### **(c) Design and impact on Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty**

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape (S85(1) of the Countryside and Rights of Way Act 2000).

Paragraph 17 of the NPPF states that planning should recognise 'the intrinsic character and beauty of the countryside'

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes'.

Paragraph 115 states that 'great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty.'

Local Plan Policy 42 advises that 'Development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship'

With regard to the emerging Local Plan, the following policies are considered relevant:

Policy EN1 Built, Natural and Historic Environment states:

New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

- a. Ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;
- b. Contributing to the provision of multi-functional green infrastructure;
- c. Addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
- d. Seeking to improve air, soil and water quality where feasible; and
- e. Ensuring design standards that complement the character of the area and the sustainable use of the development.

Policy EN2 Design of the Built and Natural Environment

Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.

Policy EN4 The Wider Natural and Historic Landscape states:

1. Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.
2. Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the



natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

EN5 Cotswolds Area of Outstanding Natural Beauty (AONB). Policy EN5 states:

1. In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.
2. Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.

The application site and its surroundings are classified in the Cotswolds Conservation Board's Landscape Character Assessment as falling within Landscape Character Area 9D: Cotswolds High Wold Dip Slope. This in turn falls within Landscape Character Type (11A): South & Mid Cotswolds Lowlands.

The Cotswolds AONB Landscape Strategy and Guidelines (revision V3 January 2016) states that the Cotswolds High Wold Dip Slope is characteristic of widespread arable farming, which lends it a well maintained, productive character, with a strong framework of hedges and woodland defining a complex mosaic of small scale arable and pasture land. Settlement is sparse, and is generally confined to intermittent, isolated farmsteads and hamlets. The wide, elevated, gently undulating Dip-Slope landscape is sensitive to landscape change. Characteristic features such as wide panoramic views, a high degree of inter-visibility and limited woodland cover increase the sensitivity of the landscape.

Local forces for change include isolated development such as new single dwellings and conversions that might compromise rural landscape character and dispersed settlement patterns, including farm buildings converted to residential use. Visual intrusions introduced to the landscape, introduction of 'lit' elements to characteristically dark landscapes, suburbanisation of agricultural landscape by the introduction of gardens e.g. ornamental garden plants and boundary features, parking areas and conversion of tracks to manicured drives and ornamental gateways are identified as being potential landscape implications of such development.

The Landscape Strategy and Guidelines considers that when restored or converted to new uses, buildings must retain their historic integrity and functional character. Sound conservation advice and principles must be sought and implemented. The sense of openness must be maintained and the impact of built development, including cumulative development on views to and from the adjacent High Wold and Dip Slope Lowland, considered. Potential strategies to avoid harm include avoiding isolated development, particularly in areas of dark skies and to ensure that landscaping schemes, accompanying development, should encourage the planting of appropriately sized native trees, shrubs and traditional fruit varieties, whilst discouraging large alien tree species such as eucalypts and conifers.

The application site is visible from the unnamed lane to the north and from Hookhouse Lane to the south. The Macmillan Way runs to the east of the site on a north-south axis. Approx. 200m to the south of the site, along Hookhouse Lane, culminates a local footpath that provides a link between The Macmillan Way through to Doughton/Highgrove. Notwithstanding this visibility, the functional agricultural form of the barn does not look out of place in an agricultural context and represents a form of development that is not untypical of an agricultural landscape. In its current form and use therefore, the existing barn is not considered to be harmful.

The Planning Statement suggests that the removal of the lean-to would be a 'significant benefit' to the landscape and setting of the adjacent stone barn. Officers however, disagree. As explained above a functional agricultural building of this form, type and use are appropriate in the agricultural context and represents a form of development that is not untypical of an agricultural landscape. The existing building is not therefore considered to be harmful. Conversely, little weight is given to its demolition, either in whole or in part.

In contrast to the existing agricultural character of the barn, the proposed development would have a more domestic character and would transform the simple utilitarian agricultural character of the existing barn and associated yard to a more overtly residential development.

The previously proposed fenestration on the road side elevation has been deleted and this is welcomed. However, it is still proposed to install glazing in the other elevations. The proposed development and change of use would increase the level of light pollution arising from the site which officers do not consider could be adequately resolved by condition. The proposed development would therefore be apparent both day and night. The dwelling would become prominent in the landscape, particularly in the evenings, in contrast to the existing barn, which would consequently detract from the overall character and appearance of the area.

It is considered by officers that the building would be markedly different in its appearance than the existing building, with it being more residential than agricultural in both character and appearance. Whilst the design amendments set out in the Planning Statement is noted, it is not considered by officers that the proposals will conserve or enhance either the setting of the adjacent Stone Barn (a non-designated heritage asset) or the agricultural landscape which is designated as AONB. Overall, it is considered that the proposals would significantly alter the rural character of the area and natural beauty of the AONB to a harmful degree.

Officers acknowledge that this may be possible to some extent to avoid light spillage by screening the development with boundary treatment. However, Officers would not consider it appropriate to enclose the southern aspect of the application site with tree or hedge planting of a height that would fully screen this elevation and garden. Such a landscaping approach would, in itself, be out-of-keeping. Furthermore, appropriately designed development should not require such extensive screening.

Paragraph 55 of the NPPF advises that the re-use of redundant buildings for residential purposes can be acceptable where the works would lead to an enhancement of the immediate setting of the building. In this instance the site has an agricultural character that is consistent with its rural location. In contrast the proposed development would have a far more residential character that would be at odds with the existing character of the site. The introduction of elements such as domestic fenestration, lighting and garden area would fail to respect the character and appearance of the locality and urbanise the existing site.

Overall, it is considered that the proposed scheme would fail to conserve or enhance the character and appearance of the area and the natural beauty of the AONB. Whilst it is noted that the proposals would lead to the provision of an additional open market house, to which some benefit can be attributed, the Council can currently demonstrate a five year housing land supply of approx. 7.5 years. The weight to be accorded to such a benefit is therefore more limited than has been the case in the past, particularly where the benefit is the provision of only one dwelling. The proposal is therefore considered to be in conflict with Local Plan Policies 19, 28 and 42, emerging Local Plan Policies EN1, EN2, EN4, EN5 and EC6 and the guidance contained in Paragraphs 17, 55, 64, 109 and 115 of the NPPF.

#### **(d) Other Matters**

The Environmental Health Officer is satisfied that the proposal could be acceptable subject to the applicant undertaking a desk study to identify the potential presence of any contamination on the site and, if required, remediation. On balance therefore, the proposal is considered to accord with Local Plan Policies 5.

The Protected Species Assessment report by CTM Wildlife dated 7th April 2016 has been submitted with this application. The report concluded that the existing Dutch barn has negligible potential for roosting bats due to its composition (metal), open structure (draughty and light) and lack of crevices. The Biodiversity confirmed that due to the nature of the building and the previous findings it was acceptable to submit the previous report. She confirmed that she is satisfied with the methodologies, results and recommendations of the report, which also includes recommendations for other protected species and habitats. With the implementation of the recommendations in section 5 of the report, she is satisfied that the proposed development would

have minimal impact on biodiversity. The conversion of the Dutch barn is an opportunity for biodiversity enhancements for roosting bats and nesting birds and details should be submitted for approval as a condition of planning consent.

Overall, it is considered that the proposal, subject to conditions and informative, would not have an adverse impact on protected species or their habitats and that the proposal accords with Local Plan Policy 9 and guidance contained in Paragraphs 109 and 118 of the NPPF.

The proposed access is existing. Given that the existing access is used for agricultural vehicles over which the Council has no control, the existing access is considered to be acceptable for use by residential vehicles in terms of highway safety. Although concerns regarding the sustainability of the site's location, as discussed above, remain. Furthermore, there would be sufficient space within the proposed parking and turning area for the provision of both parking and turning, enabling vehicles to enter and leave the site in forward gear. The proposals are therefore considered to be acceptable in access and parking terms, subject to the imposition of condition requiring parking and turning to be set out for a minimum of two cars and to be maintained available for such purposes thereafter.

### **9. Conclusion:**

Overall, it is considered that the extent and scale of the proposed works would be tantamount to the erection of a new dwelling rather than a conversion. The proposal would therefore conflict with Local Plan Policy 28 in this respect.

The site is located remote from services and facilities and future occupiers would be dependent on the private motor car to undertake most of their day to day activities. The proposal would thereby increase car-borne commuting and compromise the principles of sustainable development. The proposals would therefore fail to accord with paragraphs 17 and 35 of the Framework which set out the core planning principles and ensure that development exploits the use of sustainable transport modes.

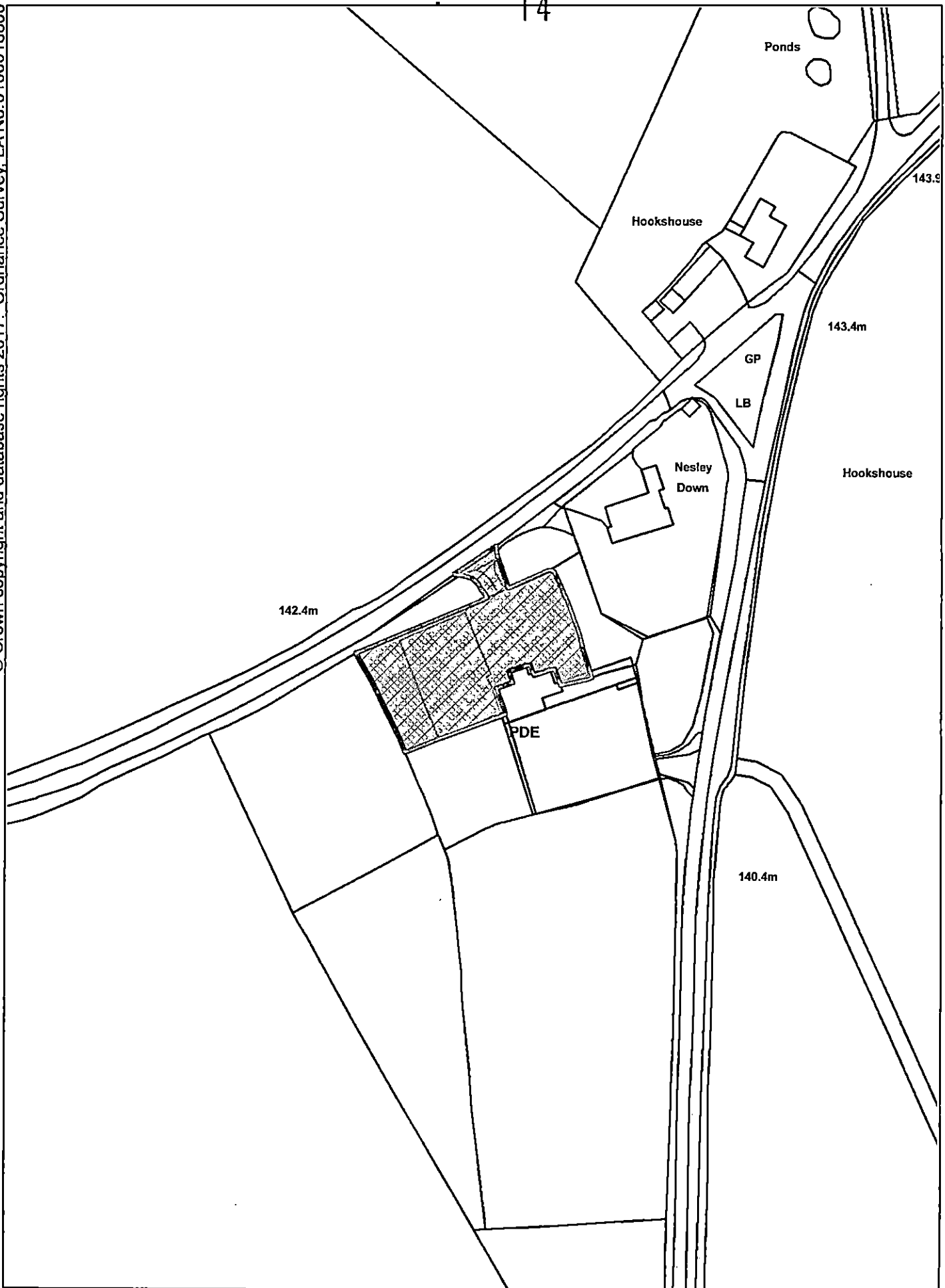
The applications site is considered to be isolated. Even if the proposed development were to constitute a conversion, it would still result in the creation of an isolated dwelling in the countryside which would not be justified by special circumstances. As such, the development would fail to accord with Paragraph 55 of the Framework. The proposals would also fail to accord with Local Plan Policy 19. In addition, the proposed development would fail to conserve or enhance the natural beauty of the AONB which is to be given great weight in accordance with Paragraph 115 of the NPPF. The agricultural character of the existing site would be replaced with a domestic form of development that would be readily visible from a number of public vantage points. The level of glazing in the proposed building would also increase the level of light pollution in the area to the detriment of the intrinsic character and appearance of this part of the AONB, particularly during night time hours, that officers considered could not be successfully mitigated.

The Council can now demonstrate a land supply of approximately 7.5 years. The weight that can be given to the benefit of releasing sites for housing at the current time is therefore limited and does not outweigh the significant harm identified. It is therefore recommended that the application be refused given the adverse impacts of the proposal significantly and demonstrably outweigh the limited benefits.

**10. Reasons for Refusal:**

The existing building comprises a 4 bay Dutch steel frame barn with a classic hooped roof structure. The functional agricultural use and form of the Dutch barn is in-keeping with its agricultural context and represents a form of development typical of an agricultural landscape. On the basis of the information submitted, the Dutch barn is considered neither suitable nor capable of conversion having regard to the substantial alterations required to facilitate the proposed development. As such, the proposals are considered to constitute the erection of a new dwelling which would fail to accord with adopted Cotswold District Local Plan Policy 28 and emerging Cotswold District Local Plan Policy EC6. Furthermore, the proposed scheme would result in the creation of an overtly domestic development which, by virtue of the physical alterations to the building, the associated domestic activities and light pollution arising from new fenestration, would have a significant adverse impact on the character of the building, its setting and the appearance of the landscape. Moreover, the proposed development would fail to conserve or enhance the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB) which is to be given great weight in accordance with Paragraph 115 of the NPPF. On balance the proposals are contrary to adopted Cotswold District Local Plan Policies 28 and 42, emerging Cotswold District Local Plan Policies EN1, EN2, EN4, EN5, EC6, and the guidance contained in the NPPF including, but not limited to, Paragraphs 17, 64, 109 and 115.

The application site is located in an isolated location remote from services, facilities, amenities and public transport links. The application site therefore represents an unsustainable location for new open market residential development and would result in future occupiers of the proposed dwelling having to rely on the use of the private motor car to undertake most day to day activities. The proposal will therefore increase reliance on the use of the private motor car materially increasing car borne commuting and compromising the principles of sustainable development. It would result in the creation of an isolated dwelling in the countryside for which there are no special circumstances and would be contrary to adopted Cotswold District Local Plan Policy 19, emerging Cotswold District Local Plan Policy DS4 and guidance contained in the National Planning Policy Framework, including but not limited to Paragraphs 17, 35 and 55.



**DUTCH BARN AT NESLEY FARM**

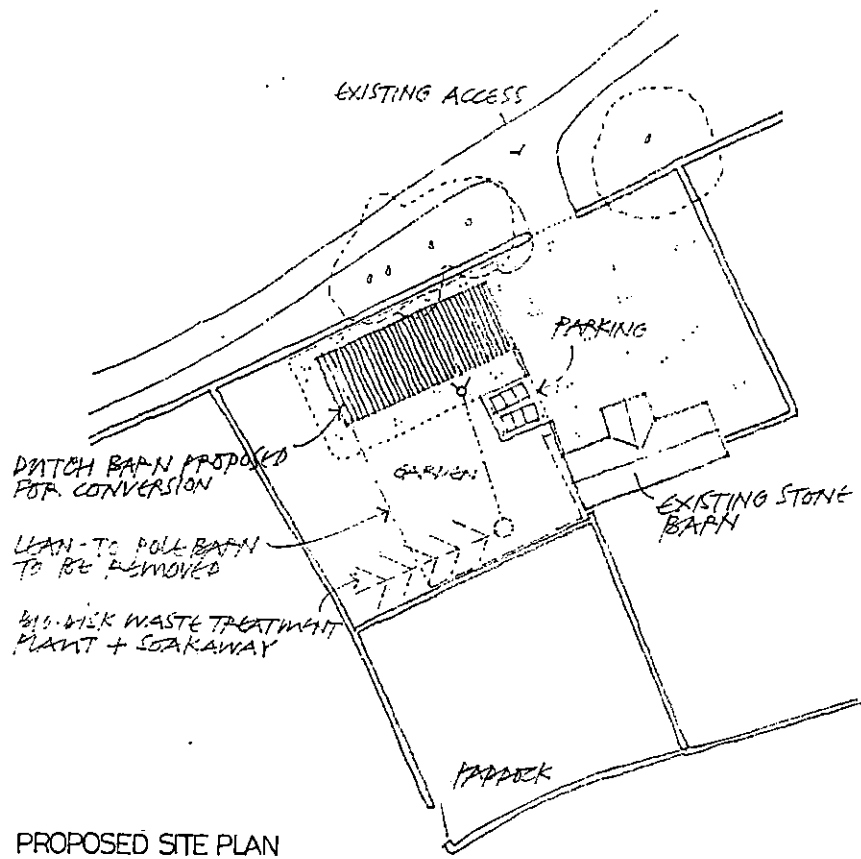
Organisation: Cotswold District Council

Department:

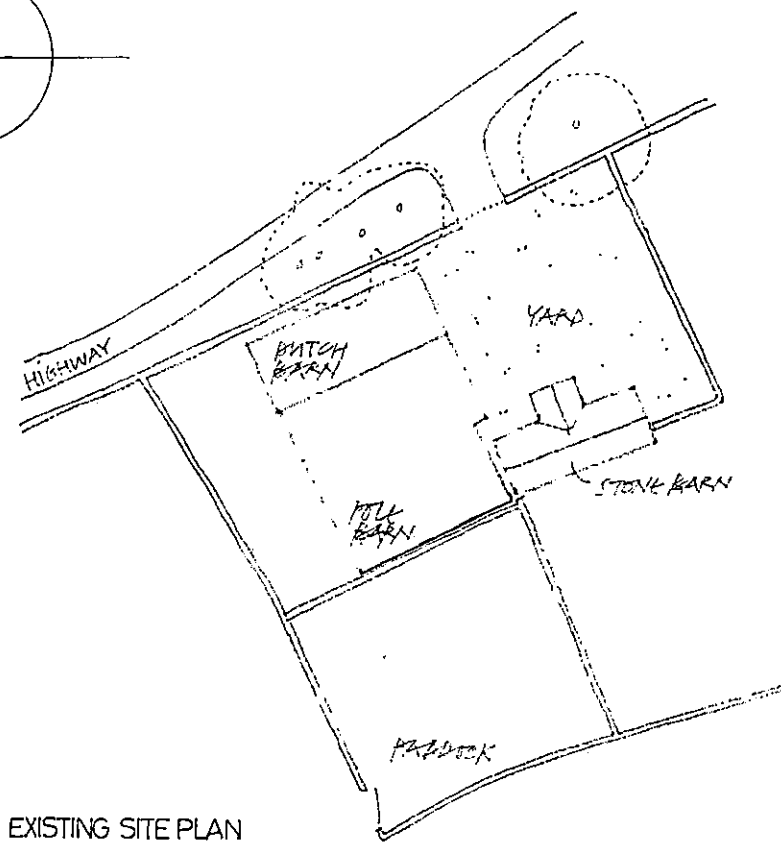
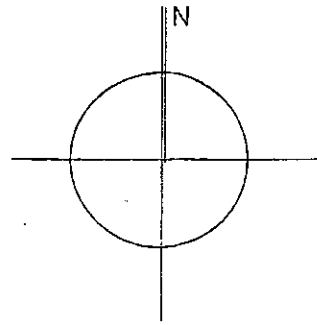
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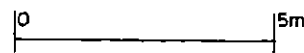




PROPOSED SITE PLAN



EXISTING SITE PLAN



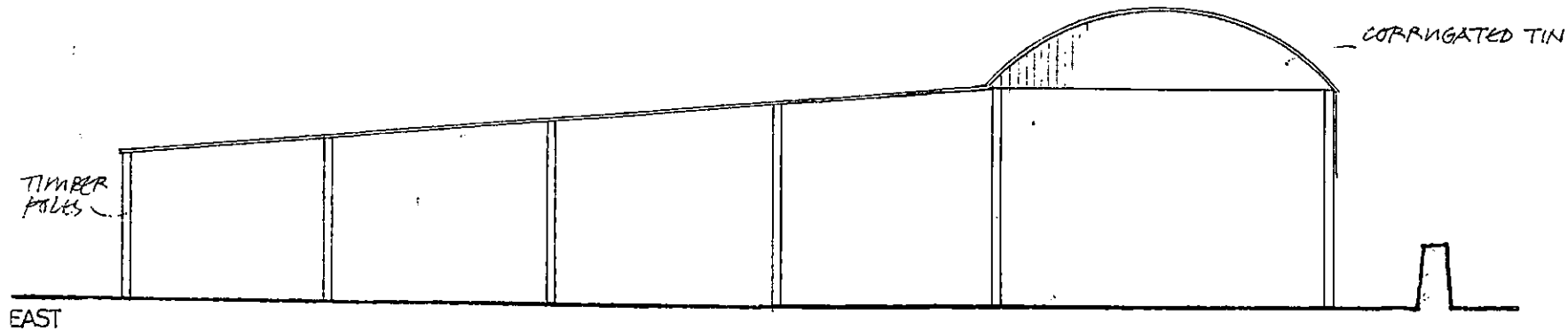
NESLEY FARM, NESLEY, TETBURY  
SITE PLAN

SCALE 1,100 A3  
DRG No LPC.4168.17.01  
DATE 12 OCTOBER 2017

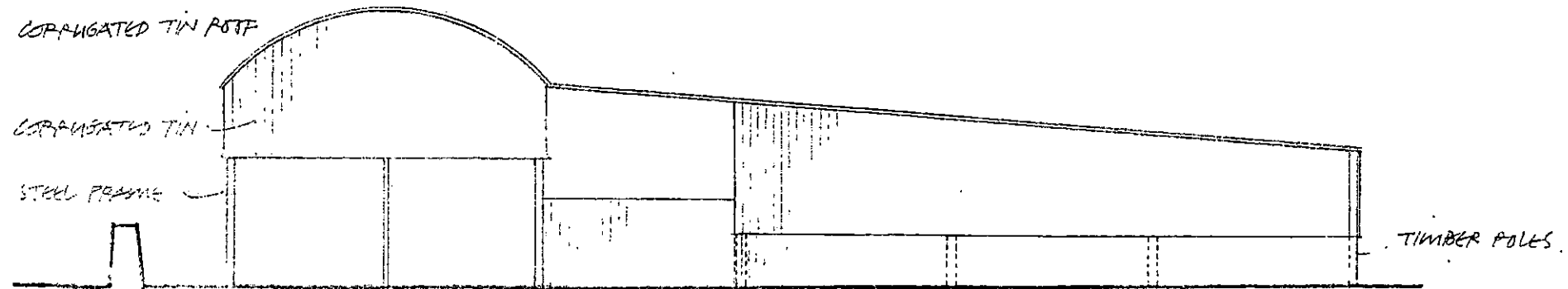


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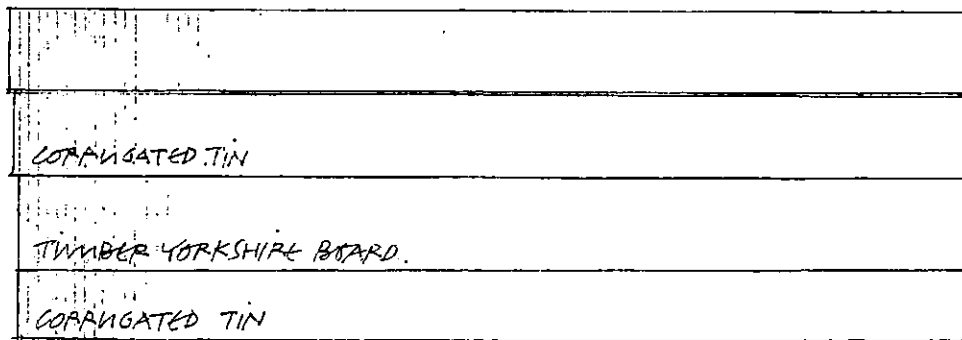
Trull ■ Tetbury  
Gloucestershire  
GL8 8SQ  
Tel: 01285 841433  
Fax: 01285 841489



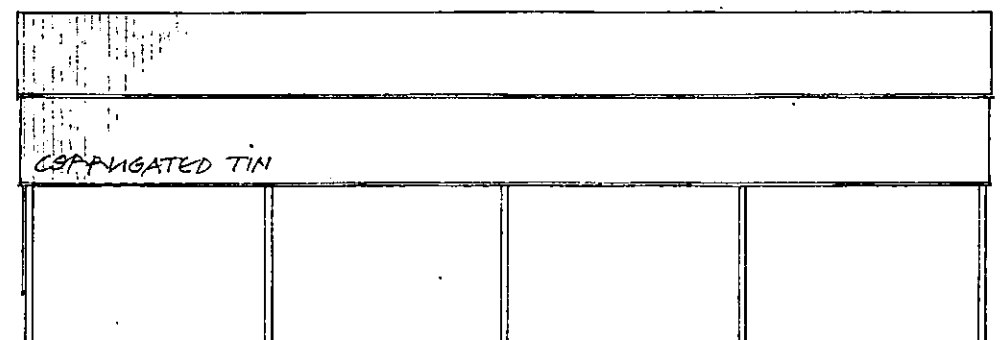
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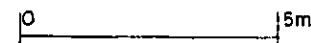
WEST



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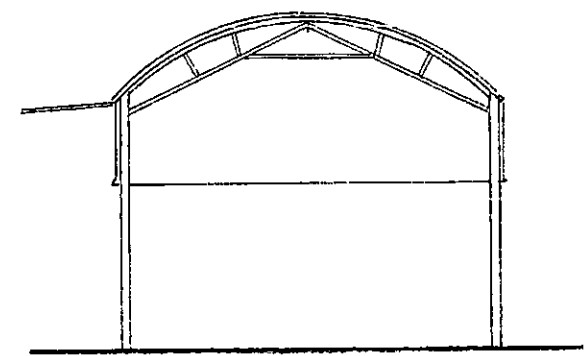
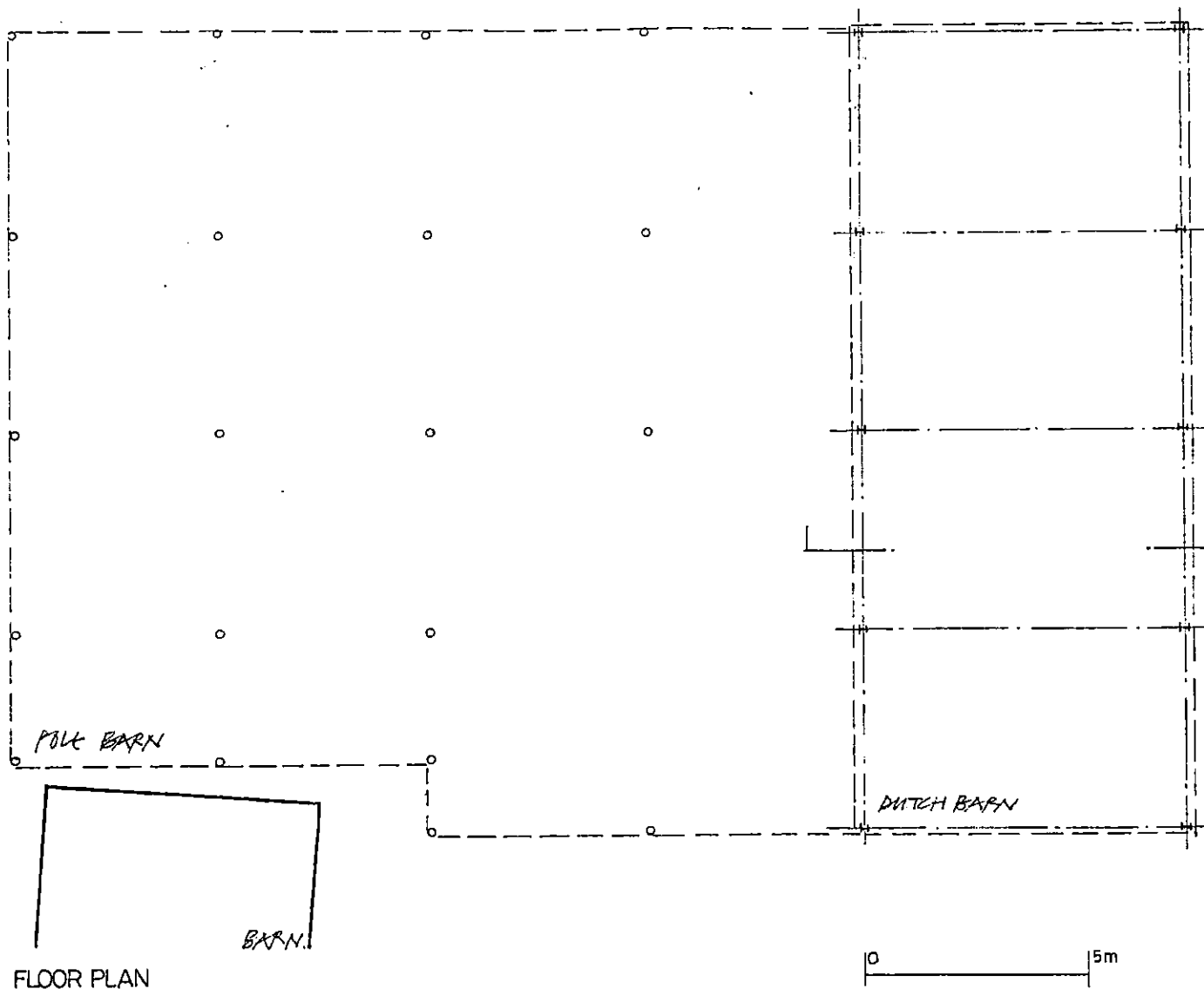
NESLEY FARM, NESLEY, TETBURY  
 EXISTING BARN .  
 SURVEY-ELEVATIONS

SCALE 1,100/A3  
 DRG No LPC,4168,17,03  
 DATE 12 OCTOBER 2017

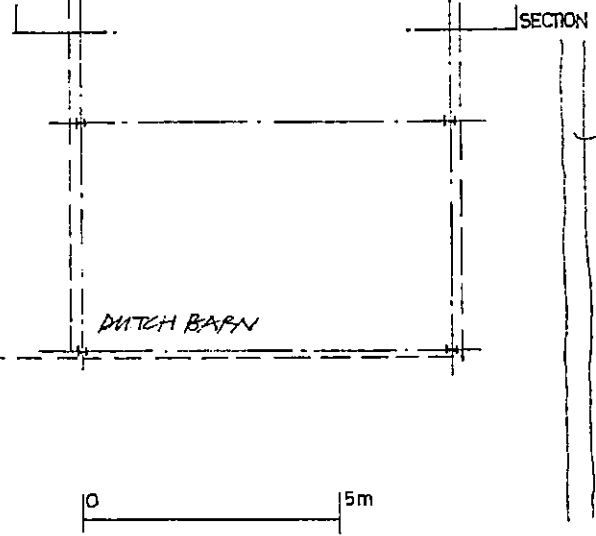


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 CONSULTANTS

Trull • Tetbury  
 Gloucestershire  
 GL8 8SQ  
 Tel:01285 841433  
 Fax:01285 841489

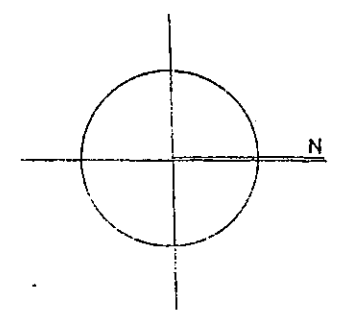


SECTION



SECTION

STONE WALL.



FLOOR PLAN

NESLEY FARM, NESLEY, TETBURY  
 EXISTING BARN  
 SURVEY - FLOOR PLAN

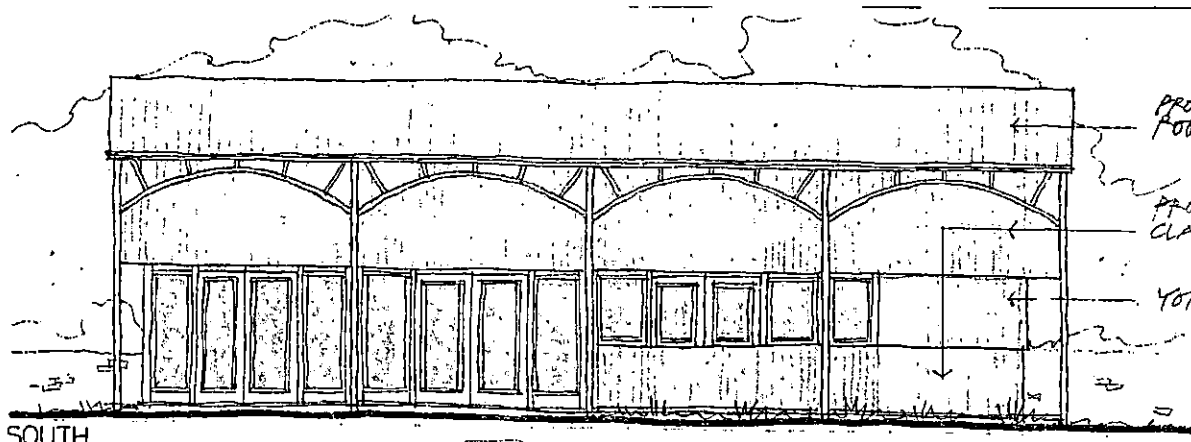
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 DATE 12 OCTOBER 2017



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 CONSULTANTS

Trull • Tetbury  
 Gloucestershire  
 G L 8 8 5 O  
 Tel: 01285 841433  
 Fax: 01285 841489



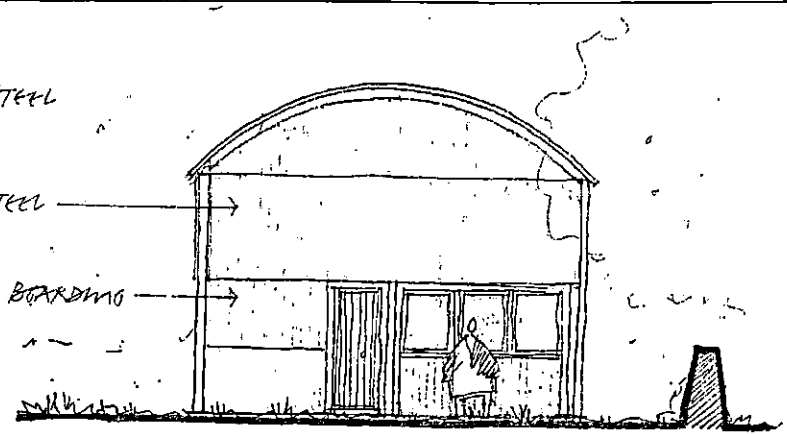


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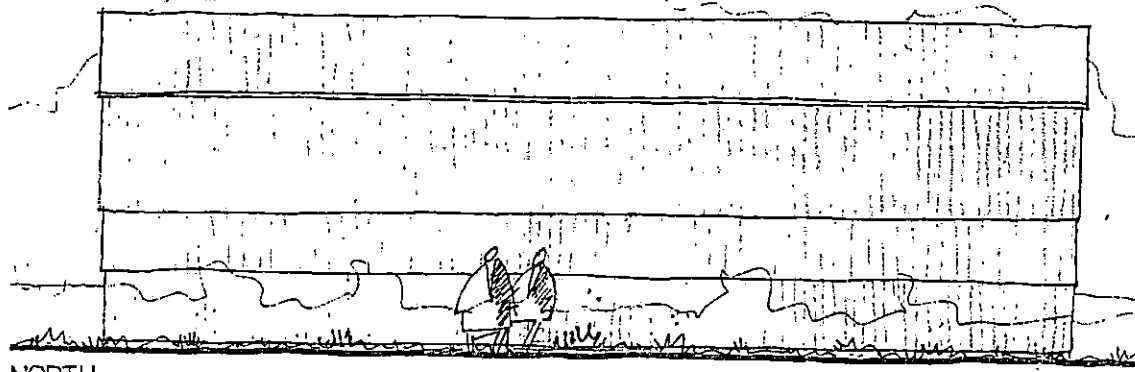
PROFILED STEEL ROOFING

PROFILED STEEL CLADDING

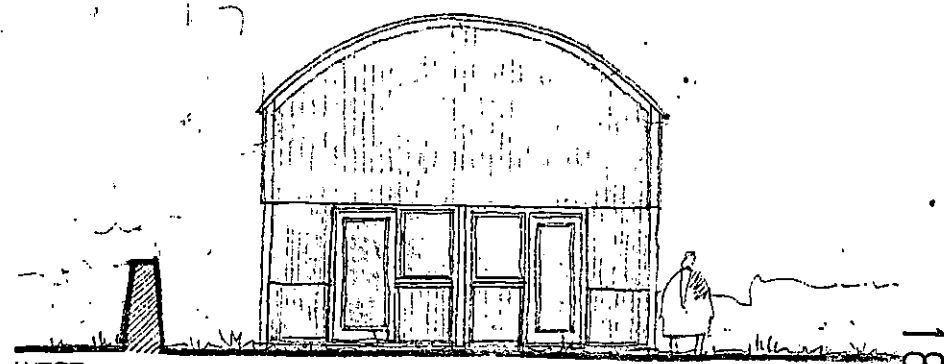
YORKSHIRE BOARDING



EAST

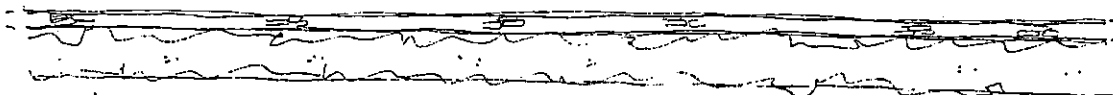


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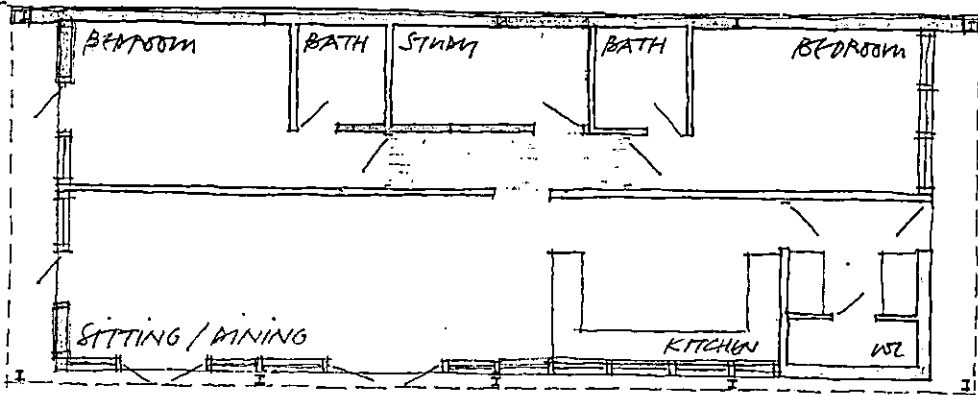


WEST

0 5m



FLOOR PLAN



NESLEY FARM, NESLEY, TETBURY  
 PROPOSALS FOR CONVERSION OF  
 EXISTING BARN TO DWELLING  
 SCALE 1,100/A3  
 DATE 27 OCT. 2017  
 DRG No LPC,4168,17.04



TOWN AND COUNTRY PLANNING DEVELOPMENT CONSULTANTS

Trull # Tetbury Gloucestershire G L B S O Tel:01285 841433 Fax:01285 841489