

Item No 02:-

17/04706/FUL

**Barn To The Rear Of Porch Cottage
Little Rissington
Bourton On The Water
Gloucestershire
GL54 2ND**

Item No 02:-**Conversion and alterations of barn to form residential dwelling at Barn To The Rear Of Porch Cottage Little Rissington Bourton On The Water Glos GL54 2ND**

Full Application 17/04706/FUL	
Applicant:	Mr & Mrs D Hamilton
Agent:	Plan-A Planning And Development Ltd
Case Officer:	Christopher Fleming
Ward Member(s):	Councillor Mark MacKenzie-Charrington
Committee Date:	8th August 2018
RECOMMENDATION:	REFUSE

UPDATE: THIS APPLICATION WAS DEFERRED BY THE JULY MEETING OF THE COMMITTEE TO ENABLE A SITE INSPECTION BRIEFING TO BE UNDERTAKEN IN ORDER TO ASSESS THE CONDITION OF THE HISTORIC BUILDING AND THE POTENTIAL FOR ITS CONVERSION. THE REPORT TO THE JULY COMMITTEE WAS AS FOLLOWS WITH ALL UPDATES HIGHLIGHTED IN BOLD TEXT.

The previous report is as follows with any updates highlighted in bold text.

Main Issues:

- (a) Principle of Conversion and impact on the Listed Building
- (b) Highway Safety
- (c) Biodiversity
- (d) Impact on neighbouring living conditions
- (e) Other Issues

Reasons for Referral:

The application has been referred to committee by Cllr MacKenzie-Charrington to assess the impact of the proposals on the listed building given its current condition.

1. Site Description:

The barn to the rear of the Porch Cottage is Grade II listed, the barn can be divided into two distinct sections; the two storey bull house, and the four bay single storey store. Attached to the store is another agricultural building, the 'Open fronted shelter north of Brushwood Barn' which is also Grade II listed. This latter building has already been converted to residential use. These barns are located to the rear of Porch Cottage (Grade II Listed) which is located on the main road through Little Rissington, and within the Little Rissington Conservation Area.

The application site is located to the eastern side of the cottages fronting onto the road through the village, and the building forms part of a 'U-shaped' building. The site is also within the Cotswold Area of Outstanding Natural Beauty (AONB)

2. Relevant Planning History:

No history for the barn in question. Other history on the site for adjacent barns is as follows:

13/03744/FUL and 13/03745/LBC Planning permission and listed building consent for the Conversion of open fronted shelter and stone built store to holiday let. Permitted 09.12.2013

15/01024/FUL and 15/01025/LBC Planning permission and listed building consent for the conversion of open fronted shelter and stone built store to dwelling. Permitted 24.04.2015.

16/01715/FUL and 16/01716/LBC Planning permission and listed building consent for Amendment to planning permission 15/01024/FUL and 15/01025/LBC. Permitted 18.07.16

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR09 Biodiversity, Geology and Geomorphology
 LPR14 Conversion of Historic Agri Buildings
 LPR15 Conservation Areas
 LPR19 Develop outside Development Boundaries
 LPR28 Conversion of Rural Buildings
 LPR38 Accessibility to & within New Develop
 LPR42 Cotswold Design Code
 LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

Conservation Officer - comments included within the report

5. View of Town/Parish Council:

Support the proposal

6. Other Representations:

1 letter of support from member of the public setting out the conversion would enhance the listed building.

7. Applicant's Supporting Information:

Ecological Assessment
 Heritage Statement
 Planning supporting statement
 Structural Report
 Design and Access Statement

8. Officer's Assessment:

This application is for a change of use, from an historic store and bull house to a single residential dwelling, and for the internal and external alterations to facilitate this conversion.

Since the July Committee Meeting and as a result of applicant's agent attending revised plans have been submitted from the agent which show a modest lowering of the existing floor level within part of the single storey range to allow sufficient headroom under each of the 3 tie beams, allowing them to be left intact. These details have been included in the appendices referenced 'Revised Details'. This information has also been passed to the Council's Conservation Officer for further comment. A further update will be provided prior to the Committee meeting, which will include the Conservation Officer's comments.

(a) Principle of Conversion and impact on the Listed Building

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 lies in open countryside outside of a development boundary as such; Policy 19 (Development Outside of Development Boundaries) is applicable. The policy does not support new open building housing in areas outside of development boundaries but does support "development appropriate to a rural area" subject to a number of criteria. However this policy is time expired, and this has been confirmed by numerous appeals. As such, it now carries little weight.

The NPPF promotes sustainable development and encourages the re-use of existing buildings. Paragraph 17 states that planning should 'support the transition to a low carbon future' and 'encourage the reuse of existing resources, including conversion of existing buildings'.

Paragraph 28 states that planning policies should support economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development. This can include supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new building; as well as the promotion of the development and diversification of agricultural and other land-based rural business.

The new National Planning Policy Framework was published on 24th July 2018. The policy context has therefore been amended as set out bold in the below sections in line with the new framework:

Paragraph 79 of the new NPPF advises that planning policies and decisions should avoid the development of isolated homes in the countryside unless in this case, the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets or the development would re-use redundant or disused buildings and enhance its immediate setting;

The barn to the rear of the porch house is a grade II listed as being of special architectural or historic interest. As such this authority is statutorily required to have special regard to the desirability of preserving the building, its setting or any features of special interest it may possess. Where harm is proposed this must be weighed against any public benefits a scheme might offer (In this case the proposals would not generate any public benefit). These duties are in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Local Plan policies 14 & 28 apply as does Section 12 of the NPPF (**Section 16 of the new NPPF**).

The barn also lies within the Little Rissington Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 12 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 132 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 133 states that where a proposed development will lead to substantial harm applications should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits. Paragraph 134 states that where a development proposal 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.

Section 16 of the National Planning Policy Framework (NPPF) sets out that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of

existing and future generations. It also requires that when determining planning applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 193 states that when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 195 states that where a proposed development will lead to substantial harm applications should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits. Paragraph 196 states that where a development proposal 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 Councils adopted Local Plan Policy 14 advises that a proposal to convert a building will not be permitted if it "...involves the extension of significant alteration of a building, which is of insufficient size or of an unsuitable form to allow its conversion without this extension or alteration".

Adopted Local Plan Policy 28 also advises that the conversion of rural buildings will be permitted only if "...the building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or re-building which would tantamount to the erection of a new building".

Given the stage of the emerging local plan substantial weight can now be applied to these policies for decision-making purposes. The current Local Plan Policies are now therefore time-expired and the emerging Local Plan Policies are now the most significant material consideration in determining the application.

Within the emerging Local Plan policies, Policy EN1 (Built, Natural and Historic Environment): The policy requires development, where appropriate, to promote the protection, conservation and enhancement of the historic and natural environment.

Emerging Local Plan policy EN10 (Designated Heritage Assets) sets out that proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm any such assessment will take account in the balance of material considerations:

- The importance of the asset
- The scale of harm; and
- The nature and level of the public benefit of the proposal

Emerging Local Plan policy EN11 Designated Heritage Assets - Conservation Areas states:

Development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:

- (a) Preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;
- (b) Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;
- (c) Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area.
- (d) Have regard to the relevant Conservation Area appraisal (where available); and

e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.

Emerging Local Plan policy EN13 The Conversion of Non Domestic Historic Buildings (Designated and Non-Designated Heritage Assets) states that proposals for the conversion of non-domestic historic buildings to alternative uses will be permitted where it can be demonstrated that:

- (a) The conversion would secure the future of a heritage asset and its setting that would otherwise be at risk
- (b) The proposed conversion would conserve the significance of the asset (including its form features, character and setting)
- (c) The heritage asset is structurally sound, and
- (d) The heritage asset is suitable for, and capable of conversion to the proposed use without substantial alteration, extension or building which would be tantamount to the erection of a new building.

Emerging 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.

During the course of the application the Conservation Officer has raised a number of concerns in relating to the works required to facilitate the conversion. These works included (amongst others) the modification and partial removal of the historic roof trusses, the removal of historic partitions, the creation of a new opening between the single storey range and the bull house, the re-location of a wall opening on the front of the bull house and the alteration of the rear and front walls of the single storey range. Officers concluded that the harm that the proposals would cause, whilst extensive, was not enough to reach the level of substantial harm, (under the terms of the NPPF). However, less than substantial harm does not then automatically lead to a conclusion of acceptability of that harm, which may still be sufficient to warrant refusal. Whilst the harm would be less-than-substantial, it would nevertheless be considerable.

In evaluating the identified harm, in accordance with the paragraph 134 of the NPPF (**paragraph 196 of the new NPPF**) officers need to weigh it against any potential public benefit resulting from the proposed works. In this case, at present the public benefits of maintaining the building would be at the expense of losing too much of the building's historic interest. With this in mind officers conclude that the justification of public benefit that has been put forward for this current scheme to be unpersuasive and not the 'clear and convincing' justification that is required by the NPPF.

Overall it is considered that there are no benefits arising out of the proposal that would justify the identified harm, which outweighs the presumption in favour of development set out in the NPPF. As such it is considered that this proposal would not accord with Sections 7 and 12 of the NPPF, (**Section 12 and 16 of the new NPPF**) in particular paragraph 134 (**paragraph 196 of the new NPPF**) and Local Plan Policies 14 & 28 and the Emerging Local Plan Policies EN1 (Built, Natural and Historic Environment), EN10 (Designated Heritage Assets) EN11 (Designated Heritage Assets - Conservation Areas), EN13 (The Conversion of Non Domestic Historic Buildings (Designated and Non-Designated Heritage Assets) and EC6 (Conversion of Rural Buildings).

(b) Highway Safety

Paragraph 32 of the NPPF requires that "All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;

safe and suitable access to the site can be achieved for all people;

improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Paragraph 34 states that "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."

Paragraph 108 of the new NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;

safe and suitable access to the site can be achieved for all users; and

any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Local Plan policies 38 (Accessibility to and within New Development) and 39 (Parking Provision) accord with the NPPF.

Emerging Local Plan policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted. The Council considers that no key issues have been raised regarding this policy and given its status being close to adoption, this policy is considered to have substantial weight.

The access and parking would be to the south west of the barn and would be split up into 4 parking spaces to provide two parking spaces for Porch Cottage and two spaces for the proposed barn conversion. Access to the site would remain as existing resulting in a shared access between three properties.

Given the reduced speed limit through the village of 20 mph and that adequate visibility splays can be achieved using land within Highway Authority control, the access would provide a safe access and egress to the property. It is therefore concluded that the scheme would have an acceptable impact on highway safety, in accordance with policy 38 and 39 of the adopted Local Plan and the Emerging Local Plan Policy INF4.

(c) Biodiversity

The Ecological assessment identifies the barn as having negligible potential for bats. As such, precautions and enhancements are proposed to safeguard the areas habitats.

It is therefore held that if Members are minded to permit the application all recommended mitigation and enhancements are implemented as set out within section 4 of the submitted Bat Survey, the development would not cause any harm to any hedgerows, bat foraging areas, badgers and birds, in accordance with Policy 9 of the Cotswold Local Plan, the Emerging Local Plan Policy EN8 (Biodiversity and Geodiversity), the NPPF (including section 11) (**Section 15 of the new NPPF**) and the NPPG. A condition would therefore be recommended to ensure these measures are implemented.

(d) Impact on neighbouring living conditions

Emerging Local Plan policy EN2 (The Built Environment): requires development to accord with the Cotswold Design Code which considers the impact of proposals on neighbouring living conditions in terms of loss of light, overlooking and overbearing impact.

The application site is set adjacent to two residential properties. However, given the existing relationship between the building and neighbouring properties it is considered that the proposed change of use would not have an adverse impact on neighbouring living conditions in terms of overlooking or loss of light in accordance with the adopted Local Plan Policy 46, the emerging Local Plan Policy EN2 and considerations within section 7 of the NPPF (**Section 12 of the new NPPF**).

(e) Other Issues

During the course of the application, concern has been raised from the agent over the Council's assessment of the application in particular given the condition of the barn and the weight that should be given to the public benefit of converting the barn into a residential use. The agent has raised concern over the inconsistent approach of the assessment of the application particularly in relation to the conversion of the barn known as 'Brushwood Barn' immediately adjacent to the barn which forms the subject of this application.

Having reviewed the site history it is notable that the condition of 'Brushwood Barn', prior to conversion, was considerably worse than that of the Barn to the rear of Porch Cottage. When weighing up the harm that would be caused by the proposed scheme, 'special regard' should be given to the desirability of preserving the building, and 'great weight' should be given to the asset's conservation. With these in mind, and considering the extent of the harm that officers contend would be caused by the submitted scheme, it is considered that the public benefit of one new dwelling and the re-use of the listed building would not outweigh the erosion of much of the building's significance to the extent that its historic and architectural interest would be substantially diminished. Whereas the poor condition of the neighbouring barn was such that it was reasonable to allow greater intervention.

Taking this into account, officers feel that there has not been a lack of consistency in the approach to assessment of both application sites.

9. Conclusion:

Whilst the principle of conversion to residential use is acceptable for some listed barns, in the case of the 'Barn to the Rear of Porch Cottage' this is not the case. From the information that has been submitted, it is evident that the conversion of this listed barn to residential use would require substantial and dramatic interventions, with much of the structure of the building, and a number of its significant features being removed, altered or rebuilt. Not only would the works be contrary to Sections 66(1) of the Planning (LBCA) Act 1990 they would also contradict local policy. Indeed, CDC's Local Plan states that 'The conversion of rural buildings to alternative use will be permitted

only if: 'The building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration or rebuilding' and that 'the proposed conversion would not significantly harm the character of the building'. As such Officers feel that these proposals cannot be supported.

For the above reasons the application is recommend for refusal, as it is considered that the proposals would be detrimental to the significance of the listed building. In addition, by altering the character and features of the listed building, the conservation area, of which it is a part, would also be harmed.

Overall it is considered that there are no public benefits arising out of the proposal that would justify this harm, which outweighs the presumption in favour of development set out in the NPPF. As such it is considered that this proposal would not accord with Sections 7 and 12 of the NPPF (**Section 12 and 16 of the new NPPF**), in particular paragraph 134 (**paragraph 196 of the new NPPF**) and Local Plan Policies 14 & 28 and the emerging Local Plan Policies EN1 (Built, Natural and Historic Environment), EN10 (Designated Heritage Assets) EN11 (Designated Heritage Assets - Conservation Areas), EN13 (The Conversion of Non Domestic Historic Buildings (Designated and Non-Designated Heritage Assets) and EC6 (Conversion of Rural Buildings).

10. Reason for Refusal:

The outbuildings to the rear of Porch Cottage are Grade II Listed as being of special architectural or historic interest. As such, the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the buildings setting or any features of special architectural or historic interest they possess. The property also lies within the Little Rissington Conservation Area wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality.

The proposals are for alteration or removal of tie beams, purlins, walls, historic partitions and historic cladding, as well as the creation of a number of new openings. These proposals would harmfully alter the character of the listed building and would contribute to a cumulative degradation of the character and appearance of the conservation area, though this harm and degradation would be less than substantial.

The proposal would thereby fail to preserve or enhance the significance of the designated heritage assets. No mitigating public benefit would accrue therefrom that would outweigh this harm. The proposal thus conflicts with Section 66 (1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990, paragraph 134 of the National Planning Policy Framework (**paragraph 196 of the new NPPF**) and Local Plan Policies 14, 15 and 28 and emerging Local Plan Policies EN1 (Built, Natural and Historic Environment), EN10 (Designated Heritage Assets), EN11 (Designated Heritage Assets - Conservation Areas), EN13 (The Conversion of Non Domestic Historic Buildings (Designated and Non-Designated Heritage Assets) and EC6 (Conversion of Rural Buildings).