

Item No 04:-

18/03198/FUL

**Dutch Barn At Nesley Farm
Nesley
Tetbury
Gloucestershire**

Item No 04:-**Conversion of barn to single storey dwelling (revised scheme) at Dutch Barn At Nesley Farm Nesley Tetbury Gloucestershire**

Full Application 18/03198/FUL	
Applicant:	David Morris
Agent:	LPC (Trull) Ltd
Case Officer:	Claire Baker
Ward Member(s):	Councillor Tina Stevenson
Committee Date:	14th November 2018
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Conversion of a Rural Building to a dwelling
- (b) Sustainability of location
- (c) Design, impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty and setting of the adjacent non-designated heritage asset
- (d) Other matters

Reasons for Referral:

A similar application (17/04719/FUL) was refused by the Planning and Licensing Committee in June 2018. Officers are of the view, therefore, that the Planning and Licensing Committee should consider the revised application.

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. There is a shared access and parking area to both the historic barn and the Dutch barn which is within the applicant's ownership. The site is bordered by existing vegetation although the screening that this vegetation provides, particularly during the winter months, is sparse with the Dutch barn clearly visible from public vantage points along both lanes.

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

17/04719/FUL Conversion of barn to dwelling. Refused 14 June 2018.

3. Planning Policies:

NPPF National Planning Policy Framework
 _DS4 Open Market Housing o/s Principal/non-Pr
 _EC6 Conversion of Rural Buildings
 _INF3 Sustainable Transport
 _INF4 Highway Safety
 _INF5 Parking Provision
 _EN1 Built, Natural & Historic Environment
 _EN2 Design of Built & Natural Environment
 _EN4 The Wider Natural & Historic Landscape
 _EN5 Cotswold AONB
 _EN8 Bio & Geo: Features Habitats & Species
 _EN12 HE: Non-designated Heritage Assets
 _EN15 Pollution & Contaminated Land

4. Observations of Consultees:

Biodiversity Officer: No objection subject to condition

Environmental Health Officer: No objection subject to condition

Landscape Officer: Comments incorporated into the report

5. View of Town/Parish Council:

Tetbury Upton Parish Council appreciates the modifications and supports the revised application.

6. Other Representations:

2 letters of objection:

- (i) it is stated that the internal walls would not require planning consent, therefore any internal ceiling would also not require consent and therefore the building could be a two storey structure and should be judged as such;
- (ii) it is stated that the structure could be repaired without planning consent and therefore the proposal would not a substantial alteration, however, this is incorrect as the building would need to be properly insulated adding substantial thickness to the walls or roof structure;
- (iii) there are no details of how the building would be heated and therefore no provision for grills or flues which could have an impact on the appearance of the building;
- (iv) the application fails to demonstrate any aspect of good design;
- (v) the removal of the existing pole barn would maximise the impact of the rear elevation of the new dwelling on the open countryside to the detriment of its character;
- (vi) the addition of a modern style dwelling in place of an agricultural barn would have a significant impact on the setting of the historic stone barn;
- (vii) the proposed appearance would not be low key as suggested, as an overtly domestic structure would be visually intrusive and the design makes no reference to any Cotswolds style buildings;
- (viii) the light pollution resulting from a permanently occupied dwelling would exceed the light from an infrequently used agricultural structure;
- (ix) the removal of the Dutch barn does not improve the setting;
- (x) the proposals do not address the reasons for refusal of the two previous schemes;
- (xi) in the absence of any additional structural information to demonstrate that the proposal would truly constitute a conversion it must be concluded that the proposal is a new build structure contrary to Local Plan Policy EC6;

- (xii) the site represents an unsustainable location for new build open market housing in its isolated location remote from services, facilities, amenities and public transport;
- (xiii) the rear garden would be of considerable size in relation to the footprint of the Dutch barn creating a conspicuous residential character harmful to the AONB;
- (xiv) the full potential ecological impacts of the proposed development have not been examined and further ecological impacts should be undertaken and the original Protected Species Assessment submitted with as part of the application in 2016 is now more than two years old and out of date;
- (xv) any planning permission granted should not undermine the neighbour's right of access to the stone barn.
- (xvi) the application is not materially different to that previously refused;

7. Applicant's Supporting Information:

Planning, Design and Access 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.

A further application to convert the barn to a dwelling was refused by the Planning Committee in June 2018. 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 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.

The current application is for the conversion of the same barn to a 2 bedroom, single storey dwelling. The main differences between the previous and current proposals are changes to the proposed fenestration. However, the applicant's agent has also stated that the current application has been submitted to address matters arising from the Planning and Licensing Committee Meeting on 13 June 2018. He also states that it has been submitted due to the fact that the Council has now adopted the previously emerging Local Plan and a revised National Planning Policy Framework has come into force. The Officer report presented to Members at the June Committee and part of the applicant's statement entitled, Matters arising from the planning committee meeting on 13 June 2018, with photographs, are attached to this report.

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 is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

The application site falls outside a Principal or Non-Principal Settlement and is therefore covered by Policy DS4. However, Policy DS4 can be supportive of the conversion of existing buildings in such locations to residential accommodation.

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.

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. The applicant's agent has stated that any walls would be internal to the building and would not require the benefit of planning permission. It is also stated that the existing wall and roof could be repaired without requiring any planning permission. However, Officers take the view that application must be assessed on the basis of the building as existing. Were the building to be made more substantial further consideration would need to be given to the proposal were a subsequent planning application to be submitted.

Officers, therefore, remain of the view that the building is not capable of conversion to the proposed use without substantial alteration and that the proposal fails to accord with criterion a. of Local Plan Policy EC6.

(b) Sustainability of Location

Paragraph 8 of the National Planning Policy Framework (NPPF) states that planning should contribute to 'minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'.

Local Plan Policy INF3 - Sustainable Transport states:

'Development will be permitted that assists in delivery of the objectives of the Local Transport Plan and in particular:

- a. actively supports travel choice through provision, enhancement and promotion of safe and recognisable connections to existing walking, cycling and transport networks (including, where appropriate, the rail network);
- b. gives priority to pedestrians and cyclists and provides access to public transport facilities taking account of the travel and transport needs of all people...'

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, and 8 houses at Charlton Down, 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 Westonbirt, Doughton and Charlton Down, none have been identified in the 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 8 of the NPPF which seeks to minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy and Local Plan Policy INF3.

Paragraph 79 of the new NPPF advises that planning policies and decisions should avoid the development of 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 given clarification when The Court of Appeal issued its judgment on the 14th March 2018 (Case No: C1/2017/3292). Paragraphs 31 and 32 of the judgment state:

Para 31 - 'In my view, in its particular context in paragraph 55 of the NPPF, (now paragraph 79) 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 (now the third sentence of paragraph 78) 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.'

The above Judgement states that 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 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 79 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 79, 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, impact on Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty and setting of the adjacent non-designated heritage asset

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 127 of the NPPF states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes'.

Paragraph 172 states that 'great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty.'

With regard to the 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 states:

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) 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.

In addition, the stone barn adjacent to the application site is considered to be a non-designated heritage asset.

Local Plan Policy EN12 - Historic Environment: Non-designated heritage assets states:

1. Development affecting a non-designated heritage asset will be permitted where it is designed sympathetically having regard to the significance of the asset, its features, character and setting.
2. Where possible, development will seek to enhance the character of the non-designated heritage asset.

Paragraph 197 of the NPPF states:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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.

As with the previous application, 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. The planning statement states that the applicant disagrees that the proposal would give rise to light pollution as means of illumination could be undertaken within the existing building without any breach of planning control. It is difficult to understand why the applicant would wish to illuminate a building which is stated as being redundant, however, any illumination that would occur in relation to an agricultural use would be limited and therefore not comparable.

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. 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 it 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 79 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 EN1, EN2, EN4, EN5 and EN12 and the guidance contained in Paragraphs 79, 127, 130, 172 and 197 of the NPPF.

(d) Other Matters*Contamination*

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 Policy EN15.

Biodiversity

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. Officers are satisfied that, due to the nature of the building and the previous findings, it is acceptable to submit the previous report. Officers confirm that they are 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, Officers are 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 EN8 and guidance contained in Paragraphs 170 and 174 of the NPPF.

Highway safety

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:

Officers have carefully considered the Planning, and Design and Access Statement submitted with the current application and have assessed the application in the light of the adopted Local Plan Policies and revised NPPF. Having done so, Officers remain of the opinion that the application should be refused.

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 ENC6 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 paragraph 8 of the Framework which set out the objectives of sustainable development and Local Plan Policy INF3.

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 79 of the Framework.

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 172 of the NPPF or the setting of the adjacent stone barn which is considered to be a non-designated heritage asset. The agricultural character of the existing site would be replaced with a domestic form of development that would be out of character with the adjacent stone barn and 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.

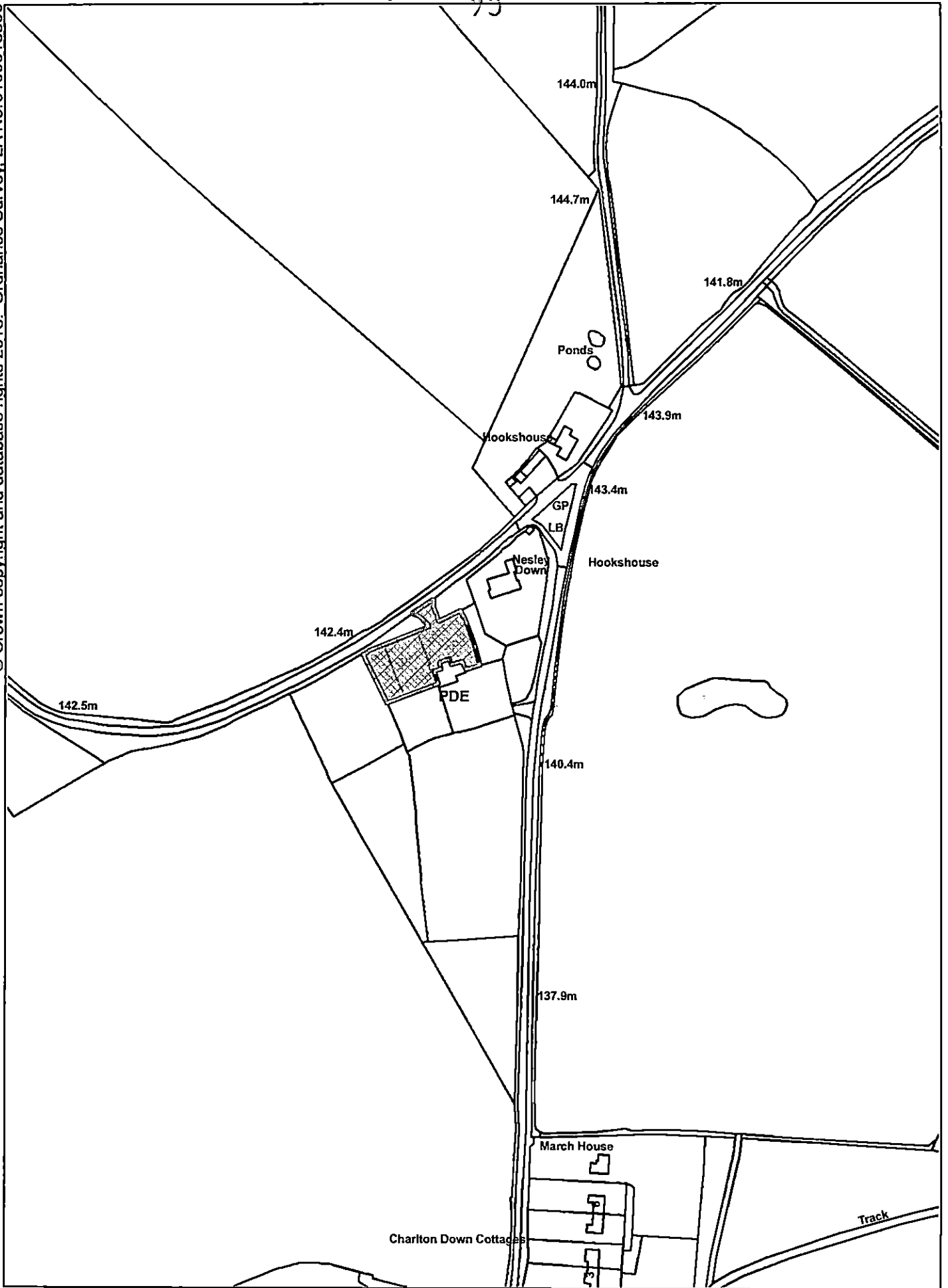
The Council can now demonstrate a land supply of approximately 7.5 years. The weight that can be given to the benefit of releasing sites for housing at the current time is therefore limited and does not outweigh the significant harm identified. It is therefore recommended that the application be refused 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 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, the setting of the adjacent non-designated heritage asset, 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 172 of the NPPF. On balance the proposals are contrary to adopted Cotswold District Local Plan Policies EN1, EN2, EN4, EN5, EC6, and EN12 and the guidance contained in the NPPF including, but not limited to Paragraphs 78, 79, 127, 172 and 197.

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 Plan Policy DS4 and INF3 and guidance contained in the National Planning Policy Framework, including but not limited to Paragraphs 78 and 79.

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COTSWOLD
DISTRICT COUNCIL

DUTCH BARN AT NESLEY FARM NESLEY TETBURY

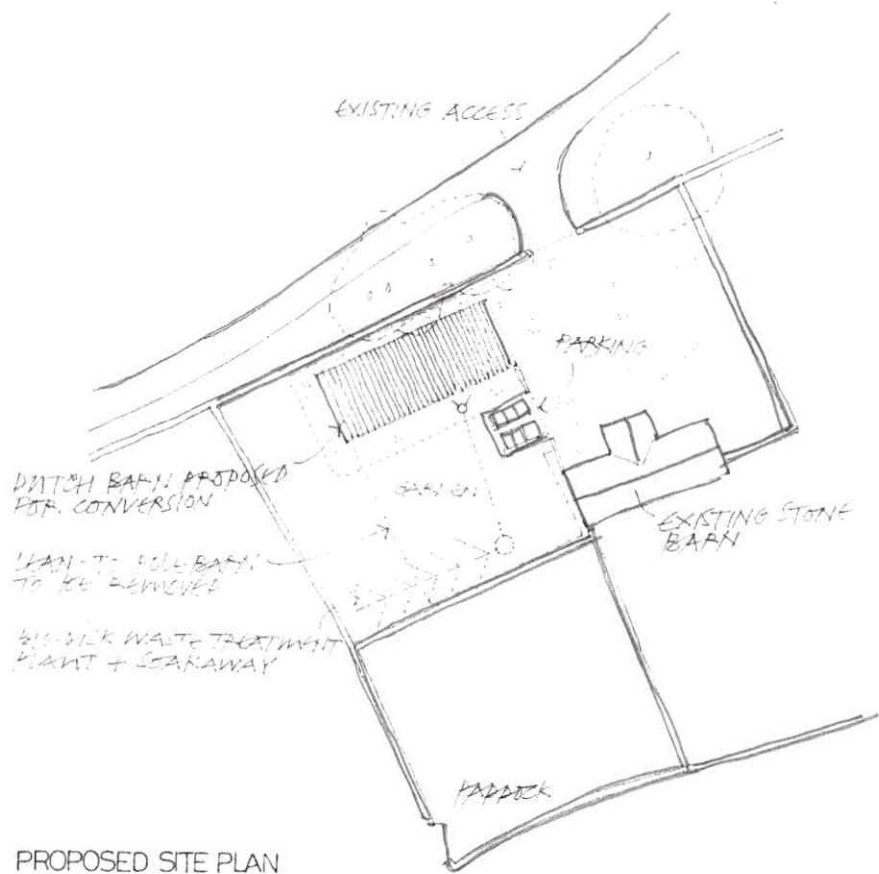
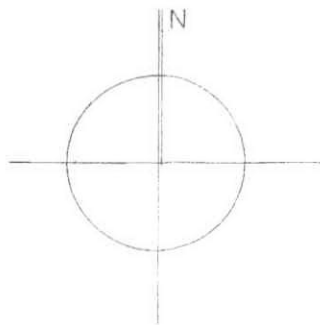
Organisation: Cotswold District Council

Department:

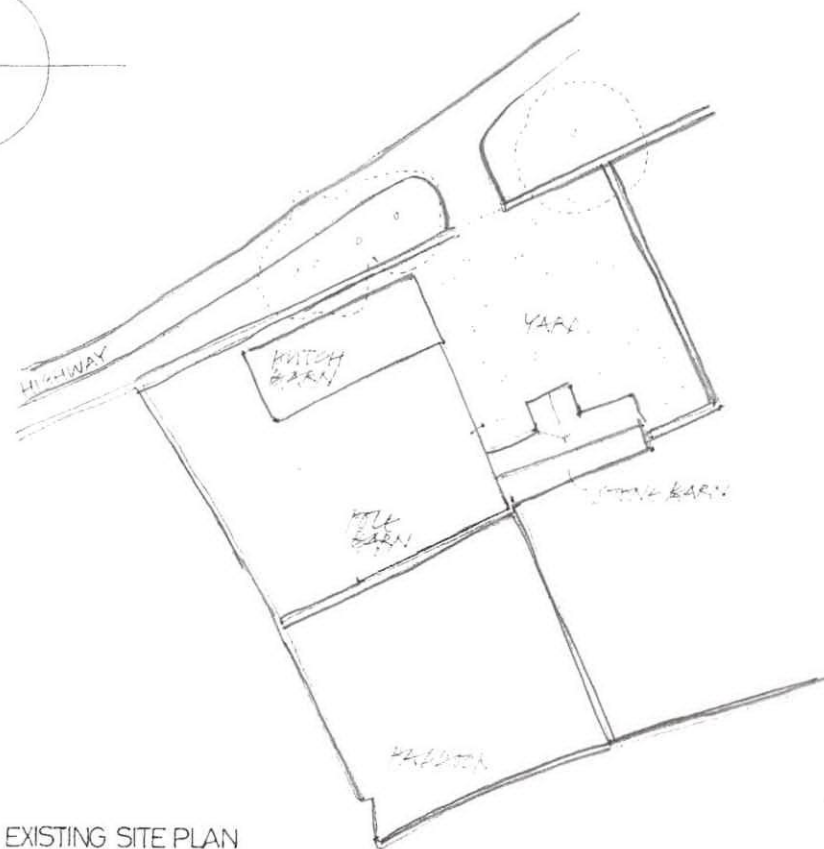
Date: 02/11/2018

Scale: 1:2500





PROPOSED SITE PLAN



EXISTING SITE PLAN



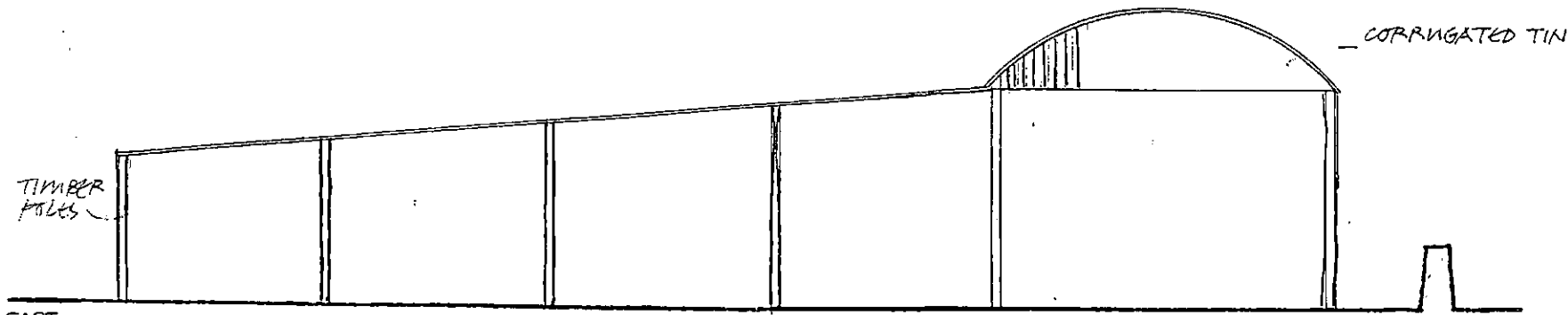
NESLEY FARM, NESLEY, TETBURY
SITE PLAN

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

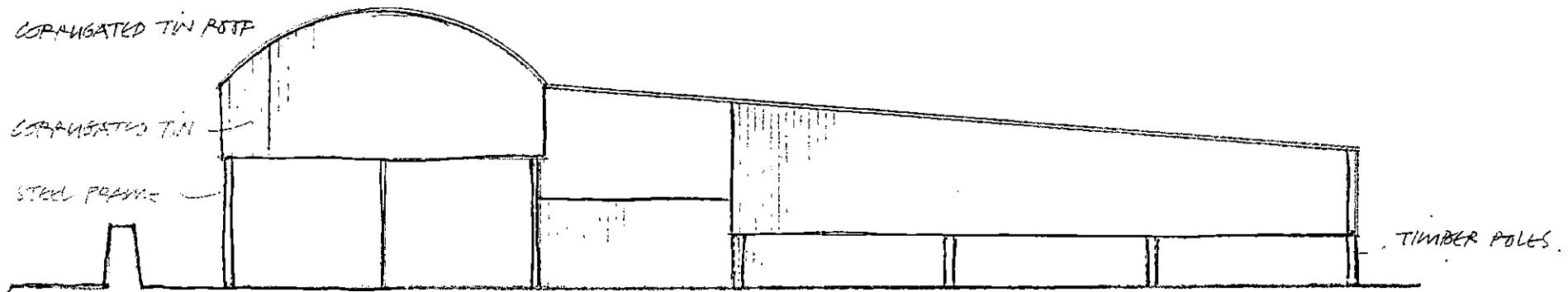


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PLANNING
DEVELOPMENT
CONSULTANTS

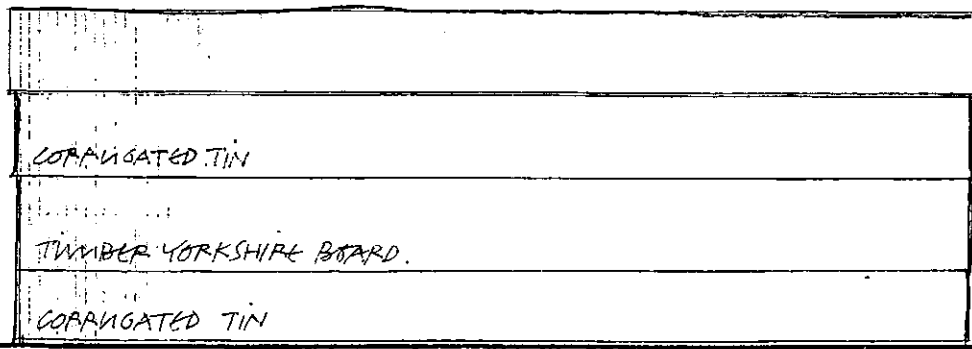
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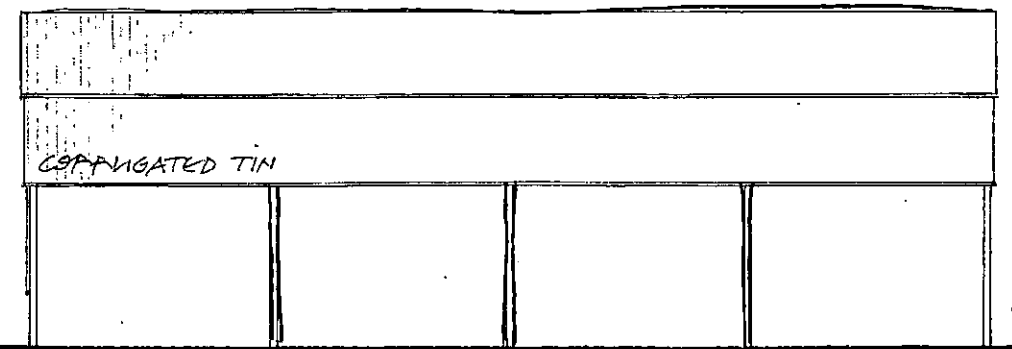
EAST



WEST



SOUTH



NORTH



97

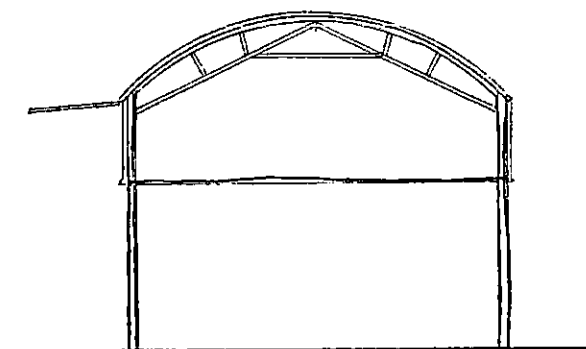
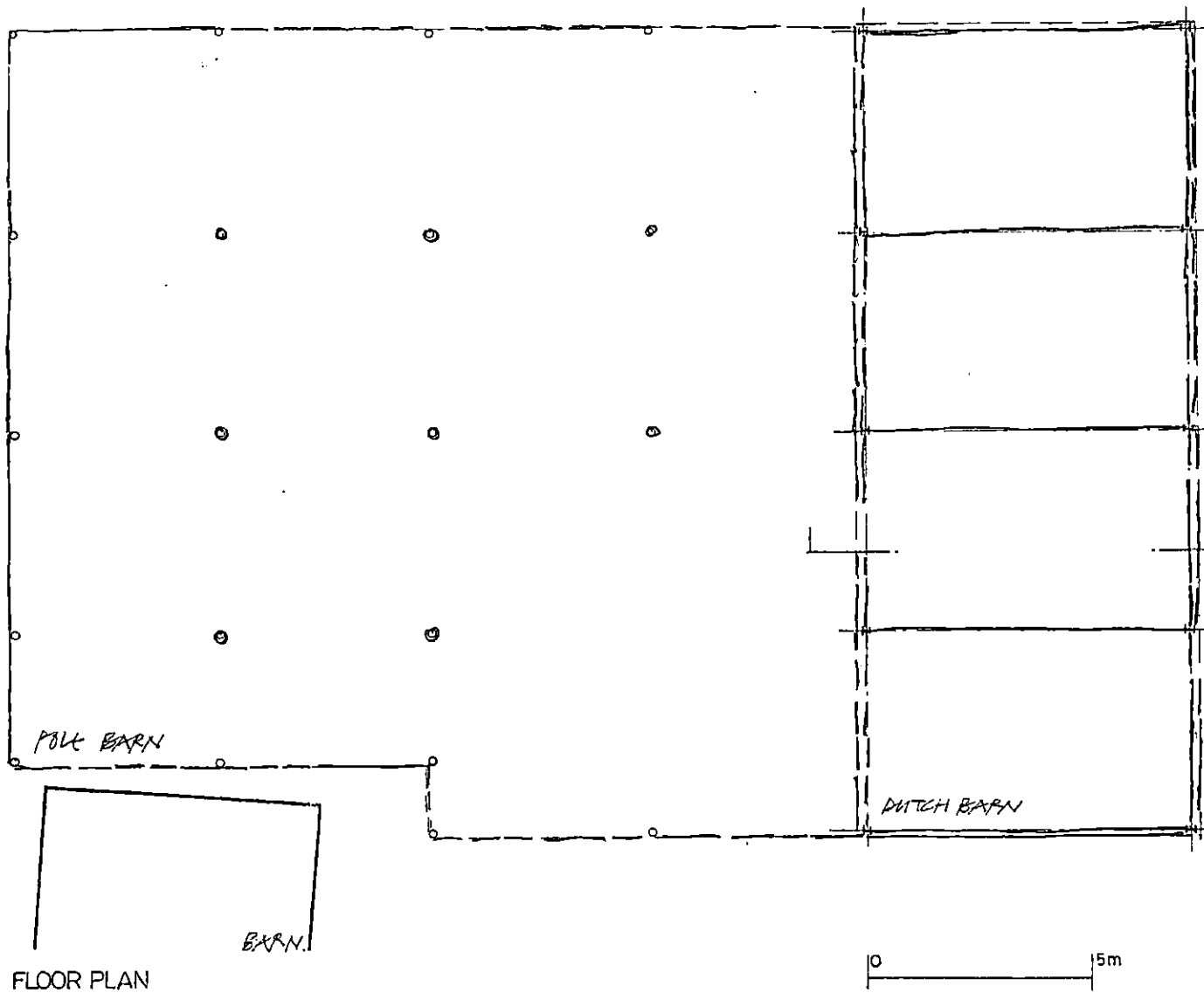
NESLEY FARM, NESLEY, TETBURY
 EXISTING BARN.
 SURVEY-ELEVATIONS

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



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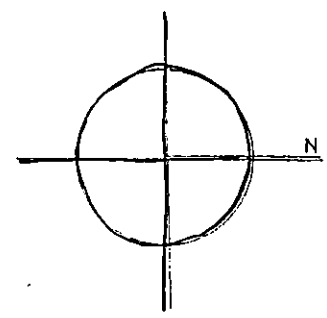


SECTION



SECTION

STONE WALL.



FLOOR PLAN

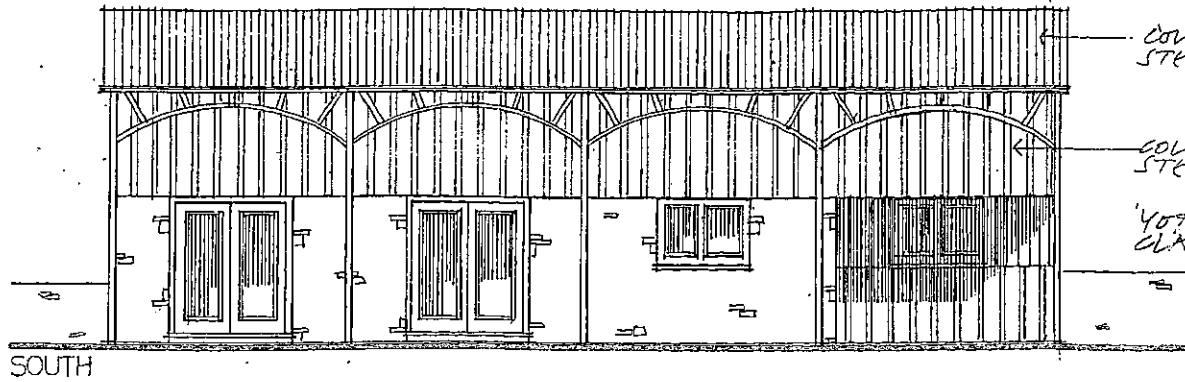
NESLEY FARM, NESLEY, TETBURY
 EXISTING BARN
 SURVEY - FLOOR PLAN

SCALE 1,100/A3
 DRG No LPC.4168.17.02
 DATE 12 OCTOBER 2017



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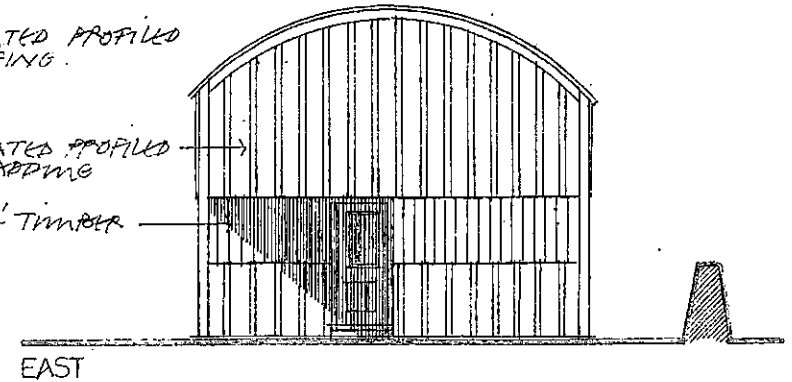


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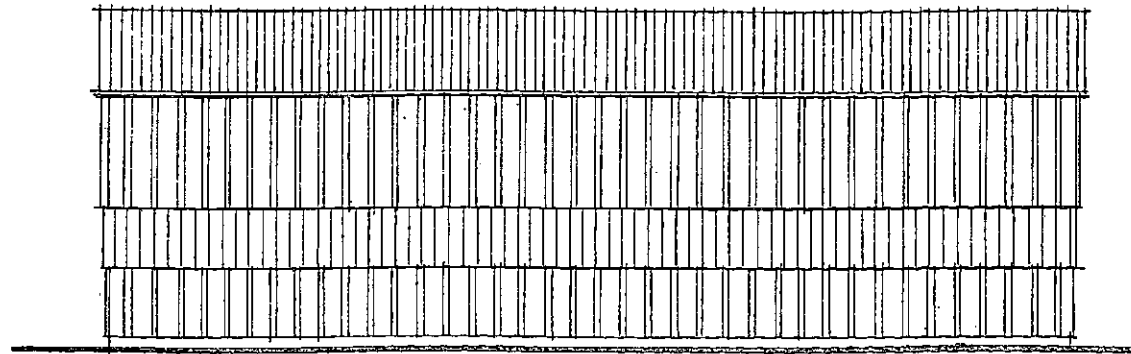
COLOUR COATED PROFILED STEEL ROOFING

COLOUR COATED PROFILED STEEL CLADDING

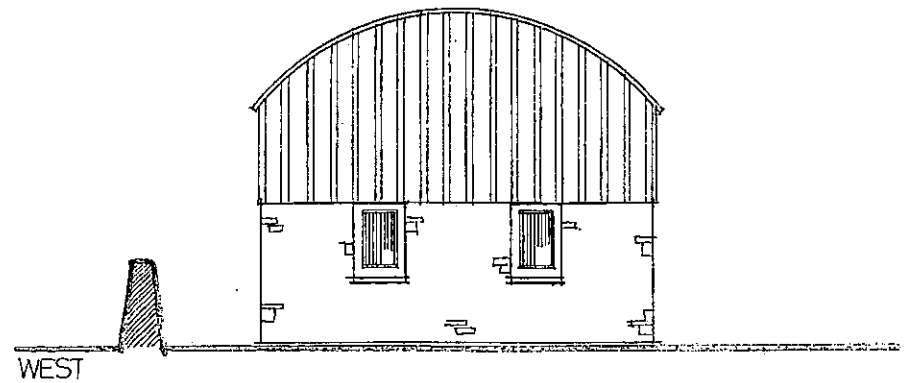
'YORKSHIRE' TIMBER CLADDING



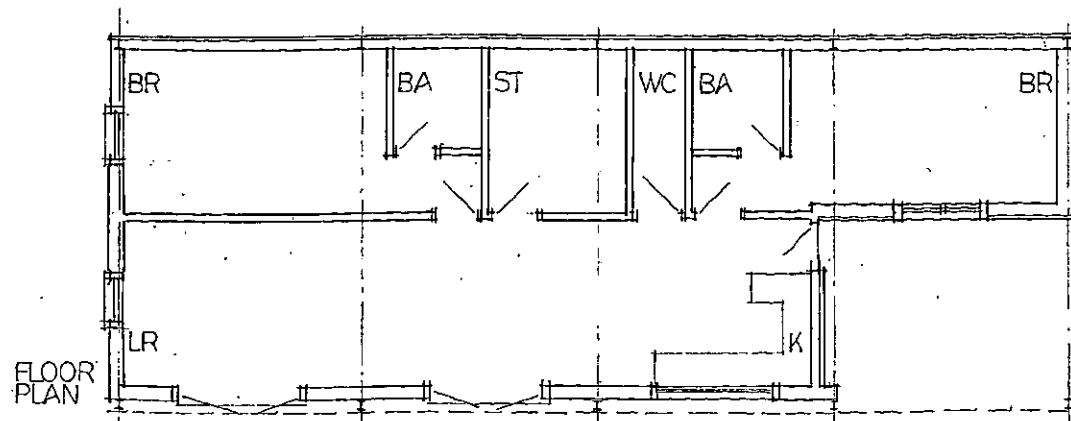
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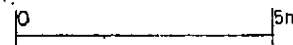
NORTH



WEST



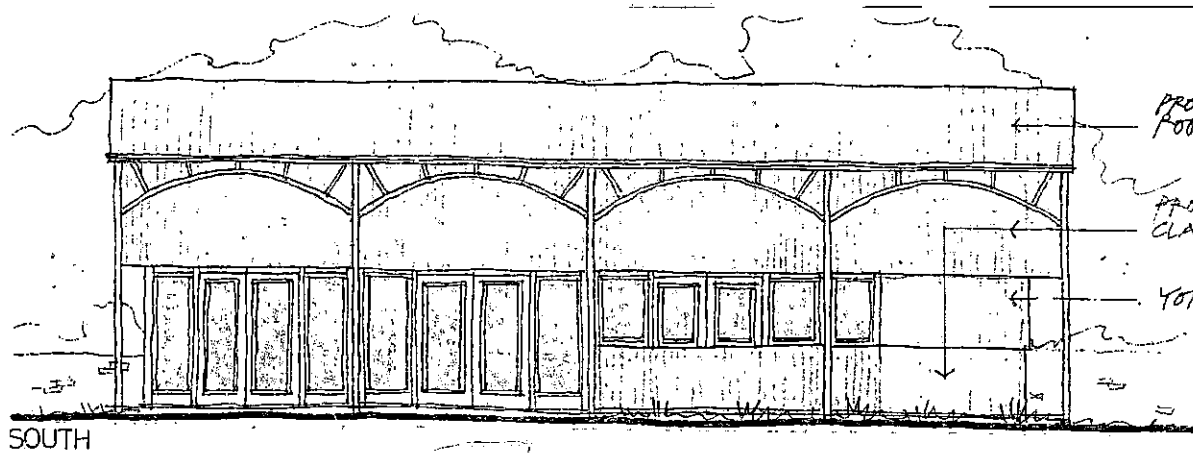
FLOOR PLAN



NESLEY FARM, NESLEY, TETBURY
 PROPOSALS FOR CONVERSION OF
 EXISTING BARN TO DWELLING
 SCALE 1,100/A3
 DATE 17 AUGUST 2018
 DRG No LPC,4168,18.05

CURRENT APPLICATION
 18/03198/FULL

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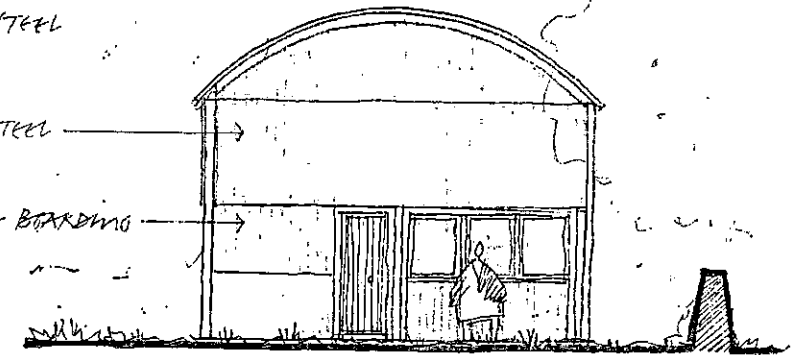


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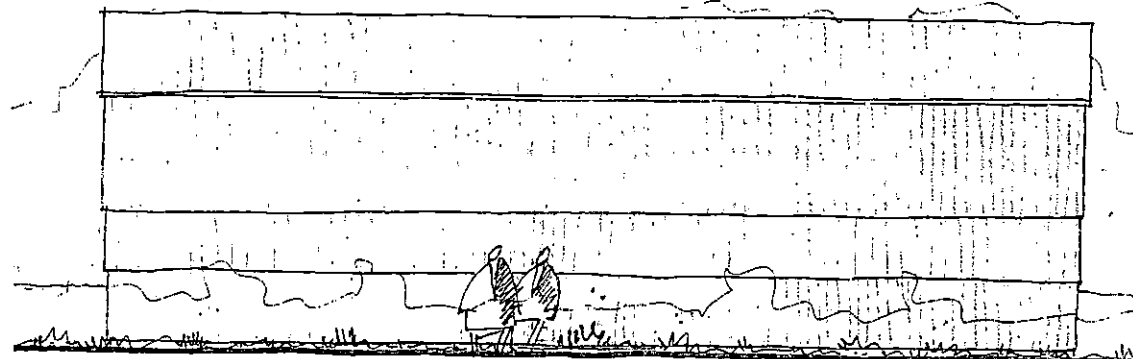
PROFILED STEEL ROOFING

PROFILED STEEL CLADDING

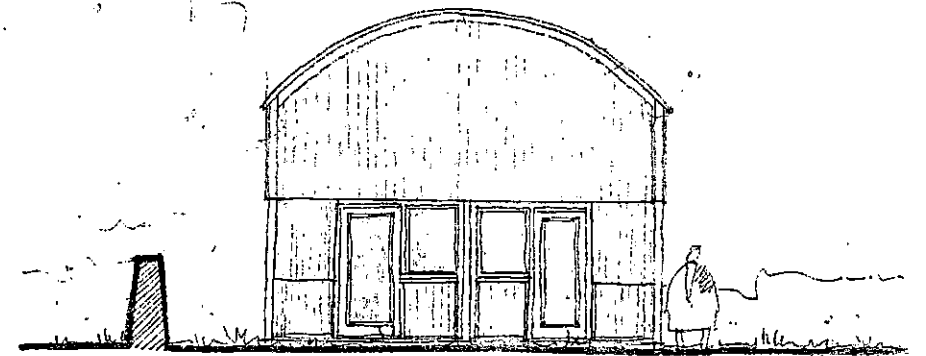
YORKSHIRE BOARDING



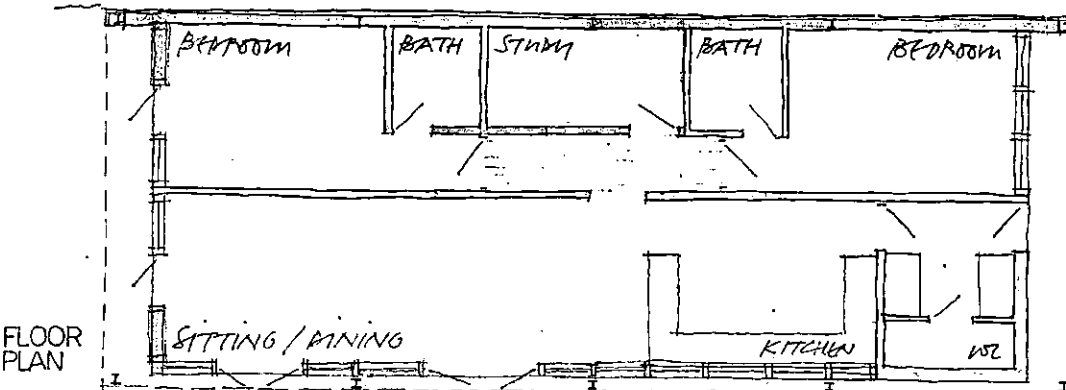
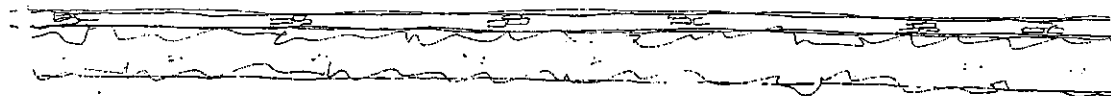
EAST



NORTH



WEST



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



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PREVIOUSLY REFUSED APPLICATION: 17/0479/FUL

EXTRACT FROM PLANNING, DESIGN AND ACCESS STATEMENT.
 5.0 MATTERS ARISING FROM THE PLANNING
 COMMITTEE MEETING.



- 4.9 Policy DS4 of the Local Plan is entitled 'Open Market Housing outside Principal and Non-Principal Settlements' but the wording of the policy has been amended following modification by the Local Plan Inspector. This now reads: '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. One such policy mentioned is EC6, which concerns the conversion of rural buildings, referred to previously.
- 4.10 In view of the above, the applicant considers that this proposal complies with the relevant policies of the Development Plan.

**5.0 MATTERS ARISING FROM THE PLANNING COMMITTEE MEETING
 ON 13th JUNE 2018**

- 5.1 As set out in the introduction, the previous application was refused at the above meeting but there were a number of issues that the applicant considers were not addressed or explained correctly. I set these out below to, hopefully, correct the situation.

Access

- 5.2 Points were raised regarding the vehicular access to this building. It benefits from vehicular access onto the public highway to the north east of the barn that is proposed for conversion that leads to an open area to the east of the dutch barn and north of the stone barn. This access and open yard is within the ownership of the applicant, as shown on the submitted drawings, with the owner of the stone barn having a right of access across such land for maintenance purposes only. Parking spaces are proposed off this yard, to the rear of the barn that is the subject of this application.

Garden Area

- 5.3 A garden will replace the pole barn that will be removed as part of this proposal if planning permission is forthcoming. The pole barn measures approximately 19m x 18m and this area will represent the majority of the rear garden of the proposed dwelling with the garden also in the enclosed area to its west. There will, therefore, be the opportunity for sensitive landscaping to be undertaken within the rear garden to soften the impact of the residential use when viewed from a distance to the south. The boundary will follow the line of the south elevation of the stone barn located to the east. In total, the garden area would be about 600m² and would not be dissimilar in appearance to the area to the south of the stone barn. The paddock to the south is not within the applicant's ownership and is not part of this application.

Services

- 5.4 Mention was made at the Committee Meeting that the site is devoid of the services required for habitation. This was incorrect as there is water on site, electricity close by on the applicant's land with telephone and fibre optics available in the grassed highway verge. Foul and surface water drainage would also be provided within the site.

Isolated

- 5.5 There was discussion at the Committee Meeting about other dwellings in the vicinity. These comprise two houses and a pottery at Hookhouse in the immediate area but there was no mention of the eight houses at Charlton Down to the south.

5.6 There was also an issue concerning the officers apparent change of opinion from an email written a month prior to the consideration of the application in which she stated that she did not regard the barn as being isolated. This change was also supported by an appeal decision dated 4th June 2018 in Stratford on Avon District which concerned a building that was to be extended to create an additional floor to provide two flats. In the decision, the Inspector said that whilst the appeal site was not isolated from existing buildings, the small complex is physically isolated in the countryside away from any recognised settlements. He then found that there was not policy support in the Framework (NPPF) for new build development in that location. The erection of two new flats in such a location differs from a proposal that seeks the re-use of redundant or disused existing buildings to which paragraph 79 of the revised NPPF states is one of the circumstances for allowing isolated homes in the countryside, a matter also referred to in the recently adopted Local Plan policy.

Design

5.7 The proposal is to convert the building so that it will provide accommodation at ground floor level only. It has been designed to utilise materials found on the barn, namely profiled steel sheeting and Yorkshire boarding, although the asbestos roof will be replaced by a profiled steel one. The majority of the fenestration will be to the rear to provide light into the main living areas with consideration having been given to the member's concerns about this matter. Accordingly, revised drawings are submitted changing the approach in this regard. On the wall closest to the public highway, the materials will be the same as existing, with no openings proposed. The aim of the design has been to

keep the appearance low-key and not materially different from the existing situation. It would not represent overtly domestic development, a matter that was repeated from the first decision at this site where a two storey dwelling was proposed with ten windows on the north (roadside) elevation compared is none in the scheme considered in June and now proposed. The amount of fenestration has also been significantly reduced from that original proposal and the one considered in June so that the amount of glazing is about 50% of that in the previous application determined by the Committee.

The relationship with the stone barn

- 5.8 The applicant owns all the land to the north and west of the stone barn. The owner of stone barn has no right of access (vehicular or pedestrian) over that land other than for maintenance of the stone barn. The stone barn is accessed from Macmillan Way over land in the same ownership as the stone barn and to the south and east of it.
- 5.9 The revised design has sought to provide a better visual relationship with the stone barn with the south elevation to have a stone lower section, which is continued to the west elevation.

Light Pollution

- 5.10 Concern was raised that light pollution would harm the AONB in which the site is located. The applicant does not share this view as the building that is the subject of this application is part of a group of buildings that have no restrictions in terms of lighting and such a means of illumination could be undertaken within the existing building without any breach of planning control. The amended design seeks to address this point but I should also point out that as there will only be

accommodation at ground floor level, any windows will be lower down with most situated to the rear. Landscaping in the garden area will reduce the impact of such lighting, which is unlikely to be obtrusive, and controls can be imposed by means of a planning condition to preclude outdoor lighting. Again, one must ask why the issue of lighting is exceptional to this site as it does not appear to have been raised as an issue on other barn conversion schemes within the Cotswolds Area of Outstanding Natural Beauty – it may be because the original scheme proposed numerous windows.

Alterations to the Building

- 5.11 The Committee report in June stated that to facilitate conversion it would be necessary to construct external walls. This is not the case as any walls would be internal to the building and, accordingly, would not require the benefit of planning permission – they could be constructed now without any breach of planning control. However, the applicant does not wish to do this as he would rather the Committee would adopt a logical approach to the proposal. Similarly, he could repair existing external walls and the roof without requiring planning permission and so the proposal would not be substantial alteration over what could be done without the benefit of planning permission.

Visibility of the Building and its Context

- 5.12 The Committee also discussed the visibility of the building in the landscape and also the impact on the adjoining stone barn. Attached to this Statement are a series of photographs showing the building that is the subject of this application and the pole barn that is proposed for removal if planning permission is forthcoming. These demonstrate that

the removal of the pole barn will enhance the setting of the stone barn and would not obscure a significant part of its west elevation. I would also suggest that these photographs show that the impact of the conversion of this building would be significantly less than is alleged by the refusal reasons.

6.0 THE PREVIOUS DECISION

6.1 As mentioned earlier in this statement, planning permission was originally refused in November 2016 for a different scheme to convert this building into a two storey dwelling. The reasons given in the June 2018 decision repeated the reasons given for refusing the original application updating them with reference to the emerging Local Plan. I set out below the components of the previous reason and show how they have been addressed.

Substantial alterations required

6.2 The original scheme proposed a significant number of windows, including 10 on the north elevation, with natural stone walling proposed on the lower half of the building and horizontal boarding on the upper half, both punctuated by the fenestration. This proposal seeks to keep the roadside elevation simple with profiled steel cladding and Yorkshire boarding, as existing. On both ends of the building the design shows overhangs, as existing, thereby reflecting the existing approach with the end elevations to be recessed slightly, with a more substantial set back in the south east corner. Together with the lack of fenestration at higher level and reduction at floor level, this will result in a proposal that will be wholly consistent with the aim of retaining the agricultural form of this building whilst exposing its features of interest.

WEST ELEVATION OF STONE BARN OBSCURED BY POLE BARN



PADDOCK TO REAR OF POLE BARN AND MOWN AREA
TO REAR OF STONE BARN



AREA TO REAR (SOUTH) OF STONE BARN



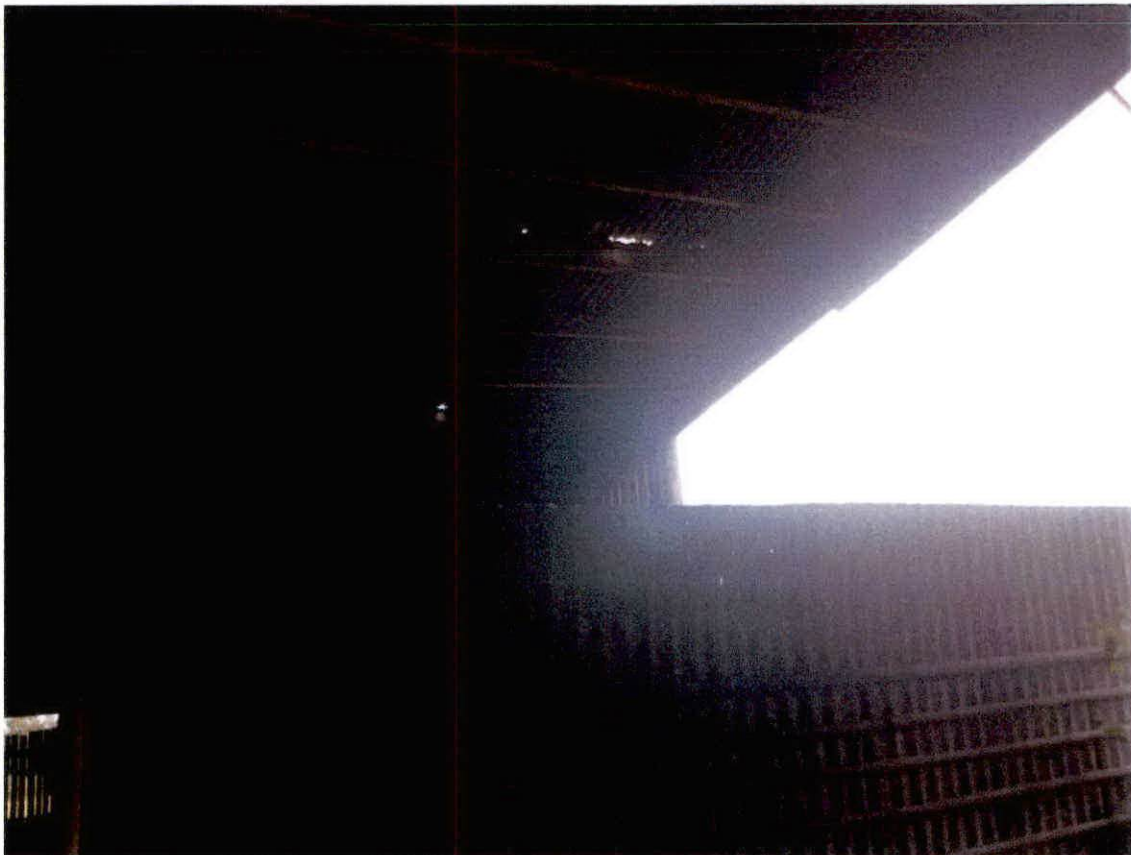
VIEWS FROM MACMILLAN WAY



111
VIEWS FROM NORTH



RELATIONSHIP OF POLE BARN TO STONE BARN, ALSO SHOWING
POOR CONDITION OF POLE BARN



POLE BARN INTERIOR AND DISTANT VIEW OF POLE BARN





**COTSWOLD
DISTRICT COUNCIL**

**COTSWOLD DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990**

REFUSAL OF PLANNING PERMISSION

Agent
Andrew Miles
Trull
Tetbury
Glos
GL8 8SQ

Applicant
David Morris
Nesley Farm
Nesley
Tetbury
Glos
GL8 8UA

**Conversion of barn to dwelling at Dutch Barn At Nesley Farm Nesley
Tetbury Gloucestershire GL8 8UA**

**APPLICATION REF: 17/04719/FUL
FILE REF: CT.5006/C**

DATE 22nd May 2018

DECISION NOTICE

In pursuance of their powers under the above Act, the Council **REFUSES** permission for the above development for the following reason(s).

1 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.

2 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.

Note: Statement in respect of the positive and proactive approach undertaken by the Local Planning Authority

In accordance with the requirements of paragraphs 186 and 187 of the NPPF, the Local Planning Authority has worked with the applicant(s) in a positive and proactive manner that improve the economic, social and environmental conditions of the area and in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy. Negotiations have, however, been unsuccessful in this case to achieve sustainable development.

Your attention is drawn to the NOTES overleaf.