

**Item No 07:-**

**21/00522/FUL**

**Dutch Barn  
Nr Hookshouse Lane  
Charlton Down  
Tetbury  
Gloucestershire  
GL8 8TZ**

## Item No 07:-

### Conversion of Dutch barn to restaurant/café and associated works at Dutch Barn Nr Hookshouse Lane Charlton Down Tetbury Gloucestershire GL8 8TZ

<b>Full Application 21/00522/FUL</b>	
Applicant:	Mr David Morris
Agent:	SE Architecture
Case Officer:	David Ditchett
Ward Member(s):	Councillor Richard Norris
Committee Date:	8th December 2021
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

#### Main Issues:

- (a) Principle of Development
- (b) Design and Impact on the Non-Designated Heritage Asset (NDHA)
- (c) Design and Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB)
- (d) Impact on Residential Amenity
- (e) Highway Safety and Parking Provision
- (f) Impact to Biodiversity and Trees
- (g) Other Matters

#### Reasons for Referral:

The Ward Member (Councillor Norris) requested determination by the Planning and Licensing Committee. He provided seven reasons for referral. Whilst reasons provided by Cllr Norris relating to the principle of the conversion established by Permitted Development Rights were not substantive, he also provided the following planning reasons in relation to visual impact, design and setting:-

- The application does not.....maintain the original features of the building (barn and lean to) as one;
- The proposals (enclosed café with walls, doors, windows, etc) would be alien to the rural location, harming the character of the original agriculture building(s);
- Whilst attention and alterations have been made to the road side elevations, the site as a whole and the Dutch barns south elevation relationship with the non-designated heritage asset will be against maintaining the character and setting; and
- The café with south openings.....will severely impact the non-designated heritage asset.

#### I. Site Description:

1.1 The site is located on the south side of an unnamed lane, which feeds onto Hookshouse Lane. The site is approx. 2.2km 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 east, which is, in turn, accessed via the unnamed lane.

1.2 The Dutch barn is of steel frame construction and is arranged over a broadly southeast- northwest 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 6.7m 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.

1.3 Immediately to the south of the Dutch barn is a stone barn, which is not within the ownership of the applicant. Officers consider the stone barn to be a non-designated heritage asset owing to its age and construction. The access from the north and parking area are 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. To the northeast are two residential properties, Nesley Down (40m away) and Hooks House (115m away).

1.4 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

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

19/02477/OPANOT: Notification under Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class R for change of use of agricultural building to Class A1 (shop) and Class 3 (restaurant and cafe). Prior approval not required 15.08.2019

18/03198/FUL: Conversion of barn to single storey dwelling (revised scheme). Refused 14.11.2018

17/04719/FUL: Conversion of barn to dwelling. Refused 14.06.2018

16/03751/FUL: Conversion of barn to form dwelling. Refused 17.11.2016

10/01692/FUL: Erection of a replacement fodder/grain/machinery store. Permitted 18.06.2010

## **3. Planning Policies:**

NPTTP2 Pol 2 : Tetbury's Townscape & Character

NPTTP4 Pol 4 : RoW Network & Leisure routes

NPTTP9 Pol 9 : Mature & landmark trees

TNPPF The National Planning Policy Framework

EC1 Employment Development

EC3 All types of Employment-generating Uses

EC5 Rural Diversification

EC6 Conversion of Rural Buildings

EC10 Tourist Facilities & Visitor Attractions

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment  
EN4 The Wider Natural & Historic Landscape  
EN5 Cotswolds AONB  
EN7 Trees, Hedgerows & Woodlands  
EN8 Bio & Geo: Features Habitats & Species  
EN12 HE: Non-designated Heritage Assets  
EN13 HE:Conv'n of non-domestic historic bldgs  
EN14 Managing Flood Risk  
EN15 Pollution & Contaminated Land  
INF3 Sustainable Transport  
INF4 Highway Safety  
INF5 Parking Provision  
INF7 Green Infrastructure

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

4.1 Tree Officer: Comments incorporated within Officer's Assessment.

4.2 Drainage Engineer: No objection. Condition recommended

4.3 Initial comment:

Highways Officer: Initially objected to the scheme in relation to conflict with other road users, substandard access, reliance upon vehicular private car travel, and that the site is in an unsustainable location.

4.4 Revised comment:

Highways Officer: No objection. Conditions recommended

4.5 Conservation Officer: Comments incorporated within Officer's Assessment.

4.6 Landscape Officer: Comments incorporated within Officer's Assessment.

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

5.1 Tetbury Upton Parish Council: No objection

#### **6. Other Representations:**

6.1 25 third party Objections were received relating to:

- Highway safety;
- Concern regarding lorry deliveries;
- Proposal will attract significant visitors;
- Noise impacts;
- Condition of the unnamed road;
- Poor access;
- Insufficient parking;

- Should be restricted to 9-5 and not allowed to open at night;
- Increased risk of accidents to all road users;
- Design;
- Light pollution;
- Impact to AONB;
- Littering;
- Lack of need for the proposal;
- Isolated location;
- Not a conversion;
- Impact to the barn;
- Contrary to Local Plan Policies EC2/EC5/EC6/EC10/EN1/EN4/EN5 and EN8;
- Impact to biodiversity;
- Is not sustainable development;
- Previous refusals at the site;
- Overdevelopment;
- Loss of privacy;
- Errors in the application documents; and
- Change in stance from the Highways Officer

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

Protected Species Assessment  
 Design and Access Statement  
 Planning Statement  
 Structural Survey

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

### **Proposed Development and Background**

8.1 The applicant seeks full planning permission for the conversion of a Dutch barn to restaurant/café and associated works.

8.2 Planning Permission to convert the barn to a dwelling was refused under Delegated Powers in November 2016 (Ref. 16/03751/FUL). The refusal reasons were as follows:

*"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 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.

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 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."

8.3 A further application to convert the barn to a dwelling was refused by the Planning Committee in June 2018 (Ref. 17/04719/FUL). The refusal reasons were as follows:

"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."

8.4 A further application to convert the barn to a dwelling was refused by the Planning Committee in June 2018 (Ref. 18/03198/FUL). The refusal reasons were as follows:

*"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 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.*

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

8.5 In 2019, the applicant submitted a Prior Approval application (Ref. 19/02477/OPANOT) to the Council to ascertain whether the proposal meets the conditions set out in Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 to enable the change of use of the building to 'a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order'.

8.6 Following the Prior Approval application in 2019, Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 was updated following the change to the use classes in September 2021 and now reads 'to a flexible use falling within one of the following provisions of the Use Classes Order—

- (a) Class B8 (storage or distribution) of Schedule 1;
- (b) Class C1 (hotels) of Schedule 1; or
- (c) Class E (commercial, business or service) of Schedule 2.'

8.7 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 sets out what can be taken into consideration when an applicant proposes to utilise Class R to change the use of a building. Paragraph R.3 (1) (a) of Class R is quite clear what should be taken into consideration when assessing a proposal against Class R criteria. For a building that exceeds 150sqm, this is limited to the transport and highways impacts of the development; noise impacts of the development; contamination risks on the

site; and flooding risks on the site. For buildings under 150sqm, (the building that is the subject of this application is approximately 130sqm) these impacts are not able to be assessed. The only information required is the date the site will begin to be used for any of the flexible uses; the nature of the use or uses; and a plan indicating the site and which buildings have changed use.

8.8 Prior Approval application (Ref. 19/02477/OPANOT) was assessed by the Council and found that, as the building in question does not exceed the cumulative floor space of 150 square metres stated in paragraph R.3 (1) (a), the prior approval of the Council is not required. The building therefore benefits from a permitted change of use to a flexible use within B8 (storage or distribution), C1 (hotels), or Class E (commercial, business or service) as set by national Permitted Development rights.

8.9 It is important to note that Class R in isolation does not make provisions for the conversion or alterations to the building. Any material alterations to the building must be the subject of a separate planning application. As alterations to the building are required to facilitate the change of use, the current application is necessary.

8.10 The submitted information shows that an air source heat pump would be fitted to the building (a ground source heat pump may be fitted instead, but this is dependent on feasibility). Rain water is proposed to be harvested to supply 'grey water'.

8.11 The initial iteration of the scheme proposed a number of openings throughout the building as well as large expanses of Cotswold stone walling. The openings were reduced in number and the use of Cotswold stone walling reduced following feedback from officers.

#### **(a) Principle of development**

8.12 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.'

8.13 In this instance, a significant material consideration is Prior Approval application (Ref. 19/02477/OPANOT). As noted, the Council assessed the building against the Town and Country Planning (General Permitted Development) (England) Order 2015 and found that the change of use does not require prior approval and therefore it already benefits from the planning permission granted by the national Permitted Development rights. To that end, the principle of the change of use to restaurant/café has already been established.

8.14 For clarity, due to the flexibility allowed by the use of the Permitted Development rights, whether the extent of physical alteration (operational development) required to facilitate the change of use falls beyond what could be classed as a conversion, which would normally be a material consideration, carries little weight for the assessment of this current application following the outcome of the Prior Approval process. Local Plan Policies relating to the conversion of buildings, such as those applied to the previously refused applications to convert the building to a dwelling at the site (previous Policy 28), and the currently adopted Policies EC6 (which requires the building to be structurally sound and capable of conversion without significant alteration or extension) and EN13 should not be applied to this case, as to do so would be deemed to unreasonably inhibit the use of Class R of the GPDO. Indeed, as



set out in the appeal decision (PINs Ref. 3188502) resulting from the refusal of Cotswold District Council application (Ref. 17/02087/FUL), an application which related to the same part of the GPDO to the scheme before the Council today. The Inspector stated (paragraph 20) that 'the aspects of [Local Plan] Policy that would fundamentally inhibit the use of the building for its intended purpose under Class R cannot be given any significant weight as the change of use has already been granted'.

8.15 The assessment above also applies to whether the building is in a sustainable location. Local Plan Policies, such as EC3 (Proposals for all types of Employment-Generating Uses), EC5 (Rural Diversification) and EC10 (Development of Tourist Facilities and Visitor Attractions), which seek to control the location of employment, tourism or rural diversification schemes, are therefore again unable to inform the current application in this instance. Indeed, by meeting the provisions of Class R, there is a presumption that operational development will soon follow to allow the use to be implemented.

8.16 To summarise, therefore, the principle of development is established by virtue of the existing change of use permission granted under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015. While the principle is established, a further assessment with regard to the design and impact on the AONB, the non-designated heritage asset, residential amenity, trees, biodiversity and highway safety and parking provision is nevertheless required and this is completed in this report as follows.

#### **(b) Design and Impact on the Non-Designated Heritage Asset**

8.17 Policy EN1 of the Local Plan states that new development should conserve the historic environment by ensuring the protection and enhancement of heritage assets and their settings, and that the design of proposals should complement the character of the area.

8.18 Policy EN2 states that development should accord with the Cotswold Design Code and that proposals should respect the character and distinctive appearance of the locality. The following paragraphs of the Design Code are particularly relevant to this proposal:

- New buildings should be carefully proportioned and relate to the human scale, and to their landscape or townscape context (paragraph D.16);
- Excessive or uncharacteristic bulk should be avoided. New buildings should generally not dominate their surroundings, but should complement the existing structures or landscape, and sit comfortably within their setting (paragraph D.17);
- The height of new buildings should respond to the local context, for example forming a gentle transition from open countryside to settlement edge (paragraph D.18);
- The massing and elevation of buildings of contemporary design should be broken, to avoid a brutal or monolithic appearance (paragraph D.31); and
- Key Consideration 4 addresses large commercial, industrial and agricultural buildings.

It advises that the highest quality of detailing and materials, making strong local references, would be expected in sensitive settings. It also advises that buildings should not dominate their surroundings, and that low profiles and broken massing should be considered.

8.19 The stone barn to the south east of the site is present on 1843-1893 historic OS Maps. It is of solid stone construction and is considered to be a non-designated heritage asset (NDHA).

8.20 Policy EN12 states that a proposal that affects a non-designated heritage asset would be permitted where it is designed sympathetically, having regard to the significance of the asset. The accompanying information lays down a series of criteria for selection as a non-designated heritage asset (based upon Historic England criteria), which includes architectural interest, historic interest, representativeness, group value, and sense of completeness.

8.21 With regard to national policy, section 12 of the NPPF reiterates that achieving a high quality of design for places and building is fundamental to the planning process. Section 16 of the NPPF requires local planning authorities to take account of the desirability of sustaining or enhancing the significance of heritage assets'. Paragraph 203 states that, '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'.

8.22 Tetbury and Tetbury Upton Neighbourhood Plan 2015-2030 Policy 2 (Enhancement of Tetbury's Townscape and Character) states 'Development Proposals will be required to pay regard to the Tetbury Townscape and Character Assessment Report 2016 and the Cotswold Design Guide 2000 and any future adopted update to the Cotswold Design Guide'.

8.23 The site is occupied by an existing Dutch barn and lean-to pole barn. The site is enclosed on the eastern boundary by mature trees and an existing stone barn encloses part of the southern boundary. The site adjoins a residential boundary to the east, a rural carriageway to the north-west and open agricultural land to the west and south.

8.24 Whilst the proposal is for the conversion of the existing Dutch barn to restaurant/café, the pole barn is not part of the conversion, but would be reduced in size. The existing access would be utilised and the yard would be surfaced with gravel hardstanding to accommodate parking for 6 cars.

8.25 The north, east and west elevations of the Dutch barn remain blank (except for the recessed entrance doors on the east elevation) and are clad in corrugated steel and timber boarding to match the existing barn (corrugated cementitious sheet roofing, also to match the existing barn, is proposed for the roof). The proposed materials and simplicity of design therefore retain its agricultural character and appearance as well as preserving the setting of the adjacent stone barn as a non-designated heritage asset in this regard.

8.26 However, on the south elevation, the lower section of walling remains as natural Cotswold stone, which is not characteristic of this type of building. However, it is of course characteristic of the District. Therefore, while a more appropriate material could be further explored, it is the opinion of officers that the use of stonework, on balance, does not warrant a recommendation of refusal. In addition, the retention of the section of pole barn will essentially mask this elevation including the large door openings, thereby preventing light spill.

8.27 The area proposed for parking and the existing access are proposed to have gravel surfacing and that material will be secured by condition to be of a Cotswold stone colour.

Officers are satisfied that the parking area would relate to the context of the site and the setting of the stone barn.

8.28 The Conservation Officer raised concerns with regard to the proposed development and its impact upon the future potential use of the stone barn which is in separate ownership, and requested further information in relation to that impact. However, both the Conservation Officer and Case Officer are satisfied that the operational development to the Dutch barn and the parking area/access is acceptable and would not harm the setting of the NDHA. As noted in the 'principle of development' section above, this application relates solely to the operational development (as the principle is acceptable) and the operational development is not harmful to the NDHA.

8.29 Overall, the design of the building and the landscaping of the wider site would be agricultural in nature, would be constructed from suitable materials and would integrate successfully into the site and its surroundings. The operational development would not harm the setting of the nearby stone barn as a NDHA, the character of the Dutch barn, nearby built form, or the wider area and therefore accords with Local Plan Policies EN1, EN2, EN12 and Sections 12 and 16 of the NPPF and is acceptable in regards to design, appearance and heritage impacts.

### **(c) Design and Impact on the Cotswolds Area of Outstanding Natural Beauty**

8.30 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

8.31 Policy EN4 of the Local Plan states that 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. This policy requires that 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, settlement patterns and heritage assets.

8.32 Policy EN5 of the Local Plan states that 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.

8.33 Paragraphs 174 and 176 of the NPPF reflect Local Plan Policies EN4 and EN5 respectively.

8.34 The site is located within Landscape Character Type (LCT) '9D High Wold Dip Slope: Cotswold High Wold Dip-Slope' as defined in the Cotswolds Conservation Board's 'Landscape Character Assessment' and 'Landscape and Strategy Guidelines'.

8.35 The ethos behind the conversion is to re-use the building in a manner that preserves its functional character, and respects its form and features. The retention of a blank elevations to the north and west elevations, and the limited openings in the east elevation, and the cladding in steel sheeting and timber is considered to preserve its functional character and thus agricultural appearance within the AONB.

8.36 While large panels of glazing are proposed to the south elevation, these would be concealed by the pole barn, which will help to reduce the glint and glare in the day and light spill in winter evenings.

8.37 The landscaping of the wider site with gravel and limited paving is acceptable.

8.38 Officers are mindful of previous refusals at the site relating to design and the impact to the AONB. However, the previous schemes were overtly domestic in appearance, with domestic openings, and a redevelopment of the wider site to residential curtilage (and garden). The current scheme is found to retain the existing agricultural appearance, and notwithstanding the use (as the use is acceptable and cannot be compared to previous applications) is a more sensitive overall development.

8.39 Overall, it is considered that the proposed development will not have an adverse impact on the character or appearance of the Cotswolds AONB. The proposal is considered to accord with Local Plan Policies EN1, EN4 and EN5 and paragraphs 174 and 176 of the NPPF.

#### **(d) Impact on Residential Amenity**

8.40 Policy EN2 of the Local Plan supports development that accords with The Cotswold Design Code (Appendix D within the Local Plan). The Cotswold Design Code requires extensions to respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing impact.

8.41 Local Plan Policy EN15 seeks to ensure development does not result in pollution or the generation of noise or light levels.

8.42 In part, paragraph 130 of the NPPF ensures that development create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

8.43 The closest residential property (Nesley Down) is located 40m to the east of the Dutch Barn and the barn is not proposed to increase in size (beyond the modest increase resulting from the cladding and new roof). In addition, new openings are only on the ground floor. As such, loss of privacy, overlooking, loss of light, overbearing or overshadowing impacts to the occupiers of Nesley Down are unlikely. In addition, the separation distance of 95m between the site and the next nearest dwelling (Hooks House) equally means that the aforementioned impacts are unlikely to the occupiers of Hooks House.

8.44 Of note is that the proposed car parking area would be located 25m from Nesley Down itself, but only 15m from the rear garden serving Nesley Down. The café/restaurant will result in an increase of vehicular, pedestrian and cycle movements to and from the site in close proximity to nearby dwellings. The vehicular, pedestrian and cycle movements to and from the site may result in some views into the rear garden of Nesley Down via the parking area. They may also result in some noise and disturbance to the occupiers of nearby dwellings, especially when considering the 'quiet lane' designation of the unnamed road to the north as set out in Policy 4 'Protection and enhancement of the Rights of Way Network and Leisure Routes' of The Tetbury and Tetbury Upton Neighbourhood Plan 2015-2030. However, as

visitors will attend the site to make use of the service offering, these impacts relate directly to the use of the building, rather than to the operational works to convert the building.

8.45 Officers are satisfied therefore that the proposal is not considered to result in harm to the residential amenity of the occupiers of nearby dwellings.

**(e) Highway Safety and Parking Provision**

8.46 Local Plan Policy INF3 supports development that actively supports travel choices with priority to walking and cycling and access provided to public transport. Links with green infrastructure, PROWs and wider cycle networks should be provided. Development that would have a detrimental effect on the amenity of existing infrastructure will not be permitted.

8.47 Local Plan Policy INF4 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.

8.48 Local Plan Policy INF5 seeks to ensure sufficient parking provision to manage the local road network.

8.49 With regard to national policy, section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.

8.50 Tetbury and Tetbury Upton Neighbourhood Plan 2015-2030 Policy 4 (Protection and enhancement of the Rights of Way Network and Leisure Routes) states 'The protection, extension and enhancement of the existing public rights of way network, indicated in Figures 11 and 12, will be supported'.

8.51 The Gloucestershire County Council Highways team initially objected to the scheme and advised that the application should be refused in relation to conflict with other road users, substandard access, reliance upon vehicular private car travel, and that the site is in an unsustainable location. Following this initial consultation response, the Case Officer provided the Highways Team with the appeal decision (PINs Ref. 3188502) resulting from the refusal of Cotswold District Council application (Ref. 17/02087/FUL). This appeal decision reaffirms that where a Class R change of use is in place, concerns relating to the sustainability of the location carries little weight, as the change of use is already agreed by virtue of the GPDO. Moreover, if an application is subsequently submitted for operational development relating to the approved change of use, it is only the operational development that can be taken into consideration. It is important to note that the access is as exists and is not proposed to fundamentally change, but it is proposed to be surfaced.

8.52 As noted, the Dutch barn is approximately 130sqm. This is below the 150sqm limit set by the GPDO which would trigger additional material considerations, as previously explained, and as such, noise, contamination, flood risk and importantly, transport and highways impacts are already acceptable by virtue of the extant change of use for a building of this size under Class R of the GPDO. The Case Officer communicated this point to the

Highways Officer who subsequently revised the formal comment from 'objection' to 'no objection' and recommended conditions relating to improving the access and to securing the car/vehicle parking area (and turning space) shown on the submitted site plan.

8.53 Officers are aware that the unnamed lane is somewhat narrow, and lacks many formal passing places. Officers have also read all of the objections relating to highway safety, parking provision and the conflict between cyclists, pedestrians, and private and delivery vehicles. Officers understand the points raised and have taken them all into consideration. However, national policy is clear in that, by virtue of the Permitted Development criteria under Class R, a development of this size is acceptable in relation to transport and highways impacts. Thus the proposed development is acceptable in transport terms.

#### **(f) Impact to Biodiversity and Trees**

8.54 Local Plan Policy EN7 (Trees, Hedgerows and Woodlands) states:

1. Where such natural assets are likely to be affected, development will not be permitted that fails to conserve and enhance:

- a. trees of high landscape, amenity, ecological or historical value;
- b. veteran trees;
- c. hedgerows of high landscape, amenity, ecological or historical value; and/or
- d. woodland of high landscape, amenity, ecological or historical value.

2. Where trees, woodland or hedgerows are proposed to be removed as part of development, compensatory planting will be required.

8.55 Tetbury and Tetbury Upton Neighbourhood Plan 2015-2030 Policy 9 (Protection of Mature and Landmark Trees) states 'Development that damages or results in the loss of ancient trees or hedgerow, or trees of good arboricultural and amenity value, will not be permitted'.

8.56 Policy EN8 of the Local Plan states that 'development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible.'

8.57 A protected species assessment was submitted to support the application, which did not find any nesting bats, birds or other protected species in the barn; but did highlight that little owl(s) and pigeons use the barn. The report also found that the proposed development could affect foraging and commuting bats near to the site due to an increase in light. The report sets out recommendations to mitigate the impact of the proposed development on bats and birds and as this relates to the operational development, these recommendations will be secured by condition.

8.58 For clarity, one of the aforementioned recommendations (specifically 5.2.4) advises to 'design external lighting to only be that which is necessary for people's safety and that illuminates the ground and not the overall environment especially the roadside trees. Use low level and low intensity luminaries, cowls and directional lighting on sensors and timers'. As the submitted protected species assessment finds that the operational development could 'affect foraging and commuting bats due to an increase in light' and that 'bats are sensitive to

light.' This is considered reasonable and necessary and therefore will ensure external lighting at the site has some control.

8.59 There are mature trees to the east of the site of the proposed buildings (including outside the site) that could be affected by operational development. A condition is recommended to secure a tree report to show how these trees will be suitably protected during site works.

#### **(g) Other Matters**

8.60 It is not necessary to restrict the use class of the building, nor is it necessary to restrict permitted development rights. These issues are controlled by the GPDO, due to the fact that a flexible use permitted under Class R is a 'sui generis' use (effectively a use class of its own) and permission is therefore required to change from any sui generis use to any other use. Additionally, permission would be required to extend a building that is in a sui generis use.

#### **9. Conclusion:**

9.1 The recommendation to Permit has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

#### **10. Proposed conditions:**

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

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be implemented in strict accordance with the following approved plans: Location and Site Plans (Unnumbered and Received by the Council on 03/02/2021); Proposed Elevations (Unnumbered and Received by the Council on 14/09/2021); and Proposed Floor Plan (Unnumbered and Received by the Council on 14/09/2021).

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, the detailed design and/or specification of the following items shall be submitted to and approved in writing by the local planning authority.

- a) Window design details (including heads and cills, materials, finishes, and manner of opening);
- b) Door design details (including heads and cills, materials, finishes, and manner of opening);
- c) Rainwater goods, (including materials, sections and finish); and
- d) Boundary (including gates) and surface materials treatments

4. The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall be carried out in accordance with the approved details, and shall be retained as such thereafter.

**Reason:** In light of the above details not being submitted at determination stage for consideration and approval, this condition, which has been agreed with the applicant, is necessary to ensure that the works are completed in a manner sympathetic to the site and its surroundings, in accordance with Policies EN1, EN2, EN4, EN5, and EN12 of the Local Plan and Sections 12, 15 and 16 of the National Planning Policy Framework.

5. Prior to the installation of the cladding of the development hereby approved, samples of the following materials shall be submitted to, and approved in writing by the Local Planning Authority. Only the approved materials shall be used and shall be retained as such thereafter.

- a) Timber cladding;
- b) Corrugated steel cladding; and
- c) Corrugated cementitious sheet roofing

**Reason:** In light of the above details not being submitted at determination stage for consideration and approval, this condition is necessary to ensure that the works are completed in a manner sympathetic to the site and its surroundings, in accordance with Policies EN1, EN2, EN4, EN5, and EN12 of the Local Plan and Sections 12, 15 and 16 of the National Planning Policy Framework.

6. Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority. The walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

**Reason:** In light of the above details not being submitted at determination stage for consideration and approval, this condition is necessary to ensure that the works are completed in a manner sympathetic to the site and its surroundings, in accordance with Policies EN1, EN2, EN4, EN5, and EN12 of the Local Plan and Sections 12, 15 and 16 of the National Planning Policy Framework.

7. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be retained as such thereafter.



**Reason:** In light of the above details not being submitted at determination stage for consideration and approval, this condition, which has been agreed with the applicant, is necessary to ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality in accordance with Local Plan Policy EN14, The Cotswold Strategic Flood Risk Assessment, The National Planning Policy Framework and Planning Practice Guidance.

8. Prior to the first use of the development hereby approved, proposals for the improvement of the site access layout and construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first use of the development hereby approved and shall be retained as such thereafter.

**Reason:** In the interest of highway safety in accordance with Local Plan Policies INF3, INF4 and INF5; and Section 9 of the National Planning Policy Framework.

9. Prior to the first use of the development hereby approved, the car/vehicle parking area (and turning space) shown on the approved site plan shall have been completed and, thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

**Reason:** In the interest of highway safety in accordance with Local Plan Policies INF3, INF4 and INF5; and Section 9 of the National Planning Policy Framework.

10. The development hereby approved shall be completed in accordance with the recommendations in Section 5 of the Protected Species Assessment 2016 (V2. Updated January 2021) Dated 1st February 2021 prepared by CTM Wildlife Ltd. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and all mitigation and enhancement features shall be retained as such thereafter.

**Reason:** To ensure that bats, birds, and reptiles are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Policy EN8 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 174 and 179 of the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

11. Prior to the commencement of the development hereby approved, a simple BS 5837 compliant Tree Protection Strategy shall be submitted to and approved in writing by the Local Planning Authority setting out how the trees within and bordering the development site shall be retained and protected during construction.

**Reason:** In light of the above details not being submitted at determination stage for consideration and approval, this condition, which has been agreed with the applicant, is necessary to safeguard the retained trees in accordance with Cotswold District Local Plan Policy EN7.

12. Prior to the first use of the development hereby approved, a landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show details of all new planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences, gates and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

**Reason:** To ensure the development is completed in a manner that is sympathetic to the site and its surroundings and to enable the planting to begin to become established at the earliest stage practical in accordance with Cotswold District Local Plan Policies EN2, EN4, EN5, EN7, EN8 and INF7; and the National Planning Policy Framework.

13. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

**Reason:** To ensure that the works are completed in a manner sympathetic to the site and its surroundings, in accordance with Policies EN1, EN2, EN4, EN5, and EN12 of the Local Plan and Sections 12, 15 and 16 of the National Planning Policy Framework.

14. The external timber cladding shall be left to silver and weather naturally unless an alternative finish is first submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. The timber cladding shall be retained as such thereafter.

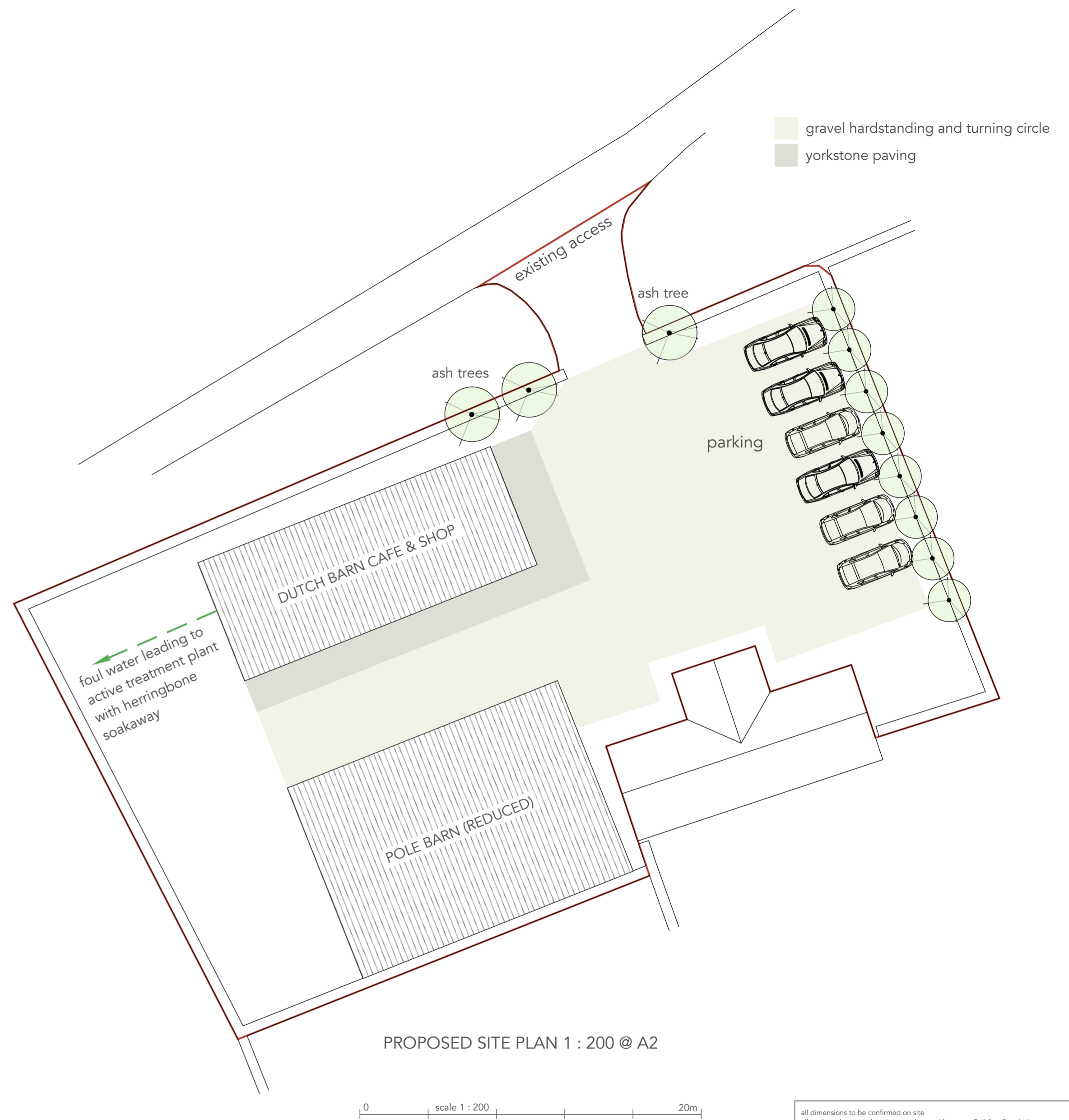
**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policies EN2, EN4, EN5 and EN12, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.



SITE PLAN 1 : 500 @ A2



LOCATION PLAN 1 : 1250 @ A2



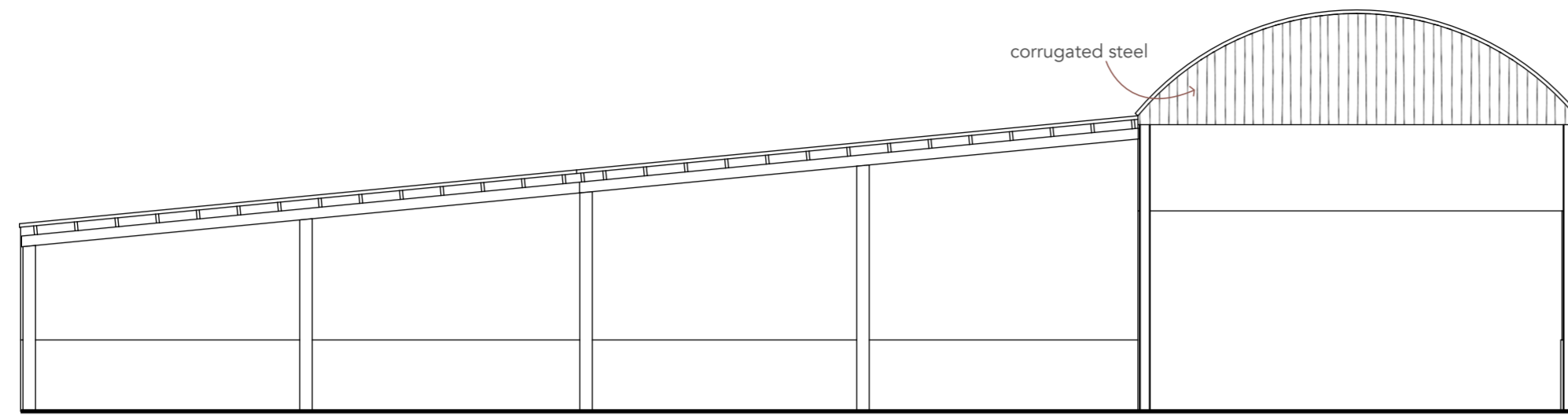
all dimensions to be confirmed on site  
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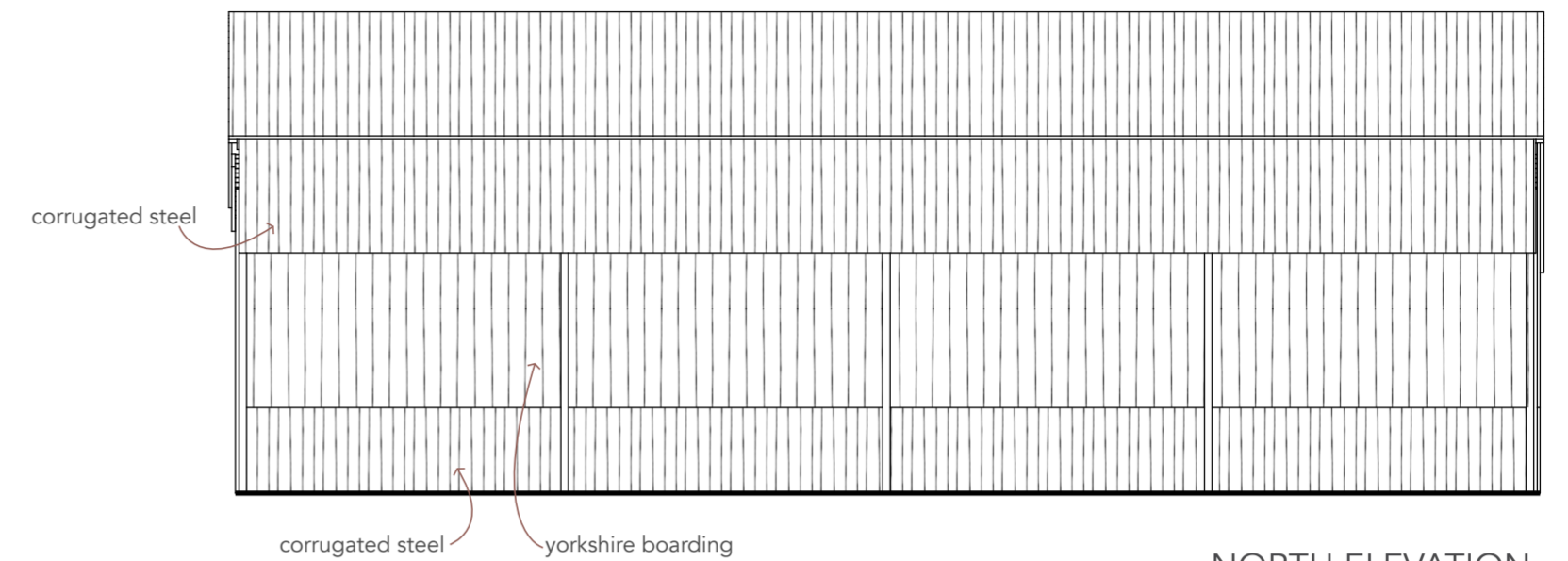
drawing:  
**1 : Location and Site Plans**

February 2021

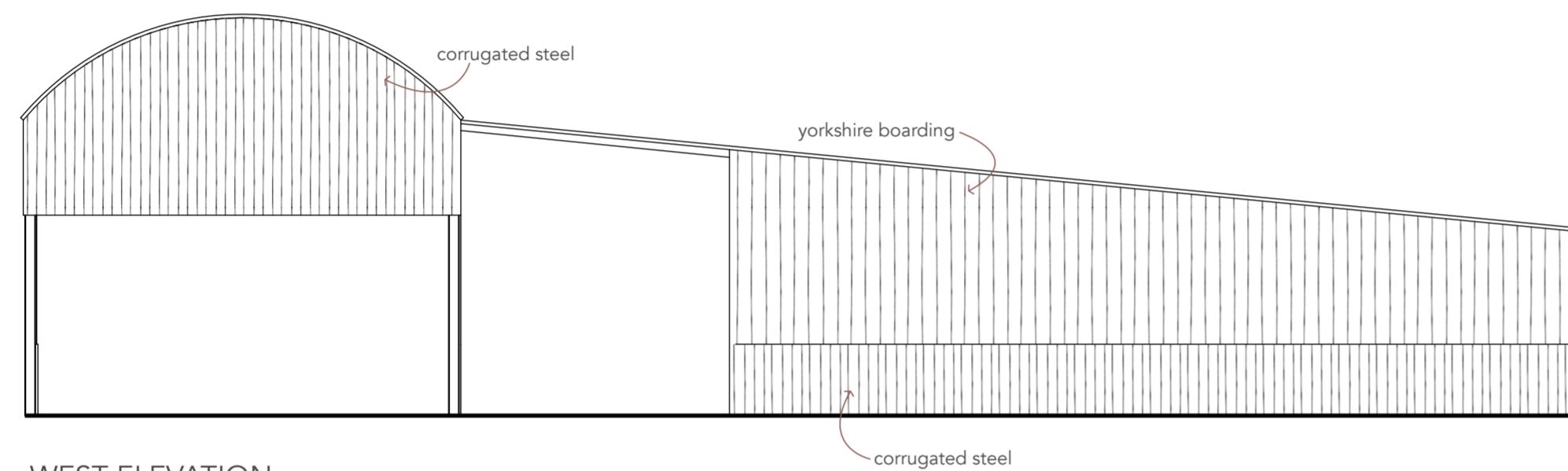
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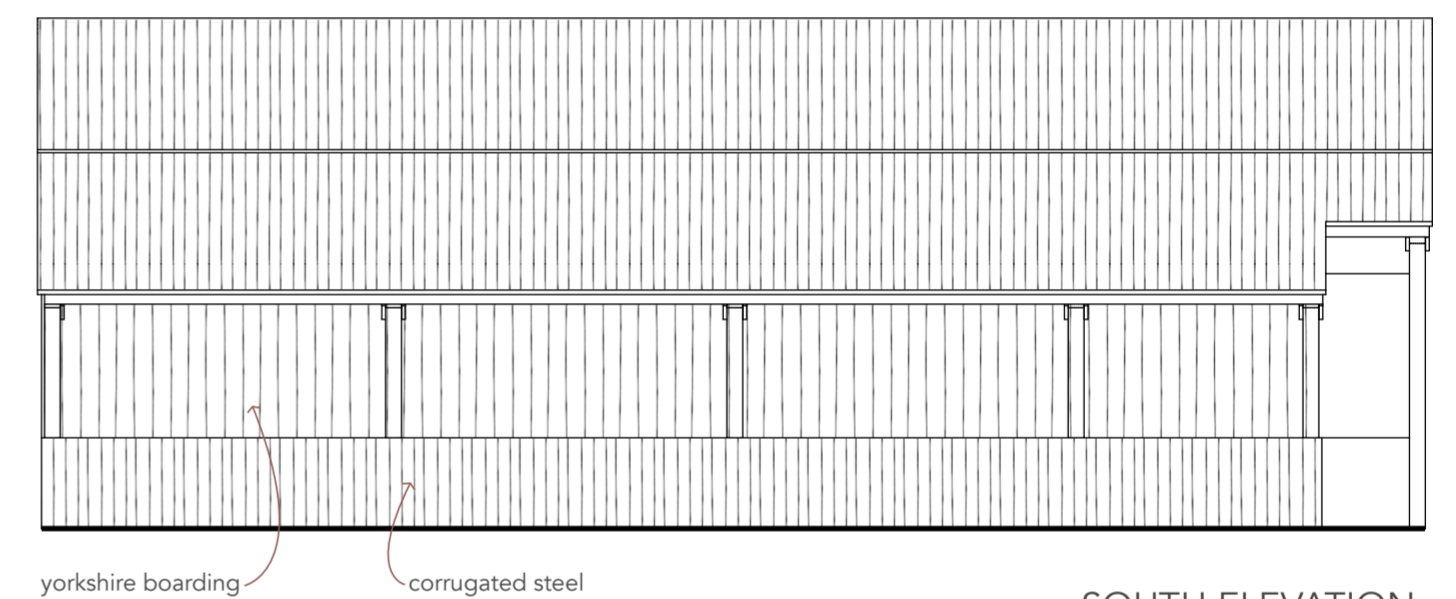
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



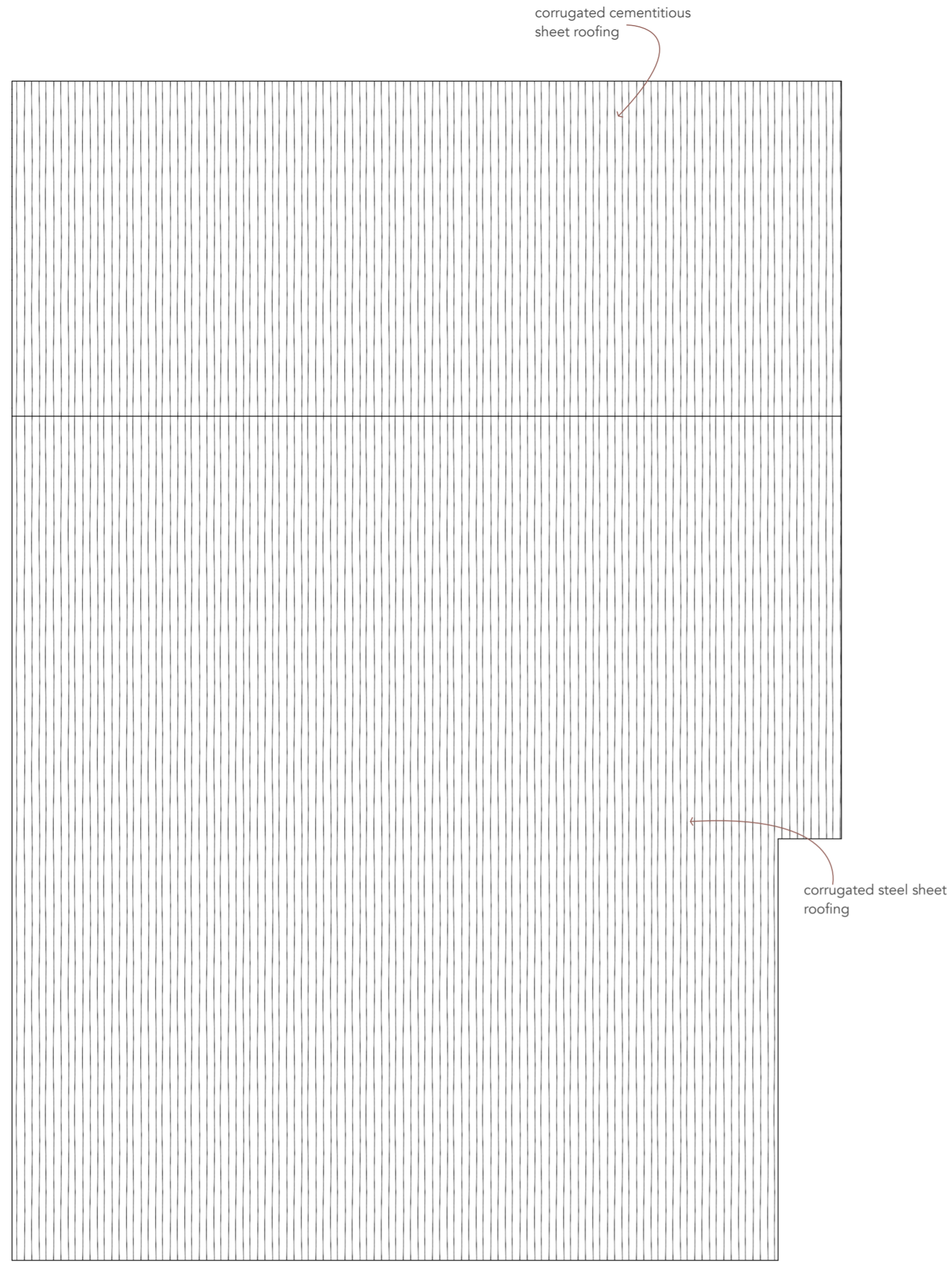
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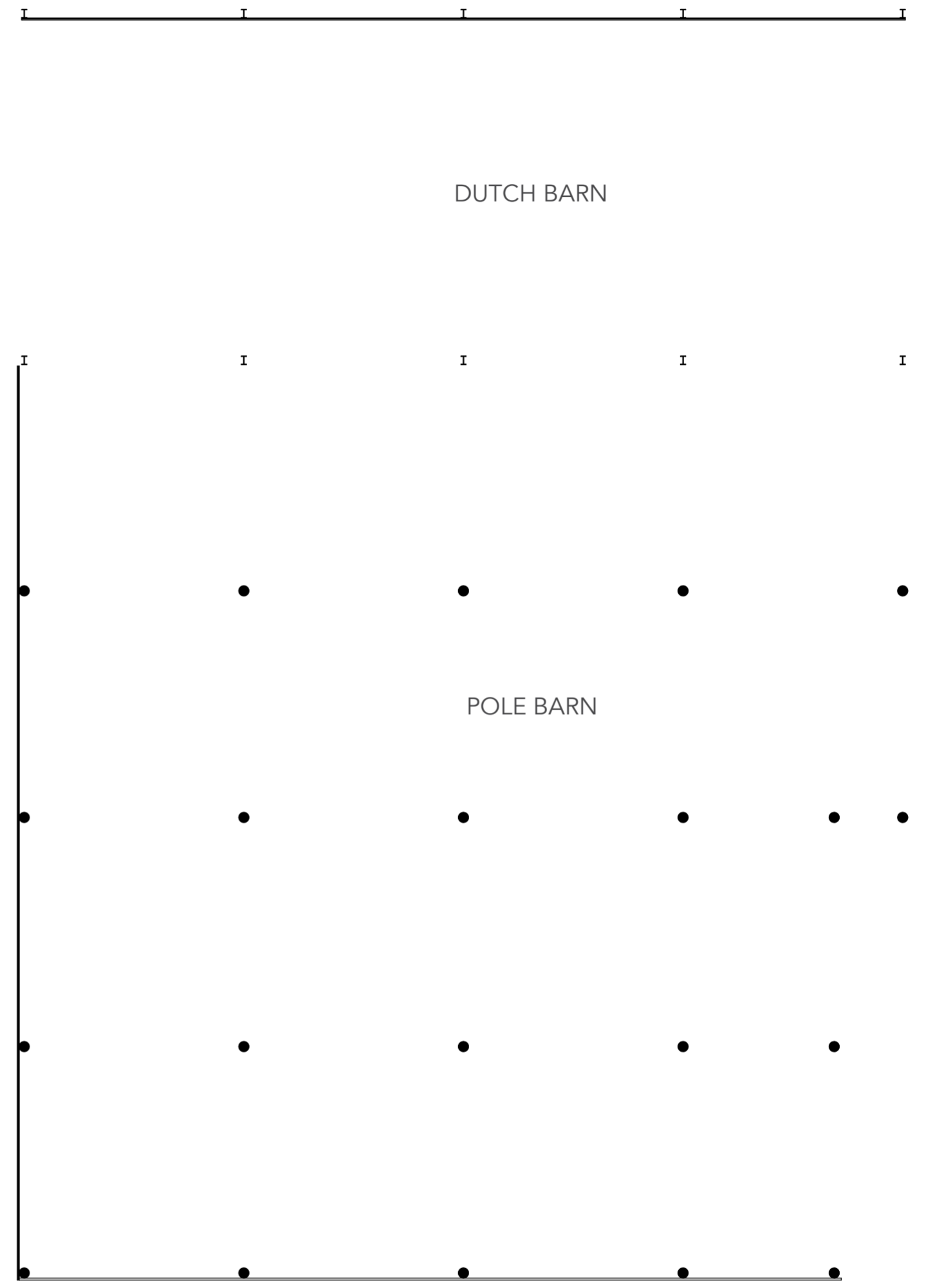
drawing:  
**3 : Existing Elevations  
 1 : 100 on A2**

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ROOF PLAN



GROUND FLOOR PLAN



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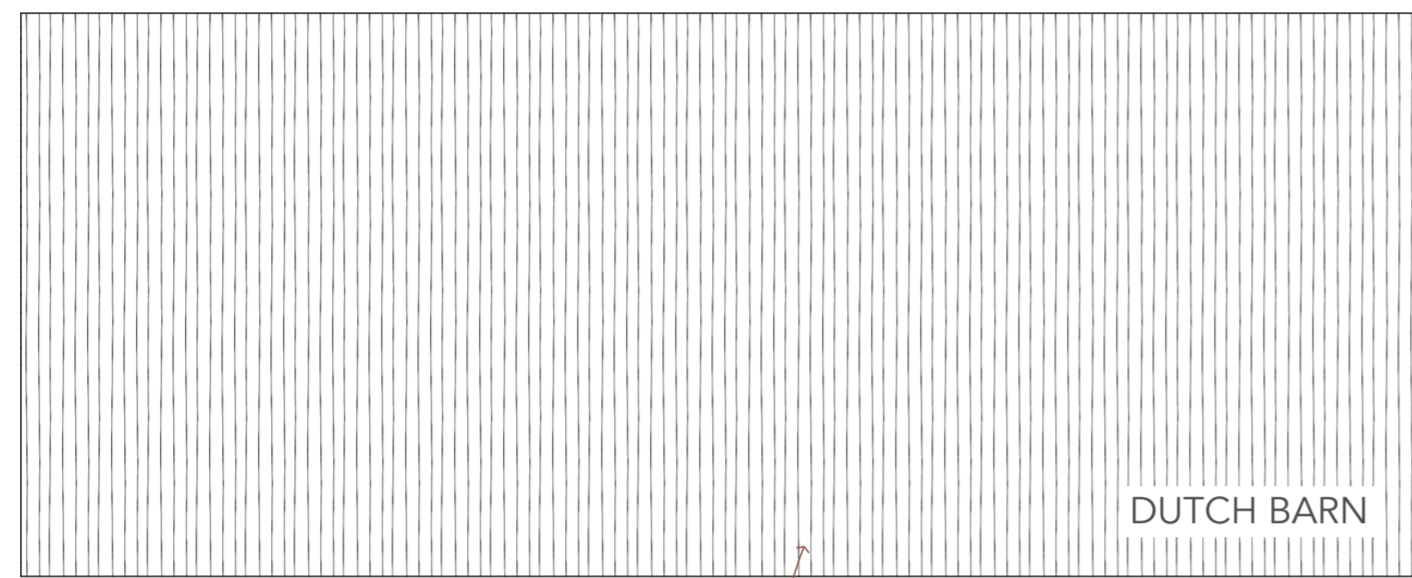
project:  
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 Tetbury. GL8 8UA**

drawing:  
**2 : Existing Plans  
 1 : 100 on A2**

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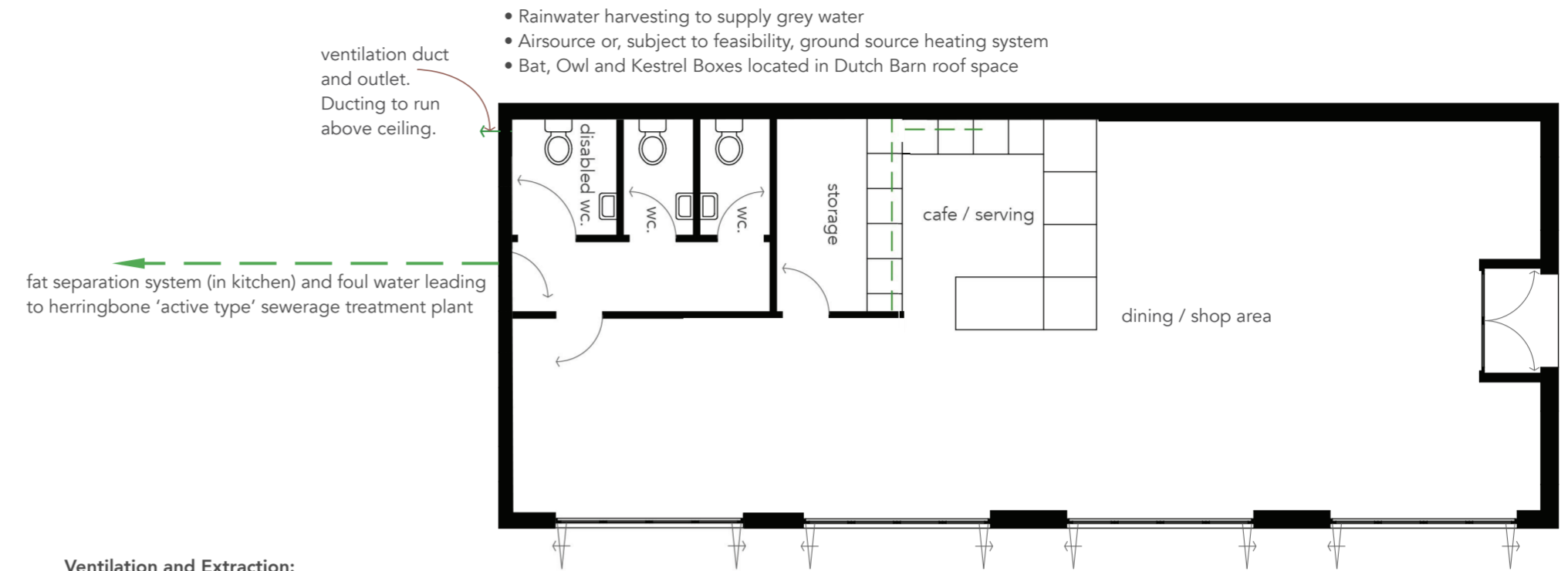




DUTCH BARN

ROOF PLAN

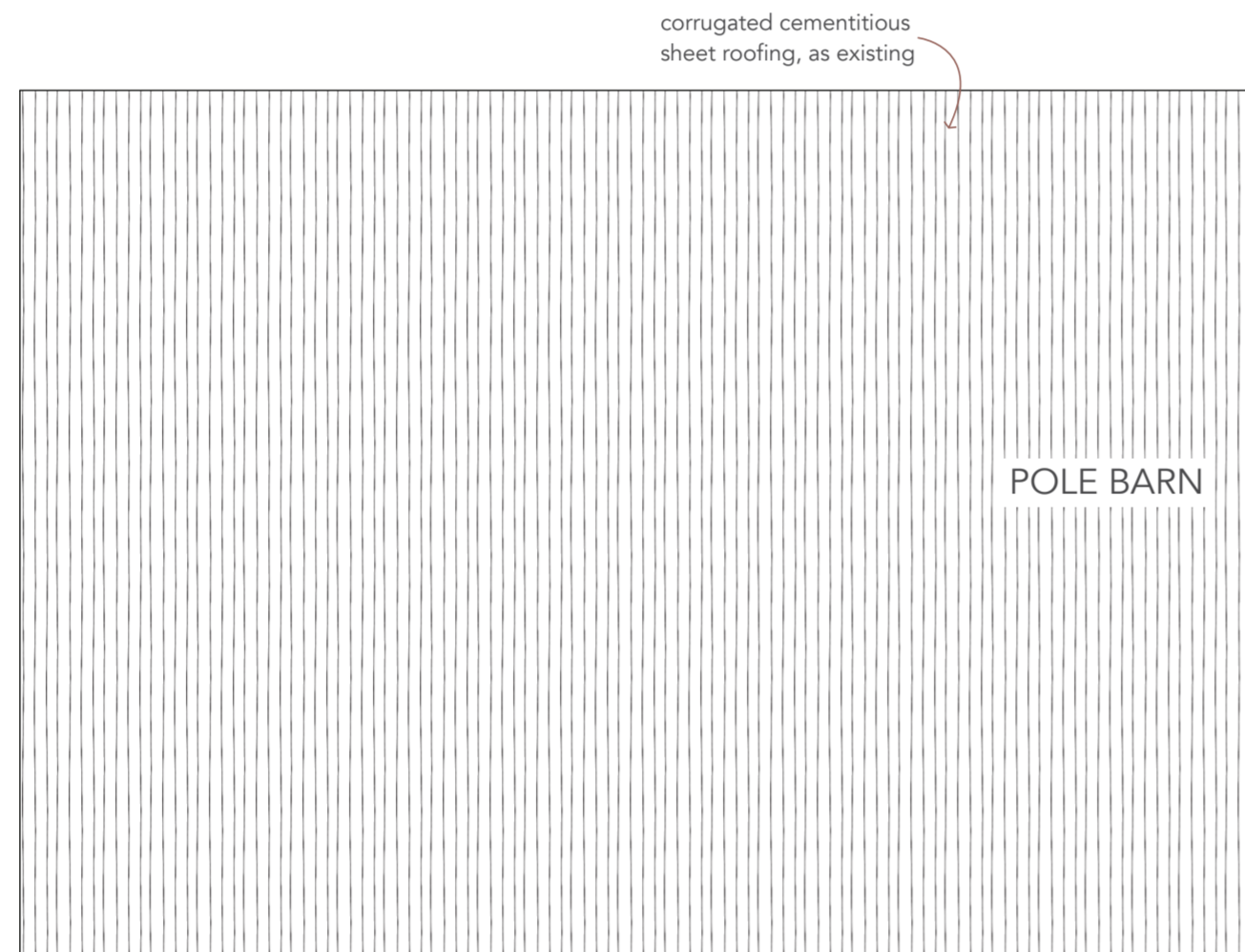
corrugated cementitious sheet roofing, as existing



GROUND FLOOR PLAN

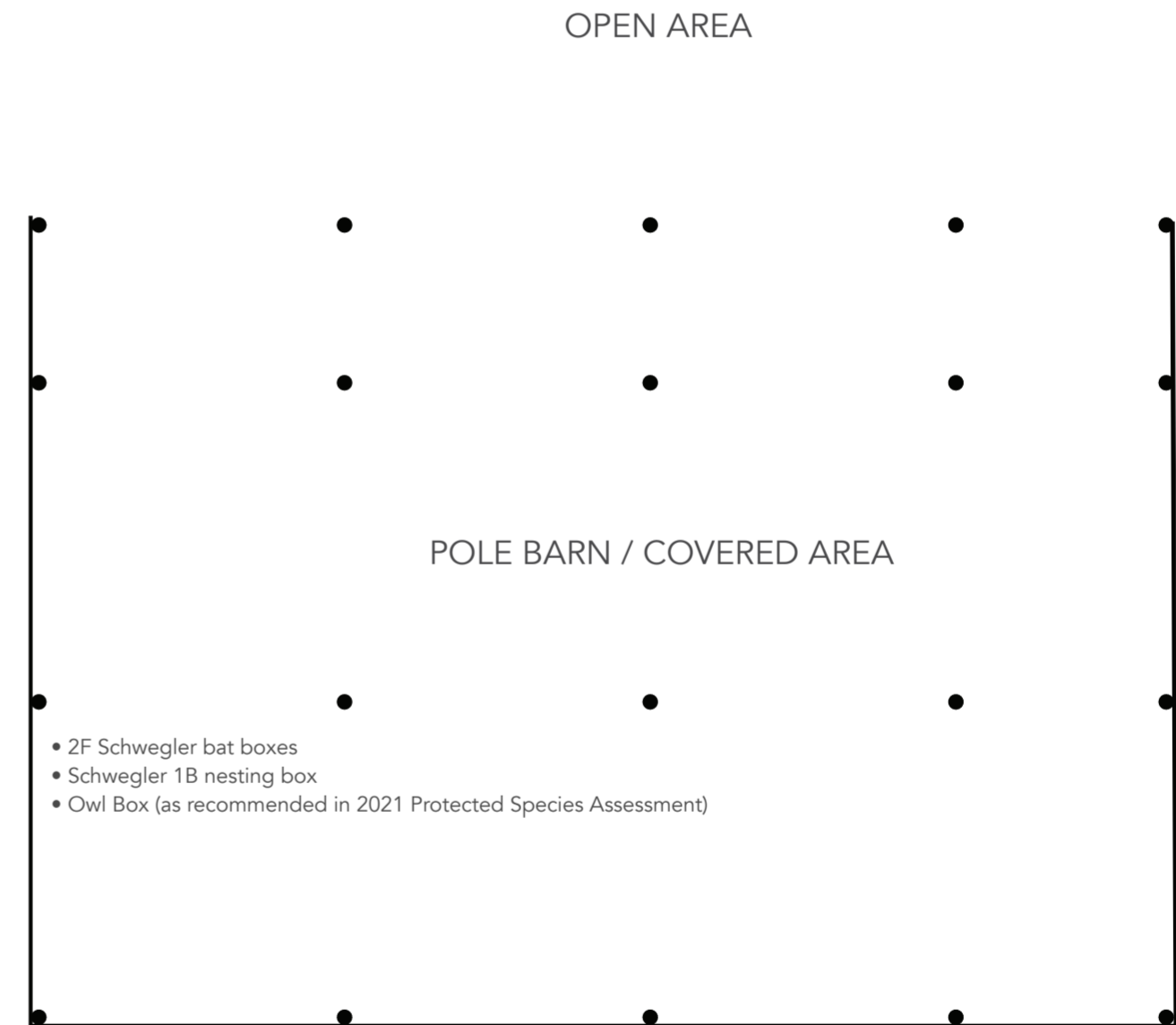
- Rainwater harvesting to supply grey water
- Airsource or, subject to feasibility, ground source heating system
- Bat, Owl and Kestrel Boxes located in Dutch Barn roof space

- Ventilation and Extraction:**  
 Subject to specialist contractor specifications, system to achieve:
- Internal ambient air temperature of max 28°C
  - 70% maximum humidity level
  - NR40-50 internal noise level
  - Stainless steel canopy with medium loading velocity (0.35 m/s)
  - Grease filtration system
  - Carbon and pre-filters
  - Electrostatic precipitation system
  - Inline oxidation system



POLE BARN

corrugated cementitious sheet roofing, as existing



POLE BARN / COVERED AREA

- 2F Schwegler bat boxes
- Schwegler 1B nesting box
- Owl Box (as recommended in 2021 Protected Species Assessment)

OPEN AREA

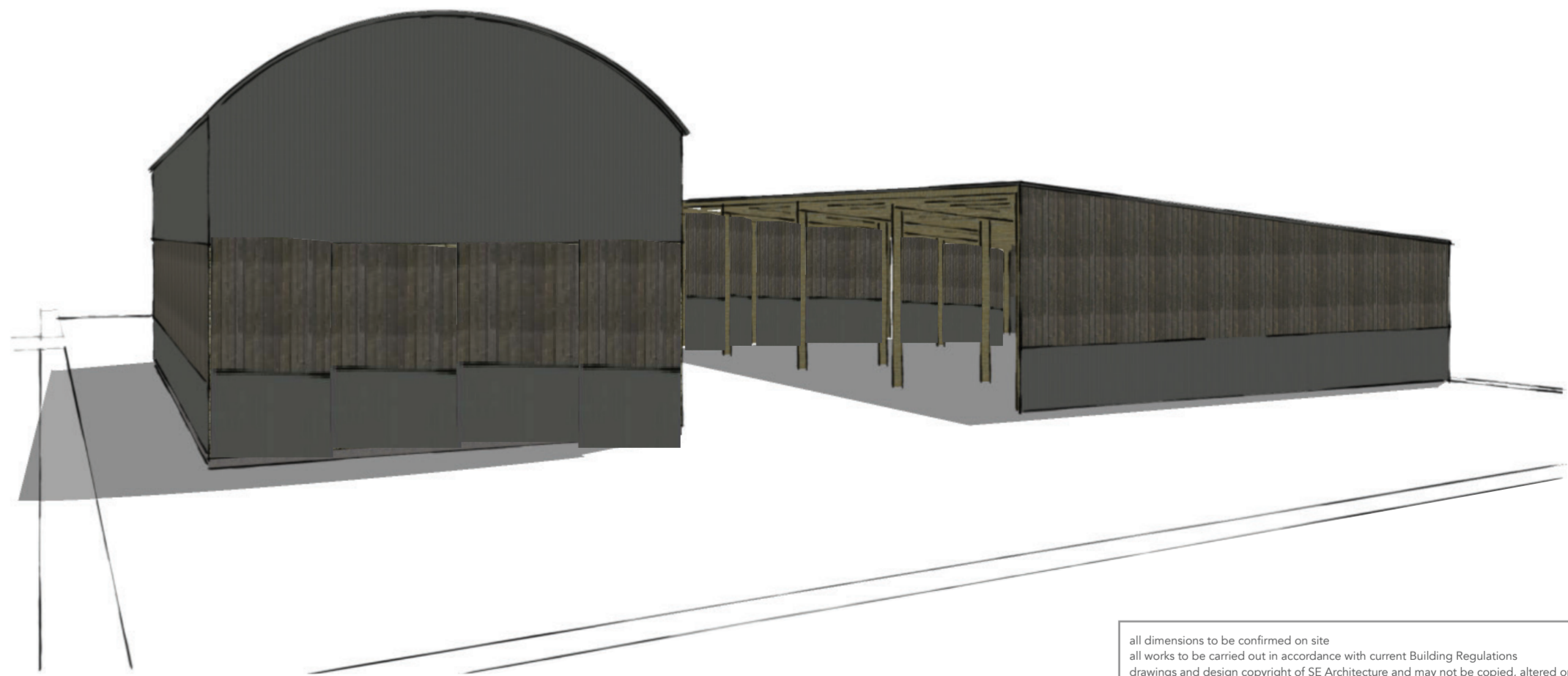


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drawing:  
**4 : Proposed Plans  
 1 : 100 on A2**

February 2021



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project:

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drawing:

**6 : Proposed Sketches**

February 2021