Item No 01:-

22/02519/FUL

Grain Store
5 Old Dowmans Farm
Coberley
Cheltenham
Gloucestershire
GL53 9FF

Item No 01:-

Erection of incidental outbuilding (retrospective) at Grain Store 5 Old Dowmans Farm Coberley Cheltenham Gloucestershire GL53 9FF

Full Application 22/025 9/FUL	
Applicant:	Claire Lewis
Agent:	Benchmark Development Planning Ltd
Case Officer:	Harrison Bowley
Ward Member(s):	Councillor Julia Judd
Committee Date:	7th December 2022
RECOMMENDATION:	PERMIT

UPDATE: This application was deferred at the December 2022 Planning & Licensing Committee Meeting to allow for a Sites Inspection Briefing, to assist Members in their consideration of the application with regard to viewing the potential harm resulting from overdevelopment in the AONB, and view the potential harm from land level changes at the site.

I. Main Issues:

- (a) Design and Impact on Non-designated Heritage Asset
- (b) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (c) Impact on Residential Amenity

2. Reasons for Referral:

2.1 This application has been referred to the Planning and Licensing Committee by the Ward Member (Councillor Judd) for the following reasons:- "I request that this application be put forward to the Planning Review Panel for consideration for the Planning Committee.

The report does not accurately represent the true situation.

Ground level

- 2.2 The report states that "The raised land levels that accommodate the outbuilding are at most 0.3m, and as such, would not have constituted development in planning terms"
- 2.3 Included with the documents under application 17/04117/FUL is a Topographical Survey dated 8 May 2017. A gate is shown across the driveway which existed at that time. The ground levels were similar on both sides of that gate. The infill therefore measures about 1.5 metres in depth. Indeed it is evident with the naked eye that the new stone wall stands some 1.5 metres high and is infilled behind almost to the top. Photographic evidence can be provided to illustrate this if required. This massive raising of ground level magnifies the dominating and awkward presence of the building and its incongruity of place.

Permission for additional structures

- 2.4 The decision notice for the original application 17/04117/FUL included at paragraph 3, a condition that "no extensions, openings, structures or means of enclosure shall be erected, constructed or sited in the buildings/application site other than those permitted by this decision notice"
- 2.5 This is an important condition and it has not been explained why it was omitted from the decision notice for application 18/02120/FUL yet it should still be applied. The omission of this condition leaves the development open to inappropriate expansion and cluttering subsequent to 22/03399/FUL.
- 2.6 This should be reviewed urgently to correct the omission so that this condition can be applied, together with a reassessment of this application.

Impact on adjacent residential amenity

- 2.7 The Officer refers to the impact on Dowmans Farm, stating that "the development abuts an open paddock which does not constitute formal amenity space or residential curtilage". However, it also adjoins a residential driveway and other buildings belonging to Dowmans farmhouse.
- 2.8 The existing drystone wall (leading North from the gateway) and possibly also the new drystone wall across the former gateway were not designed as retaining walls. They are now supporting ground built up to 1-1.5m and are at high risk of failure as the built-up ground settles over time.
- 2.9 The landscaping scheme is lacking. Mature shrubs or bushes should be planted along the boundary wall to afford greater privacy to Dowmans Farm.

Other matters

- 2.10 No reference has been made to the applicant's declaration that the car barn (21/02051/FUL) would be abandoned with the advent of the gym building.
- 2.11 It should be clarified whether the car barn permission would remain and, therefore, that it may also still be constructed, adding further building density and cluttering of the site. Clarity and possibly further conditions are required here."

3. Site Description:

- 3.1 The application site lies at the western edge of the village of Coberley and comprises historic vernacular farm buildings with more modern farm buildings to the north, which have been the subject of permission for conversion to residential use. The current application relates to No. 5 Old Dowmans Farm, set centrally within the latter development, along the eastern boundary of the site. The building constitutes a historic barn, now converted to a dwelling, with a modest garden and off street parking to the front.
- 3.2 The host building has been identified as a non-designated heritage asset. The application site is also located within the Cotswolds Area of Outstanding Natural Beauty.

4. Relevant Planning History:

- 4.1 12/01348/FUL Change of use from a grain store to a micro-brewery: Permitted 11/05/2012;
- 4.2 17/02764/FUL Formation of new access, stopping up of existing access, erection of wall and change of use to residential garden land: Permitted 31/08/2017;
- 4.3 17/04117/FUL Conversion and partial demolition of agricultural barns to form 4 no. dwellings with access, car parking and landscaping: Permitted 20/12/2017;
- 4.4 18/02120/FUL Conversion and partial demolition of agricultural barns to form 7 no. dwellings with access, car parking and landscaping: Permitted 02/10/2018;
- 4.5 I8/02686/COMPLY Compliance with condition 3 (boundary fencing) of planning permission I7/02764/FUL (Formation of new access, stopping up of existing access, erection of wall and change of use to residential garden land): Permitted 27/7/2018;
- 4.6 20/02387/FUL Variation of Condition 2 (approved drawings) of application 18/02120/FUL (Conversion and partial demolition of agricultural barns to form 7 no. dwellings with access, car parking and landscaping) Revisions to internal layouts and fenestration: Permitted 17/12/2020:
- 4.7 21/02050/FUL Variation of Condition 2 (approved drawings) of application 20/02387/FUL (Variation of Condition 2 (approved drawings) of application 18/02120/FUL (Conversion and partial demolition of agricultural barns to form 7 no. dwellings with access, car parking and landscaping) Revisions to internal layouts and fenestration) Revisions to internal layouts and fenestration: Permitted 27/08/2021;
- 4.8 22/02475/FUL Variation of condition 8 (Landscaping scheme prior to first use), 9 (Time end of planting season) and 15 (Lighting scheme) of permission 21/02051/FUL (Variation of Condition 2 (approved drawings) of application 20/02387/FUL (Variation of Condition 2 (approved drawings) of application 18/02120/FUL Conversion and partial demolition of agricultural barns to form 7 no. dwellings with access, car parking and landscaping) Revisions to internal layouts and fenestration Addition of four car barns) to update landscaping and lighting scheme: Permitted 04/10/2022.

5. Planning Policies:

TNPPF The National Planning Policy Framework

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswolds AONB

EN12 HE: Non-designated Heritage Assets

EN13 HE:Conv'n of non-domestic historic bldgs

6. Observations of Consultees:

6.1 None.

7. View of Town/Parish Council:

7.1 Coberley Parish Council: Strongly Objects:-

First Comment (30/08/2022):

- 7.2 "Coberley Parish Council strongly objects to this application and requests that it be refused and removal of the building enforced. The ground level of the garden to No.1 (Grain Store 5) has clearly been raised by in-filling to the top of the new wall which has replaced the old gateway between Dowmans Farmhouse and the old farmyard area (now garden of No. 1). This raise in level appears to be some 1.5metres.
- 7.3 We note the comments made by James Murphy of Dowmans Farm in his objection letter against current application 22/02475/FUL regarding landscaping conditions, which have bearing on this application.
- 7.4 On top of this raised ground level has been placed the gym building, which is the subject of the application 22/02519.
- 7.5 As a result, viewed from the east (the Dowmans Farm yard and fields further east), the building, with its black, container-like appearance, casts a dominating, ominous presence over the Dowmans Farm property, it is incongruous in the beautiful rural setting and is harmful to the AONB. It is offensive to the eye.
- 7.6 Viewed from the west, the style and appearance of the building is completely out-of-keeping with the buildings on the development. It is in a prominent position in front of the principal facade of the property, Unit 1.
- 7.7 We note that the decision giving permission to 18/02120/FUL stated at item 8 c) Officer's Assessment, second paragraph on page 6 of 8 that "Permitted development rights will be removed"
- 7.8 There appeared no mentions of additional buildings being permitted, referring only to conversion of the existing buildings."

Second Comment (30/08/2022):

- 7.9 "Coberley Parish Council wishes to submit a further comment to the comment submitted earlier today.
- 7.10 The following condition has been found in the earlier decision and permit, ref Application 17/04117/FUL of 20/12/2017 for Conversion and partial demolition of agricultural barns to form 4 no. dwellings with access, car parking and landscaping | Dowmans Farm Coberley Cheltenham Gloucestershire GL53 9QY
- 7.11 This decision applies to the unit which is subject of the application 22/02519/FUL
- 7.12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions, openings, structures or means of enclosure shall be erected, constructed or sited in the

buildings/application site other than those permitted by this Decision Notice. Reason: To retain the character and appearance of the buildings and their setting in accordance with the National Planning Policy Framework, Cotswold District Local Plan Policies 14, 28 and 42."

8. Other Representations:

- 8.1 Two letters of Objection have been received raising concerns of:
- i. Link to separate application 22/02475/FUL;
- ii. Out of keeping design with surrounding environment and buildings;
- iii. The scale is disproportionate to the plot;
- iv. Materials' are out of keeping;
- v. The aesthetic is not in keeping with the AONB;
- vi. Impact on neighbours outlook and privacy;
- vii. Impact on views from footpath;
- viii. Unauthorised nature of the works.

9. Applicant's Supporting Information:

9.1 N/A

10. Officer's Assessment:

- 10.1 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.'
- 10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 2031.
- 10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

- 10.4 The application seeks retrospective permission for the erection of an outbuilding within the garden of the converted barn. The outbuilding is positioned to the front of the building, on land raised by 0.3m. The building itself covers a footprint of 7.5m \times 3.5m, with a flat roof 2.5m in height.
- 10.5 The building has been constructed in larch cladding and Marley Eternit Cedral click boarding; however, during the course of the application the materials have been amended to incorporate larch cladding on all elevations.

(a) Design and Impact on a Non-designated Heritage Asset

10.6 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

- 10.7 Local Plan Policy EN12 requires development affecting a non-designated heritage asset to be designed sympathetically, having regard to the significance of the asset, its features, character and setting. Where possible, development should seek to enhance the character of the non-designated heritage asset. Proposals for demolition or total loss of a non-designated heritage asset will be subject to a balanced assessment taking into account the significance of the asset and the scale of harm or loss. This policy also sets out criteria for assessment of whether a site, feature or structure is considered to be a non-designated heritage asset.
- 10.8 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 130 states decisions should ensure that development 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. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.
- 10.9 Section 14 of the NPPF addresses climate change. Paragraph 153 of the NPPF states that, 'in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. Development should also take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'
- 10.10 Section 16 of the NPPF (2018) seeks to conserve and enhance the historic environment and is consistent with Policies EN10 and EN11.
- 10.11 The host dwelling has been identified as a non-designated heritage asset by virtue of its historic nature and characteristic agricultural appearance. Whilst the conversion of the barns has led to some domestication, the approved scheme sought to preserve the agricultural character through the use of sympathetic fenestration and limited extensions and external alterations.
- 10.12 The current proposal, seeks to introduce a residential outbuilding within the established residential curtilage of the dwelling. It is noted that the implemented conversion scheme (18/02120/FUL) did not include a condition removing permitted development rights for outbuildings, and that the scheme included a number of open timber car ports within the site. Subsequently, the principle of an outbuilding is not considered objectionable.
- 10.13 The current design seeks to introduce a simple, partially open, outbuilding into the front of the plot. The building would be somewhat prominent in views to the north-west and in some glimpsed views from the south-east. Within these views, the building would appear as a subservient residential outbuilding with a simple design that achieves an unassuming appearance. Whilst flat roofs are not generally associated with the wider site, the roof form distinguishes the building as a clearly modern addition that does not compete with the host dwelling. Moreover, the incorporation of a flat roof achieves a lower ridge height than could otherwise be achieved by a more traditional pitched roof. The use of larch cladding on all elevations is considered appropriate, achieving a sympathetic appearance in keeping with the barn conversions to the north of the plot. This will lead to an integrated appearance within the site that will not detract from the retained agricultural character of the host dwelling. The building will be fitted with double glazed UPVC windows and an EDRM roofing system which

are appropriate in terms of their design and will contribute towards the energy performance of the building.

10.14 Overall, it is considered that the proposed development would preserve the significance of the Non-designated Heritage Asset and is acceptable in this regard.

(b) Impact on the Cotswolds Area of Outstanding Natural Beauty

- 10.15 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.
- 10.16 Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and 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.
- 10.17 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 176 states Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.
- 10.18 The application site contains a collection of converted farm buildings. The buildings have been converted to seven dwellings, which has changed the character of the site from an open agricultural area, to a more domestic setting. The wider area retains an open character.
- 10.19 The proposed outbuilding would be located within the established residential curtilage of the host dwelling and as such, would not result in any encroachment of urban built form into the open countryside. As noted, the existing character of the site is, in part, derived from its openness and layout. Whilst the introduction of an outbuilding would result in an increase in built form, it would share a close relationship with the existing buildings within the site. The building will be visible from public footpaths, most notably to the north-west, but also in some glimpsed views to the south-east. Whilst visible, the building will be viewed within its residential context and would not obstruct any key or long range views into or from the wider countryside. The applicants have proposed that the proposed outbuilding would be erected in lieu of the previously approved car barn. Officers do not, however, consider that the incorporation of both buildings would be objectionable. Both buildings would have a generally open character and would closely relate to the host dwelling and associated curtilage which is considered appropriate.
- 10.20 Within its plot, the addition would be of a proportionate scale, and would not result in a cramped or overdeveloped appearance, including when considered cumulatively with the approved car barn. The outbuilding would not incorporate excessive glazing and as such, will not lead to any harm to the local dark skies.
- 10.21 Overall, it is considered that the proposed development will preserve the special qualities of the AONB and is acceptable in this regard.

(c) Impact on Residential Amenity

- 10.22 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.
- 10.23 The application site sits within a development of seven barns, within which it lies to the east. Around 24m to the north sit three additional barn conversions, currently under construction (No's 2 4 Old Dowmans Farm). The property adjoins No. 6 Old Dowmans Farm to the south and No. 1 Old Dowmans Farm lies around 25m to the west. To the southeast lies Dowmans Farm around 23m from the application site. The development abuts an open paddock associated with Dowmans Farm to the immediate east.
- 10.24 The proposed development would benefit from reasonable separation from adjoining properties and as such, would not result in any overbearing impact, overshadowing or loss of light. Whilst concerns have been raised with regard to the impacts on Dowmans Farm, it is noted that the development abuts an open paddock which does not constitute formal amenity space or residential curtilage. The building is located between 2.5m and 4m from the shared boundary and around 23.4m from Dowmans Farm and 26m from its associated amenity space. Owing to the level of separation, there would be no loss of light or overbearing impact. Concerns have also been raised regarding the loss of outlook from Dowmans Farm. Right to a view does not form a material planning consideration, and the impact on the wider landscape has been addressed in previous sections.
- 10.25 Concerns have also been raised with regard to loss of privacy and overlooking. It is noted that this in part, relates to raised ground levels within the easternmost corner of the garden, which fall outside of the red line development boundary. Subsequently, this would not form part of the current application. With regard to the outbuilding, the building does not contain any windows within its eastern elevation and as such, will not result in any overlooking of the adjoining land and paddock. The proposed development will have some views towards the three dwellings to the north of the site. The views will be obscured by the angle and separation distances of around 27m. Moreover, the additional facing window will not be dissimilar to the existing building frontage of No. 5 Old Dowmans. The level of overlooking will not therefore be increased as a result of the development. It is therefore considered that the proposed development will not result in any increase in overlooking, and there will be no loss of privacy as a result of the development.
- 10.26 Overall, it is considered that the proposed development will preserve the amenity of adjoining neighbours and is acceptable in this regard.

Other Matters

10.27 Concerns have been raised with regard to raised land levels within the site. The raised land levels that accommodate the outbuilding are at most 0.3m, and as such, would not have constituted development in planning terms. The impact of the increased land levels when considering the overall height have been considered as part of the assessment of the applications. Further land level changes have occurred to the east of the existing building. This land falls outside of the identified red line development boundary, however, and as such form a separate planning matter. Whilst the total extent of the land level changes have resulted in

the levelling of the eastern part of the plot, it is noted that the building works associated with the outbuilding would not have been reliant on the additional raised land levels. The building could have been constructed without the requirement for the further land level increases, through the levelling at up to 0.3m immediately below the building. At the time of writing, the 10.28 Local Planning Authority are investigating the breach in planning regulations. Any potential unauthorised land level changes that fall outside of the red line development boundary do not form part of the consideration of this application.

10.29 The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). This is because it is less than 100m2 of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

II. Conclusion:

11.1 The proposal is considered to comply with Local Plan Policies and as such is recommended for permission.

12. Proposed conditions:

I. The development hereby permitted shall be implemented in strict accordance with the following approved plans: Front and Left View (Drawing No. A 03 REV A); Rear and Right View (Drawing No. A 04 REV A); Materials List (Drawing No. A 01 REV A).

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

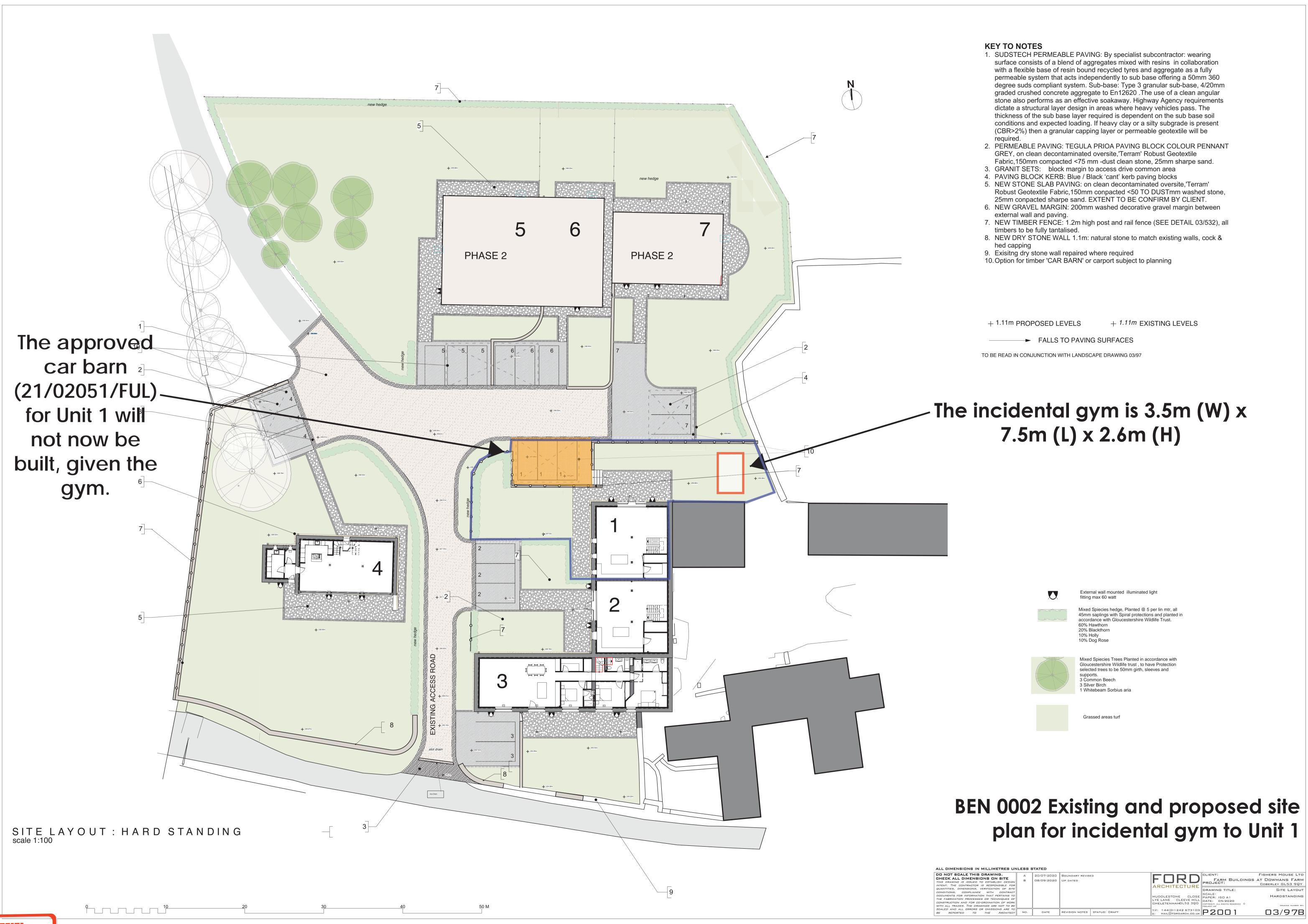
2. Within 3 months of the permission hereby approved, the external walls of the development shall be built of Larch cladding and shall not be treated in any way and shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

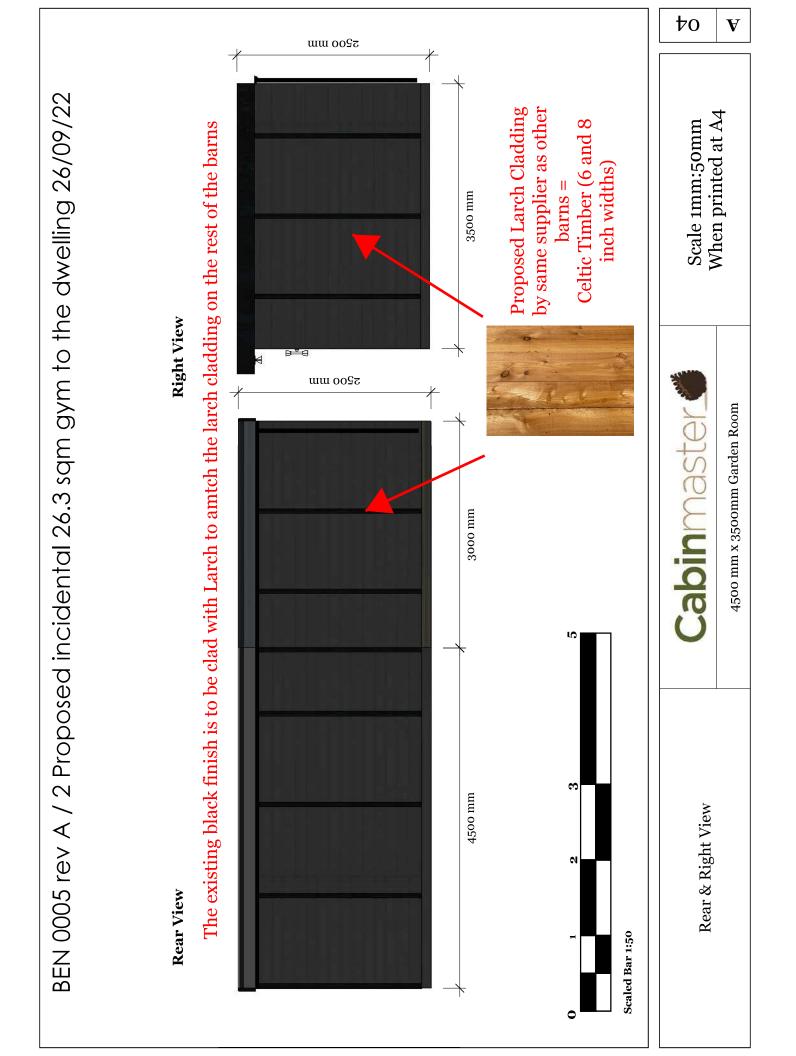
Informatives:

I. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is:

less than 100m2 of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.







BEN 0005 rev A / 3 Proposed incidental 26.3 sqm gym to the dwelling 26/09/22



Claire Lewis Drawings 4500mm x 3500mm Garden Room

