

Application Ref: 21/02281/FUL

**Land Parcel Easting 387517 Northing 198301
Woodstock Lane
Avening
Gloucestershire**

Conversion of agricultural barn into dwelling at Land Parcel Easting 387517 Northing 198301 Woodstock Lane Avening Gloucestershire

Full Application 21/02281/FUL	
Applicant:	Mr & Mrs P Moore
Agent:	LPC (Trull) Ltd
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Richard Morgan
Committee Date:	8th March 2023
RECOMMENDATION:	PERMIT SUBJECT TO THE COMPLETION OF A S.I.I.I AGREEMENT TO SECURE A FINANCIAL CONTRIBUTION TOWARDS MITIGATING THE IMPACT OF DEVELOPMENT UPON THE COTSWOLD BEECHWOODS SPECIAL AREA OF CONSERVATION

1. Main Issues:

- (a) Principle of residential conversion
- (b) Design and impact on the character and appearance of Cotswolds Area of Outstanding Natural Beauty
- (c) Residential amenity
- (d) Parking, access and highway safety
- (e) Impact on protected species / Cotswold Beechwoods SAC
- (f) CIL
- (g) Other matter

2. Reasons for Referral:

2.1 The application is referred to the Planning and Licensing Committee at the request of the Ward Member, Cllr Richard Morgan, for the following reason:

"I have spoken to Avening parish council and as you can imagine, they are feeling really frustrated by the decision. They would like me to make the following points on their behalf.

The officer's assessment:

8 (a) refers to conversion of a redundant building. I would contend that since the building was constructed post 2015, the comments about the division of land in 2009 and subsequent related comments are irrelevant and should not be considered here, other than to say that the building was always destined to be converted to a home due to its over engineered design and construction (this was observed and minuted in the PC at the time). Further, it has not been demonstrated that the building is redundant as no attempt has been made to sell it, or re-purpose it. In fact evidence points to it being built for deliberate redundancy and conversion. Therefore a building this new, and of such a high quality solid construction is not detrimental to the immediate setting, so conversion is unjustified (NPPF para 80, C). We do not believe that redundancy has been demonstrated, so the application should be refused.

Finally the parish argues that this sets a dangerous precedent and will encourage more of these types of applications moving forwards."

3. Site Description:

3.1 The application site includes an existing building and surrounding land located off Woodstock Lane in Avening. The field has a distinctive valley side topography which influences the extent of open views and local visual containment and is surrounded by fields to the north, south and west. The site access, along with a commercial wood yard, is sited to the eastern border. Clear boundaries around the site are delineated by established trees, hedges and shrubs.

3.2 The land is located on the side of the valley, with the entrance situated at the lowest point on the eastern boundary off the adjacent Public Right of Way. The entrance allows access to the lower 1 acre of the field before the bank rises steeply up to the upper 5 acres which are outside the application site, but within the same ownership. The site is located within the Cotswold AONB but sits outside of any Conservation Area.

4. Relevant Planning History:

4.1 15/02522/FUL: Erection of an agricultural building for the purposes of food and implement storage. Granted 06.08.2015

4.2 18/04211/FUL: The material change of use of land from agricultural land to land used for equestrian use, the erection of stables and storage barn and the creation of an access track (part-retrospective). Granted 31.01.2019

4.3 19/03687/FUL: Variation of conditions 3 (approved plans) and 5 (roofing materials of storage barn) of application 18/04211/FUL to allow for the installation of 1 No additional door and 2 No shuttered window openings within the North East and South West elevations of the proposed storage barn and to seek approval for a natural slate roof covering. Granted 31.01.2020

5. Planning Policies:

TNPPF The National Planning Policy Framework
DS4 Open Market Housing o/s Principal/non-Pr
EC6 Conversion of Rural Buildings
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN8 Bio & Geo: Features Habitats & Species
EN9 Bio & Geo: Designated Sites
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
EN14 Managing Flood Risk
EN15 Pollution & Contaminated Land
INF4 Highway Safety
INF5 Parking Provision

6. Observations of Consultees:

6.1 Biodiversity Officer: No objection subject to condition

6.2 Drainage Engineer: No objection subject to condition

6.3 Natural England: Within Cotswold Beechwoods SAC Zone of Influence, mitigation required

7. View of Town Council:

Avening Parish Council strongly object to this application on the following grounds:

- Object - The Parish Council object to this application on the grounds that it is not a suitable development for the area.
- Permission was given for the erection of a barn in 2014/15 The Parish Council raised concerns at the time.
- The structure was far in excess of the dimensions needed for a basic weather- proof secure building for farm machinery
- The materials used for the main structure was both expensive and of superior hard woods. Together with the design is more in keeping with a residential property.
- The design included what should be called decorative gables providing light only, but which could be easily incorporated to form dormer windows to the second floor of a residential dwelling.
- Only last year an application was approved to change window and door layouts which contradict the current application that the storage facility is no longer useful and would be more useful in a residential status.
- The development is along farm tracks and a bridleway not suitable for a domestic traffic. A pillar has been installed that looks as though they are preparing to hang a gate and a concrete path laid.
- There are flower beds and a gravel path leading up to the property all out of keeping with an agricultural building.
- As a new build, the barn has not been unused for the requisite time required for conversion, and as far as we know no attempt has been made to sell it as a storage facility - it is not therefore a redundant building. There doesn't appear to be any evidence that the barn has ever been used for agricultural trading.
- Had the developer requested to build a house in the original application it would have been refused outright as it is agricultural land outside of the residential envelope.
- In the view of the Parish Council these incremental changes and over engineered build indicate that the developer always intended to circumvent the planning rules to convert to a domestic residence.
- It will set a precedent and open up a swath of land for people to develop

8. Other Representations:

32 comments objecting to the proposal have been submitted, raising the following matters:

- too soon after construction for residential conversion
- land has been sold to an equine facility
- building supposed to be for agricultural use
- no business use of the site
- planning policy has been circumvented
- a dwelling would be contrary to policy in this location
- impact upon AONB
- lane is too narrow for additional traffic
- impact upon bridge
- building never intended for use as barn
- impact upon conservation area
- precedent for new build development
- light pollution

4 comments in support have been received, raising the following matters:

- owners have planted trees to enhance biodiversity

- will be a reduction in traffic
- the building was used to store hay and equipment
- will provide an additional dwelling
- various farming options have been tried and tested
- sensible re-use of the building

1 general comment has been received, commenting that the principle is acceptable but raising queries regarding the design.

9. Applicant's Supporting Information:

- Design and Access Statement
- Ecological Report
- Proposed Plans

10. Officer's Assessment:

(a) Principle of Residential Development

10.1 The site is located in open countryside to the west of Avening, where the proposal must be considered in relation to Policy DS4 of the Local Plan. This states that '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.' The exceptions listed at paragraph 6.4.3 include the conversion of rural buildings, and cross references to Policy EC6 of the Local Plan.

10.2 With regard to the NPPF, paragraph 80 allows for residential development in open countryside in limited circumstances, including at criterion c) 'the development would re-use redundant or disused buildings and enhance its immediate setting'.

10.3 Policy EC6 states: -

'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.'

Policy EC6 can be supportive of the conversion of rural buildings to a residential use. However, such buildings should be 'structurally sound, suitable and capable of conversion to the proposed use without substantial alteration'.

10.4 The building was granted planning permission in August 2015, and is therefore a modern building with is structurally sound, and accords with Policy EC6 of the Local Plan in this respect. The supporting statement comments that the land was part of a wider holding between 1999 and 2009, but that following a bereavement the holding was sub-divided, and the remaining land associated with this building is no longer viable, hence the building is now redundant.

10.5 The proposed development is, therefore, considered to accord with both national and local planning policy with regard to the principle of the conversion of an existing rural building to residential use, including the structural condition of the building being considered acceptable to allow its re-use.

(b) Design and Impact on the Character and Appearance of Cotswolds Area of Outstanding Natural Beauty

10.6 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).

10.7 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes' and 'recognising the intrinsic character and beauty of the countryside'.

10.8 Paragraph 176 of the NPPF states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'

10.9 Policy EN1 Built, Natural and Historic Environment

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 and enhancement of multi-functioning 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.

10.10 Policy EN2 Design of the Built and Natural Environment

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

10.11 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.

10.12 Policy 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.

10.13 The building subject to the application is located within a secluded location, set back approximately 290 metres from the highway. Land levels to the west and east also rise, such that the site is not considered to be prominent in the landscape, particularly taking into consideration the existing tree and hedgerow planting nearby. The site is also not visible from any Public Right of Way.

10.14 The Landscape Strategy and Guidelines for the Cotswolds AONB by the Cotswold Conservation Board (CCB) identify 'isolated development such as new single dwellings and conversion of farm buildings that might compromise rural landscape character and views to and from the Farmed Slopes, including farm buildings converted to residential use' as a local force for change in the area. The Strategies and Guidelines section of the Landscape Character Assessment make the following recommendations in relation to development such as that proposed;

- Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated;
- Protect the undeveloped, open, unlit character of much of the Farmed Slopes;
- Oppose new housing on the Farmed Slopes (unless special circumstances apply in accordance with Paragraph 55 (now Paragraph 80) of the NPPF and development conserves and enhances the AONB as required by the CRoW Act 2000);
- Avoid conversion of isolated farm buildings;
- Conserve the distinctive rural and dispersed settlement pattern;
- Restore existing stone farm buildings and structures in preference to new built development;
- Existing buildings should be carefully conserved and where converted to new uses buildings must retain their historic integrity and functional character. Sound conservation advice and principles must be sought and implemented;
- Maintain the sense of openness and consider the impact of development proposals on views to and from the Farmed Slopes, including the impact of cumulative development;
- Control the proliferation of suburban building styles and materials;
- 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 and inappropriate forms and cultivars of native species, particularly on fringes of open countryside;
- Respect traditional position of agricultural buildings and their relationship to the surrounding land.

10.15 The proposal is to convert the existing barn into a single residential dwelling. The site is sensitive to change given the AONB location and it is essential that development of this site can be suitably integrated into the surroundings.

10.16 The barn is stated to have been used for the storage of hay and equipment, and is a modern building constructed from timber with a tiled roof. The proposal is for its conversion into a two-bedroom dwelling. With regard to the external appearance, the design is considered acceptable, subject to condition requiring the rooflights to be flush to the roofslope, which is considered to be more sympathetic to the character and appearance of the building, and in accordance with the above mentioned policies and the Cotswold Design Code.

10.17 Therefore, the design of the conversion is considered to be acceptable, and would accord with Policy EN2 of the Local Plan, and Section 12 of the NPPF.

(c) Residential Amenity

10.18 Paragraph 130(f) of the NPPF refers to planning policies and decisions ensuring that developments create places that are safe, with a high standard of amenity for existing and future users.

10.19 Policy EN2 and Appendix D of the Local Plan state that proposals should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect.

10.20 The building is currently either vacant or used for storage, and the nearest residential property is approximately 90 metres to the east. Considering the distance between this dwelling and the building proposed for conversion, the design of the conversion would not result in any loss of amenity through overlooking, and it is considered that the conversion to residential would be acceptable having regard to the above Policy and the NPPF.

(d) Parking, Access and Highway Safety

10.21 The proposed development would utilise an existing entrance which has been used to access the field since at least July 2015 when the application site was visited in connection with the application that granted permission for the building subject to this application. The objections raised have commented upon the amount of traffic using the site, and the use of a Bridleway by vehicles.

10.22 Considering the established use of the land, the use by traffic associated with a two bedroom property would not impact upon highway safety. The comments regarding the Bridleway are noted, however this would appear to follow the route of the highway.

10.23 There is sufficient space within the site for the parking and manoeuvring of vehicles, and the provision of three spaces is considered commensurate with the size of the proposed dwelling and is acceptable having regard to Policy INF5 of the Local Plan.

10.24 Therefore, it is considered that the proposal accords with Local Plan Policies INF4 and INF5, in addition to Section 9 of the NPPF.

(e) Impact on Protected Species

10.25 The Ecological Report submitted with the application found no evidence of either bats or nesting birds, but makes reference to measures already undertaken including bat boxes, native tree and wildflower planting. As an enhancement, it is proposed to install a barn owl nesting box. The Biodiversity Officer considers that this is acceptable, and that the proposed development could be undertaken without having an adverse impact on protected species in accordance with Local Plan Policy EN8.

10.26 The site is within the Cotswold Beechwoods SAC Zone of Influence, which therefore means that a financial contribution will be required to mitigate the impact of visitors upon this internationally designated wildlife site. The applicant has agreed to make this contribution, which will be secured by way of a legal agreement. The planning permission cannot, however, be issued until the completion of this agreement.

(f) CIL

10.27 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

(g) Other matters

10.28 The representations received have referred to the proposal impacting upon the Avening Conservation Area. However, at its nearest point, the building subject to this application is approximately 80 metres distant from this designation.

10.29 It is also screened by vegetation, whilst the building is in existence and can be converted with only limited alteration to its external appearance. It is not, therefore, considered that there would be any material impact upon the setting of the Conservation Area.

11. Conclusion:

11.1 The proposal is considered to accord with the policies in the Development Plan and NPPF, which are not outweighed by other material planning considerations.

11.2 The recommendation is for planning permission to be granted.

12. 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 approved shall be carried out in accordance with the following drawing numbers: LPC.5087.21.01; LPC.5087.21.03; LPC.5087.21.05 and LPC5087.21.06.

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

3. All windows and doors shall be of timber construction 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.

4. The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located 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.

5. Prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all 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 and hard surface materials to be used throughout the proposed development.

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

6. 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.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN4.

7. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which 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 that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

8. The development shall be completed in accordance with the recommendations in Section 4 of the consultancy report (Protected Species Report for Bat and Nesting Birds, prepared by Cotswold Environmental, dated July 2021). All the recommendations shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained.

Reason: To ensure that European protected bat species are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

9. 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. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

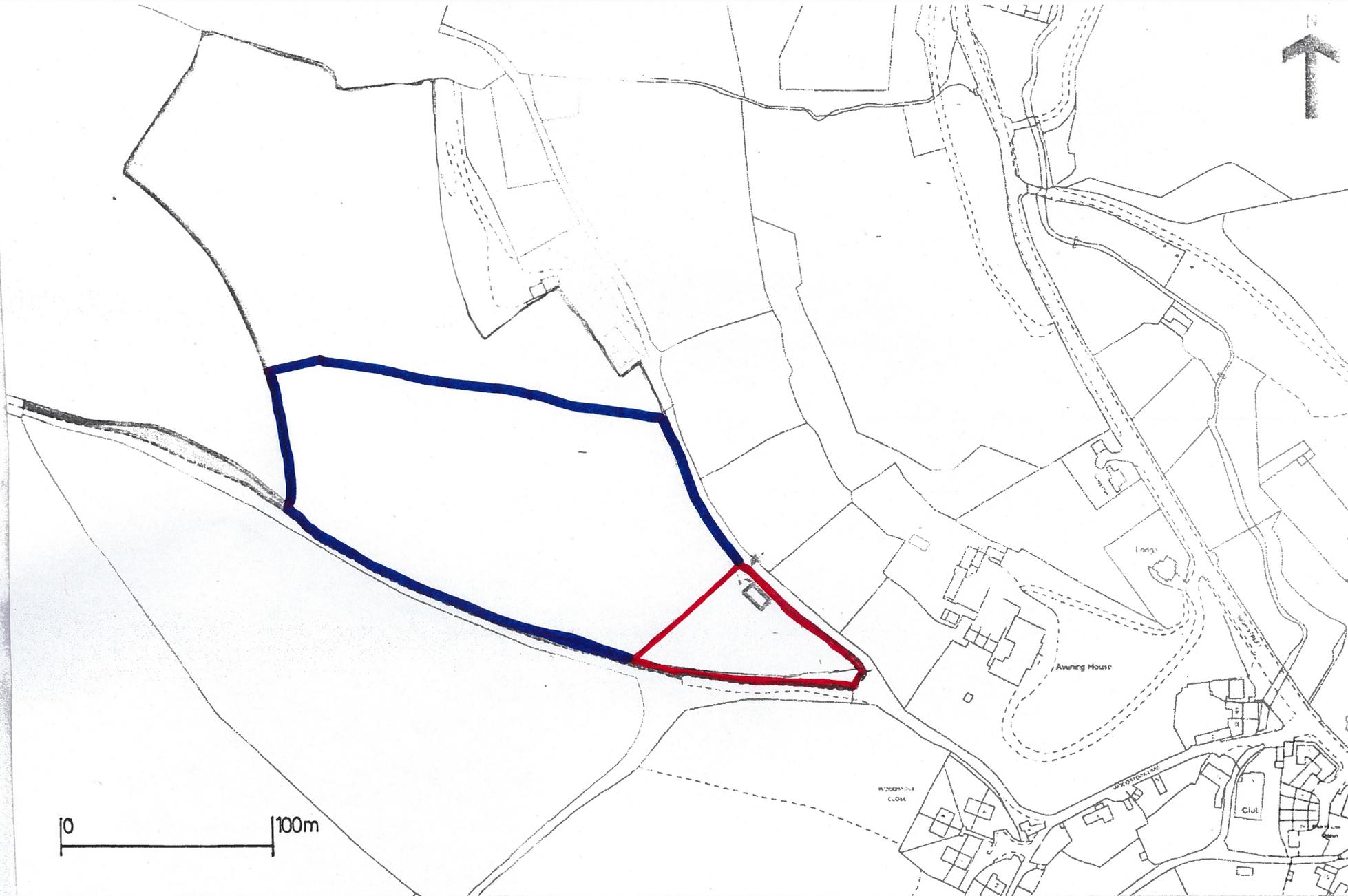
Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

10. Before first occupation, the dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the Local Planning Authority. The EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other statutory instrument amending or replacing it, no extensions, structures, hardstandings, openings, buildings, fences, walls or other means of enclosure shall be erected, constructed or inserted in the buildings the subject of this permission, other than those permitted by this Decision Notice.

Reason: To ensure that the character and appearance of the existing building and the site is maintained in the interests of the conservation of the scenic beauty of the AONB in accordance with Cotswold District Local Plan Policies EN2 and EN5 and the National Planning Policy Framework.



RUDGE WAY BARN
WOODSTOCK LANE
AVENING

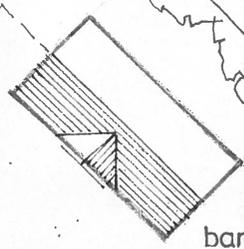
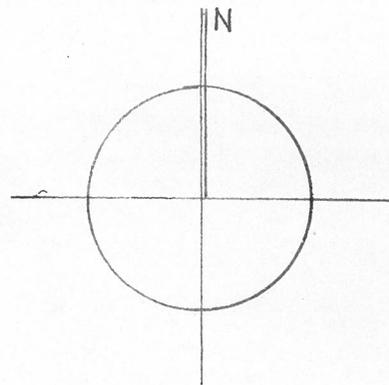
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1,2500 /A4
LPC.5087,21,01
18 MAY 2021

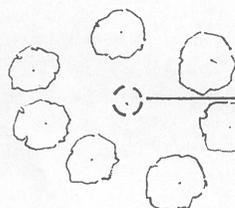


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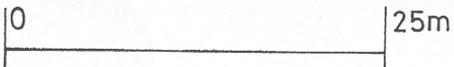


barn



mini sewage
plant

SITE PLAN - PROPOSED



RUDGE WAY BARN
WOODSTOCK LANE
AVENING

SITE PLAN - PROPOSED

SCALE 1,500/A4

DRG No LPC.5087,21,03

DATE 18 MAY 2021



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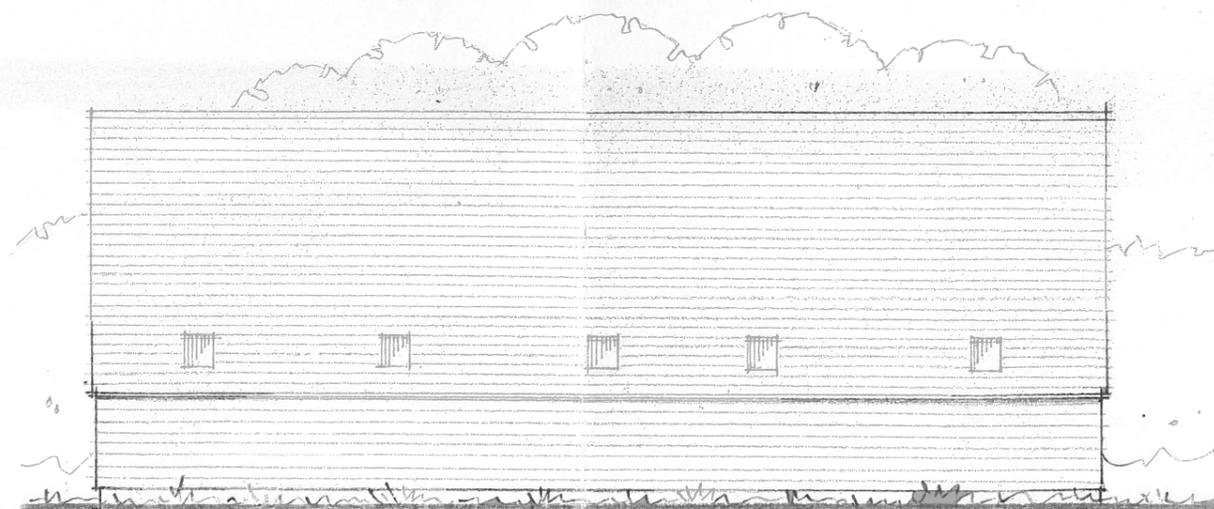
NORTH WEST



SOUTH WEST



SOUTH EAST



NORTH EAST

RUDGE WAY BARN
WOODSTOCK LANE
AVENING

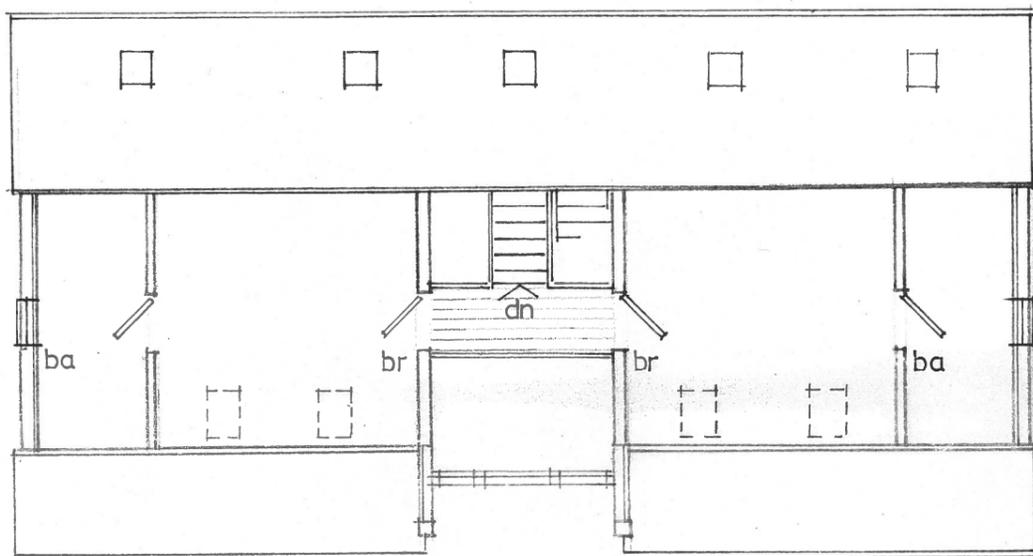
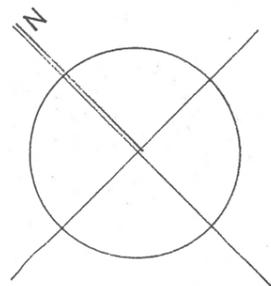
PROPOSED ELEVATIONS

SCALE 1,100/A3
DRG No LPC,5087,21,06
DATE 18 MAY 2021

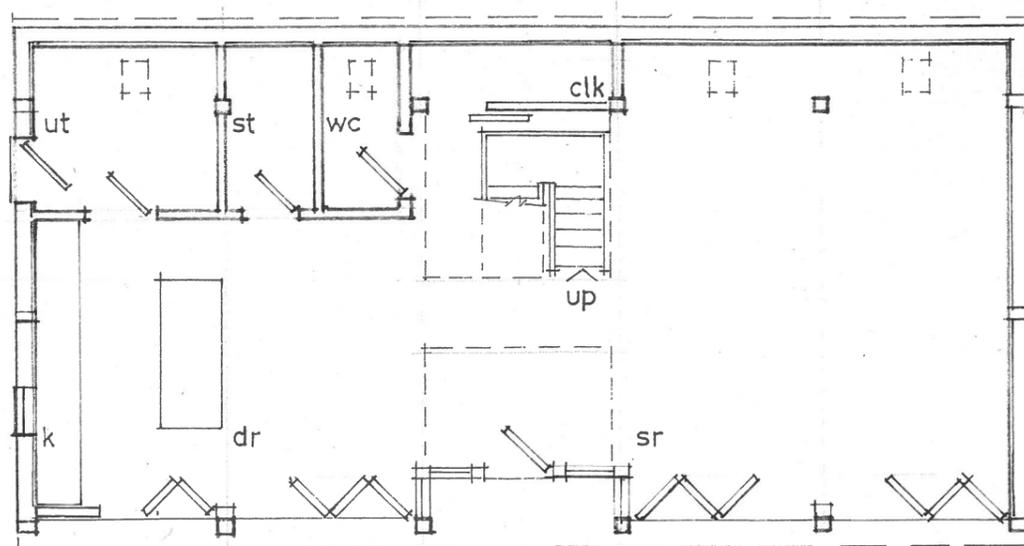


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FIRST FLOOR



GROUND FLOOR

PROPOSED

RUDGE WAY BARN
WOODSTOCK LANE
AVENING

PROPOSED FLOOR PLANS

SCALE 1,100 /A3
DRG No LPC, 5087, 21,05
DATE 18 MAY 2021



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