

**PLANNING
COMMITTEE**

9th September 2020

Planning Application 20/00400/FUL

Conversion of barn (kennels) into a 3-bed residential dwelling including partial demolition and associated works

Land At, Moors Lane, Feckenham, Worcestershire

**Applicant: Mr R Eost
Ward: Astwood Bank and Feckenham Ward**

(see additional papers for site plan)

The case officer of this application is Mr Paul Lester, Planning Officer (DM), who can be contacted on Tel: 01527 881323 Email: paul.lester@bromsgroveandredditch.gov.uk for more information.

Site Description

The site comprises a single-storey barn (now hunt hound kennels), dog pens with hardstanding and a larger pole frame agricultural/storage barn accessed via Moor Lane, a single-track lane leading from the B4090 Alcester Road. The site is located approximately 0.5kms southeast of the village of Feckenham.

Proposal Description

This full application seeks planning permission for the conversion of an existing barn (in use as hunt kennels) into a residential property with 3 bedrooms, family bathroom, open plan kitchen/diner and lounge.

The proposed works to convert the barn comprise of the following:

- Demolition of dilapidated lean-to extensions;
- Retain the existing timber frames and purlins and blockwork;
- Remove the roof sheeting and replace with a lightweight insulated panel and suspended ceiling;
- Line the walls with insulation and an inner lining supported by the existing structure, closed to the floor;
- Overlay the concrete floor with a damp proof membrane, insulation and screed; and

The proposal also involves the creation of a domestic curtilage using existing hardstanding and associated landscaping works.

Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

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Policy 2: Settlement Hierarchy
Policy 5: Effective and Efficient Use of Land
Policy 9: Open Countryside
Policy 15: Climate Change
Policy 16: Natural Environment
Policy 17: Flood Risk Management
Policy 18: Sustainable Water Management
Policy 20: Transport Requirements for New Development
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others

NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
Redditch High Quality Design SPD

Relevant Planning History

No relevant planning history

Consultations

Feckenham Parish Council

The Parish Council objects to this application because of concerns with the access via Moors Lane, which is an unadopted road in very poor condition. Extra traffic to and from the new dwelling will make these concerns worse. There are also additional safety issues related to the junction of Moors Lane with the B4090, as vehicles often travel too fast on the main road and with the overgrowth of hedges which restrict vision, there will be an increased risk of accidents from vehicles travelling to and from the new dwelling. The proposed build quality of the conversion also seems to be poor and is not in keeping with nearby housing.

North Worcestershire Water Management

The proposed development site is situated in the catchment of Brandon Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Risk to the site from surface water flooding is indicated as low based on the EA's flood mapping. We do not feel a drainage condition is required.

WRS - Contaminated Land

WRS have no adverse comments to make on this application.

Highways Redditch

I am unable to support the proposed development conversion of barn (kennels) into a 3-bed residential dwelling including partial demolition and associated works of single storey dwelling due to its unsustainable location.

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The proposed development is in a rural and unsustainable location off an unclassified road, the site benefits from an existing vehicular access with acceptable vehicular visibility. Moors Lane does not benefit from footpaths, street lighting or parking restrictions in the vicinity. The site is not located within walking distance of amenities or a bus route / stop.

The lack of adequate footway provision and street lighting to the bus stop will deter journeys on foot particularly in times of darkness and adverse weather conditions. Moors Lane consists of a narrow carriageway with thin grass verges located on either side of the carriageway. These factors are unlikely to encourage cycling to services and facilities. Due to the above factors the trips would become car-based trips which would be unacceptable.

In addition, this route would not be suitable for vulnerable users such as families with young children or those with disabilities and it would not be suitable as a daily commuter route.

Cllr Clayton

No Comments Received

Cllr Warhurst

No Comments Received

Worcestershire County Council Countryside Service (PROW)

The development should have no significant detrimental effect on the public right of way providing the obligations mentioned in my previous letter are adhered to.

Arboricultural Officer

No objection subject to various tree protection conditions.

Public Consultation Response

2 representations have been received supporting the proposal and which are summarised as follows:

- Improve the appearance of the site
- Generate less traffic to the site than the existing kennels use

1 representation has been received in objection for the following reasons:

- Impact on Moors Lane
- Increase the number of conversions in the area, of which some have be unsympathetically converted.

Assessment of Proposal

Principle of Development

The application site lies within the Open Countryside where Policy 9 of the Borough of Redditch Local Plan no. 4 (BoRLP 4) restricts development to a closed list of exceptions which includes an acceptable, sustainable reuse of a rural building of a substantial and permanent construction and where it is capable of reuse without major or complete reconstruction (9.2(iv)). A structural survey has been provided with the application, which concludes that the building is in a reasonable condition and has the capability of conversion without substantial rebuilt. However, consideration with regards to whether the reuse of the building would result in sustainable development still needs to be given.

Policy 2 of the BoRLP 4 provides a settlement hierarchy for development within Redditch in order to make it clear how settlements should be developed sustainably. The proposal site falls outside of the three areas listed within the hierarchy. Therefore paragraph 2.3 of the policy applies, which states development in this location should only provide for locally identified development needs.

However, it must be acknowledged that the Council cannot currently demonstrate a 5 year housing land supply (5YHLS). The 5YHLS at 1 April 2019 was calculated to be 3.29 years. In view of this and having regard to the presumption in favour outlined in paragraph 11 of the National Planning Policy Framework (NPPF), the lack of a 5YHLS would mean that paragraph 11(d)(ii) is engaged and planning permission should be granted unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF states that there are three overarching, interdependent objectives to achieving sustainable development which are an economic, social and environmental objective. The planning merits of the application have therefore been considered having regard to these three main objectives.

Sustainable location

The proposal site falls outside of the three areas listed within the Policy 2 Settlement Hierarchy and therefore paragraph 2.3 of the policy applies, which states that states development in this location should only provide for locally identified development needs.

The NPPF sets out that housing should be located where it will enhance or maintain the vitality of rural communities, and isolated homes should be avoided. In this instance, the existing barn is in an isolated location, as although there are other residential dwellings along Moors Lane these are situated over 150 metres from the site.

It is also noted that the site is located outside of an identified settlement, on a narrow road which is unlit and has no pavements. The nearest public transport is not within

walking distance. It is therefore likely that the future occupiers of the proposed dwelling would be reliant on private car. The Highway Authority have raised objection to this proposal as they consider that the proposed dwellings would be in an unsustainable location.

Paragraph 79 of the NPPF does however set out that there are some exceptions to allow isolated homes in the countryside, which are:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling;
- or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

The word 'isolated' is not defined within the NPPF. However, in a High Court judgement (Braintree District Council v Secretary of State for Communities and Local Government, Grey read Limited and Granville Developments Ltd, 2017), it was clarified that 'isolated' should be given its ordinary dictionary meaning of 'far away from other places, buildings or people; remote'. The matter was then further considered by the Court of Appeal in 2018 who considered that "isolated" means physically separated from a dwelling or village.

The site is located within land designated as countryside surrounded by fields with surrounding scattered farmsteads and dwellings. Therefore, whilst the site is not remote from other built forms it is physically separate from the nearest village, settlement or community.

In this case the proposed development would secure a future viable use for the re-use of a redundant/disused building. With the associated demolition, removal of dilapidated buildings, removal of hardstanding/kennel runs, removal of portacabin/shipping container stationed on site, the visual enhancement of the conversion works and the removal of noise pollution caused by the kennels, it is considered that all these elements would enhance its immediate setting. It is therefore considered that although the proposed dwelling would be in an unsustainable and isolated countryside location, the proposed development would meet one of the exceptions and is therefore acceptable.

With regard to the current operational status of the building, officers accept that it may still be currently in use (most recently in mid July). However, there is no reason to challenge

the agent's statement that the building is now surplus to their clients requirements. If this leads to the building and associated operational development within the site being redundant, then there is no reason why the housing exceptions advice provided within Paragraph 79 of the NPPF should not weigh in the planning balance.

Character and Appearance

Paragraph 127 of the NPPF states that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and have appropriate and effective landscaping, are sympathetic to local character and history, establish a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Having regard to the design and appearance of new development, policies 39 and 40 of the Borough of Redditch Local Plan no. 4 (BoRLP 4) require development to contribute positively to the local character of the area and be of a high quality design. The Council's High Quality Design SPD states that a well-designed conversion should retain the original, utilitarian character of the building (paragraph 5.1).

The site although partially visible from Moor Lane, itself a bridleway, is not prominent in views from other footpaths or public vantage points. The site although in a rural setting does not form part of any landscape designation.

The site is by its very nature as a hunt hound kennels which are relatively run down with a mix of buildings/structures on site. In addition, a storage container visible from Moor Lane has been present on site for in excess of 10 years.

The proposed conversion would see a reduction in built form and the removal of some dilapidated structures together with mesh style dog runs. The existing barn is to be converted in a simple and sympathetic manner, like those of Class Q conversions, and using timber and glazing retain a largely rural, agricultural appearance, albeit a more modern appearance compared to a traditional brick barn conversion. The proposal would also re use a brownfield site (kennels) which is in accordance with Policy 5 of the Local Plan.

The objections to the build quality of the conversion being poor and not in keeping with nearby housing are noted. Firstly, a materials condition can be added to any permission to ensure the quality of the conversion and materials used. It is also worth noting there has been no uniform approach to design taken with previous barn conversions and the design guidance does not preclude the use of contemporary or modern solutions which respond positively to their context. By virtue of the form, scale and materials, the use of a modern conversion design in this case would integrate with and enhance the context rather than stand out as jarring or incongruous.

The proposal also includes the creation of an area of amenity space. Although a condition could be attached to any future planning permission to restrict the construction of

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outbuildings, the change of use of this land would inevitably result in a more domestic appearance to this area in view of the likelihood of future occupiers erecting domestic paraphernalia such as washing lines and garden equipment. Notwithstanding this it is noted that this area of land lies at a significant distance from the main road (Alcester Road) and would not be readily viewed from the nearby PRow due to the buildings location and is also screened somewhat by existing trees. On the basis of this, the domestic use of this land would only result in limited harm to the rural appearance of the area.

Highways

It is noted above the County Highways have raised an objection regarding the sustainability of the site, that issue has been discussed above. The proposal will provide sufficient parking and turns areas and an electric vehicle charging point has been added to the proposal and therefore it is considered acceptable in that regard.

The Parish Council have raised an objection to this application relating to highway safety and the intensification of the use of the existing access onto a main, busy road. However, the Highways Officer has not put forward concerns in relation to the use of this access (on Alcester Road) and this is therefore considered acceptable. It is also noted that the existing is a hunt kennel which will generate traffic movement along Moors Lane. Therefore it is not considered that a residential use would have a greater impact on Moors Lane.

The definitive line of Feckenham bridleways FH-671 and FH-670 run along the access track to the application site, and bridleway FH-680 crosses the site. The Public Right of Way Officer has also commented on the application and has raised no objections provided that the applicant adheres to a number of obligations and ensures that they have lawful authority to use the Public Right of Way for vehicular access. The lawful use of the Public Right of Way would fall outside the scope of this planning application. The applicant has also shown a dedicated Bridleway route to be created separate from that of any vehicular access leading to the proposal. This would be a further enhancement in favour of the application and for users of the Bridleway.

Neighbouring amenity

Having regard to the location of the building and the significant distances to the nearest residential properties, there would not be any significant impacts in terms of loss of light, outlook or privacy.

Ecology

The applicant has not submitted an ecological survey. They indicate that the barn, despite being in a rural area, is currently in use as kennels for hunt hounds and therefore together with the nature of the roof covering (metal sheeting) it is considered unsuitable for use by local ecology/protected species, especially birds and bats.

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Following a site visit, it is considered that the buildings do not offer a suitable habitat for protected species, with no features that would make suitable sites for bat roosts and there was no evidence of nesting birds. On that basis I agree with the agent that there is no reasonable likelihood of other protected species being present or affected by the proposal.

I conclude, therefore, that it is unlikely that the proposal would result in loss or harm to protected species and would comply with guidance in the NPPF as well as of the Local Plan subject to a condition to enhance biodiversity through the conversion of the building.

Trees

The tree officer has no objection to the proposal. The site is clear of any vegetation other than a mature oak tree in the western hedge row of the site this will not affect the development. The Tree officer does envisage that it will require some maintenance to it (removal of deadwood). There is another mature Oak which is adjacent to the site appears to be in the grounds of adjacent property, The Paddocks. This tree does have a low canopy touching the roof of the existing building so this will require pruning to lift/reduce from proposed development.

Contaminated Land

Worcestershire Regulatory Services have reviewed the proposal and have raised no adverse comments.

Drainage

There are no known flood risks in the immediate vicinity of the application site, although the proposal may result in additional surface run off, Building Regulations require that adequate provision is made for this, and therefore North Worcestershire Water Management do not consider it necessary for a planning condition in relation to this to be attached to a future planning permission.

Planning Balance and Conclusion

The proposal would comprise the reuse of a barn (kennels) into a 3-bed residential dwelling which is in the open countryside area of Redditch, outside of a settlement that is defined by Policy 2 of the BoRLP4 to be suitable for new housing. Furthermore, whilst Policy 9 of the BoRLP4 states that the reuse of a permanent and substantial building may be acceptable in this location, this is contingent on the use being sustainable. Notwithstanding this, paragraph 11(d)(ii) and footnote 7 of the NPPF together state that for applications providing housing, where the Local Planning Authority cannot demonstrate a 5YHLS, planning permission should be granted unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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In this case, the proposal is considered to be appropriate conversion in the countryside. The proposed dwelling would however be considered to be in an isolated and unsustainable location for housing. Although, the development would re-use redundant or disused buildings and would enhance their immediate setting, both of which are exceptions to the development of isolated homes in the countryside as set out in para. 79 of the NPPF.

It is also noted that the proposal would create one additional dwelling and therefore add to the housing stock in the Borough, which would also generate some employment opportunities in the area through its conversion and any future occupiers would support local services within Feckenham.

Overall it is considered in this case that the benefits of the proposal would outweigh the environmental harm that the proposal would have in terms of its location. As such the proposal is considered to be acceptable.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:

Conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) 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 plans and drawings:

Location Plan 01
Existing and Proposed Block Plans 02A
Existing and Proposed Plans & Elevations 04
Composite Elevations Existing on Proposed 06

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 4) The existing structures shown on Composite Elevations - Existing on Proposed 06 shall be demolished and all resultant materials removed from the site within 3 months of the date when the dwelling is first occupied or within such other time as may be stipulated in writing by the local planning authority.

Reason: In order to secure a well-planned development and to ensure the enhancement of the immediate setting.

- 5) The shipping container/portacabin identified to be removed from the site shall be removed within 3 months of the date when the dwelling is first occupied or within such other time as may be stipulated in writing by the local planning authority.

Reason: In order to secure a well-planned development and to ensure the enhancement of the immediate setting.

- 6) The development hereby permitted shall not be first occupied until an electric vehicle charging point has been provided on site. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

- 7) The development hereby approved shall not be occupied or be brought into use until the proposed access, parking and turning facilities have been provided as shown on drawing Existing and Proposed Block Plans 02A.

Reason: To ensure conformity with submitted details.

- 8) No trees or hedges on the application site, or the branches or roots of trees growing onto the site from adjacent land, shall be topped, lopped, felled or uprooted without the specific written permission of the Local Planning Authority.

Reason: To safeguard the visual amenities of the area.

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- 9) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown as retained on the approved plans both on or adjacent to the application site shall be protected with fencing around the root protection areas. This fencing shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed.

Reason: In order to protect the trees which, form an important part of the amenity of the site.

- 10) No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of concrete mixing plants or fuel tanks.

Reason: In order to protect the trees which, form an important part of the amenity of the site.

- 11) Any excavations within the root protection areas must be carried out by hand and in accordance with BS5837:2012.

Reason: In order to protect the trees which, form an important part of the amenity of the site.

- 12) All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees.

Reason: In order to protect the trees which, form an important part of the amenity of the site.

- 13) Prior to above ground works a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting feature(s) and or nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- ii. Materials and construction to ensure long lifespan of the feature/measure

- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed and made available.

Reason: To provide net gains for biodiversity.

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A to E shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in order to maintain the scale, appearance and character of the development and to safeguard visual amenities in accordance with Policy 40 of the Borough of Redditch Local Plan No.4 and the Redditch High Quality Design SPD.

Procedural matters

This application is being reported to the Planning Committee because the application has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee.