

**PLANNING
COMMITTEE**

22nd June 2022

Planning Application 19/01264/FUL

Erection of 2 x dwellings in lieu of 1 dwelling granted as part of the site's re-development under application 17/00451/FUL (Retrospective)

Rockhill Farm, Astwood Lane, Feckenham, Redditch, Worcestershire, B96 6HG

Applicant: Mr Gora
Ward: Astwood Bank and Feckenham Ward

(See additional papers for site plan)

The case officer of this application is Sharron Williams, Planning Officer (DM), who can be contacted on Tel: 01527 534061 Ext 3372 Email: sharron.williams@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site forms part of the former Rockhill Farm complex. The former farm buildings having been converted to residential use. The application site is north of Feckenham Village, is within the Green Belt and is outside of the Village Settlement boundary and Feckenham Conservation Area. The application site benefits from a vehicular access from Astwood Lane.

Proposal Description

Revise the scheme from 1 No. 4 bedroom dwelling to 2 No. 2 bedroom dwellings.

Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 5: Effective and Efficient use of Land

Policy 8: Green Belt

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

2014/159/OUT	Outline application with some matters reserved - Demolition of buildings and alteration of farmhouse with 9 no. new dwellings	Refused	14.08.2014
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2015/144/COU PRO	Change of use of Agricultural Barns into three dwellings	Refused	10.08.2015
2015/316/COU PRO	Change of use of Agricultural Barns into three dwellings	Prior Approval Refused	18.12.2015
AP2016/0003/ REF	Change of use of Agricultural Barns into three dwellings	Allowed at Appeal	12.07.2016
17/00451/FUL	Development at Rockhill Farm comprising conversion and extension of existing stables building; conversion of barn to 2 x new dwellings; demolition of existing barn and erection of new dwelling; associated works including demolition	Approved	01.08.2017

Consultations

Feckenham Parish Council

Initially Feckenham Parish Council had no objection to this planning application.

Additional comments submitted 15.10.20

Object to application. The creation of a dwelling in the Green Belt is contrary to both policies of the NPPF and RBC. It is acknowledged that the subdivision of an existing dwelling is an acceptable exception to these policies, as set out in paragraph 79 (d) (Now paragraph 80 (d) of NPPF 2021). In order for this to be a subdivision of an existing property, there has, by definition, to be a single dwelling to be sub divided.

Barn 1 has not been constructed as a single dwelling in accordance with the approved documents, but as two dwellings. This is, the creation of a dwelling in the green belt without the benefit of a planning consent, not a subdivision of an existing single dwelling.

In addition, there is a significant increase in volume intended in the amended submission, the original being a mono pitch roof, this proposal being dual pitched. Therefore, there is an increase in the harm to the openness of the green belt.

North Worcestershire Water Management

The site is in flood zone 1 (low risk of modelled river and tidal flooding). There are records of frequent flooding to Astwood Lane. The onsite drainage for the development is acceptable.

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WRS - Contaminated Land

WRS have reviewed the above planning application for potential contaminated land issues of which none have been identified. Therefore, WRS have no adverse comments to make in relation to contaminated land.

Highways Redditch

No objections and recommend conditions.

Public Consultation Response

1 letter of objection

Object to the additional building work on the grounds that it falls outside the granted application and the fact that the complex drainage requirements imposed on the build are now no longer adequate causing flooding to our property.

Application deferred from Planning Committee held 28 July 2021

Members may recall that this application was considered at Planning Committee on 28 July 2021. It was agreed to defer the application (as stated in section 12 of the approved minutes) for the following reason: -

Legal advice was given that some of the issues raised in public speaking regarding the implementation of the permission granted under reference 17/0045/FUL and the extent to which any deviation from that permission could be classed as “de minimis” would benefit from further investigation, and for that reason the recommended course of action would be for the application to be deferred.’

Counsel Advice

Counsel advice has been sought on this matter in respect to the original permission granted and the deviation now sought. Counsel advice referenced caselaw in respect to validity and implementation of challenged permissions.

Taking into consideration Counsel advice, officers remain of the view that the permission approved under 17/00451/FUL is extant and thus represents a realistic fall-back position in the assessment of the current proposal.

Assessment of the Development

Background to the Application

That extant permission 17/00451/FUL related to the redevelopment of the site for residential purposes. This involved the conversion/extension of some of the former farm buildings and the demolition of various structures on site, including a large Dutch barn that was located close to the road frontage. A new dwelling would have been erected in its place.

Members will be aware that work progressed on the new dwelling during lockdown in 2020. The site has a steep gradient that slopes down to Astwood Lane. In order to construct the approved dwelling in accordance with the plans and with a single internal

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finished floor level, it may have been that the height of the built form facing the road would have increased relative to the original ground level. The applicant's agent has recently submitted drawings to demonstrate what this may have looked like. Therefore, although the footprint for the approved dwelling is as constructed on site, the applicant opted to step the floor level to take into account the gradient on site. The opportunity to split the development into two units was also taken. Subsequently, the development on site does not have the same appearance as the approved plans and hence this submission to regularise the position in providing 2 x No. 2 bedroom dwellings, instead of the approved 4-bedroom dwelling within the same footprint.

Another additional change is that the approved dwelling comprised a very shallow mono pitched roof, whereas this scheme (built form on site) provides a dual pitched roof with an overall height varying from 5.3-6.2m.

In respect to garden provision, the revised scheme is of a similar arrangement to that previously approved. Therefore, there would be no further harm to the openness of the Green Belt with respect to possible encroachment. Three car parking spaces were approved for the original dwelling. A total of 4 car spaces are required for the revised scheme and can be provided within the site without causing detriment to the openness of the Green Belt.

Since the deferral of the application at Committee in July 2021, additional detailed plans have been submitted that provide a comparison of the original barn, the approved dwelling, and the as built dwellings on site. Precise volumes and heights of the structures concerned have also been provided.

- The Dutch barn which was in poor condition was 7.4m high at its highest point and 5.3m at its lowest. The precise volume of the Dutch barn was 1627 cubic metres.
- The approved single storey 4-bedroom dwelling with shallow mono pitched roof in the same position as the Dutch barn would have been 740 cubic metres, with an overall varying height from 2.8 – 4.4m. (Considering the gradient of the site, it is probable that additional height and thus volume would have resulted at the road frontage.)
- The volume of the dual pitched roof building that has been provided on site for 2 No. 2 bedroom dwellings is 776 cubic metres with an overall varying height from 5.3 - 6.2m.

The additional details clarify that the built form on site would be more than the approved scheme by approximately 36 cubic metres.

Principle of development

The application site is located within the Green Belt. Policy 8 of the Borough of Redditch Local Plan No. 4 applies and states that applications for new development will be determined in line with national planning guidance on Green Belts. The National Planning

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Policy Framework (NPPF) states that new buildings within the Green Belt are considered to be inappropriate development subject to a closed list of exceptions as outlined in Paragraphs 149 and 150 of the NPPF (2021).

Officers consider that the application does not accord with any of the closed list of exceptions to inappropriate development in the Green Belt, the proposal is therefore considered to be inappropriate development in this location. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering a planning application, substantial weight should be afforded to any harm to the Green Belt.

When the redevelopment application was considered under 17/00451/FUL, the officer at the time of determining the application acknowledged that the new dwelling and the proposal overall would result in a visual improvement of the site. It is noted that a shallow mono pitched roof was approved to minimise the impact of the new dwelling in this Green Belt setting. These factors amounted to very special circumstances to justify the harm by reason of inappropriateness. However, it is important to note that the approved plans for the replacement building did not include the true levels of the site and as such the overall height of the mono pitch building was imprecise relative to finished levels. The additional details recently submitted clarify what the true implication would have been in respect to the approved building.

In respect to the current application, it is acknowledged that the additional dwelling would also represent inappropriate development. When the application was considered at Planning Committee in July 2021, officers were considering the impact of the development in comparison to the original Dutch barn and advised that the revised scheme would have limited harm on the openness of the Green Belt, taking into account that the overall height of the scheme with a dual pitched roof would still be lower than the original building. Officers also stated that whilst the revised scheme would be higher than the approved mono pitched building, the revised roofline would be more in keeping with the surrounding buildings.

Following Counsel advice, the fallback position in this situation would not be the Dutch barn, but would be the approved scheme (shallow pitched dwelling). As mentioned above the built form on site is slightly more than that approved under planning reference 17/00451/FUL by approximately 36 cubic metres.

The built form

The roof design has changed from a mono pitched roof to a dual pitched roof, increasing volume and height compared to the approved fall-back scheme. Paragraph 137 of the NPPF 2021 identifies that openness is one of the essential characteristics of Green Belts, along with permanence. The Courts have confirmed that the openness of the Green Belt has a spatial as well as a visual aspect. This increase needs to be assessed in this context.

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The approved building would have resulted in an elevated form due to the original site gradient which was not defined under planning reference 17//00451/FUL. Comparing this to the on-site scheme, with its diminishing impact of roof volume (because of the pitched nature of the roof) there is little difference between the two schemes in terms of spatial impact.

Turning to the visual impact and taking into consideration the positioning of the building in relation to surrounding structures (such as the other buildings within the scheme, as well as the neighbouring dwellings in Yeates Acre) the building concerned is seen to be enclosed as well as being set back within the site. The narrow site frontage and screening along the southern side of Astwood Lane and position of adjoining dwellings to the west, also reduce the visual impact. Overall, the visual impact of the additional volume in this Green Belt setting is limited. Consideration has also been given to the context of the surrounding buildings and that the provision of the dual pitched roof is an improved urban form in this quasi-farm setting.

In conclusion officers consider that the limited spatial and visual impacts of this additional built form, in the context of the site and as assessed against the fall back of the extant permission, are sufficient to represent very special circumstances necessary to address the inappropriate nature of the development.

Arguments have been put forward by the agent expressing that the revised scheme falls within para 149 (g) of the NPPF in respect to limited infilling or the partial or complete redevelopment of previously developed land so long as it does not have a greater impact on the openness of the Green Belt than the existing development. Officers have considered the proposal against the fall back of the 17/00451/FUL scheme and as set out above, have considered the spatial and visual consequences of differences between those schemes.

Sustainable location

Policy 2 of the Local Plan No.4 provides a settlement hierarchy for development within Redditch to make it clear how settlements should be developed sustainably. The proposal site sits within Feckenham but is located outside the Village Settlement boundary as defined in Local Plan No.4. Therefore, paragraphs 2.3 of the policy apply, which states development in this location should only provide for locally identified development needs.

However, to promote sustainable development in rural areas, Para. 79 of the NPPF 2021 states that housing should be located where it will enhance or maintain the vitality of rural communities, identifying opportunities for villages to grow and thrive, especially where this will support local services. Whilst the site is located outside the identified settlement under policy 2 of the Local Plan No. 4, it is adjacent to established residential dwellings with footpath links to the village. In addition, the site is located within walking distance of amenities, bus route and bus stops which are located within approx. 500m.

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Paragraph 80(d) in NPPF 2021 refers to development involving the subdivision of an existing residential building. Officers would advise that the footprint of the revised building for 2 x No. 2 bedroom dwellings is the same footprint as that approved under 17//00451/FUL for 1 x No. 4 bedroom dwelling. Therefore, it could have been feasible for the development to have been implemented in accordance with the approved plans, but then subdivided later resulting in the development that is now the built form on site (with exception to the roof design). Furthermore, the proposal does not increase occupancy numbers above that of the previous permission.

Amenity and impact of neighbouring occupiers

Adequate garden provision would be provided for each dwelling, although the shapes of the gardens are linear, the useable garden areas exceed 70 sqm which is the minimum garden provision required for new dwellings as stated in the Councils SPD on High Quality Design.

In respect to the impact on the neighbouring occupiers, the provision of the additional dwelling would not hinder the amenities of the neighbouring occupiers given the building is single storey. As such the proposal is in accordance with the SPD and policies 39 and 40 of the Local Plan No.4.

Highways

The Highways Authority have considered the site and raised no objections to the proposal. The application site benefits from an existing vehicular access and is in close proximity to amenities, a bus route and bus stops.

Drainage

There is an existing flood risk issue located at the junction of Swansbrook Lane and Astwood Lane. This matter has been raised as part of the public consultation of this application.

Officers have been in dialogue with the applicant and North Worcestershire Water Management (NWWM) regarding the drainage arrangements that have been carried out for the redevelopment of the site. NWWM have clarified that the onsite drainage which includes an allowance for climate change is acceptable.

Whilst not a planning matter, NWWM are working with landowners to address the local flooding issue adjacent to the site to undertake works and maintenance in order to reduce the flooding issues affecting Astwood/ Swansbrook Lane road junction and adjacent properties.

Conclusion

The proposal would be inappropriate development in the Green Belt and would conflict with Policy 8 of the Local Plan No.4. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As mentioned in the body of this report, it is considered that very special circumstances apply on this occasion to justify the harm by reason of inappropriateness.

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In this case, the scale of the building would be slightly higher than the approved fall-back scheme and include a slight increase in volume of approximately 36 cubic metres. However, in considering the spatial and visual consequences of this in the context of how the 17/00451/FUL scheme could have been implemented and the overall improvements made to openness on the site following the removal of other structures, on balance this is considered to represent very special circumstances.

The scale of the development in terms of garden provision and hardstanding would be similar to those approved under the approved fall-back scheme with no additional harm to the openness of the Green Belt.

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 and any future occupiers would support local services within Feckenham.

Overall, it is considered in this case that the benefits of the development outweigh the environmental harm that the proposal would have in terms of its location. As such the development 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 hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings to be defined.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The Development hereby approved shall not be occupied until the proposed access gates have been set back 5 metres from the adjoining carriageway edge, and made to open inwards only.

REASON: In the interests of highway safety.

- 3 The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

REASON: In the interests of highway safety.

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- 4 The electric charging points provided on site for each dwelling 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(s) shall be of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities.

- 5 The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

REASON: To comply with the Council's parking standards.

- 6 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 the prior approval of the local planning authority to an application in that behalf.

Reason: To protect the visual amenity of the area and the openness of the Green Belt.

Procedural matters

This application is being reported to the Planning Committee because it was deferred from a previous meeting. In addition it has attracted an objection from a Statutory Consultee and therefore falls outside of the Scheme of Delegation.