



Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.
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Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Tuesday, 30th July, 2019** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

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Please note hard copies of the agenda will not be available at the meeting. If you require a hard copy of the agenda please email your request to governance@rutland.gov.uk or telephone (01572) 720991.

A G E N D A

1) APOLOGIES

To receive any apologies from Members.

2) MINUTES

To confirm the minutes of the Planning and Licensing Committee held on 2 July 2019.

3) DECLARATIONS OF INTERESTS

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

4) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions from members of the Public in accordance with the provisions of Procedure Rule 93.

Any petitions, deputations and questions that have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions that are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

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Requests to speak on planning applications will also be subject to the RCC Public Speaking Rules.

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The total time allowed for this item shall be 30 minutes.

5) EXCLUSION OF THE PRESS AND PUBLIC

The Committee is recommended to determine whether the public and press be excluded from the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972, as amended, and in accordance with the Access to Information provision of Procedure Rule 239, as the following item of business is likely to involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

6) PLANNING APPLICATIONS

To receive Report No. 117/2019 from the Strategic Director for Places.
(Pages 5 - 86)

7) APPEALS REPORT

To receive Report No. 118/2019 from the Strategic Director for Places.
(Pages 87 - 90)

8) ANY OTHER URGENT BUSINESS

To consider any other urgent business approved in writing by the Chief Executive and Chairman of the Committee.

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TO: ELECTED MEMBERS OF THE PLANNING AND LICENSING COMMITTEE

Mr E Baines (Chairman)
Mr I Razzell (Vice-Chairman)
Mr P Ainsley
Mr N Begy
Mr D Blanksby
Mr W Cross
Mrs S Harvey
Miss M Jones
Ms A MacCartney
Mr M Oxley
Ms K Payne
Mr N Woodley

OTHER MEMBERS FOR INFORMATION

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REPORT NO: 117/2019

PLANNING AND LICENSING COMMITTEE

**PLANNING APPLICATIONS TO BE DETERMINED BY THE
PLANNING AND LICENSING COMMITTEE**

**REPORT OF THE DEPUTY DIRECTOR OF PLACES
(ENVIRONMENT, PLANNING, TRANSPORT & HIGHWAYS)**

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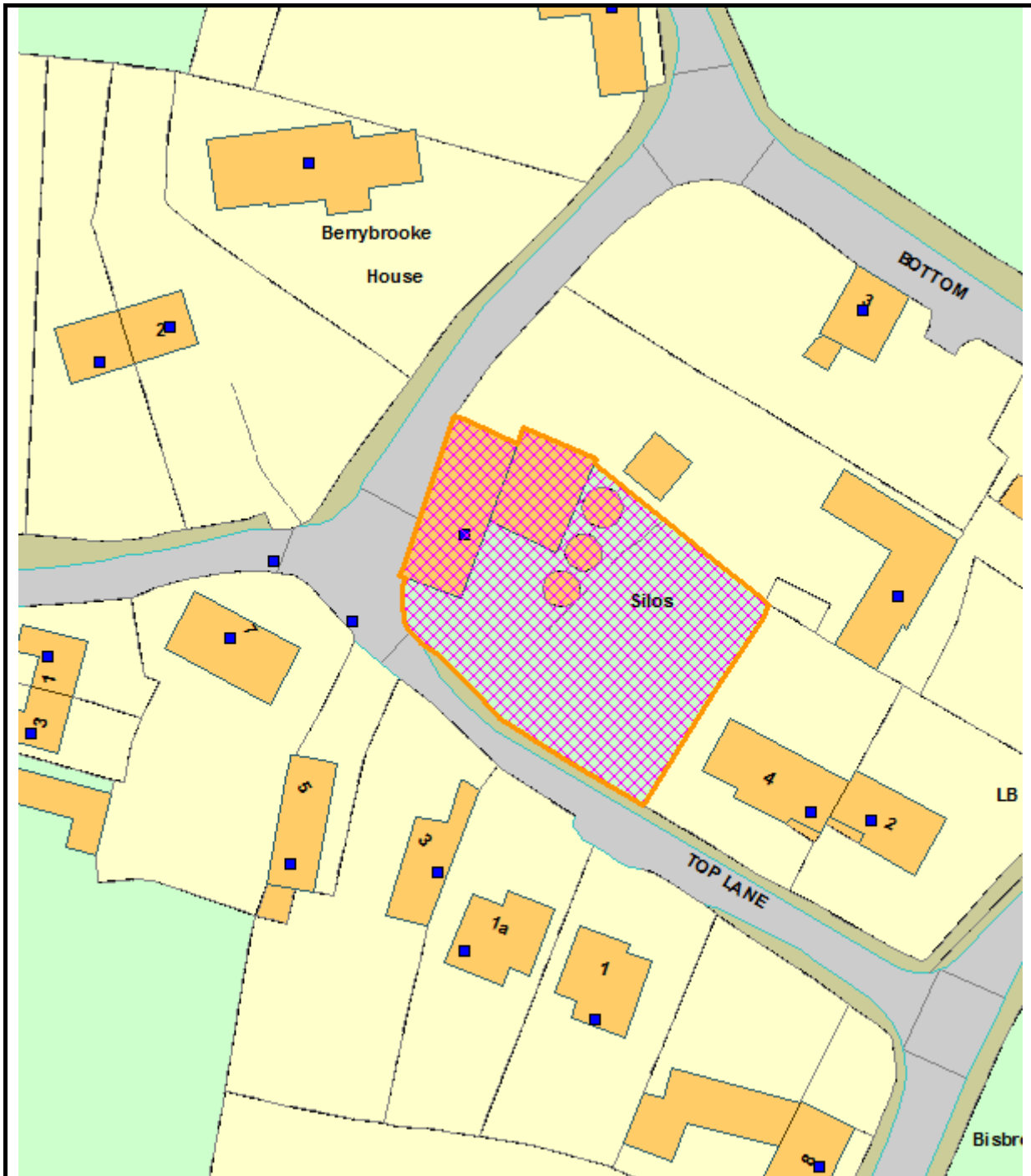
Rutland County Council

Planning & Licensing Committee – 30th July 2019

Index of Committee Items

Item	Application No	Applicant, Location & Description	Recommendation	Page
1	2017/1041/FUL	Mr Martin Clarke Barn Opposite Approval Junction With The Inhams Top Lane Bisbrooke	Refusal	9
2	2017/1042/LBA	Mr Martin Clarke Barn Opposite Approval Junction With The Inhams Top Lane Bisbrooke	Approval	21
3	2019/0465/FUL	Tower House Farm Ltd Tower House Farm, The Avenue, Exton	Approval	71
4	2019/0651/FUL	Mr and Mrs Andrew Brown Fairchild Lodge, Lyddington Road Caldecott	Approval	77
Appeals Report				87

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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2017/1041/FUL	ITEM 1	
Proposal:	Conversion of barn to residential and new residential dwelling adjacent to barn with associated landscaping and access		
Address:	Barn Opposite Junction with The Inhams, Top Lane, Bisbrooke		
Applicant:	Mr Martin Clarke	Parish	Bisbrooke Parish Meeting
Agent:	Mr Richard Cooper	Ward	Lyddington Ward
Reason for presenting to Committee:	Departure from the Adopted Local Plan		
Date of Committee:	30 July 2019		

EXECUTIVE SUMMARY

This application is for the conversion of a barn to residential dwelling and the construction of a new residential dwelling adjacent to barn with associated landscaping and access at barn opposite junction with The Inhams, Top Lane, Bisbrooke.

Enabling development can be approved, contrary to policy, if required to facilitate conservation of heritage assets. However, the information submitted in support of this application including the financial viability assessment does not outweigh the normal restraint policies which seek to resist new residential development in unsustainable locations.

REFUSAL, for the following reason:

1. The application site is located within the boundary of the planned limits of development for Bisbrooke, Policy CS3 (Settlement Hierarchy) of the adopted Core strategy identifies the settlement as a Restraint Village. Policy CS4 (The location of development) states that Restraint Villages are not considered sustainable locations to accommodate further development unless it is development normally acceptable in the countryside. Therefore the proposed development would be contrary to policies CS3 (Settlement hierarchy), CS4 (The location of development), of the Adopted Core Strategy (2011) and Policy SP5 (Built development in the towns and villages), Policy SP6 (Housing in the countryside) of the adopted Site Allocations and Policies Development Plan Document (2014). Furthermore, the applicant's justification that an exception be made to these policies due to this proposal providing enabling development for the restoration of a heritage asset elsewhere within the same landholding is not in accordance with paragraph 202 of the NPPF, or with the guidance in "Enabling Development and Conservation of Significant Places (English Heritage: 008)" and the accompanying viability assessment has not been undertaken in accordance with the guidance contained within the National Planning Practice Guidance (NPPG).

RECOMMENDATION

Site & Surroundings

1. The application site is located within the centre of Bisbrooke village on Top Lane. The site comprises the grade II listed barn and an associated area of paddock located to the east of the barn. The application site is surrounded by residential development.

Proposal

2. This application is for the conversion of a barn to residential dwelling with associated works and the erection of a new dwelling at barn opposite junction with The Inhams, Top Lane, Bisbrooke. The barn would be converted into a 2 bedroom property. The works

to the listed building seek to retain and use the existing opening with the addition of two new roof lights. Two areas of mezzanine floors are proposed to replecate original features within the building.

3. The new dwelling would be a four bedroom, two storey property.
4. Access to both properties would be provided via a single access on to Top Lane with off-street parking provided to both properites.

Relevant Planning History

5. Prelim advice was provided to the applicant stating the council would consider a future application favourably

Planning Guidance and Policy

National Planning Policy Framework

Chapters:

11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

The Rutland Core Strategy (2011)

Policies:

- CS3 Settlement Hierarchy
- CS4 Location of Development
- CS19 Design
- CS21 Natural Environment
- CS22 Historic and Cultural Environment

Site Allocations and Policies DPD (2014)

Policies:

- SP5 Built development in the towns and villages
- SP6 Housing in the Countryside
- SP15 Design and Amenity
- SP19 Biodiversity and Geodiversity
- SP20 The Historic Environment
- SP23 Landscape Character in the Countryside

Other Material Considerations

6. Enabling Development and Conservation of Significant Places (English Heritage: 2008)

Enabling Development

7. The NPPF and English Heritage guidance (both referenced above) provide a framework for considering applications that are contrary to policy, but justified as necessary to provide funding for the conservation of a heritage asset.
8. The following paragraphs specifically examine the guidance in greater detail to provide an appropriate background for consideration of the current application.

9. Firstly, any negative gap between the final value of the restored heritage asset and the cost of restoration is known as the “Conservation Gap”, with the additional proposals intended to fund this gap then known as “Enabling Development”.
10. Secondly, it should be noted that enabling development is only applicable in situations where the cost of conserving the heritage asset cannot be met via developments that accord with policy. This is relevant to the current case, as the landholding is wholly within the open countryside where new market housing would be contrary to policy.
11. The key guidance is set out in paragraph 202 of the NPPF:
“Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”
12. The English Heritage guidance “Enabling Development and Conservation of Significant Places” then provides detailed advice on how to address this. It commences with an overriding policy which establishes various criteria to be satisfied:
13. “Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:
 - a) it will not materially harm the heritage values of the place or its setting
 - b) it avoids detrimental fragmentation of management of the place
 - c) it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
 - d) it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
 - e) sufficient subsidy is not available from any other source
 - f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests
 - g) the public benefit of securing the future of the significant place through such enabling development decisively outweighs the dis-benefits of breaching other public policies.”
14. These are robust criteria, to ensure that any permission granted for such enabling development can be accepted as a justifiable departure from normal policy. The final criterion is critical as it deals with the potential extent of departure from normal policy.
15. The Policy is then expanded into further guidance:
“If it is decided that a scheme of enabling development meets all these criteria, English Heritage believes that planning permission should only be granted if:
 - a) the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission
 - b) the achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in ODPM Circular 05/05, Planning Obligations NOTE: this element of the guidance remains in place, albeit that circular 05/05 has been deleted
 - c) the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation.
 - d) the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.”

16. This is intended to ensure that anything granted permission as an exception to normal policy can be justified as providing a net gain as “enabling development” and then be implemented as such. For this reason, it is also implicit that the planning application(s) for enabling development be submitted at the same time as those for the heritage asset.
17. The current application is assessed against the English Heritage guidance later in this report.

Consultations

18. **Planning Policy Team**

This proposal is by definition a Greenfield site within the planned limits of development of Bisbrooke.

The adopted Core Strategy 2011

Policy CS3 – The Settlement Hierarchy

Policy CS3 in the adopted Core Strategy identifies Bisbrooke as a Restraint Village, which means it is one of the smallest villages with few services and facilities. NPPF paragraph 78, states housing should be located where it will enhance or maintain the vitality of rural communities. The settlement hierarchy in Rutland ensures new development is located in a sustainable way, where local services will be available and the need to travel is reduced.

Policy CS4 – The Location of Development

Policy CS4 states Restraint Villages are not considered sustainable locations for further development, unless it is development normally acceptable in the countryside. The Policy only allows for the conversion and re-use of appropriately and suitably constructed rural buildings for residential use in the countryside and does not apply to new build unless it is to meet affordable housing needs in accordance with the Council's Core Strategy affordable housing Policy CS11.

Site Allocations & Policies DPD 2014

Policy SP5 - Built Development in the Towns & Villages

Bisbrooke is a Restraint Village, and is not considered a suitable location for further development in accordance with Policy CS4, the new build element of this proposal would not accord with this policy.

Policy SP6 - Housing in the Countryside

Bisbrooke is a Restraint Village where residential development is only acceptable to meet an essential operational need for a dwelling to be located in the countryside or to meet an identified affordable housing need as set out in Core Strategy Policy CS11

In light of the above, the proposal for the barn conversion element accords with the above-mentioned policies. However, the new build element is considered unacceptable in principle.

19. **Bisbrooke Parish Meeting**

No comments received.

20. **Highway Authority**

No objection subject to a condition that no loose surface material to be provided within 5m of the highway boundary

21. Archaeology Consultant

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies within the medieval and post-medieval historic settlement core of Bisbrooke (HER ref.: MLE9732). Mapping from the early 19th century shows that the site occupies a central position within the village, whilst the 1st edition Ordnance Survey (c. 1880-90) indicates that the site itself has not been the subject of recent development, consequently, any buried archaeological remains are likely to be well preserved. Included within the site boundaries, depicted on both historic maps, lies a Grade II listed 17th/18th century stone barn (LB ref.: 187539, MLE19311). The 1798 Enclosure map and the later Ordnance Survey maps indicate that a further building known as Manor House existed within the site boundaries and may be impacted upon. The archaeological potential of the site is also indicated by the results of recent investigation within its vicinity. Trial trenching undertaken in advance of proposed development at Village Farm, to the south-east of the present site, revealed an early medieval ditch containing pottery, environmental remains and evidence of possible metal working (MLE18402). Whilst archaeological monitoring during development on Glaston Road produced evidence of post medieval remains, including pits, postholes and structures (MLE16032). Assessment of the available historic mapping has also suggested the presence of brick, or possibly pottery kilns in the vicinity (MLE16326). Finally, archaeological observations to the west of the site have identified possible prehistoric remains (MLE9731).

The current scheme proposes the construction of a new dwelling and garage as well as conversion of the barn. The works will include ground works destructive of any buried archaeological remains. An Historic Building Assessment has been made of the barn which also highlights the archaeological sensitivity of the site. Consequently, to ensure that any archaeological remains present are dealt with appropriately, the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of the development area; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision. The Archaeology Section will provide a formal Brief for the work at the applicant's request.

The applicant should, if planning permission is granted, obtain a suitable written Specification for the archaeological recording from an archaeological organisation acceptable to the planning authority. This should be submitted to this Archaeology Section, as archaeological advisors to your authority, for approval before the start of development.

The Specification should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development. We therefore recommend that any planning permission be granted subject to the following planning conditions, to safeguard any important archaeological remains potentially present:

- 1) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include

an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

2) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).

3) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

22. **Ecology Consultant**

The updated survey (CBE Consulting, June 2018) confirms the presence of a small bat roost within the barn to be converted. We are in agreement with the recommendations of the report in that a low level of mitigation will be required; proportionate with the findings of the survey. However, at this stage we would request some additional information on the proposed replacement roosts. Section 5 of the report (part c in the mitigation plan) states:

“As part of any conversion work that is approved external features should either be retained or provided to replace those lost within the interior of the building. Either permanent bat roosts should be incorporated in to the stonework on the south side of the building or existing joists left open and accessible to bats within the interior.”

At the present time I have seen no evidence that these recommendations have been incorporated into the design of the development. It is difficult to establish the most recent development plans from your website (most appear to be superseded), but it does appear that Plot 1 (the conversion) will not have a roof void, with either the roof being ‘left open’ or rooms within the roofspace. This may not be a problem, if it is suitable for bat boxes to be added to the external wall of the development, in the stonework on the south side of the building as discussed by the ecologist. However, I am aware that this is also a listed building and therefore the acceptability or detailed plans for this may need to be approved? In principle, I am satisfied with the use of bat boxes to mitigate the loss of this roost, but would require confirmation from the agent/LPA that external boxes are suitable on a listed building. If so, we would recommend that they are incorporated into the design. Following this we would require the mitigation plan to be a condition of the development.

23. **Historic England**
No objections
24. **Conservation Consultant**
No objection to the amended drawings
25. **RCC Highways** - No Objections if built in accordance with Drawing No 7499-02-01 Rev D, and subject to the following condition SWHI07 Surface Material -No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction details used must be porous.

Neighbour Representations

26. Nine letters of objection have been received from addresses in Bisbrooke. The points raised can be summarised as follows:
- No objection to the barn conversion but do object to a new dwelling
 - Unsustainable location for a new dwelling
 - Concerns about the height of the new dwelling and design
 - Concerns about lack of insufficient on-site parking and poor access
 - The second house is a new build in a declared unsustainable village
 - Loss of privacy and overlooking of neighbouring gardens
 - Overshadowing and loss of outlook and sunlight.
 - No need for another dwelling due to the existing narrow lane.
 - New dwelling would not fit in with its surroundings.
 - Lack of local facilities e.g. no school, shop, nurse or pub to support a new build
 - Concerns about flooding
 - The new house will change the character of the Lane
 - If a steep roof design is preferred so it is in keeping with the listed barn a dormer bungalow would be less imposing.

Planning Assessment

27. The key issues are:
1. The principle of new housing in Bisbrooke, a restraint village, as a means of providing “Enabling Development” for the restoration and conversion of the grade II listed barn on the site.
 2. The location and design of the dwelling and barn conversion
 3. Highway Safety
 4. Residential amenity
 5. Impact on protected species - bats

The principle of new housing in Bisbrooke, a restraint village, as a means of providing “Enabling Development” for the restoration and conversion of the grade II listed barn on the site.

28. The proposals is for the conversion of an existing barn and the provision of a new dwelling within Bisbrooke. Policy CS4 – The location of development seeks to promote sustainable forms of development and states that Restrain Villages are not considered sustainable locations to accommodate further development unless it is development normally acceptable in the countryside.
29. Development within the countryside is strictly limited to that which has an essential need to be located in the countryside and to particular types of development to support the rural economy and to meet affordable housing needs.

30. Policy CS4 states that the conversion and re-use of appropriately located and suitably constructed rural buildings for residential and employment-generating uses in the countryside will be considered adjacent or closely related to the towns, local service centres and smaller service centres provided it is of a scale appropriate to the existing location and consistent with maintaining and enhancing the environment and would contribute to the local distinctiveness of the area.
31. Policy CS22 – The historic and cultural environment seeks to conserve and enhance the quality of the built and historic environment of Rutland. Policy CS22 states that the adaptive re-use of redundant or functionally obsolete listed buildings or important buildings will be supported where this does not harm their essential character.
32. Policy SP5 - Built Development in the Towns & Villages seeks to promote sustainable development and indicates that within the planned limits of development of Oakham, Uppingham and the villages development will be supported subject to a number of criteria. Bisbrooke is a Restraint Village, and is not considered a suitable location for further development in accordance with Policy CS4. Although the conversion of the existing barn would accord with this policy the new dwelling element of the proposal would not accord with this policy.
33. Policy SP6 – Housing in the countryside seeks to restrict new housing development to that which is essential for the operational needs of agriculture, forestry or for an established rural enterprise. Or for development required to meet an identified affordable housing need.
34. Policy SP20 – The historic environment seeks to protect and where possible enhance historic assets and their settings. The policy indicates that the re-use of historic buildings will be acceptable provided that the building is structurally sound, the works would not have a detrimental impact on the character and appearance of the building, the proposed use is compatible with the building and the proposals would not adversely affect protected species.
35. The justification for the erection of a new dwelling was to secure the relevant funds for the conservation of the existing grade II Listed Barn, as a single storey dwelling to retain the open vaulted interior. It is also understood that some of the prelim discussions centred around draft policies in the Local Plan Review (Consultation Draft Plan) July 2017. Within this document there was a proposed change to the principal of development in restraint villages insofar as Policy RLP3 (The Spatial Strategy for Development) proposes changes to Small Villages (which Bisbrooke is defined) identifying them to be suitable for;
36.”smaller scale development mainly limited to infill on previously developed land , conversion and re-use of existing buildings with very limited further development of a scale appropriate to the character and needs of the village concerned. The small villages are not considered sustainable locations to accommodate further development unless it is limited to infill within the settlement, or development of previously developed land which will result in a positive environmental improvement...”
37. At present, the policy change to the Local Plan review has very little material weight, with planning applications being determined in accordance with National Planning Policy Guidance and policies within the adopted Local Plan. At best, the current application can be described as being premature.
38. Whilst the proposed conversion of the existing barn to a residential dwelling would comply with the requirements of the relevant planning policies the erection of a new independent dwelling would be contrary to the policies contained in the Development Plan. The planning authority is therefore required to consider whether the enabling

development (the new dwelling) as a material consideration outweighs the Development Plan policies.

39. The applicants have indicated that the proposed new dwelling is required in order to make the overall scheme and barn conversion viable. The new dwelling is therefore classed as “enabling development”.
40. The grade II listed barn is C17 with a C18 bay located at the southern end of the building. The building is constructed from iron stone and has a Welsh slate roof. Residential development has taken place around the barn and it is now no longer suitable for modern agricultural use.
41. English Heritage’s guide Enabling Development and the Conservation of Significant Places states in Section 5.4 that in financial terms, the case for enabling development normally rest on there being a conservation deficit. This is when the existing value (often taken as zero) plus the development costs exceed the value of the place after the development.
42. In this particular case the applicants have been asked to provide a viability assessment for the proposed development. The submitted viability assessment has been given limited weight as it does not comply with the National Planning Policy Guidance (NPPG) which sets out how such assessment should be carried out. The viability assessment along with an update to the potential sales value of the converted barn indicate that the proposal would have a negative land value of approximately £-28,936 if the barn was converted and sold for residential use without any enabling development. Whilst this appears to indicate that some form of enabling development may be justified the submitted viability assessment has not been undertaken in accordance with national guidance and the figures cannot therefore be fully assessed. Without a proper policy compliant assessment it is considered that the development, of an additional dwelling in the unsustainable village, would be contrary to the policies of the Development Plan, National Planning Policy Guidance and the guidance contained within English Heritage’s guidance on enabling development.

The location and design of the dwelling and barn conversion

43. It is considered that the proposed conversion of the existing barn would respect the special character and appearance of the listed barn and would result in less than substantial harm to this heritage asset. This limited harm would be outweighed by the wider public benefit of securing a long term future of the building through its redevelopment. The proposed development would make use of the existing openings and result in two small conservation style velux roof window in the eastern roof slope. The proposed conversion of the barn would comply with the relevant policies of the Development Plan and can be considered acceptable.
44. However the proposed new dwelling to be located to the east of the existing barn would be contrary to policy CS3, CS4, SP5 and SP6 of the Development Plan. Bisbrooke is an unsustainable location with no significant local services to support additional residential development. Any new occupiers would therefore be heavily dependant on the private motor vehicle to access local facilities and services. The proposed new dwelling cannot be considered to be necessary to make the barn conversion scheme viable when assessed against the very strict considerations for enabling development. It is therefore considered that this element of the proposals is contrary to the Council’s adopted Development Plan and national planning guidance.

Highway Safety

45. The local highway authority has been consulted and raised no objection to the proposed development subject to a condition that no loose surface material to be provided within 5m of the highway boundary. Subject to the inclusion of conditions the proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2019) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Residential amenity

46. Taking into account the nature of the proposal, the site layout, and the relevant separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent and neighbouring properties in accordance with Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

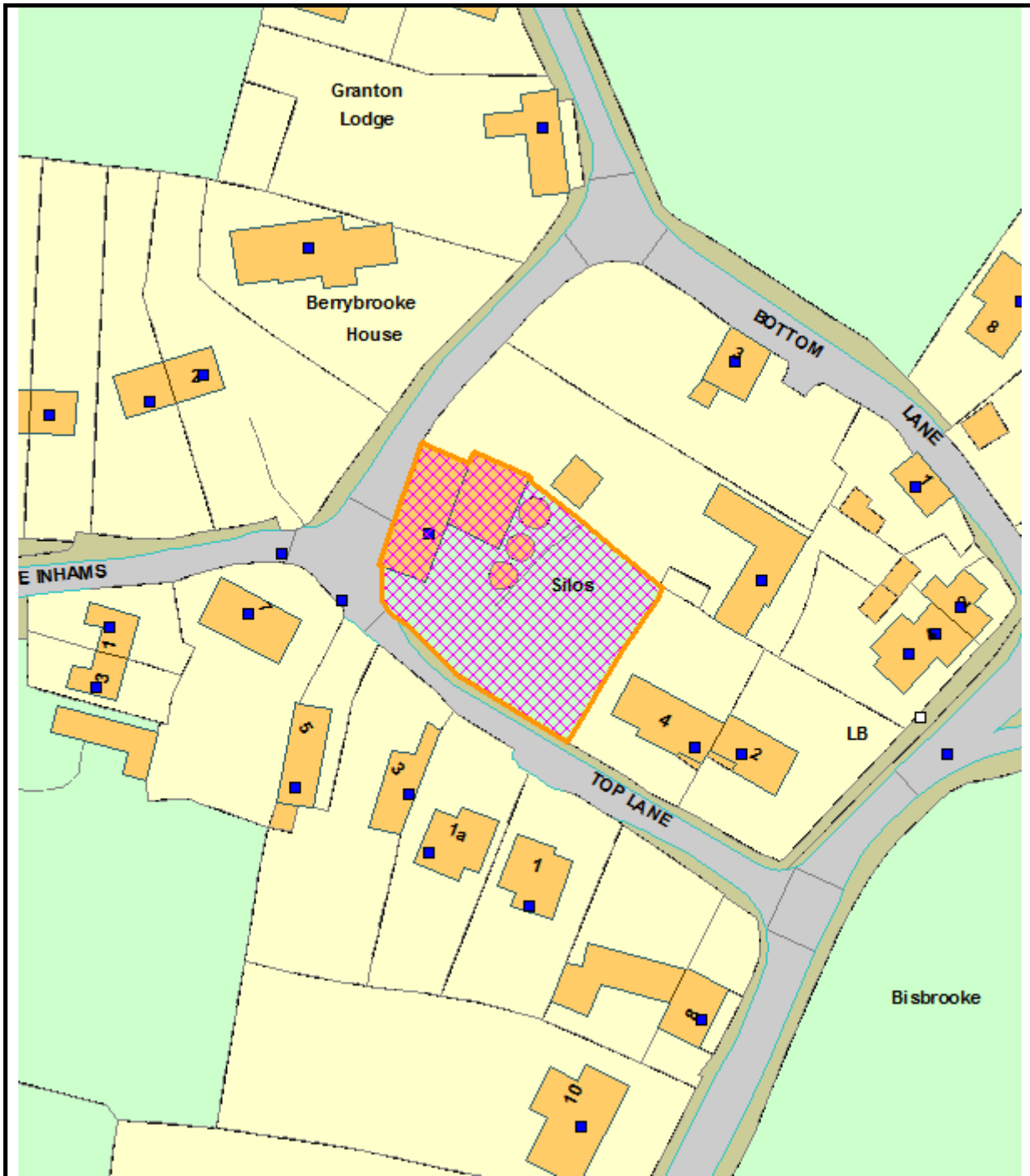
Ecology

47. In relation to bats the agent has confirmed that 'we are not intending to provide roof voids as the intention of the conversion is to retain the existing vaulted roof.
48. Further to discussion with the Conservation Consultant and the Senior Planning Ecologist an additional drawing was submitted showing the addition of a bat brick on the southern elevation. The applicant agent proposed the Ibstock bat brick type B which can be supplied in colours to match all of their brick range and colour of stone. It is stated to be suitable for conservation works and agent suggested agreement of the exact specification under condition.
49. The Senior Planning Ecologist and Conservation Consultant have confirmed that this approach is acceptable. Alternatively they would also both have no objection with external boxes being installed on a listed building.

Conclusion

50. Whilst the proposed conversion of the listed barn is considered to be acceptable and complies with all relevant policies it is considered that the proposed new dwelling is not justified and that acceptance would be contrary to the Council's Development Plan polices as detailed above. The application is therefore recommended for refusal.

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2017/1042/LBA	ITEM 2	
Proposal:	Conversion of barn to residential dwelling		
Address:	Barn Opposite Junction with The Inhams, Top Lane, Bisbrooke		
Applicant:	Mr Martin Clarke	Parish	Bisbrooke Parish Meeting
Agent:	Mr Richard Cooper	Ward	Lyddington Ward
Reason for presenting to Committee:	Departure from the Adopted Local Plan		
Date of Committee:	30 July 2019		

EXECUTIVE SUMMARY

This application is for the conversion of a barn to residential dwelling with associated works at barn opposite junction with The Inhams, Top Lane, Bisbrooke.

Whilst the associated planning application 2017/1041/FUL is recommended for refusal this associated listed building application is considered acceptable as the proposed works would cause less than substantial harm to the historic asset. The proposed works are considered to be sympathetic and seek to retain the traditional character of the barn and the benefits of securing a long term use for the building would outweigh any harm.

RECOMMENDATION

APPROVE, subject to the following conditions:

1. The works shall begin before the expiration of 3 years from the date of this consent.
REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 7499-01-01, 7499-01-02, 7499-01-03, 7499-02-01D and 7499-02-02C.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
REASON: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Building and Conservation Areas Act 1990).
4. All the mitigation and enhancements set out in chapter 5 'Conclusion and Recommendation' in the Protected Species Survey undertaken by Christopher Barker from CBE Consulting dated 10 October 2017 shall be implemented at the appropriate stage of the development.
REASON: In order to safeguard protected wildlife species and their habitats and because this is a timber framed building where it is highly likely, due to its age, that bats may be present.
5. Before any work is commenced details and colour of the proposed lbstock bat brick type B to match the existing stone work as shown on drawing number 7499-02-02C shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Building and Conservation Areas Act 1990

6. Before any work is commenced drawings to a scale of not less than 1: 20 scale detailing the new or replacement windows, doors, and surrounds to be used shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in accordance with the approved details.
- (i) materials
 - (ii) decorative/protective finish
 - (iii) cross sections for glazing bars, sills, heads etc at a scale of 1:20
 - (iv) sample sections of joinery work (glazing bars, sills etc) to be used
 - (v) method of opening
 - (vi) method of glazing

REASON: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Building and Conservation Areas Act 1990.

7. New or replacement Rainwater goods and soil pipes (gutters, downpipes, hopper heads and soil pipes) shall be in cast-iron; cast aluminium; painted black and shall be of half round profile.

REASON: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Building and Conservation Areas Act 1990.

8. Any raking out and re-pointing of the masonry walls shall be undertaken using hand tools only with a lime rich mortar, unless the Local Planning Authority agree to the use of mechanical means of raking out.

REASON: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Building and Conservation Areas Act 1990 and to ensure that no unnecessary damage is caused to the historic fabric by the use of inappropriate mechanical means of raking out.

9. Before works to the roof are commenced, details shall be submitted to the Local Planning Authority of the means of ventilating the roof space. Only such details as may be agreed in writing shall be used on the building(s).

REASON: To ensure that the means of ventilating the roof does not have an adverse impact on the character and appearance of the building and to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Building and Conservation Areas Act 1990.

10. The roof lights to be installed in the building shall be of a 'conservation' type, details of which shall be submitted to the Local Planning Authority prior to installation. Only such details as may be approved in writing shall be used in the approved works of conversion.

REASON: To ensure that the type of rooflight installed is in-keeping with the character and appearance of the building being converted.

11. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of

the site investigation

- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

REASON: To ensure satisfactory archaeological investigation and recording. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor

12. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (11).
REASON: To ensure satisfactory archaeological investigation and recording. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
13. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (11) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
REASON: To ensure satisfactory archaeological investigation and recording. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

Note to Applicant:

1. The applicant/developer is reminded that they will need to apply for planning permission for the change of use of the barn to a residential dwelling before this listed building consent can be fully implemented.

Site & Surroundings

1. The application site is located within the centre of Bisbrooke village on Top Lane. The site comprises the grade II listed barn and an associated area of paddock located to the east of the barn. The application site is surrounded by residential development.

Proposal

2. This application is for the conversion of a barn to residential dwelling with associated works at barn opposite junction with The Inhams, Top Lane, Bisbrooke. The barn would be converted into a 2 bedroom property. The works to the listed building seek to retain and use the existing opening with the addition of two new roof lights. Two areas of mezzanine floors are proposed to replete original features within the building.

Relevant Planning History

3. Prelim advice provided to the applicant – stating the council would consider a future application favourably

Planning Guidance and Policy

National Planning Policy Framework

Chapters:

12. Achieving well-designed places
16. Conserving and enhancing the historic environment

The Rutland Core Strategy (2011)

Policies:

- CS19 Design
- CS22 Historic and Cultural Environment
- CS21 Natural Environment

Site Allocations and Policies DPD (2014)

Policies:

- SP15 Design and Amenity
- SP20 The Historic Environment
- SP19 Biodiversity and Geodiversity Conservation

Other Material Considerations

4. Enabling Development and Conservation of Significant Places (English Heritage: 2008)

Consultations

5. **Bisbrooke Parish Meeting**

No comments received

6. **Highway Authority**

No objection subject to a condition that no loose surface material to be provided within 5m of the highway boundary

7. **Archaeology Consultant**

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies within the medieval and post-medieval historic settlement core of Bisbrooke (HER ref.: MLE9732). Mapping from the early 19th century shows that the site occupies a central position within the village, whilst the 1st edition Ordnance Survey (c. 1880-90) indicates that the site itself has not been the subject of recent development, consequently, any buried archaeological remains are likely to be well preserved.

Included within the site boundaries, depicted on both historic maps, lies a Grade II listed 17th/18th century stone barn (LB ref.: 187539, MLE19311). The 1798 Enclosure map and the later Ordnance Survey maps indicate that a further building known as Manor House existed within the site boundaries and may be impacted upon.

The archaeological potential of the site is also indicated by the results of recent investigation within its vicinity. Trial trenching undertaken in advance of proposed development at Village Farm, to the south-east of the present site, revealed an early medieval ditch containing pottery, environmental remains and evidence of possible metal working (MLE18402). Whilst archaeological monitoring during development on Glaston Road produced evidence of post medieval remains, including pits, postholes and

structures (MLE16032). Assessment of the available historic mapping has also suggested the presence of brick, or possibly pottery kilns in the vicinity (MLE16326). Finally, archaeological observations to the west of the site have identified possible prehistoric remains (MLE9731).

The current scheme proposes the construction of a new dwelling and garage as well as conversion of the barn. The works will include ground works destructive of any buried archaeological remains. A Historic Building Assessment has been made of the barn which also highlights the archaeological sensitivity of the site. Consequently, to ensure that any archaeological remains present are dealt with appropriately, the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of the development area; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision. The Archaeology Section will provide a formal Brief for the work at the applicant's request.

The applicant should, if planning permission is granted, obtain a suitable written Specification for the archaeological recording from an archaeological organisation acceptable to the planning authority. This should be submitted to this Archaeology Section, as archaeological advisors to your authority, for approval before the start of development.

The Specification should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development. We therefore recommend that any planning permission be granted subject to the following planning conditions, to safeguard any important archaeological remains potentially present:

- 1) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 2) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).
- 3) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording
The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

8. **Ecology Consultant**

The updated survey (CBE Consulting, June 2018) confirms the presence of a small bat roost within the barn to be converted. We are in agreement with the recommendations of the report in that a low level of mitigation will be required; proportionate with the findings of the survey. However, at this stage we would request some additional information on the proposed replacement roosts. Section 5 of the report (part c in the mitigation plan) states:

“As part of any conversion work that is approved external features should either be retained or provided to replace those lost within the interior of the building. Either permanent bat roosts should be incorporated in to the stonework on the south side of the building or existing joists left open and accessible to bats within the interior.”

At the present time I have seen no evidence that these recommendations have been incorporated into the design of the development. It is difficult to establish the most recent development plans from your website (most appear to be superseded), but it does appear that Plot 1 (the conversion) will not have a roof void, with either the roof being ‘left open’ or rooms within the roofspace. This may not be a problem, if it is suitable for bat boxes to be added to the external wall of the development, in the stonework on the south side of the building as discussed by the ecologist. However, I am aware that this is also a listed building and therefore the acceptability or detailed plans for this may need to be approved? In principle, I am satisfied with the use of bat boxes to mitigate the loss of this roost, but would require confirmation from the agent/LPA that external boxes are suitable on a listed building. If so, we would recommend that they are incorporated into the design. Following this we would require the mitigation plan to be a condition of the development.

9. **Historic England**

No objections

10. **Conservation Consultant**

No objection to the amended drawings

Neighbour Representations

11. Nine letters of comment have been received in relation to both the planning and listed building consent applications. The letters received in general support the conversion of the barn but raise objections to the proposed new dwelling the subject of application 2017/1041/FUL.

Planning Assessment

Impact on the character and appearance of the area

12. Listed Building Apps - The Local Planning Authority is required to ensure that special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.
13. NPPF - Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF 2019). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
14. Although the proposals for the barn conversion and new dwelling the subject of planning application 2017/1041/FUL are not considered to be acceptable the proposed works to the listed barn the subject of this listed building consent application (2017/1042/LBA) are acceptable. The proposed alterations respect the special character and appearance of the listed barn and would result in less than substantial harm to this heritage asset. This limited harm would be outweighed by the wider public benefit of securing a long term future of the building through its redevelopment.
15. By virtue of the design, scale and materials to be used, the proposal would be in keeping with the host barn. The development would not cause harm to grade to listed barn in accordance with Sections 12 and Section 16 of the NPPF (2019), Policies CS19 and CS22 of the Rutland Core Strategy (2011) and Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014).

Ecology Considerations

16. In relation to the issue of bats the agent has confirmed that 'we are not intending to provide roof voids as the intention of the conversion is to retain the existing vaulted roof. Further to discussion with the Conservation Consultant and the Senior Planning Ecologist an additional drawing was submitted showing the addition of a bat brick on the southern elevation. The applicant agent proposed the Ibstock bat brick type B which can be supplied in colours to match all of their brick range and colour of stone. It is stated to be suitable for conservation works and agent suggested agreement of the exact specification under condition.
17. The Senior Planning Ecologist and Conservation Consultant have confirmed that this approach is acceptable. Alternatively they would also both have no objection with external boxes being installed on a listed building.

Conclusion

18. Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 12 and 16), Policies CS19 and CS22 of the Rutland Core Strategy (2011) and Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014).

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Ordnance Survey [100018056]



Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2019/0465/FUL	ITEM 3	
Proposal:	Permanent Agriculture Dwelling (Following temporary Permission 2015/1129/FUL)		
Address:	Tower House Farm, The Avenue, Exton		
Applicant:	Tower House Farms Ltd	Parish	Exton & Horn
Agent:	Fisher German LLP	Ward	Exton
Reason for presenting to Committee:	Referral by Chairman		
Date of Committee:	30th July 2019		

EXECUTIVE SUMMARY

The proposal to make the temporary mobile home permanent has been assessed against the Local Plan and NPPF policies. The unit is established, has a functional requirement for a permanent occupier to manage the stock and is capable of financially supporting the cost of the dwelling. The proposal is sited close to existing agricultural buildings and does not have an adverse impact on the appearance of the countryside.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The occupation of the dwelling shall be limited to a person solely or mainly working or last working, in the locality in agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person and to any resident dependants.

Reason - The site of the permission is outside any area where planning permission would normally be forthcoming for residential development not directly related to a clearly and specifically identified exceptional need related to a recognised countryside activity.

2. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out prior planning permission.

Site & Surroundings

1. The application site is located on Barnsdale Avenue, in Exton and is known as Tower House Farm Ltd. The application site is not within a Conservation Area. The farm is set back from the main road and screened by mature trees. The farm includes agricultural buildings for storage and keeping livestock and also a temporary dwelling which provides accommodation for the manager of the farm and his family.

Proposal

To make the temporary mobile dwelling a permanent dwelling on site

Relevant Planning History

Application	Description	Decision
2015/1129/FUL	Temporary Agriculture Residence	Approved

Planning Guidance and Policy

National Planning Policy Framework

NPPF (2019) Section 12

The Rutland Core Strategy (2011)

CS4 The Location of Development
CS19 Promoting Good Design

Site Allocations and Policies DPD (2014)

SP5 Built Development in the Town and villages
SP6 Housing in the countryside
SP15 Design and Amenity
Appendix 1 Agricultural Dwellings

Consultations

2. Exton & Horne Parish Council does not wish to see a permanent dwelling on this site and would therefore only approve another Portakabin on a temporary basis.

Neighbour Representations

3. None

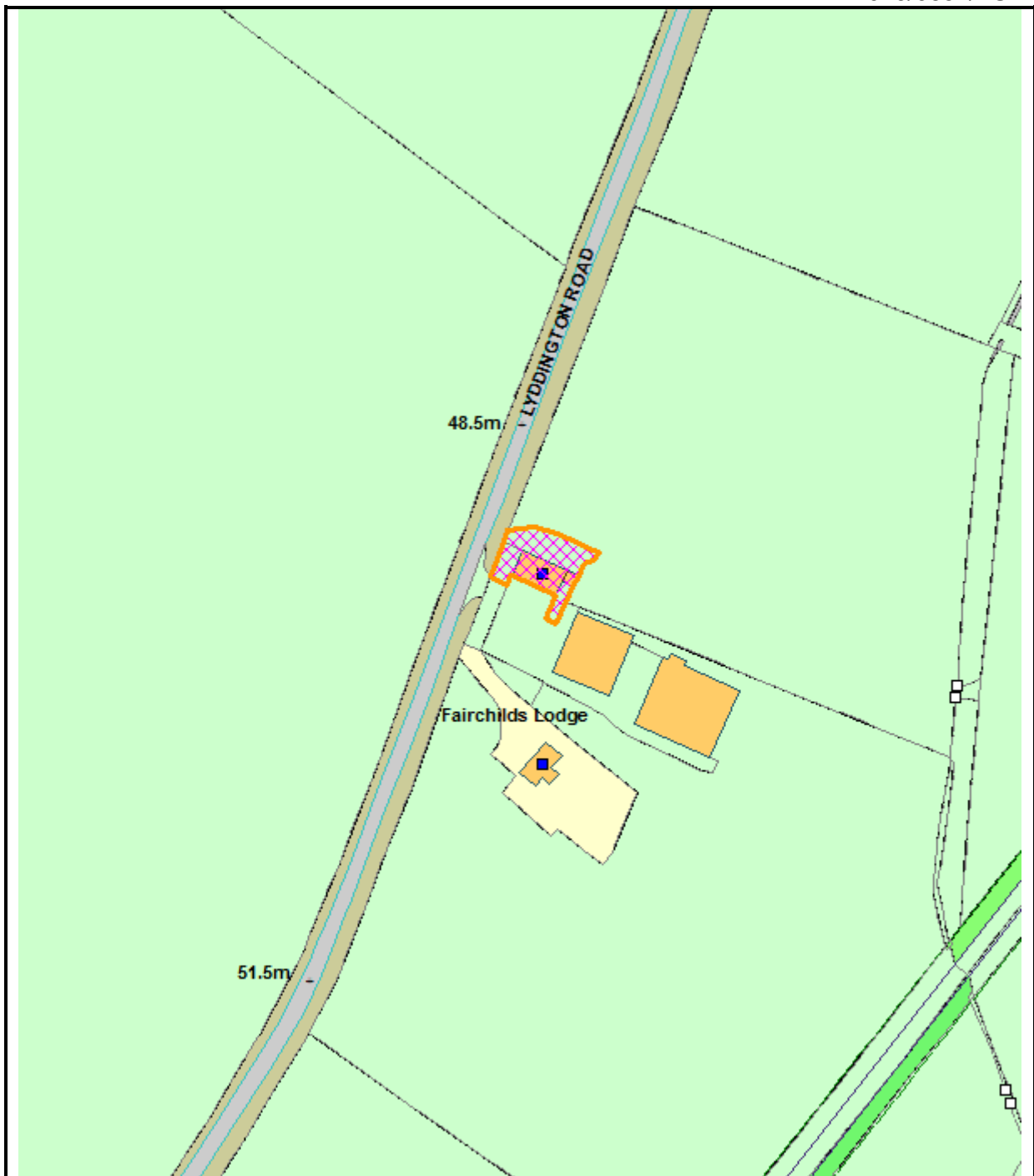
Planning Assessment

4. The main issues in this case are whether there is a case for a permanent dwelling on this holding, bearing in mind its functional and financial capabilities, and the visual impact it might have on the wider area if approved.
5. The current application is for the continued siting of the existing dwelling on a permanent basis. The existing dwelling is a log cabin type, and includes four bedrooms, two bathrooms, a utility room, kitchen, dining area and sitting room.
6. According to the supporting agricultural appraisal provided by the applicant's agents and an additional appraisal provided by the Council's Agricultural Consultant, the agricultural holding is currently cropped with 71 hectares (175 acres) of winter wheat, 27 hectares (67 acres) of triticale, 94 hectares (232 acres) of winter oilseed rape, 30.85 hectares (76 acres) of temporary grassland, 47.68 hectares (118 acres) of spring barley and 36.63 hectares (90.5 acres) of potatoes. The holding was stocked as at 1st January, 2019 with 60 suckler cows, eight cull cows, 43 heifers and 31 bulls/steers; it is also proposed to increase the suckler herd to 122 cows over the next two years.

7. The calculation specifies that the existing farming enterprise has a labour requirement for approximately 2.5 full-time persons, which will increase to three full-time persons if the livestock is increased.
8. Applications for permanent agricultural dwellings are currently assessed under the National Planning Policy Framework, 2019, which states in paragraph 79 "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
 - (a) There is an essential need for a rural worker, including those taking majority control of the farm business, to live permanently at or near their place of work in the countryside;" – The Framework is also only supportive of sustainable development, which in the case of agricultural and rural workers' dwellings is taken to mean that the rural business must be financially viable, and capable of sustaining the cost of the proposed new dwelling in the long-term.
9. Appendix 1 to the Site Allocations and Policies DPD sets out five criteria, which must be satisfied to justify a permanent agricultural workers' dwelling.
10. Paragraph 3(I) states 'There is a clearly established existing functional need' This was accepted by the Local Planning Authority in 2015, when the temporary planning permission for workers' dwelling was granted; and therefore this criteria has been satisfied, together with the essential need criteria in the Revised Framework and an existing essential/functional need to look after the herd, which it is proposed to increase in 2020.
11. Paragraph 3(II) states 'The need relates to a full-time worker or one who is primarily employed in agriculture and does not relate to a part-time requirement'
12. There is an existing labour requirement for approximately 2.5 full-time persons. The labour requirement would increase to approximately three full time persons, with one full-time person required to look after the livestock if the numbers of them are increased. This criteria has also been satisfied.
13. Paragraph 3(III) states "The unit and the agricultural activity concerned has been established for at least three years, has been profitable for at least one of them.'
14. This criteria has been satisfied.
15. Paragraph 3(IV) states "The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned'
16. This criteria was accepted in 2015 at the time of the temporary consent being granted and therefore the Local Planning Authority accept that there are no other dwellings in the area, which are both suitable and available for occupation by the worker concerned. This criteria has been satisfied.
17. Paragraph 3(V) states "Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied."
18. The application site has good access, the site is well screened by mature trees and the existing dwelling itself or cumulatively with other development would not have any adverse impact upon the character and landscape of the area. The buildings are set together in a group.

19. The objection from the Parish Council is noted, but the proposal for a permanent dwelling fulfils the criteria set out in the policies. The Parish has not been specific as to what its objection is based on.
20. Given the above, the proposal meets the relevant criteria and can be approved.

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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2019/0651/FUL	ITEM 4	
Proposal:	Conversion of barn to 2 no. Residential units.		
Address:	Fairchild Lodge, Lyddington Road, Caldecott, Rutland, LE16 8TE		
Applicant:	Mr And Mrs Andrew Brown	Parish	Caldecott
Agent:	Mr Tony Ansell	Ward	Lyddington
Reason for presenting to Committee:	Member application		
Date of Committee:	30th July 2019		

EXECUTIVE SUMMARY

The proposed changes to a former Class Q barn conversion would have a minimal impact on the public appearance of the building, and taking account of material considerations, including the fallback position of Class Q, the development is acceptable.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers; LB/01/BP/2019, LB/REGS/01/2019, LB/REGS/02/2019, LB/REGS/03/2019.
Reason: For the avoidance of doubt and in the interests of proper planning.
2. Materials (wording to be finalised in addendum report)
3. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction details used must be porous.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and to ensure that drainage is sustainable.
4. Any new gates provided at the vehicular access shall be inward opening only and shall not be sited closer to the nearside edge of the carriageway than the existing gates.
Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.
5. Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, D, E, and F, and Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling, no provision of hard surfacing, buildings, enclosures, swimming or other pool, or any fences, walls or other means of enclosure shall be erected except with prior planning permission.
Reason: To protect the character and appearance of the open countryside.
6. The existing hedge on the west (roadside) boundary of the site shall be retained at a height of no less than 1.5 metres. Any part of the hedge that dies, is removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To maintain a soft boundary treatment for this part of the site, in the interests of the character and appearance of the open countryside.

Site & Surroundings

1. The site is a disused agricultural building within a farmyard located about half a mile east of Caldecott, within the open countryside. The barn has breeze block walls and a corrugated asbestos sheet roof, with similar sheeting to parts of the side and rear elevation. There are larger barns to the south-east, and the farmhouse is sited beyond that.
2. The site and surrounding grazing land is flat, and the barn is prominent from public views when travelling in either direction along the road; however there is established hedgerow along the roadside boundary to the site and surrounding fields.

Proposal

3. The site was granted prior approval for a single dwelling in 2017 (reference no. 2017/0592/PAD) under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In 2018 this was changed (following a refusal that went beyond the scope of Class Q) via a further prior approval to two dwellings (2018/0660/PAD).
4. The development has commenced on this basis, though the current planning application seeks various changes to the scheme. The nature of a 'prior approval' notification does not allow for further amendments to a scheme once development has commenced, hence the need for a full planning application.
5. The changes to the scheme consist of a different vehicular access to the site, alterations to the parking arrangements and curtilage, various fenestration alterations, and a change of proposed roofing material from tiles to profiled aluminium sheeting. The walls are to be as per the existing Class Q prior approval; render and red cedar cladding.
6. Plans are attached as appendix 1.

Relevant Planning History

Application	Description	Decision
20187/0250/PAD	Conversion of barn to residential use.	Prior Approval Aug 2017
2018/0393/PAD	Conversion of existing roadside barn to 2 no. residential units.	Refuse Prior Approval June 2018
2018/0660/PAD	Conversion of existing roadside barn to 2 no. residential units.	Prior Approval; Aug 2018

Planning Guidance and Policy

National Planning Policy Framework

Supports sustainable development

Para 79 – To promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as;

- the need for a farm or forestry worker to live there,
- where it would represent the optimal use of a heritage asset
- where it would re-use redundant or disused buildings and lead to enhancement of the immediate locality, or
- be of exceptional quality, truly outstanding or innovative etc.

The Rutland Core Strategy (2011)

CS4 – Location of Development

Development in the Countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs. The conversion and re-use of appropriately located and suitably constructed rural buildings for residential and employment-generating uses in the countryside will be considered adjacent or closely related to the towns, local services centres and smaller services centres provided it is of a scale appropriate to the existing location and consistent with maintaining and enhancing the environment and would contribute to the local distinctiveness of the area.

CS19 – Promoting Good Design

Site Allocations and Policies DPD (2014)

SP6 – Housing in the Countryside

New housing development will not be permitted in the countryside except where:

- a) it can be demonstrated to be essential to the operational needs of agriculture, forestry or an established enterprise requiring a rural worker to live permanently at or near to their place of work in the countryside; or
- b) affordable housing would meet an identified local housing need as set out in Core Strategy Policy CS11 (Affordable housing); (these sites may also include small numbers of market homes where exceptionally permitted by Policy SP10 (Market housing within rural exception sites).

The development itself, or cumulatively with other development, should not adversely affect any nature conservation sites, or the character and landscape of the area, or cultural heritage.

The re-use or adaptation of buildings for residential use will only be permitted in the countryside where:

- a) the vacant building to be converted and re-used is a permanent structure capable of being converted without major re-construction;
- b) the proposal is accompanied by evidence that a reasonable effort has been made to secure a suitable business or commercial use, or there is evidence that any alternative use is not viable, before residential use is considered;
- c) the building relates well to a town, local service centre or smaller service centre or is close to a regular public transport service to such settlements;
- d) the creation of a residential curtilage does not have a detrimental impact on the character of the countryside. Any historical, cultural or architectural contribution the building makes to the character of the area will be taken into account in the overall assessment of the proposal.

SP15 – Design & Amenity

Consultations

7. **Highways**
No objections, subject to conditions for surface material, gates, and note to applicant for a Highways Licence.
8. **Ecology**
It appears that the barn to be converted is a modern-style barn constructed in sheet-material. The conversion of this building would not meet any biodiversity triggers and we have no comments on, or objections to, this application.

Neighbour Representations

9. None

Planning Assessment

10. The main issues are policy, design, and highways

Policy

11. The Development Plan, specifically Policies CS4 and SP6, restricts new housing in the countryside to that which is necessary, usually for agriculture or forestry. This is supported by the advice in Paragraph 79 of the revised National Planning Policy Framework (NPPF).
12. CS4 states that conversion will only be permitted where the building is close to sustainable settlements and where there is no environmental impact. Policy SP6 builds on the Core Strategy and sets out where residential conversion might be allowed.
13. Since the introduction of Class Q permitted development rights, with no consideration of sustainability, this can be a material consideration in the determination of an application to convert a rural building, i.e. where there is a clear possibility and intention to use the Class Q rights. There was a Class Q approval and works have commenced so there is a clear intention, and case law has established that a fallback position should be lent considerable weight.
14. Given the above, it is considered that the principle of residential development here has been established, and as such the proposal would not be in conflict with Section 5 of the NPPF (2019), Policies CS03 and CS04 of the Rutland Core Strategy (2011), and Policy SP6 of the Site Allocations and Policies Development Plan Document (2014).

Design

15. The building itself to be converted would not differ in size from the previous prior approval. The changes to the fenestration (including the introduction of new openings, and bi-fold doors) would not have a detrimental impact upon the appearance of the building, or the character or appearance of the open countryside.
16. Aside from the farmhouse (owned by the applicants) there are no residential dwellings in the vicinity, and as such the proposal would not have a detrimental impact upon residential amenity. The applicant has advised since submitting the application that they now wish to retain some roof lights that were present on the original roof, but these are not currently shown on the plans. This is acceptable; however these revisions have not

yet been received. Members will be updated in the addendum report should these revisions be submitted.

17. There is also no objection in principle to the change of materials. The proposed roofing material is an accepted roofing material for farm buildings, and while this is a conversion, it would still be in keeping with the remaining barns and surrounding countryside. The applicant is in the process of finalising the colour of the roof sheeting (anticipated to be olive green), and members will be updated on this in the addendum report, and a suitable materials condition included to secure this.
18. The Class Q prior approvals do not include any permitted development rights, and while the current application is for full planning permission, given the prominence of the building within the open countryside, the removal of permitted development rights for further extensions, outbuildings and means of enclosure is considered justified in the interests of the character and appearance of the open countryside.
19. A condition is also included to retain the hedging along the roadside boundary. There are two trees here as well, and while both of these provide a degree of screening, they are not mature and are sited close to the building and proposed parking area. Given this, securing their long term retention via a tree preservation order would not be justified. The retention of the hedge here however would maintain a soft boundary, and help to screen the parking area.
20. Given the above, the proposal would not have a detrimental impact upon the character or appearance of the open countryside or local amenity, in accordance with Sections 9 & 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011), and Policies SP6 and SP15 of the Site Allocations and Policies Development Plan Document (2014).

Highway issues

21. The current application proposes to re-locate the vehicular access to the site, and the curtilage of the site has been slightly amended from the prior approval, in order to facilitate the new access layout, driveway and parking arrangements. On the previous approvals the site would share an access with the farm and farmhouse. However there is another existing access to the field behind the barn to be converted, which would provide better access, and also separation from the farm access. Parking for the two units would also be separated from one another, with each unit having four spaces at each end of the building; an improvement over the previous approval.
22. The Highway Authority has no objection to the proposal, and has recommended conditions. These are included, however as the access is existing and there is a gate here already, the 'gates' condition has been reworded accordingly to not allow a gate closer than the existing gate.
23. The proposal will not have an adverse impact on highway safety. There is adequate parking and turning for vehicles using the site. The proposal is therefore acceptable in this respect, in accordance with Section 9 of the NPPF (2019) and SP15 of the Site Allocations and Policies Development Plan Document (2014).

Crime and Disorder

24. It is considered that the proposal would not result in any significant crime and disorder implications

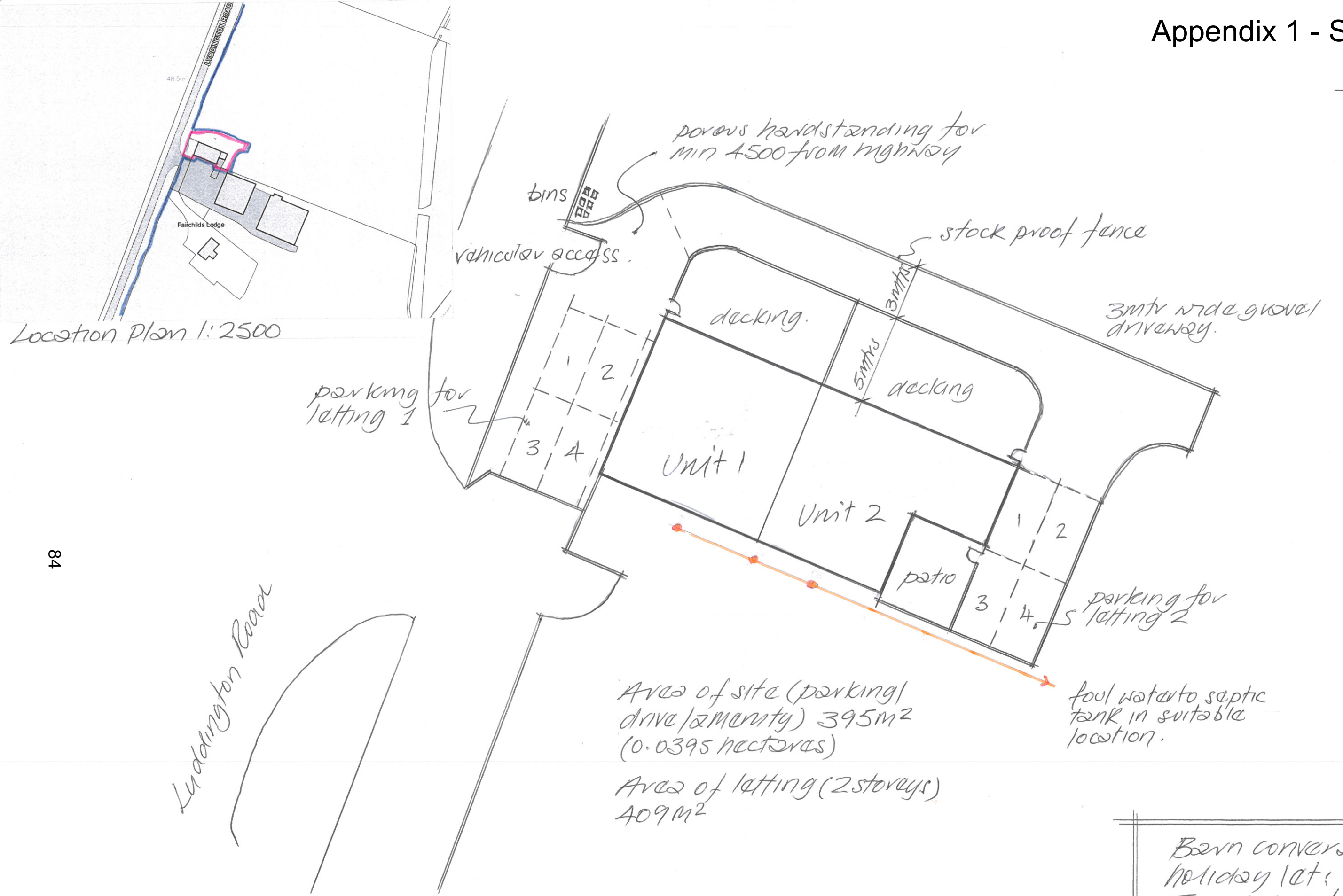
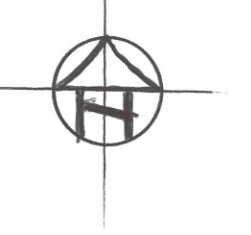
Human Rights Implications

25. Article 6 (Rights to fair decision making) and Article 8 (Right to private family life and

home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

Conclusion

26. When considering the fallback position and the alterations proposed, the visual impact that the completed building would have on the public realm is limited such that the building would assimilate into the landscape in a satisfactory manner. Planning permission can therefore be granted, subject to the recommended conditions.



Area of site (parking/
drive/amenity) 395m²
(0.0395 hectares)

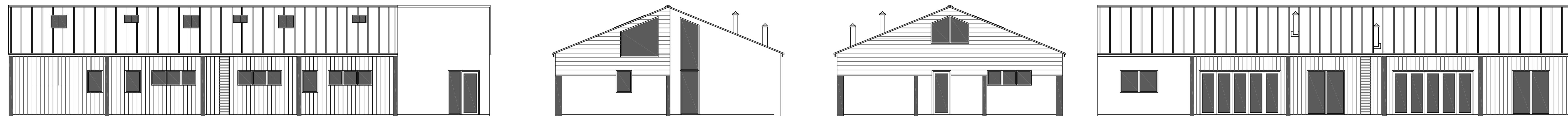
Area of letting (2 storeys)
409m²

foul water to septic
tank in suitable
location.

Barn conversion to
holiday let:
Fairchild's Lodge
Lyddington Road
Caldecott

Ref: LB/01/BP/2019.

Block Plan 1:200@A3



Proposed South West Elevation 1:100

Proposed North West Elevation 1:100

Proposed South East Elevation 1:100

Proposed North East Elevation 1:100

PLANNING NOTES

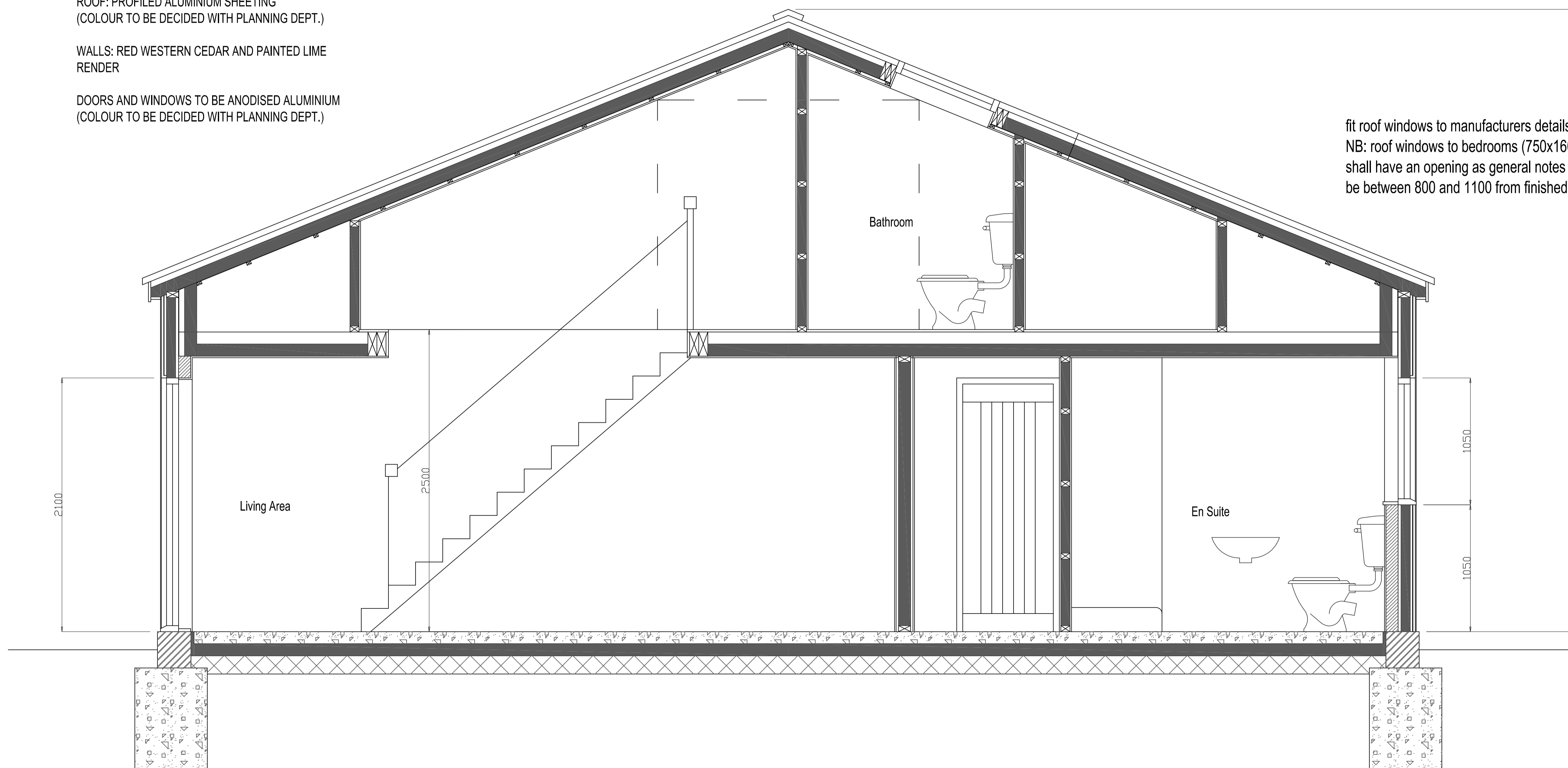
ROOF: PROFILED ALUMINIUM SHEETING
(COLOUR TO BE DECIDED WITH PLANNING DEPT.)

WALLS: RED WESTERN CEDAR AND PAINTED LIME
RENDER

DOORS AND WINDOWS TO BE ANODISED ALUMINIUM
(COLOUR TO BE DECIDED WITH PLANNING DEPT.)

fit roof windows to manufacturers details
NB: roof windows to bedrooms (750x1600)
shall have an opening as general notes and
be between 800 and 1100 from finished floor level

58



Section 1:20

Ref:LB/REGS/01/2019
Proposed Elevations

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PLANNING AND LICENSING COMMITTEE

30th July 2019

APPEALS

Report of the Deputy Director of Places

Strategic Aim:	Ensuring the impact of development is managed	
Exempt Information	No	
Cabinet Member Responsible:	Councillor Gordon Brown - Deputy Leader; Portfolio Holder for Planning Policy & Planning Operations	
Contact Officer(s):	Rob Harbour, Deputy Director of Places (Environment, Planning & Transport & Highways)	Tel: 01572 750909 rharbour@rutland.gov.uk
	Justin Johnson, Development Control Manager	Tel: 01572 720950 jjohnson@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee notes the contents of this report

1. PURPOSE OF THE REPORT

- 1.1. This report lists for Members' information the appeals received since the last meeting of the Planning & Licensing Committee and summarises the decisions made.

2. APPEALS LODGED SINCE LAST MEETING

- 2.1 **APP/TPO/A2470/7460 – Mrs Morse – 2019/0133/PTA**
 15 Stamford Road, Oakham, LE15 6HZ
 (T1) 1 no. Western red cedar - Reduce height by up to 4m to lessen loading on the large bark inclusion on the main stem. (T2) 1 no. Yew - Crown raise to 4m to allow good vehicle access & more light into area. (T3) 1 no. Beech

- Side boundary - Crown raise tree by removing 3 no. branches as per photograph. (T4) & (T5) 2 no. Beech - Within boundary line - Fell.

Delegated Split Decision

When the height of the western red cedar (Thuja plicata) is reduced by cutting at the stem, the tree is not able to regenerate its form. This results in the tree having an unnatural appearance in both short and long term. The reduction of the western red cedar (Thuja plicata) is not acceptable. The work would greatly compromise the value of the TPO and the level of risk has not been adequately assessed.

3. DECISIONS

3.1 APP/A2470/W/19/3223737 – Mr T Fiducia – 2018/1132/AGP

Quarry Farm, Holywell Road, Clipsham, LE15 7SQ
Proposed agricultural track.

Delegated Decision

Appeal Decision: Dismissed – 19th June 2019

3.2 APP/A2470/D/19/3227165 - Mrs Emma Swain - 2018/1292/FUL

11 Knossington Road, Braunston In Rutland, LE15 8QX
Create Drive Way and parking.

Delegated Decision

Appeal Decision: Dismissed – 8th July 2019

3.3 APP/A2470/W/18/3211129 – Mr Kerry – 2018/0155/FUL

Land West of Lyndon Road, Manton, Rutland
Erection of a Temporary Rural Workers Dwelling and Agricultural Building.

Delegated Decision

Appeal Decision: Dismissed – 11th July 2019

Appellant's Costs Decision – Partially allowed

RCC Costs Decision - Refused

4 APPEALS AGAINST ENFORCEMENTS LODGED SINCE LAST MEETING

4.1 None

5. ENFORCEMENT DECISIONS

5.1 None

6. CONSULTATION

6.1 None

7. ALTERNATIVE OPTIONS

7.1 Alternatives have not been considered as this is an information report

8. FINANCIAL IMPLICATIONS

8.1 None

9. LEGAL AND GOVERNANCE CONSIDERATIONS

9.1 As this is only a report for noting it has not needed to address authority, powers and duties.

10. EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment (EqIA) has not been completed for the following reason; because there are no relevant service, policy or organisational changes being proposed.

11. COMMUNITY SAFETY IMPLICATIONS

11.1 There are no such implications.

12. HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no such implications

13. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 This report gives details of decisions received since the last meeting for noting.

14. BACKGROUND PAPERS

14.1 There are no such implications

15. APPENDICES

15.1 None

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

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