

Application:	2018/0893/FUL	ITEM	
Proposal:	Application for retention of a no. 3 bedroom residential barn conversion & alterations, including lowering of roof ridge and replacement of roof tiles, landscaping and access works (to Class Q scheme permitted under planning permission ref: 2015/1137/PAD). Implement Barn.		
Address:	Leighfield Barn, Lambley Lodge Lane, Belton In Rutland, Rutland LE15 9JY		
Applicant:	Mr & Mrs Barson	Parish	Belton in Rutland
Agent:	Brian Mullin Marrons Planning	Ward	Braunston
Reason for presenting to Committee:	Policy/previous refusal		
Date of Committee:	20 November 2018		

EXECUTIVE SUMMARY

The conversion of a barn to a dwelling under Class Q has been extended beyond the original envelope of the building resulting in a loss of the Class Q permission. This full application is to retain the dwelling as built with modifications to reduce the impact of the building in open countryside, overcoming previous reasons for refusal. The location in open countryside was considered to be unsustainable but weight is given to the permitted development scheme that would have resulted in a dwelling here had it been constructed in accordance with the original prior notification. It is recommended for approval.

RECOMMENDATION

APPROVAL, subject to the following conditions:

The Stage 1 works, as set out in the agents e-mail dated 1 November 2018, comprising the following:

- A reduction in the height of the easternmost wing of the building (the two-storey element) by 600mm.
- A reduction in the size of the window on the second floor of the eastern elevation by two casements.
- Removal of the log store in its entirety, reducing the single storey lean-to roof to the northern elevation.
- Replacing the pantiles for slate (on both the main house and the outbuilding).

shall be completed within 12 months of the date of this permission.

Reason – To ensure that the building is modified to an acceptable design in a reasonable timeframe as agreed with the applicant, in the interests of visual amenity.

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 15/0958/101, 16970/01a, the 'Location of Trees and hedging for Landscaping' plan and 1/1250 and 1/200 site plans.

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

All hard landscaping, access road, planting, seeding or turfing shown on the approved landscaping details shall be completed by 31 March 2021. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or

seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the landscaping is carried out within an appropriate time period and is properly maintained.

Before any works are carried out in connection with the re-roofing of the buildings, details of the slate to be used shall be submitted for the approval of the Local Planning Authority and the approved material shall be used in the execution of the development.

Reason: To ensure that the material is appropriate in this rural location.

Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, C and E 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 provision of extensions, alterations, buildings, enclosures, swimming or other pool shall be carried out or erected at the premises.

Reason: To enable the LPA to consider any further proposals in this prominent location in the open countryside, in the interests of visual amenity.

Site & Surroundings

1. The site is located on the east side of Lambley Lodge Lane approximately 800 metres north of both the edge of the village and the Planned Limit to Development.
2. The barn itself is around 180 metres east of the road with access up a slope and over a brow. Public Footpath E242 runs west to east, approximately 380 metres to the south east of the barn. Lambley Lodge Lane comes to a dead end not far beyond the site entrance but continues as a bridleway to join Hollygate Road Ridlington about 550 metres to the north. It is also part of the Macmillan Way.

Proposal

3. Members may recall refusing planning permission for this barn as built in May 2017 following its alteration and extension, without planning permission, having previously been approved under Class Q as Permitted Development. Class Q does not allow works to go beyond the original fabric of the building. The alterations included a 2 storey extension, raising the roof on a single storey element at the other end of the barn, building a rear projection for a log store etc., and using red pantiles on the roof rather than the approved slate. The outbuilding had also been built larger than approved. A larger curtilage than the very restricted area allowed by Class Q had also been formed.
4. It appears the applicant was badly advised during construction works and that there was no malicious intent to deceive the planning authority.
5. In the intervening period, detailed discussions have taken place with applicants to try to reach a compromise such that they can secure their home in a manner that is acceptable to all parties, bearing in mind a potential fallback position based on permitted development rights under Class Q.
6. It is proposed to reduce the height of the 2 storey extension, alter the first floor windows, remove the rear extension and replace all red pantiles with slate. A

detailed landscaping scheme together with illustrative material to show the impact of the proposals has been submitted.

7. To assist Members, the applicant has supplied background information to the situation which is appended as **exempt papers**.
8. Details of the elevations and proposed landscaping are also attached as Appendices.

Relevant Planning History

Reference	Particulars of Development	Decision	Date
F/98/0675/9	Conversion of existing farm buildings to form dwelling with workshop	Refusal	27/01/1999
2014/0711/FUL	Existing redundant farm barn change to residential use and first floor extension.	Refused	09.12.2014
2014/1041/PAD	Conversion of agricultural building to 1 No. dwelling.	Refused	18/12/2014
2015/0334/PAD	Conversion of 1 No. Agricultural Building to 1 No. Dwelling House.	Withdrawn	27/5/2015
2015/0555/PAD	Conversion of barn to residential use.	Approved	10.08.2015
2015/1137/PAD	Change of use of agricultural building to a single dwelling house, with associated operational development.	Approved	03.2.2016
2016/0433/FUL	Implement Barn, Feed and Service Store.	Approved	08/07/2016
2017/0213/FUL	Barn conversion & extensions, implement barn. Revised scheme.	Refused	May 2017

The reason for refusal for 2014/0711/FUL was as follows:

The proposal would be unacceptable due to its isolated location resulting in an unsustainable residential development in open countryside for which there is no special justification. The proposal would thereby be contrary to the provisions of the NPPF, in particular Para 55, policies CS4 and CS16 of the Rutland Core Strategy (2011) and policy SP6 of the Site Allocations and Policies DPD (2014).

2017/0213 was refused for the following reason:

The proposal is unacceptable due to its isolated location resulting in an unsustainable residential development in open countryside for which there is no special justification. The buildings, as constructed with a bulky 2 storey and single storey extension to the barn and an increase in height and bulk of the outbuilding, together with the use of red pantile roofs, are more prominent in the landscape using an inappropriate material. The proposal would thereby be contrary to the provisions of the NPPF, in particular Para 55, policies CS4 and CS16 of the Rutland Core Strategy (2011) and policies SP6 and SP15 of the Site Allocations and Policies DPD (2014).

Much of the problem with the latter proposal was to do with incorrect use of red pantile instead of slate and the bulk of the 2 storey extension that had been added to the end elevation.

The current scheme reduces the height of the 2 storey extension, improves the design of the fenestration, removes the rear projection and replaces all roof materials with slate.

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
- b) being converted without major re-construction;

- c) 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; 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.

Proposals to extend dwellings in the countryside will be permitted where development is within the existing curtilage, only results in a modest increase in the volume of the original dwelling, is in keeping with the character, footprint, size and design of the original dwelling and is not visually intrusive in the landscape.

SP15 – Design & Amenity

Other guidance

The Conversion of Traditional Farm Buildings – A Guide to Good Practice. Historic England publication (2006)

Consultations

Belton Parish Council

At an extraordinary meeting of Belton in Rutland Parish Council to consider this application the meeting asked that it be minuted that it is unacceptable Planning and Building Control no longer work hand in hand in Rutland and that the concerns are such the matter is being taken to Parliament. These circumstances highlight the flaws in the new system.

There were no objections to the application and the meeting were impressed with the changes made which more than comply with the requests made of the Rutland County Council.

This application is firmly supported as it is all that it should be. The rectification has exceed expectations.

Ecology

We note from the documents provided and previous correspondence on this site that this is a retrospective application. We therefore have no comments on, or objections to, the application.

Highway Authority

No objection

Neighbour Representations

None

Planning Assessment

8. The main issues are policy, design and landscape impact.

Policy

9. 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).
10. 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.
11. 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.
12. Officers concur with the Legal advice referred to in the exempt papers in terms of their being a fallback position that should be lent considerable weight in this case.
13. Policies CS19 and SP15 require that new development is well designed. The 2 storey extension that had been added to the end of this barn created an unbalance effect and is not designed as a subservient element, consequently adding bulk to the appearance of the building. The proposals to reduce this element, whilst not as desirable as removing it altogether, will have considerably less impact and together with the change in roof materials is significant. The property only has 3 bedrooms and will continue to do so. To remove the wing completely will make the dwelling of limited scale for a family with 2 teenage children.
14. It will be necessary, in the event that permission is granted, to ensure that these modifications to the building are carried out within a reasonable time period and to ensure that the current situation does not become lawful. This could involve the use of a S106 agreement and/or an Enforcement Notice. Discussions with the agent have resulted in agreement that this can be dealt with by conditions and enforcement action if not carried out before the existing development becomes lawful.

Design

15. The windows in the gable end of the extension are unbalanced. The 2 storey extension, with its single storey projection to the rear, adds considerable bulk to what was a simple barn with a single storey wing either side. Its relationship to the barn is poor and looks like a domestic extension. It is proposed to alter the windows in the end elevation and remove the rear projection altogether.
16. Pantiles have been used on the roof and whilst they are in a single pantile form that has some use in Rutland historically they are concrete and dark red whereas when they are used in Rutland they are clay and an orangey red colour. The approval under Class Q stated that the roof would be 'slate', which would have been the appropriate material in this location and helped the building assimilate into the landscape. The outbuilding was approved using pantiles, but these can be traditional for ancillary agricultural buildings and if that building had been built at the approved height it would not have been as prominent as it now is. It is proposed to replace those with slate too.
17. A survey of Belton showed that there is no historic use of red pantiles in the village. Roof

materials are limited to Collyweston and Welsh slate with limited modern concrete tiles on later properties. Slate would therefore have helped the building assimilate into the landscape much more comfortably, notwithstanding the bulk of the extensions.

Landscape Impact

18. In terms of visual impact, the barn is located well off the public highway so is not particularly prominent from closer views. Beyond the access, along Lambley Lodge Lane the building does become visible, mainly the end of the building opposite to where the 2 storey extension has taken place. From the rising land on the Bridleway it is again relatively prominent. The land to the immediate north of the site rises such that there are no long public views of the site, but it is visible from the Bridleway on rising land to the north west. The outbuilding is partially screened by a hedge.
19. A public footpath runs to the south east of the site where views of the building is most prominent. There is a view of the building in longer distance views from a point on Loddington Lane within the village and in very long views from Loddington Lane about 1 mile out of the village to the north west. The prominence of the building was exaggerated by the extension and red tiled roof. In reducing and replacing these elements respectively, there is much less impact from further afield.
20. The larger curtilage is not prominent from a public perspective and there is no reason why generally an application cannot be submitted alongside a Class Q notification to include a larger curtilage. Class Q effectively restricts it to an area no larger than the footprint of the building, which whilst this minimises landscape impact, is not very practical in most cases.
21. In conclusion, when considering the fallback position and the alterations to be made to the dwelling together with the landscaping, the visual impact that the current building has in the landscape would be adequately mitigated such that the buildings would assimilate into the landscape in a satisfactory manner. Planning permission can therefore be granted.

Other Issues

22. The note from the Parish Council about planning and Building Control not working together is noted. Many developers now use private Building Inspectors and there is no liaison with local planning authority.
23. In this instance Rutland Building Control was inspecting the works but a Building Inspector is there to check on compliance with the Building Regulations and not check up on planning compliance. A Building Inspector is not expected to be aware of the intricacies of Class Q rights, indeed the Courts are still struggling to come to terms with these. As in all cases, planning enforcement relies on the public bringing these matters to our attention or Officers noticing something is wrong whilst out on site generally. This issue is not material to the consideration of this item.