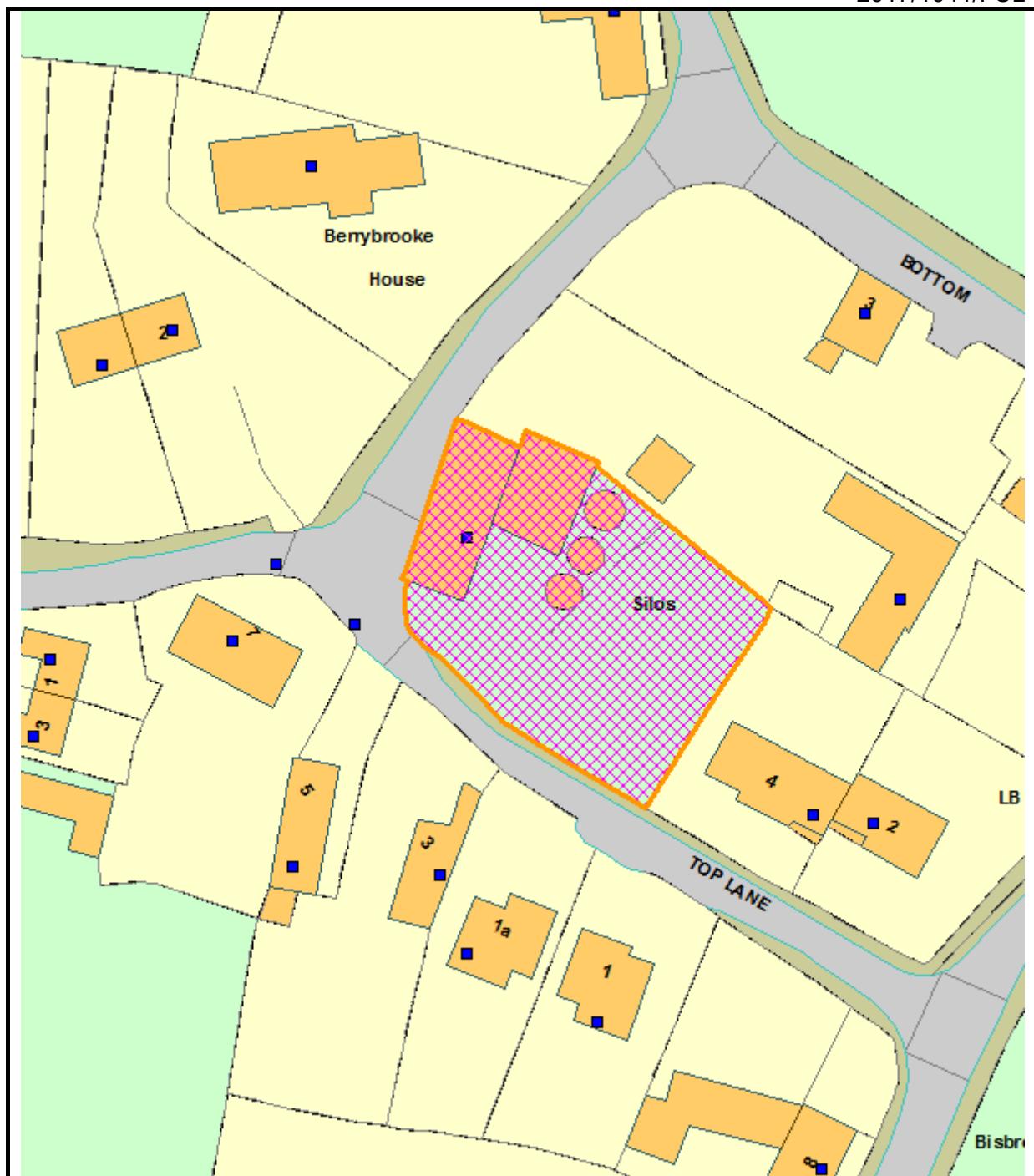


2017/1041/FUL



Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

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

## 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 replicate 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 properties.

## **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, nursery 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 policies as detailed above. The application is therefore recommended for refusal.