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**Rutland County Council**

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	2019/0409/FUL	ITEM 1	
Proposal:	Variation of Condition No. 2 (Car Port and Bin Storage) and (replace the floor in barn B) of Planning Permission 2017/0358/FUL		
Address:	Ashwell Farmyard, Teigh Road, Ashwell, Rutland		
Applicant:	Mrs S Tinkler	Parish	Ashwell
Agent:	Mr Graeme King	Ward	Exton
Reason for presenting to Committee:	Contrary to Development Plan Policy		
Date of Committee:	17 December 2019		

## EXECUTIVE SUMMARY

This item was original reported to the Planning and Licensing Committee on 24 October 2017 under application reference number 2017/0358/FUL for conversion of agricultural barns into residential use enabling the retention and reuse of a group of historic barns, with removal of adjacent modern barns of lesser quality, thereby enhancing the character and appearance of the Ashwell Conservation Area. Despite being adjacent to a restraint village. It was resolved to grant planning permission subject to conditions and the completion of a planning obligation to secure a financial contribution towards the offsite provision of affordable housing, in lieu of any on site provision and a speed indicator device to be located on Teigh Road. Planning permission was granted in February 2019 following the completion of the legal agreement.

As with the original application the heritage and sustainability factors overcome the variance from the development plan. Other site specific matters are addressed in the recommended conditions.

## RECOMMENDATION

**APPROVAL**, subject to the following conditions:

1. The development shall be begun before the expiration of three years from 9 February 2018.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning 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 1015-10 rev. E (dated July 2019) and 1015-06 rev. A (dated 17.09.19).  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No converted building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority, by means of a sustainable drainage system. The submitted details shall:
  - (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - (ii) Include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

4. No development shall proceed on the conversion of barns B, C or D, except in accordance with the measures set out in the "Appendix V-Structural Survey", submitted with the planning application, including both the specified repair works and the retention of other features.

Reason: To ensure that necessary repair works are undertaken and that the structurally sound areas of the barns remain in place, thereby ensuring that the barns remain substantially intact and capable of conversion, in the interests of the preservation of their historic interest and because replacement of these barns with new-built dwellings would be contrary to development plan policy and would not have been granted permission.
5. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. 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 maintain a green and well landscaped context for the converted barns, thereby enhancing the character and appearance of this part of the Ashwell Conservation Area, and to assimilate the development into the wider rural area.
6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C,D, E,G, and H, and the provisions of Article 3, Schedule 2, Part 2 Class A, of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any of the dwellings, or provision of outbuildings or boundary treatments, shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: Planning permission for conversion to residential use is only granted because of the benefits of retaining these historic buildings (non-designated heritage assets). Such benefits to the character and appearance of the immediate area and wider countryside could be reduced by ad hoc additions and alterations.
7. No structure or other feature exceeding 0.9 metres in height shall be placed within the vehicular sight lines at either of the site access points, as indicated on approved plan 1015-10 rev. E (dated July 2019).

Reason: To ensure the maintenance of inter-visibility between vehicles using the access and those in the existing public highway, in the interests of highway safety.
8. None of the new dwellings shall be occupied unless the two site accesses indicated on plan 1015-10 rev. E (dated July 2019) have been installed in accordance with the cross-section details indicated on that plan.

Reason: To ensure that bound, but porous, surfacing is used within 5 metres of the highway boundary, to avoid displacement of loose material onto the highway in the interests of highway safety, and to ensure that drainage is sustainable.
9. Any gates provided at the vehicular accesses shall be inward opening only and shall be set back a minimum of 6 metres from the nearside edge of the carriageway.

Reason: To enable vehicles using either access to stand clear of the carriageway whilst gates are being opened and closed, in the interest of highway safety.

10. Prior to first residential occupation of any of the new dwellings, the areas within the site identified for its associated parking and turning areas, shall be provided and retained at all times for that sole purpose.  
Reason: To ensure that appropriate facilities are available in the interest of highway safety, by avoiding any need for parking on the public highway.
11. None of the new dwellings shall be occupied until a scheme of off-site highway works intended to create a hard surfaced footpath link into the existing pavements within Ashwell village, has been implemented in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority.  
Reason: To provide a footpath link into the village, in the interests of promoting sustainable means of travel and highway safety.

## Site & Surroundings

1. The application site (0.8 hectares) comprises a series of agricultural buildings and their associated farmyard, on the western side of Teigh Road. Site levels rise gently from south to north. Four of these buildings are of traditional design and constructed in brick or stone. Other than some limited storage, most of these are now vacant. The exception is the westernmost barn which is currently occupied by a willow weaving business. Other buildings are of more recent functional construction, and were used for grain storage.
2. The site is outside the Planned Limits to Development of Ashwell village, but within its conservation area. None of the existing buildings are listed, but those of traditional design can be regarded as non-designated heritage assets.
3. The site is surrounded by open farmland to the north and west. Further west is the Oakham to Melton railway line, with some commercial buildings along the rail side. To the south is a short stretch of open farmland, two dwellings and the frontage of Whissendine Road. To the east, on the opposite side of Teigh Road, are the walled grounds of Ashwell Old Hall.

## Proposal

4. Planning permission was granted under application reference No 2017/0358/FUL for the demolition of the modern agricultural buildings and the smallest of the four historic barns, with the other three traditional farm buildings being converted into nine dwellings. The smallest barn is to be rebuilt, with an extension, to create a tenth dwelling. Individual garden areas are provided for each new dwelling, including within the open area created by demolition of the modern buildings. Smaller new buildings were also proposed, to provide car ports, garden storage and bin stores. Additional landscaping was provided at the north and west of the site.
5. The Current application proposed minor changes to the position and layout of the approved car ports and bin stores and their relationship to the dwelling granted approval and minor changes to the floor construction and removal of the existing concrete floor within Barn B.
6. In relation to the original decision notice, 3 applications have been submitted to discharge conditions. These include application No 2019/392/DIS to discharge condition 5 (external materials) and No 8 (scheme of hard and soft landscaping); Application No 2019/494/DIS to discharge condition No. 7 (Historic Building & Recording) & Condition No. 16

(Programme of Archaeological Work) and application No 2019/0727/DIS to discharge condition 4 (mitigation scheme for owls and bats).

## Relevant Planning History

Application	Description	Decision
2017/0358/FUL	Change of use from Agricultural to C3 Residential. Demolition of existing modern metal sheds. Conversion of existing farm buildings to 10 no. dwelling units with associated landscaping.	9 February 2018
2019/0392/DIS	Discharge condition 5 (external materials) and No 8 (scheme of hard and soft landscaping);	11 July 2019
2019/0494/DIS	Discharge condition No. 7 (Historic Building & Recording) & Condition No. 16 (Programme of Archaeological Work).	12 July 2019
2019/0727/DIS	Discharge condition 4 (mitigation scheme for owls and bats).	13 August 2019

## Planning Guidance and Policy

### National Planning Policy Framework

Chapter 2 - Achieving sustainable development

Chapter 5 - Delivering a sufficient supply of homes

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

### The Rutland Core Strategy (2011)

CS19 - Promoting Good Design

CS22 - The Historic and Cultural Environment

CS21 - The Natural Environment

### Site Allocations and Policies DPD (2014)

SP15 - Design and Amenity

SP19 - Biodiversity and Geodiversity Conservation

SP20 - The Historic Environment

## Consultations

7. **Ecology Unit**  
The amendments to the layout appear to relate to the location of the bin stores and car ports. There does not appear to be any variation in the amount of development or hardstanding proposed and we therefore have no comments on this application. We would, however, draw the applicants' attention to the existing conditions relating to ecology on the planning permission.
8. **Archaeology**  
We have no objections to the proposals.
9. **RCC Highways**  
No Objections
10. **Historic England**  
No objections.
11. **Lead Local Flood Authority Officer**  
No Objections
12. **Network Rail**  
I can confirm that Network Rail have no further comments to make and no objection to the variation of this condition.
13. **Public Protection**  
No objection

## Neighbour and Parish Representations

14. **Parish Consultation**  
Ashwell Parish Council has no objection to this application.  
It has been noted that the address on the application letter is given as Ashwell Farmyard, previously the address has been given as Manor Farmyard. Could you clarify, please?

## Planning Assessment

15. The main issues are the minor changes to the layout of the scheme and the floor in barn B.
16. The submitted drawings propose changes to the location of carports and bin stores relating to 2 properties and the removal short length of walling enclosing a landscaped amenity area adjacent barn B and car port 2 serving units 5,6,7,9 and 10. The proposed changes are minor and would not have an adverse impact upon the overall character and appearance of the layout of the development.
17. The second alteration to the scheme is replacement of the floor in barn B. Originally it was intended to keep the existing floor. On closer examination it has been found that the existing floor structure is concrete with a bitumastic tile to give the impression of a cobbled floor. This is not a breathable floor. The tiles are grouped together in four cobbles. It is considered that there is no conservation merit in keeping the existing floor and there the replacement

18. **Impact of the on the character of the area**  
There would be no adverse impact as a result of the proposed changes on the street scene or the character and appearance of the Ashwell Article 4 Conservation Area.
19. **Impact on the neighbouring properties**  
There would be no adverse impact on the amenities or nearby properties.
20. **Highway issues**  
No objection raised by RCC Highways.
21. **Section 106 Heads of Terms**  
A deed of variation is required to the original legal agreement and this would need to be completed prior to a decision notice granting approval, as recommended by your officers being issued.
22. **Crime and Disorder**  
It is considered that the proposal would not result in any significant crime and disorder implications.
23. **Human Rights Implications**  
Articles 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**

24. Subject to the prior completion of a deed of variation to the existing planning obligation to secure a financial contribution towards the off-site provision of affordable housing, in lieu of any on-site provision and a financial contribution for a Speed Indicator Device to be located on Teigh Road it is recommended that approval is granted for the variation of the original planning permission.