
7. FULL APPLICATION – CONVERSION OF BARN TO DWELLING AND CHANGE OF USE OF FARMHOUSE AND COTTAGE TO CREATE SINGLE DWELLING AT COW CLOSE FARM, HATHERSAGE (NP/DDD/1115/1114, P.5987, 423369 / 382916, 29/01/2016/AM)

APPLICANT: MR JAMES SUMMERLIN

Site and Surroundings

Cowclose Farm is located in open countryside approximately 1.3km to the north of Hathersage. The farmstead includes a traditional farmhouse and ancillary cottage and two traditional barns which are set around a central courtyard. Two modern agricultural buildings are sited to the south of the range of traditional buildings. A single storey modern 'lean-to' building which extends from the rear of the easternmost traditional barn has been converted to be used for cheese making. The farmstead is set within an agricultural unit which extends to approximately 60 acres (24 ha) of grassland and moorland.

The farmhouse and ancillary cottage are subject to agricultural occupancy conditions which restrict the occupancy of both the farmhouse and cottage to persons solely or mainly employed in agriculture or forestry (and their dependants). The ancillary cottage is also subject to a planning condition which restricts the occupancy of the cottage ancillary to Cowclose Farm and states that the cottage shall not be occupied as an independent dwelling.

The farmhouse is currently not occupied and is undergoing renovations. The applicant currently occupies the cottage. A timber clad structure has been sited within the courtyard and occupied as a dwelling by the applicant's family (Father-in-law and mother-in-law). A white portacabin has been sited on land immediately to the west of one of the traditional barns. Various spoil and other waste and building materials are currently stored on site in relation to on-going building works.

The nearest neighbouring property is Brookfield Manor which is located approximately 170m to the west of the site. Bronte Cottage and Cattis side are located approximately 265m and 335m to the north respectively.

Proposal

This application includes two separate proposals which are detailed below.

Firstly, the application proposes the change of use of the farmhouse and ancillary cottage to create a single dwelling. The submitted plans show that the existing one bedroom cottage would be converted to create an additional bedroom and bathroom for the farmhouse at first floor and that the ground floor would be converted to create a farm office and utility / store room.. Two internal door openings would be installed to facilitate access between the existing farmhouse and the cottage. No external changes to the appearance of the existing building or its domestic curtilage are proposed.

No information has been provided in the application to explain whether or not the occupation of the proposed single dwelling would be restricted or whether the proposal is for a market dwelling. No evidence has been submitted to demonstrate whether or not there is a continuing need for an agricultural workers dwelling at the site. Following discussions with the applicant it has become clearer that the intention is that if permission is granted that the occupancy of the proposed single dwelling would be restricted to an agricultural worker and that the applicant considers that this can be achieved through the imposition of a suitable planning condition.

Secondly, the application proposes to convert the southernmost two storey traditional barn to a three bedroom open market dwelling. The submitted plans show that the barn would be converted within the existing shell with no new extensions. Two roof lights are proposed on the north facing (yard side) elevation and one new window opening is proposed on the south facing

elevation. The remaining existing door and window openings would be retained and provided with new timber frames, the plans also show that the existing slot vents would be retained and provided with recessed glazing. The two large cart type openings would be retained and opened up and provided with recessed glazing.

The three bedrooms would be provided at first floor and a kitchen, living room and utility would be provided at ground floor. The proposed dwelling would be provided with a modest curtilage which would extend around the footprint of the building and the applicant has clarified the intention that this would be surfaced with appropriate local stone and partly enclosed by low dry stone walling.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions or modifications.

- 1. Statutory three year time limit for implementation.**
- 2. Agricultural occupancy condition in relation to the farmhouse.**
- 3. In accordance with specified approved plans.**
- 4. No development shall take place until the timber clad structure within the yard and immediately to the north of the barn to be converted to a dwelling has been completely removed from the site and the land restored to its original condition.**
- 5. Prior to the occupation of the barn as a dwelling hereby approved the white metal 'portacabin' type structure immediately to the west of the barn to be converted to a dwelling shall be removed from the site.**
- 6. Submission, approval and implementation of details of how foul sewage is to be disposed of to a package treatment plant.**
- 7. Submission, approval and implementation of scheme of mitigation for bats and birds prior to the commencement of any development to convert the barn to a dwelling hereby approved.**
- 8. Submission, approval and implementation of scheme of external lighting prior to the commencement of any development to convert the barn to a dwelling hereby approved.**
- 9. Submission, approval and implementation of scheme of landscaping prior to the commencement of any development to convert the barn to a dwelling hereby approved.**
- 10. Submission, approval and implementation of parking and turning areas prior to the first occupation of the converted barn.**
- 11. The lean-to roof structure attached to the east facing gable of the barn to be converted shall be completely removed prior to the first occupation of the converted barn as a dwelling hereby approved.**
- 12. Restrict domestic curtilage of farmhouse and converted barn in accordance with amended plans.**

13. **Change of use of farmhouse and cottage and the conversion of the barn to a dwelling hereby approved shall take place within the shell of the existing buildings with no re-building or extensions.**
14. **Omission of both proposed roof lights from the north facing roof slope.**
15. **Submission, approval and / or specification or design details and architectural specifications including window and door frames and finish, roof verges, rainwater goods, metre boxes and new stonework and pointing.**
16. **All utilities infrastructure to be underground.**
17. **Removal of permitted development rights for domestic development from converted barn including alterations, extensions, porches, walls, fences, gates and other forms of boundary enclosure, satellite dishes, solar and photovoltaic panels and outbuildings.**

Key Issues

- Whether the proposed development is acceptable in principle.
- The impact of the proposed development upon the character and appearance of the buildings on the site, their setting and the valued characteristics of the National Park.

Relevant Planning History

1991: NP/WED/1091/514: Planning permission granted conditionally for the erection of dwelling. This involved the rebuilding and extension of a lean-to on the gable of the farmhouse to create a separate unit.

The following conditions were imposed upon the above planning permission which are particularly relevant to this current application.

2. *The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.*
3. *The occupation of the present farmhouse at Cowclose Farm shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990), or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.*
4. *The accommodation hereby approved shall be ancillary to Cowclose Farm and shall not be occupied as an independent dwelling.*

2012: NP/DDD/0312/0301: Planning permission refused for demolition and clearance of existing dilapidated farm buildings, relocation of existing farm cottage and formation of new barn and farmyard to replace existing buildings. Refurbishment and extension of main farmhouse and associated traditional structures to form a private residence. Repositioning of existing vehicle access to westerly side of Cow Close to service both main farmhouse and farm cottage. Reinstatement of natural landscape surrounding the farm and formation of nature pond for the purposes of both water collection and enhanced ecological diversity.

The reasons for refusal given were as follows:

- 1. In the absence of an existing established farm enterprise, there is no justification in planning policy terms for the erection of a new agricultural dwelling, particularly in this case, where there are two existing restricted agricultural workers dwellings. Consequently, the proposed erection of a new-build agricultural worker's dwelling would be contrary to Core Strategy and Local Plan policies GSP2, HC1, HC2 and LC12.*
- 2. This application is also tantamount to the removal of an agricultural occupancy condition on the main farmhouse and there has been no evidence submitted to justify the removal of either the agricultural restriction or that the dwelling should provide for local needs or holiday accommodation. The proposed development would, therefore, be contrary to the Authority's Local Plan policy LH3.*
- 3. The proposal for the expanded and extended main farm house would be of excessive scale that would not be commensurate with the likely sustainability and viability of the farm holding. The proposed development would, therefore, be contrary to the Authority's Local Plan policy LC12.*
- 4. The proposed extensions to the north and east elevations of the main farmhouse would detract from the character of the main farmhouse and its immediate setting by virtue of their size, massing and design. Consequently, the proposed development would be contrary to Core Strategy and Local Plan policies GSP3, LH4, LC4.*
- 5. The proposed agricultural dwelling and its associated domestic curtilage is situated in a prominent position on the southern edge of the existing farm complex. The proposed dwelling site is visible from the nearby public footpaths which pass to the east and west of the farm complex. The erection of a new dwelling in open countryside, without special justification, would detract from the landscape character of the locality and the National Park, contrary to Core Strategy and Local Plan policies GSP1, GSP3, L1.*

2013: NP/DDD/0213/0088: Planning permission granted conditionally for change of use and refurbishment of a barn to form a holiday let. This related to an isolated barn above Cowclose Farm

2013: NP/DDD/0213/0086: Planning permission refused for removal of agricultural restrictions attached to existing farmhouse and farm cottage and erection of replacement agricultural worker's dwelling. Alterations and extension of main farmhouse and farm cottage to form a single private dwelling, including link extension and conversion of courtyard barn to additional living accommodation including use of one bedroom for bed & breakfast accommodation. Demolition of dilapidated farm buildings, and erection of new barn and farmyard. Conversion and change of use of detached courtyard barn for cheese production and associated storage. Repositioning of existing vehicle access to westerly side of Cow Close Farm. Reinstatement and management of the natural landscape surrounding the farm.

The reasons for refusal given were as follows:

- 1. In the absence of an existing established farm enterprise, there is no functional agricultural need to justify the erection of a new agricultural dwelling, particularly in this case, where there are two existing restricted agricultural workers dwellings. Consequently, the proposed erection of a new-build agricultural worker's dwelling would be contrary to Core Strategy and Local Plan policies GSP2, HC1, HC2 and LC12.*

2. *In the absence of a detailed justification, the removal of the agricultural occupancy condition on the main farmhouse would be contrary to the Authority's Local Plan policy LH3.*
3. *The proposed agricultural dwelling and its associated domestic curtilage is situated in a prominent position on the southern edge of the existing farm complex. The proposed dwelling site is visible from the nearby public footpaths which pass to the east and west of the farm complex. The erection of a new dwelling in open countryside, without special justification, would detract from the landscape character of the locality and the National Park, contrary to Core Strategy and Local Plan policies GSP1, GSP3, L1.*

2013: NP/DDD/0813/0730: S.73 application to remove agricultural occupancy condition on application NP/WED/1091/514 withdrawn prior to determination.

2014: NP/DDD/1213/1112: S.73 application to remove agricultural occupancy condition on application NP/WED/1091/514 withdrawn prior to determination.

2014: NP/GDO/1213/1106: Prior notification accepted for creation of access road.

2014: NP/GDO/0614/0649: Prior notification accepted for an agricultural barn.

2014: NP/GDO/0614/0646: Prior notification accepted for the change of use of lean-to agricultural building to B1 use.

Consultations

Highway Authority - No objection subject to no increase in number of dwellings on site and any existing tied occupancy restrictions remaining in place

District Council – No response to date.

Parish Council – Make the following comment.

Having visited the site, the Planning Committee are pleased that the Victorian Threshing Barn is to be converted into a family dwelling. Concerns about the Swedish style building and 'portacabin' have been allayed as it was confirmed that they would be removed once the farmhouse was occupied. The concern is with the existing agricultural restrictions and the long term viability of the farm. The previous position under the Wilcockson family was with the cottage being occupied by the agricultural worker and farm partner, with the adjoining and separate farmhouse lived in by the owner and also a farm partner. The council feels that the current proposal replicates that position and that the agricultural ties should remain integral to the farm and therefore the buildings should not be allowed to be sold separately on the open market. The Planning Committee have no doubts about the sincerity of the applicants for the future of Cow Close to remain as a working farm for the foreseeable future. The Planning Committee have no objections to the application to convert the barn and integrate the cottage into the farmhouse, and would support it if the two agricultural ties remain on the whole property to prevent fragmentation.

PDNPA Ecology – Make the following comments.

A protected species report has been provided with this application. The survey results indicate that a small common pipistrelle roost is present in the south barn. Outline mitigation is provided in the report, however further detailed information on this is required together with recommended timing of works so that these can be conditioned as part of any planning permission.

The south barn supports nesting swallows. Swallows are an amber listed species of concern and return to the same nest sites year after year. The proposals will result in some loss of nest sites.

Alternative nesting provision is therefore required.

The Authority's Ecologist recommends that if permission is granted conditions are imposed to prevent works taking place during the bird nesting season and that suitable provision for nesting swallows is provided in the new agricultural barn immediately to the south. It is also recommended that the current lighting scheme within the courtyard is modified to reduce light spill into the walls and roof of the south barn.

Representations

A total of eight letters of representation have been received to date including one representation from the Friends of the Peak District. Seven of the letters object to the development while one letter states 'no objections' to the proposals. The reasons given in objection to the application are summarised below; the letters can be read in full on the Authority's website.

- The property has been undergoing extended and unsightly construction works over a lengthy period of time which has had a harmful impact upon the landscape.
- Cowclose Farm was and should remain an agricultural building and dwelling and to preserve the rural countryside from commercial development the agricultural restrictions should not be released.
- Releasing the agricultural occupancy restrictions from the existing dwellings will set an unwelcome precedent for development. This will harm the policies of the National Park Authority which have been designed to protect its rural nature.
- Releasing the agricultural occupancy restrictions from the existing dwellings will deprive agricultural workers of lower cost housing which are badly needed to help in the financially difficult farming industry.
- The proposals represent over development of the site.
- The current cottage is not an independent dwelling but is ancillary to the main farmhouse and both are agriculturally tied. The cottage is not market housing and therefore it cannot be argued that the proposed barn conversion would be a replacement dwelling.
- No justification has been provided in the current application for an open market house on the site. If this is sought then further information must be submitted or the application refused.
- The current situation of the unauthorised 'chalet' and portacabin and whether the agricultural occupancy condition on the farmhouse is being complied with must be properly resolved.
- The proposal would not comply with HC1 or GSP2. The conversion of a sound, agriculturally-functional stone barn to a dwelling is not required to conserve or enhance it. The heritage statement refers to the barn as a designated heritage asset but it is not clear who has designated it. The proposal would not offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area.
- HC2 strongly encourages the re-use of traditional buildings where new housing for key workers in agriculture, forestry or other rural enterprises are justified by functional and financial tests. If a case can be made for a replacement dwelling (for the cottage) then this would be a preferable policy approach.

- It is vital that the agricultural restriction is maintained to both of the newly created dwellings. The submitted application documentation makes no reference to the agricultural restrictions, which is alarming given that the applicant has in the recent past made two abortive applications to remove the agricultural ties. In this context, it appears there is a clear intention to remove the agricultural ties by seeking planning permission now for what are effectively two open market dwellings.
- Concern that the farm operations are not viable to the extent that they can support the applicant and other occupants at the farm as fully employed in agriculture.
- The application site encompasses the entire farmyard including agricultural buildings and parts of the farmyard that are outside any domestic curtilage. This is not acceptable because any permission would allow the use of this whole area for domestic purposes.
- Lack of information in regard to whether the applicants or other occupants of the property would be solely or mainly employed in agriculture.
- It is unacceptable to reduce the number of 'tied' dwellings at the property from two to one because whether or not there is demand for the accommodation from suitably qualified occupants, or whether the cottage and farmhouse would be affordable to such occupants does not appear to have been tested by the necessary search for qualifying persons.
- The position has not changed since the August 2013 Planning Committee when officers reported that "the applicant has not submitted a justification demonstrating that the existing agricultural dwellings have been offered to agricultural workers, or that the long term need for agricultural workers' dwellings in the locality has ceased, to justify an exceptional release from the agricultural restrictions".
- Officers reported to Planning Committee in August 2013 that a previous application (NP/DDD/0312/0301) "was refused on the grounds that, amongst other things, the creation of the amalgamated and extended larger main farmhouse would be of a scale which is excessive and no longer commensurate with the agricultural needs/size and future sustainability of a farm enterprise on a holding of this scale".
- The application states that the "existing one bedroom cottage would officially cease being a residence, therefore maintaining only two dwellings at Cow Close Farm". In fact, a cottage restricted by an 'agricultural tie' would be lost and a new much larger open market house would be created. There is no planning link between the two proposals. The suggestion that there is a red herring.
- Concern that the combined farmhouse would be less affordable to buy / rent than the existing farmhouse and cottage. If so then this would undermine the justification for imposing an agricultural occupancy restriction. If further evidence is required then an independent valuation should take place.
- Concern in regard to inaccuracies in the submitted plans and supporting information.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, HC1 and HC2

Relevant Local Plan policies: LC4, LC8, LC17, LH3, LT11 and LT18

National Planning Policy Framework

The National Planning Policy Framework (the Framework) says local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside, where such development would represent the optimal viable use of a heritage asset or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

In these respects, the Framework reiterates a long standing principle that local planning authorities should avoid granting planning permission for isolated new homes in open countryside except in exceptional circumstances.

This approach is consistent with the Authority's development strategy set out in DS1 of the Authority's Core Strategy, which says new residential development should normally be sited within named settlements, and policy HC1 and HC2 of the Authority's Core Strategy, which sets out very similar criteria to the NPPF in terms of the exceptional circumstances in which a new house can be granted permission.

Main Development Plan Policies

Policy HC1 and HC2 of the Core Strategy sets out the Authority's approach to new housing in the National Park. HC1 B says that housing will be permitted where it provides for key workers in agriculture, forestry or other rural enterprises. HC2 says that new housing for key rural workers must be justified by functional and financial tests and wherever possible must be provided by re-using traditional buildings that are no longer required for their previous use. Where dwellings are permitted they will be tied to the land holding or rural enterprise for which it is declared to be needed.

HC1(C) I and II say that exceptionally new housing will be permitted in accordance with core policies GSP1 and GSP2 if it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings or where it is required in order to achieve conservation or enhancement within designated settlements. GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon but proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area, and they should not undermine the achievement of other Core Policies.

LH3 (a) says that proposals to remove a condition or obligation which restricts the occupancy of a dwelling to a person employed or last employed in agriculture or forestry will not be permitted unless reasonable attempts have been made to allow the dwelling to be used by a person who could occupy it in accordance with the restriction and that the long term need for the dwelling in the locality has ceased and that removing the restriction would be more appropriate than a temporary relaxation.

LH3 (b) says that where permission is granted for the release of an agricultural occupancy restriction, the occupancy of the dwelling will be limited, by an obligation to local persons. Where a local person cannot be found to occupy the dwelling, permission will be given on a personal basis to let the dwelling for holiday use until such time as an agricultural or local need arises again.

L1, L2, L3 and LC17 require all development to conserve and where possible enhance the landscape, biodiversity and cultural heritage of the National Park.

GSP3 and LC4 together seek a high standard of design in accordance with the Authority's design guide along with appropriate form, intensity and scale of development which conserves and enhances the National Park. LC8 is relevant for proposals to convert traditional buildings and says that development must not lead to harmful changes to the character or appearance of the original building its setting or harmful changes to the curtilage of the building.

LT11 and LT18 require development to be provided with appropriate access and parking provision which conserves the environmental quality of the National Park.

In this case, it is considered the Authority's adopted design guidance and the wider range of design and conservation policies in the Development Plan are consistent with national policies in the Framework, which emphasise the great weight that should be attached to the conservation and enhancement of the National Park landscape, its wildlife and cultural heritage in any planning decision, and also promote high standards of design that would be sensitive to the valued characteristics of the National Park.

Assessment

This application proposes two separate developments at the application site. Both proposals have given rise to a number of concerns and objections during the consultation period. Whether the principle of the proposed developments is acceptable is therefore a key issue in the determination of the proposals. This report will deal with the two elements of the proposal in turn.

Change of use of farmhouse and cottage to a single dwelling

The fact that the farmhouse and cottage are subject to agricultural occupancy conditions and that the cottage is restricted to be ancillary to the farmhouse only and not to be occupied as an independent dwelling house is clearly a significant material consideration in this case, bearing in mind the national and local policy approach to restricting the creation of new housing in the open countryside.

A number of representations raise concerns that the proposed development would either directly lead to the loss of the agricultural occupancy conditions imposed on the farmhouse and cottage or that approval of the proposed development would undermine the likelihood of the farmhouse remaining available and affordable to agricultural workers who would be eligible to occupy the property.

Officers are sympathetic to these concerns and agree that if the proposed development would lead to the unjustified loss of agricultural worker's dwellings on the site (or the creation of unjustified open market dwellings on the site) then the proposed development would be contrary to relevant development plan policies and particularly saved Local Plan policy LH3 which specifically deals with proposals to release agricultural occupancy restrictions.

However, it must be recognised that the farmhouse and cottage cannot currently be lawfully occupied as two separate dwellings. The existing planning condition imposed upon the cottage is clear that it can only be occupied ancillary to Cowclose Farm and not as an independent dwelling. Therefore although the cottage does have all the facilities of a one bedroom dwelling, the effect of the planning conditions is such that for planning purposes the farmhouse and farm cottage could only be lawfully occupied together as a single planning unit. The cottage could not be occupied independently from the farmhouse. The proposed development must therefore be judged in that context.

The submitted plans show that the cottage would become part of a single larger farmhouse and that the space within the cottage would be converted to provide an additional bedroom and bathroom along with a farm office and storage room. Two new internal doors would be provided for access and there would be no external changes. Critically, through discussions with the

applicant Officers have confirmed that the intention is not to lift the agricultural occupancy condition of the proposed dwelling and that the applicants would be happy for the Authority to re-impose an agricultural occupancy condition if permission is granted.

Having had regard to the above, it is considered clear that this part of the proposal does not propose the loss of an independent agricultural worker's dwelling on the site or the creation of a new open market dwelling. The application actually proposes substituting one form of ancillary accommodation (the existing one bedroom cottage) for another (an additional bedroom, farm office and storage). It is therefore considered that the proposed development would not be contrary to the general policy presumption against the creation of unjustified new dwellings in the countryside set out in local and national policies.

For these reasons, Officers agree with the applicant that it would be necessary to impose an agricultural occupancy condition upon the proposed dwelling because no evidence has been put forward to demonstrate that the release of the dwelling to the open market would be in accordance with LH3 or the Framework.

Concern has been raised that even subject to an agricultural occupancy condition the proposed dwelling would be unaffordable to an agricultural worker and for this reason any attempt to retain the occupancy condition would be unsustainable in the future. Officers have considered this point but have concluded that as the farmhouse and cottage could not be lawfully occupied as separate dwellings, together with the fact that the proposal would not result in any extensions or alterations to the building, it is unlikely that the proposal would result in any significant increase in the value of the property. The existing farmhouse is already of a size and type which makes it unaffordable to most agricultural workers so the incorporation of the tied ancillary cottage into the house will not make a material difference to this situation.

It is therefore considered that subject to the imposition of an agricultural occupancy condition on the proposed development that this aspect of the proposals is acceptable in principle and in accordance with the development plan.

Conversion of barn to a single dwelling

This proposed dwelling is intended to meet general market demand rather than any functional agricultural or local need (although it is understood that the applicant and his wife would occupy it in the first instance). Therefore, the special circumstances in which permission could be granted for the conversion of the barn are set out in policy HC1 which says that, exceptionally, new housing can be accepted where it is required in order to achieve conservation and / or enhancement of a valued vernacular or listed building.

The barn is not listed and is not located within a Conservation Area and therefore is not a designated heritage asset. However, the submitted application is supported by a heritage statement. The submitted report identifies the first references to Cow Close Farm in 1655, but little information has been found on the farm until 1833 when the farmhouse was partially re-built and extended and the farm buildings were re-built.

The heritage statement describes the building as being built from local mudstone and gritstone with two large stone arches with keystones which would have been to provide through access. The pitched roof is clad with natural gritstone slates. Window and door openings have stone surrounds and narrow vent slots are a particularly important feature of the building. The statement notes that the corrugated metal lean-to roof has been added over the gap between the barn and an adjacent barn and that this has detracted from the building through the insertion of steelwork into the gable of the barn.

The roof of the barn is described as being in good condition having been renovated in the past 15 to 20 years. The roof is supported by three timber king post trusses with timber purlins and

ridge beams. Overall the building is described as being in sound structural condition but in need of renovation to address a number of issues such as modern materials used during remedial works, the removal of the lean-to on the eastern elevation and attention to stonework and mortar on all elevations.

Officers have had regard to the submitted heritage statement when visiting the site. Due to the age of the barn, the quality of the stonework and stone slate roof and architectural detailing including the arched openings, stone surrounds and vent slots it is considered that the barn should be considered as a non-designated heritage asset and therefore a valued vernacular building for the purposes of policy HC1.

Concern has been raised in representations that the building is in good condition and that there does not appear to be any immediate need to convert the building to a market dwelling to achieve conservation or enhancement. However, it was noted on site that the building is disused and the applicant advises that the building is redundant for agricultural purposes. Furthermore it is considered that there are opportunities to restore original features including the south facing archway and remove the corrugated lean-to from the eastern gable which would both enhance the character of the building.

In these circumstances it considered inappropriate to wait for the building to fall into a state of structural disrepair before considering that conversion of the building is acceptable. Such an approach could encourage landowners to deliberately neglect buildings, resulting in harm to the National Park's stock of traditional buildings. Therefore, in principle, the Authority's policies would support the conversion of the application building to create an open market dwelling provided that the development achieves the conservation and or enhancement of the building.

If the conversion of the barn is considered to be acceptable and in accordance with HC1 then it would not normally be necessary to restrict occupancy of the proposed dwelling because the Authority's policies allow for the creation of open market dwellings in these circumstances.

Design and landscape impact

The submitted application makes clear that the proposal in relation to the farmhouse and cottage does not include any proposed extensions or alterations. The applicant has also confirmed that there would be no extension to the existing domestic curtilage or change to existing parking arrangements. It is considered that this aspect of the proposal would not result in any apparent visual changes and therefore would have a neutral impact upon the landscape and other valued characteristics of the National Park.

The design of the proposed barn conversion has come forward following pre-application discussions between the applicant and Officers. The proposed conversion is considered to be in accordance with adopted design guidance as the conversion would take place within the shell of the barn without any extensions and without any significant alterations which would have a harmful impact upon the barns character and appearance. The applicant has also confirmed that the curtilage of the barn would be limited to the land immediately around the building and further plans showing this are expected in time for the meeting.

One challenge in this conversion was to provide adequate light to the proposed three bedrooms at first floor. The design has been amended at the pre-application stage following advice from the Authority's Conservation Area to omit roof lights and instead to propose the creation of an additional window opening on the southern elevation. This is considered to be a preferred approach because the window would reflect the design, size and pattern of the existing first floor openings and would better retain the character of the building than installing roof lights which would intrude upon the attractive stone slate roof and introduce domestic features.

The scheme proposes two roof lights on the yard side elevation which would serve two bathrooms at the first floor. Officers have raised concerns about the introduction of roof lights with the applicant and remain concerned that they would introduce a domestic feature which would negatively impact upon the existing undisrupted stone slate roof. There does not appear to be an over-riding need for the roof lights because these would serve bathrooms which would already benefit from light from the existing slot vents.

If permission is granted it is considered necessary to omit these two proposed roof lights by condition for the reasons given above. There are otherwise no objections to the proposed fenestration provided that details of the proposed timber frames, finish and glazing for the arch openings are submitted for approval by the Authority prior to installation along with other minor design details.

The curtilage around the barn would be modest and subject to an appropriate landscaping scheme to provide stone hard standings and low stone boundary walls as appropriate there are no concerns that the proposal would lead to harmful changes to the barn or its curtilage. The barn is read in the landscape as part of Cowclose farm and not an isolated building therefore there are also no concerns that the proposal would have a harmful impact upon the landscape, indeed it is considered that the sensitive conversion of the barn would help restore an important vernacular barn.

If permission is granted officers would recommend that a condition to remove permitted development rights for domestic alterations and extensions and other domestic additions is necessary. Permission would be granted on an exceptional basis to conserve the building, so any domestic alterations and extensions would have the clear potential to erode the strong agricultural character of the building which this scheme would sensitively conserve.

Therefore, subject to the imposition of appropriate conditions, it is considered that the proposal would conserve the character and appearance of the barn, its setting within the farmyard and the wider landscape in accordance with GSP3, L3, HC1, LC4 and LC8.

Highway safety and amenity

Given the distance from the site to any nearby neighbouring property there are no concerns that any part of the proposal would have a harmful impact upon the amenity, security or privacy of any neighbouring property or land use. There is adequate distance between the proposed farmhouse and barn to prevent any overlooking. Both properties would have adequate curtilage space and there is ample parking space within the yard.

The proposed marked dwelling within the barn would be located within the farmyard but given the distance of this barn from the others and the orientation it is considered that occupants would have a sufficient level of amenity and that potential pollution and disturbance from agricultural activities would not have an unacceptable impact.

The proposals would not have any impact upon the existing access which has sufficient visibility onto the public highway. There is ample space for vehicles to park within the yard to serve both of the proposed dwellings along with on-going agricultural activities. It is therefore considered that the proposed development would be served by safe access and adequate parking in accordance with LT11 and LT18 and therefore considered that it is not necessary for the proposed dwelling within the barn to only be occupied ancillary to the existing dwelling. If permission is granted a condition would be recommended to ensure that parking for the development is agreed and laid out in an appropriate time scale.

Ecology

The barn has the potential to support bats and birds and therefore a protected species survey

was carried out last year and the report submitted in support of this application. The survey results indicated that a small common pipistrelle roost is present in the barn, likely one or two bats. The evidence indicated that the roost may not be in regular use and that there is no evidence that a maternity roost is present. Therefore the report concludes that the roost is considered likely to be of low conservation presence.

Nevertheless the report confirms that all UK bats are European Protected Species and that the proposed development would have the potential to impact upon roosting bats or damage and destroy roosts if bats are present when works take place. The report concludes that a licence will be required from natural England and recommend that features are incorporated into the refurbished building to allow roosts to be retained.

These features should include leaving gaps in exterior masonry or providing small access gaps into a purpose made cavity in the masonry at either gable end. Special ridge tiles to allow access for bats could also be incorporated along with bat boxes to provide features suitable for roosting bats. The report also recommends that the current lighting scheme in the courtyard is modified as part of the development to reduce light spill to provide more favourable conditions for bats.

The report also identifies several swallow nests within the barn. The report recommends that areas suitable for nesting swallows are provided in the new agricultural barn immediately to the south of the site. This could include the provision of artificial nests cups and features within the barn as compensatory measures. It is also recommended that any works take place outside of the nesting period for swallows (typically between February and August).

Having had regard to the report and advice from the Authority's Ecologist it is considered necessary, if permission is granted, to require details of mitigation measures for bats and birds to be submitted for approval and to require the development to be carried out in accordance with the recommendations of the submitted survey report. These conditions are necessary to ensure the favourable conservation status of the identified protected species is maintained in accordance with policies L2 and LC17.

Other Issues

The submitted application form states that foul sewerage is to be disposed of to a new septic tank. Policy within the Framework and guidance within the National Planning Practice Guidance is clear that development should contribute to enhancing the water environment and that new septic tanks should not be installed unless it is not viable or practicable to install a package treatment plant. No evidence has been put forward to demonstrate this and it is considered that it would be appropriate for a package treatment plant to be installed. Therefore if permission is granted a condition would be recommended to require the submission and approval of these details.

Concern has been raised in representations in regard to the impact of on-going building works at the site and the impact of the timber structure and portacabin type structure which have been erected in the yard.

There are piles of spoil and building materials on the site around the group of buildings. The spoil and building materials appear to be related to the construction of the approved agricultural building, the removal of existing building materials buried on the site and the construction of new stone walling around the farmstead. Officers acknowledge that this spoil does have an adverse impact upon the local area but these appear to be related to on-going authorised construction works and are not related to the current proposals.

The timber structure within the yard is currently occupied as a dwelling by members of the applicant's family. The Authority's officers consider that the structure requires planning permission and is therefore unauthorised and has made this clear to the occupants; the

occupants consider that it does not need permission as it is only being occupied during renovation of the farmhouse and is a temporary structure. The owner has recently advised that this structure will be removed from the site by May this year once renovation works at the farmhouse are complete.

The Authority has planning powers to take enforcement action against this timber structure if it determined expedient to do so and therefore the existence of this structure is not directly relevant to the current proposals. However the timber structure is located within the yard which would otherwise be available for parking and partly within the proposed domestic curtilage of the barn. The timber structure is also sited immediately adjacent to the barn and would be overbearing to occupants of the barn if retained. Officers are also concerned that if the proposal for the farmhouse takes place then there may be pressure to retain the timber structure while the barn conversion takes place. It is therefore considered necessary to require the removal of the timber structure before any development commences.

There is a similar position in regard to the white portacabin structure. This structure is located within the proposed curtilage of the barn where it would be unacceptable to be retained because this would have a continued harmful impact upon the setting of the barn and a harmful impact upon the amenity of occupants of the dwelling. It is therefore recommended that a condition be imposed to require this structure to be removed prior to the first occupation of the converted barn.

Finally, concerns have been raised that the potential future occupants of the farmhouse would not comply with an agricultural occupancy condition and therefore that planning permission should be refused. However, it must be noted that the existing farmhouse and ancillary cottage are subject to an ancillary occupancy condition and that this application is not for the creation of or would result in the loss of an agricultural worker's dwelling. The proposed development would not change the position on this point or prevent the Authority being able to enforce planning conditions provided that an agricultural occupancy condition is re-imposed if planning permission is granted. In recent correspondence with officers, the owner has stated that his wife complies with the agricultural occupancy condition. The Authority is able to investigate whether or not an agricultural occupancy condition is being complied with and can take enforcement action if this is necessary. However, this is not matter which is material to this application.

Conclusion

It is considered that the proposals in regard to the farmhouse and the barn are acceptable in principle subject to the re-imposition of an agricultural occupancy condition on the farmhouse. Subject to conditions, the proposed development would conserve the character, appearance and amenity of the buildings, their setting within the landscape and that of neighbouring properties. The proposal would not have any adverse impact upon protected species or highway safety.

Therefore, having had regard to all the comments made in representations and consultation responses, it is considered that the proposed development is acceptable and in accordance with the development plan and the Framework. The proposed development is therefore recommended for approval subject to the conditions outlined in this report.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil