
12. FULL APPLICATION – CONVERSION OF BARN TO LOCAL NEEDS DWELLING ADJACENT TO THE B.5056, WINSTER (NP/DDD/0815/0796, P.691, 424118/359436, 24/11/2015/KW/CF/BT)

APPLICANT: MISS E GOULD

Background

This application for the conversion of a barn to an affordable dwelling to meet local need was originally considered at the meeting of the Authority's Planning Committee in October 2015. Notwithstanding an officer recommendation of refusal, a motion for approval of this application was moved and seconded, subject to conditions and prior entry into an appropriate legal agreement. The reasons stated by members in justifying an approval centred on the view that the provision of an appropriate landscaping scheme could mitigate the landscape and visual impact of the proposed development. The proposals were found to be compliant with policies in the Development Plan and policies in the National Planning Policy Framework in all other respects.

The scope for conditions mitigating landscape harm had already been considered by officers and therefore the fact that this scheme was recommended for refusal highlights the fundamental concerns more isolated barns such as this present in terms of the conservation objectives of the National Park. The fact that the objection on landscape grounds was the main and only objection does not diminish the seriousness of that objection given the statutory purposes of national park designation.

Subsequently, under the terms of Standing Order no. 1.48, a further report to Planning Committee is now required setting out policy issues in more detail..

Standing Orders

In accordance with Standing Order 1.48, this report covers: (i) the policy implications e.g. whether the decision is a departure from the development plan or other key policy; (ii) the budget implications; (iii) a risk assessment; and (iv) an assessment of the robustness of the provisional reasons, including recommendations on any conditions.

Assessment

(i) Policy Implications

The key policy issue in this case is one of harm to landscape and historic character. While adopted policies offer scope for barn conversions in principle there is also the need to consider harm to the valued characteristics of the National Park as a matter of principle. In certain locations at a certain scale the level of change and levels of risk to the loss of historic character are great enough as to apply core policies as a point of principle. In this case it is considered that the proposed development would not conserve or enhance a heritage asset and would lead to a diminishment in the historic character of the National Park which is a core reason underpinning the designation of the Peak District National Park and its value to the nation.

A decision to grant permission for the current application is considered to be a departure from the Development Plan because the resolution to approve this application was based on an assessment of landscape and visual impact that differed from the conclusions reached in the officer report. The officer conclusions were made in light of internal specialist advice from the landscape architect whose views in turn draw are guided by the Landscape Strategy (see Appendix A). Officers have responded to this feedback with a recommendation based clearly and demonstrably on such evidence. Notwithstanding this specialist advice, Members were minded take a different view that a landscaping scheme could mitigate the impact of the converted structure with its new domestic curtilage and associated parking provision.

In policy terms, both the planning officer and landscape architect have recognised the requirements of Core Policy L1 and the Landscape Strategy and provided members with a sound recommendation in line with adopted policy. The Landscape Strategy is considered an exemplar of such documents produced under the European Landscape Convention. In being explicitly referenced in Core Strategy policy, it assumes more weight than simple guidance, and in a National Park (the highest landscape designation in the country) must be foremost in our planning decisions.

Whilst the revised landscaping scheme generally reflects the Planning Committee's suggestions, and has since been informed by the applicant's own landscape architect, a resolution to approve this application would still fundamentally conflict with the Landscape Strategy and Action Plan, which states that domestication of barns in open countryside, by conversion of traditional field barns standing in open countryside to a residential use, most often detracts from the scenic beauty and natural qualities of the surrounding landscape and conflicts with the historic settlement pattern of villages on the limestone plateau of the White Peak. This is clearly open countryside and this barn represents one of the instances in which such domestication would be harmful.

In seeking to mitigate this conflict officers could have concluded that a landscaping scheme was necessary in order to make the application acceptable and could have sought this rather than recommend refusal of the application. However, the specialist landscape advice remains that landscaping is not sufficient to mitigate the harm that is likely to arise, and as such it is concluded that the fundamental landscape objection to this proposal remains. Harm in this case is represented by the loss of character and the simple relationship of the barn in its open setting. Acceptance of the additions and changes necessary in order to bring about a domestic use in both the building and its curtilage would represent a harmful principle which could be replicated in similar locations and would result in the gradual loss of this resource of historic assets that allow one to read the story of the historic farmed landscape.

A decision to refuse permission for the current application would uphold the adopted development plan and the landscape strategy and action plan. Furthermore, it would represent a position that demonstrates application of policy fairly and consistently and would demonstrate a commitment to the conservation of National Park landscapes in line with adopted plans and strategies.

In such cases the point of principle is brought about by judgement. It is necessary to consider the threshold at which character can be lost and whereby the suburbanisation of the historic landscape becomes unacceptable. It is the view of officers and specialist landscape advisors that this threshold is met where the visual relationship of an individual barn to a settlement is lost. There are many instances whereby buildings on the fringes of settlements or in looser clusters form a coherent group and in these circumstances opportunities may be found to provide homes, jobs and services. However the judgement in this case is clear. The building has the appearance of being isolated and this brings about a particular character which can be read against the backdrop of the historic farmed landscape. This characteristic is worthy of protection and is the kind of building that could be the focus of alternative interventions such as grant funding and landscape scale partnership projects working alongside the farming community. Officers understand the desire to approve development in such barns as it is often seen as the easiest means of conservation in the current climate.

(ii) Budget Implications

It is not considered that a decision to approve this application would have any significant budget implications as the only costs arising would be officer time processing the decision notice and the necessary legal agreement.

(iii) Risk Assessment

The clear risk in this case remains that a further piece of evidence of the farming traditions of the Peak District would be lost and as a principle this is something that could be replicated all too easily.

There is an expectation amongst local communities and other communities of interest that the Authority applies policies in the Development Plan neutrally, fairly and consistently, especially where they are up-to-date, relate specifically to the development concerned and are otherwise consistent with more recent national planning policies in the Framework as they are in this case. In these respects, a decision to approve this application could not be considered to be applying the policies fairly and consistently, because it would place local needs above the statutory conserve purpose of the national park.

Should an approval be granted the 2015-2016 Annual Monitoring Report would need to identify this is a departure from the Development Plan.

(iv) Robustness of Provisional Reasons for Approval and Suggested Conditions

The provisional reasons put forward in the event of an approval were that despite the fact that members were not satisfied with the visual impact of the domestic curtilage and associated activities on landscape, they considered the current application could be made to accord with the Development Plan and national planning policies in the Framework by the use of conditions and legal agreement. In particular, members were concerned about the impact of domestic curtilage and associated activities on landscape quality. Subsequently, a revised landscaping plan has been submitted by the applicant to address these concerns.

Officers remain concerned about the robustness of these reasons in the context of the policy assessment above. If the revised landscaping scheme is considered by members to render the proposal worthy of approval, and if a legal agreement and the conditions suggested below are considered to make the development acceptable in planning terms, and in the absence of any other material considerations that indicate planning permission should be refused, it is sound to approve the application. However, it should be stressed that such a landscaping scheme was not requested of the applicant and presented to the committee in the first instance which indicates that both officers and specialists felt that such conditions could not overcome fundamental policy concerns.

A time limit for commencement is required, and the Authority's adopted guidance on affordable housing requires a start to be made on the development within two years, if it were to be approved, primarily because of the pace of change in terms of need and cost. However, two pre-commencement conditions are required to address ecological concerns and archaeological concerns raised in representations made by the Authority's respective specialists on the original application.

There remains significant concern about the robustness of applying conditions in such a case where the specialist view is that they would not have the stated effect, i.e. to mitigate harm. The assessment above highlights that while a judgement has been made there is shared acceptance of harm and therefore the principles of core landscape and conservation policies are at the forefront of this decision as they signify that National Park purposes are not being upheld. With regard to this advice and the provisions of saved Local Plan policies LC15, LC16 and LC17, policies L2 and L3 of the Core Strategy and national planning policies and Framework, officers are therefore not satisfied that the addition of these conditions would overcome the fundamental objection that the proposal is not compliant with policy L1 and the Landscape Strategy for the area.

If development is agreed against officer recommendation members would need to be confident that the revised landscaping plan makes the proposal compliant with L1. A condition would need to specify that amended plans are necessary in the interests of the proper planning of the local area.

The legal agreement would include obligations regarding to affordability and local occupancy criteria in accordance with the requirements of the Authority's adopted guidance on affordable housing. It is considered that the legal agreement would be directly related to the development; and fairly and reasonably related in scale and kind to the development as well as being necessary

to make the development acceptable in planning terms taking into account that the Authority's housing policies require the proposed development to be maintained as affordable housing to meet local need in perpetuity. Consequently, the requirement to enter into the proposed legal agreement before the permission is issued in order to control occupancy and affordability can be justified.

Finally, National Planning Practice Guidance says that permitted development rights should not be removed other than in exceptional circumstances. In the first instance, it is considered necessary to remove permitted development rights for extensions and outbuildings in accordance with the Authority's adopted guidance on affordable housing. If the current application were to be approved, it is considered that managing further extensions to the house and any additional outbuildings is important to ensure the house remains affordable and within the 'size limits' for affordable housing. It would also be important to manage future alterations to the property to minimise the impact of the proposed development and safeguard the character. It is therefore considered that the exceptional circumstances do exist in this case that justify removing permitted development rights. However, this condition would not serve to outweigh the fundamental landscape objections and therefore do not serve to make the scheme acceptable in principle.

Conclusions

The revised landscaping scheme and other conditions do not serve to make the proposal compliant with Core Policy L1 or the Landscape Strategy, and cannot mitigate for the loss of landscape quality and its historic character. The proposed use of conditions to seek to justify approval would render the decision unsound when set in the context of:

- national park purposes and duty;
- the proper application of purposes and duty;
- the adopted development plan, especially policy L1 and the Landscape Strategy; and
- the NPPF.

Refusal of this application would be consistent with local and national policy and would demonstrate that the Authority applies its policies and national policy consistently and fairly in the interests of all communities with an interest and stake in the National Park. The use of legal obligations is only relevant to the ongoing occupancy of the housing, which is only an issue if the landscape objections are overcome.

Whilst recognising the previous resolution made on this application by the Authority's Planning Committee and having considered the policy position in more detail and the extent to which conditions and legal obligations could be used to address these policy concerns, the officer recommendation to Members remains for refusal of this application.

Should members still be minded to approve this application it should be subject to the subject to prior entry into a s.106 legal agreement containing obligations relating to first occupancy, subsequent local occupancy restrictions and affordability, and subject to the following conditions:

Statutory Time Limit

- 1 The development hereby permitted shall be begun within 2 years from the date of this permission.

Approved Plans

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following amended plans: Drawing No.s 7021-L-01; 1501-P1A; 1501-P5A; 1501-P6B; 1501-P7B; 1501-P8; 1501-P9 and 1501-P10 (received by the National Park Authority on 3 November 2015) and Drawing No.s 1501- P11 and 1501-P11 (received by the National Park Authority on 6 November 2015)

Archaeology

- 3 No development shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured.

The Written Scheme of Investigation shall include an assessment of significance and research questions; and

- (i) the programme and methodology of site investigation and recording;
- (ii) the programme and provision for post-investigation analysis and reporting;
- (iii) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (iv) provision to be made for archive deposition of the analysis and records of the site investigation; and
- (v) nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation".

Ecology

- 4 No development shall take place until a scheme of mitigation measures for bats and birds has been submitted to and agreed in writing by the National Park Authority. Thereafter, the mitigation measures shall be carried out in complete accordance with the agreed scheme of mitigation prior to the first occupation of the dwelling hereby permitted.

Landscaping

- 5 All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme to be submitted and agreed in writing with the National Park Authority.

Conversion within Existing Shell

- 6 The conversion shall be carried out within the shell of the existing building

Underground Service Lines

- 7 All new service lines associated with the approved development, and on land with the applicant's ownership and control, shall be placed underground and the ground restored to its original condition thereafter.

Disposal of Foul Sewage

- 8 The package treatment plant show on Drawing No. 1501-P1A shall be installed in complete accordance with the approved plans prior to the first occupation of the dwelling hereby permitted.

Parking and Access

- 9 Prior to the first occupation of the dwelling hereby permitted, a specification or sample of the material to be used for the surfacing of the drive, parking and manoeuvring areas shall be submitted to and approved in writing by the National Park Authority.
- 10 Prior to the first occupation of the dwelling hereby permitted, the access, parking and turning areas shall be completed in accordance with the specifications approved under Condition 9 (above).

Residential Curtilage

- 11 Prior to the first occupation of the dwelling hereby permitted, the curtilage of the converted barn shall be defined with a drystone wall constructed in complete accordance with the approved plans in locally obtained natural stone, and the drystone wall shall be coursed and pointed to match the stonework of the existing boundary walls.

External Lighting

- 12 Unless otherwise agreed in writing by the National Park Authority, there shall be no external lighting and the converted building and associated curtilage shall not be provided with any other external source of illumination at any time during the lifetime of the development hereby approved.

Design Details and Architectural Specifications

- 13 All external windows and doors shall be of timber construction.
- 14 At the time of its installation, the external flue pipe shown on the approved plans shall be painted black.
- 15 All pipework, other than rainwater goods and the external flue pipe shown on the approved plans, shall be completely internal within the building.
- 16 The rainwater goods shall be cast metal, painted black. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.
- 17 The roof verges shall be flush cement pointed, with no barge boards or projecting timberwork.
- 18 The roof shall be clad with natural blues slates to match the existing slates in terms of size, texture and colour.

Permitted Development Rights

- 19 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the converted building shall be carried out and no extensions, porches, sheds, or ancillary outbuildings shall be erected on the site without the National Park Authority's prior written consent.