

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 July 2021
Site Location:	Manor Farm Main Street Wormington Broadway Gloucestershire WR12 7NL
Application No:	21/00068/FUL
Ward:	Isbourne
Parish:	Dumbleton
Proposal:	Conversion of existing agricultural buildings into one dwelling and associated internal and external alterations; and provision of associated private residential garden area and vehicular driveway, parking and turning areas
Report by:	Emma Dee
Appendices:	Location Plan, Existing Block/Site Plans and Existing Elevations Existing Floor Plans and Sections Proposed Block/Site Plans and Proposed Elevations Proposed Floor Plans and Sections Proposed Door Joinery – Elevation, Section and Plan Proposed Window Joinery 1 of 3 – Elevation, Section and Plan Proposed Window Joinery 2 of 3 – Elevation, Section and Plan Proposed Window Joinery 3 of 3 – Elevation, Section and Plan Proposed Roof Window Details – Section
Recommendation:	Refuse

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located centrally within Wormington. There is an established pattern of linear frontage development along this part of Main Street, and development is predominantly directly related to and supportive of the street scene. This includes Manor Farmhouse, a Grade II listed building of 17th century origins. There are a number of agricultural buildings located to the south of the farmhouse which form the perimeter of the original yard and a compact historic farmstead. This includes a Grade II listed Granary towards the eastern side of the yard, as well as an extensive range of traditional agricultural buildings, including the application building towards the western side of the yard, which are considered to be curtilage listed. The character of the historic farmstead is charming and vernacular with the farmhouse, and the granary providing a prominent and characterful influence. The neighbouring property to the West is also Grade II Listed (Well House).
- 1.2 The submitted Design and Access Statement sets out that farm operations have been relocated away from the original farmyard leaving a number of buildings redundant, including

the existing agricultural building subject to this application. It further advises that, to ensure the sustainability of the farm, larger machinery and storage has become a necessity and that, to facilitate this, the main farm operation is now undertaken on sites to the south and north-west of the farmyard. To the south of the complex is a collection of large modern agricultural buildings which serve the current farming enterprise.

- 1.3 The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.4 The application proposes the conversion of one of the existing curtilage listed agricultural buildings within the western range into 1 no. two storey three-bed dwelling and associated internal and external alterations. This is a red brick building with a natural blue slate roof covering. The submitted Design and Access Statement advises that the ground floor area of this building originally housed animals whilst the upper floor area was used to store hay. All existing openings on this building are located on the eastern elevation, facing onto the central yard area. The application includes the submission of a Structural Report (commissioned by Delta Vector Engineering), which confirms that the principle structure is in good condition throughout and would not require any major structural alteration to convert to a dwelling house. It states that the structure has been analysed and is capable of resisting the loads, both vertical and horizontal, expected during the lifespan of the building once converted, and that the existing "foundation" will be suitable for supporting the proposed loads and does not show any signs of historic movement.
- 1.5 The following external alterations are proposed:
  1. The creation of 3 no. window openings in the eastern elevation;
  2. The installation of new windows and doors within existing openings; and
  3. The installation of 4 no. Conservation rooflights on the western elevation roofslope at first floor level, positioned 1.7m above the first-floor level, and 1 no. conservation rooflight on the eastern elevation roofslope at ground floor level within single storey element.
- 1.6 All new windows would be flush casement timber units with a painted finish, with thin-section conservation double glazing. The proposed door would also be painted timber with small, glazed panels. The ventilation bricks would be retained, and the external appearance of the bricks would not be altered in any way.
- 1.7 The submitted Design and Access Statement acknowledges that the Conservation Officer previously raised concerns regarding the loss of the historic brick floor as this would be a negative factor and would generate harm to the significance of the historic asset. In response, the submitted Design and Access Statement confirms that the floor slopes approximately 140mm from the west wall towards the entrance door, which was intentional and provided floor drainage for cattle urine. However, it advises that this slope is not suitable for domestic use and would not comply with Building Regulation. In addition, it sets out that the uneven surface of the bricks can create a trip hazard within the proposed dwelling. The Design and Access Statement advises that, to ensure the proposed dwelling would comply with Building Regulations, insulation would be required within the floor structure. However, it advises that, to attempt to re-use the brick floor within the house, the floor would require additional excavation which could potentially affect the structural integrity of the building. The application therefore proposes the careful removal of the brick floor and reinstatement within the proposed covered parking area.
- 1.8 The application also proposes the provision of associated private residential garden area and vehicular driveway, parking and turning areas, utilising the existing vehicular access. The

application proposes to provide a driveway and turning area, and to convert part of an adjacent barn to the south to provide covered vehicular parking. Bin storage would also be provided here. The brickwork wall would be removed from the eastern elevation of this barn to form an opening. Timber posts, lintel and gussets would be installed here to replicate detail found on an adjacent barn.

- 1.9 It is also proposed to allocate a substantial area of the yard to amenity space for future occupiers of the proposed residential unit (212 square metres), which is proposed to be bounded by a 1.8m high hedge. The application includes the submission of undated photographs showing a concrete block wall along the northern boundary of this courtyard which, it advises, was removed in the late 1970s/early 1980s. Private amenity space would be retained by Manor Farm to the south/east of this existing dwelling.
- 1.10 The other buildings towards the South and East of the yard would remain unconverted and in agricultural use.
- 1.11 The application is presented to the planning committee at the request of Councillor Gore, in order to assess the impact on the surrounding landscape and properties.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
20/00369/AGR	Erection of a steel framed extension to an existing building, to form a covered grain tipping and storage area.	Non-intervention	22.05.2020
20/00286/FUL	Conversion of existing agricultural buildings into 1 no. dwelling and associated external alterations, and provision of associated private residential garden area and vehicular driveway, parking and turning areas	Withdrawn	30.10.2020
20/00450/LBC	Conversion of existing agricultural buildings into 1 no. dwelling and associated internal and external alterations, and provision of associated private residential garden area and vehicular driveway, parking and turning areas	Withdrawn	30.10.2020
21/00069/LBC	Conversion of existing agricultural buildings into 1 no. dwelling and associated external alterations, and provision of associated private residential garden area and vehicular driveway, parking and turning areas	Consent	20.04.2021

In terms of the withdrawn applications referred to above, the applicant's agent was advised that the Conservation Officer objected to the proposals on the basis that in order to have any confidence that other buildings such as the granary would have a viable future a convincing and holistic case must be made. It was also considered that the application failed to demonstrate that the residential amenity of existing and future occupiers would be protected in terms of privacy.

### **3.0 RELEVANT POLICY**

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

#### **National guidance**

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

#### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

Policies: SP2 (Distribution of New Development), SD4 (Design Requirements), SD6 (Landscape), SD7 (Cotswolds Area of Outstanding Natural Beauty), SD8 (Historic Environment), SD9 (Biodiversity and Geodiversity), SD10 (Residential Development), SD11 (Housing Mix and Standards), SD14 (Health and Environmental Quality), INF1 (Transport Network) and INF2 (Flood Risk Management).

#### **Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)**

Policies: AGR6 (Re-use and Adaptation of Rural Buildings – General) and AGR7 (Re-use and Adaptation of Rural Buildings – Retention of Character)

#### **Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)**

Emerging Policies: RES3 (New Housing Outside Settlement Boundaries), RES5 (New Housing Development), RES7 (Re-use of Rural Buildings for Residential Use), DES1 (Housing Space Standards), HER2 (Listed Buildings), NAT1 (Biodiversity, Geodiversity and Important Natural Features), ENV2 (Flood Risk and Water Management) and TRAC9 (Parking Provision)

#### **Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life) The First Protocol, Article 1 (Protection of Property)**

### **4.0 CONSULTATIONS**

**Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>**

**Dumbleton Parish Council** – The Parish Council advises that, in principle, it has no objections to the design details of the application, but advises that it is in agreement with the Conservation Officer's comment regarding the compromising of the future viability of other buildings in the same area, especially the Grade II listed granary. The Parish Council also would like to highlight the need, as identified in an ecological report, for allowance for bat and bird species roosting sites within the new development, alongside the potential impact through death and injury to current roosting species.

The Parish Council would like to see a new application that includes all of the buildings in the farmstead in an overall approach to development and includes the repair and upkeep of the Grade II listed granary and other Grade I and II listed buildings in the farmstead. The Parish Council appreciates that such an application would require development over time but believes it is vital that the current state of disrepair of listed buildings is addressed in a new application.

As such, Dumbleton Parish Council lodges an objection to this application.

**Conservation Officer** – No objections to the principle or the design details of the proposed residential conversion. However, the allocation of a large area of the yard as a garden to this unit will potentially inhibit a viable future reuse of the other historic buildings in the group including the outstanding grade II listed granary which is in poor condition. It has not been demonstrated that this proposal will not cause harm to the other heritage assets in the group. As such although the physical conversion of the building would not be contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the allocation of an area of the yard to this unit would have an adverse impact upon the viability of other vulnerable listed buildings in the group by virtue of the impact upon their setting. This would be contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF, JCS Policy SD8 and Local Plan Policy AGR7. The harm generated to both the setting and the future preservation of the buildings themselves would be less than substantial but is not outweighed by any resultant public benefit.

**County Highways Officer** – Objects to the application on the grounds that the site does not offer genuine sustainable transport choices and any future occupiers of the proposed dwelling would therefore be car reliant, and on the grounds that there would be an unacceptable impact on highway safety and would conflict with providing safe and suitable access for all users contrary to paragraphs 108 and 110 of the NPPF. The Highway Authority therefore recommends refusal of this application.

**Environmental Health Officer** – No objection to the application in terms of any noise / nuisance issues. However, as the proposal is for the conversion of an agricultural building into a dwelling with a garden, the Environmental Health Officer recommends that any approval of planning permission be subject to a contaminated land condition.

**Planning Ecological Advisor** – No objection subject to conditions.

**Sustainable Drainage Engineer** – No comments or objections to make with regard to this application.

## **5.0 PUBLICITY AND REPRESENTATIONS**

- 5.1 The application has been publicised through the posting of a site notice and a press notice for a period of 21 days. To date no letters of representation have been received.

## **6.0 POLICY CONTEXT**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. Wormington does not currently have an adopted Neighbourhood Development Plan.
- 6.3 The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4 Other material policy considerations include National Planning Guidance contained within the National Planning Policy Framework; 2019 (NPPF).

6.5 The relevant policies are set out in the appropriate sections of this report.

## 7.0 ANALYSIS

### Principle of Development

- 7.1 Policy SP2 of the JCS sets out the strategy for the distribution of new development across the JCS area, and JCS Policy SD10 specifies that, within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. The application site is not allocated for housing through the development plan, and Wormington is not identified within the Settlement Hierarchy (Table SP2c of the JCS) as a Rural Service Centre nor a Service Village. As such, criterion 4 of JCS Policy SD10 applies, which specifies that housing development on such sites will only be permitted where:
- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or
  - ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans, or
  - iii. It is brought forward through Community Right to Build Orders, or
  - iv. There are other specific exceptions/circumstances defined in district or neighbourhood plans.
- 7.2 The proposed development is not for affordable housing on a rural exception site in accordance with JCS Policy SD12, is not brought forward through Community Right to Build Orders, and there are no other specific exceptions/circumstances defined in district or neighbourhood plans. As such it does not comply with Criteria 4 (i), (iii) or (iv) of JCS Policy SD10.
- 7.3 In terms of criteria 4 (ii) above, the JCS sets out that infill development means the development of an under-developed plot well related to existing built development. The application site does not comprise an under-developed plot; alternatively, it comprises an existing building proposed for conversion. In this context, it is considered that the proposal cannot reasonably be regarded as constituting infilling within the existing built-up area of the village, in conflict with criteria 4(ii) of JCS Policy SD10.
- 7.4 Notwithstanding the conflict identified above, criteria 5 of JCS Policy SD10 specifies that proposals involving the sensitive, adaptive re-use of vacant or redundant buildings will be encouraged, subject to the requirements of other policies including Policies SD1, INF4 and SD8. The proposed development will be assessed against the relevant development plan policies within the following sub-sections of this report.
- 7.5 In addition, saved policy AGR7 of the TBLP supports the adaptation and re-use of rural buildings, subject to them being capable of conversion without substantial alteration or extension to their original structure, and subject to the essential scale, form and character of the original building and as much of the original structure and essential features (internal and external) as possible being retained. It states that new works should be of a scale, form, type and materials compatible with the character of the original building (particularly where of a traditional construction) and the surrounding area. The submitted structural report confirms that the principle structure is in good condition throughout and would not require any major structural alteration to convert to a dwelling house. It states that the structure has been analysed and is capable of resisting the loads, both vertical and horizontal, expected during the lifespan of the building once converted, and that the existing "foundation" will be suitable for supporting the proposed loads and does not show any signs of historic movement. The application proposes no extensions to the existing building and, other than the proposed installation of new windows and doors within existing openings, the creation of 3 no. window

openings in the eastern elevation, the installation of 5 no. Conservation rooflights and the works associated with the proposed conversion of part of the adjacent barn to the south into vehicular parking, no other external alterations are proposed to this building. The proposed development will be assessed against saved Policy AGR7 of the TBLP within the relevant following sub-sections of this report.

### **Status of the Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)**

- 7.6 The Pre-Submission Version of the Tewkesbury Borough Plan 2011-2031 (the PSTBP) was subject to an Examination in Public in February/March 2021. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 7.7 The application site is not identified as a Housing Site Allocation within the PSTBP, and is not located within a Settlement Boundary. In such locations, emerging Policy RES7 of the PSTBP specifies that the re-use and conversion of redundant buildings for residential use will be permitted provided that:
1. the building is of a substantial construction, is structurally sound and is capable of conversion without the need for significant new building works and/or extension;
  2. where the proposal involves a traditional building, any new works are of a scale, form, type and materials sympathetic to the character and appearance of the original building;
  3. The proposal does not result in the requirement for another building to fulfil the function of the original building to be converted;
  4. The proposal preserves or enhances the landscape setting of the site and respects the rural character of the area.
- 7.8 As such, it is apparent that emerging Policy RES7 supports the principle of conversion subject to the criteria referred to above being satisfied. The application will be analysed against these criteria within the relevant following sub-sections of this report, and other relevant policies of the Development Plan.

### **The Council's 5 Year Housing Land Supply and the implications of the NPPF**

- 7.9 Notwithstanding the above, it is also currently the case that the Council cannot demonstrate a 5-year supply of deliverable housing sites. It is the Council's current position that a 4.35 years supply of housing can be demonstrated (as set out in the latest Five Year Housing Land Supply Statement published in December 2020). In this scenario, paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date (including policies for the provision of housing where a five year supply cannot be demonstrated), permission should be granted unless: (i) the application of policies in the NPPF that protect assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.10 Members will be aware of the recent appeal decision at Ashmead Drive in which the Inspector concluded that the Council can demonstrate a 1.82 year supply of deliverable housing sites. This is principally because the Council includes advanced delivery (or 'oversupply') against annual housing requirements in its five-year supply calculations. Appeal decisions are not binding precedents however. Officers consider that, on the context of the plan-led system, it is wrong not to take into account houses that have already been delivered

during the plan period, essentially ahead of schedule, and which meet the needs being planned for in the area. The Council considers that there are robust grounds for a successful challenge of this appeal decision and on that basis proceedings have now been issued in the High Court. Officers' advice is that a 4.35 year supply can be demonstrated at this time.

- 7.11 As set out above, as the Council cannot demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development is engaged in this case. Nevertheless, Footnote 6 of the NPPF provides a list of protected assets which essentially disapply the tilted balance if there is a clear reason for refusal arising from the application of policies relating to those assets; this includes policies relating to listed buildings. This will be assessed below.

### **Heritage assets**

- 7.12 Manor Farmhouse is a Grade II listed building of 17th century origins as is the Granary on the East side of the yard. There is also an extensive range of traditional agricultural buildings which with the listed buildings forms a yard to the south. These buildings (including the affected building) are considered to be curtilage listed, forming a compact historic farmstead. The neighbouring property to the West is also Grade II Listed (Well House).
- 7.13 As such when determining planning applications this authority has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their features of special architectural or historic interest and their settings. The proposal will also be assessed in relation to Section 16 of the NPPF, JCS Policy SD8, saved Policy AGR7 of the TBLP and emerging Policy HER2 of the PSTBP.
- 7.14 Paragraph 184 of the NPPF states that: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 7.15 Paragraph 193 of the NPPF states that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.16 Paragraph 194 of the NPPF states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.17 Policy SD8 of the JCS states that: Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
- 7.18 Emerging Policy HER2 of the PSTBP specifies that alterations, extensions or changes of use to Listed Buildings, or development within their setting, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. It further states that any proposals which adversely affect such elements or result in the significant loss of historic fabric will not be permitted, and specifies that any alterations, extensions or repairs to the Listed Buildings should normally be carried out using the traditional materials and building techniques of the existing building.
- 7.19 Saved Policy AGR7 of the TBLP states that: The essential scale, form and character of the original buildings and as much of the original structure and essential features (internal and



external) as possible, should be retained. New works should be of a scale, form, type and materials compatible with the character of the original building (particularly where of a traditional construction) and the surrounding area. In the case of conversion to residential use, wherever possible walls and old outbuildings should be used to screen domestic features such as drying areas, patios, sheds and gardens. In general, all domestic elements should be grouped close to the buildings and screened from important viewpoints.

- 7.20 The proposal is to convert one of the buildings within the Western range to residential use and allocating a substantial area of the yard to this one unit. The other buildings towards the South and East of the yard would remain unconverted and in agricultural use. To the south of the complex is a collection of large modern agricultural buildings which serve the current farming enterprise. The character of the historic farmstead is charming and vernacular with the farmhouse, and the granary providing a prominent and characterful influence.
- 7.21 The Conservation Officer raises no objection in principle to the conversion of the buildings to residential use and considers that overall the details of the conversion of the buildings are sympathetic to their character. Part of the adjacent historic shed would also be utilised as garaging and lobby in a manner that would preserve its character.
- 7.22 The main issue with the conversion of these buildings is the allocation of the majority of the yard to this single residential unit. Not only does this subdivision affect the ability to properly read the historic context of the farmyard, but it would also leave the other unconverted buildings compromised in terms of the future viability of investment and conversion due to the limited nature of the remaining amenity/parking space.
- 7.23 It is noted that the Grade II Listed granary (directly east of the conversion) is falling into disrepair and appears now to be in a poor state. This authority has a duty to exercise protection of listed structures in the Borough within the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. The authority has power to intervene in cases where no progress has been made. The Conservation Officer has concerns regarding the future of this listed building which forms part of this group and would consider it counterproductive to grant an uplift on part of the complex without tying in the repair of this building. The Conservation Officer considers that the complex (which is in the same ownership) should be considered holistically to ensure proper repair of the granary as one of the most important historic buildings in the group.
- 7.24 The Conservation Officer advises that the proposed conversion of these buildings in isolation and the allocation of the majority of the available land to this residential unit would compromise both the setting and the future viability of other buildings in the farmstead, in particular the Grade II Listed Granary.
- 7.25 Once component buildings within a complex are converted for residential use it is almost inevitable that the ownership will become separated in the future. By not taking a holistic approach to the reuse of the farmstead and addressing the sustainability of individual units following separation this proposal will substantially compromise the future viability of the remaining heritage assets. This will potentially have a long-term detrimental impact on those buildings not included in this proposal, in particular the Grade II Listed Granary and potentially the listed Farmhouse itself.
- 7.26 Furthermore the Conservation Officer advises that a holistic approach to the provision of residential use within the historic farmstead would greatly assist in planning the use of the external space.
- 7.27 The Conservation Officer concludes that there are no objections to the principle or the design details of the proposed residential conversion. However, the allocation of a large area of the yard as a garden to this unit would harm the setting of the listed farm complex and potentially

inhibit a viable future reuse of the other historic buildings in the group including the outstanding Grade II Listed granary which is in poor condition. It has not been demonstrated that this proposal will not cause harm to the other heritage assets in the group.

- 7.28 As such although the physical conversion of the building would not be contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the allocation of an area of the yard to this unit would have an adverse impact upon the viability of other vulnerable listed buildings in the group by virtue of the impact upon their setting. This would be contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF, JCS Policy SD8, saved Policy AGR7 of the TBLP, and emerging Policy HER2 of the PSTBP.
- 7.29 The Conservation Officer advises that the harm generated to both the setting and the future preservation of the buildings themselves would be less than substantial but that it is not outweighed by any resultant public benefit. For the above reasons, the Conservation Officer recommends that this application be refused. In the context of paragraph 11 of the NPPF and the tilted balance, this constitutes a clear reason for refusal which disappplies the presumption in favour of granting permission.

### **Design and Impact on Character and Appearance of Area**

- 7.30 Section 12 (Achieving well-designed places) of the NPPF specifies that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF specifies that planning decisions should ensure that developments, inter alia, will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.31 Policy SD4 of the JCS states that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. It further states that design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, and having appropriate regard to the historic environment. In addition, criteria 6 of JCS Policy SD10 states that residential development should seek to achieve maximum density compatible with, inter alia, good design, the protection of heritage assets, local amenity and the character and quality of the local environment.
- 7.32 Saved Policy AGR6 of the TBLP states that rural building proposed for conversion must be of a permanent and substantial construction and that in all cases the scale, form and general design of the building(s) must be in keeping with their surroundings. Proposed uses which would adversely affect the quality of the rural environment by reason of the nature of the operation, its scale and impact will not be acceptable. It further states that, in the AONB, particular emphasis will be placed on ensuring that the proposal does not conflict with the overall aims of this designation in terms of protecting its landscape quality.
- 7.33 Saved Policy AGR7 of the TBLP states that: The essential scale, form and character of the original buildings and as much of the original structure and essential features (internal and external) as possible, should be retained. New works should be of a scale, form, type and

materials compatible with the character of the original building (particularly where of a traditional construction) and the surrounding area. In the case of conversion to residential use, saved Policy AGR7 specifies that, wherever possible, walls and old outbuildings should be used to screen domestic features such as drying areas, patios, sheds and gardens. In general, all domestic elements should be grouped close to the buildings and screened from important viewpoints.

- 7.34 Emerging Policy RES5 of the PSTBP specifies that proposals for new housing development should, inter alia:
- Be of a design and layout that respects the character, appearance and amenity of the surrounding area and is capable of being well integrated within it;
  - Be of an appropriate scale having regard to the size, function and accessibility of the settlement and its character and amenity, unless otherwise directed by policies within the Development Plan;
  - Where an edge of settlement site is proposed, respect the form of the settlement and its landscape setting, not appear as an unacceptable intrusion into the countryside and retain a sense of transition between the settlement and open countryside;
  - Not cause the unacceptable reduction of any open space (including residential gardens) which is important to the character and amenity of the area;
  - Incorporate into the development any natural or built features on the site that are worthy of retention;
  - Address any other environmental or material planning constraints relating to the site.
- 7.35 Emerging Policy RES7 of the PSTBP states that the re-use and conversion of redundant buildings will be permitted subject to the criteria referred to in the heritage section above.
- 7.36 Section 15 of the NPPF relates to "Conserving and Enhancing the Natural Environment" and, at paragraph 170, specifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside. JCS Policy SD6 specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing.
- 7.37 In terms of the location of the application site within the Cotswolds AONB, paragraph 172 of the NPPF specifies that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to these issues. JCS Policy SD7 states that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 7.38 As detailed above, the application includes the submission of a structural report, which confirms that the principle structure is in good condition throughout and would not require any major structural alteration to convert to a dwelling house. The application proposes no extensions to the existing building and, other than the proposed installation of new windows and doors within existing openings, the creation of 3 no. window openings in the eastern elevation, the installation of 5 no. Conservation rooflights and the works associated with the proposed conversion of part of the adjacent barn to the south into vehicular parking, no other external alterations are proposed to this building. It is considered that the proposed external alterations would be sympathetic in design to this rural building and would respect the character of the site and its surroundings.
- 7.39 By virtue of the location of the application site within the existing farmstead and in the close context of surrounding buildings, it is considered that the proposed development would

preserve the landscape and scenic beauty of the Cotswolds AONB.

- 7.40 However, the proposed provision of a residential unit in isolation within the existing farmyard and the provision of any domestic paraphernalia within its associated 'private amenity space' within the central yard area is considered to be problematic in terms of the impact on the character and amenity of this historic farmyard. Whilst this would not be prominent from public vantage points by virtue of the surrounding buildings, the proposal would nevertheless adversely impact the visual amenity of this central open space which is important to the character and amenity of this historic farmyard. It is considered that the visual impact of an enclosed garden taking up a prominent proportion of the former working yard would appear alien and uncharacteristic in this particular context. As such, the proposed development is judged to be contrary to Section 12 of the NPPF, JCS Policies SD4 and SD10, saved Policy AGR7 of the TBLP and emerging Policy RES5 of the PSTBP.

### **Impact on Amenity of Existing and Future Occupiers**

- 7.41 Paragraph 127 of the NPPF specifies that planning policies and decisions should ensure that developments, inter alia, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity of existing and future users. JCS policies SD4 and SD14 require development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants. In addition, emerging Policy RES5 of the PSTBP specifies that proposals for new housing development should, inter alia, provide an acceptable level of amenity for the future occupiers of the proposed dwellings and cause no unacceptable harm to the amenity of existing dwellings.
- 7.42 By virtue of the location of the proposed dwelling within the existing farm yard complex, Environmental Health Officers have been consulted. In response, the Environmental Health Officer advises that they raise no objection to the application in terms of any noise / nuisance issues. They do, however, recommend that any approval of planning permission be subject to condition to deal with any potential contamination.
- 7.43 The proposed dwelling would comprise 3 double bedrooms across two storeys, and the gross internal floor area of the proposed dwelling (excluding the proposed covered parking areas) would be approximately 127 square metres, which exceeds the minimum space standards defined within the Government's Housing Standards Review. It is therefore considered that the gross internal floor area of the proposed dwelling would accord with JCS Policy SD11 and emerging Policy DES1 of the PSTBP.
- 7.44 The application proposes no extensions to the existing building, and it is therefore considered that the residential amenity of adjoining occupiers would not be unreasonably affected in terms of overshadowing or overbearing impact. The 4 no. Conservation rooflights proposed for installation on the western elevation roofslope at first floor level would be positioned 1.7m above the first-floor level, and the remaining fenestration proposed for installation would be on the eastern elevation of the building, directly overlooking the proposed residential amenity area associated with the proposed dwelling. It is therefore considered that the proposed alterations to the existing building would result in no significant detrimental impact on adjoining occupiers in terms of overlooking or loss of privacy.
- 7.45 However, the proposed provision of a residential unit in isolation within the existing farmyard is complex and an associated amenity space within the central yard area is considered to be problematic in terms of the impact on the residential amenity of existing and future occupiers of the existing dwelling at Manor Farm and the proposed dwelling in terms of privacy. Whilst

it is proposed to bound the 'private amenity space' by a new hedgerow, there are likely to be direct views into this from adjacent dwellings, such as that at Manor Farm, particularly from first floor level windows. In addition, if this proposed hedgerow was to be subsequently removed, this would further open up views into this amenity space. Furthermore the proposal would retain garaging at the end of the access for use by Manor Farm. This would mean vehicles passing and manoeuvring in very close proximity to the front elevation of the proposed conversion. This would harm the living conditions of future occupiers by reason of unacceptable noise and disturbance, including headlights from vehicles. It is therefore considered that the application fails to demonstrate that the residential amenity of existing and future occupiers would be protected, contrary to paragraph 127 of the NPPF, JCS policies SD4 and SD14 and emerging Policy RES5 of the PSTBP.

### **Highways Matters**

- 7.46 JCS Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. In addition, criteria 6 of JCS Policy SD10 states that residential development should seek to achieve maximum density compatible with inter alia, the safety and convenience of the local and strategic road network. Further, emerging Policy RES5 of the PSTBP specifies that proposals for new housing development should, inter alia, make provision for appropriate parking and access arrangements and not result in the loss or reduction of existing parking areas to the detriment of highway safety.
- 7.47 Section 9 of the NPPF relates to "Promoting sustainable transport" and, at paragraph 108, specifies that, in assessing applications for development, it should be ensured that:
- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) Safe and suitable access to the site can be achieved for all users; and
  - c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree
- 7.48 NPPF paragraph 109 specifies that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.49 Paragraph 110 of the NPPF states that, within this context, applications for development should:
- a) Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - b) Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - c) Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

- d) Allow for the efficient delivery of goods and access by service and emergency vehicles; and
  - e) Be designed to enable charging of plug-on and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 7.50 The Highway Authority does not consider that the site offers genuine sustainable transport choices and any future occupiers of the proposed dwelling would therefore be car reliant, contrary to NPPF paragraphs 108 and 110. However, the relevant development plan policies support the principle of the conversion of rural buildings as part of the strategy of the delivery of new housing development across Tewkesbury Borough and in this instance, because of this policy context it is not considered that this matter weighs against the proposal in this instance.
- 7.51 In addition to the locational concerns, the Highway Authority advises that the site access between the existing farm buildings for additional vehicles has no emerging visibility splays to pedestrians crossing on the footway and limited visibility from 2.4m back from the nearside edge to oncoming vehicles due to the existing buildings. The Highway Authority recognises that the proposal would only add limited additional vehicle trips, but notes that these would be during peak hours to employment, education and shopping destinations miles outside the village.
- 7.52 The Highway Authority also comments that internally the site layout has not demonstrated dimension annotated space for vehicle parking for the existing and proposed dwelling based on local ward census data of average vehicles for average number of bedroom dwellings in addition to vehicle turning space to prevent reversing manoeuvres onto the highway between existing buildings.
- 7.53 The Highway Authority further comments that parking would require electric vehicle charging as per Manual for Gloucestershire Streets and secure enclosed cycle storage for at least 2 bikes with clear external access accommodated on plan.
- 7.54 In light of the above it is not considered that it has been demonstrated that the proposals would have an acceptable impact on highway safety, and thus would conflict with the requirement to provide safe and suitable access for all users, contrary to paragraphs 108 and 110 of the NPPF. The proposed development would also be contrary to JCS Policies INF1 and SD10 and emerging Policy RES5 of the PSTBP.

### **Ecological Impact**

- 7.55 The NPPF sets out that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. JCS Policy SD9 seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Emerging Policy NAT1 of the PSTBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.56 An Ecology response has previously been provided in relation to the proposed works under application reference numbers 20/00286/FUL and 20/00450/LBC. The Council's Planning Ecological Advisor has reviewed the available documentation including the Bat Survey Report, and considers that sufficient survey effort has been undertaken. The survey highlighted that the building supported a roost for whiskered bats and brown long eared bats. The Ecological Advisor considers that appropriate bat mitigation has been given considering the small number of bats found.

- 7.57 As such the Planning Ecological Advisor raises no objection, subject to any consent being subject to condition for all works to be undertaken in accordance with the mitigation outlined within the Bat roost assessment and Bat survey report, and for evidence of the installation of the ecological enhancements (including, but not limited to, bat boxes and bird boxes) to be submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 7.58 In addition, the Ecological Advisor recommends that any consent be subject to condition requiring a lighting scheme and plan for the development (devised following consultation with the project ecologists) to be submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 7.59 Should more than 12 months' elapse from the date of the bat surveys undertaken in 2020, the Ecological Advisor comments that they would require an updated bat dusk emergence survey to confirm that the bat roost has not changed and to inform a Natural England licence, to be undertaken within the most recent survey season between May – September.
- 7.60 The Ecological Advisor further comments that Natural England's EPS Mitigation licence should be sent to the Local Planning Authority prior to commencement in order to ensure works are proceeding under licence.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 8.2 The proposal is supported in principle by existing and emerging planning policies related to the conversion of rural buildings.
- 8.3 Notwithstanding this, the Council's policies for the supply of housing are currently considered to be out-of-date having regard to paragraph 11 of the NPPF. In these circumstances, the NPPF advises that the presumption should be that planning permission is granted unless (i) the application of policies in the NPPF that protect assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Given that the identified harms to heritage assets referred to above represents a clear reason why planning permission should be refused the tilted balance is not therefore engaged.

### **Benefits**

- 8.4 The benefits which would be derived from the development would be a contribution, albeit in a small way, towards providing housing in the Borough. Furthermore, there would be economic benefits both during and post construction through the creation of new jobs and the support to existing local services and the local economy. The economic benefits which would be derived from the development and the potential contribution towards supporting the vitality of services and facilities in nearby settlements would, however, similarly be limited by the scale of the development proposed.

### **Harms**

- 8.5 The proposed provision of a residential unit in isolation within the existing farmyard and the provision of any domestic paraphernalia within its associated amenity space within the

central yard area is considered to be problematic in terms of the impact on the character and amenity of this historic farmyard. Whilst this would not be prominent from public vantage points by virtue of the surrounding buildings, the proposal would nevertheless adversely impact the visual amenity of this central open space which is important to the character and amenity of this historic farmyard. It is considered that the visual impact of an enclosed garden taking up a prominent proportion of the former working yard would appear alien and uncharacteristic in this particular context.

- 8.6 Further, the subdivision of the yard would have an adverse impact upon the viability of other vulnerable listed buildings in the group by virtue of the impact upon their setting. The harm generated to both the setting and the future preservation of the buildings themselves would be less than substantial but would not be outweighed by any resultant public benefit.
- 8.7 In addition, the proposal would have an unacceptable impact on the residential amenity of existing and future occupiers of the existing dwelling at Manor Farm and the proposed dwelling in terms of privacy and noise and disturbance resulting from continued use of the adjoining outbuilding for garaging for Manor Farm itself.
- 8.8 Whilst the proposal would only add limited additional vehicle trips, it has not been demonstrated that the proposal would have an acceptable impact on highway safety.

#### **Neutral**

- 8.9 Having regard to the policies of the development plan and the responses of technical consultees, subject to the imposition of suitable planning conditions, there are no objections in respect of impact on drainage or biodiversity.

#### **Conclusion**

- 8.10 For the reasons given above, it is concluded that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and NPPF. It is therefore recommended that planning permission be **refused**.

#### **9.0 UPDATE – 20 July 2021 COMMITTEE**

- 9.1 **The application was deferred at the meeting of the Committee in April 2021 to allow the applicant to consider whether the concerns in relation to amenity and impact on other buildings in the compound could be overcome.**
- 9.2 **Constructive discussions have taken place between officers and the applicant's agent and amended plans are expected which it is hoped will resolve the officer's concerns in respect of the impact on the listed farm complex and the residential amenity issues. An update will be provided at Committee.**
- 9.3 **There remains an outstanding reason for refusal in respect of highway issues as set out below.**

#### Reasons for Refusal:

1. The provision of the amenity space associated with the proposed residential unit, and the provision of any domestic paraphernalia in this location, would harm the character and visual amenity of this central open space which is important to the character and amenity of this historic farmyard. The visual impact of the proposed enclosed garden would appear incongruous and uncharacteristic in this particular context and would not preserve or



enhance the setting of the listed complex. Furthermore, the proposed subdivision of the yard would have an adverse impact upon the viability of other vulnerable listed buildings in the group by virtue of the impact upon their setting. The proposed development therefore conflicts with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 12 and 16 of the National Planning Policy Framework (2019), Policies SD4, SD8 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), saved Policy AGR7 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and emerging policies RES5 and HER2 of the Pre-Submission Tewkesbury Borough Plan 2011-2031 (2019).

2. The proposed provision of amenity space associated with the proposed residential unit, would unreasonably affect the living conditions of any future occupiers in terms of loss of privacy and noise and disturbance arising from the continued use of the access to garaging for Manor Farm. The proposed development therefore conflicts with paragraph 127 of the National Planning Policy Framework (2019), Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), and emerging Policy RES5 of the Pre-Submission Tewkesbury Borough Plan 2011-2031 (2019).
3. It has not been demonstrated that the proposed development would have an acceptable impact on highway safety. The proposed development would therefore conflict with paragraphs 108 and 110 of the National Planning Policy Framework (2019), Policies INF1 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) and emerging Policy RES5 of the Pre-Submission Tewkesbury Borough Plan 2011-2031 (2019).

#### INFORMATIVES:

1. In accordance with the requirements of the National Planning Policy Framework (2019) the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with relevant Development Plan Policies no direct negotiation during the consideration of the application has taken place.