

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	17 August 2021
<b>Site Location:</b>	Bank Farm Barns Main Street Dumbleton
<b>Application No:</b>	20/00567/FUL
<b>Ward:</b>	Isbourne
<b>Parish:</b>	Dumbleton
<b>Proposal:</b>	Conversion of existing building into two self-catering holiday let units with new log store and covered seating area.
<b>Report by:</b>	Bob Ristic
<b>Appendices:</b>	Site location plan Site layout plan Existing floor plans and elevations Proposed floor plans and elevations x2 Site location and block plan
<b>Recommendation:</b>	Permit

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to a Dutch barn, located on Bank Farm to the north of Dumbleton village. The site is located within the Dumbleton Conservation Area and within the Special Landscape Area (SLA). **See site location plan**
- 1.2 The barn is located to the south of the former farm complex which has more recently been converted to live-work accommodation.
- 1.3 The barn presently provides 2 storeys of storage and is clad on 3 sides with a mix of timber and corrugated sheeting. The eastern elevation and part of the southern elevation are open. To the western elevation is a timber clad lean-to store.
- 1.4 The application seeks permission to convert the barn into two holiday lets comprising 1x5 bed unit and 1x2 bed unit. The proposal would entail the cladding of the open side with corrugated sheeting and installation of aluminium framed windows. The proposal would also involve the formation of other window and door openings to allow for the building to operate as tourist accommodation. **See existing and proposed plans**
- 1.5 The application also proposes a new single storey timber framed building to provide a log store, seating area and maintenance store to the northern part of the site. The proposal would also provide an amenity area to the south and east of the building within the existing fenced off curtilage. The proposed layout would also provide parking for four cars. **See plans**

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
04/01302/FUL	Conversion of existing agricultural buildings to create 4 no. live/work units.	Permitted	05.01.2005
07/01787/FUL	Conversion of Dutch Barn to single Live Work unit	Refused	07.04.2008
09/00110/FUL	Conversion of Dutch Barn to single Live Work unit (revised application).	Refused & Appeal Dismissed	06.04.2009
09/01158/FUL	Conversion of existing Dutch Barn to provide a live/work unit.	Refused	14.01.2010

## 3.0 RELEVANT POLICY

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

### 3.1 National guidance

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

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

- Policy SD4 (Design Requirements)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9(Biodiversity)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)

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

- Policy TOR1 (General Policy)
- Policy TOR2 (Service/self-catering accommodation)
- Policy LND2 (Special Landscape Area)

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

- Policy TOR1 (Tourism Related Development)
- Policy TOR2 (Serviced/Self Catering Accommodation)
- Policy HER1 (Conservation Areas)
- Policy LAN1 (Special Landscape Areas)
- Policy TRAC9 (Parking Provision)

### **3.4 Neighbourhood Plan**

None

### **3.5 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)**

### **3.6 The First Protocol, Article 1 (Protection of Property)**

## **4.0 CONSULTATIONS**

### **4.1 Dumbleton Parish Council**

- No objections to the plans themselves
- Would be an appropriate use of a currently disused building,
- A majority vote was taken to support parishioner's objections.

### **4.2 County Archaeologist - No objections**

- Site is within a medieval moat
- Nearby excavation revealed evidence of Iron Age, Roman and Saxon Settlements and burials
- Proposal is mostly for conversion however excavation required for new drainage connections
- A condition for archaeological monitoring would be required

### **4.3 County Highways Officer - No objections**

- No adverse highway safety or highway impacts
- Site access has good visibility
- Condition required for EV charging facilities

### **4.4 Conservation Officer - No objections to revised scheme**

- Details of materials will be required

### **4.5 Urban Design Officer - Not opposed to conversion**

- Metal cladding would be more in keeping
- Size and arrangement of windows require consideration
- Needs to respond to character and context of the site

### **4.6 Environmental Health Adviser - No objections**

- While there may be potential for noise, impacts can only be considered from predictable noise sources
- Would be the responsibility of the owner to ensure visitors don't cause a nuisance to neighbours

### **4.7 Environmental Health Officer - No objection**

- A condition requiring an investigation and remediation of any contamination would be required

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for an initial period of 21 days. A further notice was posted upon receipt of amendments to the scheme. As a result of the consultation, 7 letters of representation have been received (including one on behalf of seven residents) and the comments are summarised below:

### Objections

- Appearance is too contemporary
- Would be a substantial redevelopment of the building
- Would be a carbuncle
- Out of keeping with rural location and character of existing converted farm buildings
- Increase in noise, vehicles and disturbance from guests and services
- Over intensive use
- External areas would be used by guests
- Holidaymakers & party guests would not respect residents
- Layout & number of bedrooms would attract large family groups
- Roads in and out of Dumbleton are narrow and dangerous
- Poor public transport provision
- Dumbleton has no services
- Proposal would impact Conservation Area & Special Landscape Area
- No management plan or noise assessment provided
- Heritage assessment not undertaken
- No legitimate fallback position
- Previous application/appeal dismissed
- Will affect wildlife
- No biodiversity enhancements

### Support

- Great idea to make use of disused barn
- More demand for UK holidays
- Good for local employment

## **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.
- 6.3 The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16<sup>th</sup> June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'.
- 6.4 Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging

plan and the weight that may be attributed to individual policies will still 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 the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

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

## **7.0 ANALYSIS**

### **Principle**

- 7.1 Paragraph 84 of the NPPF recognises the need to support sustainable growth and expansion of all types of business in rural areas through conversion of existing buildings, diversification of agricultural uses and sustainable rural tourism and leisure developments which respect the character of the countryside.
- 7.2 Policy TOR2 of the TBLP relates to the provision of serviced and self-catering accommodation and restricts such accommodation outside of residential development boundaries to the conversions and renovation of existing buildings. The reasoned justification further advises that while new development would not normally be accepted in open countryside, it is recognised that some types of tourist accommodation are well suited to conversions and such conversions can breathe new life onto old buildings.
- 7.3 While the site is located outside of a development boundary, the building is located within an existing cluster of built development which comprises converted agricultural buildings which were also once part of Bank Farm and would not therefore appear isolated or incongruous within the landscape.
- 7.4 While facilities in Dumbleton are limited the site is however located in proximity to Toddington, Winchcombe and Evesham and associated services and tourist interests. The economic benefits of visitors could therefore benefit local services in these towns and villages. Furthermore, the site offers good accessibility to the wider Cotswolds area.
- 7.5 Policy AGR6 of the TBLP further supports the conversion of rural buildings to short stay low-key holiday accommodation where buildings are permanent, capable of conversion and would not adversely affect the rural environment or residential amenity. This is also reflected in Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants
- 7.6 The application building comprises a substantial Dutch barn with adjoining timber framed lean-to. The building would be retained in corrugated metal sheeting which would be painted black. The presently open side would be infilled with matching corrugated sheeting and aluminium frame glazing. These new elements have been subject of discussions with officers, and it is considered that the amended design would balance the requirements of using the building for holiday let purposes while retaining the utilitarian character of the building. Furthermore, it is considered that the proposal would comply with Policy SD4 of the JCS which seeks to achieve high quality design.
- 7.7 Concerns have been raised by local residents with regards to impacts of the use upon their living conditions. The principal windows and doors to the development would be sited to the east and west of the building and would not result in any direct overlooking of the previously converted barns to the north of the site.

- 7.8 While comings and goings associated with the proposed use may be evident, they would be infrequent given that the proposal would only provide 2 lets which are unlikely to be occupied all of the time. Furthermore, the building is set away from existing residential properties and the lets would benefit from their own amenity areas which would be further screened and enclosed by the proposed log store building.
- 7.9 The Council's Environmental Health adviser has set out that any increase in activity would not result in a measurable or statutory nuisance in terms of noise or disturbance from guest activity would be a management/operational matter for the owner, such as advising guests of the presence of nearby residential properties. It is therefore considered unlikely that the proposal would result in demonstrable harm to local residents such as to warrant a refusal of planning permission.
- 7.10 The reasoned justification to Policy AGR6 advises that in the case of conversion to holiday accommodation, the Borough Council will generally impose conditions restricting the use to that applied for where such units would be unsuitable for normal residential use and to prevent the amalgamation of units. It is considered that this is reasonable in this instance as the application is specifically for holiday accommodation and the fact that the site is location in an area where residential development would not be supported.
- 7.11 The principle of development is therefore considered to be acceptable.

#### **Heritage and Landscape**

- 7.12 The application site is located within the Dumbleton Conservation Area (CA) and Special Landscape Area (SLA). JCS policy SD8 sets out that development should make a positive contribution to local character and that designate and undesignated heritage assets, and their setting will be conserved and enhanced as appropriate to their significance. TBP Policy LND2 sets out that special attention will be accorded to the protection and enhancement of the landscape character of the SLA.
- 7.13 It is noted that a previous appeal for the conversion of the building to a live/work unit was refused in 2010 due inter alia to the amount of works necessary to bring the building back to a residential use and the desirability of retaining/re-using the utilitarian agricultural building and impact on the SLA.
- 7.14 The application site lies at the northern edge of the Dumbleton Conservation Area and is enclosed and screened to a significant degree by existing trees and shrubs. Notwithstanding the previous appeal decision, the building exists on the site and has an impact, albeit limited, on the conservation area and wider landscape which would remain unchanged whether the building is converted or not.
- 7.15 However, the proposed design is considered to be of a an acceptably high standard and the Conservation Officer is satisfied that the proposal would conserve the character and appearance of the Conservation Area. Similarly, it is considered that the proposal would not result in harm to the wider landscape, and arguably the proposed works would result in an improvement in its appearance.

#### **Highways**

- 7.16 Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network.

- 7.17 The proposal would be accessed along an existing drive and would provide at least four off street parking spaces. The County Highways Officer (HO) reviewed the application and has confirmed that the access provides good visibility and that there would be no adverse impact upon highway safety. The HO has recommended the provision of electric vehicle charging points and this could be secured by condition.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1 It is considered that the proposal would comply with Policies AGR6 and AGR7 of the Tewkesbury Borough Local Plan to 2011 - March 2006 in respect of the conversion and use of rural buildings. Furthermore, it is considered that the proposed conversion works would result in a high-quality appearance to the building which would preserve the setting of the Conservation Area and would not adversely impact the wider landscape. It is therefore recommended that the application is permitted.

### **CONDITIONS:**

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:

- 200-01 Rev.D
- 200-02 Rev.C
- 200-04 Rev.D
- 200-05

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Notwithstanding the submitted details and prior to installing any external materials, precise details of colour, profile, or where appropriate samples, of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be similarly maintained thereafter.

Reason: To ensure a satisfactory appearance to the development.

4. The proposed holiday units shall only be occupied as holiday units and shall not be occupied by any individual family or group for more than 2 months in any one period of a 12 month period.

Reason: The building is unsuitable to accommodate a permanent residential use by reason of its location.

5. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been

submitted by the applicant and approved in writing by the local planning authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost.

6. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

7. The development hereby permitted shall not be first occupied until the proposed holiday lets have been fitted with electric vehicle charging points. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

#### **INFORMATIVES:**

In accordance with the requirements of the NPPF 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.