

**BINHAM - PF/18/1524 - Proposed conversion of an agricultural barn to a dwelling;
Westgate Barn, Warham Road, Binham, Fakenham, NR21 0DQ for Mr & Mrs Bruce**

Minor Development

- Target Date: 27 November 2018

Case Officer: Phillip Rowson

Full Planning Permission

CONSTRAINTS

Countryside

Conservation Area

RELEVANT PLANNING HISTORY

PU/15/1249 PUA

Barn at Westgate Farm East, Warham Road, Binham, Norfolk

Prior notification of intention to convert agricultural building to a dwelling (C3)

Approval - Prior Approval Given 15/10/2015

PF/15/1748 PF

2 Westgate Barns, Warham Road, Binham, FAKENHAM, NR21 0DQ

Conversion of single storey agricultural barn to one dwelling - Approved 01/02/2016

PF/18/0921 PF

2 Westgate Barns, Warham Road, Binham, FAKENHAM, NR21 0DQ

Variation of condition 2 (approved plans) of planning permission PF/15/1748 to allow for changes to position of openings, internal walls and corrections to size and position of building - Approved 12/07/2018

THE APPLICATION

Seeks permission to convert and extend a traditional single storey "U" shaped building in order to create a three bedroom dwelling with detached double cart shed garage / store shed.

Access to the site would be via the existing driveway off the Warham Road.

This application was first reported to development Committee on 17 January 2019, members deferred the application in order to visit the site. The application was returned to Development Committee on 28 March 2019, at that time members voted 5 in favour to 8 against when requested to support the officer's recommendation. The item was then moved for deferral and deferred (10 votes in favour, 0 against and 3 abstentions) for the following reason:

"That consideration of this application be deferred to seek revisions to landscaping and fenestration and an updated Arboricultural Assessment."

The Committee minute is attached (**Appendix 1**) to this report.

Those additional considerations have now been resolved and the item is reported back to the first available development committee.

A newly elected member's cohort was returned by the May 2019 District Council Elections, and a new Development Committee constituted since that most recent deferral. New Members of the Development Committee have been invited to attend a site inspection on 30 May 2019 to ensure they are familiar with the site and development proposals and are in an appropriate position to determine this matter.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Development Committee and Head of Planning following the deferral from the meeting of 28 March 2019.

The item was referred to committee by the then ward Councillor V Fitzpatrick for the following reason:

"I have given this application careful consideration. I believe that the application is within policy and should be approved. I realise that you are minded to recommend refusal. If that is still the case, I would like the application to be determined by the Development Committee."

Officers continue to operate under that request.

PARISH/TOWN COUNCIL

Binham Parish Council - No response

REPRESENTATIONS

Two Former members of the Development Committee have written jointly to confirm that their understanding of the meeting of 28 March was of Member support for the application. A view is given that a positive decision would be forthcoming upon resolution of matters relating to windows, trees and landscaping. Retention of heritage buildings is important and potential exists for this building to be lost.

CONSULTATIONS

Conservation and Design Officer – Revised plans submitted on 8 April meet with the satisfaction of the Conservation, Design and Landscape Team Leader, no objections are raised on the matters of fenestration. Concerns regarding the scale extent and detrimental impact on character of the new build elements remain.

Initial Objection - Due to the number of new window openings and the new build elements this latest conversion scheme would fail to respect the simple character and utilitarian appearance of the host building.

Environmental Health - No objection subject to the inclusion of an advisory note on any permission relating to contaminated land / asbestos.

Landscape Officer – Revised plans submitted on 8 April meet with the satisfaction of the Landscape officer in terms of proposed Landscaping and Arboricultural Assessment received on 8 April 2019 and detailed on plan number 518/18/LD01Rev B.

Initial Comments - no objection in principle subject to conditions securing mitigation measures to protect biodiversity and to secure landscaping.

County Council (Highway) - Cromer – No objection subject to the imposition of appropriate conditions.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest

of the public, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS 1: Spatial Strategy for North Norfolk
Policy SS2: Development in the Countryside
Policy HO9: Conversion and re-use of rural buildings as dwellings
Policy EN 4: Design
Policy EN 6: Sustainable Construction & Energy Efficiency
Policy EN 8: Protecting and enhancing the historic environment
Policy CT 5: The transport impact on new development
Policy CT 6: Parking provision

Supplementary Planning guidance:
North Norfolk Design Guide (2008)

Nation Planning Policy Framework (NPPF): 2018:

Section 5. Delivering a sufficient supply of homes
Section 12. Achieving well-designed places
Section 16. Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

1. Principle of development
2. Design
3. Heritage
4. Amenity
5. Highways

APPRAISAL

The application was deferred at the meeting of Development Committee on the 17 January 2019 in order to allow Members to visit the site. When represented to members on 28 March 2019 the matter was deferred as detailed at the start of this report.

Since deferral, revised plans have been submitted and the subject of re-consultation with consultees. This revised plans have satisfied concerns of the consultees on matters of fenestration landscaping and arboriculture.

1. Principle of development

Policy SS 1 sets out the spatial strategy for North Norfolk and identifies main and service settlements where development of varying scales can take place. The remainder of the district, including settlements not listed in the policy, are designated as Countryside. This is the lowest tier of the settlement hierarchy and within the designated countryside area development is restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy.

The types of development acceptable in principle in designated Countryside are listed under policy SS 2; this includes the re-use and adaptation of buildings for appropriate purposes.

Policy HO9 then specifically considers the conversion of buildings in the countryside to residential use. The policy requires that proposals will only be permitted where the building

meets the specified criteria including, but not limited to:

- The building is located within an area identified in the Proposals Map for that purpose
- That the building is worthy of retention due to its appearance, historic, architectural or landscape value, and;
- That the building is structurally sound and suitable for conversion to a residential use without substantial rebuilding or extension and the alterations protect or enhance the character of the building and its setting, and;
- The scheme is of an appropriate scale in terms of the number of dwellings proposed for the location.

Since adoption of the Core strategy in September 2008 planning policy and case law has moved forward. It is important that the policy is not slavishly adhered to where more recent development indicate otherwise. This approach requires flexibility when assessing the relevant criteria of policy H09.

Locational Controls:

The publication of revised National Planning Policy Frameworks in 2012 and 2018 have essentially removed location (first bullet point) from the list of national planning policy considerations. Indeed, paragraph 79 of the latest NPPF expressly states that building conversions should be regarded as an acceptable form of development in isolated locations. It follows that if such proposals are acceptable in 'isolated' locations they must be equally acceptable elsewhere. Reflecting this, and similar advice in the 2012 NPPF, the Council has not been imposing locational controls in respect of proposals for building conversions for some time.

Alongside the changes to the NPPF government has also introduced new permitted development allowances providing for the conversion of existing agricultural buildings to dwellings without the need to secure formal planning permission.

The Part Q allowances, the NPPF, and Policy H09 of the Core Strategy are concerned with the conversion and re-use of existing buildings. Those allowances are not spatially restrictive, i.e. do not require compliance with the core strategy Proposals Map.

Worthy of retention:

These national policy changes and new permitted development allowances influence the relevant weight which should be afforded to consideration of the building as being 'worthy of retention'

The existing building is a typical of agricultural building and although small in scale does include the use of timber boarding and terracotta clay pantiles, it is in a simple C shape layout with crew yard. In essence the building is unexceptional, but is a recognised feature within the local landscape. Paragraph 79 of the National Planning Policy Framework is again relevant. The provision for made is where 'the development would re-use redundant or disused buildings and enhance its immediate setting'. This does not in itself require that the building must be worthy of retention in terms of its architecture, landscape or some other historic or social justification. The position moves to simply requiring that the building must enhance its immediate setting. I will return to a full assessment of the impact of the development on its immediate setting later in this section of the report.

Please note that the policy requirements should no longer require that the building is worthy of retention.

The NPPF is a material consideration, and as such officers consider that the 'worthy of

retention' carries very limited weight, in addition, the relaxation of permitted development rights for agricultural buildings allows the conversion of such buildings under part Q, without any need for such buildings to be 'worthy of retention'. Clearly the first criteria of Policy H09 is out of step with the NPPF.

Structural Integrity

Whether the building is structurally sound and suitable for conversion to a residential use without substantial rebuilding or extension and the alterations protect or enhance the character of the building and its setting remains a material consideration both within Part Q permitted development conversions and in recent case law. The proposals should demonstrate that the building is capable of conversion without substantial rebuilding.

The application is supported by a Visual Structural Appraisal (VSA), prepared by a consulting engineers submitted in September 2018. The report has some limitations, it is a short textual update supported by photographs, it was a visual inspection only, and was submitted as an update to a previous report which supported a previous planning permission for the reuse of this building. Both reports conclude that subject to mitigating recommendations the building is capable of being reused without substantial demolition and rebuilding of the existing structure, if minded to grant this may be controlled by suitably worded planning conditions.

Substantial extension:

Prior notification for conversion of the existing building to a dwelling was approved by the Local Planning Authority in October 2015, this required that the fabric of the building was kept largely intact and was not subject to significant extension or alteration. From that point a planning application (PF/15/1748) submitted convert the building into a dwelling, this was approved in February 2016.

In 2018 a further application was received (PF/18/0921) seeking changes to the 2015 permission including the position of openings, internal walls and corrections to size and position of building. This was approved in July 2018 with a three-year implementation period. As such there is a valid permission to convert the building which could be implemented subject to the discharge of any pre commencement conditions. This approval forms a fall-back consideration in the current case as the applicant's inform officers that that permission was commenced (not completed).

The scheme approved in July 2018 was based on the original footprint of the building and creates a floor area of some 150 sq. metres. The conversion achieves a three-bedroom dwelling with lounge, dining room, separate kitchen and three bathrooms.

The current proposals are assessed under planning policy requirements and finally against the recent approval (PF/18/0921) as a fall-back position. The current proposals would involve infilling the open courtyard to the southern elevation, a new small extension to the north eastern corner, and erection of a detached garage / store which combined would add a floor area of some 152.8 sq. metres to the existing building. Given that the existing floor area of the building is circa 150 sq. metres the proposals seek to extend by creation of new buildings to create a footprint which effectively doubles floor space. Even when applying substantial flexibility then the proposals must be considered a substantial extension of the existing building which cannot be compliant with this criteria of policy H09.

Appropriate scale in terms of number of dwellings:

In terms of the number of dwellings proposed for the location – a single dwelling is proposed to be formed. As a single dwelling then it is considered to be appropriate in terms of the overall size of the site, the layout of the development, the living conditions that would be provided for the future occupiers including provision of private amenity space. The site is accessed via

narrow private lane; the Highway Authority have not raised any concerns in terms of the impact on the local road network. The proposals are considered to comply with this criterion.

With regard to the criteria of policy HO9 above, then it is clear that the proposal are appropriate in terms of the number of dwellings being created; that a visual inspection has been updated and that suitable conditions can be imposed to ensure that the structure of the building can be largely retained during conversion. It is considered locational requirements for conversions such as this will not be pursued; and that it will no longer be materially relevant to consider whether or not the building is in itself worthy of retention. Critically, the conversion cannot be considered as anything other than a substantial extension of the existing building and also proposes an ancillary garage and store. On this basis alone then the proposals cannot be argued to be fully compliant with policy HO9.

It is therefore considered as a matter of principle the proposals will comply with the requirements of policy SS1 and SS2.

A key criteria of policy HO9 cannot be met, the requirement to convert without substantial extension.

The requirement for the proposed alterations to protect or enhance the character of the building and its setting will be considered within the design and heritage sections of this report. Matters of Sustainable Construction & Energy Efficiency; the transport impact on new development and parking provision will also be considered before the proposals are then balanced against the policies of the local plan when considered as a whole.

2. Design

The current building is a simple 'U' shaped form with walls primarily of horizontal timber boarding under a clay pantile roof. The only exception being the two south facing gables which are of a weathered concrete block construction. The building is proposed to be re-clad in brick, with terracotta pantiles being reclaimed for the building or otherwise appropriately sourced.

The scheme proposes infilling of the courtyard to the southern elevation with a flat roofed extension, which incorporates a large glazed lantern light serving the dining / sitting room. The proposals have been amended to include a part pitch gabled form on their southernmost extremity which completes the infill section. The elevations are held back from the existing gables by a return of approximately 1M which is designed to create the impression of light and shade over the southern elevation so as to appear similar in appearance to that already existing. The infill extension connects the two south facing wings creating a kitchen, snug and hall. It is proposed that the gables to the outer wings would be reconstructed in facing brick (as would the southern wall of the flat roofed extension).

In addition, a small extension is proposed projecting out in a northerly direction from the north eastern corner of the building. This would contain a bathroom and plant room and would be again be clad facing brick. The ridge and eaves height of the building would be maintained on the northern extension.

The scheme seeks detached garage and store to the northern eastern corner of the site, this is 10.2 metres in length, with an eaves height of 2.8 metres and ridge of 5.8 metres and is of brick and clay pantile construction.

It is still considered that due to its scale, massing and location the garage / store would be out of scale with the rest of the building and would fail to preserve or enhance the setting of the existing building.

The infilling of the open courtyard to the southern elevation would significantly alter the form,

character and appearance of the original building. The simple C shape layout is all but lost in its entirety.

The conversion now provides appropriate use of existing openings and treatment of those new and where required existing openings is considered appropriate in the amended form, as requested by members at the march meeting.

Officers recognise that the applicant has striven on a number of occasions to meet concerns of officers and the Development committee. It is understood that some significance can be attached to the resolution of windows and doors in the proposed scheme. However, it remains a concern that the overall scheme of conversion remains reliant on an unacceptable level of infilling to the Courtyard and addition of garage block and store. These elements fail to comply with the strict requirements of policy EN4. Extensions and alterations in conversion proposals will be expected to be suitably designed for the context within which they are set and to ensure that the scale and massing of buildings relate sympathetically to the surrounding area. Furthermore, it should be noted that the North Norfolk Design Guide, in particular Section 7 - Conversions, which suggests that schemes for conversion should avoid any works which otherwise rob the building of its context, original architectural features and interest (in this case layout).

The proposals do not comply with Policy EN4 and the North Norfolk Design Guide (2008).

3. Heritage

The proposals are set in the open landscape to the south of the ribbon development along the Warham Road the building is seen against the backdrop of the conservation area to the north from the surrounding countryside. The building and majority of the application site are not within the Binham Conservation Area, the northern part of the garden and driveway is within the designated area. There are limited, glimpsed views of the building when looking south from the access, and from some vantage points along Warham Road. The building and proposals will also be viewed via the proposed access from Warham Road.

Development Committee is required by Sections 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act 1990) to have special regard to the "desirability of preserving" the character and appearance of conservation areas. This means that the desirability of preserving the setting of and character and appearance of conservation areas is not merely a material consideration to which appropriate planning weight can be attached, but it is a legal obligation to have 'special regard' or pay 'special attention' to these matters. When a local authority finds that a proposed development would harm these matters, it must give that harm considerable importance and weight as a matter of law. There is effectively a statutory presumption against planning permission being granted where such harm arises. That presumption can be waived only in exceptional circumstances where other material considerations, including the public benefits of a proposal, demonstrably outweigh the harm created on the heritage asset.

Development Committee should also take into account the advice contained within the National Planning Policy Framework (NPPF), which specifically addresses the need for conserving and enhancing the historic environment, in particular paragraph 193, which states:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)....'

Paragraph 196 goes on to state: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its*

optimum viable use’.

Considerable weight must therefore be given to the preservation of heritage assets including their setting.

In considering development proposals affecting heritage assets, Core Strategy Policy EN 8 sets out that *‘the character and appearance of conservation areas will be preserved and where possible enhanced’*. However, this element of Core Strategy Policy EN 8 is now out of step with the guidance set out in the NPPF which is more permissive towards allowing development affecting heritage assets but only where there are clear and convincing public benefits in favour, and in accordance with the statutory requirements set out above.

The NPPF defines setting of a heritage asset as the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, and may affect the ability to appreciate the significance or may be neutral. Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

The proposals do not result in substantial harm to the conservation area, or its significance as a heritage asset. The amendments now included give acceptable fenestration and landscaping. These changes help to assimilate the proposals in the wider landscape. Despite these changes the alterations to the building retain a significant extension and new build element. It is those aspects that present harm to the heritage asset, i.e. the setting of the conservation area. The proposals fail to respect the simple character and utilitarian appearance of the host building, the harm that arises is mitigated to some extent by limited views from Warham Road and the rising landform that offsets views to the site from the public footpath to the South of the application site. As above, landscape planting and design changes do help to mitigate that impact but the simple harm created by significant extensions and new build cannot be lost entirely. The harm created is assessed as laying at the lower end of the spectrum but will impact upon the setting of the Conservation Area.

Having measured this less than substantive harm, I turn to the wider benefits that can be delivered from the proposals, re-use and adoption of the building, a new home as a conversion, inclusion of a sustainable geothermal energy project, an elderly local couple will be able to live within the village and function effectively as an extended family with their grandchildren.

I am persuaded that the less than substantial harm that arises to the character and appearance of the wider Binham Conservation Area carries a weight that cannot be outweighed by those material benefits listed above, either when considered singularly or in combination. As such the proposals are contrary to the provisions of Local Plan Policy EN8, Sections 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act 1990); and Paragraphs 103 & 196 of the NPPF.

4. Amenity

Due to its location being set some 50 metres from the Warham Road it is not considered that the scheme as proposed would give rise to any amenity issues in respect of the neighbouring properties in terms of potential overlooking or loss of light.

5. Highways

The Highway Authority has indicated that the revised scheme does not raise any issues in terms of highway safety.

6. Sustainable energy provisions

The applicant proposes to utilise a sustainable geothermal energy heating system, and has specifically designed the layout of the conversion to maximise solar gain within the building. The infilling of the crew yard is considered to reduce potential heat loss by reducing the length of external perimeter walls. The layout ensures room share readily accessed from a central living area. Further additions may be secured by the use of planning conditions to ensure that low water volume fittings are added, are high levels of insulation are provided. In this way provisions can be made which will satisfy local plan policy EN6, and our drive to low carbon future.

7. Fall-back

When examining the fall-back position then I see a previous permission (PF/18/0921) which adheres closely to the existing template of the building which required no extension to facilitate a three bedroomed dwelling, and relied upon only a hardstanding area for parking to the rear of the building.

The applicants suggest that environmental, sustainability, amenity considerations may mitigate a more favourable consideration:

- Solar gain, providing main living accommodation to south facing elevations,
- Provision of a ground source heating supply (extension to north east corner houses plant),
- Unrealistic storage and parking provisions within the approved scheme, vehicles and domestic paraphernalia being stored externally,
- Meeting the families housing requirements by living as an extended family within the same village
- Overcoming a compromised internal arrangement / circulation space within the approved scheme

It is reasonable to agree that at least some of these elements may offer a proportionality which can mitigate some increase in floor space. However, the doubling of floor space to encompass all of these elements is excessive and cannot be considered to establish a more desirable fall-back position than the approved scheme. It is entirely conceivable that the existing building may be redesigned to accommodate a more effective internal arrangement / use of circulation space; modest alterations may be made to relocate living space / accommodate solar gain. Similarly, geothermal / other sustainable energy sources or sustainable resolutions may be delivered without requiring the wholesale change proposed.

8. Conclusion

On the basis of the above assessment then the proposals result in a development which cannot comply with local plan policy requirements under HO9 & ENV4; further that the national plan policy and legislative requirements requirement to preserve and enhance the Conservation Area cannot be met. The mitigation offered is genuine and is materially helpful to the consideration of planning balance, but when taken within the context of the wider local plan cannot suitably mitigate the harm created by the significant extension and alterations proposed. In such circumstances then the implementation of the previously approved planning application PF/18/0921 is assessed as being preferable as a fall back consideration.

RECOMMENDATION:

Refuse planning permission on the following grounds:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

Policy SS 1: Spatial Strategy for North Norfolk
Policy SS2: Development in the Countryside
Policy HO9: Conversion and Re-Use of Rural Buildings as Dwellings
Policy EN 4: Design
Policy EN 8: Protecting and enhancing the historic environment
Policy CT 5: The transport impact on new development

National Planning Policy Framework - Paragraphs 79 and 193

In the opinion of the Local Planning Authority the proposed conversion scheme, due to the extent of new build, would result in a significant increase in the scale and massing of host building which would fail to protect or enhance the character and appearance of the building and its setting.

Furthermore, due to its form, bulk, general design, the proposed conversion scheme would fail to respect the simple character and utilitarian appearance of the host building.

The proposal is therefore contrary to the above Development Plan policies.