

**COLBY - PF/19/1974 - Conversion of barn to 2no.dwellings (part retrospective); Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU for Mrs Jones**

**Minor Development**

**- Target Date: 23 January 2020**

Case Officer: Mr C Reuben

Full Planning Permission

**RELEVANT SITE CONSTRAINTS**

SFRA - Areas Susceptible to Groundwater Flooding

Landscape Character Area

EA Risk of Flooding from Surface Water 1 in 1000

LDF Tourism Asset Zone

LDF - Countryside

Enforcement Enquiry

Public Right of Way

B Road

**RELEVANT PLANNING HISTORY**

PLA/19970430: CONVERSION OF REDUNDANT BARN TO TWO HOLIDAY COTTAGES.

Approved 29/08/1997

PU/15/1129: Prior notification of intention to change of use of agricultural buildings to two (C3) dwellinghouses. Refusal of Prior Notification 18/09/2015

PU/16/0570: Prior notification of intention to change of use of agricultural building to dwellinghouse. Approval - Prior Approval Given 28/06/2016

CDA/16/0570: Discharge of condition 6 (soil analysis) of PU/16/0570. Condition Discharge Reply 15/02/2017

PU/18/0284: Notification for prior approval for proposed change of use of agricultural building to 2 dwellinghouses (Class C3) and for associated operational development. Approval - Prior Approval Given 23/04/2018

CDA/18/0284: Discharge of Condition for Planning Permission PU/18/0284 for Cond.2: Materials, Cond.3: Tiles, Cond.5: Sewage Disposal, Cond.6: Surface Water Drainage Condition Discharge Reply 13/11/2019

IS2/19/1504: Conversion of barn to two dwellings (part retrospective)

Advice Given (for pre-apps) 30/10/2019

**THE APPLICATION**

The proposal is for the conversion of a former agricultural barn to two dwellings. Prior approval was given in 2018 (PU/18/0284) and prior to this in 2016 (PU/16/0570), under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, for the change of use of the same building to two dwellings. Following these approvals, works have taken place which were not authorised as part of them, resulting in the need to now submit a full planning application for the proposed conversion in relation to the building that now

remains. It is positioned just off the Aylsham Road alongside a Public Right of Way approximately halfway between the A140 and Felmingham, and to the south-east of the main village centre of Banningham.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr J Toye given the needs of the applicant in relation to Core Strategy Aim 1 and the specific needs of the elderly/disabled, the allowance of Policy SS 2 relating to the re-use and adaptation of buildings for appropriate uses, and Policy EN 8 relating to the demolition of buildings which make little contribution to the area.

## PARISH COUNCIL

Colby Parish Council - No objection.

## REPRESENTATIONS

Two in support:

- The project is an ideal use of a dead and ugly space.
- The original shed is an eyesore.
- The proposed development will not impede access to daily walking, it will enhance it.
- The proposed development is a well-designed, modern, energy-saving family home.

## CONSULTATIONS

Norfolk County Council (Highway) - No objection subject to condition.

Norfolk County Council (Landscape & Green Infrastructure) - No objection. Highlight the proximity of the site to a Public Right of Way which must remain open and accessible and advise that any works within the alignment of the PROW will require Highway Authority approval.

Landscape Officer - No response.

Environmental Health - No objection.

## 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):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

HO 9 - Conversion and Re-use of Rural Buildings as Dwellings

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

### National Planning Policy Framework (NPPF):

Section 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

## MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Neighbouring amenity
4. Highway impact
5. Landscape impact
6. Biodiversity
7. Environmental matters

## APPRAISAL

### 1. Principle

The site is within the designated Countryside policy area of North Norfolk, as defined under Policy SS 2 of the adopted North Norfolk Core Strategy. The conversion of existing rural buildings to dwellings is considered to be acceptable in principle, subject to compliance with other relevant Core Strategy policies and in particular, the requirements of associated Policy HO 9.

The building as originally standing, consisted of concrete blockwork walls and a corrugated asbestos roof. Two prior approval applications have been approved for the building, one in 2016, the other in 2018, both of which proposed a reasonable conversion scheme that, based on the information submitted, were considered to comply with the requirements of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Since approval, the foundations of the building were found to be substandard and insufficient to support the approved development. This matter was highlighted to the local planning authority in 2018, at which time underpinning works to provide the necessary support to the building were reluctantly accepted, at the time being deemed as a pragmatic approach to an unfortunate situation. Since then, further building works have taken place which have resulted in the collapse/removal of the majority of the existing building, and new walls have started to

be constructed. Given that the original approval required the retention of the existing walls and roof of the building, the works that have taken place are considered to be unauthorised. The submitted Planning Statement acknowledges that the original building was not structurally adequate to meet the requirements of Class Q, though it is important to note that at the time of approval of the previous applications as referred to above, the Council had no grounds to suspect that the originally submitted structural survey (which was undertaken by a qualified structural engineer) was deficient. The survey stated that the building was suitable for residential conversion and that no underpinning would be required. It further explicitly stated that on the basis of the trial hole excavated, the foundation was “*more than adequate*” to support the structure. It is further noted that the existing roof structure would not have been capable of supporting a pantile roof as originally approved, however, had the plans proposed an alternative type of roof material, it is likely that this would have been accepted, as under Class Q replacement roofs can be acceptable. This was however, not proposed at the time.

As it stands, this application must now be assessed against the requirements of Core Strategy Policy HO 9. This policy requires that in order to be considered for conversion, buildings must be structurally sound and suitable for conversion to residential use without substantial rebuilding or extension and any alterations must protect or enhance the character of the building and its setting. It is clear that very little of the original structure now remains and as such, it is considered that the proposed development would not meet the requirements of Policy HO 9.

The proposed development would not represent a conversion, rather it would represent the building of a new dwelling in the Countryside. The previous two approvals under Class Q are a material planning consideration, but of little weight however, as these were considered against separate planning legislation and not judged against the development plan. It is also reasonable to conclude that because of the extent of building operations needed, the proposal would also now not meet the criteria under Class Q.

The proposed development is tantamount to a new dwelling in the Countryside which is contrary to Core Strategy Policies SS 1 and SS 2. No evidence has been provided to demonstrate that the dwelling would promote sustainable development nor that it meets one of the criteria in Paragraph 79 of the National Planning Policy Framework (NPPF). In addition, no evidence has been submitted to demonstrate that a single dwelling would either enhance or maintain the vitality of the rural community in order to meet the requirements of Paragraph 78 of the NPPF.

## 2. Design

Given that the design of the proposed dwellings is intended to replicate the dwellings granted under the previous two applications, the appearance of which was accepted, there are no concerns regarding the design of the proposed dwellings under this current application. It is considered that sufficient external amenity space would be available for the dwelling to meet the requirements of the North Norfolk Design Guide. Any site boundary treatments would need to be appropriate in terms of visual impact and the requirement for further details to be submitted for approval could be secured through conditions. On that basis it is considered that the proposed development complies with Policy EN 4.

### 3. Neighbouring amenity

By virtue of the single-storey nature of the proposed development, and its separation from the nearest neighbouring property (Pond Farm), with a Public Right of Way in-between and a tree-lined southern boundary, it is not considered that the proposed development would result in any detrimental impact on neighbouring residential amenity. As such, the proposed development complies with the requirements of Policy EN 4 in this respect.

### 4. Highway impact

No objections have previously been raised by the Highway Authority regarding the site access and as such, there are no concerns regarding compliance with Policy CT 5. Sufficient on-site parking and turning facilities can be provided to meet the requirements of Policy CT 6.

### 5. Landscape impact

The proposed design of the dwellings raises no significant concerns regarding the wider visual impact of the development upon the surrounding landscape under Policy EN 2. Arguably, the appearance of the two dwellings would be an improvement upon the relatively poor visual appearance of the previously existing building and the current remains. Any proposed lighting (if necessary) should be kept to a minimum and appropriately designed (for example, discreet and downward facing).

### 6. Biodiversity

Given that the majority of the barn has been removed, it is considered unlikely that the proposed development would have an impact on protected species. As such, the proposed development is compliant with Policy EN 9, subject to the control of external lighting which could be dealt with through a condition.

### 7. Environmental matters (Policy EN 13):

Matters of contamination have been previously addressed under the two previous approvals and the previously existing asbestos roof has now been removed. No objections have been raised by the Council's Environmental Protection Officer in relation to the methods of foul sewage disposal (septic tank) and surface water disposal. As such the proposed development complies with the requirements of Policy EN 13.

### 8. Other matters:

The site lies immediately adjacent to a Public Right of Way (PROW). As stated by Norfolk County Council's Green Infrastructure Officer, this should remain open throughout the duration of any works and thereafter. Furthermore, any works within the PROW would require the consent of the Highway Authority.

### 9. Conclusion:

It is clear that the existing building is not structurally sound and cannot be converted without substantial rebuilding of the majority of the structure. Given the extent of building operations that would be required, the proposed development would result in the erection of a new

dwelling, rather than a conversion of an existing building. As such, the proposal is contrary to Core Strategy policies SS 1, SS 2 and HO 9. and refusal of the application is recommended.

**RECOMMENDATION: Refuse for the following reason:**

In the opinion of the Local Planning Authority, the proposal, due to the state of the former building and the extent of the building work required, would not amount to a conversion. The proposal is for a new dwelling in the countryside, where development is limited to that which requires a rural location, as set out in Core Strategy SS 2, or conversion in accordance with the criteria set in Policy HO 9, or the criteria set out in Paragraph 79 of the National Planning Policy Framework (February 2019). The building is not considered to be in a convertible state due to only remains of a building in situ. No evidence has been provided that the provision of such a dwelling would promote sustainable development nor that it meets one of the criteria in Paragraph 79 of the National Planning Policy Framework. In addition, no evidence has been submitted to demonstrate that a single dwelling would either enhance or maintain the vitality of the rural community, contrary to Paragraph 78 of the National Planning Policy Framework.

Final wording of the reasons for refusal to be delegated to the Head of Planning.