

3/09/0027/FP – Change of use of redundant barn to a single residential unit at Home Farm, Youngsbury, Wadesmill for Mrs Janet Smith

Date of Receipt: 09.01.09

Type: Full

Parish: THUNDRIDGE

Ward: THUNDRIDGE AND STANDON

RECOMMENDATION

That planning permission be **REFUSED** for the following reason:-

1. The Local Planning Authority is not satisfied that residential use is the only means to secure the retention of the building. The proposal is therefore contrary to policy GBC9 of the East Herts Local Plan Second Review April 2007.

_____ (002709FP.NB)

1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The building that is the subject of this application is a barn located at Home Farm, an arable farm located within the Rural Area beyond the Green Belt to the north east of Wadesmill. The surrounding site consists of a collection buildings, including 4 Listed Buildings that form a courtyard to the south of the application site.
- 1.3 The barn is located to the northern part of the farm and is linked to the granary, a Grade 2 Listed Building by a metal workshop link.
- 1.4 The barn is constructed with a small brick plinth, black stained weatherboarding and has a corrugated iron roof. The building is unlisted, and is not mentioned within the listing descriptions for the other buildings at Home Farm. The building is situated outside of and approximately 20metres north of the courtyard of Listed Buildings.
- 1.5 The proposal is for the residential conversion of the barn into a single dwelling. The dwelling would have a kitchen, living room, wet room and WC at ground floor with 3 bedrooms, an en-suite bathroom, a study and a bathroom at 1st floor. New window and door openings are proposed to the

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barn, to include a large glazed element within the north facing gable end elevation, 2 conservation roof lights and other openings each with timber shutters.

- 1.6 The intention is for the applicant herself to occupy the proposed dwelling. The Planning Statement submitted with the application states that Mrs Smith is very actively involved, with her son and daughter, in running the farm but with particular responsibility for the short term lettings in some of the other converted buildings on the site. It is stated that whilst it is not considered by the applicant to be appropriate to impose an agricultural occupancy condition, Mrs Smith is prepared to accept a condition similar to the following suggested example; "The development hereby permitted shall not be sold or otherwise disposed of separately from the agricultural land and agricultural buildings comprised in the holding known as Home Farm, Youngsbury".
- 1.7 The Planning Statement that was submitted with the application confirms that many of the other barns at the site have benefited from planning permission for their conversion into short-term/holiday lettings. A total of 7 units have been successfully rented at the site and permission has been granted, but not as yet implemented, for a further 9 short-term units.
- 1.8 A Listed Building known as East Barn was granted planning permission in 1992 for its conversion for office, storage and workshop use. This barn is located approximately 44metres to the south of the barn that is the subject of this application. A letter has been submitted by the applicant from a property agent which states that they have been offering these units on the open market since March last year. During this time the properties have been advertised online, in the local press and details have been mailed to their database of applicants. They confirm that during this time they have received no firm interest in the space available. They comment that it is extremely difficult to find occupiers in competition with more modern and convenient premises in more established commercial locations and that as it is extremely unlikely that any commercial users will be found in the foreseeable future, they recommended that other alternatives are pursued. Within a supporting letter, the applicant's agent argues that there is no reason why attempting to market the barn that is the subject of this application for commercial purposes would have any greater chance of success.
- 1.9 This application has been referred to the Development Control Committee by Cllr Andrews.

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2.0 Site History

- 2.1 In February 2008 (Ipa ref. 3/08/0024/FP) planning permission was refused for the residential conversion of the barn for the following reasons:
- 1) The District Council is not satisfied that this building is of sufficient historical or architectural importance to justify its conversion, nor that residential use is the only means to secure its retention. The proposal is therefore contrary to policy GBC9 of the East Herts Local Plan Second Review April 2007.
 - 2) The proposed fenestration by reason of its number size and design would appear unsympathetic to the rural character and appearance of the barn. If approved the proposed development would be contrary to Policy GBC9 of the East Herts Local Plan Second Review April 2007.
- 2.2 There is no further planning history for the barn that is the subject of this application; however several planning permissions have been granted for the conversion of other barns at Home Farm. This includes the most recent permission for 9 short term lettings that was granted in 2002 under planning and listed building references 3/02/2048/FP and 3/02/2049/LB and the permission granted for the East Barn for its conversion to office, storage and workshop use in 1992 (Ipa. Ref 3/91/1385/FP).

3.0 Consultation Responses

- 3.1 Herts Biological Records Centre has commented that there is reasonable likelihood of the barn in question being used by bats as a roost site and therefore has suggested conditions to require an assessment to be made prior to any works starting.
- 3.2 The Herts & Middlesex Wildlife Trust has recommended withdrawal of the application due to insufficient information on the presence of bats within the barn.
- 3.3 County Highways do not wish to restrict the grant of permission and comment that the proposal is acceptable in a highway context.
- 3.4 Environmental Health has recommended several conditions to impose should permission be granted. These conditions relate to noise insulation, air quality, contaminated land and refuse disposal.

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3.5 The Council's Conservation Officer has commented that the barn is of historic value and appears capable of conversion. The demolition of part of the adjoining workshop building should enhance the character and setting of the barn in general.

4.0 Parish Council Representations

4.1 Thundridge Parish Council has no objections to the proposed development.

5.0 Other Representations

5.1 The application has been advertised by way of a site notice and neighbour notification.

5.2 No further representations have been made.

6.0 Policy

6.1 The relevant policies of the East Herts Local Plan Second Review (April 2007) are:

GBC3	Appropriate Development in the Rural Area beyond the Green Belt
GBC9	Adaptation and Re-use of Rural Buildings
GBC10	Change of Use of an Agricultural Building
ENV1	Design and Environmental Quality
ENV16	Protected Species
ENV25	Noise Sensitive Development

7.0 Considerations

7.1 The considerations in this case relate to whether the proposed residential conversion complies with Local Plan Policy and in particular Policy GBC9 and whether the previous reasons for refusal have been sufficiently overcome.

7.2 Policy GBC9 states that the residential use of a building will be permitted only where the building is worthy of retention and a residential use would not detract from the rural character of the area, the conversion of the building is unable to be facilitated by conversion to a business, leisure, tourism or community use and a contribution towards affordable housing cannot be made.

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- 7.3 Since the previously refused proposal for the barn conversion at this site, a further assessment of the building was made by the Council's Conservation Officer, when it was considered that the building is of some historical merit and is important to the site due to its group value with the listed barns at the site. Officers now consider the barn to be worthy of retention due to this group value.
- 7.4 In terms of affordable housing, due to the remote location of the site, the size of the resulting dwelling and the location of the dwelling in close proximity to the working farm, Officers do not consider this to be an appropriate or viable location for affordable housing.
- 7.5 Other uses that have been considered by the applicant include the use of the building for short term lettings and for a B1/B8 use.
- 7.6 The statement submitted with the application states that the other short term letting units at the site are subject to a requirement made by the owners that occupiers do not have children or pets due to the potential conflict that this could cause with the operation of the farm. The applicant argues that, due to the size of the barn which could create a family sized unit, letting it to a single person or a couple would not be economically realistic. The residential use of the barn for a family member involved in the running the farm would be the preferred option. Officers consider however that the subdivision of the barn or the use of the ground floor area alone would create smaller units of accommodation that could be let on a short term basis without conflicting with the applicant's intentions to ensure that children and pets are not occupying the site. Although this would result in further alterations to the building, it would only be necessary to add additional doorways and openings internally and not necessarily result in additional openings to the existing building.
- 7.7 With the existing planning permissions, there is potential to use the site for up to 16 short terms lettings. Although the use of 9 of these units for short term lettings has not yet been implemented, there is no evidence to conclude that further short term lettings at the site would not be viable.
- 7.8 In terms of the use of the site for a B1/B8 use the evidence that has been submitted consists of a letter from a letting agent in connection with the East Barn. It is acknowledged that the locational circumstances for this barn are the same as that currently under consideration; however, there are differences in terms of the size of the barn and the East Barn's status as a Listed Building. Officers do not consider the evidence that has been submitted to be sufficient to demonstrate that a B1/B8 use could not be provided within the barn that is the subject of this application.

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- 7.9 Although short term letting and a B1/B8 uses have been considered, Policy GBC9 expects buildings to be considered for business, leisure, tourism or community use and therefore other uses should not be ruled out. In any event, Officers do not consider the evidence that has been submitted to be conclusive that another non-residential use could not be made of the building in order to facilitate its conversion, i.e. evidence of marketing of the building
- 7.10 The argument submitted by the applicant that the location of the barn close to the operating farm would be a hazard for families with children or pets, raises concern for the proposed residential conversion of the barn as a whole. Should the Council grant permission for the residential conversion which would allow unrestricted occupation, then this could result in living accommodation that is at risk of noise, disturbance and dangers associated with the operation of the farm. However, having regard to the comments made by the Council's Environmental Health department that they have no objections to the dwelling being built so close to the working farm, Officers do not consider there to be sufficient grounds to refuse planning permission due to poor amenity for future occupiers.
- 7.11 The suggestion made by the applicant to restrict the occupation of the dwelling and their recommended condition has been considered. Although a condition to restrict the occupation of the dwelling would address the concerns raised by the farm owners relating to safety, this would not eliminate the harm that an independent residential use would cause on the character of the rural area, which Policies GBC3 and GBC9 seek to avoid. Officers are concerned that a condition of this kind would be difficult to enforce and should a future planning application or an appeal for its removal be submitted that the determining authority would find it difficult to refuse.
- 7.12 The reason for refusal for the previous application that related to the proposed fenestration was concerned with the number, size and design of windows which would appear unsympathetic to the rural character and appearance of the barn. A particular concern was raised with the south elevation which proposed symmetrical windows that were overly domestic in their appearance. The current proposal has resulted in a reduction in size and re-siting of the windows within the south elevation, a reduced 1st floor window within the east elevation and the addition of shutters to each window which would allow them to be closed off should they no longer be required. Officers are satisfied by the reductions and other improvements made to the fenestration and consider that this particular reason for refusal has been overcome.
- 7.13 The comments received from Herts Biological Records Centre and The Wildlife Trust regarding bats are noted. Officers do not consider it

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necessary or reasonable to advise the application to be withdrawn and instead consider that, should Members be minded to grant planning permission, a condition be imposed to require a bat survey prior to the commencement of development.

8.0 Conclusion

- 8.1 Officers consider that the second reason for refusal given in respect of the previous proposal at the site, which related to fenestration, has now been overcome and are now satisfied that the resulting appearance of the building would be sympathetic to the setting of the Listed Buildings and the rural character of the area.
- 8.2 The first reason for refusal given for the previous proposal was concerned with the historic and architectural importance of the building (which needed to be demonstrated in order to justify its conversion) and whether a residential use was the only means to secure its retention. Officers are now satisfied that the building is of sufficient historical merit to justify its conversion. However, Officers maintain that the current application fails to demonstrate that a residential use of the building is the only means to secure its retention. This element of the previous reason for refusal has therefore not been overcome and as such the proposal remains contrary to Policy GBC9.
- 8.3 Having regard to the above considerations it is recommended that planning permission is refused for the reason given at the head of this report.