

**1) UTT/0710/11/REN & 2) UTT/0711/11/LB (HEMPSTEAD)**

**PROPOSAL:** 1) Renewal of approved application UTT/0818/08/FUL for conversion of barns to a dwelling, office/workshop and annexe;  
2) Conversion of barns to a dwelling, office/workshop and annexe

**LOCATION:** Lakehouse Farm, Finchingfield Road, Hempstead

**APPLICANT:** Mrs M Lubbock

**AGENT:** Strutt and Parker

**GRID REFERENCE:** TL 661-380

**EXPIRY DATE:** 02 June 2011

**CASE OFFICER:** Miss K. Benjafield

**APPLICATION TYPE:** 1) Minor; 2) Other

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**1.0 NOTATION**

1.1 Outside Development Limit / Lakehouse Farm is Grade II listed / Special Verge. The barns are included within the listing of Lakehouse Farm.

**2.0 DESCRIPTION OF SITE**

2.1 The site is located on the eastern edge of the district approximately 2.8 kilometres east of Hempstead and 1 kilometre south of Hempstead Hall. The Farm comprises the main farmhouse with three timber framed barns (Barns 1, 2 and 3). The three barns form an open courtyard with a grass verge between them and the road. Access and parking to the farmhouse is from a gravelled driveway.

**3.0 PROPOSAL**

- 3.1 The barns are denoted on the plans as Barn 1 (North barn), Barn 2 (East barn) and Barn 3 (West barn). These applications relate to the conversion of barn 2 to a dwelling with an attached ancillary office/workshop within barn 1 and an annexe to Lakehouse Farmhouse within barn 3.
- 3.2 Barn One would require minimal alteration with the main double doors pegged back and the opening glazed, and with a new window at first floor level on the west elevation to serve a new partial mezzanine level.
- 3.3 Barn Two would be converted into a four bedroom residential unit. The main double doors would be tied back with a new full height glazed section and two new windows created in the west elevation. The south elevation has a new first floor window, the east elevation a small door pegged open, the north elevation two new windows.
- 3.4 Barn Three would be converted as an annexe to Lakehouse Farm with two office/bedrooms, an office/sitting room and storage. Two bathrooms would be created. One new window would be inserted on the eastern elevation.
- 3.5 Previous applications have had S106 agreements attached to the planning permission in order that Barns 1 and 2 and the annexe attached to Barn 3 were tied in occupation and that the remainder of Barn 3 remains as an ancillary annexe tied to Lakehouse Farm. The

applicant has indicated that she would be happy for any permission for this application to also be subject to a S106 agreement.

#### **4.0 APPLICANT'S CASE**

4.1 A design and access statement, planning statement, heritage statement, structural survey and protected species survey have been submitted in support of the application. These documents can be viewed on the application file.

#### **5.0 RELEVANT SITE HISTORY**

5.1 UTT/2163/03/FUL & UTT/2164/03/LB

5.2 These applications related to a similar scheme as the current proposals but with barn 1 accommodating the residential aspects and barn 2 having the office provision. The applications were conditionally approved in August 2005 and were subject to a S106 agreement.

5.3 UTT/0818/08/FUL & UTT/0819/08/LB

5.4 These applications related to the proposals in the form that they are currently indicated. The applications were approved in error without a S106 agreement.

5.5 UTT/1803/08/FUL

5.6 This application sought the removal of two conditions and the variation of one condition attached to UTT/0818/08/FUL and was subject to a S106 agreement. The application was conditionally approved in March 2010.

#### **6.0 POLICIES**

##### **6.1 National Policies**

Policy PPS5 - Planning for the Historic Environment  
Policy PPS7 - Sustainable Development in Rural Areas  
Policy PPS9 - Biodiversity and Geological Conservation

##### **6.2 East of England Plan 2006**

Policy ENV6 - The Historic Environment

##### **6.3 Essex Replacement Structure Plan 2001**

None applicable

##### **6.4 Uttlesford District Local Plan 2005**

Policy S7 - The Countryside  
Policy E5 - Re-use of Rural Buildings  
Policy H6 - Conversion of Rural Buildings to Residential Use  
Policy ENV2 - Development affecting Listed Buildings  
Policy GEN7 - Protected Species

#### **7.0 PARISH/TOWN COUNCIL COMMENTS**

7.1 None received. Period expired 12 May 2011.

#### **8.0 CONSULTATIONS**

### **ECC Highways**

8.1 No objections.

### **Water Authority**

8.2 No comments received. Period expired 5 May.

### **Natural England**

8.3 Advice from Natural England indicates that permission could be granted and enhancements should be requested.

### **Essex Wildlife Trust**

8.4 No comments received. Period expired 5 May.

### **Essex Bat Group**

8.5 No comments received. Period expired 5 May.

### **Engineer**

8.6 Requests the imposition of an up to date condition regarding sustainable drainage for the proposal.

### **Building Control**

8.7 Access satisfactory.

### **Project Officer**

8.8 If approved please condition, as previously, that a plan to support the requirements of the Supplementary Planning Document on Lifetime Homes is provided prior to commencement of the development.

### **Design Advice**

8.9 The previous consultation response with regard to the 2008 applications is still relevant. "The buildings subject of this application are part of a historical farmstead with the listed Grade II Lakehouse Farm being the principal listed building. All the outbuildings on this site are deemed listed by virtue of the curtilage. They form a pleasant rural group, which positively contributes to the character of the countryside. In principle, the conversion of these buildings would conform to the requirements of the local policies and ministerial advice."

## **9.0 REPRESENTATIONS**

9.1 None received. Period expired 26 May.

## **10.0 APPRAISAL**

10.1 The issues to consider in the determination of the application are whether:

A The proposal meets with the environmental, historic and architectural quality criteria relating to the residential conversion of rural buildings (PPS7, Uttlesford Local Plan Policies E5, H6);

B The impact of the development on the countryside would be acceptable (PPS7, Uttlesford Local Plan Policy S7);

- C The proposed conversion would affect the setting of Lakehouse Farm (PPS5, Uttlesford Local Plan Policy ENV2);
- D Protected Species (ULP Policy GEN7);
- E Other relevant issues

**A - The proposal meets with the environmental, historic and architectural quality criteria relating to the residential conversion of rural buildings (PPS7, Uttlesford Local Plan Policies E5, H6);**

- 10.2 The Development Plan policies allow the residential conversion of suitable rural buildings subject to certain criteria being met. The buildings have to be of sound construction capable of conversion, their form should enhance the character and appearance of rural areas and the private gardens should be provided unobtrusively.
- 10.3 At the time of determining the 2003 applications for this site it was considered that the re-use of the buildings, as a result of the site's location along a single width lane with special verges, would result in a higher number of traffic movements than the existing use and that this would be unacceptable. As a result, it was conceded that the residential conversion of the building would be most appropriate. At the time of the 2008 approvals, the 2003 permission was still extant and formed a material consideration. Similarly, the 2008 permission is also extant at this time and does not expire until 8 September 2011 and this is a material consideration when determining the current applications.
- 10.4 Local and national policies indicate a preference for the economic re-use of rural buildings before residential uses will be considered. However, in light of the history of this site, it is a material consideration that previous permissions considered the impact of economic uses in this location and they were considered to be unacceptable.
- 10.5 A structural survey has been submitted with the current applications and this indicates that the buildings are in a structurally sound condition. The barns are curtilage listed by virtue of their age, proximity to the Grade II Listed Lakehouse Farmhouse and position within the curtilage of Lakehouse Farmhouse. They have a historic, traditional and vernacular form which enhances the character and appearance of the area through their group value as part of the historic farmyard.
- 10.6 The proposals do not indicate any revisions from the previously approved 2008 scheme and the proposed conversion works were and are still considered to be acceptable. In common with the previous applications, there are no details of the private garden areas contained within the application documents. This was not previously raised as an issue which would warrant refusal of the application and therefore it would be unreasonable to refuse these applications on that basis. It will however, be necessary to require details of the proposed garden areas before the commencement of development through the imposition of conditions.

**B - The impact of the development on the countryside would be acceptable (PPS7, Uttlesford Local Plan Policy S7);**

- 10.7 Policy S7 requires that where approvals are given for development in the countryside, it should protect or enhance the appearance of the countryside. The essential appearance of a group of barns standing in proximity to the original farmhouse would remain, and few of the alterations to the external elevations would have an impact on the appearance of the group.

**C - The proposed conversion would affect the setting of Lakehouse Farm (PPS5, Uttlesford Local Plan Policy ENV2);**

- 10.8 Lakehouse Farm is grade II listed and located 35 metres south of Barn 1. It is evident when passing the site that both the farmhouse and the barns form one unit, although the

farmhouse has been divided into two dwellings. The minimal level of alteration to the barns means that the overall setting of the farmhouse will change very little. The removal of permitted development rights by condition will prevent the erection of domestic paraphernalia in the curtilage and thus reduce the potential for incongruous development and clutter, which can be associated with barn conversions. Overall, the proposal should not detrimentally affect the setting of Lakehouse farm.

#### **D - Protected Species (ULP Policy GEN7);**

10.9 The applications have been accompanied by up to date protected species surveys. The information contained within the surveys indicates that the proposals would not have a detrimental impact on protected species and recommends that bat and barn owl boxes be erected within the site to achieve a conservation gain.

#### **E - Other relevant issues**

10.10 The previous approval is a material consideration, and the principle of the uses has been accepted. This proposal introduces no new elements from the 2008 permissions.

10.11 With regard to the proposed annexe to Lakehouse Farm (Barn 3), the level accommodation provided inside, although consisting of three main rooms and two bathrooms, is not so great as to raise concerns about it being operated independently of the farmhouse. The facilities do not include any areas for food preparation and so there is dependence on the main farmhouse for these facilities. Use of this building can be conditioned.

10.12 In order to prevent any further future conversions on this site, it would be desirable to secure a section 106 agreement to prevent the sale of barn 3 away from Lakehouse Farm and also to prevent the sale or conversion of barn 2 away from barn 1. Such agreements should also clearly show the curtilage of Barn 1 and the area to be retained as part of Lakehouse farm for the purpose of clarity. This is something that the applicant is agreeable to.

#### **11.0 CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A The proposed residential conversion of these buildings is acceptable and complies with the relevant policy requirements.
- B The proposals would protect the open and rural character of the surrounding countryside.
- C The proposals would not have a detrimental affect on the setting of the listed farmhouse adjacent.
- D The proposals would not have a detrimental impact on protected species and would provide an opportunity for a conservation gain.
- E It is appropriate for the applicant to enter into a legal agreement to control the use of the buildings in the future in order to maintain the historic character of this group of curtilage listed buildings and to protect the residential amenity of the occupiers of the surrounding residential properties.

#### **RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO THE APPLICANT ENTERING INTO A S106 AGREEMENT**

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless within 6 months of being invited to do so the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to the following:

- (a) Barns 1, 2 and the annexe to Barn 3 shall be tied together
  - (b) Barn 3 shall be tied to Lakehouse Farm
  - (c) Pay Councils reasonable costs
- (II) In the event of such an agreement being made, the Divisional Head of Planning and Building Control shall be authorised to grant permission subject to the following conditions:

**UTT/0710/11/REN**

1. Time limit for commencement of development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans printed on this Decision Notice, unless agreed in writing by the local planning authority.

REASON: To ensure the scheme will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority

3. Scheme of landscaping to be submitted and agreed

Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority.

Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- 11.1 proposed finished levels [earthworks to be carried out]
- 11.2 means of enclosure
- 11.3 car parking layout
- 11.4 vehicle and pedestrian access and circulation areas
- 11.5 hard surfacing, other hard landscape features and materials
- 11.6 existing trees, hedges or other soft features to be retained
- 11.7 planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- 11.8 details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- 11.9 details of siting and timing of all construction activities to avoid harm to all nature conservation features
- 11.10 location of service runs
- 11.11 management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.

4. Implementation of landscaping Page 6

All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

5. A new post and rail fence shall be erected around the boundaries of Barns 1+2, the exact position of which shall be agreed in writing with the local planning authority before the commencement of development. The fence shall be planted with indigenous species on the field side of the fence, in accordance with the submitted scheme as part of Condition C.4.1.

REASON: To ensure that the boundary treatment is appropriate in relation to the open countryside.

6. The courtyard between the farmhouse and the barns to be converted shall be left open and finished gravel or similar material, details of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

REASON: To ensure that the historical relationship between the buildings is retained.

7. Samples of materials to be submitted agreed and implemented  
Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity.

8. Natural Slate  
The roof to the development hereby permitted shall be clad with natural slate, in accordance with details that have been submitted to and approved in writing by the local planning authority before the development commences. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

9. Joinery details  
All external joinery to the development hereby permitted shall be of painted timber. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

10. Painted wood

All external timber and windows shall be painted black. All external weather-boarding shall be feather-edged and painted black. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

11. Black rainwater goods

All rainwater goods to the development hereby permitted shall be black. Subsequently, the rainwater goods shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

12. Window & door details and sections to be submitted and agreed

Detailed scale 1:20 plans illustrating the window and door detailing and sections through the windows and doors to show the mouldings shall be submitted to and approved in writing by the local planning authority before the development commences. The development shall be implemented in accordance with the approved plans. Subsequently, the mouldings of the windows and doors shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

13. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

14. Residential annexe ancillary to rest of site

The use of the annexes hereby permitted as described shall remain ancillary and subservient to the primary use i.e. residential use of the residential barn conversion hereby permitted and Lakehouse Farm respectively and shall not become a separate or dominant use at any time without the prior written permission of the local planning authority.

REASON: The creation of an independent dwelling in this location would be contrary to the policies of the Development Plan

15. The development hereby permitted shall be implemented in accordance with the scheme of mitigation for bats submitted with the application on drawings ML9 and ML10 in all respects with the bat boxes being installed before commencement of any works to the fabric of the barns, and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site.

16. Prior to the commencement of the development, no works shall take place until an owl hole and Barn Owl nesting box and owl perches has been installed. The owl hole and Barn Owl



nesting box and/or loft shall be in accordance with details submitted to, and approved in writing by, the Local Planning Authority. No works should take place during the months of April - September (the breeding season).

REASON: In order not to disturb nesting or roosting Barn Owls and to make adequate provision for the nesting and roosting of Barn Owls, a species protected by the Wildlife and Countryside Act.

17. Condition for compliance with code level 3 (less than five dwellings)

The development as designed, specified and built shall achieve the equivalent of a 'Code for Sustainable Homes' rating of 'Level 3', namely the dwelling emissions rate (DER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L1A SAP methodology, and will incorporate other water saving and environmental features agreed with the planning authority.

The applicant will provide the planning authority with a design SAP rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. The applicant will provide a SAP rating of the as-built development and details of water saving and other environmental features incorporated once the development within four weeks following its completion.

REASON: In the interests of the promotion of sustainable forms of development and construction

18. Provision of bin storage

Before development commences, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

REASON: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

19. Accessibility – further submission

Before the development hereby permitted commences, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the building is accessible to all sectors of the community. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005.

20. Before the commencement of development details of surface water drainage works shall be submitted to and approved in writing by the local planning authority. Subsequently the drainage shall be implemented in accordance with the approved details. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a

sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land.

**UTT/0711/11/LB**

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

REASON: In order to comply with Section 18 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. The works hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans printed on this Decision Notice, unless agreed in writing by the local planning authority.

REASON: To ensure the scheme will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority

3. Samples of materials to be submitted agreed and implemented  
Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity.

4. Natural Slate  
The roof to the development hereby permitted shall be clad with natural slate, in accordance with details that have been submitted to and approved in writing by the local planning authority before the development commences. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

5. Joinery details  
All external joinery to the development hereby permitted shall be of painted timber. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

6. Painted wood

All external timber and windows shall be painted black. All external weather-boarding shall be feather-edged and painted black. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

7. Black rainwater goods

All rainwater goods to the development hereby permitted shall be black. Subsequently, the rainwater goods shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

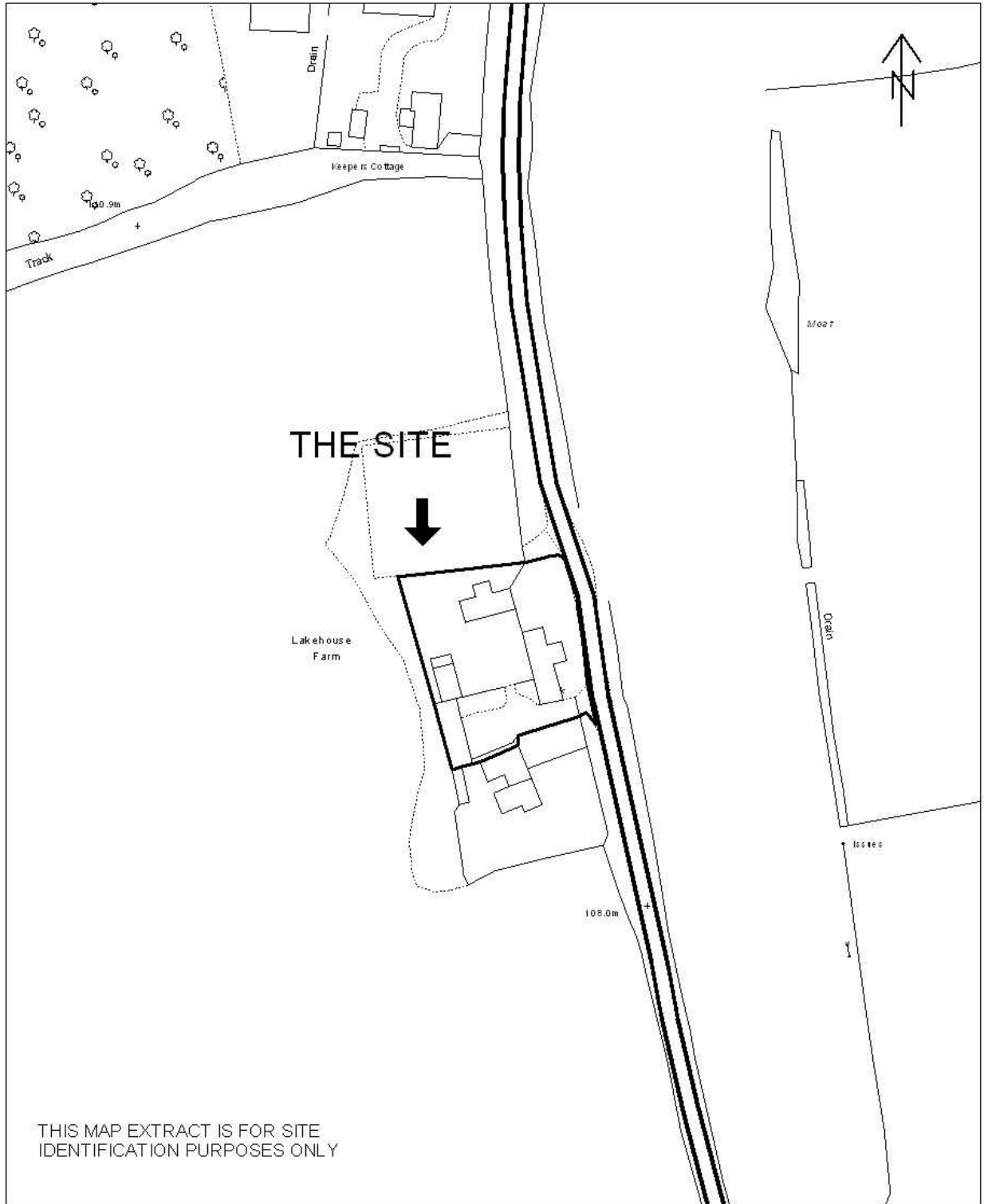
8. Window & door details and sections to be submitted and agreed

Detailed scale 1:20 plans illustrating the window and door detailing and sections through the windows and doors to show the mouldings shall be submitted to and approved in writing by the local planning authority before the development commences. The development shall be implemented in accordance with the approved plans. Subsequently, the mouldings of the windows and doors shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

(III) If the freehold owner shall fail to enter into such an agreement, the Divisional Head of Planning and Building Control shall be authorised to refuse permission for the following reasons:

- 1) The failure to tie Barns 1, 2 and the annexe to Barn 3 together as one planning unit would result in the creation of additional dwellings within the countryside without sufficient parking and private amenity space for each planning unit. Furthermore the creation of separate office provision would be detrimental to the residential amenity of the adjacent residential properties and would require the provision of car parking for the occupiers of the office.
- 2) The failure to tie Barn 3 to Lakehouse Farm together as one planning unit would result in the creation of an additional dwelling within the countryside without sufficient parking and private amenity space for each planning unit.



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