

UTT/1494/11/FUL (HEMPSTEAD)

(Reason: Applicant is related to a member of staff)

PROPOSAL: Proposed change of use from agricultural building to single dwelling

LOCATION: Barn at Wincelow Hall, Wincelow Hall Road, Hempstead

APPLICANT: Mr D Haylock

AGENT: Carter Jonas LLP

GRID REFERENCE: TL 631-388

EXPIRY DATE: 19 September 2011

CASE OFFICER: Miss K. Benjafield

1. NOTATION

1.1 Outside development limits / Protected Lane

2. DESCRIPTION OF SITE

2.1 The site is located approximately 640m to the northwest of Hempstead village and is accessed via a single track lane. The site covers an area of approximately 0.17 of a hectare. There is an existing single storey, timber weatherboarded barn with an asymmetric pitched roof located adjacent to the front site boundary with a field access adjacent to the south of the barn. To the side and rear of the site is paddock. There are existing mature hedges along the front boundary up to the building and further to the north of the site.

2.2 On the opposite side of the lane, there is an equestrian facility with Wincelow Hall adjacent to that and other dwellings further along the lane to the north.

3. PROPOSAL

3.1 This application relates to the conversion of the existing redundant barn to form one x 2 bedroom dwelling. The levels to the rear of the building and within the barn would be excavated to provide sufficient headroom without any external alterations to the barn being required. It is proposed that the barn would be converted without the need for extensions.

3.2 The proposed dwelling would have a garden area covering approximately 1200m² and parking provision for three vehicles. Access to the site would be via the existing field access.

4. APPLICANT'S CASE

4.1 A number of supporting documents have been submitted with the application including a design and access statement, protected species surveys, structural survey and marketing information. The design and access statement provides information regarding the planning history of the site, details of the proposal, an assessment of the relevant Development Plan policies and information regarding alternative uses on the site.

5. RELEVANT SITE HISTORY

5.1 UTT/1165/10/FUL

5.2 Application for change of use of barn to B1 (office) use conditionally approved 18 August 2010.

6. POLICIES

6.1 National Policies

PPS7 - Sustainable Development in Rural Areas

PPS9 - Biodiversity and Geological Conservation

6.2 East of England Plan 2006

N/A

6.3 Essex Replacement Structure Plan 2001

N/A

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 GEN1 - Access

Policy GEN2 - Design

Policy GEN7 - Protected Species

Policy GEN8 - Vehicle Parking Standards

7. PARISH COUNCIL COMMENTS

7.1 None received through the consultation process. Comments contained within email from Chairman of the Parish Council regarding existing community facilities within the Parish indicate that "conversion to a small domestic property would considerably enhance the visual impact on the environment of the area".

8. CONSULTATIONS

UDC Building Control

8.1 B5 Access satisfactory

UDC Project Officer

8.2 I have reviewed Drawing 63011.02 submitted as part of this application. The change in level will only affect the entrance hall and the utility room, but ramped access to the side of the property will allow rear access for a wheelchair user all other rooms can be accessed from a level area. These elements apart, the rest of the dwelling will meet the remaining Lifetime Homes Standard.

Special Verges - Sarah Kenyon

8.3 The application site is adjacent to a protected lane. Policy ENV8 applies. Please ask Ben Smeeden to comment. There is no special verge at this site.

UDC Engineer

8.4 The application states that surface water drainage will be to soakaway which is the preferred option under PPS25. The proposed for the vehicular access/hardstanding is

acceptable provided that the cellular confinement system is not laid on a compacted base.

Veolia Water

8.5 No comments received. Period expired 22 August.

Anglian Water

8.6 No comments received. Period expired 22 August.

9. REPRESENTATIONS

9.1 None received. Period expires 30 August.

10. APPRAISAL

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

- A Principle of conversion of this Rural Building
- B Design and Amenity
- C Access
- D Vehicle Parking Standards
- E Change of use of Agricultural Land to Garden
- F Nature Conservation

A Principle of conversion of this Rural Building (ULP Policy S7, H6, PPS7)

10.1 The site is located outside Development Limits where development is strictly controlled to protect the character of the countryside. PPS7 indicates that within the countryside, the re-use of appropriately located and suitably constructed buildings for economic development purposes will usually be preferable over residential conversions and states that local planning authorities should set out the policy criteria for the conversion of rural buildings. ULP Policy H6 sets out the criteria whereby the conversion of rural buildings to residential use will be considered. The Council has also produced written advice with regard to this policy which advises that to assess demand for non residential uses the building should be marketed at a realistic price through an appropriate estate agent for a period of 6 months prior to an application for residential use being submitted.

10.2 In relation to this proposal and the stated criteria:

a) Planning permission was granted in 2010 for the conversion of the barn to form an office (B1 use). The site was marketed for office use for a period of 6 months since August 2010 and a copy of the marketing activity report dated February 2011 has been submitted in support of this application. The report details that only one enquiry was received during that period and that the individual enquiring subsequently found alternative accommodation that was larger and cheaper per sq ft on an industrial estate in Haverhill. The summary of the report indicates that the writer is of the opinion that there is no prospect of securing a let on commercially sensible terms for the building.

10.3 With regard to possible community uses, the Chairman of Hempstead Parish Council has written to the agent for this application and provided details of the current facilities available for community use. There is an existing village hall as well as the church and both of these are available for community use. The Chairman has raised concerns that if this building were to also be used for community uses, this would compete and conflict with the existing facilities to their detriment.

10.4 The possibility of the building being used as a small scale retail outlet has been investigated and ruled out by the applicant due to a lack of demand for such premises in the location generally and because of the resultant significant levels of traffic that would be associated with such a use.

10.5 The use of the building for tourist accommodation has also been discounted by the applicant as it would not be economically viable. This assessment has been made in light of research conducted by East of England Tourism in 2010 which indicated that the average unit occupancy was only 57%. The latest figures available for Uttlesford date from 2007 and indicate that average unit occupancy was only 46%.

10.6 The marketing information and the justification contained within the Design and Access statement indicates that although there are alternative uses which the building could be used for, either there is no demand for the uses in this location, the traffic generated by those uses would not be acceptable along the single track lane or alternative industrial or storage uses would not be appropriate in light of the proximity of residential properties. Therefore the most appropriate use for this building would be as a residential unit.

10.7 b) The application is supported by a structural survey of the building. This indicates that although repairs to the building would be required, these would not be so considerable that the building could not be converted without substantial reconstruction works being undertaken. The building is structurally sound in accordance with criteria b).

10.8 c) The building is a former agricultural building and has a traditional form and appearance. Historic maps indicate that a building has been on this site for some time and the sympathetic conversion of the barn would preserve the building's traditional and vernacular form which currently enhances the character of the rural area.

10.9 d) The conversion works have been revised following pre-application advice from Officers and would now respect and conserve the characteristics of the building. The elevation fronting Wincelow Hall Road would utilise the existing openings for the entrance to the building and windows with two smaller windows being inserted to provide additional light. No extensions to the building are proposed and from views across the countryside the form and appearance of the building would remain broadly as a modest agricultural building.

10.10 e) A private garden area would be provided to the rear of the building. With appropriate native species landscaping, this would not be viewed as an obtrusive or detrimental feature in the countryside.

10.11 As part of any approval, conditions would be imposed removing permitted development rights for extensions and the erection of outbuildings within the curtilage of the property. Such a condition is necessary to ensure that the rural vernacular and historic agricultural form and appearance of the building, which would be maintained by this proposal, is not eroded to the detriment of the open and rural character of the surrounding countryside through the erection of extensions or outbuildings. A landscaping condition is also recommended to ensure that the boundary treatment would be appropriate to the countryside setting of the site.

B Design and Amenity (ULP Policy GEN2 & SPD Accessible Homes and Playspace)

10.12 The proposed conversion would sympathetically retain the historic and vernacular form and appearance of this agricultural building through the use of existing openings where possible to the elevation facing Wincelow Hall Road. The distances which exist between this building and neighbouring residential properties result in there being no loss of amenity to the occupiers of those dwellings. There would be no loss of privacy, loss of daylight, overbearing impact or overshadowing as a result of the proposed conversion.

10.13 The compatibility of the proposal with regard to Lifetime Homes Standards contained within the adopted SPD - "Accessible Homes and Playspace" has been assessed and the scheme meets the required standards.

C Access (ULP Policy GEN1)

10.14 The access to the main road from the site is acceptable and is capable of carrying any traffic generated by the development. The site and access have previously been

considered to be acceptable for an office use and current proposal would not generate a level of traffic that could not be safely accommodated by the access and Wincelov Hall Road. There is a network of public rights of way from the site to the centre of the village and although there are limited services within the village, there are bus services to both Saffron Walden and Braintree where services are available.

D Vehicle Parking Standards (ULP Policy GEN8)

10.15 The plans indicate that three parking spaces would be provided within the site and these would have dimensions that meet the current parking standards. The parking provision would be in accordance with the requirements of ULP Policy GEN8.

E Change of use of Agricultural Land to Garden (ULP Policies ENV6 & S7, PPS7)

10.16 The creation of a garden area for the dwelling would result in the change of use of an area of the adjoining paddock. The area of land proposed to be changed to residential garden for the proposed dwelling would be similar in size to that associated with the property to the northeast of the site. With appropriate native planting to form landscaping along the site boundary, the change of use of this land would not have a detrimental impact on the character and appearance of the surrounding countryside.

F Nature Conservation (ULP Policy GEN7, PPS9)

10.17 A protected species survey of the building and the site was carried out in 2010 by a licensed surveyor and an additional survey has been carried out for this application. The subsequent reports indicate that there are no protected species within the building or the site. Therefore the proposal would not have a detrimental impact on any protected species and complies with the requirements of ULP Policy GEN7 and PPS9.

G Other Material Considerations

10.18 There are no other material considerations which would warrant a decision contrary to the requirements of the Development Plan policies.

11. CONCLUSION

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

- A The residential conversion of this building is acceptable and complies with the relevant policy requirements.
- B The proposal would have a satisfactory design, would meet the lifetime homes standards and would not result in any detrimental impact on the amenity of neighbouring residential properties.
- C The access to the site is satisfactory.
- D The proposal would provide three parking spaces for the property and these would meet the required dimensions of the parking standards.
- E A garden area for the proposal can be created without the change of use of the land having a detrimental impact on the character and appearance of the surrounding countryside.
- F There are no protected species within the building or the site and the proposal would not have a detrimental impact on protected species.

RECOMMENDATION – CONDITIONAL APPROVAL

- 1) 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) 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:-
- a) proposed finished levels
 - b) means of enclosure
 - c) car parking layout
 - d) vehicle and pedestrian access and circulation areas
 - e) hard surfacing, other hard landscape features and materials
 - f) existing trees, hedges or other soft features to be retained
 - g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
 - h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
 - j) location of service runs
 - k) 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.

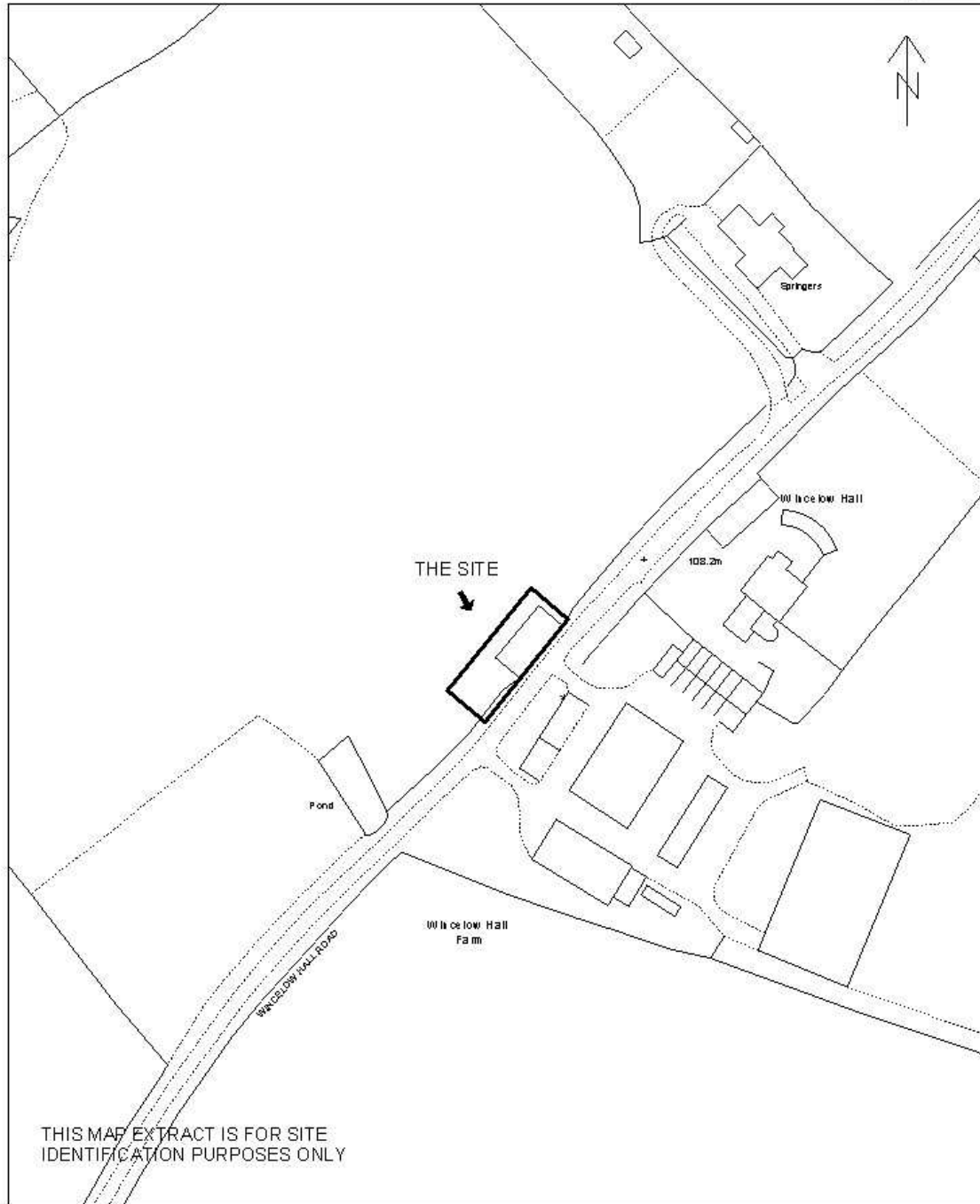
- 4) All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, 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) Before development commences details of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details. Subsequently, the external surfaces 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.

- 6) 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 extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission), freestanding buildings erected on any part of the site or an access/hardstandings created without the prior written permission of the local planning authority.
REASON: To ensure that the historic and vernacular character of this rural building is retained.
- 7) No construction work shall be carried out on, nor machinery operated on, nor materials be delivered to, the site at any time on Sundays or Public Holidays, or before 7.30am or after 6.00pm on Monday to Friday or before 8.30am or after 2.00pm on Saturdays. All building or construction material shall be stored within the site and no materials deposited on the public highway.
REASON: To protect the amenities of the occupiers of adjoining properties.
- 8) In accordance with the submitted application details, all surface water shall drain to soakaways unless an alternative scheme is submitted to and approved in writing by the local planning authority before the commencement of the development.
Note: This condition applies to all surface water including from any impermeable ground surfacing.
REASON: To control the risk of flooding to the development and adjoining land.
- 9) 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.
- 10) The residential conversion hereby approved shall not be occupied until the car parking spaces shown on the approved drawing no. 63011.01 Rev A have been hard surfaced and laid out. Such spaces shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: To ensure that all parking associated with the residential use of the site will be accommodated within the site.
- 11) No further windows, rooflights, or other form of opening shall be inserted into this building without the prior written consent of the local planning authority.
REASON: To ensure that the historic and vernacular character of this building is retained.
- 12) The development hereby permitted shall incorporate all measures set out in the accessibility drawing which accompanied the application.
REASON: To ensure that the premises can be readily used by people with physical disabilities in accordance with national and local planning policies.



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