

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

14th September 2023

Application No:	SMD/2023/0227	
Location	Horton Barn Eaves Lane Armshead	
Proposal	Change of use from agricultural building into a residential dwelling	
Applicant	Mr and Mrs Horton	
Agent	Byatt Oliver Ltd	
Parish/ward	Werrington	Date registered: 11 th July 2023
If you have a question about this report please contact: Benjamin Hurst tel: 07738506367 benjamin.hurst@staffs Moorlands.gov.uk		

REFERRAL

The application is before committee at the request of Cllr Ross Ward. He is in support of the application and does not think that there would be harm to the Green Belt because there is already a building on site. He also believes that there would be benefit to the tourism strategy by allowing the applicant's existing dwelling to be used as holiday accommodation.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 This site was until c.2016 part of Kerry Hill Farm, a large functioning dairy farm. The newly named Horton Barn was a narrow linear single storey brick and clay tile farm building of traditional style which has been converted into a dwelling. An extensive range of typical 20thC livestock buildings attached and extending to the east has now largely been demolished, leaving the application building a largely open fronted and sided portal frame shed with part concrete block and panel walls with vented timber boarding above and a metal sheet roof. It has a total floor area of 240 sq metres.

2.2 Behind these to the north where there is a fall in the land were two silage clamps. One of these is now used as a manège. The general surroundings are of agricultural fields. To the west of Horton Barn is a public footpath which runs generally north into the fields and passes the west edge of the application site. Also to the west of Horton Barn is the original farm yard, farm house and other outbuildings of Kerry Hill Farm. The latter is in the process of part conversion to a further dwelling. Adjacent again to the west are two unrelated dwellings. Access to

the site is from Eaves Lane at a point some 80m along to the east from the entrance to Horton Barn.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 This application is a further attempt to convert a functional open sided pole barn farm shed into a large 4/5 bed dwellinghouse across a single storey floor plan. The dwelling would provide a large open plan living area, kitchen dining area, and separate office snug. There would be one ensuite bedroom and a single family bathroom.

3.2 The development would require new concrete block walls to be built up throughout to provide structural robustness and to close openings, new cladding to the exterior incorporating an arrangement of glazing panels and slot windows would provide light and outlook. The conversion project would work largely across the existing form and footprint of the existing shed.

3.3 With consideration of the previous application the authority set out a position which concluded that the development was not provided for by the 'reuse' exception at para 150 of the NPPF because the building is not of permanent and substantial construction. The development was considered to be inappropriate and by definition harmful to the Green Belt. It was also considered that there would be harm to the character and appearance resulting from the development which would undesirably turn a functional open sided shed into a dwelling that is disproportionately large, of odd, incoherent and unusually appointed appearance.

3.4 This repeat application, attempts to demonstrate considerations as 'very special circumstances' and presents the following case:

- There would be benefit to rural economy because the applicant's would be able to move out of their existing brick built barn conversion and move into the proposed conversion as their new family home while making the existing dwelling available for holiday lets.
- There is also a very passing comment at 5.0 of the application statement suggesting there are no other alternative properties in the locality which satisfy the requirements that this farm has for a permanent dwelling. This is not expanded upon.
- The application also points to a nearby dwelling approved SMD/2019/0440, a project that involved some considered and modest use of contemporary material and design.

3.5 Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=170190>

4. RELEVANT PLANNING HISTORY

00/00901 – full – new agricultural cattle shed and extension to existing cattle shed – approved – implemented – now part demolished

DET/2016/0057 – GPDO (2015) Schedule 2 Part 3 Class Q prior notice change of use of agricultural building to dwelling – approved and implemented in accordance with a variation through SMD/2017/0605 (below) – now known as Horton Barn

SMD/2017/0047 – conversion of barn to domestic dwelling, alterations to elevations including raising the ridge height, construction of an external spiral staircase and demolition of redundant farm buildings – Withdrawn

SMD/2017/0605 – [as DET/2016/0057 (above)] conversion of barn to dwelling and demolition of redundant farm buildings – Approved and implemented

DET/2019/0019 – in relation to a further building: GPDO (2015) Schedule 2 Part 3 Class Q prior notice change of use of agricultural building to dwelling – Refused

SMD/2022/0467 Change of use of agricultural building to dwelling. Refused.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises of:

- The Local Plan Development Document (adopted Sep 2020)

Adopted Staffordshire Moorlands Local Plan - Sep 2020

5.2 The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS10 Other Rural Area
- DC1 Design Considerations to protect residential amenity
- DC3 Landscape Character
- T1 Development and sustainable transport
- NE1 Biodiversity and Ecology

Supplementary Planning Document (SPD)

Staffordshire Moorlands Design Guide 2018

National Planning Policy Framework (NPPF) revised.

6. CONSULTATIONS

Public response to consultation

6.1 Notification letters were sent to Neighbours. A site notice was posted on the 25th July 2023, all periods of consultation expired on the 15th August 2023.

6.2 Two comments have been received in support of the proposal. The following points are made:

- Kerry Hill is increasingly residential and the conversion of this livestock building would reduce potential nuisance.
- It will not negatively impact the green belt, as it already exists, largely screened by a hedge.
- Surrounding properties are so varied in style and materials, it could not be seen as incongruous.
- Furthermore, holiday accommodation, supervised by on-site owners, would help sustain the viability of the holding and be of economic benefit to the area.

Werrington Parish Council

6.3 Awaited

Environmental Health

6.4 No objection subject to suggested conditions covering construction impacts, potential for land contamination, lighting and drainage.

Ramblers Association

6.5 P.R.O.W Werrington 26 starts at Eaves Lane and passes farm buildings on the left and right. This path should be able to be used during and after work has been completed.

Staffordshire County Council Highways

Site Visit Conducted on: 26-Jul-2023

6.6 No objection. Current records show that there was not any personal injury collision (PIC) on Eaves Lane within 215m of the development site for the previous five years. Eaves Lane is an unclassified road (Road No. D1154) with a speed limit of 60mph. Eaves Lane has no footways either side of the carriageway. The road is unlit. Access is an existing access to the agricultural building there are no modifications to the access proposed. However, it was noted at the site visit that the surface of the access rear of the highway is in poor condition and requires improvement. It was also noted that visibility to the east would benefit from improvement by maintenance of the hedgerow. Parking and turning is proposed as shown on the submitted Site Layout Plan drawing no. 5450 - 003. No marked bays have been shown however, observations on site visit it is considered there is sufficient parking and turning space to accommodate parking spaces. It is considered the proposal will not have a detrimental impact on the local highway network.

AES waste services

6.7 No issues regarding waste collection.

Staffordshire Wildlife Trust

6.8 There are minimal ecological issues apparent. Any recommendation and requirements within the ecology report should be secured via conditions.

7. OFFICER COMMENT AND PLANNING BALANCE

Development Plan Approach to the Provision of Rural Housing

7.1 The published updated 5 year housing supply statement concludes that the Staffordshire Moorlands only has a supply of 3.71 years as of 1 April 2022. As such, para. 11d of the NPPF now applies to applications for housing development i.e. grant permission unless covered by policy in the closed list at footnote 7 (e.g. Green Belt, Local Green Space, SSSI etc), or unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole – The “Tilted Balance”.

7.2 However, with regard to para 11 of the NPPF, the site is within the Green Belt where footnote 7 applies and planning permission should not be granted if the Green Belt policy in the NPPF provides a clear reason for refusing the development proposed.

7.3 While an undersupply of housing effectively means that development plan policies relative to housing provision must be considered out of date, it is of note that the local plan policy relevant to the reuse or conversion of rural buildings (Other Rural strategy SS10 and supplementary housing policy H1) only make provision where the building is “suitable and worthy in physical, architectural and character terms for conversion”. The building in this case is a functional open sided agricultural livestock and storage shed, with concrete block and panel base with spaced timber boarding above. Considerable new building work is required to make the building suitable for conversion, it has no architectural or historical merit and does not make positive contribution to the character and appearance of the area.

Impact on Green Belt

7.4 The site and building are within the Green Belt where development is inappropriate and harmful, by definition, unless it is provided for by one of the exceptions on the closed lists at paragraphs 149 and 150 of the NPPF.

7.5 Two of those exceptions include the partial or complete redevelopment of previously developed land where the development would not have a greater impact on the openness of the Green Belt than the existing development; and, the reuse of buildings provided that the buildings are of permanent and substantial construction and the development preserves the Green Belt’s openness and does not conflict with the purposes of including land within it.

7.6 The existing building is an agricultural livestock building, remaining from a working farm. On inspection the building was being used to store a tractor, machinery and hay and to house sheep. The plan indicates a small central area is

provided as stables, not observable on site, however such use of the building does not benefit from planning permission and it is limited to an ancillary or incidental element of an otherwise agricultural building. The land therefore, is occupied by an agricultural building and it is excluded from the NPPF definition of 'previously developed land'. The first of those exceptions, referenced above, does not apply.

7.7 For reuse to be not inappropriate the building must be of permanent and substantial construction. The building is largely open sided and fronted to provide easy access for large machinery and livestock. It provides shelter and cover with the minimum of enclosure. The structure of the building is of the minimum necessary to serve its function. It has steel stanchions and beams to support a single sheet roof. The walls are gapped or vented timber boards above sections of concrete block and panel walls. The building is of a less than permanent and substantial construction and consequently considerable structural building work and adaption is required to make it suitable for the proposed use. The second of the exceptions therefore, does not apply here and the only conclusion is that the development would be inappropriate and harmful to the Green Belt. Any harm to the Green Belt must be attributed substantial weight and planning permission should not be granted unless other considerations, amounting to 'very special circumstances', clearly outweigh the harm to the Green Belt and any other harms resulting from the development.

Impact on Character and Appearance of the Area

7.8 The building in this case is a functional open sided agricultural livestock and storage shed of simple form, with concrete block and panel base with spaced timber boarding above. It does not have any attractive qualities and it makes no positive contribution to the character and appearance of the area. However, within its setting between the more characterful or attractive stone and brick dwellings (stone dwelling Glengoffe Cottage on opposite side of road, brick cottage at Kerry Hill Farm to the west, and the converted brick farm buildings at Horton Barn to the west) its purpose, context and presence is clearly read as functionally subordinate to the dwellings and agrarian with obvious context.

7.9 Considerable new building work and adaptation is required to make the building suitable for conversion, it has no architectural or historical merit and does not make positive contribution to the character and appearance of the area. The building is not suitable and worthy in physical, architectural and character terms for conversion. The proposed building work and adaption would result in a building of odd, incoherent and unusually appointed appearance in a rural location where it would relate poorly to and dominate the arrangement and setting of nearby, more characterful and attractive, stone and brick cottage dwellings and traditional farm buildings. In these respects the development would be contrary to the NPPF and policies SS10, H1, DC1 and DC3 of the Adopted Staffordshire Moorlands Local Plan 2020 and the Design Guide 2018 for the area.

Consideration of those matters raised in the applicant's case

7.10 It has been concluded that the development would be inappropriate and by definition harmful to the Green Belt and that there would be other harm resulting

from the development consisting of harm to the character and appearance of the area.

7.11 The applicant says that the building exists and already has an impact on the openness of the Green Belt. To the extent that the building is of a simple agrarian character, function and structure, this is of course true. However, the building is not considered to be of 'permanent and substantial construction', and development involving its reuse or conversion would not be provided for by the exception and it would be inappropriate development and there would be harm to the Green Belt.

7.12 The applicant says that they would be able to move out of their existing barn conversion and move into the proposed conversion as their new family home while making the existing dwelling available for holiday lets, they say this would support rural tourism and there would be some benefit to the rural economy. It maybe that this arrangement would bring some very minor benefit to the rural economy through tourism, but this would be at the expense of the Green Belt and the character and appearance of the area. Such benefit would not outweigh that harm.

7.13 There is a very passing comment at paragraph 5.0 of the application statement suggesting there are no other alternative properties in the locality which satisfy the requirements that this farm has for a permanent dwelling. This is not expanded upon. However, it is of note that the farm of course already has a dwelling on the site providing accommodation on the farm. The obvious arrangement for any working practice on the farm is to live in the existing barn conversion dwelling and keep the large shed for farm storage and livestock.

7.14 The nearby dwelling approved SMD/2019/044 was a project that involved some considered and modest use of contemporary material and design, but essentially it is a well-proportioned arrangement of shape that incorporates traditional forms to create a coherent and well-presented outcome. The proposal at Horton Barn would not be comparable in those regards. The example development is also beyond the immediate locality of the proposal and the immediate arrangement of buildings that make up the character and appearance of the area.

7.15 In conclusion, this application is not considered to have demonstrated 'very special circumstances' or that benefits or considerations would clearly outweigh the harm to the Green Belt and other harm resulting from the development.

Impact on Ecology

7.16 A report has been produced by an ecologist from Absolute Ecology. They have assessed the building to be of negligible potential for supporting roosting bats. This assessment has been based on the buildings lack of roosting features. Therefore no further surveys or mitigation would be required. However, where a survey(s) has demonstrated a likely absence of bats in the building, it should be noted that it is possible that bats could begin to utilise the building at any time, and any works should be undertaken with care and vigilance for bats. Should bats be found during development, then all works must cease and a qualified bat ecologist should be consulted.

Impact on Amenity

7.17 The existing building already obscures and limits outlook from the adjacent converted barn to the west. Its west facing elevation is some 17m from the front of the dwelling. A proposed dining room window and office/snug window would be 21m and 17m respectively from windows in the front of the existing dwelling. The Council's 'Space About Dwellings' guidance requires a separation distance of 22m between opposing principal windows as an ideal. The slightly shorter distance between windows in this case would not be critical to the favourability of the proposal and overall living conditions would not be unreasonably affected in these regards.

7.18 To the south, the front elevation of Glengoffe Cottage is on the opposite side of Eaves Lane. It is less than 9m from the south facing elevation of the application building which sits behind a hawthorn hedge. It is proposed to include within that elevation a kitchen window that would face the front facing windows at Glengoffe. A less than standard compliant separation distance here would be more significant, however, the mature hedge and road in the intervening space between the two would prevent unreasonable overlooking or loss of privacy.

Impact on Highway Safety

7.19 The development would make use of the existing site access and hardstanding to provide standard compliant parking space. There would be no adverse impact on highway safety, but the Highway Officer has requested some improvement to the access relative to surfacing rear of the carriageway edge.

CONCLUSION / PLANNING BALANCE

7.20 Where an undersupply of housing effectively means the development plan policies relevant to the development are out of date, the application of policies in the NPPF that protect the Green Belt as an area of particular importance (footnote 7) provides a clear reason for refusing the development proposed.

7.21 The development would be inappropriate and by definition harmful to the Green Belt and there would be, resulting from building work and adaption being carried out to a building that is not suitable and worthy of conversion, harm to the character and appearance of the rural area. The development would be contrary to the NPPF and policies SS10, H1, DC1 and DC3 of the SMDC Local Plan 2020.

7.22 The case presented by the applicant does not demonstrate benefits or considerations that would clearly outweigh that harm.

8. RECOMMENDATION

A. That planning permission be REFUSED for the development, for the following reason(s):

1. The development would be inappropriate in the Green Belt and, by definition, harmful because it is not provided for by any of the exceptions

listed at paragraph 149 or 150 of the National Planning Policy Framework (NPPF). Specifically, the proposal attempts to make use of a building that is not of 'permanent and substantial construction' in a way that would require considerable construction, building work and alteration. The development would fail to preserve openness and there would be conflict with the purposes of including land in the Green Belt. There are no other considerations that would amount to 'very special circumstances' that would clearly outweigh the harm to the Green Belt and the other harms resulting from the development referred to below. The development would conflict with the terms of the NPPF and policies SS10 and H1 of the Adopted Staffordshire Moorlands Local Plan 2020.

2. The proposal would be harmful to the character and appearance of the rural area because it would adapt and alter, with considerable building work, a building that is clearly a simple and functional agricultural shed in a rural setting that makes no positive contribution to the character and appearance of the area. The building is not suitable and worthy in physical, architectural and character terms for conversion. The proposed development would result in a building of odd, incoherent and unusually appointed appearance in a rural location where it would relate poorly to and dominate the arrangement and setting of nearby, more characterful, stone and brick cottage dwellings and farm buildings. In these respects the development would be contrary to the NPPF and policies SS10, H1, DC1 and DC3 of the Adopted Staffordshire Moorlands Local Plan 2020 and the Design Guide 2018 for the area.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

