

DELEGATED DECISION REPORT

SMD/2021/0555
Valid 19/08/2021

BARN
CASH HEATH FARM CASH
HEATH
FORSBROOK

PROPOSED CONVERSION OF
REDUNDANT BARNS INTO 2
RESIDENTIAL UNITS

(FULL - MINOR)

MAIN ISSUES

Whether or not the proposal amounts to inappropriate development in the Green Belt
The impact on the rural character and appearance of the area
The impact on residential amenity
The impact on highway safety
The impact on the ecological value of the site

DESCRIPTION OF SITE

The site lies in the open countryside a short distance to the north of Forsbrook near the end of a blocked country lane ("Chapel Street") leading out of the village and which provides the access to the site. It comprises a former farm with stables and equestrian uses. There is a red-brick Victorian farmhouse a short distance to the north-east of the access which faces south. The access passes the house on the right and leads to a yard area to the north (rear) of the farmhouse with a brick and tile stables building on the south side of the yard (unit A) between it and the farmhouse and another similar brick stables building on the east edge of the yard (Unit B). There is modern blockwork kennels building attached to the north side gable wall of Unit B and a modern blockwork stables building marking the north edge of the yard, forming an "L-shape" with the kennels. To the north of the group of the buildings is a horse arena/manege and to the east side a horse exerciser circle and large horse track. The track from the access towards the yard continues along the western edge of the property and leads to open fields to the north. This is a Public Right of Way.

The site is in the Green Belt and the site and surroundings are fairly flat.

PROPOSAL

This is a full planning application to convert the two red-brick stables buildings, Unit A and Unit B, into two dwellings, each with two bedrooms. Unit A is intended for a family member of the farmhouse occupants with Unit B sold off on the open market. There would be no extensions to the buildings although some blockwork and timber store additions to the ends of Unit A would be removed. All existing door and window openings would be re-used for new windows and external doors although there would be some enlargement of openings. No new openings would be formed or rooflights inserted as these are single-storey structures. The original plans also

proposed the conversion of Unit C into a third dwelling but this part was removed from the scheme. Amended plans have been received to move the proposed parking from the east of the buildings to the west where the yard exists. Garden areas would instead be placed to the east and the red line has been changed to exclude Unit C and the land to the north and east of it.

The application includes a Design and Access Statement, Bat Report and Structural Survey Report.

Although there are horses still present on the land the agent states that manege and gallop (horse track) are redundant as the former horse training operation at the property has been moved elsewhere.

Amended layout and elevations plans were received on 2.11.21 to solely show Building B and remove Building C.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffs Moorlands Local Plan (adopted September 2020)

SS10 Other Rural Areas Strategy
H1 Housing
DC1 – Design Considerations
NE1 - Biodiversity

NPPF (Revised July 2021)

Sections 12 (Design), 13 (Green Belts) and 15 (The Natural Environment).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

07/00533: Change of use of Unit A to staff accommodation. Refused on the grounds of lack of demonstration of alternative commercial uses first, the domestication of the area by re-use of timber lean-to and creation of new residential curtilage and impact on the residential amenities of the farmhouse by virtue of an intensive residential use so close to the farmhouse.

CONSULTATIONS

Publicity

Site Notice expiry date: 12/10/21.
Neighbour consultation period ends: 12/10/21.
Press Advert: 22.9 (Affecting a PROW)

Public Comments

None.

Town / Parish Comments

The public right of way has recently been obstructed (through Covid) and although understandable it is not lawful. Access to the public right of way should not be blocked by building work. Pedestrian / Vehicle conflict should be avoided when using a public footpath as vehicle access to a property.

Local Highways Authority

No objection.

Environmental Health

Initially concerns were raised regarding noise and disturbance from the manege affecting the residential amenities of Unit C. However on the basis that the manege is redundant, no objection has been raised subject to conditions.

Staffs Wildlife Trust

No objection subject to conditions.

Conservation Officer

"No comments to make".

SCC Rights of Way Team

The attention of the developer should be drawn to the existence of the paths and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public paths.

Peak and Northern Footpaths Society

Use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place.

Waste Collection Services

No issues

Severn Trent Water

No objection.

OFFICER COMMENTS

The principle of development/The Green Belt

The site is in the open countryside and in the Green Belt. The strategy for the countryside, Policy SS10, requires strict control over inappropriate development in the Green Belt in order to protect its openness. Paras 149 and 150 of the NPPF list the forms of development which are exceptionally not deemed to be inappropriate development and which would not by definition be harmful to its openness. The change of use of buildings is listed providing the building is “permanent” and “substantial”. I consider the two brick and tile barns to be converted would fall under this category. They were former farm buildings that were later converted into horse stables uses. The Building Structural Survey Report considers the two buildings to be in decent condition and which can be converted into residential uses without any significant rebuilding. I consider the proposal would not amount to inappropriate development in the Green Belt.

Policies SS10 and H1 require rural buildings to be converted into dwellings to be worthy in physical, architectural and character terms. The buildings are made of traditional brick and tile materials and have a form and appearance that is in keeping with the rural character and appearance of the area as well as being physically sound and although do not have the architectural qualities of more traditional barns would still be deemed to be architecturally worthy as the form and design is not out of keeping with a rural location in the District. Although they are in the countryside, the site is not isolated and it is possible to easily walk or cycle along a safe and very lightly trafficked dead-end country lane into Forsbrook and Blythe Bridge where there is a range of services, shops and access to public transport, so the development does have sustainability advantages. The proposal would also deliver single-storey 2-bed units which are particularly in demand in the District and would be of use to a growing elderly population.

The impact on the character and appearance of the area

The scheme works by re-using the existing openings with no need for new openings. The fenestration design would be no less in keeping with the buildings or locality than the current windows and doors. There are no extensions proposed. The proposed curtilages/garden areas would not be an excessive size and would re-use a grass strip between the buildings and a horse track which does not benefit from any agricultural or other use. One of the garden areas is in place of a redundant concrete horse exercise circle. A condition can be added to prevent new outbuildings without the submission of a planning application. A condition would also be added to remove the manege and the more modern blockwork kennels and stables so there would in any case be a net gain to the openness of the Green Belt and the rural appearance of the area even if outbuildings or domestic paraphernalia did appear. The parking area would re-use an existing yard.

The impact on residential amenity

With regard to residential amenity, there would be no harmful levels of overlooking between windows of the farmhouse and the two new dwellings or between each new

unit due to the orientation between buildings and window positioning. Each new unit would comply with the government's Nationally Described Space Standards in terms of providing in excess of the floorspace thresholds to ensure decent living conditions and the garden sizes are also in excess of the Council's Space About Dwellings standards. The new residents would not be affected by noise as the horse training facilities have been moved to another location and the ones at the property are redundant.

The impact on highway safety

With regard to highway safety, the proposal would not lead to a significant increase in vehicle movements in relation to the former agricultural and equestrian uses of the property and any increase can be accommodated safely on the dead end lane leading to the site which has infrequent traffic due to its nature. There is adequate parking provision on the existing yard for both dwellings.

The impact on the ecological value of the site

Finally, with regard to the impact on the ecological value of the site, as the site is in a rural area and the proposal involves the conversion of rural buildings, there is potential for an impact on the ecological value of the site and harm to protected species (in this case bats but also great crested newts due to nearby ponds). The planning policies, legislation and government guidance on protecting wildlife and ecology interests states the following:

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc.) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

The conservation and enhancement of the natural environment is a core principle of the NPPF where planning policies should promote the preservation, restoration and re-creation of priority habitats and ecological networks. In determining planning applications, permission should be refused if significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort,

compensated for. Similarly, Local Plan Policy DC1 promotes the maintenance, enhancement, restoration and re-creation of biodiversity and geological heritage, where appropriate, in accordance with Policy NE1 'Biodiversity and Geological Resources'.

Amongst other matters, Policy NE1 requires that development, where it is appropriate, produces a net gain in biodiversity and ensures that any unavoidable impacts are appropriately mitigated for whilst promoting the appropriate maintenance, enhancement, restoration and/or re-creation of biodiversity through its proposed nature, scale, location and design.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In determining whether or not to grant a licence Natural England must apply the requirements of Regulation 535 of the Regulations and, in particular, **the three tests** set out in sub-paragraphs (2)(e), (9)(a) and (9)(b)6.

- (1) Regulation 53(2)(e) states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".
- (2) Regulation 53(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative".
- (3) Regulation 53(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."

With regard to the above and in relation to this particular conversion application, an Ecology Report was submitted and also bat roost and activity surveys undertaken over the Summer. There was one bat roost found in Unit A but none found in the other buildings including those to be demolished. A licence will be required from Natural England before works can commence.

There is considered to be no harm to bats providing the conversion works can be undertaken in accordance with a Bat Methodology Report which can be required via a planning condition. The planning policies also require mitigation measures as well as enhancements in this case and the former can be achieved by the creation of a bat loft in one of the buildings and also the installation of bat boxes. This can also be secured via a planning condition. On this basis it is considered that Test 3 is met.

As the application relates to the conversion of an existing building on this site, there is no satisfactory alternative, such as development on an alternative site. Therefore Test 2 is met.

With regard to Test 1 the proposal is not for “preserving public health or public safety”. However, it will have public social or economic nature and environmental benefits in terms of preserving 2 traditional farm buildings and re-using them to provide residential units, reducing the need for development of housing on greenfield sites. This would outweigh the limited harm to species which can be adequately mitigated. Test1 is therefore also met.

At least 10 swallow nests were also found within the buildings. No harm would result providing works are undertaken outside of the bird nesting season of March to August inclusive. To achieve appropriate mitigation, ten new nesting opportunities can be created across the overall site in accordance with details to be submitted and approved and provided in accordance with another planning condition.

There are numerous ponds within 250 m of the site with more present within 500 m. Due to this, there is potential for great crested newts and other amphibians to be present. Although the risk is low due to the nature of the development, some excavations are expected due to the proposed septic tank and associated pipework. A precautionary working approach detailed within an amphibian method statement is required and this can also be achieved by way of a planning condition.

Appropriate enhancements can be achieved via sustainable drainage and new native planting as part of a landscaping scheme.

Overall, the works would not lead to significant harm to the ecological value of the site with the safeguard of protection conditions and can be impacts can be mitigated and enhancements secured also via conditions. The Council considers that with the safeguard of conditions, the “three tests” outlined above would be passed.

CONCLUSION / PLANNING BALANCE

The proposal would not amount to inappropriate development in the Green Belt and would provide the benefit of providing small units of accommodation via a conversion scheme in a moderately sustainable location close to a large village. It would not harm the visual or residential amenities of the area s and would not lead to any detriment to highway safety. There would be no other environmental harms with the safeguard of conditions. The proposal would therefore comply with the Council's Local Plan (adopted September 2020) and is in line with the government planning guidance contained in the National Planning Policy Framework (NPPF).

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston

Recommendation Date: 5.11.21

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council