

PLANNING APPLICATION REPORT

Case Officer: Liz Payne

Parish: Wembury **Ward:** Wembury and Brixton

Application No: 2215/23/FUL

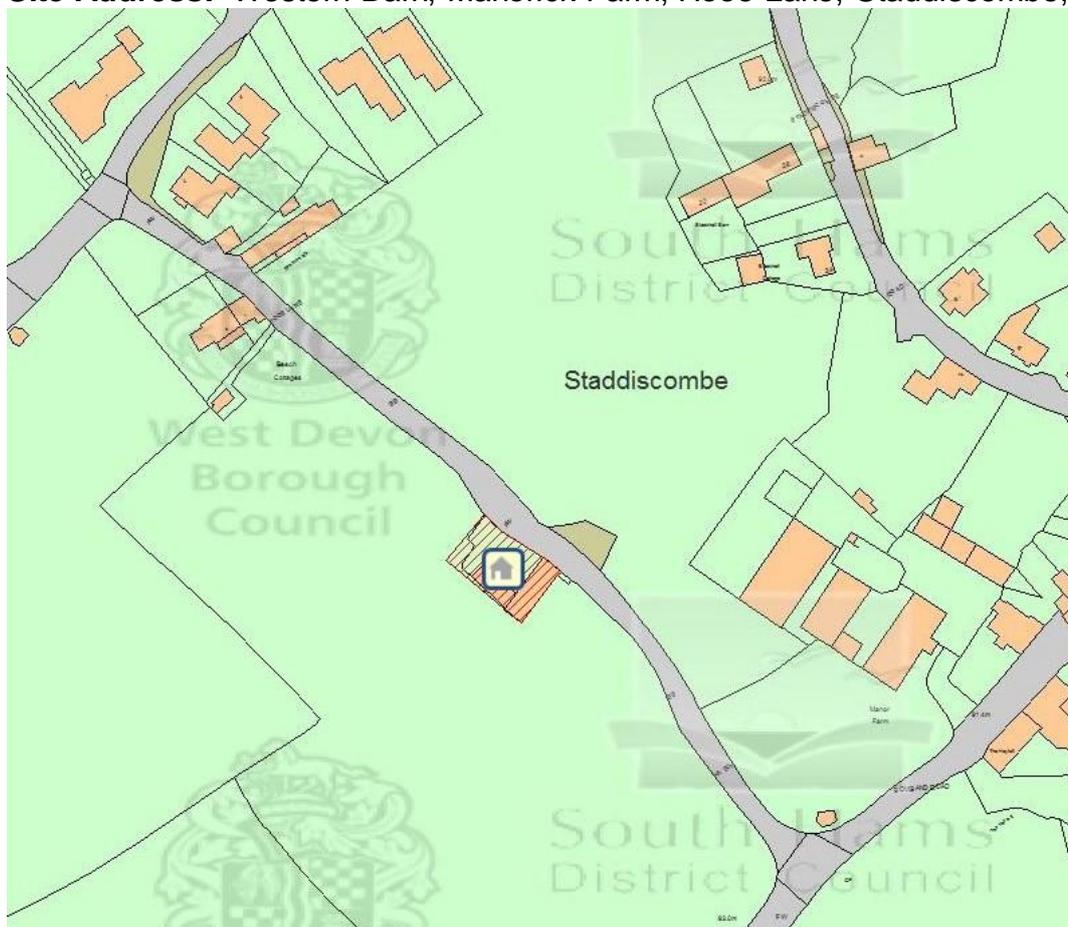
Agent:

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Applicant:

Miss Wendy Veale
Western Barn
Manorick Farm
Hooe Lane
Staddiscombe, Plymouth
PL9 9ND

Site Address: Western Barn, Manorick Farm, Hooe Lane, Staddiscombe, PL9 9ND



Development: Conversion of barn to dwelling including rebuild of stone wall (part retrospective)

Reason item is being put before Committee: At the request of Cllr Nix. *'This application already had planning permission and all conditions have been adhered to in the current build. The local Parish Council have supported this application and it would bring a historic local building back into use and support the local policy of allowing properties to be constructed for local people to live in their local areas. The look of the property will be in keeping with the local vernacular and although the property is on the edge of the small built up area, there are properties further into the countryside than this one.'*

Recommendation: Refusal

Reasons for refusal:

1. The proposed development, by reason of the extent of rebuilding, is considered tantamount to the construction of a new dwelling in the countryside. The site is located in an unsustainable location in the Undeveloped Coast, which is not well served by public transport or safe or suitable walking and cycling opportunities to access a vibrant mixed use centre with facilities for day to day living. As a result the development is considered contrary to Policies SPT1, SPT2, TTV1, TTV2, DEV24 and TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034.
2. Insufficient information has been submitted to evidence that the proposed drainage scheme submitted can be accommodated by sustainable water management measures and not increase flood risk or impact water quality elsewhere. As such, the proposal is contrary to DEV35 of the JLP.

Key issues for consideration:

Principle of development; design and landscape; climate emergency; ecology.

Site Description:

The application is proposed on the site of a former traditional, stone barn and associated yard area. The site is located on the south western side of Staddiscombe and is situated off an unnamed road between Bovisand Road and Bovisand Lane.

The site lies within the South Devon AONB and Undeveloped Coast. The site is also within close proximity to Wembury Point which is used by the MOD.

The Proposal:

The proposal is for the provision of a dwelling on the site of a traditional stone barn and seeks retrospective permission to dismantle and rebuild three walls of the barn, replace the roof with slate tile, enclose the open side of single storey lean to and undertake landscaping works to alter ground levels around the building. The finished building would incorporate stone walls, slate tiles, aluminium windows and solar panels on the main building with PPC cladding sheets and hit and miss cladding over proposed glazing along the lean to.

Internal accommodation would be arranged over two levels and includes two bedrooms, one with en-suite; open plan living area, shower/utility and study/third bedroom. The former agricultural yard would provide a parking area and garden.

Consultations:

- County Highways Authority: no highway implication
- Environmental Health Section: no objections.
- Wembury Parish Council: made the following comments:
 - *No Objection- do not believe it impacts on any neighbour and without work it will deteriorate further.*

- Ministry of Defence: no objections
- SHWD Drainage Officers: object
 - Insufficient information has been provided on; recommend that the application is not decided until these issues have been overcome.

Representations:

Representations from Residents

22 letters have been received which support approval of the application. These representations cover the following broad points:

- Stone barn is not suitable for agricultural use and has been redundant for many years; application provides a suitable use; better to see barn converted than allowed to collapse;
- Applicant has local connection and its important she can remain in village; applicant continues to farm the land;
- Visually acceptable in landscape; in keeping with local area; uses local materials including the original stone;
- Protects and enhances historic barn
- The barn will look like the original barn
- A building has stood on this land for many years so it is not a new development unlike many that have been approved in recent years in the area
- The barn is located within a residential area, so will not contribute towards urban sprawl
- More suitable than some conversions undertaken under Class Q permission;
- Conversion is being undertaken in a sensitive and sympathetic manner;
- Will have positive impact on biodiversity;
- No impact on access;
- Building is being built sustainably with consideration given to energy efficiency/low carbon;
- Far too many properties being bought by developers for use as second homes;
- Meets SPT1, SPT2 and TTV26;

4 letters have been received which express an undecided view. These representations cover the following broad points:

- The original character of the barn has been lost and the new walling that has been erected is dressed/faced stone and not rustic.
- Structural survey by Maurice Parker is dated after the demolition of the walls;
- Approving this application could set a precedent for other developers to demolish and rebuild;
- In view of the recent public outcry over the demolition of the Crooked Inn Pub property developers need to be held to account over violating planning rules
- A historic 19th century barn has been lost that with modern underpinning, foundation floats and internal structures could have been sympathetically restored.

Relevant Planning History

- 58/1077/80/4 - 29/07/1980 - Refusal
Change of use of barn to dwellinghouse
- 3490/18/FUL - 11/07/2019 - Conditional Approval
READVERTISEMENT (Revised Plans) Change of use/conversion of agricultural building to dwelling
- 0085/22/VAR - 18/02/2022 - Withdrawn
Application for variation of a condition 14 of planning consent 3490/18/FUL

- 2952/22/ARC - 09/11/2022 - Discharge of Conditions - SPLIT DECISION
Application for approval of details reserved by conditions 3 (roofing specification), 9 (surface water drainage), 10 (foul drainage) & 17 (Tamar European Marine Site scheme) of planning consent 3490/18/FUL
- 3570/22/ARC - 23/01/2023 - Refused
Application for approval of details reserved by condition 15 (landscaping) of planning consent 3490/18/FUL
- 3571/22/VAR - 23/01/2023 - Withdrawn
Application for variation of condition 6 (joinery details) of planning consent 3490/18/FUL

ANALYSIS

Principle of Development/Sustainability:

The application site is within close proximity to the settlement of Staddiscombe, a linear village which predominately lines the northern side of the Staddiscombe Road. The site is separated from the settlement by Hooe Lane, a field and cluster of farm buildings. Within the Joint Local Plan, whilst Staddiscombe is within the Plymouth Policy Area, the application site is within the Thriving Towns and Villages Policy Area and Undeveloped Coast. It is physically separated from the settlement and has a rural character.

At the heart of the spatial strategy of the Joint Local Plan (JLP) is the need to use sustainable development as the framework for growth and change. Policies SPT1 and Policy SPT2 set out the overall spatial strategy to deliver a sustainable society, environment and economy, where effective use of land is made for development, and the best and most versatile agricultural land is protected for agricultural use, and local distinctiveness and sense of place is respected. Policy TTV1 of the JLP prioritises growth through a defined four-tier hierarchy of settlements and TTV2 builds on the principles of SPT1 and SPT2 through particular aspects of rural sustainability that should be supported through the development process.

Paragraph 5.5 of the JLP explains that policy TTV26 (Development in the Countryside) will be applied 'outside built up areas'. Consequently, the proposal site is considered to be located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside, where development will be permitted only "*where it can be demonstrated to support the principles of sustainable development and sustainable communities (policies SPT1 and SPT2), including as provided for in policies TTV26 and TTV27*".

From the application site, the route into Staddiscombe is via Hooe Lane and Bovisand Road, and would entail a 300m walk to reach the nearest bus stop. Although it adjoins the larger settlement of Plymstock, there are limited facilities within Staddiscombe itself and while the bus stop is within the acceptable walking distance for pedestrians, as set out in JLP policy SPT2 (Fig 3.2) other facilities are not. In addition, Hooe Lane is a narrow and unlit lane which is single track in places and meets Bovisand Road at a point where the national speed limit applies. Pedestrians would be required to walk on the road along Hooe Lane and Bovisand Road which Officers do not consider to be safe and activity would likely be restricted to daylight hours. A longer route heading north along Hooe Lane would join Staddiscombe Road at the point where a restricted speed limit applies but this would almost double the walking route and would not negate the need to walk on the road along Hooe Lane. Any

development in the location of the application site would therefore be reliant on a private car for basic provisions and facilities and as such it would not be considered a sustainable location. For this reason the development does not accord with SPT1 and SPT2.

Policy TTV26 of the JLP relates to development in the countryside and supports proposals that can demonstrate that a countryside location is required. The aim of the policy is to protect the role and character of the countryside and sets a necessarily high threshold to ensure development in the countryside should occur only in exceptional circumstances. The policy is divided into two different sets of requirements; part one (TTV26 (1)) applies to development proposals considered to be in isolated locations. The second part of the policy, (TTV26 (2)) is applied to all development proposals that are considered to be in a countryside location.

Due to the proximity of Staddiscombe the application site is not considered isolated and part 1 of policy TTV26 is not applicable.

Part 2 of Policy TTV26 does apply. Policy TTV26 provides a policy framework for guiding development within the countryside.

Part 2 reads:

2. Development proposals should, where appropriate:

Protect and improve public rights of way and bridleways.

Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.

Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.

Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.

Avoid the use of Best and Most Versatile Agricultural Land (BMVL).

Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.

The applicant has described the proposed development as a barn conversion. Planning permission was granted in 2019 for the conversion of a traditional barn and an attached lean-to barn to a dwelling. The proposed works involved the retention of the main structure with minor alterations including the replacement of the roof, the formation of two roof light openings, a narrow slit window and the infilling of the existing open side of the lean-to with hit and miss glazing. At that time Officers considered the barn to be of such architectural and historic character that it was considered a non-designated heritage asset and it was concluded that a sympathetic conversion to residential would represent the optimal viable use of the heritage asset.

This application was accompanied by a structural report which concluded that to be suitably converted, the barn would require a strengthened or replacement timber roof structure, yet considered that 'the masonry walls to the barn are in a reasonable structural condition'. As such, the application for the conversion of the building that then existed was approved, with this Structural Report included in the list of approved documents.

Since the planning permission was granted for the conversion of the barn, the applicant has commenced works on site and commissioned a further structural survey which found that the two flanking walls of the barn were structurally unsound. These two walls and the south elevation wall (which was partially concrete blockwork) were subsequently dismantled and

the stone saved. The building is currently in a state of partial rebuild with blockwork clad in the saved stone. As the existing walls have been rebuilt the development is not in accordance with the approved details of the previous permission.

TTV26 2ii allows the re-use of traditional buildings where they can be renovated without the need of significant enhancement or alteration. The proposal as presented in this application, including the submitted structural report, requests retrospective permission for the dismantling and rebuilding of three walls with ground works to enable suitable foundations. The report states that alternative means of strengthening the structure risked the collapse of the external walls. Paragraph 11.56 of the JLP SPD specifies that 'significant alterations' refers in particular to supporting structures that require replacement and as such, the rebuilding of these external walls are deemed a significant alteration and the proposal is not supported by TTV26 2ii. This approach is reiterated within the Traditional Farm Buildings: Their Adaption and Re-use 2020 which states that were further demolition is undertaken during development, and where all the demolitions put together amount to a large part of the building's fabric being replaced, then the a scheme would need to be reassessed as a new-build.

Notwithstanding the comments received from letters of representation that state that the applicant's family historically farmed the land and that the applicant would continue to farm a smaller area, no information has been submitted to show that the development is complementary to an agricultural operation or required for an occupational need. The proposal does not meet any other criteria of TTV26.

Whilst permission was granted for the conversion of the building that then existed and was deemed to comply with policy at that time, that is not the scheme now tabled. The substantial amount of rebuilding that has taken place and is proposed is considered tantamount to the construction of a new dwelling in the countryside and to conflict with JLP policies TTV26 and TTV1, SPT1 and SPT2.

Design/Landscape:

The proposed design differs to that of the initial permission of the barn conversion. The lean-to element is extended slightly to create a more regular and less vernacular shape ground floor. Added to this the surrounding ground levels to the south west are lowered to reveal more of the south west elevation and three regular domestic sized window openings are proposed. The replicated slit windows have been lowered in height to align with internal floor levels and additional rooflights and a double glazed door have been proposed on the south east elevations. These alterations give the final design a more domestic character than the original barn but the scale and finished materials of the proposal does respond to the general appearance of the original building and other buildings within the landscape. As the authenticity of the original building has been lost through the extent of rebuild there is little benefit of replicating each detail of the former barn. As such, the proposed design would, through its scale and finished materials, reflect the local buildings within the wider area and respond to the landscape. As noted above, the original building was considered to constitute a non-designated heritage asset. Given the loss of historic fabric and the substantial amount of rebuilding and alterations now proposed, the building cannot reasonably be considered a non-designated heritage asset any longer; and no weight is attributed to this factor.

Policy DEV10 requires all dwellings meet the Nationally Described Space Standards. The floorplans identify two bedrooms and one bedroom/ study, but further detail on the proposed layout of the rooms is not shown. Considering the size and internal dimensions of the

bedrooms, including the study, in comparison with the Nationally Described Space Standards the property could accommodate three double bedrooms. A three bedroom property on two floors is required to have a total internal floor area of 102 sq m. The property has an internal floor area of 164sq m at ground floor and approximately 15sqm at first floor level, taking into consideration the reduced head height for some parts of the upstairs room. As such, the internal floor area and provision of inbuilt storage meets the Nationally Described Standards.

Criterion 5 of policy DEV10, states that sufficient external amenity space or private gardens should be provided with new dwellings. For a detached property the minimum standard is 100 sqm, excluding the parking area. As submitted the proposal comprises approximately 70 sq m of outdoor space which is not given over for vehicle parking or turning. Officers acknowledge that the form of the proposed curtilage is similar to the current curtilage of the building and relates well to the layout of the existing building without extending arbitrarily into the open countryside. The proposal currently comprises a large area of hardstanding for vehicles and potentially a revised landscape plan could create a larger amount of garden area without jeopardising parking provision. If the scheme were otherwise acceptable a condition requiring a hard and soft landscaping scheme prior to occupation could be conditioned to ensure a satisfactory amount of amenity land would be provided.

Neighbour Amenity:

No concerns are raised with regards to neighbour amenity, with the building situated at a good distance from its nearest neighbour.

Highways/Access:

The Highway Authority has not provided any comments. No issues are raised with regards to the existing access and the proposal seeks to reuse this. The submitted site plan shows that there is sufficient external area to accommodate two parking spaces, the required amount for a two or three bedroom property, plus provision to turn and enter and leave the property forward facing. As such, the proposal meets the requirements of policy DEV29.

Ecology

An ecology survey in 2017 recorded evidence of use of the barn by Barn Owls (although not nesting), Sparrows and Swallows, and no evidence of use by bats. A further survey was undertaken in February 2023 and recommended the provision of two pole mounted Barn Owl boxes (already present on Site), Barn Owl loft with lancet window access, four integrated nesting opportunities, wall top opportunities for crevice dwelling bats and nesting opportunities for Swallows to ensure a proportionate contribution to biodiversity net gain (BNG). In addition, the survey recommends limiting external lighting. This reflects the mitigation and compensation set out in the 2017 report.

The site falls within the Zone of Influence for new residences having a recreational impact on the Tamar European Marine Site (comprising Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). The Zone of Influence has been updated as part of the evidence base gathering and Duty to Cooperate relating to the JLP. A study has been carried out which looked at the recreational pressure of new residents from new development upon the Tamar EMS which has confirmed a 12.3KM Zone of Influence. Accordingly the recreational pressure of new residences associated with the development would require mitigating to ensure they do not have a significant impact on the Tamar EMA. A Tamar Contribution Payment has been received on 15th September 2022 under the previous application 3490/18/FUL. If the application were otherwise acceptable a Deed of Variation would be required to update the legal agreement to reflect the details of a new permission.

For the above reasons, subject to conditions to secure the biodiversity enhancements and a Deed of Variation, the proposal would be in accordance with JLP Policy DEV26.

Drainage

The SHWD Drainage Officer has raised concerns with the submitted surface drainage scheme and has objected to the scheme on the grounds of insufficient information. The submitted testing does not reflect the depth of the proposed soakaway and therefore does not evidence the suitability of the site. Details to confirm the size of the proposed soakaway shown on the plans are not provided and insufficient details of the permeable parking have been submitted.

Insufficient information has been submitted to evidence that the proposed drainage scheme submitted can be accommodated by sustainable water management measures and not increase flood risk or impact water quality elsewhere. As such, the proposal is contrary to DEV35 of the JLP.

Climate Emergency

The Climate Emergency Planning Statement responds directly to the Climate Emergency declarations issued by South Hams and West Devon Councils and identifies measures for new development to meet the challenge of climate change. It builds on existing planning policies set out within the Plymouth and South West Devon Joint Local Plan and its supplementary planning document, embraces new standards and proposes new requirements. Officers have assessed the submitted Climate Emergency Compliance Form.

The submitted Energy and Sustainability Assessment shows that the proposed scheme would address the mitigation measures M1 – M4 and all adaptation requirements as set out within the CEPS.

The JLP policies DEV31 and DEV32.1 advocate reuse, recycling and resource minimisation through the development process. Where an existing building is proposed to be rebuilt, the net overall carbon cost of the project should be offset within 25 years through carbon savings achieved by operational use of the replacement building. An assessment of this type has not been made for the proposal, however the Climate Emergency Planning Statement does allow an exception where it can be justified that the building is structurally unsafe and is in a condition that cannot be safely remediated as part of a comprehensive retrofit. The structural survey has evidenced that the original building was unlikely to withstand a conversion and therefore this element does not apply.

As such, the proposal is in accordance with policy DEV32 and the requirements of the Climate Emergency Planning Statement. If the proposal were otherwise acceptable a condition could be applied to secure the provisions of the Climate Emergency measures.

Other Matters:

The site lies within close proximity to Wembury Point which is owned by the MOD, and in accordance with their guidance the MOD have been consulted on the current application. No safeguarding issues were raised.

A geotechnical report has been submitted by Advance dated June 2022 and the assessment concludes that there are unlikely to be contaminants of concern but recommends that unexpected contamination is reported to the LPA. The SHWD Environmental Health Officer agrees with this conclusion and has recommended that were the application to be approved

a condition should be included to require further surveys should “unexpected contamination” be found.

Conclusion

The policies of the JLP allow for the re-use of existing buildings in the countryside provided certain criteria are met; and there is a logic to allowing the re-use of characterful rural buildings that have outlived their original purpose and are disused or redundant. However, the presumption is that the existing building is physically sound and capable of re-use. Policy does not support the replacement of an existing building if the original building is structurally unsound. In such a case, the logic is that the building has reached the end of its life; there is, in effect, no existing building capable of conversion. In this case, whereas permission was granted to convert the original barn to a dwelling, and that building was deemed worthy of retention in the rural landscape - indeed to constitute a non-designated heritage asset, that permission has not been implemented. Notwithstanding the original survey, the barn was found to be structurally unsound and the work that has taken place, and is now proposed, includes the replacement of the majority of the external walls of the building. Owing to the amount of rebuilding now proposed, the proposed development is considered to be tantamount to the construction of a new building rather than the conversion of an existing building. As such, having regard to the JLP, the proposal would result in nonessential, unsustainable new development in the countryside without demonstrable justification contrary to policies SPT1, SPT2, TTV1, TTV2, TTV26 of the Plymouth and South West Devon Joint Local Plan. In addition, insufficient drainage details have been provided to evidence accordance with DEV35.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon’s joint HDT measurement as 128% and the consequences are “None”.

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is

set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Wembury Neighbourhood Plan

A Neighbourhood Plan is currently under preparation for the Parish of Wembury but it has not yet reached a stage where it can be considered material to the decision making process.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan (2019-2024); Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020; Plymouth and South West Devon Climate Emergency Planning Statement (2022); Traditional Farm Buildings: Their Adaption and Re-use 2020.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.