

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

**Winchester City
Council**
Planning Department
Development Control

Delegated Decision

**TEAM MANAGER
SIGN OFF SHEET**

Case No:	08/01205/FUL	Valid Date	19 May 2008
W No:	14155/09	Recommendation Date	8 July 2008
Case Officer:	Mr Simon Avery	8 Week Date	14 July 2008
		Committee date	
Recommendation:	Application Refused	Decision:	Delegated Decision

Proposal: Replacement of existing building with a 2 bed detached dwelling

Site: The Old Tin Barn Longwood Road Owslebury Winchester Hampshire

Open Space	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
Y	N	N	Y	N	N	Y

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	REFUSE for the reason(s) listed	
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

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Item No: 8
Case No: 08/01205/FUL / W14155/09
Proposal Description: Replacement of existing building with a 2 bed detached dwelling
Address: The Old Tin Barn Longwood Road Owslebury Winchester Hampshire
Parish/Ward: Owslebury
Applicants Name: Baudelaire Ltd.
Case Officer: Mr Simon Avery
Date Valid: 19 May 2008
Recommendation: Application Refused

General Comments

This application is reported to Committee because the applicants' agent is the spouse of an officer in the Planning Department.

Site Description

This site contains an old barn constructed of timber, brick and metal. Part of it, towards the northern front of the site, has been recently re-clad but the rest is in quite a dilapidated state. It is set back from the lane and located towards the western side of the site. There is a large area of land within the curtilage to the rear of the barn which is fenced off from the rest of the site and overgrown. There is a tall conifer hedge to the front of the western side boundary and some trees and hedging on the opposite eastern side. This vegetation provides some screening but generally the building is visible from Longwood Road to the north and east.

The site is located on the eastern end of a linear row of nine dwellings. The immediate neighbour to the west has a garage and annexe building sited on the boundary, in close proximity to the barn. The barn has a permitted use for the storage of building materials and permission exists (but has not been implemented) to replace the building with one of a similar scale for the same use plus an ancillary office.

Proposal

The proposal is to replace the existing building with a two bedroom single storey dwelling. It would be approximately the same size and proportions as the existing barn. It would be 6.4 metres wide and 30.8 metres deep, extending back into the site along the western boundary. It would be staggered in height, with the front section being approximately 5 metres tall, the central section 5.6 metres and the rear section 4.7 metres. The proposed materials are slate on the roof, facing brickwork, timber boarding and timber windows and doors.

Relevant Planning History

95/01707/OLD / W14155 - Change of use from agricultural use to storage of building materials - Refused - 03/07/1995

95/01708/OLD / W14155/01 - Change of use from agricultural to storage of building materials - Permitted - 12/10/1995

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98/00292/FUL / W14155/02 - Erection of office/workshop (B1) and storage building -
Refused - 14/04/1998

98/01081/FUL / W14155/03 - Replacement storage B8 building with ancillary office and
workshop use - Refused - 3/09/1998

98/01125/FUL / W14155/04 - Detached four bedroom dwelling and double garage -
Refused - 03/09/1998

98/01985/FUL / W14155/05 - Replacement of existing builders storage and ancillary
office building - Permitted - 10/12/1998

99/01809/FUL / W14155/06 - Replacement of existing builders storage and ancillary
office building - Permitted - 02/12/1999

02/02957/HCM / W14155/07 - Temporary storage and use of 2 no. skips for storing waste
(County Matter) - Refused - 24/01/2003

03/02372/FUL / W14155/08 - Removal of conditions Nos. 3 and 14 of planning
permission W14155/06 to permit use for builders storage workshop and office and
changes to windows - Refused - 15/03/2004

Consultations

Strategic Planning

Policy H.4 and the Supplementary Planning Document need to be applied.

Environment Agency

This application has a low environmental risk.

Highway Engineer

This application does not have any significant highway implications.

Environmental Protection

No adverse comments but conditions are suggested in regard to contamination, hours of
construction and burning materials.

Drainage Engineer

No objection.

Southern Water

No comments.

Representations

Owslebury Parish Council

Objection, plus various comments:

- Residents of Longwood Road would like to see a replacement dwelling to prevent industrial noise, reduce traffic and to improve the appearance of the site.
- Other parishioners were concerned about the precedent of allowing a dwelling outside of the settlement boundary and also about the principle of granting permission for a dwelling to resolve an enforcement issue.
- There was concern about the proximity of the building to the neighbouring property.
- The proposed large two bedroom bungalow is not appropriate for the site.

Two letters received objecting to the application for the following reasons:

- There is no justification for changing the use of the site.

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- Loss of commercial building.
- Lack of consultation by the applicant.
- Concern about the garden being left as waste ground.
- Proximity of building to boundary line.
- Overlooking.
- Query over need for rooflights on single storey dwelling.
- Current storage is for an electrical contractor which is unauthorised.

One letter of support received:

- The approved uses are incompatible with the nearby residential properties.
- The property is in a poor state of repair and does not appear to have a viable commercial use.
- The proposal respects the size and impact of the current building.

Relevant Planning Policy:

Winchester District Local Plan Review

DP1, DP3, DP4, H4, CE24, T2, T4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPS 7 Sustainable Development in Rural Areas

Supplementary Planning Document

Implementation of Infilling Policy 2006

Principle of development

This site is in designated countryside and the existing building has an authorised use for the storage of builder's materials. The application is seeking permission to replace this building with a dwelling. Policies H4 and CE24 of the Winchester District Local Plan Review allow residential development in the countryside under certain circumstances and the application therefore has to be assessed against these policies.

Policy H4

Policy H4 allows infill residential development outside of the main settlements in the district and Owslebury is listed as one of these. This policy is supported by the Supplementary Planning Document, 'Implementation of Infilling Policy', which contains seven criteria which need to be satisfied before a site can be considered for residential development.

Criterion (i) requires the site to be within a settlement which has an adequate range of local facilities such as a primary school, GP surgery or general convenience store. Owslebury has a primary school and the Parish Hall is occasionally used as a Post Office and as a GP surgery. It is therefore possible that Criterion (i) can be satisfied. However, no details have been submitted to demonstrate this and in these circumstances it is not considered that the applicant has provided adequate information for this criterion to be assessed.

Criterion (ii) states that the site must form a limited gap between permanent established buildings. The site is on the end of a row of properties and is not a gap.

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In general terms the site complies with the requirements of Criteria (iii) to (vi), which require safe vehicular access, that the site should not be in a local gap and that the proposal should not result in the loss of a natural feature that is of importance to the settlement.

Criterion (vii) requires that the proposal makes efficient use of the site. The proposal is for one dwelling with a large footprint. If all of the other issues could be overcome and this site were considered acceptable for residential development then any proposal would have to be assessed in the light of PPS3 and DP3, which require development to be at a higher density but still in character.

Therefore it is considered that the proposal fails to comply with Criteria (ii) and (vii) of the Supplementary Planning Document and that it has not been demonstrated that it complies with Criterion (i). Therefore there is no possibility of this residential development being in accordance with Policy H4.

Policy CE24

Policy CE24 allows the change of use of existing non-residential buildings to residential use if the building is suitable for conversion without substantial works and if all reasonable efforts to use the building for economic development purposes have been unsuccessful.

The proposal is not to convert the existing building to a residential use, but rather to construct a new building, therefore consideration under CE24 does not apply. However, the design and access statement submitted with the application suggests that the proposal should be considered in the light of the planning permission granted in 1999 (ref: 99/01809/FUL) for a replacement storage building. This is not considered to be a robust argument as the replacement building has not been built. Even if the replacement building had been constructed, in order to comply with the policy it would need to be demonstrated that it could not be used for commercial purposes and there is no evidence to support this conclusion. It is therefore considered that the previous permission for a replacement commercial building has no bearing on this application. The proposal must be assessed as a new residential building to replace a commercial building and as such it is clearly contrary to Policy CE24.

Impact on the character of the area

The proposed dwelling would be similar in form to the existing barn and it is not considered that it would be harmful to the character and appearance of the area.

Impact on residential amenity

The new dwelling would be located in approximately the same position as the existing barn, which is in close proximity to the boundary with the neighbouring property to the west. As such, it will not materially alter the existing situation between the two properties. Rooflights are proposed along the western elevation of the roof but, due to their height, these would not compromise the privacy of the neighbouring property.

Other matters

While some local residents would prefer to see the commercial use removed from this location, this is not sufficient argument to allow a new dwelling in the countryside.

The proposal would require an open space contribution and a HCC highways

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contribution and, as it is being recommended for refusal, additional reasons are added to cover these matters (Reasons 3 and 4).

Conclusion

In conclusion, the proposal is for a new dwelling in the countryside for which there is no justification and it is recommended for refusal.

Recommendation

Application Refused for the following reasons:

Reasons

1. The proposal is contrary to Policy HE.4 of the Winchester District Local Plan Review 2006 and supplementary planning guidance 'Implementation of Infilling Policy' in that the site is located in an unsustainable location in the countryside, where there is a presumption against new housing. The proposal fails to comply with the following criteria of the supplementary planning guidance:-

(i) criterion (i), in that it has not been demonstrated that there is safe and convenient access, from the site, to the required range of local services, or public transport links;

(ii) criterion (ii), in that the site does not form a limited gap between permanent established buildings;

(iii) criterion (vii), in that the proposal fails to make efficient use of the site.

2. The proposal is contrary to Policy CE.24 of the Winchester District Local Plan Review 2006 in that:-

(i) the building is not of a design and construction that is suitable for construction without substantial works;

(ii) it has not been demonstrated that all reasonable efforts to secure a re-use for economic development purposes have been unsuccessful or that the building or its location are unsuitable for employment use.

3. The proposal is contrary to Policy RT4 of the Winchester District Local Plan Review 2006 in that it fails to make adequate provision for public recreational open space to the required standard, and would therefore be detrimental to the amenities of the area.

4. The proposal is contrary to Policy DP.9 of the Winchester District Local Plan Review in that it fails to make adequate provision for improvements to transport and the highway network in accordance with Hampshire County Council's Transport Contributions Policy 2007, such provision being required in order to mitigate for the additional transport needs and burden imposed on the existing network arising from this development.

Informative:

The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

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Winchester District Local Plan Review 2006: DP.1, DP.3, CE.24, H.4