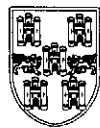
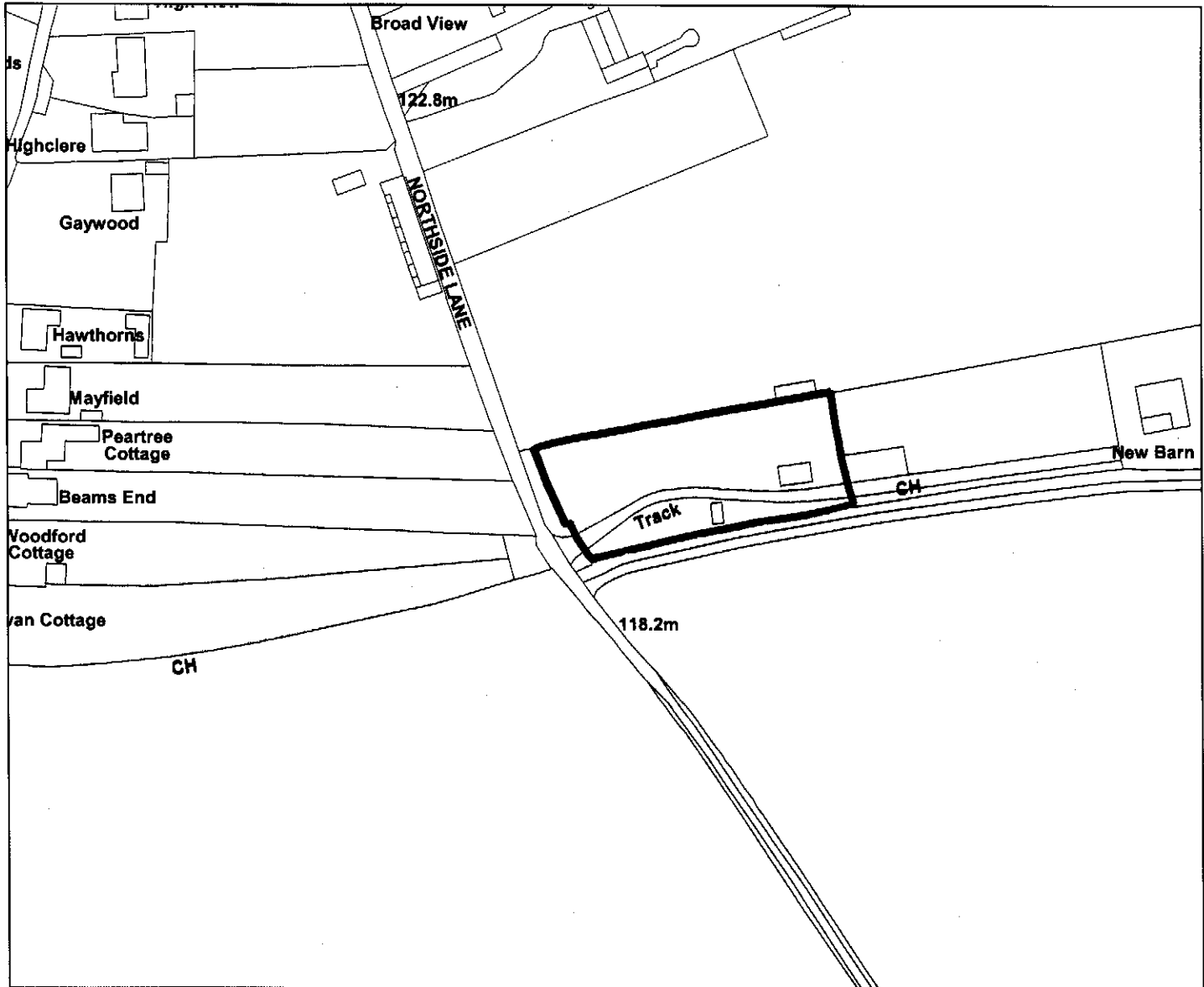


New Barn, Northside Lane

12/02433/FUL



Winchester
City Council



Legend

Scale: 1:1875



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Organisation	Winchester City Council
Department	Winchester GIS
Comments	
Date	21 February 2013
SLA Number	100019531

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 3
Case No: 12/02433/FUL / W12889/04
Proposal Description: Change of use of and redevelopment of existing barn to provide a detached one bedroom dwelling
Address: New Barn Northside Lane Bishop's Sutton Alresford SO24 9SR
Parish, or Ward if within Winchester City: Bighton
Applicants Name: Mr Fred Watts
Case Officer: Andrea Swain
Date Valid: 10 December 2012
Site Factors: Countryside.
Recommendation: Application Refused

General Comments

This application is reported to Committee because 6 of letters of support have been received.

This is a resubmission following the refusal of application reference 12/00969/FUL for the change of use of the land to residential and erection of 1 no. two bedroom detached dwelling. This was refused by the Planning Committee on 23 August 2012 for the following reasons:

- 1 The proposal is contrary to Winchester District Local Plan Review 2006 policies H3 and H4 and the National Planning Policy Framework, in that it would result in a new dwelling in the countryside for which there is no overriding justification.
- 2 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.
- 3 The proposal is contrary to Policy RT4 of the Adopted 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.

Previously an enforcement notice was served on the land owner in September 2004 which related to the siting of a residential caravan at the site and the subsequent appeal was dismissed in May 2005. The Notice took effect on 31 May 2005 and the compliance period was 6 months thereafter.

The enforcement notice requires the cessation of the residential use, removal of caravan(s) as well as the removal of the drainage and any associated residential fixtures.

The Inspector concluded that the development could not meet any of the criteria for

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residential development in the countryside and if allowed would make it difficult for the Council to refuse similar development in the future. He also concluded that the applicant could not provide sufficient evidence to prove that he had resided on the land for 10 or more consecutive years.

The appeal was therefore dismissed and the enforcement notice upheld. In 2006, the Council successfully prosecuted the land owner for non-compliance with the extant enforcement notice.

Site Description

The site is about 0.25 hectares in area and situated in a rural location to the south east of Gundleton with access from Northside Lane. The landscape is generally characterised by a varied, undulating topography and well-treed, strong field boundaries.

The site currently accommodates a shed measuring 8m by 12m, a residential mobile home, 2 touring caravans and a barn measuring 9.7m in length, 5.5m in width and 3.2m in height. There is a small field in front of the caravan, which currently contains some scrap metal and wood.

Given the topography of the land there are long panoramic views towards the site from nearby footpaths (which run to the south and east of the site). However, due to the boundary screening, the site is not visible in long views.

Proposal

Planning permission is sought for the conversion of the existing barn to create a one bedroom dwelling with a floor area of 54.32 square metres and a height of 3.2m.

This will involve the insertion of four new windows, two in the north and two in the south elevation, with the removal of the existing opening in the east elevation. The dwelling will comprise a bedroom, living / dining area, a kitchen and a bathroom. It is also proposed to remove the existing structures/items from the site including the shed, residential mobile home and 2 caravans and plant additional trees and shrubs on the site.

Relevant Planning History

04/03229/FUL - Erection of agricultural storage building (RETROSPECTIVE). PER 14th February 2005.

12/00969/FUL - Change of use of land to residential and erection of 1 no. two bedroom detached dwelling. REF 4th September 2012.

04/00141/ADEVUS - Appeal against Enforcement Notice. DISMIS 31st May 2005.

Consultations

Engineers: Drainage:

The application is for the change of use of a barn into residential accommodation. The existing floor plan shows that lavatorial facilities are already present but the disposal

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method is unsure. The proposed disposal is to a septic tank which is acceptable but its siting and disposal field will need to be approved by Building Control. The building will need to be adequately drained of storm water if none is presently in existence. No objection subject to Building Regulations.

Engineers: Highways:

Given that there has been an occupier residing on the site for a number of years, a highway objection to this proposal could not be sustained nor would any transport contribution be sought in this instance.

Environment Agency:

No objection. The applicant should be aware that an environmental permit maybe required for the proposed septic tank.

Southern Water:

The applicant should consult with the Environment Agency with regard to the use of a septic tank. The septic tank should be maintained to ensure its long term effectiveness.

Representations:

Bighton Parish Council: Whilst the parish council have no objections to this application they are aware that planning policy in the countryside will dictate the outcome.

6 letters of support received.

- Site well concealed and not visible from road.
- Proposal will not impact on the countryside.
- Proposal will improve the site
- Creation of new dwelling
- Creation of work for local tradesmen

Reasons aside not material to planning and therefore not addressed in this report

- Applicant has lived on site for a long time.

Relevant Planning Policy:

South East Plan 2009:

H4, SP3

Winchester District Local Plan Review

- DP3, CE5, CE24 and T4

Winchester District Local Plan Part 1 – Joint Core Strategy

- MTRA 4, CP3 and CP11.

National Planning Policy Guidance/Statements:

National Planning Policy Framework

- Paragraph 14 – presumption in favour of sustainable development
- Paragraph 30 - support pattern of development which supports sustainable modes of transport;
- Paragraph 55 - prevention of isolated dwellings in the countryside;
- Chapter 7 – requiring good design;
- Chapter 11 – Conserving and enhancing the natural environment.

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- Paragraphs 214 & 215 – relationship between local plan and NPPF.

Planning Considerations

On 11 February the Council received confirmation from the Planning Inspector dealing with the Council's new Local Plan that the Winchester Local Plan Part 1 – Joint Core Strategy is sound subject to the Council accepting a number of modifications to the Plan recommended by him. The Council will now be recommended to formally adopt the Plan, incorporating the Inspector's changes, in March 2013.

At the present time the saved policies of the Winchester District Local Plan Review 2006 remain part of the development plan for the purposes of decision making for planning applications and therefore these policies should be taken into account. However, the policies set out in the Joint Core Strategy are now material considerations which should be afforded significant weight, given that the Plan has been found sound by the Inspector (subject to modifications being made).

Where there is any inconsistency between the Joint Core Strategy and 2006 Local Plan officers' advice is that the Joint Core Strategy should be given greater weight as these policies are up-to-date and comply fully with current evidence and the National Planning Policy Framework March 2012. Furthermore, the Joint Core Strategy also introduces additional requirements for certain types of development, such as provision of affordable housing on all residential schemes, in order to meet the Council's corporate aims and the relevant policies should be afforded significant weight when applications are decided.

When the Council formally adopts the Joint Core Strategy it will also 'un-save' a number of policies in the 2006 Local Plan and they will therefore no longer form part of the development plan. At this point those policies will not be material when making planning decisions. Some policies in the 2006 Local Plan will remain saved even after the Joint Core Strategy is adopted as they deal with development management issues and these will still form part of the development plan until Winchester Local Plan Part 2 is adopted in 2015.

Joint Core Strategy Policy MTRA4. states that, in the countryside, the Local Planning Authority will only permit development which has an operational need for a countryside location, such as agriculture, horticulture or forestry or proposals for the re-use of rural buildings for employment, tourist accommodation, community use or affordable housing (to meet demonstrable local housing needs). Buildings should be of permanent construction and capable of use without major construction. No evidence has been submitted to demonstrate the new dwelling is required either for agricultural, or other activities needing a countryside location, or to meet a demonstrable local housing need.

The applicant's agent has advised that the existing walls are capable of bearing a load without significant additional support, however, no structural evidence has been submitted to substantiate this. The agent has advised that the following works would need to be undertaken to provide a building capable of habitation:

- Completion of cavity wall construction to remainder of building (currently only within the kitchen and WC areas;
- Construction of insulated floor slab;
- Replacement of existing windows and insertion of new windows;

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- Remedial works to the underside of the roof to insert ceiling with insulation above.

Again no structural evidence has been submitted in support of this. It is therefore not proven that the barn is of permanent construction and could be converted to satisfactory living accommodation without requiring major reconstruction. As such the proposal is considered to be contrary to policy MTRA4.

Turning to saved policy CE24 of the Winchester District Local Plan Review (WDLPR), this policy does not permit the change of use of existing non-residential buildings to residential use unless the building is of a design and construction that is suitable for conversion without substantial works; it can be demonstrated that all reasonable efforts to secure a re-use for economic development purposes have been unsuccessful or the building or its location are unsuitable for employment use.

The applicant's agent has advised that, due to the location of the barn, the site is not appropriate for re-use for employment purposes. Paragraph 4.83 of the WDLPR advises that some buildings may be unsuitable for employment use because the location is so remote that business use would be unsustainable. However, Northside Lane is directly accessed from the B3047 which feeds directly from the A31. The site lies to the north east of Bishops Sutton and to the east of New Alresford. It is not, therefore, considered to be remote. No evidence has been submitted to demonstrate that reasonable efforts have been carried out to secure a re-use for economic purposes. Furthermore, as explained above, the building is not considered suitable for conversion without substantial works. As such the proposal is considered to be contrary to policy CE24.

The National Planning Policy Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances (paragraph 55), such as where the development would re-use redundant or disused buildings and lead to the enhancement to the immediate setting. In this case, no evidence has been submitted to demonstrate that the barn is indeed redundant and could not be used for economic purposes in accordance with the policies as set out above. As such, it is considered that the proposal is not in accordance with the NPPF.

As such the re-use of the barn for a new dwelling is not acceptable in principle and would be contrary to the advice as set out in the Joint Core Strategy, the WDLPR and the NPPF.

Impact on the character of the area

It is accepted that the change of use of the building to residential use would have no greater impact on the character and appearance of the area than the existing barn. However, notwithstanding the fact that the conversion would also involve the removal of the other buildings and structures on the site, these works could be implemented through the enforcement process, given the dismissal of the Enforcement Appeal in 2005.

Impact on the residential amenity of neighbouring properties

The building is not in close proximity to any other residential properties (the closest neighbouring properties are in the region of 100m away), and accordingly the proposal will not cause any unacceptable impacts on dwellings in the area..

Highways/Parking

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The Highways Engineer has raised no objection to the change of use. The proposal is considered to be acceptable in highways terms, as sufficient parking provision has been provided.

Affordable Housing:

Policy CP3 of the Joint Core Strategy requires development that increases the supply of new dwellings to provide 40% of the gross number of dwellings as affordable housing. On sites of less than 5 dwellings a financial contribution in lieu of on site provision will be accepted. The contribution for a one bedroom dwelling as set out in the 'Affordable Housing Supplementary Planning Document' adopted in February 2008 with an amendment in November 2012 is £36000. This would be sought by way of Section 106 agreement. In the absence of the relevant planning obligations, reasons for refusal are recommended (in order to protect the Council's position at any subsequent appeal).

Sustainability

Policy CP11 of the Joint Core Strategy requires all new development to achieve the lowest level of carbon emissions and water consumption which is practical and viable. Specifically, the Local Planning Authority will require new residential developments to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes (CSH) and Level 4 for the water aspect of the CSH from adoption of the Plan. It will allow for up to 30% of regulated emissions to be provided off-site or through a financial contribution. There is no evidence to demonstrate that the converted dwelling will achieve these levels. As such the proposal is contrary to policy CP11.

Other Matters

In respect of the relevant financial contributions which would be required in connection with policies DP9 and RT4 of the Winchester District Local Plan Review 2006, the Council's Highways Engineer states that he is not requesting a highways contribution based upon the fact that the site has been in residential use for some time. However, it is considered that such a contribution would be justified as there is currently no permission in place for the site to be used for residential purposes. Were consent to be granted therefore a highways contribution would be required as would be the case with any other new dwelling. The same would be the case with public open space. In the absence of the relevant planning obligations, reasons for refusal are recommended (in order to protect the Council's position at any subsequent appeal).

Recommendation

Application Refused for the following reasons:

Reasons:

1. No evidence has been submitted to demonstrate that the change of use of the existing barn to residential accommodation is required either for agricultural purposes, or other activity requiring a rural location, or is affordable housing (to meet demonstrable local housing needs). Furthermore, no structural evidence has been submitted to demonstrate that the barn is of permanent construction and could be converted to satisfactory living accommodation without requiring major reconstruction. As such the proposal is considered to be contrary to policy MTRA4

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of the Winchester District Local Plan Part 1 – Joint Core Strategy and the advice contained in the National Planning Policy Framework.

2. Given the site's accessibility from the B3047, which feeds directly from the A31, the site is not considered to be remote and unsuitable for employment use. No evidence has been submitted to demonstrate that reasonable efforts have been carried out to secure a re-use for economic purposes. Furthermore, it has not been demonstrated that the building is suitable for conversion without substantial works. As such the proposal is considered to be contrary to policy CE24 of the Winchester District Local Review 2006 and the advice contained in the National Planning Policy Framework.
3. 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.
4. The proposal is contrary to Policy RT4 of the Adopted 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.
5. The proposal is contrary to Policy CP3 of the Joint Core Strategy in that it fails to provide contributions towards Affordable Housing provision.
6. The proposal is contrary to Policy CP11 of the Joint Core Strategy in that the building is not shown to achieve Code Level 5 for Energy and Code Level 4 for Water.