

Contact: Stephanie Penney DDI No. 01494 421823

App No : 18/06715/FUL App Type : FUL

Application for : Change of use of existing single storey building to form a two bedroom home with parking, access and amenity space

At Land At Boundary Farm, Sprigs Holly Lane, Chinnor, Buckinghamshire, OX39 4BY

Date Received : 08/08/18 Applicant : Mr & Mrs Bryant

Target date for decision: 03/10/18

1. **Summary**

- 1.1. Planning permission is sought for the conversion of an existing building to a two bedroom dwelling. The site is located in the AONB outside of the Green Belt.
- 1.2. The proposed conversion would create a two bedroom property which retains the character and appearance of the existing building. It would create an acceptable living environment for future occupiers and would not have any adverse impact on the amenities of neighbouring properties or highway safety. It is therefore in accordance with the Council's adopted policies in relation to re-use of rural buildings and is recommended for approval.

2. **The Application**

- 2.1. The site is located in the AONB and is adjacent to a footpath on the eastern boundary. The site is bounded by residential dwellings to the north and a farm to the east. Open countryside is to the south.
- 2.2. The application is accompanied by:
 - a) Planning Statement
 - b) Ecology Wildlife Checklist
- 2.3. Amended plans were submitted, reducing the size of the curtilage given the site's rural location. The recommendation was not made until after the certificate of lawfulness application was determined.

3. **Working with the applicant/agent**

- 3.1. In accordance with paragraph 38 of the NPPF2 Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 3.2. In this instance amended plans were requested reducing the size of the curtilage given the site's rural location. The recommendation was not made until after the certificate of lawfulness application was determined.

4. **Relevant Planning History**

- 4.1. W/6483/78 – granted planning permission for an extension and loft conversion to a bungalow
- 4.2. 02/07233/FUL – granted planning permission for the erection of a replacement garage, stables, storage building, shed and workshop

- 4.3. 10/05708/FUL – granted planning permission for the conversion of the existing workshop and storage building to form ancillary living accommodation to the rear of the main dwelling
- 4.4. 10/05709/FUL – refused planning permission for the demolition of existing stables and erection of replacement stable block/tack and hay store, due to the height and mass of the proposed roof which would have been detrimental to the character and appearance of the countryside and intrusive in the landscape
- 4.5. 10/06604/FUL – planning permission granted for the erection of a replacement stable block/tack and hay store
- 4.6. 17/08008/FUL – Conversion of existing single storey building to form a self-contained two bedroom dwelling with parking access and amenity space – Application Withdrawn
- 4.7. 18/05535/CLE - Certificate of lawfulness for existing erection of detached building – Application Withdrawn
- 4.8. 18/00183/OP – Enforcement Enquiry
- 4.9. 18/06442/CLE - Certificate of Lawfulness (Existing) for the construction of a detached building in the form shown in drawing number 11068-003-001. Certificate Granted

5. Issues and Policy considerations

Principle and Location of Development

ALP: C7 (Re-use and adaptation of buildings in the countryside)

CSDPD: CS1 (Overarching principles - sustainable development), CS2 (Main principles for location of development),

DSA: DM1 (Presumption in favour of sustainable development), DM6 (Mixed-use development)

New Local Plan (Submission Version): CP1 (Sustainable Development), DM45 (Conversion of Existing Buildings in the Green Belt and other Rural Areas).

- 5.1. Planning permission was granted in 2010 for the erection of a stable block / tack and hay store. It is this building that the applicant's want to convert. A conversion application was first submitted in 2017 but was withdrawn following Officer advice. Following a site visit, it was apparent that the building had not been erected in accordance with the approved planning permission due to fenestration alterations / openings. It was advised that a Certificate of Lawfulness must be submitted to prove that the building was lawful, i.e. had been substantially completed for more than four years.
- 5.2. A Certificate of Lawfulness was then submitted and approved. The Council's decision is that on the balance of probability, the building has been substantially completed for at least 4 years. All comments received were thoroughly considered and a judgment was reached on the balance of probability.
- 5.3. The NPPF states that the re-use of existing buildings for an alternative purpose is appropriate development where the buildings are of permanent and substantial construction. Conversion of rural buildings is acceptable in principle, subject to the details of the proposal complying with Policy C7 of the adopted Local Plan.
- 5.4. It is apparent that the building does not require significant structural alterations to convert to residential.
- 5.5. Policy C7 sets out a number of criteria in relation to re-use of buildings in the countryside. Given the location and surrounding uses it is considered that the development would comply with criteria (a) in that the nature and scale of the proposed activity would be compatible with surrounding uses and not detract from the rural amenities of the area.
- 5.6. The building currently retains its original rural / agricultural character and therefore is

in keeping with its surroundings, complying with criteria (b).

- 5.7. Criteria (c) requires buildings to be in a condition that, with normal maintenance and repair, they would be expected to last many years. In addition, buildings which would require complete or substantial re-construction before they can be used will not be considered suitable for re-use. This has been satisfied.

Transport matters and parking

ALP: T2 (On – site parking and servicing),

CSDPD: CS16 (Transport)

DSA: DM2 (Transport requirements of development sites)

New Local Plan (Submission Version): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.8. The site is located within Residential Zone C. Access is served via an existing route off Sprigs Holly Lane. Sufficient parking has been provided. The entrance will require alteration to maintain the visibility splays. The proposed works would be minimal.

Raising the quality of place making and design

ALP: G3 (General design policy), G7 (Development in relation to topography), G8 (Detailed Design Guidance and Local Amenity), G10 (Landscaping), G11 (Trees), G26 (Designing for safer communities), L1 (AONB)

CSDPD: CS19 (Raising the quality of place shaping and design)

DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)

Housing intensification SPD

New Local Plan (Submission Version): CP9 (Sense of place), DM30 (Chilterns Area of Outstanding Natural Beauty) DM32 (Landscape character and Settlement Patterns), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

- 5.9. The conversion works require minimal alterations. The resultant building will still have the appearance of a rural outbuilding, since it would use materials which are traditional for vernacular agricultural buildings and as such it would be in keeping with the surrounding area.
- 5.10. The plans as submitted originally outlined a larger curtilage area. This was considered excessive and it would have a harmful effect on the character of the area / AONB given domestic paraphernalia that could be erected. Further information was also sought on boundary treatments and road surfacing material. Accordingly amended plans were received reducing the area. This area is bounded by post and rail fencing and the access track will be constructed of compressed gravel not less than 20mm particles. It is therefore considered that the development would not appear unduly obtrusive nor have an adverse impact on the rural character of the area. However, it is considered necessary to remove permitted development rights to protect the character of the building and area given the rural location and nature of the development.

Amenity of existing and future residents

ALP: G8 (Detailed design guidance and local amenity), H19 (Residents amenity space and gardens) Appendix 1

CSDPD: CS19 (Raising the quality of place shaping and design)

Housing intensification SPD

New Local Plan (Submission Version): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)

[Outdoor amenity space – balconies, patios and amenity space; outlook; overlooking distances]

- 5.11. The proposed development would create two bedrooms with a kitchen, living room and bathroom. It would create a satisfactory living environment for future occupiers in

terms of space and natural lighting.

- 5.12. The development will not result in an unacceptable degree of overlooking to neighbouring dwellings. The bulk and mass of the building would be unchanged therefore it would not result in any loss of light to neighbouring properties. There would be a relatively small number of vehicular movements associated with a two bedroom dwelling.

Environmental issues

ALP: G15 (Noise), G16 (Light pollution)

CSDPD: CS18 (Waste, natural resources and pollution)

New Local Plan (Submission Version): CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

[Noise, lighting, pollution, air quality, waste collection, land contamination]

- 5.13. Policy CS18 requires development to minimise waste, encourage recycling, conserve natural resources and contribute towards the goal of reaching zero-carbon developments as soon as possible, by incorporating appropriate on-site renewable energy features and minimising energy consumption.
- 5.14. Policy DM18 requires that the development will be required to deliver a minimum of 15% reduction in carbon emissions on site through the use of decentralised and renewable or low carbon sources and achieve a water efficiency standard equivalent to Level 3 and 4 of the Code for Sustainable Homes.
- 5.15. This matter could be adequately secured by a planning condition in relation to the water efficiency standard set out within policy DM18

Flooding and drainage

CSDPD: CS1 (Overarching principles - sustainable development), CS18 (Waste, natural resources and pollution)

DSA: DM17 (Planning for flood risk management)

New Local Plan (Submission Version): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 5.16. The site is within Flood Zone 1 and development is considered appropriate.

Weighing and balancing of issues – overall assessment

- 5.17. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.18. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- (a) Provision of the development plan insofar as they are material
 - (b) Any local finance considerations, so far as they are material to the application (in this case, CIL)
 - (c) Any other material considerations
- 5.19. As set out above it is considered that the proposed development would accord with the development plan policies.

Other matters

- 5.20. Officers are aware of concerns relating to the decision of the CLE application. However, it is Officer's opinion that the decision was thoroughly considered and a

judgment was reached on the balance of probability.

Recommendation: Application Permitted

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 1068-0003-001, 1068-0004-002, 1068-0005-002, 1068-0006-002, 1068-0007-001, unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 3 The materials to be used for the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority otherwise first agrees in writing.
Reason: To secure a satisfactory external appearance.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A, B, C, D, E and G of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.
Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality and rural building.
- 5 The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.
Reason: In the interests of water efficiency as required by Policy CS18 of the Adopted Core Strategy and Policy DM 18 of the Adopted Delivery and Site Allocations Plan (July 2013).
- 6 No other part of the development shall be occupied until the existing means of access has been altered in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access Within Highway Limits" 2013.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development
- 7 No wall, fence, hedge or other means of enclosure to be provided along the site frontage shall exceed a height of 0.6 metres above the level of the centre line of the access for a distance of 12 metres on both sides of the access.
Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF2 Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

In this instance amended plans were requested reducing the size of the curtilage given the site's rural location. The recommendation was not made until after the certificate of lawfulness application was determined.

- 2 The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact Transport for Buckinghamshire at the following address for information.

Transport for Buckinghamshire
Handy Cross Depot
Marlow Hill
High Wycombe
Buckinghamshire
HP11 1TJ
Tel: 0845 230 2882