

Conversion of agricultural outbuilding to a dwelling house

Report Item No  
A5

87 Loughborough Road Coleorton Coalville Leicestershire  
LE67 8HH

Application Reference  
17/00395/FUL

Applicant:  
Mr Ihab Jamal

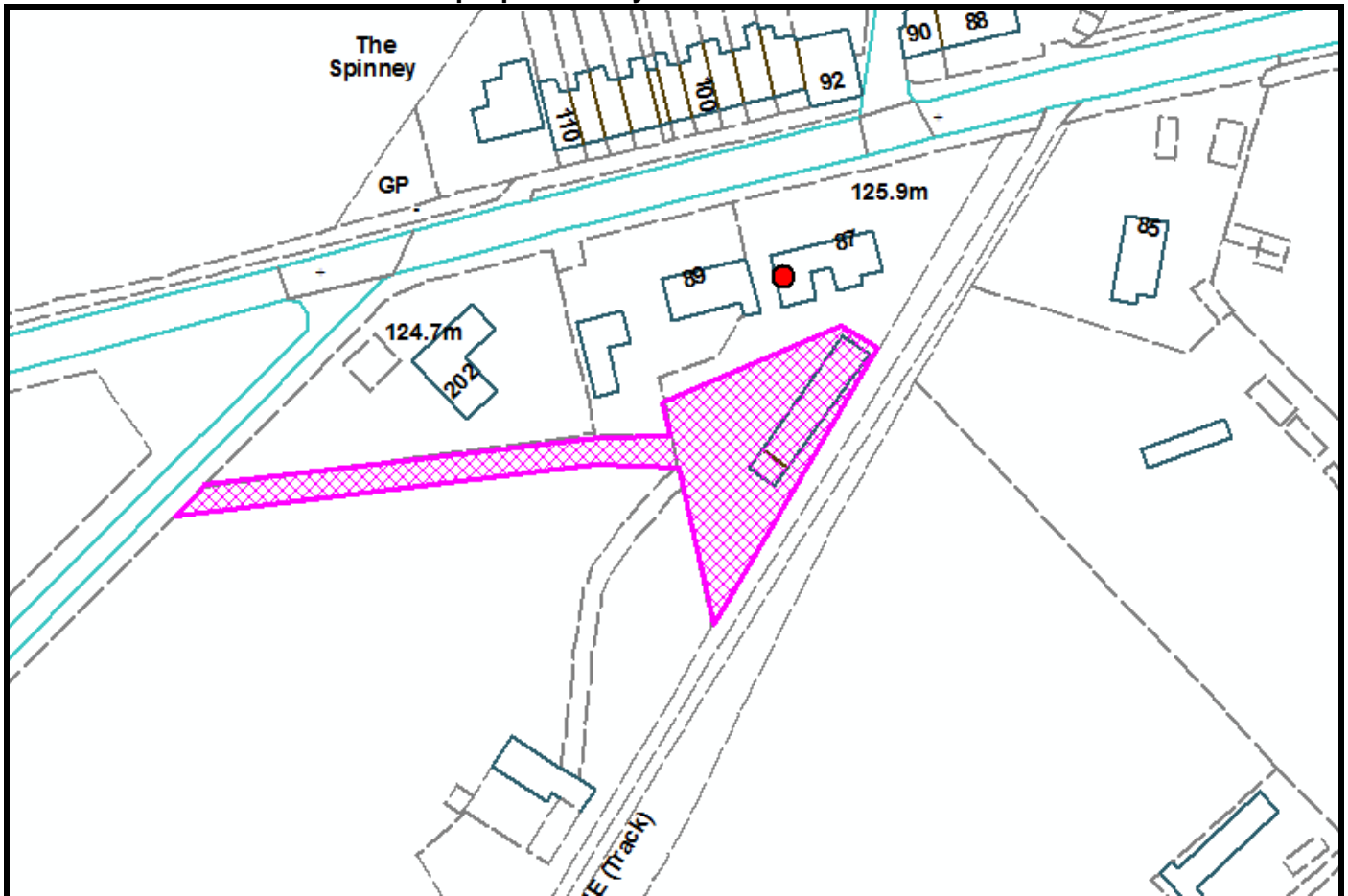
Date Registered:  
25 April 2017  
Consultation Expiry:  
30 August 2017  
8 Week Date:  
20 June 2017

Case Officer:  
Rob Duckworth

Extension of Time:  
25 August 2017

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application is brought to the Planning Committee as the Ward Member (Councillor Boam) has requested it to be considered by Planning Committee with reasons stated as the impact to the countryside and the means of access. Furthermore, contrary representations to the recommendation to permit the application have been received.

### Proposal

The application is the convert an agricultural outbuilding to a dwelling. The proposal will involve the removal of a poorly construed side extension and general alterations to the existing building. A new track is proposed leading from an opening in Moor Lane to the application site.

### Consultations

A total of 2 no. individual representations have been received with all of those representations opposed to the development. Swannington Parish Council has also objected to the development. There are no objections from other statutory consultees subject to conditions.

### Planning Policy

The site lies outside the Limits to Development as identified in the adopted and submitted North West Leicestershire Local Plans. The application has been assessed against the relevant policies in the NPPF and the adopted and submitted Local Plans and other relevant guidance.

### Conclusion

The site is outside the Limits to Development but involves the conversion of an existing rural building so the principle of development is acceptable in accordance with ALP Saved Policies S3 and E24, and SLP Policy S3 and the NPPF.

It is considered that the proposed conversion to a dwelling would not impact on the character of the area and the inclusion of the access track would be suitably surfaced to not have a detrimental impact on the area nor lead to an urbanisation of the countryside.

The submitted plans, as well as section drawings, have identified that the residential development could be provided without adversely affecting the amenities of existing occupants and that it would also protect future amenities in respect of overbearing, overshadowing and overlooking impacts. As such, the development is considered compliant with the NPPF, ALP and SLP with regard to those issues.

It is considered that the additional vehicular movements associated with the development would not compromise the free and safe passage of vehicles in the highway. Within the site, a sufficient level of off-street parking would be supplied. In conclusion the development would not result in a detrimental impact on highway safety and would accord with the NPPF, ALP and SLP with regard to those issues.

It is therefore recommended that the application be approved subject to conditions.

**RECOMMENDATION - PERMIT, subject to conditions;**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Permission is sought for the change of use from a barn to a dwelling including the provision of an access track from Moor Lane.

The barn is a long, brick building with an asymmetric tiled and corrugated roof running almost parallel to Mill Lane, but faces the yard from which it is accessed. There are two large apertures on the front elevation, one with top-hung sliding door. There is a structure which abuts the barn constructed in a temporary and hap-hazard way; this is to be demolished.

The existing barn is accessed from Loughborough Road by a track / driveway shared with and between Nos. 87 and 89 Loughborough Road. The barn is owned by the occupant of No. 87 Loughborough Road and the two are linked by deed, however, the applicant has informed the Planning Officer that the two are to be separated upon sale of the house with the applicant to reside in the converted barn. The adjacent field is also in ownership of the applicant and it is proposed to construct a separate independent access track from Moor Lane running along the perimeter of the field adjacent to Moor Lane and 202 Moor Lane to the barn. All openings in the field exist and the access track has been partially dug out.

Part of the barn is unlawfully used as an office for the applicant's business and has uPVC framed windows and doors. The remainder of the barn is used for storage of materials associated with that business.

The barn is located on the edge of a group of 13 houses outside the Limits to Development of Coleorton as per Policies S3 of both the adopted and submitted Local Plans.

#### **Relevant Planning History:**

03/01236/FUL - Change of use of agricultural land to the keeping and grazing of horses and the erection of stable block. Approved.

05/01295/FUL - Erection of a two storey extension including demolition of existing building. Approved.

### 2. Publicity

No neighbours notified.

### 3. Summary of Consultations and Representations Received

**Swannington Parish Council** - Objection; the site is outside Limits to Development.

**Coal Authority** - Site is in a high risk area and a site where historic workings are likely to have taken place and there is a recorded mine entry located on the southern edge of the site. There would be no operational development resulting from this proposal which intersects the ground therefore they do not object to the proposal. An informative note is to be included in the decision notice.

**Natural England** - No comments to make on this application referring to standing advice.

**LCC Highways** - Refer to standing advice. Upon a follow up consultation regarding the use of

the existing access they confirmed that it would be suitable for an additional dwelling but the access to Moor Lane would be preferable in Highway Safety terms.

**Third Party Representations** - Two letters of objection received stating the following:

- Work has commenced
- A new access has been created.
- The proposal will impact upon the character and heritage of the area.
- Operation of a PVC window company from the location and burning of plastic waste on the field affecting the air and environment.

#### **4. Relevant Planning Policy**

##### **National Planning Policy Framework (NPPF)**

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

6. Delivering a wide choice of high quality homes
7. Requiring good design

##### **Adopted North West Leicestershire Local Plan (2002) Saved Policies (ALP)**

The application site is outside the Limits to Development as defined in Saved Policy of the adopted North West Leicestershire Local Plan. The following adopted Local Plan policies are relevant to this application:

- Saved Policy S3 - Countryside
- Saved Policy E3 - Residential Amenities
- Saved Policy E4 - Design
- Saved Policy E7 - Landscaping - National Forest
- Saved Policy E24 Re-Use and Adaptation of Rural Buildings
- Saved Policy F1 - General Policy
- Saved Policy F2 - Tree Planting
- Saved Policy F3 - Landscaping and Planting
- Saved Policy T3 - Highway Standards
- Saved Policy T8 - Parking
- Saved Policy H7 - Housing Design

##### **Submitted North West Leicestershire Local Plan (SLP)**

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council undertook a six week consultation on its Main Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due

course, advise of the next steps. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

Policy S2 - Settlement Hierarchy  
Policy S3 - Countryside  
Policy D1 - Design of New Development  
Policy D2 - Amenity  
Policy H6 - House Types and Mix  
Policy IF4 - Transport Infrastructure and New Development  
Policy IF7 - Parking Provision and New Development  
Policy En1 - Nature Conservation  
Policy En3 - National Forest  
Policy En6 - Land and Air Quality

### **The Good Design SPD**

### **National Planning Practice Guidance (NPPG)**

### **6Cs Design Guide (Leicestershire County Council)**

### **Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System)**

## **5. Assessment**

### **Principle and Sustainability**

In accordance with Paragraph 14 of the NPPF the starting point for the determination of the application is the Development Plan which, in this instance, is the adopted Local Plan (ALP). The submitted Local Plan is a material consideration based on its current position.

The site is located outside the Limits to Development as defined in Policies S3 of the adopted and submitted Local Plans. No development is permitted outside the Limits unless essential for the area or, inter alia, the conversion of an existing building. This is also supported by Saved Policy E24 of the adopted Local Plan which deals with the conversion of rural buildings. The principle of conversion is therefore considered acceptable subject to other criteria and other material planning considerations.

The site is not in a location well supported by local services or facilities with future residents likely to be dependent on car journeys to meet their daily needs. There is an hourly bus service to Coalville though and the site is also less than 5km away from Coalville, which is a sub-regional centre.

Adopted Local Plan Saved Policy E24 outlines the conditions of conversions of rural buildings to dwellings stating that other business or community uses should be sought prior to residential or forms part of the former, subject to other criteria qualifying the building is suitable. In this instance no justification has been given against this policy; the Planning and Design and Access Statement omits the policy from its review; however the building is not in agricultural use - it has been used, unlawfully, as a domestic and business store and office for an indeterminate amount of time weakening the requirement for the further justification against adopted Local Plan Saved

Policy E24. Furthermore, the introduction of the Class Q permitted barn conversion procedure lightens the burden, to some degree, on the principle of conversion of rural buildings in the countryside. The Class Q procedure was not a viable option in this instance as the building was not in agricultural use but the general principle established this legislation would mean a refusal of permission using adopted Local Plan Saved Policy E24 would be unmerited considering the other material planning issues.

The conversion is well located within its setting, clustered with other buildings and is suitable for conversion without the need for extension or heavy modification so it is considered the general principles of the development are acceptable in accordance with ALP Saved Policies S3 and E24, and SLP Policy S3 and the NPPF.

### **Design and Impact on the Character of the Area**

The proposed conversion utilises the majority of existing openings including those to the front. There will be some new windows and blocking of existing windows to the rear simply to facilitate the internal layout. The design for consideration is the result of amendments following negotiation as the original scheme was poorly proposed with almost all existing openings blocked and new, overly domestic windows and doors inserted. The revised scheme is much more effective at retaining the barn-like appearance of the building and is more appropriate for the location. The roof will be replaced and made symmetrical which will significantly improve the building's appearance. The loss of the adjoining structure will be a positive improvement for the site as it is unsightly and is not worthy of retention.

It is considered that the barn conversion represents an appropriate reuse of the building that will not harm the general appearance and character of the area, nor the wider countryside; it is not visible from outside of the site, is well designed and is in close proximity to other residential properties.

The main issue with the scheme is the access; at present the access is via Loughborough Road between Nos. 87 and 89 and the parking area to the front of the building is shared; the proposed access is from Moor Lane along the edge of the adjacent field. The access from Loughborough Road would be closed and only serve the two existing dwellings fronting Loughborough Road.

During the course of the application requests have been made for the application to be altered in order to utilise either the existing access from Loughborough Road or Mill Lane (Mill Lane is a bridleway and private lane serving Windmill Cottage so that option was not viable). This has been resisted by the applicant as the main house, No 87, is to be sold under the agreement that the barn would be served by its own independent access. That matter is not a material planning consideration. There was an argument from the applicant that the addition of another house onto Loughborough Road would be unsafe but following consultation with LCC highways it was concluded that the access would be suitable for another dwelling but the access to Moor Lane would be preferred. The use of the existing access is still preferred by NWLDC Planning Officers.

The proposed access would utilise existing gates from the existing parking area and from the field onto Moor Lane. The route has been partially created by excavating the route by approximately 0.2m deep. The route from the access gate leading to Moor Lane follows the line of the road up the north western side of the field. This then follows the northern edge of the field to the rear of 202 Moor Lane and joins the gate into the existing parking area. It is proposed to use a geo-cellular surface which can be seeded to maintain the appearance of the open field rather than having a bound and urbanised track to the edge of the field. The boundary of the

track could be left open or demarcated via a fence or hedge but these matters are to be suitably conditioned. There is concern over the introduction of a track through a field and the implications it may have but it is considered with the correct surface, boundary treatments, use of conditions and via the route proposed that the proposed track would not impact on the character and appearance of the surrounding area and it would not encourage further development of the field. The red line boundary of the site has been reduced to limit the amount of domestic use to that of the barn, its curtilage and parking area in the immediate vicinity and the access track.

In this respect it is considered that the proposal accords with ALP Saved Policies S3, E4 and E24; SLP Policies S3, D1, EN3; The Good Design SPD and the NPPF.

### **Residential Amenity**

The nearest likely affected properties would be those on the south side of Loughborough Road. Whilst the separation distances between the rear elevations of these properties and the barn is below the 21m normally required (13-18m) the barn is at an oblique angle, is single storey and the rear gardens of the adjacent houses are quite heavily screened via fences and vegetation. This results in no significant loss of privacy. As the building exists there will be no risk of overbearing effects nor loss of light. Furthermore, No. 87 is currently being sold by the applicant so any new residents will be aware of the relationship between the house and the barn.

The amenities of the future occupants of the barn will be adequate; although the majority of the large openings face the rear elevations of the adjacent houses the angle will be oblique and boundary treatments will prevent further overlooking. Furthermore, the occupants will be aware of the existing relationships between the buildings. Private amenity space has not been formally identified on the submitted plans but there is enough space for a reasonable amount to be provided along with parking area. These details will be required by condition along with additional boundary treatments and landscaping to ensure that there a defined private amenity area.

In these circumstances the development would accord with ALP Saved Policy E3, SLP Policy D2; and the NPPF Section 7.

### **Highway Safety and Parking**

The County Highway Authority originally responded with reference to their standing advice; the proposals accord with that advice; but following concern over the route of the track, it was questioned whether there would be any issue with another property utilising the existing access. They had no issues with the addition of one dwelling being served from the existing access as the visibility is acceptable and there have not been accidents that would preclude the access from being safe to use. They did mention that the preferred access would be from Moor Lane as there is less traffic and visibility is very good.

The site area is large enough to accommodate several cars sufficient to cope with the demands of the property and their precise parking locations are to be conditioned.

Having assessed the proposal against the LCC Highways standing advice and the 6Cs Design Guide it is considered that the proposed access to Moor Lane is acceptable. It is therefore considered that the scheme would not be detrimental to pedestrian or highway safety and would accord with guidance within the NPPF and ALP Saved Policies T3 and T8, SLP Policies IF4 and IF8, the 6Cs Design Guide and the NPPF.



### **Ecology**

Natural England were consulted but they have no comment to make and, based on the existing use of the building and its construction, it is considered that the application would not have any significant detrimental impact on ecological features and the development would accord with SLP Policy En1, the NPPF and Circular 06/05. An informative would be applied to any approval regarding the presence of bats and nesting birds.

### **Landscaping**

A landscaping scheme will be required by condition to ensure that the amenities of the proposed and adjacent properties are adequately protected and that the access is bounded, if necessary. On this basis the application would not conflict with the intentions of ALP Saved Policies E7, F1 and F2 and SLP Policy EN3.

### **Other Matters**

The Coal Authority response does not raise any objection to the application subject to the imposition of a suitably worded informative suggesting caution by the developers. On this basis, it is considered that the proposals would not lead to land instability issues which would ensure compliance with the NPPF.

### **Conclusion**

The site is outside the Limits to Development but involves the conversion of an existing rural building so the principle of development is acceptable in accordance with ALP Saved Policies S3 and E24, and SLP Policy S3 and the NPPF.

It is considered that the proposed conversion to a dwelling would not impact on the character of the area and the inclusion of the access track would be suitably surfaced to not have a detrimental impact on the area nor lead to an urbanisation of the countryside.

The submitted plans, as well as section drawings, have identified that the residential development could be provided without adversely affecting the amenities of existing occupants and that it would also protect future amenities in respect of overbearing, overshadowing and overlooking impacts. As such, the development is considered compliant with the NPPF, ALP and SLP with regard to those issues.

It is considered that the additional vehicular movements associated with the development would not compromise the free and safe passage of vehicles in the highway. Within the site a sufficient level of off-street parking would be supplied. In conclusion the development would not result in a detrimental impact on highway safety and would accord with the NPPF, ALP and SLP with regard to those issues.

It is therefore recommended that the application be approved subject to conditions.

**RECOMMENDATION - APPROVE, subject to the following conditions:**

1. Time limit
2. Approved Plans
3. Detailing of proposal
4. Drainage
5. Access track details (geo-cellular or similar required)
6. Car parking details
7. Landscaping details
8. Landscaping implementation
9. Visibility splays to be provided
10. Gates set back 5m from road
11. Unidentified contamination
12. Remediation if contamination is found
13. Use of track for converted barn and existing stables only
14. Removal of PD rights.