

**22/00794/FUL
MINOR**

Mr & Mrs R. F Reade

**LOWER PENN
Cllr R Reade
Cllr B Bond
Cllr D Kinsey**

Hillcroft Farm, Drive Fields, Lower Penn, Staffordshire, WV4 4XY

Change of use of an existing traditional farm building from a use as livery stables to a single residential dwelling.

1.1 SITE DESCRIPTION AND PLANNING HISTORY

1.1.1 The application site comprises a two-storey brick-built farm building dating from the 19th century that sits within a farmstead at Hillcroft Farm, the base for an agricultural holding of 64 Hectares. The farmstead is located at the southern end of Drive Fields, on the boundary with the City of Wolverhampton in the village of Lower Penn.

1.1.2 The wider site comprises a single storey detached bungalow, Hillcroft Farm to the south, which is linked to the agricultural holding, a part open-sided steel portal frame barn with cladding to the west and a steel portal frame barn with cladding to the northwest. To the east is Highfields farmhouse which is now separated from the farmstead physically and in ownership.

1.2 Relevant Planning History

1975 - Rebuilding of Hillcroft Farmhouse for agricultural purposes – Approved (75/00057)

1979 - Informal Public Open Space - Approved (79/00123)

1996 - Retention of use of farm buildings as livery stables - Approved (96/00296)

2002 – Agricultural building – Approved - (02/01428/AGR)

2005 - Change of use from agricultural to football pitches - Withdrawn (05/00299/COU and 05/00506/COU)

2017 - Double garage extension to existing dwelling house - Approved (17/00373/FUL)

1.3 Pre-application Advice

1.3.1 Pre-application discussions took place.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 Planning permission is sought to change the use of the existing two storey farm building from use as a livery stable to a single residential dwelling. The proposals also include the removal of single storey parts of the building. The submitted design and access statement states that the use of the traditional farm building as a livery stable has now ceased and no longer has a viable agricultural use.

2.1.2 External alterations to the building include matching newly exposed areas (from the single storey demolition) with the existing brickwork or render. Windows would be side hung

casement windows. The threshing barn openings would receive full height glazed joinery panels recessed. Lintels and cills are to be retained and all new openings would match the existing. The existing threshing barn doors on the east side would be rehung on the west elevation but fixed in an open position against the external wall. Sheeted material to the two-storey north wing would be replaced with plain clay tiling to match the west wing. Proposed rooflights would be flush fitting. The existing rainwater goods would be retained but upgraded with cast iron or extruded aluminium.

2.1.3 Internally the dwelling would comprise an entrance hallway, dining room, kitchen, drawing room, family room and study, integral double garage and store at the ground floor level. The first floor would comprise two double ensuite bedrooms, one double bedroom and bathroom, a gallery and linking bridge to master bedroom.

2.1.4 Private amenity space is proposed to the west and north of the building enclosed by a 1.8m high boundary wall. A public courtyard space defined by a low-level boundary brick wall measuring 0.9m in height is proposed to the east for access and car parking for 3 vehicles.

2.1.5 Access to the farmstead and the larger agricultural holding for agricultural purposes would be gained either via Drive Fields or alternatively via a track which links to Dirty Foot Lane to the southwest. It is proposed to provide fencing and gates to the access points to the driveways to the agricultural barns to help define the residential and agricultural areas.

2.2 Agent's Submission

2.2.1 The following documents have been submitted as part of the planning application:

- Design and Access Statement (August 2022)
- SC/324/22 Structural Report (July 2022)
- Preliminary Roost Assessment (June 2022)
- Bat Characterisation Survey (August 2022)
- GCN Habitat Suitability Index Survey (August 2022)

3. POLICY CONTEXT

3.1 The site is within the West Midlands Green Belt.

3.2 South Staffordshire District Core Strategy, 2012

- Core Policy 1 - The Spatial Strategy for South Staffordshire
- Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment
- Core Policy 3 - Sustainable Development and Climate Change
- Core Policy 4 - Promoting High Quality Design
- Core Policy 11 - Sustainable Transport
- EQ1 - Protecting, Enhancing and Expanding Natural Assets
- EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape
- EQ7 - Water Quality
- EQ9 - Protecting Residential Amenity
- EQ11 - Wider Design Considerations
- EQ12 – Landscaping
- EV6 - Re-use of Redundant Rural Buildings
- EV11 - Sustainable Travel
- EV12 - Parking Provision
- H1 - Achieving a Balanced Housing Market
- Appendix 5: Car Parking Standards

- Appendix 6: Space About Dwellings Standards

3.3 Supplementary Planning Documents

- Green Belt and Open Countryside, 2014
- District Design Guide, 2018
- Sustainable Development, 2018

3.4 National Planning Policy Framework, 2021 (the 'NPPF').

- Paragraph 11 - The Presumption in Favour of Sustainable Development
- Section 12 - Achieving well-designed places
- Section 13 - Protecting Green Belt land

4. CONSULTATION RESPONSES

Councillors No comments received (expired 06/10/2022)

Lower Penn Parish Council (received 07/10/2022) No objection to the above application providing it complies with all Green Belt, Change of Use and Planning Policies.

Ecology Officer (received 11/10/2022) No objection subject to conditions.

Staffordshire County Council Highways (received 30/09/2022) No objection.

Severn Trent Water (received 12/10/2022) No objection.

Environmental Health – No comments received (expired 06/10/2022)

Wolverhampton City Council - No comments received (expired 06/10/2022)

County Council Rights of Way Officer (Received 16/09/2022) No objection.

Ramblers Association (Received 05/10/2022) No objection.

Public representations A total of one neighbour comment was received raising concern regarding damage or wear and tear to the road during construction.

A **site notice** was posted on 16.09.2022.

5. APPRAISAL

5.1 This application is being referred to Planning Committee, due to the applicant being an elected Member of South Staffordshire District Council.

5.2 Key Issues

- Principle of the development
- Impact on the character of the site and wider area
- Impact on neighbouring and occupier amenity
- Ecology
- Highways/Parking
- Other issues

5.3 Principle of Development

5.3.1 The application site is within the West Midlands Green Belt. The main issues in establishing the principle of the development are firstly, whether or not the proposal constitutes inappropriate development in the Green Belt for the purposes of Core Strategy policy GB1 and the National Planning Policy Framework (NPPF); secondly, if the development is deemed inappropriate, whether the harm by reason of inappropriateness, and any other identified harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. These policies are reiterated locally within the South Staffordshire Core Strategy 2012, policies CP1 (Spatial Strategy) and GB1 (Development in the Green Belt).

5.3.2 In addition to Green Belt policies, Policy EV6 (Re-use of redundant rural buildings) advises that the Council will support sustainable re-use of redundant rural buildings so long as they are in a condition capable of conversion without demolition, rebuilding, or substantial reconstruction and without detriment to the character, appearance, significance, general setting, and immediate surroundings. The Council will have to be satisfied that the building is structurally sound and capable of re-use.

5.3.3 The application proposes to convert the existing building to a dwelling including demolition of single storey extensions. National and Local Green Belt policies regarding re-use of a building are therefore relevant.

5.3.4 Core Strategy Policy GB1 B. Allows 'The re-use of a building provided that: e) the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the openness of the Green Belt or the fulfilment of its purposes.'

5.3.5 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, there are exceptions to this as set out within Paragraphs 149 & 150 of the NPPF.

5.3.6 NPPF Paragraph 150 states that, 'Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are... d) the re-use of buildings provided that the buildings are of permanent and substantial construction'.

5.3.7 The proposed conversion of the building to a dwelling would include the demolition of the single storey lean to extensions which would reduce the floorspace of the building by 145sqm. The addition that would have a visual and spatial impact is the proposed 1.8m high brick wall which would form the boundary to the garden. Other alterations and additions are minor and for the purpose of converting the building into a habitable dwelling. I consider that the reduction in the volume of built form from the removal of the single storey extensions would not be outweighed by the proposed brick wall and other minor additions. As a result, the impact on openness would be negligible and therefore the proposed change of use and alterations would not harm the openness of the green belt in accordance with Core Strategy policy GB1.

5.3.8 The application includes a Structural Survey & Feasibility Report dated 28th July 2022. The report provides a visual inspection of the relevant buildings and concludes that the existing farm building which is proposed to be converted into a residential dwelling is of substantive construction and capable of conversion without demolition and rebuilding or substantial reconstruction. No structural defects were noted in the building which would affect the refurbishment and conversion works. Minor structural works would be required as part of the conversion/current proposals which would include installation of new lintels/steel beams. An officer site visit on 03.11.2022 confirmed the findings and

conclusions of the report, that the building is permanent and of substantial construction and capable of re use in accordance with NPPF paragraph 150(d) and Core Strategy policy EV6.

5.3.9 In summary, there are minimal alterations required externally to the building and there are no extensions proposed. The proposals would therefore preserve the openness of the Green Belt in accordance with Core Strategy Policy GB1 and NPPF paragraph 150(d). The proposal is not inappropriate development and therefore does not need to demonstrate 'very special circumstances'. The proposal is also in accordance with the relevant part of Policy EV6 with regard to the building being structurally sound and capable of re-use.

5.4 Impact on the character of the site and wider area

5.4.1 Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape states, 'the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views.'

5.4.2 Policy EQ11 'Wider Design Considerations' of the Core Strategy states, 'in terms of volume, scale, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area'.

5.4.3 Policy EV6 'Re-use of Redundant Rural Buildings' states, 'Proposals for the conversion and re-use of redundant rural buildings must demonstrate that the building is: b) is capable of conversion without detrimental alterations affecting its character, appearance, significance, general setting and immediate surroundings'.

5.4.4 Section 5 within the adopted Design Guide 2018 outlines some of the design principles for minor developments including relevant guidance on barn conversions. The guidance states that the simple qualities of barns and agricultural buildings should be retained, with minimal fussy adornments as this tends to create a generic suburban character that disguises the building's history and interest. They should also be legible as former agricultural buildings.

5.4.5 Page 13 of the SPD provides an example of a barn conversion where original brick detailing is retained whilst simple roof lights have been used to bring light into the building without compromising the traditional form. Page 44 shows an example where the roof is left intact and uncluttered without being broken up with features such as roof lights /dormers.

5.4.6 The submitted plans show that no fussy adornments are proposed in line with the Design Guide SPD. Minimal rooflights flush with the roof are proposed to provide light internally and original openings such as the threshing barn doors would be reinstated with glazing. The existing materials and finishes are retained and the simple form of the agricultural building is enhanced with removal of the later single storey additions. The inclusion of a 1.8m high brick wall boundary to the garden would give a courtyard appearance in keeping with the rural location. I consider that householder permitted development rights for extensions should be removed here to retain the historic character of the barn which is defined by its simple form and traditional barn roof. Full use of PD rights would conflict with the District Design Guide SPD guidance on barn conversions as set out above.

5.4.7 As a result, I consider that the proposal ensures that the simple quality of the barn is retained and that the building would clearly be legible as former agricultural building. Any

permission should also include conditions to agree details of materials and also the wider landscaping and boundary treatment within the site.

5.4.8 In conclusion, I consider that the proposals would secure the future of the building whilst retaining its traditional features and legibility as an historic agricultural barn in accordance with Core Strategy policies EQ4, EQ11, EV6 and the guidance contained within the District Design Guide SPD.

5.5 Impact on neighbouring and occupier amenity

5.5.1 In accordance with Core Strategy Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

Neighbour amenity

5.5.2 The nearest dwelling is Hillcroft Farm, a detached bungalow to the south. With regard to privacy there is a window on the north elevation of the bungalow facing the retained single storey extension at a distance of 16m. However, there are no windows proposed within the extension and therefore no privacy issues would arise. There are no windows proposed within the southern gable of the dwelling and the south elevation facing into the courtyard would be approximately 30m from the bungalow with a 0.9m high brick wall in-between. The proposed parking area would also be a sufficient distance from the bungalow to ensure privacy is retained and avoid any noise issues.

5.5.3 Highfields Farmhouse is located approximately 30m to the east of the proposed dwelling with a separate access and 2.5m high fence in-between. The distance and intervening boundary fence would avoid any amenity issues between these dwellings.

5.5.4 There are already a number of dwellings accessed from Drive Fields, a private road which runs from Langley Road to the site. The addition of one dwelling is unlikely to cause any issues to their amenity and would create less disturbance than the existing use of the building as a livery stables.

Occupier amenity

5.5.5 The floorspace of the proposed dwelling (measured internally) would comfortably meet the Nationally Described Space Standards for a 5-bedroom dwelling.

5.5.6 The area of private amenity space attached to the proposed dwelling would total approximately 200sqm which meets the council's space standard of 65sqm. The length of the proposed garden as measured from the rear of the dwelling would measure approximately 10.5m. The proposal therefore meets the minimum length criteria of 10.5sq stated within Appendix 6 'Space About Dwellings Standards'. The garden area has a satisfactory layout; being useable, providing privacy, and significantly exceeding the area standard.

5.5.7 With regard to the adjacent agricultural use, the portal framed agricultural building to the west is used for storing hay in relation to the arable and grazing of the farmland. There is likely to be some disturbance from the proximity of this use to the garden and dwelling. However, due to the existing use of the barn this is likely to be sporadic and only at certain times of the year. The inclusion of the brick boundary wall measuring 1.8m in height would provide separation and the courtyard to the front of the dwelling would provide an

alternative area of private amenity space. As a result I consider that the whilst there would be some disturbance this would not amount to a harmful impact on future occupiers.

5.5.8 In conclusion, the proposed dwelling meets the 'space about dwelling' standards and the proximity of the agricultural barn would not cause an unacceptable loss of amenity through noise/disturbance in accordance with Core Strategy Local Plan Policy EQ9. To ensure suitable privacy a condition requiring a landscaping scheme to include boundary treatment/planting should be attached to any permission.

5.6 Ecology

5.6.1 Core Strategy Policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

5.6.2 The council's ecology officer has no objections but has noted that the buildings are used as a small roost for two species of bat. As a result, conditions for bat boxes are required and a lighting condition to avoid disturbance to bat routes. Nesting swallows and house sparrows were identified which requires a replacement nesting opportunity. There is likely to be a small net gain in biodiversity with the addition of a 200sqm garden. In conclusion, the proposal is in accordance with Core Strategy policy EQ1 subject to the council ecologists recommended conditions.

5.7 Highways/Parking

5.7.1 Policy EV12 states that the Council will require appropriate provision to be made for off street parking in development proposals in accordance with adopted parking standards. These are set out in Appendix 5.

5.7.2 The proposed dwelling would contain 5 bedrooms which requires 3 parking spaces. The proposed double garage and courtyard would provide sufficient space for 3 vehicles and cycle parking in accordance with Policy EV12 and Appendix 5 which relate to parking standards.

5.7.3 With regard to highway safety, the Highways Authority have not raised any issues and do not object to the proposals.

5.7.4 There are a number of dwellings which are accessed along Drive Fields, a private road leading from the site to the public highway (Langley Road). The addition of one dwelling would add to the traffic along this road but this would be a lower trip generation than the existing lawful use of the building as a livery.

5.7.5 The neighbour representation received raised concerns that the access road could be damaged during construction and if so, should be repaired by the building contractors. However, who would pay for repairs is a civil matter rather than within the scope of this planning application. It would be necessary to use the private road to access the site for the purposes of converting the livery stable building into a dwelling and there are no planning issues in this regard.

5.7.6 It is noted that the public right of way through site would be retained, and The Ramblers Association and County Council Rights of Way Officer do not raise any objections.

An informative should be added to any permission stating that public access should be allowed at all times and remain unobstructed during the works.

5.7.7 In conclusion, the proposed change of use would provide sufficient parking and would not cause highway safety issues in accordance with Core Strategy policy EV12 and Appendix 5.

5.8 Other Issues

5.8.1 The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires Local Planning Authorities to agree with the applicant, the text of any pre-commencement conditions, prior to the determination of any application. To that end, the pre-commencement conditions have been agreed in discussion with the applicants' agent.

6. Conclusion

6.1 The proposal to convert the existing livery stable building to a residential dwelling is not inappropriate development and is in accordance with Core Strategy policy GB1 and NPPF paragraphs 149 and 150.

6.2 The proposal would result in an overall visual improvement of the building and would not harm the character of the rural area. The structural report confirms that the building is capable of conversion without rebuilding, and the proposed alterations to the building would be in keeping with the character of the area.

6.3 The proposal would result in a dwelling with adequate parking and amenity provision in line with the council's space about dwelling standards.

6.4 For the above reasons I consider the proposal to be in accordance with the development plan subject to the stated conditions.

7. RECOMMENDATION:

Approve subject to the following conditions:

CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out strictly in accordance with approved drawings:

2201-S11C BLOCK PLAN
2201-S12B LOCATION PLAN
2201-S13A BLOCK PLAN SHOWING EXTENT OF DEMOLITION
Received 06th September 2022

2201-S06C PROPOSED GROUND FLOOR PLAN
2201-S07B PROPOSED FIRST FLOOR PLAN
2201-S08C PROPOSED ELEVATIONS 1
2201-S09C PROPOSED ELEVATIONS 2
2201-S10D PROPOSED SITE PLAN
Received 15th August 2022

3. Prior to commencement submission for approval of details of Bat Mitigation Plan to include details of bat boxes plus details of any reasonable avoidance measures to be taken during demolition works to protect bats. All works to proceed in accordance with the Bat Mitigation Plan and approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter throughout the life of the development.
4. An external lighting scheme, designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK to be submitted to the Council for approval prior to commencement, including a lighting contour plan that demonstrates there will be minimal impact on receptors such as bat boxes, trees and hedges. Thereafter the external lighting scheme shall be implemented in accordance with the approved plan.
5. Prior to the commencement of the development, details of biodiversity enhancement measures including 3 no swallow cups / bespoke swallow box on the existing or new buildings with a sheltered overhang shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.
6. Prior to the occupation of the development, details of the type and location of biodiversity enhancement measures including 1 number house sparrow terrace on or integrated into north- or east- facing brickwork of the new buildings shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.
7. Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season (1st March to end August.) If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.
8. The materials to be used on the walls and roof of the building shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
9. Within 1 month of any development commencing on the site a landscape scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).
10. Within 1 month of any development commencing on the site details of all boundary treatment around and within the site shall be submitted to the Local Planning

Authority for approval. The approved boundary treatment shall be built/erected concurrently with the development and shall thereafter be retained in the approved form and position throughout the life of the development.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling, the subject of this approval, without the prior approval of the Local Planning Authority:
 - a. Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
 - b. Schedule 2, Part 1, Class B - addition or alteration to the roof
 - c. Schedule 2, Part 1, Class C - any other alteration to the roof
 - d. Schedule 2, Part 1, Class D - porches
 - g. Schedule 2, Part 1, Class G - chimney, flue or soil and vent pipe
 - k. Schedule 2, Part 2, Class C - painting of exterior

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
4. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
5. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
6. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
7. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
8. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
9. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
10. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

11. To maintain the historic character of the former agricultural barn in accordance with Core Strategy Policies EQ3, EQ4, EQ11 and the District Design Guide 2018 SPD regarding barn conversions.

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner in accordance with paragraph 38 of the National Planning Policy Framework 2021.

INFORMATIVES

Public Rights of Way

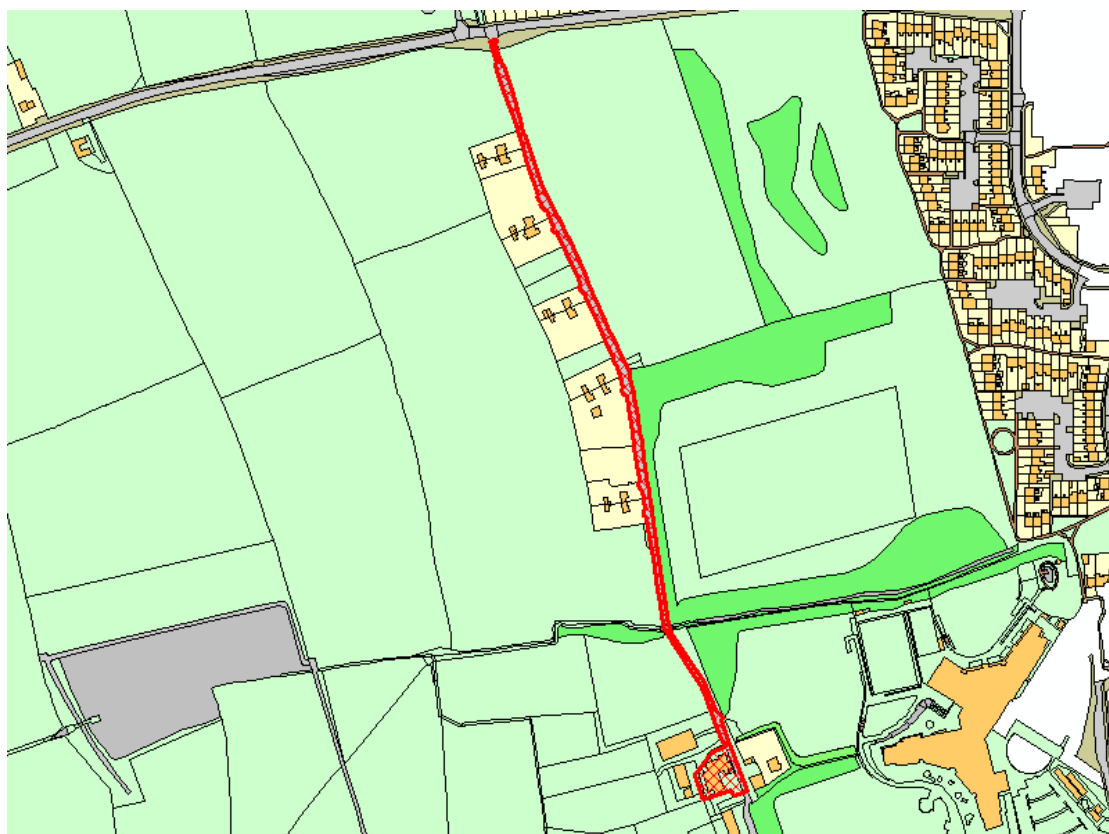
The attention of the applicant should be drawn to the existence of the paths and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network.

It is important that users of the paths are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development or use of the site if the application is approved. The surface of the footpaths must be kept in a state of repair such that the public right to use them can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required. The County Council is only responsible for the surface of the footpath for pedestrians, not vehicles, and the applicant should be made aware of this.

The applicant needs to be reminded that although the access road to the property is private, the fact that the route is a public highway (footpath) takes precedence. The use by private vehicles is subject, and subordinate to, the public's right. In other words pedestrians have a public right and vehicles need to give way to them not the other way around.

Great Crested Newts

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.



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