

**22/00781/FUL
NON MAJOR**

Mr Hodgkiss

**FEATHERSTONE &
BRINSFORD PC
Cllr F Beardsmore
Cllr R Cope**

Featherstone Hall Farm New Road Featherstone Staffordshire WV10 7NW

Conversion of existing barn building to provide two dwellings. Demolition of two further former agricultural buildings and compensatory erection of single storey garage.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Application Site

1.1.1 The application site pertains to an existing brick built former agricultural building to the west of the host dwelling Featherstone Hall Farm. The building is a brick built gable pitched roof structure with the front half of the building being formerly used for stables and the rear half being used more recently for general storage.

1.1.2 There is a grassed area to the rear of the building and a large area of hardstanding to the front. The site is accessed from the adjoining country lane along a gated access drive that also serves the main farmhouse.

1.1.3 The application also seeks demolition of an old Dutch Barn/portal framed barn in very poor state of repair to the north of the site and a block built garage again to the north west of the site.

1.2 Planning History

2021, Conversion of building to provide three dwellings; demolition of two further former agricultural buildings and compensatory erection of single storey garaging, approved (21/00312/FUL)

2011, Change of use of redundant farm building to provide three new residential dwellings, demolition of two further agricultural buildings and compensatory provision of single storey garaging, approved (11/00732/REN)

2008, Change of use of redundant farm barn to provide three dwellings, demolition of two agricultural buildings and provision of single storey garaging, approved (08/00747/COU)

2003 Change of use of stable and store for manufacture of garden furniture, approved (03/00972/COU)

1993 Renewal of permission for change of use to public house and restaurant and construction of car park, approved (93/00565)

1992 Residential development, supermarket, nursery and open space, refused (92/00809)

1988 Change of use from farm to public house and restaurant and construction of car park, approved (88/00691)

1983 Change of use to public/restaurant, approved (83/00763)

1980 Residential development, approved (80/00988)

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 Planning permission is sought for the conversion of building to provide two dwellings; demolition of two further former agricultural buildings and compensatory erection of single storey garaging.

2.1.2 The proposal is a re-submission of a similar scheme approved in 2019, which involved the conversion of the building into three dwellings, two with two bedrooms and one with three.

2.1.3 The proposal would provide for two 3-bed dwellings.

2.1.4 It is proposed to demolish 357 square metres of agricultural buildings to the north of the site to help improve the visual amenity of the site. A compensatory development of 78 square metres of traditional brick-built garaging for the private use of the barns is proposed within the application. The size and style of the garage remains unaltered from the previous applications and has been moved around 2m further east.

2.1.5 The existing vehicular access to the house and courtyard to the barns will be utilised.

2.2 Agents Submission

2.2.1 The following documents have been submitted:

- Supporting statement
- Structural report
- Bat survey report/swallow survey

3. POLICY CONTEXT

3.1 The site is located within the West Midlands Green Belt

3.2 South Staffordshire Core Strategy, adopted 2012

Core Policy 1: The Spatial Strategy for South Staffordshire

Policy GB1: Development in Green Belt

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

Policy EQ1: Protecting, Expanding and Enhancing Natural Assets

Policy EQ2: Cannock Chase Special Area of Conservation

Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

Core Policy 3: Sustainable Development and Climate Change

Policy EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Core Policy 6: Housing Delivery

Core Policy 9: Rural Diversification

Policy EV6: Re-Use of Redundant Rural Buildings

Core Policy 11: Sustainable Transport

Policy EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: SAD Standards

3.3 Adopted local guidance

- Green Belt and Open Countryside SPD, 2014.
- South Staffordshire Design Guide Supplementary Planning Document, 2018.

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

4. CONSULTATION RESPONSES

4.1 Comments received

Councillor (expired 07/12/2022): No comments received.

Parish Council (expired 07/12/2022): No comments received.

County Council Ecologist (received 15/12/2022): The ecology surveys are as for the previous application for this site (21/00312/FUL.) The survey identifies a bat roost and recommends a bat loft be created in the roof space. The current plans do not show a bat loft, and it is difficult to see that it will be possible to install one because of the arrangement of living spaces and roof lights. It is possible that the garage loft could be used for this purpose instead, however any design would need to involve the bat specialist that will apply for the bat licence. It should also be noted that the bat loft space should not have breathable roof membrane installed because bats can become entangled in it. Bitumastic membranes are the only suitable ones for this purpose.

Buildings on site offer suitable habitat for nesting birds. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended) and I therefore recommend that a condition is included for timing of demolition works.

The swallow survey indicates that the loss of suitable buildings should be compensated. My previous advice was that a bespoke box could be installed on the garage wall at the apex of the east elevation.

Avoid - Mitigate Hierarchy and Biodiversity net gain

The proposal will be within the footprint of existing buildings and hardstanding, and it is therefore considered that there will be no net loss to biodiversity. Modest landscape planting (trees, hedges) should be proposed that will achieve a suitable gain in line with NPPF 174.

It should be noted that under the Environment Act 2021, all planning permissions granted in England, with a few exemptions, will have to deliver 10% biodiversity net gain (BNG) from November 2023. BNG will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years.

Severn Trent (expired 07/12/2022): No comments received.

County Highways (received 05/12/2022): No objections subject to conditions.

Natural England (27/11/2022): Natural England agree with the summary above.

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Cannock Chase Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- delivering mitigation, for recreational impacts on Cannock Chase SAC, by means of the Strategic Access Management & Monitoring (SAMM) measures

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Neighbours (expired 07/12/2022): No comments received.

A site notice was posted on the 17/11/2022.

5. APPRAISAL

5.1 The application has been referred to planning committee as part of the proposal (erection of detached garage) is contrary to Policy GB1 of the Core Strategy and Paragraph 149 of the National Planning Policy Framework.

5.2 Key Issues

- Principle of development
 - Conversion of building
 - Erection of garage
- Very special circumstances
- Impact on the openness and visual amenity of the Green Belt
- Design and scale
- Impact on neighbouring amenity
- Space about dwelling standards
- Ecology
- Cannock Chase Special Area of Conservation
- Access/parking

5.3 Principle of Development - Conversion of building

5.3.1 CP1 directs housing growth to the most sustainable areas of the District. The application site sits directly opposite the development boundary of Featherstone which is a Local Service Village. CP1 provides that limited development will be supported where it meets local needs, whilst recognising the constraints that impact upon the District. This application proposes a small number of dwellings (2) and there is also an extant planning permission for residential development of this site for three dwellings. Taking all these matters into consideration there is no conflict with Policy CP1.

5.3.2 The site is located within the Green Belt. Policy GB1 of the adopted Core Strategy advises that development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted.

5.3.3 Policy GB1 and Paragraph 149/150 of the NPPF sets out forms of development that are not inappropriate in the Green Belt, and this includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

5.3.4 Core Strategy policy EV6 states that proposals must demonstrate that the building is in a condition capable of conversion without demolition and rebuilding or substantial reconstruction. The preference will be for re-use for economic development purposes, including tourism, unless it can be demonstrated, through marketing at a realistic price, or reasons of sustainability or historical significance that an alternative use would be preferable. The next best alternative use would be for residential accommodation.

5.3.5 This application relates to a resubmission of a similar granted scheme in 2019 which involved the conversion of the existing building into three dwellings and the erection of a detached triple garage. This application seeks to amend the design to convert the building into two dwellings instead. Since this time there has been no change in the development plan.

5.3.6 The previous application decided that an economic re-use would not be compatible with this setting, whilst the vehicular access to the site is not at all ideal for use by commercial vehicles. In addition to the policy the introduction of the permitted development for the conversion of agricultural buildings to residential properties would also enforce the argument by giving a PD Fallback. The conversion to residential is therefore acceptable.

5.3.7 In regards to criterion b) of the policy, the proposal retains the farm building arrangement in a courtyard and given the condition of the buildings the character would be retained. Amendments have been agreed to reduce the amount of rooflights on the front elevation and to reduce the size of the openings (patio doors) on the rear to preserve the buildings character.

5.3.8 The building in question is in substantial construction and condition and the Structural Survey accompanying the proposal suggests that the conversion can be undertaken with few key works. The visual inspection of the existing barn unit and review of the architectural planning drawings is satisfactory to conclude that overall the building is considered to be stable and particularly suitable for the proposed conversion into two dwellings

5.3.9 As such it is considered that the principle for the conversion of the building would be appropriate within the Green Belt thus according with Policy GB1 of the Core Strategy, 2012. In addition, the proposal would accord with Policy EV6 of the Core Strategy, 2012.

Erection of detached garage

5.3.10 The proposal does involve a new build element for a triple garage to serve the dwellings. New building for domestic outbuildings, especially at barn conversion sites is often resisted in the Green Belt. This proposal would constitute inappropriate development and would be harmful to the openness of the Green Belt. It therefore needs to be justified by very special circumstances.

5.4 Very special circumstances

5.4.1 Paragraph 148 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the

Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.4.2 There is an extant planning permission at the site for the conversion of the building into three dwellings and the erection of a triple garage (21/00312/FUL). This application poses no change to the size or style of the detached garage and it will be positioned in a similar location on site. I therefore attach the existing extant permission for a triple detached garage substantial weight in the planning balance.

5.5 Impact on the openness and visual amenity of the Green Belt

5.5.1 One of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects. It is pertinent to establish the 'actual' harm to the Green Belt.

5.5.2 There has been much dispute in recent years in case law in defining openness. A defining case in *R (Timmins & Anr) v Gedling BC & Anr* helps to define whether the visual impact of a development could be taken into account in considering 'openness'. It was held that 'openness' is characterised by the lack of buildings but not by buildings that are unobtrusive or screened in some way. It was also held that 'openness' and 'visual impact' are different concepts, although they could 'relate to each other'.

5.5.3 It is considered that the re-use of the buildings would have a limiting impact on the character of the green belt. The existing agricultural building (seeking conversion) are in sound condition and as such require limited works. The proposal would retain the form of the agricultural buildings and as such keeps the character of rural building which are notable within Green Belt settings.

5.5.4 The proposed triple garage block would measure approx. 10.8m in width and approx. 7.3m in breadth. The proposed floor area would measure approx. 78.8m². The height of the proposal would be approx. 5.5m to maximum ridge height. Given the siting of the proposal in close proximity forward to the building to be converted, it is considered there would be a limited impact on the visual amenity of the openness of the Green Belt.

5.5.4 It is considered that any further development on the Site through the implementation of permitted development rights is likely to have a significant impact on the openness of the Green Belt in this location and its character and thus it is recommended that PD rights should be removed.

5.6 Design and Scale

5.6.1 Core Strategy policy EQ11 (Wider Design Considerations) states that development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles around use, movement, form and space. This is reinforced by the Councils Design Guide 2018.

5.6.2 It is proposed to break up existing areas of hardstanding to the frontage with some soft landscaping, which is considered to be acceptable. The rear gardens are limited by the natural boundaries of the overall site and so would not encroach into the countryside scene.

The current site is in a somewhat unkempt condition and this proposal would improve on the overall visual amenity of area.

5.6.3 There have been no details of materials for the proposed detached garage as such any recommendation of approval would seek details of such my condition to ensure that it is in-keeping in context.

5.7 Impact on neighbouring amenity

5.7.1 Policy EQ9 states that new development 'should take into account the amenity of any nearby residents, particularly with regard to privacy [...] and daylight.'

5.7.2 The Councils space about dwelling standards recommends 21m between any facing habitable windows per private space and 13 from any habitable windows to flank walls.

5.7.3 The two new units would be in excess of 40m from the main farmhouse and so would have little impact amenity of the occupiers. The two units will also be able to function without significant impact on each other.

5.8 Standards About Dwellings Standards

5.8.1 Paragraph 1.10 within Appendix 6 'Space about dwellings standards', seeks for the appropriate level of garden amenity space for outdoor recreation.

5.8.2 The lengths of the garden for each dwelling would measure a minimum of 10m which is slightly below the Standards (10.5sqm). The area for each of the gardens would be around 235sqm which greatly exceeds the recommended 65sqm.

5.8.3 It is considered that there would be adequate garden amenity to support the dwellings.

5.8.4 The internal floor area exceeds the national space standards for a three bed property and the bedroom sizes have been amended in accordance with the minimum standards, i.e 7.5sqm for single and 11.5sqm for double.

5.9 Ecology

5.9.1 Policy EQ1 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.

5.9.2 The proposal is supported by a Phase I Ecology Survey and a further Bat Survey. The Phase I Survey concludes that the site holds potential for most common UK species of mammals and birds. The proposed development will not cause any loss of habitat and there is no significant risk to wildlife in the area. No evidence of bats were found, but a Bat Survey was advised due to the open roof barns, trees and dense ivy growth close to the development site.

5.9.3 There is a potential for common bird species to nest within the laurel hedge and trees surrounding the site. Suggestions for any clearance works to avoid nesting bird season and

for a replacement nesting opportunity to be supplied by swallow cups to mitigate and enhance biodiversity.

5.9.4 The Bat Survey indicated that the overall bat activity within the 2km radius of the property is low. Whilst the buildings are suitable for potential bat roosting, there was no evidence found during the survey that would indicate that bats have been or are using the building to roost in. Due to the nature of the development and potential for roosting in the future, it is advised for the need to compensate the potential loss of habitat by creating a bat loft with new access points and/or by installing bat boxes to the property to encourage and enhance the conservation interest of the site. In line with the County Councils Ecologist comments amended plans have been received which incorporates bat access in the roof space of the dwelling and a bespoke box on the side apex of the garage.

5.9.5 The proposal is compliant with Policy EQ1.

5.10 Cannock Chase Special Area of Conservation

5.10.1 South Staffordshire Council has a duty to ensure that planning application decisions comply with the Habitats Regulations. Local Plan policy EQ2 safeguards the Cannock Chase Special Area of Conservation (SAC), which has been designated for its unique heathland habitat.

5.10.2 The latest Footprint Ecology Report has established that any new residential development within a 15KM buffer zone of the Cannock Chase SAC will have a significant impact on the SAC in terms of increased visitor pressure (i.e. the Zone of Influence).

5.10.3 The Local Planning Authority (LPA) has prepared an "Appropriate Assessment" of the proposals effect on the Cannock Chase SAC which has been agreed with Natural England. Applications for new housing which fall within a 15 kilometre radius Zone of Influence for the Cannock Chase SAC will need to provide mitigation. This mitigation will take the form of a monetary payment of £290.58 per dwelling. A draft unilateral agreement accompanies the planning application to pay the commuted sum and Natural England raise no concerns subject to completion of this agreement.

5.10.4 The LPA has therefore met its duties as a competent authority under separate Habitat Regulations.

5.11 Access/parking

5.11.1 Core Strategy policy EV12, parking provision, requires that adequate parking be included with schemes for new housing. Appendix 5 Parking Standards provides guidance on the recommended number of vehicle parking spaces to be provided, in this instance the requirement is for two spaces per dwelling.

5.11.2 The County Highways Officer has no objection to the proposal and to the utilisation of the existing access which is onto a narrow but quiet lane. The highways officer has recommended that the garages are retained for parking purposes only, however given the room within the site for parking of vehicles, I do not consider this to be reasonable and this was not a request on the former applications.

5.11.3 As such the proposal would accord with policy EV12 of the Core Strategy, 2012.

6. CONCLUSIONS

6.1 The principle of converting the building is acceptable and the very special circumstances put forward justify the erection of the new garages. The proposal will improve the visual amenity of the area, has adequate access, parking and garden areas, would enhance and mitigate potential loss of habitats for protected species and will not adversely affect adjoining occupiers. Permission is therefore recommended subject to appropriate conditions.

7. RECOMMENDATION - APPROVE Subject to Section 106 Agreement for Cannock Chase SAC mitigation payments of £290.58 per dwelling

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 authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. No works above damp-proof level of the detached garage hereby approved shall take place until details of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. Any alterations to the buildings shall be carried out in materials which match those of the existing buildings in colour and texture.
5. Any new or reclaimed roof tiles to be used on the roof of the buildings shall match the colour and size of the existing roof tiles.
6. The permission hereby granted relates to the conversion of the existing buildings and does not grant or imply consent for the demolition or rebuilding of any part of the buildings, other than as specified on the approved plans.
7. Any repair work necessary to preserve the structure of the buildings shall be agreed in writing with the Local Planning Authority. The repairs shall be carried out in accordance with the agreed details.
8. Not to occupy or permit occupation of the development hereby approved unless and until the two buildings identified for demolition on the approved plan P-003-REV C to the north of the building to be converted, shall be demolished and the materials arising therefrom shall be permanently removed from the site .
9. The development hereby approved shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans P-003-REV C.
10. The biodiversity enhancement measures as shown on plans P-002-REV B and P-003-REV B shall be fully constructed prior to occupation of the buildings and retained as such thereafter for the lifetime of the development.

11. Prior to occupation of the development hereby approved, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatments shall be completed in accordance with the approved details prior to occupation of the dwellings hereby approved and maintained for the lifetime of the development.
12. 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.
13. A bituminous roofing felt must be used above the bat loft that does not contain polypropylene filaments (for example bitumen felt type 1F), which is hessian reinforced.
14. 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 new dwellings hereby approved, without the prior approval of the Local Planning Authority:
 - a. Schedule 2, Part 1, Class A - enlargement, improvement or other alteration
 - b. Schedule 2 Class AA - enlargement of a dwellinghouse by construction of additional storeys
 - c. Class AC - new dwellinghouses on terrace buildings in use as dwellinghouses
 - d. Class AD - new dwellinghouses on detached buildings in use as dwellinghouses.
 - e. Schedule 2, Part 1, Class B - addition or alteration to the roof
 - f. Schedule 2, Part 1, Class C - any other alteration to the roof
 - g. Schedule 2, Part 1, Class D - porches
 - h. Schedule 2, Part 1, Class E - garden buildings, enclosures, pool, oil or gas storage container
 - i. Schedule 2, Part 1, Class F - hardsurfacing
 - j. Schedule 2, Part 2, Class A - gate, wall, fence or other means of enclosure
 - k. Schedule 2, Part 2, Class B - means of access
15. 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 occupation of the development. The Local Planning Authority shall be notified when the scheme has been completed. 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 shrub or tree 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).

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. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
5. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
6. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
7. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
8. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
9. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
10. To provide biodiversity enhancement in accordance with EQ1 of the adopted Core Strategy, 2012.
11. To safeguard the visual amenity of the landscape and preserve the openness of the Green Belt in accordance with Policies GB1 and EQ11 of the adopted Core Strategy, 2012.
12. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
13. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
14. To safeguard the character of the building and visual amenity of the landscape in accordance with Policies GB1 and EQ11 of the adopted Core Strategy, 2012.
15. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

Development Low Risk Area Standing Advice - The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any

coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.



Featherstone Hall Farm, New Road, Featherstone, Staffordshire WV10 7NW