

Application No. 18/02071/FULL

**Planning Committee
3rd April 2019**

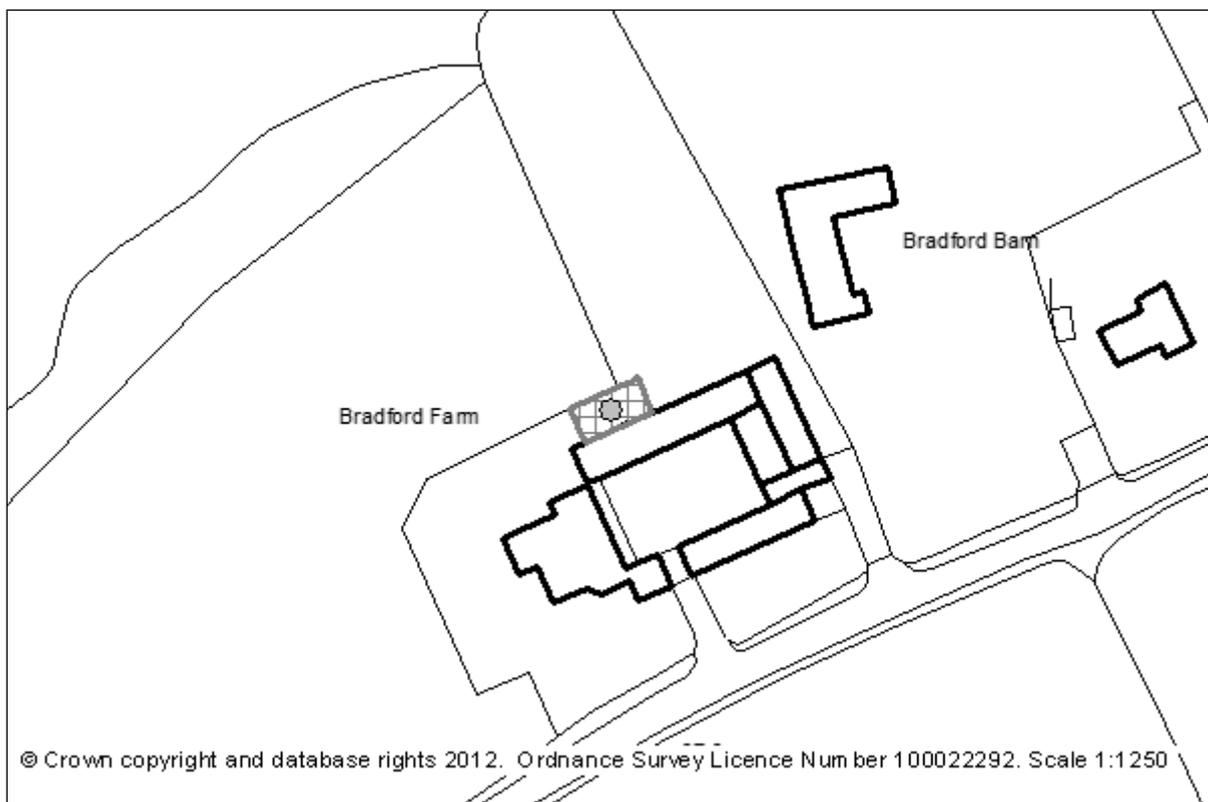
Grid Ref: 299312 : 114301

Applicant: Mr Andy Fields

Location: Bradford Farm
Uplowman Tiverton

Proposal: Retention of Log store

Date Valid: 8th January 2019



REPORT OF THE HEAD OF PLANNING AND REGENERATION

18/02071/FULL - Retention of Log store at Bradford Farm, Uplowman, Tiverton

Description of Development:

The applicant seeks planning permission for the retention of log store at Bradford Farm, Uplowman. The building is 13.7m wide with a projection of 5.8m from the rear barn wall and overall height of 3.3m. The materials are predominately stone and timber cladding for walls with corrugated fibre cement for the roof covering. The log store constructed incorporated part of a previous building utilising existing stone walls within the build. The layout of the log store is separated into two parts, with an open log store to one side and an enclosed store to the other with a central access which leads into the inner courtyard and on to the entrance to the main property.

Bradford Farm is not a listed building with the structure of the log store being single storey located centrally to the rear of the existing barn complex not easily visible from public vantage points given its position and the existing boundary treatments adjacent Uplowman Road.

Reason for Report:

At the meeting on 6th March 2019, it was resolved that Members were minded to refuse the application and therefore wished to defer the application for consideration of an implications report setting out suggested reasons for refusal and the associated implications.

RECOMMENDATION(S)

Grant permission subject to conditions

Relationship to Corporate Plan:

Environment

- Protecting the natural environment

Financial Implications: An appeal may require the appointment of planning consultants to assist in the defence of the reasons for refusal. The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. That being the case, Members must be able to clearly justify each and every reason for refusal in line with the development plan and all other material considerations.

Legal Implications: The report identifies the risks in proceeding with an appeal based on the reasons given by the Committee on 6th March 2019 – both in terms of outcome of an appeal and the risk of a costs decision. The Council will still need to prepare draft planning conditions for the appeal.

Risk Assessment:

If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour.

REASONS FOR REFUSAL AND IMPLICATIONS:

At the Planning Committee held on 6th March 2019, Members gave consideration to:

- The photographs depicted a log store and a workshop
- The views of the objector with regard to whether it was an existing building or a total creation of a new building, why was a wood burner used to heat the room, why was the application retrospective and that there was still unauthorised parking on the site.
- The views of a representative for the agent with regard to the neighbourly dispute which was ongoing, the materials were not out of keeping with the existing buildings and that the car park did not form part of the current application.
- The views of one of the Ward Member's with regard to the intention for the log store, there was ample space within the existing buildings for a log store, the random selection of material for the log store and the fact that the woodburner would billow smoke across to the neighbours property.
- The quantity of wood already stored in the log shed
- The size of the store
- Whether the application was in accordance with Policy DM2

Members of Planning Committee resolved that they were minded to refuse the application and therefore wished to defer the application for consideration of an implications report to consider the following issues:

- The proposal was not in accordance with Policy DM2
- Whether the design and materials for the log store were of an acceptable quality and appearance, taking into account the quality of the stone barns and their setting.

The suggested wording for reasons for refusal

The Committee was minded to refuse the application on the grounds listed above. Set out below is the reason for refusal which would appear on the planning decision notice to address the above issues raised:

1. In the opinion of the Local Authority, the design and materials for the log store were of an unacceptable quality and appearance, taking into account the quality of the stone barns and their setting. The proposal is therefore considered to be contrary to policy DM2 of the Mid Devon Local Plan part 3 (Development Management Policies) and the objectives of the National Planning Policy Framework.

The implications of refusing the application

Reason for refusal

The ground of refusal relates to Members concerns regarding to the visual impact on the character of the existing barns and surrounding area in general through the design and materials of the

development when taking into account the quality of the stone barns and their setting. Therefore Members felt that the proposal would be contrary to Policy DM2.

Policy DM2: High Quality Design of the Local Plan Part 3 - Development Management Policies is particularly relevant to this application. This policy states:

Designs of new development must be of high quality, based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site, having regard to criterion (a);
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;
- d) Creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling;
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
 - i) Architecture
 - ii) Siting, layout, scale and massing
 - iii) Orientation and fenestration
 - iv) Materials, landscaping and green infrastructure
- f) Appropriate drainage including sustainable drainage systems (SUDS) and connection of foul drainage to a mains sewer where available.

With respect to the criteria outlined above, it is considered that criterion (b), (d) and (f) would not be relevant as the proposal relates to a domestic log store and secure store, utilising existing walls of a previous building on site, with no foul drainage implications and there is significant area on site for water to drain to a soakaway. Therefore it would appear that Members are concerned primarily with criterion (a), (c) and (e) of Policy DM2 which focuses on understanding the characteristics of the site and surrounding area and to ensure that development makes a positive contribution to local character and creates visually attractive places taking into account architecture and materials.

As reported within the Committee Report, Bradford Farm is not a listed building with the structure of the log store being single storey located centrally to the rear of the existing barn complex not easily visible from public vantage points given its position and the existing boundary treatments adjacent the road. The overall size of the building is 13.7m wide with a projection of 5.8m from the rear barn wall and overall height of 3.3m which is of this size due to incorporating the existing walls of a previous building in this location. The materials are predominately stone and timber cladding for walls with corrugated fibre cement for the roof covering which are not considered to be out of keeping for a rural building within a rural setting. The occupiers of the nearest neighbouring property reside at Bradford Barn further to the east with the distance from the log store to the boundary being approximately 25 metres with no windows directly facing the neighbouring property. Therefore it is not considered that the log store building as erected would result in a significant adverse impact on the amenity of the occupiers of the neighbouring property.

The impact on the visual amenity and character of the application site and area in general is subjective but it should be noted that the stone walls of the log store were existing originally having formed part of a previous building on the same footprint. This log store building is single storey located to the rear of the site with limited public vantage points of the building in question with only long range views from Uplowman Road whereby the stone wall on the west elevation of the log store building was already in situ with only a small area of timber cladding created above

representing new development. There are also trees sited between this long range view which would screen the development when the leaves are on the trees.

In addition to the above, the use of materials being predominately stone and timber cladding are used on numerous rural buildings in the countryside and in the event that the applicant was required to remove the log store, they would still be allowed to retain the existing stone walls which were originally in situ prior to the completion of the building and they would be able to retain the wooden cladding of the walls up to a height of 2 metres as this would be permitted development as a walled enclosure. In this instance the building has an eaves height of 2.8 metres in height, therefore being reduce 0.8m not including the roof structure. Members would therefore need to assess the level of harm taking into consideration what is allowed currently.

One implication of a reason for refusal on the above ground is that in the event of an appeal being made, the Planning Inspector even if minded to dismiss the appeal could award a partial award of costs where they believe a party has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense. There are appeal decisions whereby the Inspector has concluded that sufficient evidence has not be provided in light of adopted development plan policies other than beyond very generalised assertions and therefore did not substantiate the reason for refusal and thus put the applicant to the unnecessary expense of preparing grounds of appeal and then final comments to rebut the reason.

Conclusion:

Your officers have concerns that whilst the impact on the character of the existing barns and surrounding area would be a subjective assessment, the reason for refusal as set out above is unlikely to be upheld at appeal. This is due in part to the fact that the stone walls of the log store were already existing having formed part of a previous building on a the same footprint, the position of the single storey building being to the rear of the site with limited public vantage points to the building in question and that the use of materials being predominately stone and timber cladding are used on numerous rural buildings in the countryside. In addition to this permitted development rights exist which would allow for most of the structure to be retained as a walled enclosure and therefore Members should consider these matters carefully. However approval remains the recommendation of officers for the reasons set out in the earlier Officer report to Planning Committee attached.

Contact for any more information

Mr Adrian Devereaux, Area Team Leader
01884 234267

Background Papers

Committee report

File Reference

18/01598/FULL

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee

[Attach previous Committee report](#)

Application No. 18/02071/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the retention of log store at Bradford Farm, Uplowman. The building is 13.7m wide with a projection of 5.8m from the rear barn wall and overall height of 3.3m. The materials are predominately stone and timber cladding for walls with corrugated fibre cement for the roof covering. The log store constructed incorporated part of a previous building utilising existing stone walls within the build.

APPLICANT'S SUPPORTING INFORMATION

Application form, Site Location Plan, Block Plan, Elevations Plan, Floor Plan, Roof Plan and Historic Aerial Photograph taken of Bradford Farm.

PLANNING HISTORY

00/01037/FULL - PERMIT date 31st January 2001

Conversion of barn to dwelling (amended scheme to that approved for unit 4 under planning permission reference number 4/52/94/536)

94/00536/FULL - PERMIT date 3rd November 1995

Conversion of redundant farm buildings into four dwellings and formation of new access

94/02187/FULL - PERMIT date 26th January 1995

Erection of two storey extension comprising of sitting room, bedroom and bathroom

18/00657/FULL - WDN date 16th October 2018

Retention of change of use of an existing agricultural building to office with parking

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR9 - Access

COR12 - Development Focus

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM3 - Sustainable design

DM8 - Parking

DM13 - Residential extensions and ancillary development

DM20 - Rural employment development

CONSULTATIONS

Tiverton Town Council - 5th February 2019

No objections

Environment Agency - Operational development less than 1 ha within Flood Zone 1 - no EA consultation

required

REPRESENTATIONS

One letter received from occupiers of Bradford Barn noting that the works undertaken are those of a new build and not repairs to an existing building with photographs provided to demonstrate this and raising concern to the materials used and overall need for the building

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and procedure
 2. Design of the works and the impact on the character of the area
 3. Impact on amenity of occupiers of residential property
 4. Other planning matters
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1. Policy and procedure

This planning application follows an enforcement investigation relating to authorised works with the outcome being the submission of this application seeking planning permission for the retention of the log store building erected at Bradford Farm. S.38 [6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework), published by the Government in July 2018, is noted as one such material consideration.

In addition to the NPPF, the Local Authority needs to determine this proposal on the basis of a number of policies contained within the Development Plan. The adopted Core Strategy seeks to guide development to provide sustainable development and sustainable communities and protecting the countryside under COR18. Policy DM2: High Quality Design of the Local Plan Part 3 - Development Management Policies is particularly relevant to this application. This policy states:

Designs of new development must be of high quality, based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site, having regard to criterion (a);
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;
- d) Creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling;
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
 - i) Architecture
 - ii) Siting, layout, scale and massing
 - iii) Orientation and fenestration
 - iv) Materials, landscaping and green infrastructure
- f) Appropriate drainage including sustainable drainage systems (SUDS) and connection of foul drainage to a mains sewer where available.

Policy DM13 to a lesser degree is also considered relevant in that it relates to ancillary development to the main farmhouse being used to store logs and a secure store. The requirement of this condition is that it should respect the character, scale, setting and design of the existing dwelling, will not result in over-development of the dwelling curtilage and will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

The above criteria relating to policies DM2 and DM13 are considered in further detail below.

2. Design of the works and the impact on the character of the area

Bradford Farm is not a listed building with the structure of the log store being single storey located centrally to the rear of the existing barn complex not easily visible from public vantage points given its position and the existing boundary treatments adjacent the road. There was an existing building to the rear of the existing barn complex which has been incorporated into the log store building, so it is not a completely new structure. There is no foul drainage associated with this building and the overall size of the building is 13.7m wide with a projection of 5.8m from the rear barn wall and overall height of 3.3m. The materials are predominately stone and timber cladding for walls with corrugated fibre cement for the roof covering. The materials are not considered to be out of keeping for a rural building within a rural setting especially as existing stone walls of an existing structure having been incorporated into the log store building with timber cladding installed above an area of stone wall.

The layout of the log store is separated into two parts, with an open log store to one side and an enclosed store to the other with a central access which leads into the inner courtyard and on to the entrance to the main property. The open log store is being used to store logs with no windows within this part of the building facing any neighbouring property. The enclosed store is being used to store machinery and equipment having a window in the rear elevation overlooking land in the control of the applicant. It is noted that there is a wood burner within this room with the associated flue extending up through the roof. The applicant's agent has been asked to amend the plans to show this flue but the wood burner is used to heat the room when in use by the applicant.

In respect to the need for the development which is a concern raised by the Ward Member and the occupier of the neighbouring property, need is not a requirement of Policy DM2 or DM13 and but it is noted that the log store is being fully utilised for the storage of logs and this part of the log store has been designed to be an open area. The area to the side is just a covered access leading through an existing area between the barns into the internal courtyard. The other part of the log store is the enclosed store which utilises an existing structure so cannot be claimed to be a completely new building. Having visited the site it is noted that other barns are used for storage purposes with the remaining empty barns being subject to the previous change of use application to office accommodation which was withdrawn.

3. Impact on amenity of occupiers of residential property

The occupiers of the nearest neighbouring property reside at Bradford Barn further to the east with the distance from the log store to the boundary being approximately 25 metres and as commented above has no windows directly facing the neighbouring property. Therefore it is not considered that the log store building as erected would result in a significant adverse impact on the amenity of the occupiers of the neighbouring property.

4. Other planning matters

I would note that there are a number of enforcement matters outstanding on this site mainly relating to the siting of a shipping container to the north of the log store building and the creation of the rear car parking area to the east of the log store which is currently being used by tradespeople working on repairs to the existing barn structures. The fact that this is a retrospective application alone would not be sufficient reason to warrant a refusal of this application and I would comment that the determination of this planning should not be assessed in addition with these other matters which are currently being pursued and are to be dealt with separately.

The development of the log store in itself is not considered to result in a significant increase in traffic to the site with access arrangement into the site already existing with ample parking facilities within the inner courtyard.

CONDITIONS

1. The date of commencement of this development shall be taken as 8th January 2019, the date the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. For the avoidance of doubt and in the interests of proper planning.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Given the position, overall design and appearance of the log store constructed on site at Bradford Farm and the relative distance between this site and the nearby neighbouring residential property, it has been concluded that there would not be a significant detrimental impact on the living conditions of any occupants of nearby residential properties nor the visual amenity of the locality harmed as a result of the proposal to an extent that would justify withholding planning permission. It is not considered that the proposal would result in any significant adverse environmental or highway impacts. Having regard to all material considerations the application is in accordance with the requirements of policies COR2 and COR18 of the Mid Devon Core Strategy; policies DM2 and DM13 of the Mid Devon Development Management Policies; and the National Planning Policy Framework.