

**Application No. 16/01362/FULL**

**Plans List No. 1**

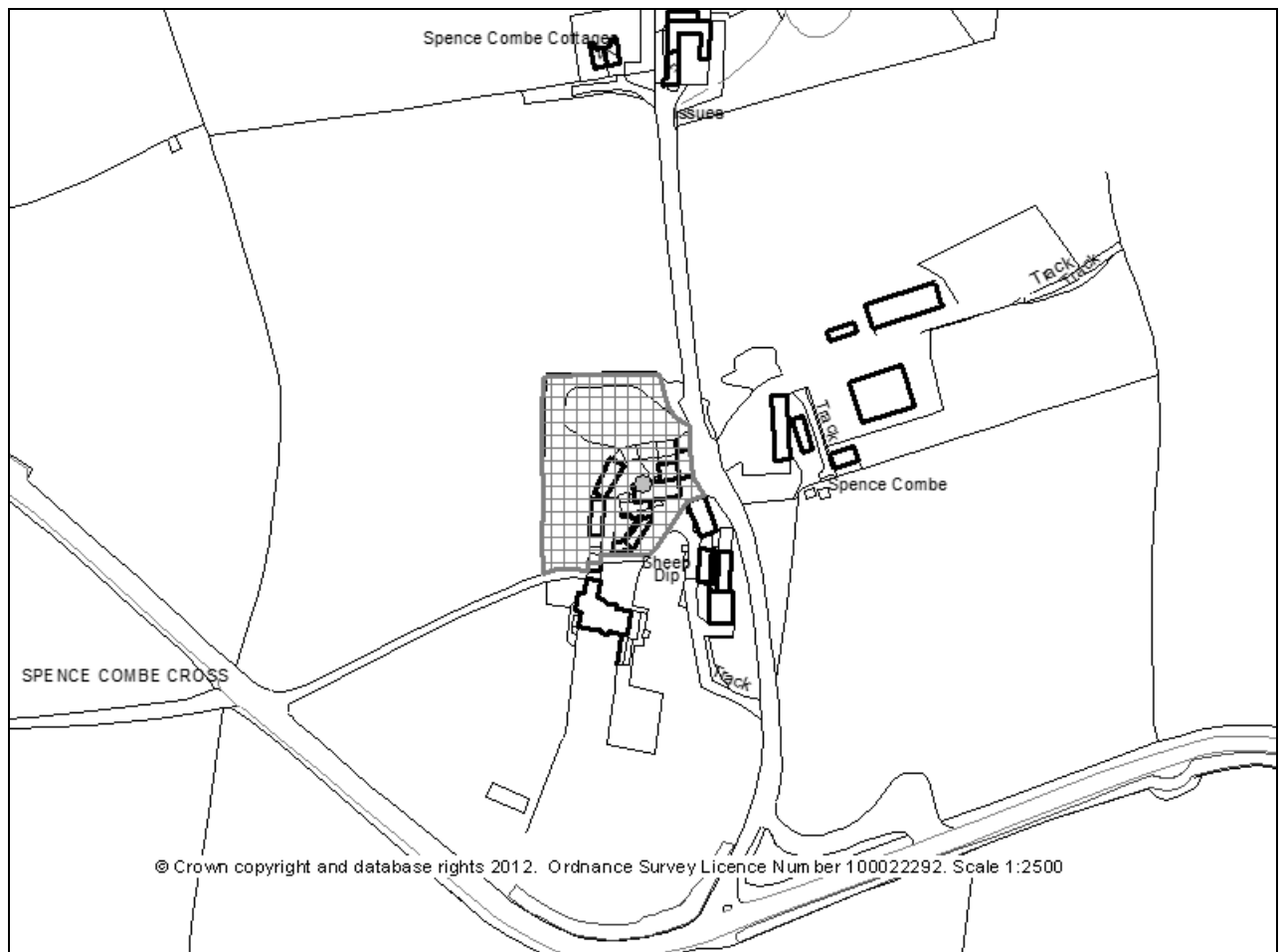
**Grid Ref:** 279371 : 101700

**Applicant:** Mr George Mortimer

**Location:** Land and Buildings at  
NGR 279371 101700  
(Spencecombe)  
Crediton Devon

**Proposal:** Conversion of 5  
redundant agricultural  
buildings to 5  
dwellings

**Date Valid:** 7th September 2016



## **Application No. 16/01362/FULL**

### **RECOMMENDATION**

Refuse permission.

### **COUNCILLOR P HEAL HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:**

1. To consider if the proposed scheme is over-development
2. To consider if the design of conversion of the Linhay buildings are acceptable

### **PROPOSED DEVELOPMENT**

Conversion of 5 redundant agricultural buildings to 5 dwellings

The site sits as part of the collection of ancillary building to the Spence Combe Farm house which is grade II listed and part of Spence Combe Farm. Access is from an existing point off the A377 and the access serves a number of buildings / uses beyond the complex and also two recently renovated barns that also sit within the curtilage of the Farm house and are owned by the applicant (see site history section below).

The existing complex comprises a group of five buildings set to an irregular arrangement which are to the north of listed farmhouse. The buildings are listed as A-E for the purposes of this application with a minimum separation distance of 7.0 metres between the buildings at the closest point. Historically the complex has been used for a variety of storage activities to support the agricultural activity being undertaken on the holding. However it appears the buildings have been split off from the surrounding land and are now used on a low key basis for agricultural storage to support agricultural activity off site. It is clearly evident that large scale alterations and repairs have been undertaken over the years.

A description of each building and how it is proposed to be occupied and modified is set out below. The proposed plans and drawings have been amended since the planning application was lodged for consideration

Building A is a walled barn with a tiled roof covering with a tallet storey above the majority of the ground floor plan floor. There are already a number of openings set within the building A. The proposal for this building is to form a 4 bedroom dwelling (principally 2 stories) over a floor plan area of approximately 99.0 square metres. The gross floor area to include the garage/storage area is approximately 220 square metres incorporating the garage and area for storage. The layout utilises the existing openings to accommodate new windows and door fixtures with a new roof covering show a number of roof light openings. The building envelope is not shown to be extended. Access into the property would be from within the courtyard with a reasonably sized garden to the rear. Dedicated parking is to provided within the courtyard area.

Building B is a stone built open fronted Linhay with vertical timber posts supporting the roof. The proposal for this building is to form a 4 bedroom dwelling (principally 2 stories) over a floor plan area of approximately 95.0 square metres. In addition there is a single storey area for storage between it and building A. The gross floor area to include the storage area is approximately 195.0 square metres. The layout utilises the existing openings to accommodate new windows and door fixtures with a new roof covering show a number of roof light openings. The building envelope is not shown to be extended. Access into the property would be from within the courtyard with a reasonably sized garden to the rear. Dedicated parking is to provided within the courtyard area.

Building C is a stone built open fronted Linhay with vertical timber posts supporting the roof. The proposal for this building is to form a 3 bedroom dwelling over a floor plan area of approximately 65.0 square metres, incorporating a storage area between it and building B. The gross floor area to include the storage area is approximately 130.0 square metres. The layout utilises the existing openings to accommodate new windows and door fixtures with a new roof covering show a number of roof light

openings. The building envelope is not shown to be extended. Access into the property would be from within the courtyard with a reasonably sized garden to the rear. Dedicated parking is to be provided within the courtyard area.

Building D is of a stone wall construction and butts off the Linhay form of building C (with an internal link) and incorporates an arch passageway into the open yard. The proposal for this building is to form a 4 bedroom dwelling over a floor plan area of approximately 90.0 square metres. The gross floor area to include the storage area is approximately 130.0 square metres. The layout utilises the existing openings to accommodate new windows and door fixtures with a new roof covering show a number of roof light openings. The building envelope is not shown to be extended. Access into the property would be from outside of the courtyards with a side garden area. No access is proposed to the rear courtyard, and the existing front canopy structure is to be demolished with an area for car parking and storage structure in it's place.

Building E is of stone/rendered wall construction. The proposal for this building is to form a 4 bedroom dwelling over a floor plan area of approximately 90.0 square metres. The gross floor area is approximately 180.0 square metres to include the storage area is approximately 130.0 square metres. The layout utilises the existing openings to accommodate new windows and door fixtures, incorporating a new feature window opening and with a new roof covering show a number of roof light openings. The building envelope is not shown to be extended. The existing front and side extensions to this building are to be demolished as is the lean to shed currently at the front of it with a front garden area proposed leading to front door access. Dedicated parking is to provided adjacent to the parking area for building D and a separate storage building adjacent to the garden area.

In addition to two dedicated parking spaces per dwelling, two visitor spaces are proposed providing a total 12.

On the application form it is stated that the proposals relates to 887.0 square metres of floorspace.

Natural slate roof coverings are proposed across all five buildings with new sections of cob, stone and brick to form new sections of walling. All fenestration and door units to be fabricated from hard wood.

A park railing is proposed to replace the existing close boarded timber fence between the site and Spencecombe Farmhouse with post and rail details to form the garden boundaries.

## **APPLICANT'S SUPPORTING INFORMATION**

Heritage Assessment of Buildings at Spencecombe Farm prepared by DR J Salvatore and dated November 2016.

Phase 2 Geo-Environmental assessment dated June 2013 and Phase 1 dated August 2012: both prepared by SW Geotechnical Ltd dated June 2013.

Supporting Letter on Structural matters prepared by Barry Honeyset to accompany individual reports prepared for each barn

Foul Drainage Assessment Form FDA1 & Package Treatment / Manufacturers details by Falcon Planning, Design and Heritage Impact statement prepared by agent.

Ecological Appraisal (Bats and Birds) prepared by Devon Wildlife Consultants (August 2015).

## **PLANNING HISTORY**

79/00268/FULL - PERMIT date 29th March 1979: Erection of an extension to existing abattoir  
14/01286/FULL - PERMIT date 14th November 2014: Retention of agricultural storage/office building  
14/01480/LBC - PERMIT date 19th November 2014: Retrospective Listed Building Consent for the demolition of a fire damaged building  
15/01402/FULL - PERMIT date 29th October 2015: Retrospective Listed Building Consent for the demolition of a fire damaged building  
15/01402/FULL - PERMIT date 29th October 2015: Retention of agricultural storage building  
15/01403/LBC - PERMIT date 29th October 2015: Listed Building Consent for demolition of storm damaged building

16/01637/LBC Listed Building Consent for the conversion of 5 redundant agricultural buildings to 5 dwellings.

This application was submitted in tandem with the planning application under consideration but was withdrawn by the applicants agent prior to determination

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR18 - Countryside

### **Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)**

AL/IN/3 - Public Open Space

AL/CRE/8 - Crediton Air Quality

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM11 - Conversion of rural buildings

DM14 - Design of housing

DM27 - Development affecting heritage assets

## **CONSULTATIONS**

**NATURAL ENGLAND** - 15th September 2016 -

No comments.

**WEST AREA CONSERVATION OFFICER** - 9th February 2017

**ENVIRONMENTAL HEALTH** - 22nd September 2016 -

Contaminated Land - No objection.

Air Quality - No objection.

Environmental - No objection.

Drainage - No objection.

Noise and Other Nuisances -No objection.

Housing Standards - No objection.

Licensing - No comments.

Food Hygiene - N/A

Private Water Supplier -

Informative Note

No record is held for the proposal address. However, if a private supply is to be used by more than one property it would be classed as a Regulation 10 small supply, unless a commercial element is involved when it would be classed as a Regulation 9 supply under The Private Water Supply (England) Regulations 2016. In either circumstance a risk assessment and sampling regime will be necessary.

Elevated levels of arsenic were detected in the groundwater on the site so if a private water supply is going to be used arsenic is one of the parameters that should be looked for and if confirmed within the PWS arsenic treatment may be required.

Please contact Public Health at Mid Devon District Council on completion of proposal. If single domestic use of a private supply is proposed or if mains water is to be used I would have no comment.

Health and Safety -

I have no objections to this proposal enforced by HSE.

Informative: There is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

**HISTORIC ENVIRONMENT SERVICE** - 3rd October 2016 - The proposed development involves the conversion of a group of historic agricultural buildings that have the appearance of a model farm, map evidence suggests that the farmyard was re-ordered in the late 19th century. The extant buildings are part of the county's dwindling stock of historic agricultural buildings that are no longer suited to modern agricultural methods, and the buildings subject to this application appear to be somewhat grander suggesting a possible high status farmstead. The proposed development will have an impact upon the fabric and appearance of these historic buildings and I would advise that the Planning Authority's Conservation Officer was consulted with regard to any comments they may have on the impact of the proposed development upon these historic buildings.

The following comments are therefore made without prejudice to any comments may the Authority's Conservation Officer.

Given the impact upon the fabric and appearance of the historic farm buildings and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95 and English Heritage guidance as set out in 'Understanding Historic Buildings: Policy and Guidance for Local Planning Authorities - 2008', whereby:

"No development to which this permission relates shall commence until an appropriate programme of (i) historic building recording and analysis and (ii) archaeological monitoring and recording has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

#### Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of the heritage asset that is affected by the development.'

Please note that this is a variation of the usually recommended archaeological condition.

I would envisage a suitable programme of work as taking the form of:

1. a programme of historic building recording, and
2. archaeological monitoring and recording of all groundworks that have the potential to expose archaeological or artefactual deposits.

The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. I can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

**HIGHWAY AUTHORITY** - 3rd October 2016 - The Highway Authority can find no record of the access on the planning web site and cannot verify any conditions that may have been imposed. However the access has suitable visibility and would be acceptable for the 5 conversions.

In detail the Highway Authority would wish to see the access hard surfaced in a bound material (tarmac or concrete) for the first 6.0m and that it is drained in such manner as to prevent surface water entering the public highway. This can be done by positive drainage or a re profile of the access to fall away from the road.

The site is accessed from 3 locations. The application wishes to retain access to the west new access, which is acceptable, provide access to the conversions from the Authority would seek that this access is permanently stopped up due to its substitution by the new access and the substandard nature of its visibility and location.

Therefore the Highway Authority recommends the following conditions:-

1. The site accessroad shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public highway.

2. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains onto any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway.

3. The existing central access shall be effectively and permanently closed in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority prior to the occupation of the new dwellings.

REASON: To prevent the use of a substandard access and to minimise the number of accesses onto the public highway.

**CREDITON HAMLETS PARISH COUNCIL** - 30th September 2016 - The PC support the application as residential development is now the best use of the buildings.

## **REPRESENTATIONS**

No letters of representation have been received at the time of writing this report.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

Policy COR18 establishes the principle that development in the open countryside should be strictly controlled. Furthermore, it provides criteria that identify an acceptable range of uses and building types that could be considered acceptable which does not include open market housing. Whilst COR18 does not provide specific policy support however the National Planning Policy Framework (2012) advises that the government will allow for provision of high quality homes through the reuse of redundant and disused buildings in the open countryside, in certain circumstances. DM11 (Local Plan Part 3) reflects these policy objectives and the criteria are detailed below.

DM11- The conversion of redundant or disused rural buildings of substantial and permanent construction on which positively contribute to an area's rural character for residential, tourism or employment uses will be permitted where:

- a) A suitable access to the building is in place or can be created without damaging the surrounding area's rural character and the road network can support the proposed use.
- b) The building can be converted without significant alteration, extension or rebuilding;
- c) The design will retain the original character of the building and its surroundings.

- d) The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.

As part of the assessment of this application your officers have sought to negotiate with the applicant and his agent a scheme which is considered supportable by policy DM11. Various options have been presented to the applicant which would achieve a layout consisting of 4 houses and which is considered to represent a supportable form of development on the site.

The scheme has been assessed on the basis that the buildings are heritage assets and form curtilage buildings to the listed farmhouse that sits directly adjacent. A summary assessment of the application scheme against policy criteria outlined at DM11 is set out below.

- A) The means of access effectively utilises the existing upper access from the A377 and the conditions as recommended by the Highway authority are noted, and on this basis the access from the highway would be considered acceptable. Access to the site from the junction with the highway is via an unadopted lane which already manages a level of traffic.

The issue of concern is that five units presents an undesirable level of parking and vehicular activity within and/or directly adjacent to the courtyard, in particular the parking that is proposed to serve building C, which as a result would promote a level of use of this central space which would adversely affect the setting of the heritage assets in terms of both the curtilage complex and main listed farmhouse, and also result in detriment to the future occupiers of the proposed houses.

In summary as a result of the level of development proposed the access (and parking) arrangements are considered to damage the areas rural character and the setting in which the site is located.

- B) The proposed drawings show a layout and design that does not result in significant alteration to the height, scale and/or massing of the individual buildings, neither do the plans show significant extensions. The evidence base to support the case that the buildings can be converted as opposed to being new builds or fresh builds are reports into each of the buildings following a visual inspection by a qualified structural engineer. It is however noted that the recommendation contained in the structural reports contain numerous significant caveats about the need for works of repair and in some cases even reconstruction to sections of roof and walling across the complex. It is also noted that the survey completed to support the application is not a full structural survey.

The issue of concern under this heading relates to the Linhay structures (as referred to building B and C in the description of development section). Specifically on the Linhay barns there are internal structural supports that if left as they are would interfere with the internal uses. As a result it is considered that there would need to be some alternative structural support imposed on the building and this is not specified.

In terms of the various alternative options proposed to the applicant, Building C which is the smaller Linhay barn is not considered suitable for conversion given the range of uncertainties about how it would be converted. This not only has the benefit of creating a better layout for the new residents it would also mean that one of the Linhay buildings would be retained in its current form and therefore making a positive contribution to the setting of the overall group whilst being used on low key basis with one of the proposed dwellings (refer to comment below).

- C) The layout and function of the central space in the farmstead are important considerations because it is being expected to play the role of providing parking and turning space for three of the dwellings. In addition it will be the space from which the main access will be achieved to the dwellings. It also contributes to the setting of the heritage asset(s).

To try to separate the uses and to offer some privacy to residents the layout plan appears to show the sub division of the space with a new wall off the corner of Building E to achieve garden for that property. It is noted that there will be another new wall or fence adjacent to the

access road to the farmhouse to further enclose that garden for Building E. A post and rail fenced arrangement is proposed to form these new boundaries but specific details are provided

The addition of two additional boundaries that will subdivide the traditional layout of this farmstead central space is considered to be contrary to policy DM 11, ie 'where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting';

The proposed subdivisions will not result in the 'retention of the original character of the building and its surroundings'. It would be alien to the character of the heritage assets, and as result would harm the asset not a enhance it.

It is also proposed to remove part of the existing stone wall that juncts with Building E at right angles in order to try and create an acceptable living environment for the occupiers of Buildings C and D. In the context of the buildings being curtilage listed this alteration is also considered to be harmful and not an enhancement.

Storage space is identified on the amended plans as is dedicated space to accommodate the parking requirements as referred above. However it is noted that for the 5 dwellings proposed - all of considerable size only 2 additional spaces are allocated for visitors. In addition there is a lack of clarity about how the parking will be managed (either residents and/or visitors) with the courtyard area. In addition the parking spaces allocated for Building C looks to require difficult manoeuvres in order to be realistically practicable. .

This space for turning will further be compromised by the apparent need for some form of ramping to achieve DDA compliant access to the entrances to Building C given the change in levels between the courtyard and the threshold space to the building. Also the distinction between private and public space in the courtyard for residents is not defined and could lead to further interventions by way of fences and walls etc.

In terms of the external alterations to the individual barns concerns are raised is terms of the alterations to the two Linhays (Building B & C).

For all the above reasons it is considered that the application scheme will present as a cramped of development that will have a negative impact and will not be an enhancement or retain the character of the building and its surroundings. Consequently it is considered that the proposal fails to satisfy criterion B and C of DM11 and also contrary to DM27 in terms of how it affects the complex as a heritage asset and the setting of the principal heritage asset adjacent.

There is an opportunity to reduce the density by one unit that will overcome this objection. As stated above options have been presented which achieves a scheme which is considered acceptable by your officers which excludes Building C from being converted into a separate dwelling.

- D) An ecological survey (bats and birds), including a bat emergence survey, has been carried out on behalf of the applicant and a report confirming the results of this work has been submitted to support the planning application. The report sets out a series of recommendation to deal with these issues in the event that the buildings were to be converted. In the event that permission was to be granted for the application scheme and/or another form of development these recommendations would be made a condition of the terms of the planning permission.

### **Other Issues**

For the reasons as set out above in terms of the assessment against the policy requirements at DM11, this current application scheme is also considered to be contrary to policies COR1, COR2,



COR9 (d), COR18 of the adopted Core Strategy, and policies DM1, DM2, and DM8 of Local plan 3.

Given the historic nature of the site's location the County Archaeologist has recommended a condition to manage the process of development taking place on the site, should planning permission be granted.

The replacement of the existing close boarded timber fence between the application site and the farmhouse which is unauthorised and considered to be unacceptable is considered to be a positive intervention in principal but the Local Planning Authority would wish to approve a specific design of railing

Foul waters are proposed to be managed into a Falcon sewage treatment system. The manufacturer has a number of system options to accommodate developments upto 60 people, although the system is referred to as being used in campsites, caravan parks and holiday parks. A piping network is already in place to manage the disposal of surface water from the site as per the existing arrangements.

A £7,210 contribution towards the provision of new/maintenance of existing open space off site is required to comply with the requirements of Policy AL/IN/3 of the Allocations and Infrastructure Development Plan (Local Plan Part 2), and Supplementary Planning Document: The provision and Funding of Open Space Through Development (May 2008). The applicant has been advised of this requirement and if this application, and/or another form of development on the site, was to be approved this aspect of the application could be resolved via a Section 106 agreement and/or a unilateral undertaking. Reason 4 as set out above covers this matter.

In addition £22,170 contribution is required towards improving air quality with the Crediton Air Quality Management Area to comply with the requirements of Policy AL/CRE/6 of the Allocations and Infrastructure Development Plan (Local Plan Part 2), and Supplementary Planning Document: Air Quality & Development (May 2008). The applicant has been advised of this requirement and if this application, and/or another form of development on the site, was to be approved this aspect of the application could be resolved via a Section 106 agreement and/or a unilateral undertaking. Reason 5 as set out above covers this matter.

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 5 years. The amount of New Homes Bonus that would be generated from this proposal over a period of 5 years is therefore estimated to be £25,700.00 based on a net increase of 5 open market dwellings on the site. The receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight carried by the considerations previously discussed.

Conclusion: For the reasons as set above it is recommended that this planning application is refused.

## **REASONS FOR REFUSAL**

1. The infilling of the open fronted linhay structures as proposed will in the view of the Local Planning Authority result in a negative impact on their character and appearance and cumulatively on the group of buildings that are subject to this application scheme. Furthermore in the view of the Local Planning Authority the harm arising is not outweighed by any public benefit. On this basis the proposals are considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM11 and DM27 of the Local Plan Part 3 (Development Management Policies) and guidance at Paragraph 134 of the National Planning Policy Framework.
2. The layout and function of the central space in the farmstead as proposed will result in an overuse of this space that is not compatible with the character of the complex of buildings and its surroundings, and in the view of the Local Planning Authority the proposal represents an

unacceptable overdevelopment of the site complex and which would result in detriment to the setting of the adjacent listed building and the character of the application building group. Furthermore in the view of the Local Planning Authority the harm arising is not outweighed by any public benefit. On this basis the proposals are considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM11 and DM27 of the Local Plan Part 3 (Development Management Policies) and guidance at Paragraph 134 of the National Planning Policy Framework.

3. The evidence base that has been submitted and/or the information shown on the submitted plans is not considered to satisfactorily demonstrate that the complex of buildings, in particular regards Barns B and C can be converted without significant alteration and/or resulting in a new build. On this basis the proposals are not considered to sufficiently comply with the requirements of Policy DM11 of the Local Plan Part 3 (Development Management Policies) in this respect.
4. The application proposals do not include a contribution towards the provision of open space. The development is therefore contrary to Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), and Supplementary Planning Document: The provision and Funding of Open Space Through Development (May 2008).
5. The application proposals do not include a contribution towards the implementation of the Council's Air Quality Action Plan and therefore does not mitigate the impact of the proposal upon air quality. The development is therefore contrary to Policy AL/CRE/8 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), and Supplementary Planning Document on Air Quality and development (May 2008).

