

DELEGATED DECISION REPORT



APPLICATION NUMBER

192155

Barn at Moorhampton House, Moorhampton, Herefordshire, HR4 7BE

CASE OFFICER: Ms Chloe Smart
DATE OF SITE VISIT: 8th July 2019

Relevant Development
Plan Policies:

Herefordshire Local Plan – Core Strategy
Policies:

Presumption in favour of sustainable development;
SS2 – Delivering new homes;
SS4 – Movement and transportation;
SS7 – Addressing climate change;
RA2 – Housing outside Hereford and the market towns;
RA3 – Herefordshire's countryside;
H3 – Ensuring an appropriate range;
MT1 – Traffic management, highway safety and promoting active travel;
LD1 – Landscape and townscape;
LD2 – Biodiversity and geodiversity;
LD4 – Historic environment and heritage assets;
SD1 – Sustainable design and energy efficiency;
SD2 – Renewable and low carbon energy.

Neighbourhood Plan – Foxley Group is currently preparing a draft NDP.

NPPF

2 – Achieving sustainable development, 4 – Decision making, 5 – Delivering a sufficient supply of homes, 8 – Promoting healthy and safe communities, 9 – Promoting sustainable transport and 12 – Achieving well designed places.

Relevant Site History: No relevant planning applications.

CONSULTATIONS

	Consult	No	No	Qualifie	Object
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	ed	Respons e	objectio n	d Comme nt	
Parish Council	X	X			
Transportation	X		X		
Historic Buildings Officer	X		X		
Ecologist	X				
Landscape					
Environmental Health (noise/smell)					
Environmental Health (housing)	X			X	
PROW					
Natural England					
Welsh Water					
Site Notice	X		X		
Local Member	X		X		

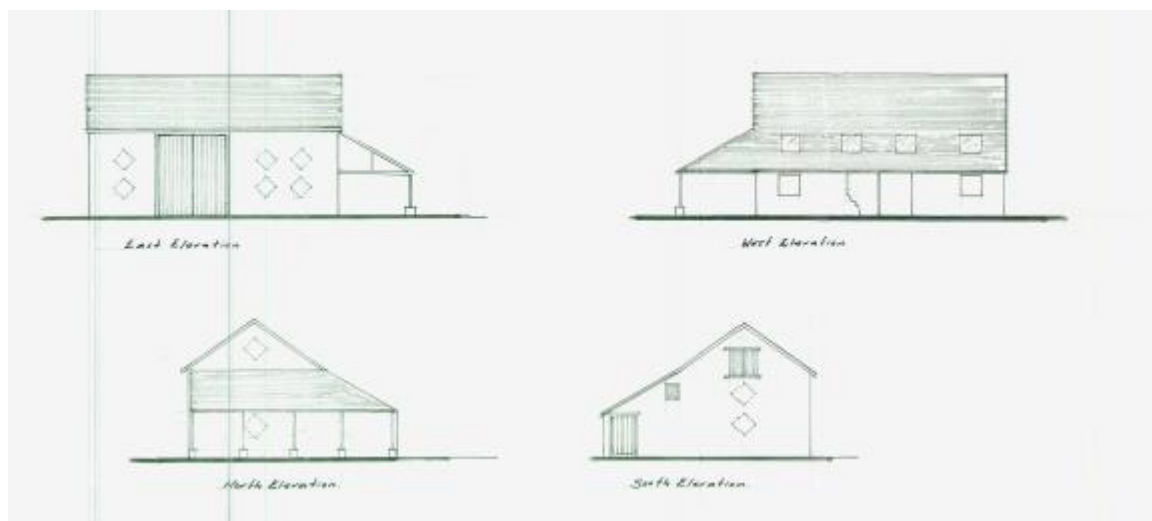
PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application site relates to an existing agricultural barn which is located in the hamlet of Moorhampton which lies approximately 9 miles north west of Hereford City Centre.

Planning permission is sought for the conversion of the existing barn to a dwelling house. The barn in question is not listed, nor does it lie in a conservation area. It does date back to 1874 and lies within the grounds of Moorhampton House which was originally a railway hotel serving Moorhampton Station. It is therefore of historic value and considered a 'non-designated heritage asset'.

Below is a copy of the existing elevations of the barn:



The proposed elevations can also be found below:



The proposal will be accessed via an existing vehicular access. Amenity space is positioned to the front and rear.

Representations:

Ward Councillor (Cllr Michael Jones)

Happy to proceed with recommendation for approval subject to conditions.

Historic Building Officer

Initial Consultation Response: Thank you for consulting the building conservation team.

We support the principle of conversion of this building to a dwelling.

Generally the proposal does well to retain the character of this traditional agricultural building, but to fully meet planning policies on preserving character of traditional agricultural buildings and heritage assets, the following amendments should be made:

1. The open sided structure to the north of the building should retain its open character. This would require a largely glazed treatment within the existing bays, emphasising the former use of the structure and the division of the bays. This would make it unsuitable for bedrooms, so the internal use of rooms will have to be re-assigned – this would make a good dining room for example.
2. The treatment of the large opening in the East elevation appears quite complicated in the proposed elevation drawing. A simpler treatment with fewer elements would better represent that it was formerly a single large opening. If there was a way to retain the doors this would add much to the character of the building, but it is appreciated there is not space to pin them back without obscuring windows.
3. The arrangement of roof-lights to the west elevation is a bit too intrusive to the solid upper roof. The number could be reduced by omitting windows over the en-suite rooms.

Likely conditions:

In addition to the points above, should planning permission be granted, we would condition details of doors, windows, roof-lights, rainwater goods and any bricks or tiles to be used in repairs. This information could be provided at this stage to avoid later condition.

Windows and doors should be simple with relatively thick frames, a flush profile and a simple (if any) glazing bar arrangement. Roof-lights should fit flush to the plane of the roof, much like those existing in the rear, West elevation. Rainwater goods should be metal. Plain clay tiles for the roof to match the existing would be approved. Good quality bricks to complement the existing walls should be used where required.

It would greatly add to the character of the building if the existing wooden doors and shutters could be retained and re-used – if not usable, externally these could be pinned open or back to the wall. Plans amended to specify these treatments where possible would be welcomed. The way the diamond windows are to be treated should also be detailed – there is a good similar example locally at Wellington where a similar approach has been taken to inserting windows in diamond ventilation bricks.

It is likely that if permission is granted, the resulting dwelling will not have permitted development rights, so if any ancillary storage buildings are required, these could also be detailed at this stage.

Any private amenity / garden space could also be indicated on the site plan.

Re-consultation Response

Full comments can be viewed using the link below:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192155&search=192155

Summary of recommendations below:

Approval with Conditions

Reason: The less than substantial harm the proposals would cause to the character of the traditional rural building is mitigated by the improved viable use of the site and as such is in accord with policies contained within the National Planning Policy Framework (NPPF) and Herefordshire Council's Core Strategy.

Conditions

- a. With exception to further conditions below, the scheme is carried out exactly in accordance with the supplied design and access statement and drawings:
Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.
- b. [CE9] Before the relevant work begins, details in respect of new doors, windows, roof-lights, rainwater goods and wall and roof materials shall be approved in writing by the Local Planning Authority. Details of new doors, windows and roof-lights should include section drawings through the frames and any glazing bars at 1:2 or 1:5 scale. The work shall be carried out in full in accordance with such approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

Ecology

Initial Consultation Response

The site location triggers the requirement for a habitat regulations assessment process. The required appropriate assessment completed by the LPA must be formally confirmed as 'no objection' by Natural England PRIOR to any planning consent being granted.

It is noted that the proposed new PTP discharges to a ditch within the existing built farm complex. There is no information available to confirm that this ditch qualifies as acceptable under General Binding Rules – "New discharges must be made to a watercourse that normally has flow throughout the year". In line with Core Strategy policy SD4 the applicant should also clearly demonstrate through percolation tests that a soakaway outfall is not possible before any direct discharge to a watercourse can be considered. Relevant supporting information is requested to enable this required process to be completed and any planning consent granted.

In addition:

The lpa has a legal duty to ensure all protected species are assessed as part of the planning process prior to any grant of planning consent. (Habitat & Species Regulations, NERC Act, NPPF, Core Strategy LD2, Wildlife & Countryside Act)

The supplied initial ecology report clearly identifies moderate and high potential bat roosting features and Optimal period surveys are required to properly assess any usage PRIOR to grant of any planning consent.

The updated bat survey report should be supported by relevant Optimal Period species surveys including bat emergence and dawn roosting surveys (mid May to August). The final report should clearly detail all results, ecological working methods, mitigation and compensation proposed along with recommendations of any protected species licences (EPS Licence) that may be required.

Any bat roosting mitigation and compensation features required to obtain any EPS Licence must be clearly shown on revised plans submitted to the LPA.

The ecology report should also clearly detail on a plan the specifications and locations of proposed biodiversity net gain enhancements that this development will deliver to comply with NPPF Guidance and NERC Act and Core Strategy policy requirements. These enhancements are in addition to any mitigation-compensation that may be required as part any Protected Species Licence. Consideration for bat roosting and bird nesting features is expected. No lighting should illuminate any biodiversity enhancement feature, mitigation or compensation feature and all lighting should be compliant with Dark Skies guidance.

Once these reports have been received the information can be assessed and relevant additional comments provided. This application should not be granted any planning consent until protected species have been fully considered by this LPA.

Re-consultation Response

The detailed optimal period bat survey results and report and the presence of 4 species of bats are noted. The mitigation and protected species licence as detailed in the final bat report should be secured by condition and the wider biodiversity net gain enhancements and working methods as originally detailed in the wider report by Janet Lomas should also be secured through condition:

Nature Conservation – Ecology Protection, Mitigation and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements and European Protected Species Licence, as recommended in the ecology report by Janet Lomas dated May 2019 and the bat report by ACE dated August 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority and Natural England as regards the European Protected Species Licence. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

Natural England

No objection.

Full comments can be viewed using link below:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192155&search=192155

Transportation

No highway objection.

Environmental Health (Housing)

The following remarks are made on behalf of EH Housing in respect of the above application:

- The proposed plans should include fire escape windows from all bedrooms, if the only internal escape route in the event of fire is through a risk room i.e. kitchen, utility, living or dining room. If there is more than a 4.5 meter drop from a bedroom window (e.g. from the third floor), then an alternative layout should be provided so that persons can exit the property from the bedroom without the need to go through a risk room.
- In addition, an appropriate automatic fire detection system complying with BS5839:2013 should be fitted.
- If the property is in a Radon affected area, suitable mitigation measures should be put in place.
- There should be sufficient, secure ventilation to the outside air from all living/dining and bedrooms as well as internal bathrooms.

- If the property is an HMO it should comply with all aspects of the Councils Amenity standards.

The specific point in relation to this application property is that there does not appear to be a protected means of escape and therefore fire windows (if drop is less than 4.5 m) or alternative layout should be considered.

Pre-application discussion:

N/A

Constraints:

Habitat Regulations Assessment Process

Appraisal:

Policy context

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The Foxley Group Neighbourhood Development Plan is at drafting stage and therefore in line with guidance set out within the Framework, it holds limited weight.

The National Planning Policy Framework (NPPF) is also a significant material consideration.

Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out proposals will be considered in the context of the ‘presumption in favour of sustainable development’ which is at the heart of national guidance contained within the NPPF.

The policy states:

‘When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant, with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or the relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) Specific elements of national policy indicate that development should be restricted.’*

It is acknowledged at this moment in time, the Council is unable to demonstrate a five year housing land supply. Paragraph 11d of the Framework echoes the above in that it advises the following in respect of decision making:

'Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Analysis

The site is located within the hamlet of Moorhampton and is not identified as a Figure 14 or 15 settlement. Those are settlements which are either the main focus of proportionate development or where proportionate housing is appropriate. As such, it is classed as the open countryside.

Policy RA3 (Herefordshire's Countryside) of the Core Strategy specifies a set of circumstances whereby residential development outside of a settlement and within the open countryside is acceptable. This includes at Part 4 where development *'would result in the sustainable re-use of a redundant or disused building, where it complies with Policy RA5 and leads to an enhancement of its immediate setting'*.

Policy RA5 (Re-use of rural buildings) also supports the residential re-use of a building subject to following criteria which have been summarised below:

1. Design respects character and significance;
2. Provision made for protected species and associated habitats;
3. Compatible with neighbouring uses/agricultural operations;
4. Building permanent and capable of conversion; and
5. Capable of accommodating the new use without the need for substantial alteration e.g hardstanding.

In respect of part 1, the Council's Historic Building Officer has been consulted as it is considered the building possess historic interest and would be classed as a 'non-designated heritage asset'. Policy LD4 of the Core Strategy seeks sympathetic design which emphasis the original form. Paragraph 197 of the Framework also advises a balanced judgement should be made regarding the significance of a non-designated heritage asset and the scale of that harm or loss.

The Historic Building Officer has provided a detailed analysis in respect of the impact of the proposals on the external appearance of the building. When considered as a whole, the HBO confirms there would be 'less than substantial harm' to the character of the traditional rural building. However, that harm is mitigated by improved viable use of the site. To expand on this, the proposal will result in the optimum viable use of the site which will assist in securing its long term future. In order to facilitate a residential use, alterations are required. As such, the scheme as a whole respects the design and significance of the building.

With regards to part 2 of RA5, which requires proposals to protect species and associated habitats, following initial consultation with the Council's Ecologist, further information was provided by the

applicant including a Biodiversity Enhancement Plan and optimal bat surveys. Those have been reviewed in detail by the Ecologist, and subject to the inclusion of a condition, no objection is raised. The location of the site also triggers the requirement for a Habitats Regulation Assessment to be undertaken. That has been done by the Council and Natural England has subsequently confirmed no objection is raised. The proposal therefore complies with the requirements of Part 2 of RA2, and also Core Strategy Policies LD2, LD3, SD3 and SD4.

In respect of part 4, the site faces towards the B4230 and forms part of a linear development, albeit the barn is set slightly further back. Due to the siting of the building, it is not considered to hamper continued agricultural operations and is compatible with surrounding residential uses. Finally, in terms of being capable of conversion without substantial alteration, there is an existing hardstanding to the front of the property and a clearly definable residential curtilage. As such, the site and building lend itself well to the proposed use.

On other matters, the Transportation department confirms no highway objections are raised to the conversion. The Council's Housing Officer has provided an advisory response. The comments are largely based on housing legislation and therefore have been included as an informative to draw the applicant's attention.

Conclusions

Applications for planning permission are to be determined in accordance with the development plan unless material considerations indicate otherwise. The Core Strategy identifies a set of circumstances whereby residential development outside of a settlement is acceptable. That includes where a proposal will result in the sustainable conversion of a redundant building and result in an enhancement to the immediate setting.

Having considered the scheme against all the provisions set out within Core Strategy RA5, it is acceptable and also meets other policies within the Core Strategy, namely SS1, LD1, LD2, LD3, LD4, MT1 and SD1. Furthermore, the requirements of the Framework are met.

In light of the above, the recommendation is to approve the applications, subject to conditions.

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried strictly in accordance with the approved plans and documents:
 - Location Plan;
 - Block Plan;
 - Drawing no. 3A Amended Proposed First Floor Plans, Sections and Elevations;
 - Biodiversity Enhancement Plan.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the areas in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements and European Protected Species Licence, as recommended in the ecology report by Janet Lomas dated May 2019 and the bat report by ACE dated August 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority and Natural England as regards the European Protected Species Licence. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006;

4. Before the relevant work begins, details in respect of new doors, windows, roof-lights, rainwater goods and wall and roof materials shall be approved in writing by the Local Planning Authority. Details of new doors, windows and roof-lights should include section drawings through the frames and any glazing bars at 1:2 or 1:5 scale. The work shall be carried out in full in accordance with such approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building.

5. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework (2019).
2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to

some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. Any external lighting shouldn't illuminate any ‘natural’ boundary feature or increase night time sky illumination (DEFRA/NPPF Dark Skies Guidance 2019/2013).

3. The applicant's attention is drawn to the comments of the Housing Officer, in particular the following elements:

- The development should include fire escape windows from all bedrooms, if the only internal escape route in the event of fire is through a risk room i.e. kitchen, utility, living or dining room. If there is more than a 4.5 meter drop from a bedroom window (e.g. from the third floor), then an alternative layout should be provided so that persons can exit the property from the bedroom without the need to go through a risk room;
- In addition, an appropriate automatic fire detection system complying with BS5839:2013 should be fitted;
- If the property is in a Radon affected area, suitable mitigation measures should be put in place; and
- There should be sufficient, secure ventilation to the outside air from all living/dining and bedrooms as well as internal bathrooms.



Signed:

Dated: 2nd October 2019

TEAM LEADER'S COMMENTS:

DECISION:


PERMIT



REFUSE



Signed:



..... Dated: 3/10/19