

OFFICER: John Millar (01935) 462465

APPL.NO: 08/03337/FUL APPLICATION TYPE: Full Application

PARISH: Lopen WARD: SOUTH PETHERTON

DESCRIPTION: Conversion of barn into ancillary residential accommodation (GR 342630/114251)

LOCATION: Shores Farm Frog Street Lopen South Petherton Somerset TA13 5JR

APPLICANT: Mr J Lever

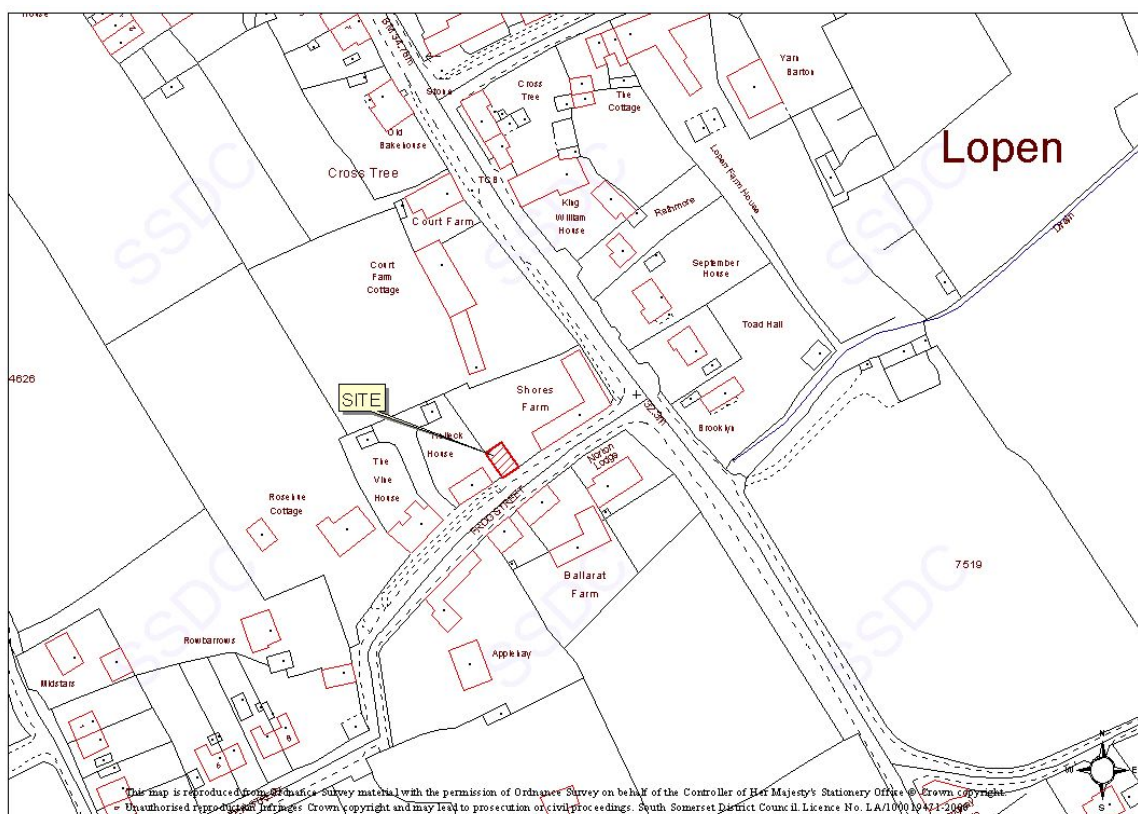
AGENT: Mr B Coupe 6 Glebe Barn Manor Farm Close Pimperne Blandford Forum Dorset DT11 8XL

DATE ACCEPTED: 1 September 2008

Reason For Referral To Committee

The application is to be considered by Area North Committee at the request of Cllrs Robathan and Ronaldson, with the agreement of the Area Chairman Cllr Palmer. It is felt that the issues should be given further consideration by Members.

Site Description and Proposal



The application relates to a barn sited within the residential curtilage of Shores Farm, a grade II listed detached house in the centre of Lopen. The site is located on the corner of Frog Street and the main road passing through the village, within the conservation area. The barn itself faces onto Frog Street, which is generally characterised by natural stone detached houses of varying ages and a number of other stone barns. One such example of these barns is immediately opposite the site. The barn that is the subject of this application is currently used for domestic storage purposes.

The barn is not listed in its own right but as it falls within the curtilage of Shores Farm, it is considered to be listed in association with this property.

Originally the barn would have been a simple two sided structure with roof and open ends. It has since been altered by providing a stone wall and timber cladding to the south elevation and a glazed screen and timber cladding to the north elevation.

The proposal is made to carry out internal and external alterations to form ancillary living accommodation in relation to Shores Farm. The main works comprise the addition of new openings to the north and south elevations and the provision of a second floor.

History

08/03349/LBC: Internal alterations, refurbishment and remodelling of wing adjacent to Frog Street - Permitted with conditions.

08/03898/FUL: Internal alterations, refurbishment and remodelling of wing adjacent to Frog Street - Permitted with conditions.

07/05639/LBC: Alterations and the erection of an extension to dwelling - Withdrawn.

07/05605/FUL: Alterations and the erection of an extension to dwelling - Withdrawn.

03/00410/ FUL: Replacement of corrugated iron sheets with wooden treated Yorkshire boarding on north and south end of barn and internal alterations - Permitted with conditions.

02/03175/LBC: Replacement of corrugated iron sheets with wooden treated Yorkshire boarding on north and south end of barn and internal alterations - Permitted with conditions.

97/02527/LBC: Carry out internal alterations to dwelling to form toilet, washing and laundry facilities - Permitted with conditions.

830817: The provision of a new window on the front elevation of dwelling - Conditionally approved.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

Regional Spatial Strategy:

VIS 2 - Principles for Future Development

EN 3 - The Historic Environment

EN 4 - Quality in the Built Environment

Somerset and Exmoor National Park Joint Structure Plan:

STR1 - Sustainable Development

STR6 - Development Outside Towns, Rural Centres and Villages

Policy 9 - Built Historic Environment

South Somerset Local Plan 2006:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

EH5 - Development Proposals Affecting the Setting of Listed Buildings

EH7 - The Conversion of Buildings in the Countryside

SSDC Supplementary Planning Guidance: The Conversion of Barns and Other Historic Buildings

Planning Policy Guidance Note 15: Planning and the Historic Environment

Consultations

Town/Parish Council

At a meeting last night of the Lopen Parish Council, the above applications were unanimously opposed for the following reason: the proposed changes to the barn's elevations are completely out of character with the other listed barns in the street and thus more generally with the street as a whole. This view was held not just by all the parish councillors eligible to vote (one was conflicted), but also by every member of the public present (16). It was noted that there had been another recent case in Area North where windows had been proposed for a similar elevation of a stone barn but had been rejected.

Had it not been for the very strongly and unanimously expressed views on the south elevation of this barn, the Parish Council would have been minded to approve these applications, albeit with two key conditions: (i) that the barn should always remain tied to Shores Farm and should never be sold off as a separate dwelling (it is understood that this is already agreed by all parties) and (ii) that the barn can only be let as part of a letting of the main house and not as a separate commercial business - it is considered that this follows logically from the first condition.

SSDC Technical Services

No comments.

County Highway Authority

No objections.

County Council Archaeology

No objections on archaeological grounds.

SSDC Conservation Officer

Thank you for consulting me on the above application. You will recall that we have both undertaken pre-application discussion here.

Subject to the detail of this proposal I am quite happy with it.

I have put on the front of the file a list of conditions, which I would suggest, but I would also add to that the condition regarding the details of the ties proposed in relation to the front wall.

As a matter of detail you will see that the front wall which partially fills the opening of the barn on to Frog Street is currently flush with the end wall. The proposal shows this now set back. I would ask you to clarify whether this is in fact proposed because it would be my strong preference to leave the wall where it is as I can see no obvious reason to take it down and rebuild it, and I am sure that however good the builder, it will not be built quite as it is now.

Representations

The application has been advertised by press and site notice for the requisite period. Two letters of objection have been raised from neighbours, raising the following points:

- It was never imagined that this "poor quality" outbuilding of limited size would ever be considered for conversion into living accommodation. Use as a workshop, store, garage or similar without significant alterations was anticipated.
- In 2002, SSDC took steps to order the replacement of unsuitable cladding materials to the gable ends "to safeguard the appearance of the area".
- The replacement of the boarding with other timber cladding and glazing will change the character and appearance of the building (Grade II Listed?).
- Object to use as living accommodation due to proximity to Trelleck House. West wall is on boundary and 3.5m from the side of the house, where the sitting room and main bedroom are located. Concerned about noise intrusion and loss of privacy.
- The huge windows proposed for the first floor on the north elevation, while being recessed, will dominate the side of the barn that overlooks practically the entire garden of Trelleck House.
- Letter dated 25th May 2007, from SSDC Conservation Officer, states " in regard to conversion of the outbuilding to an annex, I did comment that I thought that my planning colleagues would have an issue with overlooking of the adjoining property".
- Trelleck House is one of three new houses, that were carefully designed to avoid directly overlooking the gardens of others. It is difficult to understand why a window to light the first floor accommodation is not positioned on the eastern elevation, overlooking the garden of Shores Farm.
- The proposed windows to the south elevation are not at all sympathetic to maintaining the character of the building.
- This is an attempt to turn an agricultural building of sub-standard construction and limited dimensions into living accommodation.
- In the event of the application being successful, conditions should be imposed to ensure that the barn is not disposed of as a separate dwelling, occupation be restricted to two persons closely related to the owners of Shores Farm, it should not be used as a holiday cottage or other commercial use and parking provision should be made within curtilage of Shores Farm to ensure there is no increased parking on Frog Street.
- Grant of permission could set a precedent for no fewer than four similar stone outbuildings along Frog Street to be adapted for living accommodation.
- The barn conversion is out of keeping with a listed building in the conservation area, particularly the proposed windows.
- The northerly end would overlook Court Farmhouse property and garden, to the north.
- Would question the use of spiral staircase in such an old building as it is not in keeping and appears to favour able-bodied younger occupiers, who would generate an intrusive noise issue for Court Farm and Trelleck House.
- The actual structure of the building appears flawed, as the structural appraisal states that the barn has "shallow footings with no tie in for end and side walls". The considerable building works to reinforce walls and structure could damage Trelleck House and destroy the nature of the listed building.

Considerations

Principle of Development

The proposal relates to the conversion of a barn within the residential curtilage of Shores Farm from domestic storage purposes to ancillary living accommodation.

Lopen does not have a defined development area but Local Plan policy EH7 supports the re-use of existing buildings outside of development limits. However, it is important

that the buildings in question are permanent and of substantial construction and are capable of conversion without major reconstruction and that the form, bulk and general design is in keeping with the surroundings.

In most cases there is also a requirement to show that every reasonable attempt has been made to secure business use for the premises but it should be noted here that the building is closely related to a number of residential properties and is constrained in size. Furthermore, it is currently used for domestic storage purposes ancillary to the residential occupation of Shores Farm and the use of this building as ancillary accommodation is unlikely to represent a material change of use.

Concerns have been raised about the proposed use of this building, either as a separate dwelling house or as holiday-let accommodation. The proposal submitted is intended for use as ancillary accommodation only and in the event of planning permission being granted a condition would be imposed restricting use to this purpose only. If in future it was intended to separate the accommodation or rent out as holiday accommodation, this would require an application for a change of use and any concerns would be addressed at that time.

In regard to the existing structure, the structural survey advises that there may be a need to introduce ties or a steel sway frame. However, there is not deemed to be any need to demolish and rebuild any of the external walls. Taking this into consideration, it is considered that the building is of sufficient quality to facilitate the conversion. Additionally, there are no extensions proposed or required to allow the use considered.

Barn Conversion and Historic Context

The barn is listed in association with the grade II listed Shores Farm and is located within a conservation area. Local Plan policy EH5 states that planning permission will not be permitted for development that would have an adverse affect on the setting of a listed building or its contribution to the local scene. Similarly, Local Plan Policy EH1 states that all development in a Conservation Area or outside the area which would affect the settings or views in or out of the area will be required to preserve or enhance the character or appearance of the area.

In assessing this application, consideration should also be given to Local Plan Policy ST4 and guidance contained in SSDC supplementary planning guidance, 'The Conversion of Barns and Other Historic Buildings' and English Heritage's advice note 'The Conversion of Traditional Farm Buildings'.

The Council's supplementary planning guidance states among other things that:

- The roof of a farm building is perhaps its most important feature ... characteristics of large unbroken roof slopes should be respected and retained.
- Even small rooflights can be prominent ... and disrupt the simple lines of a traditional roof.
- Agricultural buildings are characterised by large areas of uninterrupted wall with few windows and doors.
- Consider carefully the buildings existing openings and make use of these before even considering the introduction of new ones.
- If and only if an acceptable design solution is largely possible without extra windows and doors should the conversion be considered.
- New openings should be positioned carefully to deliberately maintain the character of the building. Often the objective will be to retain large areas of uninterrupted wall.

The English Heritage advice mirrors the above in many ways, including:

- There should always be a presumption in favour of maximising the use of existing openings without changing their size, and limiting the formation of new ones. Where new openings are added ... great care needs to be given to their placing and design. New openings can be expressed as modern interventions without resorting to making them appear 'historic'.

The applicant has carried out pre-application discussions with the Council's Conservation Officer and the scheme that has been submitted is in line with these negotiations.

There have been objections from the Parish Council and neighbours in relation to the proposed alterations to the barn, particularly in relation to the new openings proposed on the north and south elevations and the impact these will have on the character and appearance of the overall street scene and the adjacent listed buildings.

The Conservation Officer has raised no objections to the proposal, as it is considered to be in line with the pre-application negotiations carried out. The design principal, as detailed in the design and access statement are "a restrained solution, respecting natural materials and the traditional form of the building. The main side walls would be left untouched and the Frog Street elevation would keep the stone infill panel, but incorporate a new window on ground and first floor as part of the timber clad infill panel".

It is considered that the proposed windows and other glazing are in line with guidance contained within the supplementary planning guidance and English Heritage advice. The barn is very different in style and character to the other barns along Frog Street. While the other barns are a more typically substantial buildings with characteristic large areas of uninterrupted walls, this barn is characterised mainly by its two original sides. These are to remain uninterrupted with no openings. The new openings are proposed within the timber cladding and not in the main stone structure. The windows to the south elevation will be recessed slightly into the more recent stone wall but overall it is considered that these openings have been designed as modern interventions that avoid interference with the more important east and west elevations.

The applicant's agent has advised that there is a possibility of deleting the left hand windows on the south elevation, however it is considered that their inclusion is acceptable.

It is considered that the alterations have no adverse impact on the character or setting of the barn, sufficiently preserve the setting and appearance of the conservation area and has no adverse affect on the setting of the listed buildings.

It has been questioned whether a precedent would be set for the alteration of other barns in the street. It is not considered that granting consent for this scheme would lead to any precedent due to the very different nature of these other barns. In any case, as Members will be aware each application has to be considered on its own merits.

Residential Amenity

Two objections have been raised to the prospect of overlooking from the windows in the north elevation. These relate to the garden of Trelleck House, to the west and Court Farmhouse to the north.

During the pre-application negotiations, the Conservation Officer advised the applicant's agent that Planning Officers may have concerns with overlooking, especially due to the close proximity of the barn to Trelleck House. This advice has been taken into account and a design solution included that sees the glazed screen recessed. Furthermore, there

is no landing or floor space against the window, preventing any overlooking to the west. Likewise, there is limited opportunity to view the garden area to the north. This is also some distance from the barn. It is not considered that any unacceptable harm will be caused to the residential amenity of any of the occupiers of neighbouring dwellings by way of overlooking.

The other issue is that of noise disturbance. The barn is closely related to Trelleck House, being sited on the boundary. However, the proposal is not for conversion to a separate dwelling but to ancillary accommodation. As referred to above, an application for change of use would be necessary for separate occupation of the barn either as a single dwellinghouse or a holiday let and the issue of additional impact would be considered then. It is not considered that the proposed use will generate levels of noise that will cause unacceptable harm to residential amenity of neighbours.

Other Issues

A Bat and Bird survey has been supplied with the application, which the Council's Ecologist has considered and raised no objections, as no evidence of bat use was discovered.

The Highway Authority have raised no objections to the scheme.

Conclusion

Overall the proposed works, internal and external are acceptable and are considered to have no adverse impact on the character or setting of the barn, preserve the setting and appearance of the conservation area and has no adverse affect on the setting of the listed buildings.

Therefore, the recommendation to members is to grant planning permission for the proposed works.

RECOMMENDATION

Approval with condition

JUSTIFICATION

01. The proposed works, by reason of their design, size, scale and materials, have no adverse impact on the character and setting of this traditional agricultural building, preserves the setting and character of the conservation area, do not adversely affect the setting of the listed buildings and causes no unacceptable harm to residential amenity, in accordance with the aims and objectives of PPG15, policies EN 3 and EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1, EH5 and EH7 of the South Somerset Local Plan 2006.

Application Permitted with Conditions

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The accommodation to be provided within the development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Shores Farm. There shall be no fragmentation of the planning unit to facilitate its use as single residential planning unit.

Reason: The accommodation provided is unsuitable for use as a permanent separate dwelling as it is outside of defined development limits and because of its limited size, relationship to the main dwelling and inadequate facilities on site, in accordance with policy VIS 2 of the Regional Spatial Strategy, policies STR1 and STR6 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST3, ST5 and ST6 of the South Somerset Local Plan 2006.

03. Any area of rebuilding shall be restricted to that defined on the approved plan(s) and shall not be enlarged without the prior express grant of planning permission. In the event that completion strictly in accordance with such approved plans shall become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when and express grant of planning permission shall have been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the listed buildings and the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

04. The works hereby granted consent shall be completed in all respects within 12 months of the commencement of the works hereby approved, unless otherwise agreed in writing. Written notice of the date of the commencement of the approved works shall be given to the Local Planning Authority.

Reason: To ensure that the works hereby approved are completed and/or not left in a partially completed state for a protracted period detracting from the character and appearance of the listed building.

05. No work shall be carried out on site unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc).

Reason: In the interests of visual amenity and to safeguard the character and appearance of the listed buildings and the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

06. No works shall be undertaken on site unless the following details have been submitted and a sample panel provided on site for inspection and written approval of the Local Planning Authority:
- a) Full details, including elevational drawings, to indicate the areas to be repointed.
 - b) Details of the method of removal of existing pointing. In this regard mechanical tools shall not be used,

- c) Details of the mortar mix, and
A sample panel of new pointing that shall be carried out in the agreed mortar.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the listed buildings and the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

07. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the listed buildings and the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

08. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced. Such details shall include detail of window surrounds into the timber cladding.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the listed buildings and the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

09. No work shall be carried out on site unless design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the listed buildings and the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

10. No works are to be undertaken to any structural timbers until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.

Reason: In the interests of the special architectural and historic interests of the listed building, in accordance with PPG15 and policy EH3 of the South Somerset Local Plan 2006.

11. No works are to be undertaken until details of any structural ties, including position and finish have been submitted to and approved in writing by the Local Planning Authority. The works will only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the listed buildings and the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior express grant of planning permission.

Reason: In the interests of residential amenity and visual amenity and to safeguard the character and appearance of the listed buildings and the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the building without the prior express grant of planning permission.

Reason: In the interests of residential amenity and visual amenity and to safeguard the character and appearance of the listed buildings and the Conservation Area, in accordance with PPG15, policies EN 3, EN 4 of the Regional Spatial Strategy, policies 9 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.
