

# 21/02914/FUL

**Applicant** Russo

**Location** Soho Bonington 40 Melton Lane Sutton Bonington Loughborough Nottinghamshire

**Proposal** Change of use of 2 agricultural barns to 1 dwelling house and swimming pool, associated external alterations including roof alterations, installation of solar panels, insertion of doors and windows (part retrospective)

**Ward** Sutton Bonington

## THE SITE AND SURROUNDINGS

1. The application site is located in open countryside on the south side of Melton Lane, Sutton Bonington. It is to the south (rear) of 40 Melton Lane which comprises of a modest, detached farmhouse occupied by the applicant. The site is otherwise surrounded open agricultural fields separated by hedgerows.
2. The site comprises of two detached agricultural barns which are positioned some 31 metres to north of 40 Melton Lane and are accessed via a long private tree lined driveway from the south side of Melton Lane. The application site also includes a relatively small area of hardstanding and grass turf which surrounds the two barns that measures approximately 37m in width and 58m in length.
3. The larger barn measures some 40.5m x 18.6m and the smaller barn adjacent (west) measures 22.6m x 10.6m.
4. Unauthorised works have been undertaken. In October 2019 the larger barn had an entirely breeze block wall along the northern and southern facing gables, the higher section of the barn to the southern end had two raised roof sections to either side of the pitched roof, which had been insulated, and a new black metal roof, supported internally by a new steel portal frame had been added. During the Planning Officer's site visit in June 2020 the following additional works to the larger barn were noted; A concrete floor has been laid, the internal walls and roof has been clad, an internal fireplace had been installed; a brick wall / pillar had been built to the southern higher section; a single storey open 'lean-to' has been added to part of the eastern elevation, large windows had been installed, the southern end gable had been finished in metal corrugated cladding. The smaller barn appears to have been largely unaltered over a similar period.

## DETAILS OF THE PROPOSAL

5. The application seeks planning permission for the change of use of 2 agricultural barns to for a single dwelling house, with the living accommodation within the larger barn, and a swimming pool and gymnasium in the smaller

barn; and associated external alterations including re-cladding; insertion of doors and windows and installation of solar panels.

6. The barns are both constructed of steel frames above concrete floors, the walls are a mix of breeze blocks and concrete cladding, with the roof clad in metal sheeting.
7. The larger of the two barns measures 40m by 18m in footprint and would comprise of a substantial open plan living accommodation and two bedrooms/bathrooms at ground floor, with a first-floor mezzanine providing 3 additional bedrooms and bathroom.
8. The smaller of the two barns measures 23m by 11m and would comprise of an ancillary gym and swimming pool building.
9. In support of the application structural details of the existing barns were submitted, together with a preliminary bat roost assessment, a contaminated land report, planning statement and landscape assessment.
10. The application is a re-submission of a former identical application that was previously refused via delegated power in August 2020 (Ref: 20/01015/FUL). Importantly, it should be noted that there has been no change since this time in either the proposed development or in respect of local and national planning policies.

## **SITE HISTORY**

11. 05/01070/FUL - Change of use of existing garage/store (attached to house) to form two student bedrooms (with alteration to roof slope on rear elevation); form farm manager's office. Granted conditionally September 2005.
12. 05/01467/FUL - Construct building containing 10 stables and a single and two storey outbuilding to form storage and demonstration area with meeting room and junior veterinary surgeons flat at first floor. Granted conditionally September 2005.
13. 06/00015/FUL – Use of land for parking 2 temporary static caravans. Granted conditionally February 2006.
14. 12/00061/FUL - Alterations and extensions to form veterinary and equestrian centre to form observation tower/water tower and more spacious accommodation for employees. Granted conditionally June 2012.
15. 19/00009/FUL – erection of single storey extension (to the main house). Granted March 2019.
16. 19/02125/FUL – change of use of 2 agricultural barns to 1 dwelling house, and associated external alterations including; re-cladding; insertion of doors and windows; and installation of solar panels. Withdrawn.
17. 20/01015/FUL - Change of use of 2 agricultural barns to 1 dwelling house, and associated external alterations including insertion of doors and windows (resubmission). Refused August 2020.

18. 20/01122/FUL – Change of use of existing storage (B8) and separate workshop (B1c) into an office (B1a) unit including insertion of window, addition of doors and replacement of cladding. Granted August 2020.
19. 20/01123/FUL – Erection of new commercial building (D2 gym). Refused October 2020

## **REPRESENTATIONS**

### **Ward Member**

20. The Ward Member – Cllr M Barney comments that he supports the application has no objections to the proposals.

### **Town/Parish Council**

21. No comments from the Parish Council have been received.

### **Statutory and Other Consultees**

22. Nottinghamshire County Council as Highway Authority confirm that the principle of the proposal is considered acceptable from a highway's perspective. However, they note that the existing vehicle access is not to current Highway Authority standards and is in a poor state of repair and as such, the access will require upgrading to current Highway Authority standards, if approved. In addition, the access driveway would also need to be surfaced in a hard-bound material for a minimum distance of 5m to the rear of the highway boundary. They suggest planning conditions and an informative to secure these measures.
23. The Borough Council's Environmental Health Officer has no objections to the proposals. Taking account of the recent planning history they consider that the buildings located close to the existing farmhouse has a commercial use. They are not aware of this impacting adversely on the existing residential use. On this basis, and as the building would be located within an area indicated to be within the ownership of the applicant, it is considered unlikely that the existing commercial use would have a detrimental impact on amenity on any future occupants of the proposed dwelling. In relation to land contamination, they consider that the submitted Interpretative Desk Study and Exploratory Investigation Report (Ref; GJ198 Froghole Farm; dated February 2020)'report prepared by G&J Geoenvironmental Consultants Ltd' concludes that the risk to human health and the environment from the potential contaminant linkages identified in the conceptual site model is low/negligible and no further works are required, and as such the available evidence supports the conclusion drawn and conditions relating to potential land contamination are not required.

### **Local Residents and the General Public**

24. There have been no public comments made in relation to the proposals.

## **PLANNING POLICY**

25. The application falls to be considered against the development plan for Rushcliffe (unless material considerations indicate otherwise) which now

comprises of Local Plan Part 1: Rushcliffe Core Strategy (Core Strategy) and Local Plan Part 2: Land and Planning Policies. Other material considerations include the National Planning Policy Framework 2021 (NPPF).

26. The full text of the policies is available on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/>

### **Relevant Local Planning Policies and Guidance**

27. **Local Plan Part 1:** Policy 1 (Presumption in Favour of Sustainable Development) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
28. Policy 10 (Design and Enhancing Local Identity) requires all new development to be designed to make; a positive contribution to the public realm; create an attractive, safe, inclusive and healthy environment; reinforce local characteristics; and reflect the need to reduce the dominance of motor vehicles.
29. **Local Plan Part 2:** Policy 1 (Development Requirements) states that planning permission for new development will be granted provided that; there is not significant adverse effect upon the residential amenity of adjoining properties; there is adequate provision of parking; there is sufficient amenity and circulation space; the scale, density, height massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and surrounding area, it should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy; noise attenuation and light pollution is minimised; there is no significant adverse effects on wildlife and there are net gains in biodiversity; there is no significant effect on landscape character; the amenity of occupiers of the development would not be detrimental affected by existing uses; there is not adverse effect on historic sites; the opportunities for criminal activity are minimised; renewable energy technologies are encouraged; the development would have regard for the best and most versatile agricultural land.
30. Policy 22 Development within the Countryside states that land identified as countryside will be conserved and enhanced for the sake of its intrinsic character and beauty, diversity of landscapes, heritage and wildlife. The re-use and adaption of buildings for appropriate uses, including housing, will be permitted subject to a number of criteria, specifically; the appearance and character of the landscape is conserved and enhanced.
31. Paragraph 6.20 states that; The re-use and adaption of certain buildings to dwellings makes a valuable contribution to the housing stock and to retaining the amenities of surrounding areas. Part 2b) of the policy therefore permits, in principle, the conversion and change of use of existing buildings within the countryside for appropriate uses, including housing. The proposal should however comply with the development requirements outlined in Policy 22. In addition, it should not lead to the loss of employment uses and ensure that the architectural or historic qualities of the building are retained.

## Relevant National Planning Policies and Guidance

32. The National Planning Policy Framework updated in July 2021 (NPPF) explains that the development of isolated homes in the countryside should be avoided unless certain circumstances for example the development would re-use redundant or disused buildings and enhance its immediate setting (paragraph 80).
33. The NPPF (July 2021) includes a presumption in favour of sustainable development. Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible.
34. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
  - a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
35. Section 5 - 'Delivering a Sufficient Supply of Homes' includes policy for considering rural housing. The NPPF identifies that decisions should avoid the development of isolated homes in the countryside, unless one or more of a set of exceptions apply. Part 'c' of the exceptions includes development that would re-use redundant or disused buildings and enhance its immediate setting.
36. Section 9 - 'Promoting Sustainable Transport' states that it should be ensured that safe and suitable access to the site can be secured for all users, going on to identify that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
37. Section 12 - 'Achieving Well Design Spaces' states that the creation of high-quality buildings and places is fundamental to what the planning and

development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It states that planning policies and decisions should ensure that developments, inter alia:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

38. Section 15 - 'Conserving and enhancing the natural environment' states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

## **APPRAISAL**

39. The main issues for consideration are;

- a. Whether the development would be tantamount to a new dwelling in the countryside;
- b. The effect of the proposal on the character and appearance of the open countryside
- c. The effect of the proposed development on highway safety
- d. The effect of the development on protected species; and
- e. The effect on the living conditions of existing and future occupiers (including contamination)

### a. Whether the development would be tantamount to a new dwelling in the countryside

40. In terms of the principle of converting agricultural buildings to a dwelling in the open countryside and the impacts upon its character, Policy 22 of the Local Plan Part 2 supports the re-use and adaption of buildings in the open countryside to dwellings, subject to a number of criteria.

41. In order to establish if the proposal can be considered under Policy 22, it is first necessary to consider if the proposal would constitute the re-use and adaption of a building. During an Officer's visit to the site, photographs of the barns were taken. At this point in time the larger barn comprised of breeze block and corrugated metal clad walls to the gable ends, and timber cladding to the two long side walls, with the roof covered in corrugated metal sheeting.

42. During the previous Officer's site visit in October 2019 the larger barn had an entirely breeze block wall along the northern and southern facing gables, the higher section of the barn to the southern end had two raised roof sections to either side of the pitched roof, which had been insulated, and a new black metal roof, supported internally by a new steel portal frame had been added.

43. The new metal clad black roof is evident on Google maps (Imagery@2020) which clearly differs from the grey corrugated roof shown on the RBC aerial

photos taken earlier. These are also detailed in the photograph submission made by the applicant as part of this application.

44. The two raised roof sections to the southern end of the barn are shown on the 'existing plans' however, whilst these physical alterations to the barn may have already been carried out, they have altered the size and appearance of the barn and are considered to be operational development, for which no permission has been granted. The proposal would not therefore merely comprise of the change of use of an existing building.
45. During the Planning Officer's site visit in June 2020 the following additional works to the larger barn were noted; A concrete floor has been laid, the internal walls and roof has been clad, an internal fireplace had been installed; a brick wall / pillar had been built to the southern higher section; a single storey open 'lean-to' has been added to part of the eastern elevation, large windows had been installed, the southern end gable had been finished in metal corrugated cladding.
46. The smaller barn appears to have been largely unaltered over a similar period of time.
47. In support of the application, a structural appraisal has been submitted, detailing the results of a 'visual' inspection of the building. In terms of building 1, it describes it as a single storey building (it is now part two storey) with a steel portal frame (this is a recent addition), an insulated and clad roof (this is also a recent addition), and clad walls (parts of which have recently been re-clad). It explains that the concrete foundations were exposed in one location and found to be adequate.
48. In terms of building 2, it describes it as a single storey building, with a steel portal frame, an insulated and clad roof, block work to the side elevations and cladding to the end elevations, and a concrete ground floor slab. It explains that the steel frame was found to be in a good condition.
49. It states that 'As part of any conversion work it is normal for local repairs, replacement cladding, tying of the structure etc. to be carried out. This work will be undertaken whilst retaining the form and character of the current buildings.'
50. However, it is considered that the buildings are not capable of being converted to residential accommodation without a substantial amount of new work, much of which has already been carried out, and which does not merely constitute 'repairs'.
51. Structural works to the larger building 1, are of a scale which are deemed to constitute development, and have been carried out to the building, without permission. These works include raising part of the roof, a new roof, new steel portal frame, new walls, new floors, and the insertion of large areas of glazing. When taken cumulatively, these alterations are considered tantamount to the construction of a new building in the countryside, rather than the conversion of an existing building.
52. It is considered that the proposals would not therefore comprise of the re-use and adaption of an existing building and would not therefore accord with Local

Plan Policy 22 or Paragraph 80 of the NPPF. The creation of a new dwelling is not one of the types of developments identified under Policy 22 as being acceptable in an open countryside location.

b. The effect of the proposal on the character and appearance of the open countryside

53. Policy 22 3a) of the Local Plan permits development in the open countryside where: the character and appearance of the landscape is conserved and enhanced. Paragraph 79 of the NPPF also requires the re-use of redundant building to enhance its immediate setting.
54. The site is located in the open countryside outside the main built-up part of the village of Sutton Bonington. Whilst the University of Nottingham (School of Agriculture) Campus is located approx. 400m to the west of the application site, the immediate area is characterised by small clusters of residential properties in elongated plots in a linear pattern along Landcroft Lane and Melton Lane, surrounded by open agricultural fields, which are dotted with traditional farm buildings.
55. Increasing the height of the roof, altering the angle of roof slope, introducing large areas of glazing, re-cladding most of the walls and roof of the structure has significantly altered the character and appearance of the larger building to such an extent that it would significantly alter the intrinsic character of what was once a simple agricultural barn structure.
56. In addition, there are likely to be additional enclosures, lawns, patio areas and a range of domestic paraphernalia added over time. With all aspects taken into account, the proposal would result in significant and harmful urbanising of an existing simple typical agricultural building. Therefore, in the context of the requirements of paragraph 80 of the NPPF and Local Plan Policy 22, the proposal would not result in the enhancement of the immediate setting.

c. The effect of the proposed development on highway safety

57. In terms of the impacts upon highway safety, the site is accessed via a private driveway off Melton Lane, it is not considered that the traffic generated by one dwelling would be any greater than that generated by the former agricultural use of the barns. There is sufficient space within the application site for vehicular parking for one dwelling, together with a sufficient turning area to allow vehicles to enter and exit the site onto Melton Lane in a forward gear. The Highway Authority do not object to the application on the basis that the existing driveway be widened.

d. The effect of the development on protected species

58. A Preliminary Bat Roost Assessment Report was submitted during the course of the previous application which concluded that there is negligible potential for roosting bats. As a result, it is considered that the proposal is unlikely to harm protected species. It is not therefore considered necessary to assess the application against Natural England's 3 tests.



e. The effect on the living conditions of existing and future occupiers (including contamination)

59. With regards to the impacts upon the living conditions of 40 Melton Lane, the vehicular access to the site is adjacent to the side elevation of 40 Melton Lane. Whilst domestic vehicles accessing the site have the potential to create noise and disturbance, it is not considered that this would be any greater than the noise generated by the potential movements associated with the agricultural use of the barns and land.
60. The proposed residential curtilage would be located 19m from the rear elevation of no.40, with the closest barn located 31m away. Whilst there are two large windows proposed in the north-eastern end gable of the larger barn facing no.40, given the separation distances, it is not considered that the proposal would result in unacceptable levels of overlooking or loss of privacy.
61. With regards to the impacts upon living conditions of future occupiers, a contaminated land report has been submitted in support of the application which concludes that the risks from land contamination are considered to be very low/negligible, and no further investigation works or remediation are considered necessary. Environmental Health do not object to the proposals. The converted barns would benefit from a residential curtilage which would provide adequate outdoor amenity space for future occupiers.

Conclusion

62. It is considered that the proposals represent the construction of a new dwelling in the countryside rather than a conversion of an existing building, contrary to local and national planning policy. As such, it is recommended that planning permission be refused

**RECOMMENDATION**

It is RECOMMENDED that planning permission be refused for the following reasons:

1. The proposals would result in significant alterations to the buildings, which, when considered cumulatively, are tantamount to the construction of a new building in the countryside. The proposals would not therefore comprise of the re-use and adaption of existing buildings, and would therefore be contrary to paragraph 79 of the NPPF and Policy 22 (Development within the Countryside) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
2. The cumulative impacts of the physical alterations to the buildings together with the domestic paraphernalia associated with its use as a dwelling would result in significant and harmful urbanising of simple agricultural buildings, which would be harmful to the character and appearance of this open countryside location. The proposals would not therefore conserve or enhance their immediate setting, and would therefore be contrary to paragraph 80 of the NPPF and Policy 22 (Development within the Countryside) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

Note

**Positive and Proactive Statement**

The proposal was a resubmission of a previously refused application and as there had been no changes to the proposal itself or to planning policies, which would overcome the reasons for refusal, to enable the Rushcliffe Borough Council reach an alternative decision to that on the previous application, it was not considered further negotiation or discussion would be beneficial. .