

# Planning Statement

Produced by David Smart



**On Instructions from**

Ann Sullivan and Hazel Bullock

**Planning Statement for**

Conversion of 3 no barns into 3 dwellings  
with ancillary home office accommodation (Revision to application  
ref. P0571/20/FUL)

**At**

Ash Farm, Morse Lane, Drybrook,  
Gloucestershire, GL19 9BE

**BK Reference**

514005

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Appendix A: Appeal Decision Notice APP/P1615/W/21/3273568

Appendix B: Application Decision Notice P0571/20/FUL

Appendix C: Plans and Photographs of Sunnyside

## 1. Introduction

- 1.1. This revised full planning application has been submitted by Bruton Knowles on behalf of Mrs Ann Sullivan and Mrs Hazel Bullock, to convert three existing agricultural barns into three individual dwellings, with ancillary home office accommodation to plot C. The original application (P0571/20/FUL) was sought to create four rather than three individual dwellings.
- 1.2. Following feedback provided from Inspector B Davies (under appeal reference APP/P1615/W/21/3273568), we have amended the proposal to satisfy the points raised which led to the dismissal. This will be discussed in later in this report.
- 1.3. The appeal decision is provided in Appendix A and decision notice for application ref. P0571/20/FUL can be found in Appendix B.
- 1.4. This Planning Statement has been submitted in support of the planning application and intended to be read alongside the accompanying plans and documents.

## 2. The Application Site

- 2.1. As previously set out, the site is located within the parish of Drybrook and is located within the administrative area of FODDC. The site is circa 0.18ha which includes three barns, one of which is attached to the main farmhouse, and the surrounding farmyard area.
- 2.2. The site is located circa 1km to the west of Drybrook as shown in Figure 1 below. The site is accessed from Morse Lane, which runs to the south of the site, into an existing courtyard area.



Figure 1. Aerial photograph of application site in relation to Drybrook

- 2.3. Drybrook is classified as a Major Village with employment opportunities and services important to a wider area. It is considered that Drybrook has scope for additional development.
- 2.4. The agricultural barns which are the subject of this revised application are now disused however the large building to the north and farmland beyond is still being farmed.

- 2.5. The Environment Agency's flood map system indicates the site is located within flood zone 1 and therefore has a low probability of flooding.
- 2.6. Historic England's mapping system illustrates that there are no heritage assets located in the site's immediate vicinity.
- 2.7. The site is not contained within any statutory landscape designations such as Green Belt or AONB, however it is considered to be within the open countryside in planning terms (covered under Core Policy CSP.4).

### 3. The Proposed Development

- 3.1. The proposed development is sought for the conversion of three barns into three dwellings, with ancillary home office accommodation to plot C. Further details of the design proposal can be found below and in accompanying plans.
- 3.2. It is proposed that the converted barns will provide the following accommodation;
- 1 x 1-bedroom dwelling with ancillary home office accommodation (plot C)
  - 1 x 2-bedroom dwelling (plot B)
  - 1 x 3-bedroom dwelling (plot A)
- 3.3. Each dwelling has individual amenity areas and parking available for 2 vehicles. Boundary treatments between each dwelling and surrounding areas are shown on the accompanying plans.
- 3.4. The key differences between this proposal and that sought under application ref. P0571/20/FUL, taking into account inspector B Davies's comments, are summarised below:
- (1) The barn to the south of plot C is no longer a separate dwelling and now forms ancillary office accommodation to plot C. This accommodation includes two office rooms, a toilet, a tea area and a workshop (as set out in the 'proposed site and floorplan'/ drawing no. K944-03(B)).
  - (2) There is a new gated entrance to the front facing grassed area of the office accommodation and a new screened paved area between plot C and the office. In this area tree planting and low planting beds are proposed. This area is not amenity space to plot C and its purpose is to provide a green passage to the office accommodation. Screening has now been secured between the existing farmhouse and proposed office accommodation.

- (3) New tree and native hedgerow planting are now also proposed along the eastern boundary of the application site, between plot B and the new dwelling at Sunnyside (approved under P0218/19/FUL).
- (4) A secure bike shed for 4no. cycles and a bin store has now been provided for each plot.
- (5) An obscured glazed window is provided in the living room and bathroom to bedroom 2 of plot A. In plot B an obscured glazed window is provided in the kitchen and bathroom to bedroom 1. In plot C, an obscured glazed window is provided in the bathroom and in the ancillary workshop space.
- (6) There are now two visitor bays provided on site.

## 4. Relevant Policy and Legislation

### Local Policy: Development Plan Policy

4.1. Section 38 of the Planning and Compulsory Purchase Act 2004 states planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

4.2. With regard to the above paragraph, it is useful to refer to a High Court decision, R v Rochdale Metropolitan Borough Council (2000), where the decision determined that a proposed development does not have to accord with every policy within a Development Plan.

*“Given the numerous conflicting interests that Development Plans seek to reconcile: the needs for more housing, more employment, more leisure and recreational facilities, for improved transport facilities, the protection of listed buildings and attractive landscapes etc., it would be difficult to find any project of any significance that was wholly in accord with every relevant policy in the development plan. Numerous applications would have to be referred to the Secretary of State as a departure from the Development Plan because one or a few minor policies were infringed, even though the proposal accords with the Development Plan considered as a whole. It does not have to accord with each and every policy therein.”*

4.3. With the above decision in mind, we provide a policy review of relevant policies outlined in the Core Strategy (2012) and in the Allocations Plan (2018), which Inspector B Davies drew our attention to in appeal reference APP/P1615/W/21/3273568.

Core Strategy Adopted Version (February 2012)

- 4.4. **Policy CSP 1:** This policy sets out that *“the design and construction of new development must take into account important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment, including their wider context. New development should demonstrate an efficient use of resources. It should respect wider natural corridors and other natural areas, providing green infrastructure where necessary.”*
- 4.5. **Policy CSP. 4:** This policy focuses on the location of development to promote thriving sustainable communities. It sets out that *“Most changes in towns and villages will be expected to take place within the existing settlement boundaries, unless or until they are replaced by other LDF documents (for example an Area Action Plan). Exceptions to this may include affordable housing for local persons and building conversions and (rarely) new buildings for employment uses on the edge of settlements. Areas outside settlement boundaries unless otherwise shown in the Key Diagram will be treated as part of the open countryside.”*
- 4.6. **Policy AP 1:** This policy sets out that *“in assessing planning applications the primary consideration will be whether or not the development proposed is sustainable with the overall aim of improving the economic, social and environmental conditions of the area”.*
- 4.7. **Policy AP 4 :** This policy sets out that *“new development will be expected to be of a high quality design making a positive contribution to the design quality of the area in which it is proposed. It should do this where appropriate by: Establishing or supporting a strong sense of place, Taking account of local character and history in terms of design solutions, Being visually attractive, employing good architecture and landscaping which respects the amenity of residents and others, Contributing to environmental enhancement, The propagation of local distinctiveness by ensuring that the style and*

*nature of materials used in developments demonstrates an appreciation of traditional characteristics, styles and materials that are in use in the locality, making use of such styles and materials where appropriate, and Adopting an inclusive approach to produce safe and accessible environments that will embrace the needs of all different groups in the community.”*

#### FODDC Residential Design Guide

- 4.8. This guidance was published as Supplementary Planning Guidance on 6th August 1998. The purpose of the guide is to make developers more aware of the policies and approach adopted by the authority and hence encourage a speedier and more efficient design and planning process. There are numerous references to this document in the appeal decision (APP/P1615/W/21/3273568).

#### National Policy: National Planning Policy Framework (NPPF)

- 4.9. The NPPF was revised and updated in July 2021 and sets out the governments planning policies for England and how they are expected to be applied.
- 4.10. Paragraph 11 of the NPPF states that *“Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means... d) 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 proposed; 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.”*
- 4.11. In the recent appeal decision published on the 9th October 2020, under reference number APP/P1615/W/19/3236737, for Land off Bradfords Lane, Newent, it was

concluded by the inspector in paragraph 33 that the current best-case scenario of FODDC's five-year Housing Land Supply is currently 4.8 years. FODDC have since conceded that their housing supply is in fact 3.9 years (October 2021).

- 4.12. As the local authority cannot currently demonstrate a five-year housing land supply, relevant housing policies are considered out of date and therefore in this case the tilted planning balance should be applied. Inspector B Davies applied the titled balance in for the determination of the appeal (reference APP/P1615/W/21/3273568).
- 4.13. Paragraph 80 sets out that *"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply c) the development would re-use redundant or disused buildings and enhance its immediate setting"*.
- 4.14. Paragraph 105 sets out that *"the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes"*.
- 4.15. Paragraph 111 sets out 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"*.
- 4.16. Paragraph 112 sets out that *"within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles,*

*avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.*

- 4.17. Paragraph 119 sets out that *“planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”.*
- 4.18. Paragraph 130 sets out that *“planning policies and decisions should ensure that developments: 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; 39 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); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.*
- 4.19. Paragraph 152 sets out that *“the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in*

*greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.*

## 5. Issues of Significance

5.1. Under the appeal reference APP/P1615/W/21/3273568, Inspector B Davies considered that the main issues of the previous proposal were:

- (1) Whether or not the location is appropriate for open market housing with regard to local and national policies for housing in the countryside.**
- (2) Whether or not the development would provide satisfactory living conditions with particular regard to overlooking and private external space.**
- (3) Whether or not the location is appropriate for housing having regard to local and national policies regarding accessibility.**
- (4) The effect of the development on highway safety.**
- (5) The effect of the development on the character and appearance of the landscape.**

5.2. Inspector B Davies also considered that the structural integrity of the barns should not be brought into question and that the works required are not the equivalent of a new build or complete reconstruction.

5.3. Under **point 1**, Core Policy CSP.4 sets out that development outside of settlements can be justified if it supports a building conversion. As set out in paragraph 8 and 9 of the appeal decision, Inspector B Davies writes that *“the proposed design retains the fundamental form of the barns, and, in the most part, the existing openings would be used for windows and doors, albeit some of these are re-sized”*. He goes on to state that *“there are therefore no significant external new build elements required for the purposes of conversion to domestic use”*. He summarises in paragraph 9 that the *“conversion is a broad term and not further defined in local or national policy or guidance. I am content that the proposed works would meet a reasonable definition of conversion and that, in this respect, such development meets the requirements of CSP.4 and is appropriate at this location”*.

- 5.4. As set out above, the previous proposal fell within the definition of a conversion (in accordance with Policy CSP.4) and as a result the location should therefore still be considered appropriate for open market housing. The new proposal does not seek to introduce any additional external works to the fabric of the barns and hence the conversion and location of the barns should not be brought into question.
- 5.5. In regards to **point 2**, the key policies and guidance relating to living conditions, overlooking and private external spaces includes policies CSP.1 of the Core Strategy, AP.4 of the Allocation Plan, paragraph 119 of the NPPF and FODDC's Residential Design Guide.
- 5.6. As set out in the appeal decision, Inspector B Davies raised the following concerns with regard to the design and layout of the previous proposal. An explanation illustrating how these concerns have now been addressed, with this new proposal, are also provided below.
- 5.7. In paragraph 14 and 15 of the appeal decision, Inspector B Davies writes *"Two windows on the side of the farmhouse immediately border and overlook the main garden of Plot C, one on the ground floor and one on the first floor. The large, fenestrated barn doors to the rear of Plot D would also immediately overlook this space. He goes onto state that, "the proposed hedge would not prevent direct overlooking of the entire garden from the upstairs window of the farmhouse, and for this reason, I conclude that there would not be private external amenity space associated with Plot C"*. To address these concerns, what was formerly plot C is no longer a separate residential unit and is proposed ancillary office accommodation to the new plot C. The space between plot C and its office accommodation is no longer amenity space and its purpose is to provide a green passage link between the two barns. New tree planting and low plant bedding is proposed between plot C and its ancillary accommodation. This coupled with the obscured glazed windows that are provided in the ancillary workshop space, will be mean that there will be no overlooking or privacy issues from the existing farmhouse.

- 5.8. In paragraph 16, Inspector B Davies writes that *“Sunnyside (property to the east) also has a side window on the border of the site, overlooking the rear space of Plot B at ground level. According to the plans, it is proposed to retain the low boundary wall between the two, but not plant a hedge. This would result in the entirety of the garden of Plot B being overlooked and no private space being available”*. As set out in Appendix C (plans and photographs of Sunnyside), the side window on the west elevation of Sunnyside facing the application site is a bathroom. To mitigate any overlooking issues of the rear space of plot B, new tree and native hedgerow planting are now also proposed along the eastern boundary of the application site, between plot B and the dwelling at Sunnyside.
- 5.9. In paragraph 17, Inspector B Davies writes that *“private garden space must be attached to individual dwellings. I conclude that two of the properties would not have private garden space and the guidelines are therefore not met”*. It should be noted that all of the private garden spaces are attached to the three proposed dwellings.
- 5.10. Paragraphs 18 to 21 of the appeal decision all cover issues relating to what was formerly proposed as plot C. These paragraphs are no longer relevant as the barn is no longer a separate residential dwelling and now office accommodation. Obscured glazing has been provided in the workshop and planting has been proposed to help form a screened buffer to the existing farmhouse.
- 5.11. The applicant has addressed concerns raised by Inspector B Davies under the living conditions section and the proposal now conforms with CSP.1 of the Core Strategy, AP.4 of the Allocation Plan, paragraph 119 of the NPPF and FODDC’s Residential Design Guide.
- 5.12. In regards to **point 3**, the key policies and guidance relating to the site’s accessibility includes policy AP1 of the Allocations Plan and paragraph 105 of the NPPF.

- 5.13. In paragraph 25 and 26, Inspector B Davies writes that *“the site is within walking distance of a regular bus service and within easy cycling distance of community hubs, including the facilities at Drybrook, approximately 1 km away. I accept that the walk to the bus stop is along a single, unlit lane, but the distance is not far, the visibility for users of the road is good and the Local Highways Authority confirms my observation that it is a slow speed environment. I noted that the appeal site is also adjacent to a network of public footpaths. I acknowledge that given the rural location, much travel would inevitably be by private motor vehicle. Nevertheless, genuine transport options are available and the requirements of Policy AP1 and national policies are met”*. Inspector B Davies underlines that the accessibility of the site is not an issue and that the location does not conflict with policy AP1 of the Allocations Plan and paragraph 105 of the NPPF.
- 5.14. In regards to **point 4**, the key policies and guidance relating to the effect of the development on the highway safety includes policy CSP.1 of the Core Strategy and paragraphs 111 and 112 of the NPPF.
- 5.15. As set out in paragraphs 27 to 35 of the appeal decision, Inspector B Davies summaries that *“I do not consider that the small number of vehicles from the site would cause a significant risk to highway safety because of the limited width of the local road.”* The scheme has been reduced from four to three dwellings. The Inspector goes onto state that *“This is a small scheme and there would be negligible risk to pedestrians and cyclists within the site and it is concluded that there is not an unacceptable risk to highway safety from the development and that the proposal meets the requirements of CSP.1 of the CS and the overall requirements of the Framework”*.
- 5.16. In regards to **point 5**, as set out in paragraphs 37 to 39 of the appeal decision, Inspector B Davies considered that *“the minimal external changes to the barns and use of appropriate materials means that they would clearly remain of agricultural*

*origin and, to this extent, would be in character with the rural surroundings*". He goes onto state that *"there would not be harm to the landscape from the proposal and it is therefore compliant with Policy CSP.1 of the CS. Paragraph 130 of the Framework requires that development is sympathetic to the landscape setting and I conclude that the proposal is also consistent with this"*. The new proposal does not entail any new external changes and there will be less domestic paraphernalia created because the proposal is now for three rather than four dwellings. As set out above the proposal conforms with relevant policy CSP.1 of the Core Strategy and paragraph 130 of the NPPF.

## **6. Conclusion**

- 6.1. The proposed development will allow for the reuse of disused agricultural buildings that will otherwise be left to deteriorate. It will provide three additional dwellings in close proximity to a major village. The provision of three additional dwellings will assist the delivery of FODDC current undersupply of housing.
  
- 6.2. Within the titled planning balance of the appeal decision, Inspector B Davies considered that the adverse effects from lack of privacy would significantly and demonstrably outweigh the modest benefits of the scheme, when assessed against policies in the Framework taken as a whole. It should be considered that all issues raised relating to overlooking, privacy and private external spaces have all been addressed by reducing the total amount of residential dwellings (four to three) and by providing appropriate mitigation, through the planting of trees/hedgerow and through the installation of obscured glazing windows.
  
- 6.3. As such the level of detail provided is sufficient and this application ought to be allowed.