

Planning Statement

Demolition of Existing Barn (Barn 2) and
Construction of New Detached Dwelling

Barn 2, Dunsty Hill Farm, Edgcott Road,
Calvert Green, Buckinghamshire, OX27 0BJ

On behalf of:
Highbarrow Holdings

September 2023

Ref: 1282

Smith Jenkins Ltd

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1 Introduction

1.1 Smith Jenkins Planning & Heritage provide planning advice to our clients Highbarrow Holdings (the applicant). On behalf of Highbarrow Holdings, Smith Jenkins Planning & Heritage are pleased to enclose a full planning application for the following proposal at Barn 2, Dunsty Hill Farm, Edgcott Road, Calvert Green, Buckinghamshire, OX27 0BJ (the site):

“Demolition of existing Barn (Barn 2) and replacement with new detached dwelling including access and landscaping”

1.2 The full planning application comprises the following:

- Site Location Plan – 23/109/01
- Existing Site Layout – 23/109/02
- Proposed Site Plan – 23/109/03
- Proposed Floor Plans – 23/109/04
- Proposed Elevations – 23/109/05
- Energy Statement – NRG Consulting
- Site Access & Visibility Extents – RHC-23-202-01
- Access Road & Swept Path Analysis - RHC-23-202-01
- District Licence Report – NatureSpace (March 2023)
- District Level Licence Impact Plan – NatureSpace (March 2023)

1.3 The application has been submitted via the Planning Portal (reference PP-12487227). The application fee (£462) has been paid via the online payment system.

1.4 Barn 2 is an existing agricultural building which benefits from planning permission to be converted to a two-bedroom dwelling (Decision Notice is given in Appendix 1). The permission is extant and implementable, i.e., there are no pre-commencement conditions that need discharging.

1.5 The current application follows pre-application advice received in July 2023. Following the receipt of the pre-application advice, the proposal has been significantly revised to address the points made by the local planning authority (LPA), this will be discussed in detail in this Statement.

2 Planning Background

Site and Surroundings

- 2.1 The site subject of this application is Dunsty Hill Farm, Edgcott Road, Calvert Green, Buckinghamshire, OX27 0BJ. The proposal involves the existing building known as Barn 2.
- 2.2 Barn 2 is a disused agricultural building which was once in use as a pigsty. The building has planning permission to be extended and converted to a residential dwelling.
- 2.3 The site is located within a farmstead comprising various agricultural barns and buildings. The principle building in the farmstead, the main farmhouse, has permission to be replaced by a new farmhouse to the east of Barn 2.
- 2.4 None of the buildings are listed, nor is the site in an area of protected land, i.e. it is not within a conservation area, Green Belt etc.



Existing Barn 2

Planning History

- 2.5 There have been various proposals for development at Dunsty Hill Farm, those most relevant to the current proposals are described below.

Barn 2 (application site)

- 2.6 Planning permission was granted for “Conversion of a redundant agricultural barn to a residential dwelling” (LPA reference 21/01743/APP) on 20 October 2022.
- 2.7 Permission was obtained to convert the building to a dwelling, however, due to the nature of the small size of the existing barn and its utilitarian brick-structure, it was considered that it would be more appropriate to demolish the barn and replace it with a new purpose-built dwelling.

- 2.8 A non-material amendment was approved by the LPA in March 2023 (reference 23/00412/COUAF). The NMA added three conditions to the permission to enable the development to proceed under a District Level Licence (DLL), ensuring the development mitigates any harm to Great Crested Newts.

Farmhouse

- 2.9 Planning permission was granted for “Demolition of existing Farmhouse and outbuilding (Barn 1) and erection of replacement Farmhouse and carport, including access and landscaping” (LPA reference 21/04277/APP) on 10 June 2022.
- 2.10 A minor material amendment to the above permission (LPA reference 23/01013/VRC) was approved in July 2023. This approved minor elevation changes to the scheme. This permission was implemented in June 2023 following the removal of the roofing (as required under the bat licence).

Pre-application Advice

- 2.11 Pre-application advice was received from the LPA in summer 2023 (reference 23/01375/PREMTG). Following the submission of a pre-application proposal on 2 May 2023, an initial pre-application meeting was held on-site in July and the written response was received in 30 June 2023 (give in Appendix 2). The written response related to amended drawings received on 21 June 2023 to address comments received on site.



Site Plan Extract and Proposed Elevations (as per drawings submitted on 21 June 2023)

- 2.12 The pre-application scheme proposed a three-bedroom dwelling in a different location, as per the extract above. The proposal also involved the demolition of one of the existing barns (Barn 3).
- 2.13 In terms of the principle of development, the LPA acknowledged that a fall-back position exists which establishes that the principle of replacing the Barn 2 – which has an extant permission for conversion to a dwelling- and replacing with a modestly-sized new dwelling was acceptable.
- 2.14 The response highlighted that the existing permission establishes a ‘baseline’ for the amount of residential floorspace which the Council considered to be acceptable, i.e., 70sqm (GIA), and, also for the extent of curtilage the dwelling should provide.
- 2.15 The officer noted that the pre-application scheme extended over ground and first floor and, by their measurement, totalled 137m². The officer noted that this was a substantial increase over the 70m²

baseline and that the desire to have first-floor accommodation is increasing the floorspace unnecessarily.

2.16 The officer noted the improvements to the design and concluded:

“...benefits in design, appearance, fenestration and sustainability weigh in favour of a newbuild development. The weight in favour would likely justify increasing the amount of floorspace delivered from around 70sqm to around 90-95sqm, which can be regarded as a more modest, rather than significant, increase (i.e. around 25%)”

2.17 It was further noted:

“This would only apply to a newbuild scheme which is proposed on the same footprint as the existing barn. Omitting the first floor but retaining the building in its current position will not be supported”

2.18 The LPA did not accept that the building should be relocated to a different part of the site, disagreeing with the applicant’s view that this would improve the relationship with the approved Farmhouse. The LPA were of the view that the current position of Barn 2 provides a more intimate relationship with the principle Farmhouse building. It was also noted that a dwelling in the proposed location would take up a large amount of curtilage, much more than was afforded to the conversion scheme.

2.19 On the principle of development, the officer concluded:

“I consider there to be scope for the Council to support a newbuild scheme which uses the extant permission 21/01743/APP as a fallback position. However, the new dwelling would have to be strictly limited to 90-95sqm in floorspace, would have to be all on one level, and would have to be sited where the existing barn is”

2.20 The applicant has acknowledged these comments and has amended the scheme accordingly, as will be detailed below in the Proposals section.

2.21 The LPA the helpfully suggested how a ‘notably larger’ dwelling might be achieved on the site. With reference to page 11 of the pre-application response letter, it was suggested that:

- A single storey ‘L’ shaped dwelling on one level could be positioned in the current location of Barn 2 and could accommodate three-bedrooms.
- An undercover and open-fronted car-port could be provided for parking.
- An area of amenity space, delineated by a post and rail fence could be provided to the rear.
- Barn 3 should also be demolished to extinguish permitted development rights.

3 Proposed Development

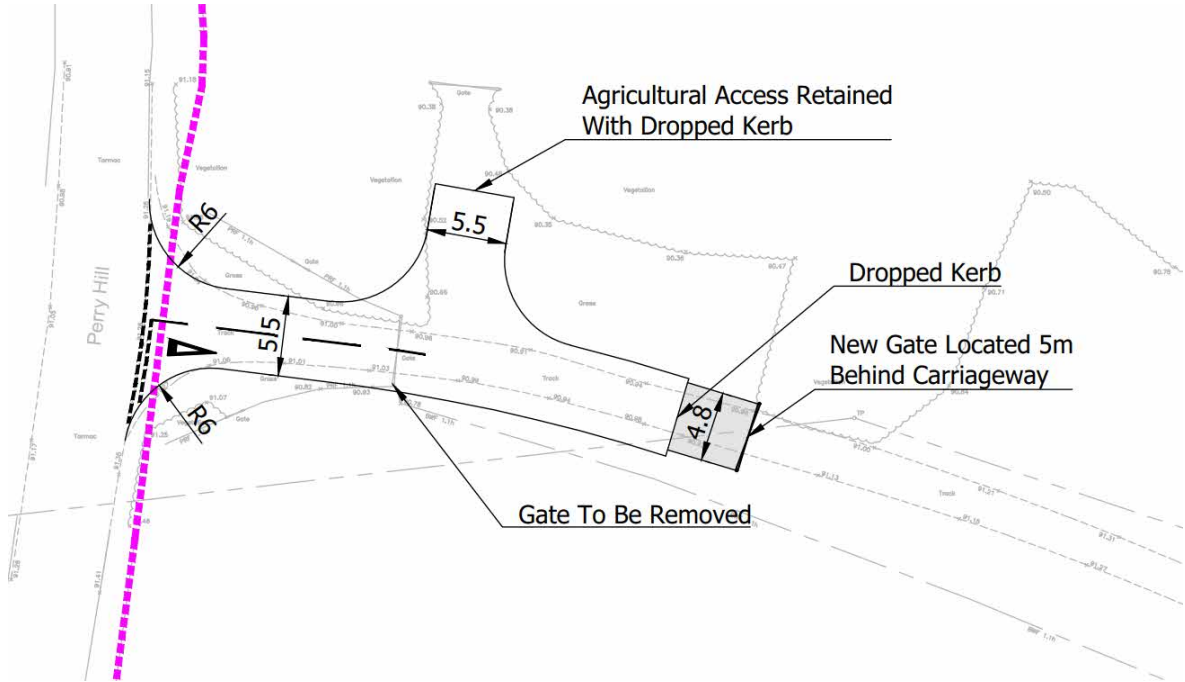
- 3.1 Full planning permission is sought for the demolition of Barn 2 and the construction of a new detached dwelling on the same footprint.
- 3.2 The applicant has revised the pre-application proposal in accordance with the comments received from the LPA in their pre-application response, the proposal comprises:
- A single-storey, two-bedroom barn-style dwelling in the same location of the existing Barn 2.
 - A proposed floorspace of 95m².
 - A significantly reduced curtilage area (similar to that approved via the barn conversion)
 - A functional and simple proposed building, fully aligned with the Design Guide SPD.
 - A dwelling positioned adjacent to the access road, to ensure that the developed area is kept optimally reduced.
 - A revised access proposal which includes a new junction into the site and a turning area for refuse vehicles (therefore, providing a waste collection solution for the proposed dwelling and the existing farmhouse).
 - A fully adaptable and accessible unit, compliant with M4(2) of the Building Regulations.
 - A highly energy efficient dwelling which delivers a 54% saving in CO₂ over Part L of the Building Regulations, achieved by a 'fabric-first' approach and the use of renewables in the form of an Air Source Heat Pump (ASHP).
- 3.3 The proposal does not include the demolition of Barn 3, the reason for this is that the demolition of Barn 3 would require additional protected species surveys on the building. There is also likely to be significant costs in demolishing the barn which would affect the viability of delivering the proposed dwelling.



Proposed Elevation Drawing Extract

- 3.4 In terms of design, the proposed dwelling follows the simple form and rectangular footprint of the barn which it replaces. The orientation and general shape are the same. The roof has a steep pitch, similar to that of the existing Barn 2.
- 3.5 Windows and opening are discrete. The front and rear elevations have sliding barn doors which ensure that the amount of glazing that is visible is limited. No roof-lights or dormer windows are proposed.
- 3.6 Internally, the building has a Gross Internal Area of 95m²; this is a modest internal area for a barn-style dwelling. The proposed dwelling will appear subservient to the main Farmhouse due to its size, location and topography. It will appear as an ancillary building in the farmstead cluster.

- 3.7 The open-sided car-port will be able to accommodate two cars. A dual Electric Vehicle Charging Point (EVCP) will be provided to charge two electric vehicles.
- 3.8 Access to the site has been designed accordance with the relevant local highways design guidance (as reference in conditions 13 and 14 of the Decision Notice for the conversion – see Appendix 1).
- 3.9 A 5.5m wide access road will extend 20m into the site from the main highways. A 3.7m wide access road will then connect to the dwelling road into the site will be of sufficient width (5.5m) to allow two cars to pass. The junction to the highway will also be improved to ensure safe access with clear visibility splays in either direction.



Access proposal Plan Extract

- 3.10 The applicant welcome dialogue with the highways department to ensure that the access proposals comply with the relevant standards.

4 Planning Policy

Development Plan

4.1 The Development Plan is comprised of the Vale of Aylesbury Local Plan (VALP), adopted in September 2021. The following policies of the VALP are relevant to the current proposals:

- H4 Replacement dwellings in the countryside
- H6 Housing mix
- H6 Accessibility
- BE2 Design of new development
- BE3 Protection of the amenity of residents
- BE4 Density of new development
- NE1 Biodiversity and Geodiversity
- NE4 Landscape Character and locally important landscape
- NE8 Trees, hedgerows and woodland
- T1 Delivering the sustainable transport vision
- T6 Vehicle Parking
- T7 Footpaths and cycle routes
- T8 Electric vehicle parking
- C3 Renewable Energy

4.2 Policy H4 - Replacement dwellings in the countryside - states the replacement of dwellings within the countryside on a one-for-one basis will normally be supported provided that the replacement dwelling is not significantly greater in size than the one it replaces, does not cause significant harm to the site or its surroundings and accords with the design principles set out in policy BE2.

4.3 Policy BE2 - Design of new development - states all new development proposals shall respect and complement the following criteria:

- a) The physical characteristics of the site and its surroundings including the scale and context of the site and its setting.
- b) The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials.
- c) The natural qualities and features of the area, and
- d) The effect on important public views and skylines. More guidance on the detail for the application and implementation of this policy will be provided in the Aylesbury Vale Design SPD.

Material Considerations

National Planning Policy Framework

4.4 The Government adopted the Government adopted the revised National Planning Policy Framework (NPPF) in September 2023. The document provides a consolidated framework of planning policy which replaces the previous NPPF from July 2021. The NPPF was originally published in March 2012

- 4.5 The NPPF outlines the presumption in favour of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective, a social objective and environmental objective.
- 4.6 The framework is clear at Paragraph 11 that development that accords with an 'up-to-date' Local Plan should be approved without delay. Where there are no relevant development plan policies or the policies for determining the application are 'out-of-date', permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefit.
- 4.7 Footnote 8 confirms that, for applications involving the provision of housing, policies are 'out-of-date' where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Five Year Housing Land Supply (5YHLS)

- 4.8 In September 2023, the Aylesbury Vale area of Buckinghamshire Council published the updated Five-Year Housing Land Supply Position Statement. This confirms that the Council can only demonstrate housing land supply of 4.5 years, therefore they cannot demonstrate a 5YHLS.
- 4.9 Accordingly, as this application relates to the supply of housing, the 'presumption in favour of sustainable development' as set out in paragraph 11 of the NPPF is engaged.

Supplementary Planning Guidance

- 4.10 The Vale of Aylesbury Local Plan, 'Design' Supplementary Planning Document was adopted in summer 2023. This provides advice on various aspect of site.
- 4.11 Most relevant to the current proposal is Part 7 – Development in the Countryside, specifically Section 7.1 – Building Design in Rural Areas.
- 4.12 This states: "New buildings in the countryside should be designed so that they fit comfortably in the landscape and respond to context... Individual houses should have a simple form which may be based on a rectangular plan and have a pitched roof with a central ridge. This basic form may be extended and added-to. Carefully placed 'additions' can enhance the overall composition. Simple forms are the key to success... Traditionally houses were rarely built over two stories in height. The upper story often used part of the attic with 'A' framed trusses. This kept the ridge height down making for a more compact and efficient building that hugged the landscape and established the tradition of countryside building"

Case Law in relation to 'Fallback' position

- 4.13 In general terms 'the fallback' is the form of development that might be expected to be advanced by a developer if the application being considered is refused.
- 4.14 The case of *Mansell v Tonbridge and Malling Borough Council* is the leading and most recent authority on how planning authorities should evaluate the weight to be given to the fallback position. In that case Lindblom LJ. at para. 27 held:

"The status of a fallback development as a material consideration in a planning decision is not a novel concept. It is very familiar. Three things can be said about it:

Here, as in other aspects of the law of planning, the court must resist a prescriptive or formulaic approach, and must keep in mind the scope for a lawful exercise of planning judgment by a decision-maker.

The relevant law as to a “real prospect” of a fallback development being implemented was applied by this court in *Samuel Smith Old Brewery* (see, in particular, paragraphs 17 to 30 of Sullivan L.J.’s judgment, with which the Master of the Rolls and Toulson L.J. agreed; and the judgment of Supperstone J. in *R. (on the application of Kverndal) v London Borough of Hounslow Council* [2015] EWHC 3084 (Admin), at paragraphs 17 and 42 to 53). As Sullivan L.J. said in his judgment in *Samuel Smith Old Brewery*, in this context a “real” prospect is the antithesis of one that is “merely theoretical” (paragraph 20). The basic principle is that “... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice” (paragraph 21). Previous decisions at first instance, including *Ahern and Brentwood Borough Council v Secretary of State for the Environment* [1996] 72 P. & C.R. 61 must be read with care in the light of that statement of the law, and bearing in mind, as Sullivan L.J. emphasized, “... “fall back” cases tend to be very factspecific” (ibid.). The role of planning judgment is vital. And “[it] is important ... not to constrain what is, or should be, in each case the exercise of a broad planning discretion, based on the individual circumstances of that case, by seeking to constrain appeal decisions within judicial formulations that are not enactments of general application but are themselves simply the judge’s response to the facts of the case before the court” (paragraph 22).

Therefore, when the court is considering whether a decision-maker has properly identified a “real prospect” of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker’s planning judgment in the particular circumstances of the case in hand”.

- 4.15 In this instance, there is a robust fallback position in that planning permission has already been granted for the conversion of Barn 2. This permission is implementable (there are no pre-commencement conditions), as such there is a real prospect of this coming forward if an alternative scheme is not approved.

5 Planning Assessment

Principle of Development

- 5.1 The principle of a residential dwelling in this location is established by the extant planning permission for the conversion of Barn 2 to a residential dwelling. This proposal will effectively replace this permission on a one-to-one basis.
- 5.2 The extant planning permission provides a fallback position which is a material consideration in the determination of this application. To this end, the proposed residential use cannot be disputed, subject to the proposed development staying within reasonable parameters. These parameters were set out by the LPA in the pre-application response.
- 5.3 The LPA advised that a new build scheme would be supported upon the basis that it would be limited to 90-95m², it is single storey / across one level and situated in the same location as existing Barn 2. The fallback permission provides 70m² of residential floorspace; the current proposal provides a modest 95m². The proposal is now single-storey and in the same location as Barn 2.
- 5.4 Accordingly, it is considered that the current proposal does not exceed the parameters of the fallback permission and therefore the principle of development is acceptable.

Design

- 5.5 The proposal replaces an existing barn and replaces it with a barn of similar design. The proposed building has a simple design which is in keeping with the character of the surrounds.
- 5.6 The proposed building has a simple form based on a rectangular plan. It incorporates a steeply pitched roof, the walls dominate the openings, and any additions, such as the car-port, are subservient to the main building.
- 5.7 It is considered that the proposal is exemplar of 'a building in the countryside' as envisaged in the recent Vale of Aylesbury Design Guide SPD. Particular regard has been given to Principle DES53: Residential Buildings in the Countryside and Principle DES54: Rural Boundary Treatments.

Access and Highways

- 5.8 The proposal includes two car parking spaces. These are provided in a car-port adjoined to the western-boundary of the building. The spaces will benefit from a dual EVCP.
- 5.9 Access to the dwelling from the highways will principally be provided by the existing 3.7m wide track. Improvements will be made to the junction with Edgcott Road.
- 5.10 The extant planning permission for the conversion of Barn 2 includes conditions and which require visibility splays (Condition 13) and that access and junction are improved in accordance with Buckinghamshire Council's Standards (Condition 14). The proposed access and junction have therefore been designed in accordance with the guidance in 'Specification for the Construction of a Private Vehicular Access Within the Public Highway'.
- 5.11 The applicant commissioned an expert highways consultant to prepared a junction layout in accordance with the specifications. These plans are included with the application submission.

- 5.12 The proposed works include a 6m radii junction from Edgcott Road, with an initial stretch of 5.5m wide road into the site. The 5.5m wide road will ensure vehicles can safely enter and leave the site, even with a two-way flow of traffic. This will improve the safety of road users and future occupants.
- 5.13 The improvements to the road include a turning area for refuse vehicles. At present, there is no waste collection area for the two dwellings approved at Dunsty Hill Farm. It is not possible for a waste vehicle to enter the site, collect waste and turn within the farmstead area. A waste vehicle would need to stop in the existing agricultural access in order to collect waste. This is not a safe arrangement as this may result in the waste vehicle reversing back on to the highway.
- 5.14 The proposed road works will enable a waste vehicle to enter into the site, collect the waste from an allocated area, turn and leave the site in a forward gear. Occupants of the proposed dwelling and the farmhouse would take waste to the bin store for collection. Whilst the distance between the waste area and the dwellings is longer than you would normally expect, this still present an improvement to the current situation, whereby there are no measures to aid the collection of waste (and no areas allocated for the collection and storage of waste).

Amenity of Existing and Future Residents

- 5.15 The proposed dwelling is isolated within the countryside. The only other residential dwelling near to the proposed dwelling is the replacement farmhouse, the planning permission for which was implemented in summer 2023.
- 5.16 The farmhouse is orientated facing westward, the proposal subject of the application face north. The frontage of the farmhouse is 20m from the eastern-facing flank wall of the proposed dwelling. This is a significant separation distance to ensure that there will be no loss of amenity through overlooking or loss of privacy (including to the garden area).
- 5.17 It was also confirmed in the previous application's Delegated Report (at 5.28) that "Given distances and orientation, there would not be any harm to residential amenity to either the existing dwelling (were it to be renovated) or the approved replacement dwelling from the conversion of this building. Similarly, this barn conversion would provide for an acceptable standard of amenity, with adequate separation, and adequate living and outdoor amenity space".
- 5.18 The proposed arrangement is no different to that of the fallback position, as such, there is no basis to raise any objection to the scheme on amenity grounds, as it will not be materially different to that of the fallback scheme.

Flooding and Drainage

- 5.19 The site is entirely located within Flood Zone 1 – lowest risk of flooding. There were no objection to the fallback scheme in relation to flooding or drainage matter.

Landscaping, Trees and Hedgerows

- 5.20 The application site does not affect any trees or hedgerows. The application welcomes a condition to secure a detailed landscaping proposal for the site.

Ecology

- 5.21 The current fallback permission can be implemented, as such all the obligations in relation to protected species have been complied with. Surveys were carried out as part of the initial application (which are still 'in date' being less than 2 years old) and found that there are no protected species on the site, other than GCN.
- 5.22 A District Level License (DLL) has been secured to mitigate any potential harm to Great Crested Newts. The submitted impact plan shows the area which is included in the DLL. The current red line relates to the planning permission for the conversion; this will be updated subject to the grant of planning permission for the development proposed by this application.

Building Sustainability

- 5.23 A key reason for not converting the existing barn was the long-term sustainability of the building. It is acknowledged that the re-use of buildings is a sustainable form of development, however, the current building - whilst structurally sound and capable of conversion - does not lend itself to providing good levels of energy efficiency. The thin-brick walls provide no means of insulation and retrofitting would result in a significant reduction in gross internal area. Whilst it is achievable, it is not economically viable.
- 5.24 A new-build dwelling incorporating a 'fabric-first' approach and on-site renewable energy production (ASHP) delivers a 54% carbon saving over Part L of the 2021 Building Regulations. As acknowledged in the supporting Energy Statement, the proposed building will be significantly more energy efficient than the proposed conversion.

6 Planning Balance & Conclusion

- 6.1 This Statement has been prepared in support of a full application for the demolition of Barn 2 and replacement with new detached dwelling including access and landscaping at Dunsty Hill Farm, Edgcott Road, Calvert Green, Buckinghamshire.
- 6.2 As has been explained in this Statement, the current building has planning permission for conversion to a dwelling. Caw law establishes that the extant planning permission provides a fallback position which is a material consideration in the determination of this application.
- 6.3 Through pre-application, the local planning authority confirmed that the fallback position is subject to certain parameters, including that the replacement dwelling does not exceed 95m², it is single-storey and is located in the same position as the existing building. The current proposal is compliant with all of these conditions.
- 6.4 The Aylesbury Vale area of Bucks is currently unable to demonstrate a five-year housing land supply. In such circumstances, policies relating to housing supply are considered 'out-of-date' and the presumption in favour of sustainable development, as set out in paragraph 11d of the NPPF, applies.
- 6.5 The presumption requires that planning permission is granted unless there are any significant or demonstrable adverse impacts which outweigh the benefit of the proposal. In this instance, there are no adverse impacts.
- 6.6 In terms of the benefits, these are considered against the fallback position. The application proposal will deliver a much more energy efficient building (delivering a 54% carbon reduction over Part L of the Building Regulations and significantly more savings than the converted building). The current proposal will deliver a fully accessible dwelling, compliant with M4(2) of the Building Regulations. It will deliver a proposal fully aligned with the up-to-date design guidance as set out in the Council's SPD. It will deliver a fully designed junction and access layout, improving highway safety for occupiers and road users.
- 6.7 For the reasons set out in this Statement, it is respectfully requested that planning permission is granted without delay

Appendix 1

BUCKINGHAMSHIRE COUNCIL

Town and Country Planning Act 1990

21/01743/APP

Mr Garry Hutchinson
31-35
Kirby Street
London
EC1N 8TE

Nirav Shah
c/o Agent
London
EC1N 8TE

Subsequent to your application that was valid on the **26th July 2021** and in pursuance of their powers under the above mentioned Act and Orders, Buckinghamshire Council as Local Planning Authority **HEREBY PERMIT:-**

Conversion of a redundant agricultural barn to a residential dwelling

AT:- Dunsty Hill Farm Edgcott Road Calvert Green Buckinghamshire OX27 0BJ

Subject to the following conditions and reasons:-

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

Reason: To comply with Town and Country Planning Act and Section 51 of Planning and Compulsory Purchase Act.

- 2 The development hereby approved is as shown on drawings numbers:

o	20/109/01	Site Location Plan
o	20/109/03	Proposed Block Plan
o	20/109/04	Proposed Site Layout
o	20/109/05	Proposed Plans
o	20/109/08 BEP Rev A	Biodiversity Enhancement Plan
o	20/109/09 Rev A	Structural Drawing

and shall be carried out in accordance with any other conditions imposed by this permission.

Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority and to comply with the National Planning Policy Framework.

- 3 No work permitted by this consent shall in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
 - b) a statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

Reason: To prevent harm to protected species namely great crested newts and to ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) and enable the Local Planning Authority to discharge its obligations under the Crime and Disorder Act and its wider duties under Section 40 of the Natural Environment and Rural Communities Act 2006 in relation to protected species; and to comply with policy NE1 of the Vale of Aylesbury Local Plan and section 15 the National Planning Policy Framework.

- 4 No demolition or alteration of any existing building or any part of any existing building other than the demolition and alterations shown on the approved drawing 20/109/09 Rev A (received by the Local Planning Authority on 17 August 2022) shall take place.

Reason: To ensure that the development takes place as a conversion and to ensure a satisfactory appearance to the development and to safeguard the rural character of the building and the visual character of the immediate area and to comply with policy C1 of the Vale of Aylesbury Local Plan and paragraph 80 of the National Planning Policy Framework.

- 5 The external appearance of the proposed development shall accord with drawing 20/109/05 Proposed Plans. The areas of new and rebuilt brick work and slate roof covering shall precisely match the brickwork (in terms of brick colour texture size and type and brick bond) and roof slate and ridge tile colour and size used and retained in the existing building. None of the cladding hereby permitted shall be installed on the building until a sample of the cladding has been provided on site and has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and shall thereafter be retained as such.

Reason: For the avoidance of doubt as there is some discrepancy with approved drawing 20/019/09 in respect of new brickwork arch details on the front (north) elevation. Samples are required to ensure the materials blend with the existing fabric and respect the rural character of the building, to ensure a satisfactory appearance to the development and to comply with policy BE2 and C1 of the Vale of Aylesbury Local Plan, the National Design Guide and section 12 of the National Planning Policy Framework.

- 6 Prior to the installation of any windows and doors as part of the conversion hereby permitted, details of these shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained as such.

Reason: To ensure the details reflect the rural character of the building and do not have a detrimental urbanising impact on the rural setting, to secure a satisfactory appearance to the development given its rural location, and to comply with policy BE2 and C1 of the Vale of Aylesbury Local Plan, the National Design Guide and section 12 of the National Planning Policy Framework.

- 7 The development shall be carried out in strict accordance with the 'Badger Protection Plan' and 'General protection measures to be implemented during development' set out within Appendix 1: 'Mitigation, Protection and Avoidance' of the 'Phase two activity surveys- Bats/Reptiles/Mammals/Barn Owl and Biodiversity Net Gain' report by Chase ecological consultancy, dated 17th February 2022.

Reason: To ensures that measures are undertaken in accordance with the submitted plans for the benefit of important wildlife and to prevent harm to protected species, to comply with policy NE1 of the Vale of Aylesbury Local Plan and section 15 of the National Planning Policy Framework.

- 8 The residential dwelling hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' as a minimum prior to first occupation. Such provision shall be maintained for the lifetime of the development.

Reason: To ensure the dwellinghouse is suitably accessible to residents and visitors, and to accord with Policy H6(c) of the Vale of Aylesbury Local Plan.

- 9 A Flood Emergency Plan, covering safe access and escape routes to the public highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellinghouse hereby approved and shall thereafter be complied with.

Reason: To ensure the safety of the occupiers and users of the development against the risk of flooding, and to accord with Policy I4 of the Vale of Aylesbury Local Plan and the advice in paragraph 47 of the Planning Practice Guidance.

- 10 Prior to first occupation of the dwellinghouse hereby approved, full details of refuse and recycle storage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include appearance scale and siting. The development shall be carried out in accordance with the approved details and the rubbish and recycle storage facilities shall be fully installed prior to first occupation of the dwelling hereby permitted and shall be retained as such thereafter in perpetuity.

Reason: To ensure the development provides adequate refuse facilities to accord with policy S5 of the Vale of Aylesbury Local Plan and the National Design Guide, and section 12 of the National Planning Policy Framework.

- 11 Prior to first occupation of the dwellinghouse hereby permitted the biodiversity enhancement features detailed within Appendix 3 'Biodiversity net gain, planning application ref: 21/01742/APP' of the 'Phase two activity surveys- Bats/Reptiles/Mammals/Barn Owl and Biodiversity Net Gain' report by Chase ecological consultancy, dated 17th February 2022 and shown on drawing 20/109/08 BEP shall have been installed and shall thereafter be retained as such in perpetuity. Notwithstanding the details on drawing 20/109/08 BEP rev A the birdboxes shall be of design that is integrated into the fabric of the building rather than attached to the outside (for longevity) unless otherwise first agreed in writing by the Local Planning Authority, by way of an application to discharge details pursuant to this condition.

Reason: To achieve a net gain in biodiversity, to comply with policy NE1 of the Vale of Aylesbury Local Plan and section 15 of the National Planning Policy Framework.

- 12 Prior to the occupation of the dwellinghouse, details of the provision of an electric charging point and storage for at least one bicycle shall be submitted to and approved in writing by the Local Planning Authority, and the cycle storage and electric charging point shall be implemented in accordance with the approved details prior to first occupation of the dwelling hereby approved and shall thereafter be retained as such in perpetuity. The electric vehicle charger shall be made available for use thereafter, and maintained to a working standard in accordance with the manufacturers specification.

Reason: To ensure adequate provision is made for electric vehicle charging and cycle storage, to facilitate transitioning to lower carbon transportation, and to accord with policies T6, T7 and T8 of the Vale of Aylesbury Local Plan and sections 9 and 14 of the National Planning Policy Framework.

- 13 Prior to the occupation of the dwellinghouse, minimum vehicular visibility splays of 151m from 2.4m back from the edge of the carriageway from both sides of the existing access onto Edgcott Road shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level thereafter, in perpetuity.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access, to accord with VALP policy T5 and section 9 of the National Planning Policy Framework.

- 14 Prior to the occupation of the dwellinghouse, the access shall be built in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note 'Private Vehicular Access Within Highway Limits' 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development, to accord with policy T5 of the Vale of Aylesbury Local Plan and section 9 of the National Planning Policy Framework.

- 15 Prior to the occupation of the dwellinghouse hereby permitted, the scheme for parking and manoeuvring shall be laid out in accordance with the approved plans and that area shall thereafter be retained as such in perpetuity and shall not be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with policies T5 and T6 of the Vale of Aylesbury Local Plan and section 9 of the National Planning Policy Framework.

- 16 The hard surfaces hereby permitted shall be carried out in accordance with the approved drawings and shall be made of porous materials, constructed to provide porosity and shall thereafter be retained as such in perpetuity.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and reflect the rural character of the area, and to comply with policies BE2, NE4 and I4 of the Vale of Aylesbury Local Plan and the National Design Guide and section 12 of the National Planning Policy Framework.

- 17 The dwelling hereby permitted shall not be occupied until the boundary treatment indicated on the approved plans (comprising post and rail 1.2m high fencing) has been constructed/erected. The boundary treatment shall thereafter be retained as such in perpetuity.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and reflect the rural character of the area, and to comply with policies BE2, NE4 and C1 of the Vale of Aylesbury Local Plan and the National Design Guide and section 12 of National Planning Policy Framework.

- 18 No floodlighting or other form of external lighting shall be installed within the site unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the express consent of the Local Planning Authority other than for routine maintenance which does not change its details. The lighting shall employ bat sensitive mitigation measures.

Reason: In the interests of the visual amenity and for the conservation of ecology and to minimise the impact on protected species, and to comply with policies NE1, NE4, and NE5 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

- 19 The dwelling hereby permitted shall not be occupied until a planting scheme to provide for native species tree and/or hedgerow planting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for screening of the external parking area from the south and west and can include planting outside of the application area, on land within the applicant's ownership. The scheme shall indicate species, plant sizes and proposed numbers/densities and shall be carried out as approved within the first planting season following the first occupation of the dwelling or the completion of the development whichever is the sooner. The species details shall have regard to the species advice provided within the officer's report in order to achieve a net gain in biodiversity.

Reason: To ensure a satisfactory appearance to the development and to achieve Biodiversity Net Gains, to comply with policies BE2, NE1, NE4 and NE8 of the Vale of Aylesbury Local Plan and sections 12 and 15 of the National Planning Policy Framework.

- 20 Any tree or shrub which forms part of the approved landscaping scheme (pursuant to condition 19) which within a period of fifteen years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of the same species, size and maturity. Any tree or hedgerow shown to be retained that becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity, details of which are to be submitted to and agreed in writing by the local planning authority. The replacement planting shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to ensure no net loss of biodiversity by ensuring Biodiversity Net Gains are retained, and to comply with policies BE2, NE1, NE4 and NE8 of the Vale of Aylesbury Local Plan and sections 12 and 15 of the National Planning Policy Framework.

- 21 Notwithstanding the provisions of Classes A to F inclusive of Schedule 2, Part 1 and Class A of Schedule 2, Part 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 enlargement of the dwelling nor the erection of any garage shall be carried out within the curtilage of the dwelling the subject of this permission, and no windows, dormer windows, no buildings, structures, no hardstandings or means of enclosure shall be erected on the site which is the subject of this permission other than those expressly authorised by this permission.

Reason: In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of the dwelling or erection of a garage, windows (including rooflights), buildings, structures or means of enclosure having regard for the rural character of the area and the desirability to retain the agrarian character of the building, to accord with policies C1, BE2, and NE4 of Vale of Aylesbury Local Plan, the Design Guide: Conversion of Traditional Farm Buildings, and sections 12 and 15 of the National Planning Policy Framework; and in respect to means of enclosure, to ensure adequate visibility of and from the vehicular access and parking area for the permitted dwelling, to accord with policy T5 of the Vale of Aylesbury Local Plan and Section 9 of the National Planning Policy Framework.

- 22 Prior to first occupation of the dwelling hereby permitted, the dwelling shall be fitted with water efficiency measures to achieve a limit of 110 litres/person/day, and these shall be retained thereafter in perpetuity.

Reason: Aylesbury Vale is located within an area of water stress and as such the council will seek a higher level of water efficiency than required in the Building Regulations, to accord with policies C3 and I5 of the Vale of Aylesbury Local Plan and section 14 of the National Planning Policy Framework.

Informative(s)

- 1 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and other vegetation are likely to contain nesting birds between 1st March and 31st August inclusive, therefore removal of scrub, dense bushes, ivy, trees or parts of trees (or other location where birds are likely to nest) during this period could lead to an offence under the Act. Likely nesting habitat must not be removed during the nesting period unless a survey has been undertaken by a competent ecologist, immediately prior to the works commencing and it has been established that bird nesting is not taking place.
- 2 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
- 3 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 4 The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact Transport for Buckinghamshire at the following address for information.

Transport for Buckinghamshire (Streetworks)
10th Floor,
Walton Street Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
01296 382416

- 5 Working with the applicant / agent
In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

In this instance the applicant was provided with pre-application advice, and the applicant/agent was updated of issues during the course of the application process. They were provided the opportunity to submit amendments to the scheme/address issues and further to this, the officer recommendation is one of approval.

Your attention is drawn to the notes on the back of this form.



Steve Bambrick
Service Director Planning and Environment
On behalf of the Council
20th October 2022

1. APPEALS

If you are aggrieved by the decision of your Local Planning Authority to grant permission for the proposed development subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, you must do so within 6 months of the date of this Notice, using a form which you can get from the Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN . You can also lodge an appeal via the internet at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission without the conditions they imposed, having regard to statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If either the local planning authority or the Secretary of State grants permission to develop land subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

2. BUILDING REGULATIONS

This Approval under the Town and Country Planning Act DOES NOT operate as a consent under the provisions of the Building regulations. A further application may be required under this legislation. You are advised to seek advice from the Council's Building Control section on this matter, by emailing buildingcontrol.av@buckinghamshire.gov.uk

3. PROTECTED SPECIES

Certain wild plants and animals are protected under UK and European legislation. Approval under that legislation is required if protected habitats or species are affected by development. If you discover protected species proceeding with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England. Further details are contained in our leaflet 'Biodiversity and the Planning process'.

4. SUSTAINABILITY

We support the principles of sustainable design and construction, including: carbon management (energy efficiency and micro generation) as a central theme in design, build and use; the re-use of materials in construction projects; the sustainable management of water through water conservation (rainwater harvesting and water reuse) and the use of sustainable drainage systems (SUDS). We have published a Sustainable Construction Advisory Guide to help those involved in new build gain a better understanding and encourage the use of sustainable construction techniques in new developments. We will also provide basic guidance for interested parties on request. Further information can be found at CIRIA's SUDS website www.ciria.org/suds/icop.htm and the Building Research Establishment website www.bre.co.uk

5. MATERIALS

Please note that we cannot accept samples of materials at our offices. You should submit a Discharge of Conditions application (see note 6 below) with the materials fully specified, and then the case officer will make arrangements to view samples on site as required. Application forms are available on our web site (see link below).

6. DISCHARGE OF CONDITION(S)

A fee is payable for applications seeking confirmation that a) information submitted satisfies the requirements of a condition (including planning permission that has been granted on appeal) and b) a condition has been discharged.

For our current fees please visit our website www.aylesburyvaldc.gov.uk/section/application-guidance Please note that any number of conditions can be included on a single request but, if separate applications are made for each condition, a fee is required for each: i.e. if 4 separate application are made to discharge 4 conditions, total fees payable will be 4 x application fee.

You should submit a formal application using the standard 1APP form accompanied by the appropriate information, details or drawings. Applications can be made online via www.planningportal.co.uk or you can download from our website at www.aylesburyvaledc.gov.uk/section/apply

7. STANDING ADVICE FOR DEVELOPMENT SITES WHERE THERE IS NO KNOWN HISTORICAL CONTAMINATION

If during development works contamination is encountered which has not been previously identified please contact the Environmental Health department immediately at envhealth.av@buckinghamshire.gov.uk Works must cease on site until an appropriate remediation scheme is submitted to and agreed in writing by the local planning authority.

Failure to remediate site contamination during development could result in serious long-term health impacts to future users of the development.

Appendix 2



Directorate For Planning, Growth And Sustainability
Walton Street Offices
Walton Street
Aylesbury
HP20 1UA

devcontrol.av@buckinghamshire.gov.uk
01296 585679
www.buckinghamshire.gov.uk

Mr Garry Hutchinson
Smith Jenkins LTD
7 Canon Harnett Court
Wolverton Mill
MK12 5NF

30th June 2023
Our Ref: 23/01375/PREMTG

Dear Garry,

Site address: Dunsty Hill Farm Edgcott Road Calvert Green OX27 0BJ
Proposed development: Demolition of existing barns (Barns 2 and 3) and construction of new 3-bedroom detached dwelling.

I refer to your pre-application submission, validated 2nd May 2023, and subsequent amended drawings received on Wednesday 21st June, regarding the above.

In summary, I am writing to advise that there is scope for the Council to support the demolition of Barn 2 and its replacement with a new dwelling. The fallback position established by the extant permission to convert this building is acknowledged and afforded significant weight in this regard.

Typically, the fallback position represents the extent of footprint and scale which would be supported as a new build. Further, the Council would not expect to see a new scheme relocated a significant distance away from the site of the existing building with the fallback position.

While noting the contents of Mr Hutchinson's email on 21st June, it is felt that there are insufficient material considerations to justify both the increase in footprint and substantial relocation southwards.

As such, I must advise that notwithstanding in principle support for the principle of replacing Barn 2 with a new dwelling in its current position, the revised drawings submitted to me on 21st June, while representing a significant improvement in terms of the building's design and fenestration treatment in particular, represent a site layout and development which the Council is not able to support in principle, or in design/layout terms either.

I will expand on this, as well as providing all relevant policies etc, in the report below, which will mainly focus on the principle of development, but will provide comment on the design of the building, and touch upon alternative options that might be worth pursuing at the applicant's own risk.

RELEVANT PLANNING HISTORY

21/01743/APP – Conversion of redundant agricultural barn to a residential dwelling – approved 20th October 2022

21/04277/APP – Demolition of existing Farmhouse and outbuilding (Barn 1) and erection of replacement Farmhouse and carport, including access and landscaping – approved 10th June 2022

22/00540/COUOS – Determination under Class S of Part 3 of Article 3, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (Amended) as to whether prior approval is required in respect of transport and highways impacts, noise impacts, contamination risks and flood risks, and whether the location or siting of the building makes it otherwise impractical or undesirable for the change of use of an existing agricultural building state funded school falling within Use Class F1 (a) – Refuse to grant prior approval 25th March 2022

22/00151/REF – Appeal against refusal to grant prior approval under Class S of Part 3 of Article 3, Schedule 2 – appeal allowed 9th May 2023

23/01013/VRC - Variation of Conditions 2 (Approved Plans) Condition 3 (Protected Species Licence) Condition 4 (Slab Levels) Condition 5 (Arboricultural Report) Condition 7 (Materials) Condition 8 (Renewables) Condition 16 (External Lighting) Condition 17 (Landscaping) attached to planning permission 21/04277/APP (Demolition of existing Farmhouse and outbuilding (Barn 1) and erection of replacement Farmhouse and carport, including access and landscaping) – Pending consideration and determination as of 29th June 2023

The planning history is explored in more depth in the report below, for context purposes.

PLANNING CONSTRAINTS

The VALP does not include defined settlement boundaries but rather relies upon a descriptive approach to determine whether land falls within the built-up area of a settlement or forms part of the countryside.

On this occasion, it is clear that the site is in open countryside, significantly beyond any established settlement boundary, and considerably outside the built limits of Calvert Green to the north.

The site itself consists of a large, brick farmhouse in reasonably good condition (albeit with permission to be demolished), and several smaller brick and timber agricultural buildings, all of some age and in varying degrees of dilapidation and disrepair. The site and its buildings are isolated from any other clusters of buildings, lying to the east of Edcott Road.

The site has relatively few designations or constraints, other than being in open countryside. There are no nearby conservation areas or listed buildings, and while the site is surrounded to the south and east by an Archaeological Notification Area, this does not apply to any part of the site identified in this pre-application. The landscape sensitivity is 'Wooded Rolling Lowlands' – it is not within an Area of Attractive Landscape or Local Landscape Area.

The site is within a Red Zone for Great Crested Newts.

There is a public footpath (CAG/4/1) that runs north-west, around 220m to the west of the site. This footpath turns and runs eastward around 300m south of the site. The footpath affords its users distance views of the site from the public realm, although these views are disturbed by existing mature vegetation, trees and local topography (there is a gradual incline from Edgcott Road eastward to where the site and replacement farmhouse is proposed).

The site is in a Flood Zone 1 and there is very low risk of surface water drainage issues arising. There are no protected trees, and the site is not within a Minerals Safeguarding Area.

RELEVANT DEVELOPMENT PLAN POLICIES AND GOVERNMENT ADVICE

In making decisions on planning applications, regard must be paid to the provisions of the Development Plan. For the purposes of your enquiry, the significant elements of the Development Plan consist of the Vale of Aylesbury Local Plan (VALP) and Buckinghamshire Minerals and Waste Local Plan. Published Government planning guidance in the form of the National Planning Policy Framework (NPPF), Planning Practice Guidance and National Design Guide must also be taken into account.

The Vale of Aylesbury Local Plan 2021 (VALP)

Relevant Policies

- S1 Sustainable Development for Aylesbury Vale
- S2 Spatial strategy for growth
- S3 settlement hierarchy
- H4 Replacement dwellings in the countryside
- H6a Housing mix
- H6c Accessibility
- BE2 Design of new development
- BE3 Protection of the amenity of residents
- BE4 Density of new development
- NE1 Biodiversity and Geodiversity
- NE4 Landscape Character and locally important landscape
- NE8 Trees, hedgerows and woodland
- T1 Delivering the sustainable transport vision
- T6 Vehicle Parking
- T7 Footpaths and cycle routes
- T8 Electric vehicle parking
- C3 Renewable Energy
- I4 Flooding
- I5 Water resources and wastewater infrastructure

The National Planning Policy Framework also forms a material consideration to which weight must be afforded, even when there is an up-to-date Local Plan in place at the Local Planning Authority.

KEY ISSUES

Site history / context

Principle of development

General observations on potential design, layout, finish etc

EVALUATION

Site history / context

Dunsty Hill Farm is a small complex of buildings, with a large, two-storey L-shaped farmhouse sitting on its eastern edge, at the highest point of the site. The existing brick farmhouse is a relatively pleasant red brick building which appears to be in a poor state of repair. Permission has been granted for its demolition, and replacement with a new dwelling of significantly different form (effectively a very broad '+' shaped house) located south of the existing dwelling's current position.

The agricultural buildings are arranged somewhat haphazardly in various locations to the west of the farmhouse but are arranged in a manner not unusual for farm buildings.

Firstly, a large, square building lies to the north of the access track, possibly a former livestock shed historically, with a timber frame, metal clad roof and single-skin timber clad walls supported by a red brick wall up to a height of around 1.4m. This building has 'deemed consent' for Class R flexible use ('hotel' being the use proposed), reference 20/04431/COUAF, because the Council failed to determine the application within 56 days of receipt.

The deemed consent applies to the prior approval matters associated with Class R development – the Council lost control over elements such as the highways, noise and other relevant impacts of the proposed use. The building will still need to comply with the requirements of Class R as set out in Part 3 of Schedule 2 of the Order to benefit from a flexible change of use.

It seems this is acknowledged by the applicant, because a further Class R prior approval was submitted to the Council seeking the same flexible use ('hotel'), and this was determined within the 56 days. The Council found there was insufficient information to confirm whether the building could benefit from permitted development rights under Class R, given its very poor condition and likely inability to withstand any operational development without being effectively rebuilt (reference 23/00412/COUAF). In the absence of detailed structural survey/information establishing how the reasonable works to implement any change of use could be undertaken without effectively replacing the building, the Council concluded that the proposal was not permitted development.

At the time of writing, this decision has not been appealed.

Further, this large square building does not benefit from an extant permission for operational development necessary to implement this use – the subsequent application in 2021 was refused for a number of reasons, revolving centrally around the fact the building was being more or less completely rebuilt (reference 21/02233/APP). This outcome was not appealed.

Moving to the southern side of the access track, nearly directly opposite the large square building, are two smaller and even more simply constructed agricultural buildings.

The western-most of the two buildings is under 150sqm and the Council has, historically, confirmed that this building benefits from Class R permitted development rights via a lawful development certificate (20/01594/ACL). However, a recent attempt by the applicants to establish operational development to facilitate the building's change of use to offices was rejected by the Council (20/04204/APP). This refusal was upheld by an Inspector at appeal.

Notwithstanding this, this barn is the only one on site that might be able to facilitate some kind of alternative use with very little, if any, operational changes. Some modest weight is afforded to this – see later in the report.

The eastern-most of the two buildings is referred to as 'Barn 3' on the submitted plans. It has no floor at all and is mostly open sided, perhaps the most simply constructed and skeletal building on the site. Recently, a Class S (agricultural to 'school') change of use prior approval application (22/00540/COUOS) was allowed at appeal following the Council refusing to grant prior approval on highway safety related grounds. The applicant has not yet sought to have any operational development permitted to this building to facilitate its use as a school. In my opinion, it is exceptionally clear the building will need completely rebuilding (new floors, walls, roof) to reach any standard of construction commensurate with being an educational facility.

Finally, a small, brick building known as 'Barn 2' is positioned to the immediate west of the existing farmhouse, on the southern side of the access track. It has extant permission for its conversion to a very small two-bedroom dwelling, with a small outside courtyard garden to its south (21/01743/APP).

It would seem to me that the various Class R and Class S prior approval submissions are intended to establish a 'baseline' of potential development at the site. Such a baseline might be considered useful in creating a 'worst case scenario' fallback position in terms of vehicular movements and general site intensification and visual disruption that might be used to justify an alternative - less disruptive and intrusive - form of development (i.e. residential).

It is acknowledged that the Government has introduced these regulations to provide options to landowners with redundant buildings, and it is entirely within the rights of those landowners to try and exploit these opportunities. Nonetheless, in my professional opinion, I consider this a somewhat negative approach to planning.

The relevance of the above, in the context of this pre-application, is that even with the numerous (generally unsuccessful) attempts to establish robust fallback positions, I consider it highly unlikely for the applicant to build a hotel, or school, or offices on the site. Not only do the buildings not benefit from permission for operational development (and, given how the buildings are in various states of disrepair, are highly unlikely to be capable of being 'converted'), I question the desirability of building a new farmhouse in the open countryside but which nonetheless overlooks a school, office and hotel.

Therefore, as part of this pre-application, very little weight is afforded to the potential 'uses' that could be established within the other buildings on site (with no modifications to those buildings), other than, perhaps, the building adjacent to Barn 3 (see later in the report).

Relevant to the development before me, the only fallback position to which I afford any

considerable weight is the extant consent for converting Barn 2 into a dwelling.

The principle of development

In the open countryside, there is a general presumption against open market housing. This is established by the Council's settlement hierarchy and plan-led approach to focussing new residential development to the more sustainable, strategic settlements first, before looking at lower order settlements. At any rate, even development in lower order settlements needs to be within the settlement confines or built limits of that settlement to be acceptable in principle, and Dunsty Hill Farm is not within any confines or built limits.

It is not apparently disputed by the planning agent Mr Hutchinson that the proposal is not policy compliant in this respect. However, the main thrust of his argument, and the basis upon which the scheme is proposed, is that a likely and feasible fallback position exists which the applicant would be almost certain to utilise if permission for this scheme was not forthcoming. Further, the scheme before the Council is presented as representing a significant betterment/enhancement over the existing situation.

Looking at the fallback position first, the extant approval does a number of things...

- It establishes the principle of creating a newbuild, modestly proportioned two-bedroom dwelling in a generally unsustainable, open countryside location, which might otherwise be resisted by the Council.

- It establishes a 'baseline' amount of residential floorspace, which the Council has, by approving the application, agreed is acceptable.

- It establishes an extent of curtilage and the location that the Council has previously deemed as being acceptable to provide the dwelling, its parking, manoeuvring and garden/amenity areas.

- It establishes a design/visual impact 'baseline' in terms of the operational works permitted to the barn and its surroundings to facilitate its reuse as a dwelling.

Using these points as significant material considerations, I must consider whether demolishing the barn (and extinguishing the extant permission), and building a new dwelling from scratch, will result in a more appealing, less harmful scheme; one which is more desirable than the scheme that is very likely to come forwards if demolition and rebuilding is not permissible.

Taking each bullet point in turn, I will explore whether there is scope for a demolish/rebuild scheme to be regarded more favourably than the extant permission and fallback position.

- The fallback position establishes the principle of creating a new, modestly proportioned two-bedroom dwelling in a generally unsustainable, open countryside location, which might otherwise be resisted by the Council.

The applicant is seeking to build a new two-bedroom dwelling. Taking all other matters out of consideration (i.e. increase in size, relocation of building etc), there is no inherent increase in harm between delivering a newbuild two-bedroom dwelling in this location, over reusing an existing building to achieve the same outcome.

- The fallback position establishes a 'baseline' amount of residential floorspace which the

Council has agreed is acceptable (around 70sqm).

The extant permission for the conversion of Barn 2 will allow approximately 70sqm of residential floorspace to be created from the barn, all on one level. Officers note that there are residential development policies (i.e. replacement dwellings – H4 of the VALP) which seek to limit how large dwellings can become when they are replacing existing older ones. However, as the barn has not been converted, and simply benefits from a fallback position, it cannot be considered under this, or any other adopted policy. It is therefore inappropriate to apply comparable flexibility to this scheme.

With that in mind, to align itself with the fallback position, a newbuild development must regard 70sqm as the ceiling on total floorspace. If suitable justification is provided, this might be pushed marginally (emphasis on marginal) if this will demonstrably result in a significant enhancement to the design and appearance of the site and scheme overall. As a starting point however, 70sqm would be considered an upper limit without robust justification. Simply because a larger house is preferred by the applicant, or results in better internal living accommodation, would not be considered a justifiable argument.

The amended drawings submitted by Mr Hutchinson on 21st June propose a new two-bedroom dwelling which provides, it is advised, residential floorspace totalling 106sqm (over two floors) Based upon the approved scheme being 82sqm as calculated by Mr Hutchinson, he submits that this is not 'significantly larger'.

My measurements of the approved plans for the barn conversion, ignoring internal walls (making the figure optimistic), result in a total of around 70sqm.

My measurements of the revised plans for the newbuild dwelling, ignoring internal walls (and assuming the dotted line at first-floor level is the 1.5m head-height cut off), provide a total floorspace figure of 137sqm.

I have conducted these measurements electronically using the architect's scale bar as a calibration tool. I see no reason to consider the numbers inaccurate.

70sqm - > 106sqm is an increase of more than 50%, which I consider significant. 70sqm - > 137sqm is nearly double the residential floorspace originally approved by the Council, a substantial increase.

In my opinion, it is the applicant's desire to have first-floor accommodation which is increasing the floorspace figures unnecessarily. I measure the ground floorspace of the proposed building to be around 93sqm, which is a comparatively modest increase over the approved 70sqm.

Taking the applicant's decision to relocate the dwelling out of the equation for a moment, the building's design and finish, particularly its linear, relatively unblemished roof and its informal fenestration layout with substantial lintels and hung timber shutters, may be considered an improvement over the design and appearance of the works permitted to the existing barn. Traditional agricultural barns are typically more linear in form, so its longer, rectangular footprint is also preferred to the squarer footprint of the existing barn.

Further, it is acknowledged that a newbuild development will be able to deliver a more sustainable and accessible building, using a fabric first approach, reducing carbon consumption significantly compared to a conversion of an existing, older building. Such improvements and benefits could be easily demonstrated using an Energy Statement.

These benefits in design, appearance, fenestration and sustainability weigh in favour of a newbuild development. The weight in favour would likely justify increasing the amount of floorspace delivered from around 70sqm to around 90-95sqm, which can be regarded as a more modest, rather than significant, increase (i.e. around 25%).

This would only apply to a newbuild scheme which is proposed on the same footprint as the existing barn. Omitting the first floor but retaining the building in its current position will not be supported.

The fallback establishes a location for the development, along with the extent of curtilage that the Council has previously deemed as being acceptable to provide parking, manoeuvring and garden/amenity areas.

The curtilage that the Council agreed to as part of 21/01743/APP is around 300sqm in size. This included a small parcel of green space in front of the barn, enclosed by a fence, parking to the side, an area of land surrounding the enclosed courtyard, and the land upon which the building and courtyard sits too.

This curtilage represents the 'canvas' that any newbuild scheme needs to comfortably and logically fit into.

However, perhaps the most contested part of this proposal concerns the relocation of the building to a new location around 30m south-west of where the existing barn sits, just south of where Barn 3 is situated (this would be demolished).

There is no overlap at all between the proposed curtilage and the extant/approved curtilage.

Mr Hutchinson considers this to be necessary to improve the building's relationship with the replacement farmhouse, which is also relocating south of where the existing farmhouse sits. It appears the applicant will shortly be commencing work on the new farmhouse, and once it is completed, the converted barn would sit around 20m north-east of its principal façade, at a slightly lower level. As a building, Barn 2 would feature prominently in the west-facing outlook of the farmhouse, and, it is submitted by Mr Hutchinson, the limited outside amenities of the barn, once converted, would be compromised through overlooking and loss of privacy.

I must advise that I find it very difficult to afford any weight to this argument. The emerging situation, with the new farmhouse having a more intimate and commanding view over the barn and its amenity space, is entirely down to decisions the applicant has made with regards to rebuilding the farmhouse.

The farmhouse has been relocated, it is understood, to improve its outlook over open countryside – this is completely understandable, but it is a choice made by the applicant based on personal preferences. The fact that this then results in a more harmful and intrusive

relationship with a barn which happens to have extant permission to be converted is not a problem that the Council is obliged to afford weight to when considering a newbuild scheme in a different location.

In particular, if the applicant is going to maintain a position that permission 21/01743/APP represents a likely and feasible fallback position which will be implemented if support for an alternative scheme is not forthcoming, then clearly the conflict with the farmhouse is not actually that big of an issue.

If the applicant is going to insist that the relationship is a significant issue, to the point where it would be undesirable to actually implement the barn conversion due to the new farmhouse, I would question whether 21/01743/APP actually represents a genuinely likely and feasible fallback position at all, and consequently the Council would have to question whether it can support any scheme proposing its redevelopment in principle. Conversely, as part of the application for the replacement farmhouse, concerns regarding the relationship between the two dwellings was not raised by the applicant.

It is also clear that relocating the barn to the southern side of the site will afford it better, south-facing views over open countryside. This was mentioned at the on-site meeting with the applicant and Mr Hutchinson. This decision is, again, understandable, but it is also a personal preference for the applicant, and the need or desire to achieve such views is not afforded weight as a material planning consideration.

The only material planning consideration I can afford weight to in respect of relocating the building, is whether it results in a significant demonstrable betterment of the site's overall layout and appearance. The agent submits that it does, by reinstating a legible courtyard/farmstead style arrangement.

Unfortunately, I am not able to agree with this position. A more organic farmstead or courtyard layout would tend to position the principal building (the farmhouse) and its ancillary agricultural buildings closer together. The farmhouse and any associated agricultural buildings would actually have a more intimate relationship, and together would form a legible L-shaped, U-shaped or even fully enclosed courtyard.

The new building appears, instead, to be somewhat arbitrarily placed some 35m west of the principal façade of the farmhouse, meaning there is a significant space between the two. The new building will be stepped behind the visually unappealing rectangular timber barn, around 12m to the south-east of it. As a consequence, there isn't any cohesive pattern of buildings or built form which results in the appearance of an organic farmstead.

The curtilage of the new dwelling will be substantially larger than what has been permitted as part of the barn conversion scheme. I note that the red line must include Barn 2 to capture its demolition, but even taking this in account, and discounting the eastern half of the site within the red line, and only looking at the new building, its rear and side garden, the access footpath/driveway and turning head, the curtilage is nearly 3x larger (850sqm approx.) than what was afforded to the conversion scheme.

Again, this would not inherently be a problem if it resulted in a significant and demonstrable

betterment of the overall site. However, I do not think this increased curtilage achieves this. The parking area, large turning head and meandering garden path up to the front door of the dwelling all create an overly domestic, urbanised arrangement which bears little resemblance to a farmstead or courtyard. While landscaping might provide some modest mitigation, the need for lengthy driveways and large, overly engineered turning heads has only arisen as a direct result of moving the building so far south into the site, away from the access road.

Consequently, I am afraid I cannot offer any support to either the relocation of the building or its substantial increase in curtilage size. Neither of these elements result in a betterment of the site's overall layout or appearance.

The benefits arising from improving the sustainability and accessibility of the dwelling, as well as any others that might result in betterment (i.e. ecological enhancements) are only sufficient in weighing in favour of increasing the footprint of the building by 20-25sqm over the established fallback position.

The benefits achieved in respect of improving the relationship with the new farmhouse are not material planning considerations due to that problem arising purely as a result of decisions made by the applicant with regards to personal preferences on the siting/outlook of the farmhouse and the new dwelling.

For clarity, any development that seeks to relocate the new dwelling to the location indicated on the revised plans, received 21st June, would very likely be refused on matters of principle, as well as design/layout reasons too.

The fallback position establishes a design/visual impact 'baseline' in terms of the operational works permitted to the barn to facilitate its conversion to a dwelling.

The question here is whether a newbuild scheme is likely to result in a visual enhancement over what presently has permission.

I have already explored this in detail above. It is felt that a scheme delivering a single storey dwelling of the design proposed on the revised drawings results in a visual enhancement over the works proposed to Barn 2, on the basis that it is proposed in the present location of Barn 2.

However, the act of relocating it south results in a scheme which, apart from being unjustifiable in principle terms, results in visual harm through a significant increase in curtilage and overly domestic/urban treatments of the landscape to facilitate driveways, turning heads and pathways etc.

Conclusion – principle of development

The development proposed as part of the revised drawings received 21st June is both unjustifiable in principle terms and will also result in visual harm.

Notwithstanding this, I consider there to be scope for the Council to support a newbuild scheme which uses the extant permission 21/01743/APP as a fallback position. However, the new dwelling would have to be strictly limited to 90-95sqm in floorspace, would have to be all on one level, and would have to be sited where the existing barn is.

Having discussed the proposals at length with Mr Hutchinson and the applicant, it seems unlikely that this situation will be considered acceptable.

For clarity, the Council would prefer to see either 21/01743/APP implemented as approved, or the building remain as it stands now, in a state which is not causing any harm, simply appearing as a redundant, traditional agricultural building within a former agricultural holding.

Alternatively, it might become incorporated as a facility used by the new farmhouse, either as additional vehicular or garden-based storage (i.e. mowers/residential paraphernalia). This would also likely be acceptable in principle, subject to appropriate plans being submitted to and approved by the Council beforehand.

Either of the situations above result in significantly less harm than the development proposed as part of this pre-application.

General observations on potential design, layout, finish etc

Notwithstanding the above conclusions, or Mr Hutchinson's strong position on the acceptability of relocating the barn (which I envisage will remain a point of contention), I have taken some time to consider whether there is any way the existing site (where Barn 2 presently stands and the land immediately around it) can be redeveloped such that a notably larger dwelling is delivered in a way which safeguards its amenities.

The following sketch should only be regarded as an officer suggestion. This has not been drawn to scale and is indicative only. There remains (entirely reasonable) scepticism over whether a robust enough case could be put forwards to justify such an approach in a subsequent planning application. This is because my suggestion remains in conflict with the development plan and represents a significant deviation from agreed (and reinforced) approaches with fallback positions.

However, in my opinion, it feels notably more justifiable than the development proposed in the plans submitted on 21st June.



The above sketch should be interpreted using the following key:

Blue – New single storey dwelling, L-shaped, accommodation provided all on one level, likely large enough to contain three bedrooms.

Red – Undercover parking provided in an attached open-fronted car port, accessed from the track to the north.

Yellow – Additional outside parking, accessed immediately off the track to the north.

Green – Private amenity space, delineated by a post and rail timber fence, with a significant portion (i.e. within the nook of the 'L') protected from overlooking from the new farmhouse.

'Demolish this barn too' – the barn adjacent to Barn 3 must be demolished too, ensuring further low-quality built form is removed from the site and extinguishing its Class R permitted development rights.

I will expand a little further on the rationale behind this suggestion.

As established earlier in the report, the barn adjacent to Barn 3 benefits from flexible use permitted development (established by a Lawful Development Certificate). It is recognised that, while redeveloping it into offices is demonstrably beyond the building's structural capabilities (as agreed by an Inspector), it might reasonably be brought into one or two of the permitted uses (i.e. B8 storage) with minimum, if any, operational development at all. At any rate, I do not have evidence before me to state with certainty that none of the flexible uses could be accommodated within the building as it presently stands, or with minimal modifications.

The removal of this unknown, and its capacity for potential disruption (from an alternative use within the framework of this single building) is afforded some limited weight in favour of supporting a new dwelling that is notably larger than what constitutes the fallback position (which would result in less disruption overall).

Importantly, removing this building, which is of a low quality architecturally and materially, and with it the permitted development rights, together with the removal of Barn 3, which is also of no architectural merit or value, might be used, together with an incredibly robust justification package setting out the numerous sustainability, accessibility and environmental benefits that can be realised by delivering a newbuild over converting the existing Barn 2, to persuade the Council that a substantially larger dwelling than that permitted by the fallback position is acceptable in principle on this particular occasion.

Couple this with the following betterments presented by the layout compared to the plans received 21st June:

The dwelling benefits from an area of private amenity which faces south, but which is not overlooked in any way by the farmhouse.

The dwelling benefits from off-road parking immediately off the access track, obviating the need for large, overengineered driveways and turning heads.

The dwelling benefits from undercover parking which, if presented as an attached timber-framed, slate-roofed and open-fronted (or open both sides) car port, will tie

cohesively into the converted barn aesthetic of the dwelling and allow through-access from access track to garden.

The dwelling benefits from a more generously proportioned garden, although it is acknowledged that some of it would still be vulnerable to some perceived overlooking (albeit at a much greater distance).

I must stress that this is an officer suggestion, and the sketch is very rough, with no attention paid to dimensions or scale. It appears to be much larger in footprint than the dwelling proposed as part of the revised drawings received on 21st June. In reality, its gable depth must reflect that of the barn design proposed as part of those revised drawings.

Further, I must stress that the above suggestion is prescriptive inasmuch that it purposely does not suggest that two-storeys of accommodation might be acceptable (it will not be acceptable, as the difference in floorspace will become unjustifiably large) and it does not suggest that it might be acceptable for the applicant to try and retain the barn adjacent to Barn 3 (the removal of this and its potential for disruption is fundamental to the extra residential floorspace being considered at all favourably).

The onus would be placed firmly on the applicant to convince the Council, via a robust benefits and justification statement, that a development which strictly aligns the principles set out above can be offered support without undermining its established approach to fallback positions (which has been reinforced at appeal).

And even then, any new scheme would have to be very carefully considered by the Council, and if felt to represent too significant a deviation from the Development Plan, advertised as such and possibly referred to the Development Control Committee to be determined.

CONCLUSION

The applicant is advised against pursuing a development that aligns with, or is materially similar to, what has been presented in the amended plans received 21st June. Such a proposal will very likely be refused planning permission, for the reasons set out in the report above.

While the applicant is not advised against any further exploration of a newbuild development in the same position as Barn 2 (which must include the removal of Barn 3), they must fully understand that achieving anything other than a like-for-like replacement on approximately the same (or slightly enhanced) scale in the same location is likely to be extremely difficult and will require significant investment and compromises (from their side, compared to what has been presented to me) and substantial additional work in justification.

The applicant should certainly not be under the impression that the suggestion I have provided above will guarantee an approval. The suggestion is posited as something that, in my professional opinion, moves the development much closer to a situation wherein, if I were conducting a planning balance exercise, it might result in a favourable recommendation if the benefits were numerous and substantial, and were outlined clearly enough.

However, my opinion is subjective, and another officer, or the Planning Committee, might quite reasonably arrive at a different conclusion and be comfortable defending a refusal at appeal.

You will appreciate that at this stage, advice can be offered on an informal basis only and should not be taken to represent a formal determination by the Local Planning Authority nor does it cover Building Regulations. Any subsequent application would be considered in the light of Development Plan policies, all material considerations including Government advice, technical advice and, if appropriate, public comments. In addition, if an application is submitted, as highlighted above, issues not addressed in detail in this response will also be relevant and would require addressing. Nevertheless, I hope this letter is helpful to you.

You may require a separate consent under the provisions of the Building Regulations for any works proposed. You are therefore advised to seek advice from the Council's Building Control section on this matter, whose telephone number is 01296 585460.

Yours sincerely,

Tom Ansell
Consultant Senior Planner – North Area Team
30th June 2023

Reviewed and signed: L Pearson
Date: 30/06/2023