

Planning Statement

In support of

Demolition of existing buildings and construction of one dwelling (as the alternative to an approved Class Q) in support of a wider restoration project

At

Lapworth Grange
Spring Lane
Lapworth
Warwickshire
B94 5NT

Applicant

Mr. R. Goode



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EXECUTIVE SUMMARY

- This application forms the last part of a series of applications to restore and regenerate the heritage asset 'Lapworth Grange'.
- The part of the site to which this application pertains comprises a Dutch Barn with an approved Class Q and three 'ad hoc' brick buildings of no particular architectural or historic merit. It is proposed to replace these buildings with a single dwelling of significantly improved design and build quality as an appropriate redevelopment of the final part of this wider site.
- This proposal offers a reduction in total built form of 77m² (floor area) and 94m³ (volume) respectively.
- It is a common occurrence that a proposal accords with a development plan and national policy in some places, but not others. Whilst the starting point is the development plan and the principle of a new dwelling in this location would not be supported. It is a principle planning concept (and as set out in Paragraphs 12 and 48 of the NPPF), that allow LPAs to make decisions that depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed or can be deviated from.
- Material considerations that might apply include where there is a strong '**fall-back position**', which carries significant weighting when assessing the balance of the application. A fall-back position relates to an alternative proposal that could reasonably be achieved, be that one which already has extant planning permission (although is not yet implemented) or one which is permitted development that could be undertaken without the need for express planning permission. Once a fall-back position has been established **then an alternative proposal needs to be considered against that position, and not the original position.**
- The decision maker must assess all of these and then decide whether in light of the development plan **taken as a whole**, alongside **consideration and weighting of material considerations make a decision as to whether the proposal can on balance be supported or not.**
- The proposal is not inappropriate in the Green Belt and complies with other relevant local planning policy.
- The following page highlights the key differences between the fall-back position and the proposed application.

Design and scheme betterment

The proposed scheme offers a significantly improved overall design and cohesive layout than the fall-back scheme. In particular the proposal offers:

- **Better design** – the new build development is architecturally designed, offering a much improved overall layout and appearance, coupled with the opportunity to use higher quality materials and improved construction quality. The dutch barn combined with the traditional style brick barn is a harmonised design bringing together modern and traditional farm building structures into an interesting, unusual new dwelling which will fit in with, and enhance the local area.
- **A smaller scale development** – the proposed reduces the overall floor area and volume of built form which is a betterment in the Green Belt.
- **Reduced impact on neighbouring amenity** – by moving the new build further into the site, it takes it away from the neighbour's boundary.
- **Direct access** – which offers better overall 'flow' across the wider site.
- **Opportunity to utilise renewable technology** – which cannot otherwise be done through the Class Q, thus positively contributing to the Council's climate change targets.

Option A – The fall-back position



Option B – This proposal

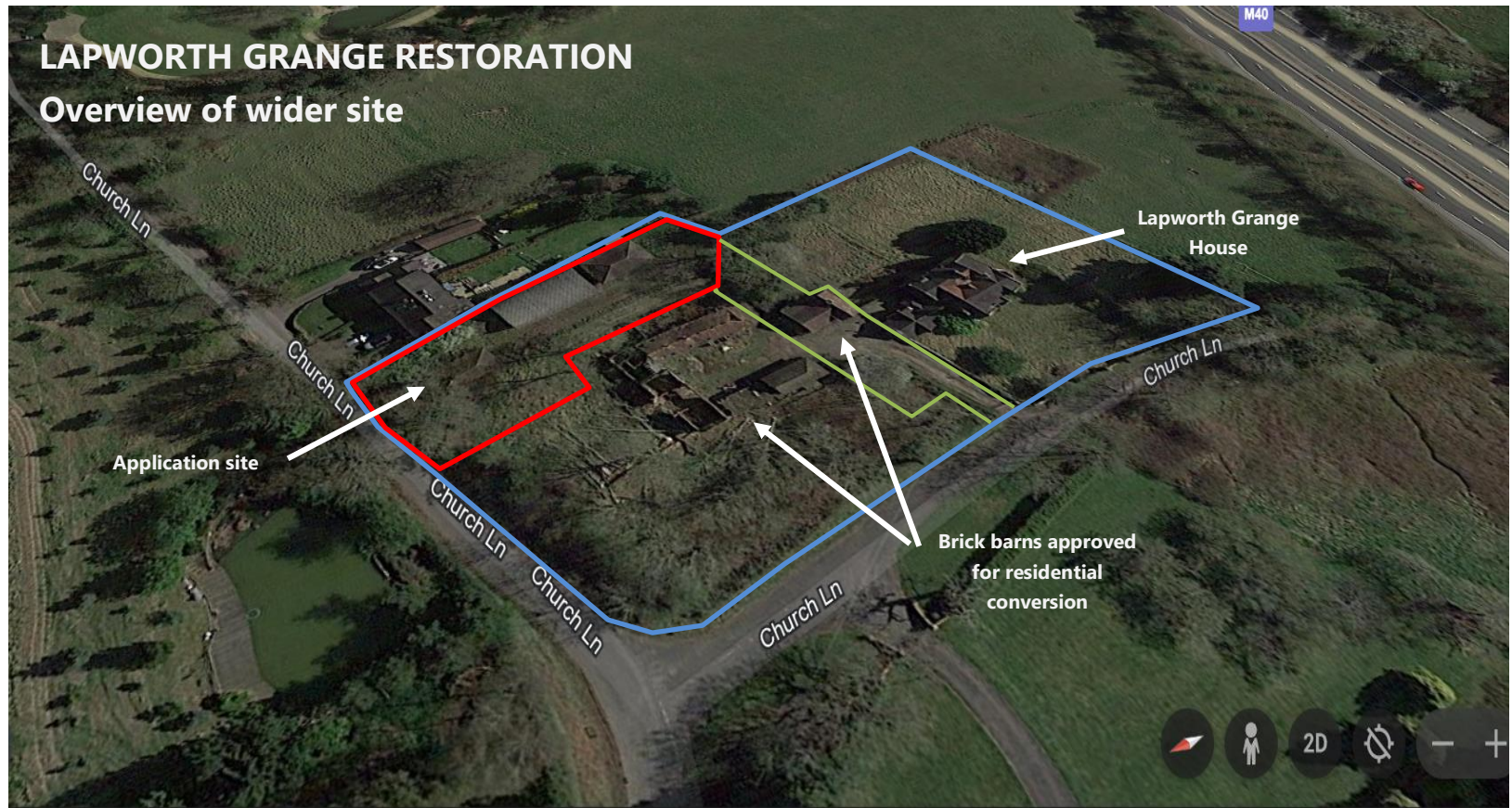


1.0 Overview

1.1 This application forms part of a series of applications to restore and regenerate the heritage asset Lapworth Grange.

1.2 Lapworth Grange comprises a large principle house (Lapworth Grange), a range of domestic outbuildings and former agricultural buildings.

1.3 It is proposed to redevelop the site, bringing back into use and repair the traditional farm buildings (recently approved for conversion) with full landscaping and restoration throughout the site. This application relates to the final part of the site.



- 1.4 The house and curtilage, along with the two barns now have a clear re-use and design approved for their redevelopment. The part of the site to which this application pertains (as shown in red above) comprises a Dutch Barn with an approved Class Q and three 'ad hoc' brick buildings of no particular architectural or historic merit. This application, for demolition of the existing 'ad hoc' buildings and dutch barn, to be replaced with a single dwelling of significantly improved design and build quality offers an overall reduction of built form in the Green Belt and an appropriate redevelopment of the final part of this wider site.
- 1.5 The four existing buildings within the red line total 314m² in floor area and 1,012m³ in volume. The dwelling proposed in this application is 237m² and 918m³ in volume. A reduction of 77m² and 94m³ respectively.
- 1.6 Originally the applicant intended to apply for permission to change the use of the various buildings and use them in association with the dutch barn Class Q, either attached or detached as residential outbuildings (or a combination of).
- 1.7 However, on reassessment it was considered that it would make an overall improvement to the site, providing a more cohesive design if the existing buildings are demolished and replaced with a single dwelling of improved design and build quality. This application provides betterment over the fall-back position.
- 1.8 It is proposed that the Council should assess this application against the fall-back position and consider the comparative impacts of both schemes, that are hereafter referred to as 'A' and 'B' option. The 'A' option is the 'fall-back position' which is to develop the Class Q and apply for the change of use of the buildings for residential use, as supported by planning policy – but would result in a discordant, somewhat haphazard set of buildings. Or consider option 'B' which is applied for herewith, as the preferred alternative with significant planning benefits.

2.0 Location and siting

- 2.1 Lapworth Grange, B94 5NT is located approximately 270m to the West of the village of Lapworth, Warwickshire. It is located on the junction between Church Lane (the main lane through the village) and Spring Lane. Church Lane to the western boundary of the site has been truncated by the M40 and is now a cut off road.
- 2.2 The site is approximately 0.9 miles from the large service village of Hockley Heath.
- 2.3 Spring Lane and Church Lane both have sporadic residential dwellings along both lanes on the way into Lapworth Village.
- 2.4 The site lies within the Green Belt.
- 2.5 The site is located within a Flood Zone 1.
- 2.6 There are no other designations including SSSI, SACs, National Parks, Scheduled Monuments, Traditional Orchards, AONBs, Ancient Woodland that would otherwise affect the development at the site.
- 2.7 The village of Lapworth is a conservation area but that does not extend to this site – the boundary being approximately 270m away.
- 2.8 There are a number of listed buildings within Lapworth Village but the closest being 420m away.
- 2.9 There are no public rights of way that cross the site.

3.0 Principle of development

Compliance with Local Policy – The fall-back position

- 3.1 The site lies outside any defined development boundary and is in the open countryside. Warwick Local Plan states that in the open countryside development will be strictly controlled and will be limited to the types of development set out in the policy and development specifically permitted by certain other local policies. The proposed dwelling does not fall within any of these development types. The proposal is therefore contrary to the locational strategy of the Development Plan and the starting point of principle is that a new open market dwelling in this location would not be supported.
- 3.2 However, Paragraphs 12 and 47 of the National Planning Policy Framework allow LPAs to make decisions that depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed or can be deviated from.
- 3.3 Material considerations that might apply include where there is a strong '**fall-back position**', which carries significant weighting when assessing the balance of the application.
- 3.4 A fall-back position relates to an alternative proposal that could reasonably be achieved, be that one which already has extant planning permission (although is not yet implemented) or one which is permitted development that could be undertaken without the need for express planning permission.
- 3.5 Once a fall-back position has been established **then an alternative proposal should be considered against that position, and not the original position.**
- 3.6 The Court of Appeal in *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314 has clarified when a "fall-back" development is a material planning consideration for an alternative development scheme. In the *Mansell* case, the development was for the demolition of a barn and bungalow and the construction of four detached dwellings scattered across the site. In the *Mansell* case Class Q in the Town and Country Planning (General Permitted Development) Order 2015 ("GPDO") authorised the barn to be converted into up to three residential units subject to a combined floorspace of up to 450sqm. The resultant effect being there could be four residential dwellings (i.e., the converted barn into three dwellings and existing bungalow) on the site pursuant to this GPDO planning route. Such four dwellings being the same number of units for the proposed re-development of the site.

- 3.7 This alternative GPDO development was considered a fall-back position and given material planning consideration by the council in granting the permission. In the Mansell case, the case officer considered that the outcome of a scheme under Class Q would be a contrived development whereas the submitted planning application offered a “more comprehensive and coherent redevelopment of the site”. As such, the officer recommended approval even though the site was outside any village development boundary and deemed as being in “open countryside”.
- 3.8 The second challenge by the appellant in the Mansell case concerned whether there was a “real prospect” of development under the Class Q GPDO rights, on the lack of contemporaneous evidence that the landowner had contemplated such development. In determining the materiality of a fall-back position as a planning judgement 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. It was concluded that the clear desire of the landowner to develop, and maximise the value of, the site was sufficient to demonstrate there was a real prospect to the Class Q GPDO fall-back position in this case. Therefore, the council made no error in law in giving material weight to such fall-back position.
- 3.9 Since the Mansell case there have been countless appeals that have been determined on this basis and so is fully accepted in normal planning practice.

The dutch barn / Class Q

- 3.10 The fall-back position is that of the extant Class Q permission on the barn, only recently approved with plenty of time to fulfil the development. As per the Mansell case, the applicants fully intend to implement and carry out the Class Q as it will still be an attractive, valuable development opportunity.

The additional buildings

- 3.11 The extended fall-back relates to the three buildings to the north and south of the Class Q barn. It is expected that the stables building which is attached to the Class Q building would be acceptable as a change of use to residential under policy BE4 – Converting Rural Buildings, with it fully meeting all the relevant criteria and tests of this policy. The garage adjacent is arguably already in domestic use and the small brick building opposite the stables could either be converted to an outbuilding or possibly (subject to extensions in the Green Belt) be attached to the stables for additional living space.
- 3.12 The Mansell case established that the planning doesn’t actually have to be in place, just that you would expect it to be forthcoming.

- 3.13 The original intention was to re-use the existing buildings, but of course they are somewhat ad-hoc and haphazard in layout. Therefore, it was concluded that a revised application, to demolish the existing and replace with a single dwelling would offer overall betterment.
- 3.14 So, whilst a new build open market dwelling in this location would not ordinarily be supported, because it has realistic fall-back positions which must be given significant weight.
- 3.15 The crux of the position is though that both situations A (being the Class Q plus adhoc change of use buildings) or B (this application for a new build instead) results in broadly the **same outcome** - a single dwelling, of a similar footprint, in broadly the same location. However, our alternative proposal under plan B offers significant benefits over plan A and it is these two options that should have their relative impacts assessed and compared.

Green Belt

- 3.16 The starting position when considering this application in respect of the Green Belt policies is the position that there already exists 314m² GIA / 1,012m³ built form on this site (the total of the dutch barn plus three buildings).
- 3.17 Policy DS18 of the Warwick District Local Plan confirms that the Council will apply national planning policy to proposals within the Green Belt.
- 3.18 Paragraph 147 of the Framework sets out that Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 sets out that the construction of new dwellings is inappropriate in the Green Belt except for:
- a) the extension or alteration of a building provided that it does not result in disproportionate editions over and above the size of the original building.
 - b) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
 - c) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use open brackets excluding temporary buildings) which would;
 - not have a greater impact on the openness of the Greenbelt than the existing development or
- 3.19 Paragraph 150 confirms that certain other forms of development are also not inappropriate in the Greenbelt provided they preserve its openness and do not conflict with the purposes of including land within it. These are;

a) the reuse of buildings provided that the buildings are of permanent and substantial construction.

3.20 The Framework therefore establishes that the re-use of permanent and substantial buildings, the replacement of a building and the extension or alteration of a building (provided it does not result in disproportionate extensions) are **not inappropriate in the Green Belt**.

3.21 As can be seen at Section 4, the application actually offers an overall reduced built form of floor area and volume which offers a betterment or planning gain in the Green Belt. Therefore, this application can satisfy the Green Belt policy.

Other Planning Policy – Design

Figure 1: The dutch barn converted under Class Q with additional three brick barns as existing.



Figure 2: 3D sketches of proposed dwelling, showing much simpler overall form, following demolition of other buildings.

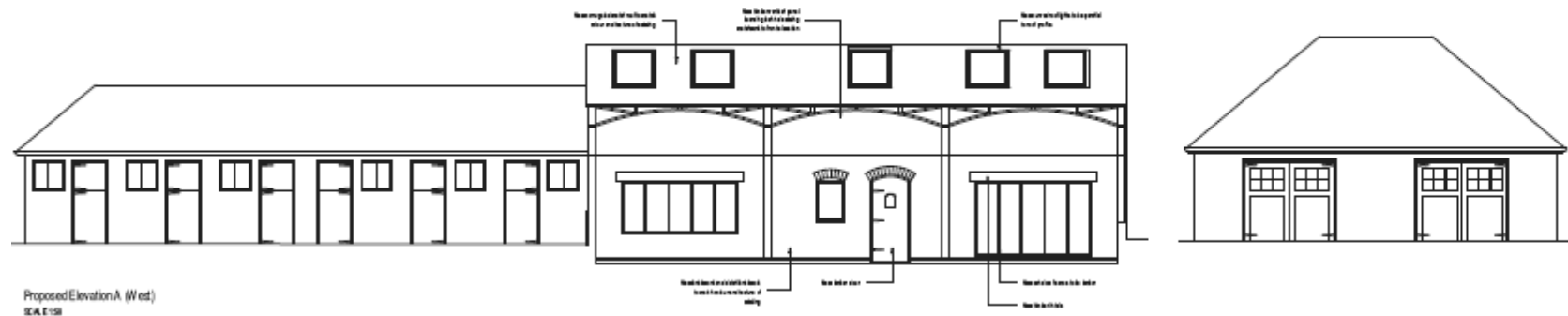


Figure 3: Plan showing comparison size and location of 'Option A' (pink hatched) and 'Option B' (green hatched).



- 3.22 Paragraph 126 of the NPPF requires that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 130 encourages designs that will function well and add to the overall quality of the area, be sympathetic to the local area and establish or maintain a strong sense of place and are visually attractive as a result of good architecture. These aims are encapsulated within the local planning policies also.
- 3.23 Class Q approvals allow for the conversion of agricultural buildings into dwellings, but the regulations require that the existing structure and building fabric is maintained. The number of openings and the use of different materials not already present on the building are severely restricted, limiting the architectural scope. Barns, particularly steel portal framed, are utilitarian structures constructed for the purpose of serving the agricultural operation and in some instances offer little design merit making their conversion particularly challenging.
- 3.24 The extant approval Class Q application allows for the creation of one dwelling. The design, through the constraints imposed by Class Q conversions, allows for minimal changes and the retention of external materials (Figure 4 below).

Figure 4: Approved elevations of the conversion of the barn under Class Q application.



3.25 The proposed alternative style takes both the traditional and modern elements of the site and bringing them together for a unique, architecturally designed dwelling full of character.

3.26 Policy BE1 of the Warwick Local Plan relates to layout and design, the policy setting out that development should positively contribute to the character and quality of the environment through good layout and design.

3.27 This application creates a far more cohesive, coherent use of the site with far superior layout, quality and design over the alternative fall-back position. In particular it will:

- harmonise better with, and enhance the other existing buildings on the site (meeting criteria a)
- relate well to the local landscape features where it combines a modern agricultural building with a traditional red brick barn in an interesting style (criteria b, d and e)
- better respect neighbouring buildings in terms of amenity and privacy, but in design also reflect the brick barn traditional design in terms of scale, form and materials (criteria f and g)
- meet criteria (m) by allowing a new access directly to this part of the site, better preserving the character and neighbour amenity of the other dwellings to be converted on site

BE1 Layout and design

New development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they:

- a) harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use;
- b) relate well to local topography and landscape features (see policy NE4);
- c) reinforce or enhance the established urban character of streets, squares and other spaces;
- d) reflect, respect and reinforce local architectural and historical distinctiveness;
- e) enhance and incorporate important existing features into the development;
- f) respect surrounding buildings in terms of scale, height, form and massing;
- g) adopt appropriate materials and details;
- h) integrate with existing paths, streets, circulation networks and patterns of activity;
- i) incorporate design and layout to reduce crime and fear of crime (see policy HS7);
- j) provide for convenient, safe and integrated cycling and walking routes within the site and linking to related routes and for public transport (see policy TR1);
- k) provide adequate public and private open space for the development in terms of both quantity and quality (see policy HS4);
- l) incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features including incorporating sustainable water management features;
- m) ensure all components, e.g. buildings, landscaping, access routes, parking and open spaces are well-related to each other and provide a safe and attractive environment;
- n) make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours;
- o) meet the highest standards of accessibility and inclusion for potential users regardless of disability, age or gender;
- p) ensures that layout and design addresses the need for development to be resilient to climate change

3.28 Policy BE3 – Amenity is also relevant. The existing Class Q, stables and garage are located immediately on the neighbour’s boundary. By relocating the whole new dwelling a few metres away from the boundary, the neighbouring privacy and amenity (including loss of privacy, loss of sun and visual intrusion) will be much improved on each of the elements set out in the policy:

- Loss of privacy
- Loss of sun / daylight
- Visual intrusion
- Noise disturbance
- Light pollution

3.29 Overall, it can be demonstrated that the design of this application (Option B) is much more favourable than what can otherwise be carried out using the existing and / or likely planning (Option A). It:

- Better meets local and national policy.
- Is of higher architecture merit with a more cohesive layout.
- Better reflects the local built form and character of the area more cohesive, better reflects the local area, permits better use of materials, renewable energy options.

BE3 Amenity

Development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and /or does not provide acceptable standards of amenity for future users and occupiers of the development.

Explanatory Text

5.20 The phrase ‘amenity’ is defined as the extent to which people are able to enjoy public places and their own dwellings without undue disturbance or intrusion from nearby uses. Examples of disturbance and intrusion include:

- loss of privacy;
- loss of sun / daylight;
- visual intrusion;
- noise disturbance;
- light pollution.

This policy is applicable to all development proposals, including extensions and changes of use.

5.21 The relationship of proposed development to surrounding uses and buildings is an important consideration in determining planning applications, particularly within residential areas. It is important that appropriate levels of amenity are provided and maintained for people and this is accepted as a fundamental principle of good planning.

5.22 Securing new development that has no impact on residential amenity may compromise other policies, such as achieving good design or making the best use of land. It will be important therefore to assess and weigh impacts on amenity against other objectives within this Plan. In considering development proposals, any appropriate mitigation measures that can be put in place will be taken into account in assessing the overall impact of the development on amenity.

4.0 Size and scale

4.1 The sizes of the fall-back position and the submitted proposals are as follows:

	Fall-back position		Proposed in this application		Difference	
	GIA M ²	Volume M ³	GIA M ²	Volume M ³	GIA M ²	Volume M ³
Dutch barn	178	485				
Stables	45	167				
Garage	52	208				
Brick building	39	152				
Total	314m ²	1,012m ³	237m ²	918m ³	-77m ²	-94m ³

4.2 The proposed dwelling offers a reduced footprint, floor area and total built volume than the fall-back position. In the Green Belt particularly this offers a planning gain of reduced built form.

4.3 It is considered that the design as proposed under the current application allows an opportunity for a far more comprehensive and coherent development of the site, with far superior design, style, scale and layout than the fallback position. The proposal seeks to create a dwelling whose architectural style, use of materials and layout on the plot offer a better relationship to the surrounding landscape and other dwellings on site.

5.0 Planning gain of this application

5.1 The proposed scheme offers significant planning gain and betterment over what can already be developed through the alternative class Q and change of use of buildings, also referred to as the fall-back position. The proposal provides the same end result insofar as that it is one dwelling, in this location, indeed of reduced floor space and crucially in the Green Belt volume, but this application offers:

Design

- 5.2 An architecturally designed dwelling that offers a significant improvement on the class Q design, particularly when considering what is appropriate and traditional in this part of the country. Furthermore, the materials that can be used will be of superior quality to what could otherwise be done under the class Q. By demolishing the three buildings which have no architectural or historic merit and replacing them with a single story traditional red brick extension, designed to reflect the other brick barns on site offers a significant benefit as a whole. A single combined dwelling, of attractive design, offers much improvement when compared to leaving the Dutch barn in its current location and converting the three existing unattractive and poorer quality buildings.

Impact on neighbouring amenity

- 5.3 Converting the Class Q (and / or the stables and garage) as existing means that the eastern boundary immediately abuts the neighbouring property. By demolishing and rebuilding a few metres into the site (to the West), there are significant gains for their privacy and amenity space of both properties.

Access

- 5.4 The current access to the class Q winds down through the site, running in between the two other brick buildings which will be converted to residential. By allowing a new access off Church Lane it will improve the general layout, use and amenity of the whole site, preserving and enhancing the character and heritage value of the traditional barns on site.

Energy efficiency / quality of build

- 5.5 A new build dwelling, as opposed to conversion of existing buildings of poor quality, will enable the developer to use significantly better modern building materials for improved insulation, heat retention and energy efficiency. This application also seeks permission for proposed PV solar panels and air source heat pump which cannot be approved through the class Q (as extensions beyond the existing form are not permitted through class Q which therefore precludes PV or air source heating). Therefore, in summary the whole build quality will be far superior in a new purpose built dwelling than could otherwise be achieved through the conversions. This is in line with government policy and directives for residential accommodation in the UK.

6.0 Access and parking

6.1 The application includes a new proposed access off Church Lane directly into the site. Our understanding is that this lane is an unclassified road and therefore planning is not required for the new access, however it is included and sought as part of this application for completeness. The new access entrance will be gently graded up to the site. It is proposed to use a bunded material on the sloped gradient, and elsewhere on the flat level surface to use porous stone gravel parking area. The layout provides over four car parking spaces so meets the minimum parking requirements.

7.0 Ecology

7.1 Full surveys were undertaken in preparation for the Class Q and subsequently the change of use of the traditional brick barns. Page 5 shows a table listing the various buildings at the whole site. The buildings to which this application pertains are B4, B5, B6 and B7.

7.2 Page 6 shows a table setting out what potential each of the buildings have as being suitable for bats. The table shows that B4, B6 and B7 have low potential. B5 was deemed to have low potential but a common pipistrelle was located in the building 7 years ago.

7.3 The full bat survey is also submitted. The summary on page 10 shows that whilst a range of bats are present on the site, they are using buildings B1 – B3 and not the four to which this application relates. The summary states:

“A European Protected Species Mitigation Licence will be required for the conversion of B1 to proceed. No other roosting activity was recorded in association with other buildings on site over the course of the survey work.”

7.4 There are no records of Great Crested Newts in the locality, nor suitability for them on the site.

7.5 There are some breeding swallows across the site. We propose a condition that nesting boxes will be erected within this site to provide replacement nesting opportunities.

8.0 Drainage and water

- 8.1 It is proposed to install a new package treatment plant in the south eastern corner of the farmyard which will service this application along with the two recently approved brick barn conversions.
- 8.2 Water consumption and the anticipated waste water discharge from the new dwelling will be controlled by the introduction of the following initiatives:
- Rainwater recycling facilities, fed by roof water to strategically positioned water containers to reduce the demand for fresh water for gardens and outdoor uses;
 - The installation of dual flush cisterns to all WCs;
 - Aerated taps;
 - Restricted flow showers and;
 - Inclusion of higher rated appliances such as dishwashers and washing machines
- 8.3 The site forms part of an existing farmyard and the immediate locality is characterised by open countryside.
- 8.4 Given the fall-back and the proposed position of the dwelling in the same location as the existing built form, similar height and massing, the impact on the landscape of that proposed will be neutral.

9.0 Conclusion

- 9.1 It is a common occurrence that a proposal accords with a development plan and national policy in some places, but not in others. Similarly, whilst the starting point is the development plan, it is a principle planning concept that in some instances material considerations outweigh the development plan. The decision maker must assess all of these and then decide whether in light of the development plan taken as a whole, alongside consideration and weighting of material considerations make a decision as to whether the proposal can on balance be supported or not.

- 9.2 The site is outside of a development boundary and as such the proposal does not accord with the Development Plan. However, paragraphs 12 and 47 of the Framework allow authorities to make decisions that depart from an up-to-date development plan providing the material considerations of the case indicate as such. The use of a Class Q application as a fall-back position for the erection of dwellings in place of the conversion of a barn to which the Class Q relates has been established under *Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314*. As such the principle of the proposal is established.
- 9.3 Offering an overall better scheme including improved design, layout, scale, reduced volume, inclusion of renewables, neighbouring amenity and more, the applicant contends that the benefits for the construction of one dwelling is compelling, and that Officers and Members (if required) are kindly requested to support the scheme.

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