

1.0 Application Number – [WD/D/19/002136](#)

Site address: ROSE COTTAGE, YETMINSTER ROAD, CHETNOLE, SHERBORNE, DT9 6NY

Proposal: Conversion of agricultural building to 1No. dwelling with associated internal and external alterations

Applicant name: Marble Green Property Ltd

Case Officer: Mr J Lytton-Trevers

Ward Member: Cllr Mary Penfold

REASON APPLICATION IS GOING TO COMMITTEE: At request of Head of Planning.

2.0 Summary of Recommendation: APPROVE subject to conditions

3.0 Reason for the recommendation:

- This is a disused and listed barn which can be converted into a single dwelling without detriment to the setting of it and other buildings around it.
- The domestic use of the building would not be detrimental to the amenity of adjoining property and would not lead to danger to road users.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	Market housing complies with Policy SUS3 where it relates to a designated heritage asset which includes this curtilage listed building.
Setting of heritage assets	The conversion, making use of existing fabric and without any changes to the external surroundings would safeguard the setting of this and other listed buildings in the vicinity. No harm would be caused to the significance of the designated heritage assets.
Amenity	The conversion would not impact on neighbouring amenity and road safety.
Other matters	There are no significant issues.

5.0 Description of Site

The name given for the building by the applicant is entirely erroneous as the building is a barn not a cottage. The last application referred to it as a barn. Hereafter it shall be referred to as a barn so as not to mislead.

This is a historic site consisting of the former barns and stables associated with the principal house, Hamlet House and its adjoining Malthouse. Hamlet House, the Malthouse, Dairy and attached Outbuilding (Rose barn) are listed at Grade II*, whilst the Stables (Coach House) and the C19 Barn (Stone Barn) are separately listed at Grade II. The former C19 cow shed (Rose barn) is unlisted, but is considered to be a curtilage listed building II* as it was in existence prior to 1948, appearing on the 1880 historic map analysis submitted with the application. It is situated in countryside some distance away from Chetnole.

6.0 Description of Development

This scheme follows a recent refusal for the conversion of four barns and outbuildings at the former farmstead of Hamlet. The proposal is the conversion of Rose Cottage building into an independent dwelling.

7.0 Relevant Planning History

Application No.	Application Description	Address	Decision
WD/D/19/000083	A Certificate of Lawfulness for an Existing Use as domestic storage	Rose barn CLU	Approved
WD/D/19/002137	Conversion of building	Rose barn LBC	Accompanying application
WD/D/19/002127	Change of use and conversion of agricultural buildings to 1 No. dwelling with associated internal and external alterations	Stone Barn FULL	Accompanying application
WD/D/19/002128	Conversion of agricultural buildings to 1 No.	Stone barn LBC	Accompanying application

	dwelling with associated internal and external alterations		
WD/D/19/000833	Conversion of 4 buildings	Garden, Stone, Rose and Stable FULL	Refused
WD/D/19/000834	Conversion of 4 buildings	Garden, Stone, Rose and Stable LBC	Refused

8.0 List of Constraints

Listed Building
Flood Zone 2
Outside a defined development boundary

9.0 Consultations

Yetminster & Ryme Intrinsic Parish Council: Objection
Access, parking and turning are limited;
Access is where the road is narrow, and the visibility splay will potentially be restricted by vehicles parking outside the 3 roadside cottages to the north of the entrance;
Increase in surface water flood risk;
Unrelated to settlement;
Alternative uses are viable to residential such as local rented or tourist accommodation);
Piecemeal proposals could further undermine the potential for the other buildings.

Chetnole and Stockwood Parish Council: Objection
Detrimental to the setting of Hamlet House, a listed building;
Within a flood risk zone;
Not within a defined Development Boundary;
Not designed to meet local need, rural workers accommodation or tourist accommodation;
Loss of amenity for Hamlet House through overshadowing, noise and overlooking;
Access is narrow and close to a bend.

Environmental Health - No comment

Natural England - No comment

Environment Agency - No objection subject to informatives relating to levels

Highways Officer - No objection

Technical Services - No objection

Conservation Officer - No objection subject to further information on landscaping, methodology and details of windows etc.

Historic England - Comments:

The long-term future of the remaining buildings and land within the applicant's ownership should be clarified as part of the application. This has not been included as part of the current application.

Wessex Water - No objection conditional of surface water not entering the sewer.

Flood Risk Management - Awaited

10.0 Representations

7 object: 14 Support

Objections:

Access is narrow and sight lines restricted;

Will increase flood risk from River Wriggle;

Insufficient parking which is limited in the road;

The garden has a 10 year covenant that restricts any change of use to the agricultural orchard;

Any change of the orchard would affect the outlook for the cottages that back onto it;

Sub-division of the yard not appropriate;

No detail of heating oil tanks, etc.

Support:

Would preserve and re-use an historic building;

11.0 Relevant Policies

West Dorset and Weymouth & Portland Local Plan (2015)

INT 1. PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

ENV 1. LANDSCAPE, SEASCAPE AND SITES OF GEOLOGICAL INTEREST

ENV 2. WILDLIFE AND HABITATS

ENV 4. HERITAGE ASSETS

ENV 9. POLLUTION AND CONTAMINATED LAND
ENV 12. THE DESIGN AND POSITIONING OF BUILDINGS
ENV 16. AMENITY
SUS 3. ADAPTATION AND RE-USE OF BUILDINGS OUTSIDE DEFINED DEVELOPMENT BOUNDARIES
COM 7. CREATING A SAFE AND EFFICIENT TRANSPORT NETWORK
COM 9. PARKING STANDARDS IN NEW DEVELOPMENT

Design & Sustainable Development Planning Guidelines (2009)

National Planning Policy Framework (2019):

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

12.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty (standard text)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

Arrangements would be made to ensure people with disabilities or mobility impairments are accommodated in order to comply with Building Regulations.

14.0 Financial benefits

Jobs would be created during the construction stage.
Occupants would make use of local services.
The dwelling would generate council tax.

15.0 Climate Implications

The dwelling would be designed to meet current building regulations which would help reduce the carbon footprint of the ongoing heating and running of the building.

16.0 Planning Assessment

Principle

The conversion of a building into an alternative use is addressed by policy SUS3.

The building is within Hamlet, which is unrelated to Chetnole and neither within a settlement boundary nor within a settlement with 200+ population. Chetnole, whilst having a 200+ population, the built up area does not extend as far as the location of this building, being separated from Hamlet by fields. Therefore, the 5th or the 6th bullet of Policy SUS3ii) would not apply. The 5th bullet applies to proposals for open market housing on sites within or adjoining settlements with DDBs or settlements without DDBs with a population of 200+. The barn in question at Hamlet does not meet the locational criteria under this bullet and so it would not apply to any scheme on this site.

As a result, the 6th bullet could potentially apply to the barn given its location outside a settlement with a DDB or outside a settlement with a population of 200+. Para 3.4.2 explains that in such locations, market housing may be permitted, exceptionally if a local benefit can be secured with a tie to a wider holding. This would not be possible in this particular case, as there is no 'wider holding' to tie any local benefit to.

However, the final bullet does potentially relate to this site. It only relates to designated heritage assets, so it would not apply to any buildings that were not listed;

It needs to be demonstrated that it would not be possible to achieve an acceptable scheme under any of the preceding bullets; and
It would need to be demonstrated that any open market housing scheme would secure the optimal viable use to secure the long term future of the buildings.

It is also necessary to apply other relevant policies, including Policy ENV4: Heritage Assets, as well as national policy on heritage assets, considered below.

Setting of heritage assets

Its conversion to residential use is considered to be possible, subject to acceptable details of layout, amenity space and access, so that the historic farmstead is not compromised as a result.

The site has been severed into two ownerships after its recent sale. The four barns/outbuildings and stables, a modern agricultural barn and adjoining land into one, and the house and thatched malthouse into another. The split has unfortunately led to a serious fracture into the historic intimacy of the site, worsened by the close relationship of the buildings, shared driveway and intertwined historic association of the site. The listed barns and stable are simple stone vernacular agrarian buildings, virtually unaltered since being built, with limited openings. The stables have been converted on the first floor into simple residential accommodation, which it is understood was tied to the main house for staff in the past. The ground floor however remains as stables. The site is significant as the principal house and its adjoining buildings are listed at Grade II* and the other buildings are of interest, listed primarily for their group value in this historic context.

The proposal now reflects the original layouts proposed previously with the support of additional information on amenity space, parking and consideration of alternative uses. This scheme shows the provision of a garden in an orchard to the north west of the site which would provide private amenity space, albeit inaccessible from the rear of the converted building and across the shared farm track. Parking is indicated in two chevron spaces to the northern side of the access drive. A red site boundary line has been drawn to indicate that the front boundary within the farm yard would be drawn close to Rose Cottage (southern side), but no details of how this boundary will be delineated on the ground have been provided. It is accepted that this frontage could be left open and that the former orchard would not impinge on the group if its use continued for a similar purpose.

The scheme is simplistic at this stage, and in view of the historic significance of the site, it would be helpful for the drawings to indicate the proposed finishes, windows, doors etc and further detailed drawings of all fenestration would be required.

It is fully understood that the buildings do not have a future within modern methods of farming. The former owners appear to not have used the buildings for some years, other than for ancillary storage. The buildings are not at risk and are in a reasonably good state of repair. Sensitive residential conversion of listed

buildings is usually considered when all other potential uses have been explored, but it is not a given, and each case is unique based on its location and the details of the case.

The surveyor's report (received after the application was submitted) suggests there are no viable alternative uses for the building. It has clearly not been advertised for any other uses, which as previously advised does not have to be the most profitable use. Dorset is rich in artisans looking for a workspace or exhibition space, but their incomes may be low.

The submission is silent on the impact on the setting of Hamlet House itself and the rest of the farmstead. It may be that this is considered to be negligible, but it is expected, in view of the sensitivities of the site and the existing and proposed residential uses, how the conversion of this building will impact on this historic group.

Whilst there is support for this conversion in principle, further information was required relating to the following matters:

The impact of this conversion on the setting of the historic farmstead group.

Details of all proposed hard landscaping and soft landscaping and boundaries, walls and fences.

Methodology relating to the careful restoration and sympathetic repair of the listed

buildings which would have been expected.

In response to these issues the applicant states that there would be no impacts on the group, no changes to the physical boundaries on the site and that the applicant would accept the methodology is agreed by condition. Whilst no physical changes to boundaries are shown between the building and others, it would be necessary to remove all permitted development rights for any development whatsoever to avoid domestic development including new hard surfacing and boundary treatments. Details of new walling, roofing and windows would also be needed as none are currently shown.

Whilst extensions and outbuildings are currently restricted in the General Permitted Development Order on listed buildings and in the curtilage, it would still be appropriate on amenity grounds for this to be imposed to perform a planning function.

No harm would result in terms of the impact on the significance of the designated heritage asset. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the significance of heritage assets.

Amenity

The level of additional activity that the use would bring onto the site would be relatively well screened from Hamlet House and its occupants. There is a stone wall along the common boundary. They do not share access and the building is single storey so cannot overlook.

The outlook for houses that face the orchard would be unchanged as this area would remain cultivated.

Other matters

The implications of the certificate of lawfulness for Rose barn does not bring permanent residential use of this building and does not establish use for an independent dwelling.

Given the past uses of some of the buildings there would be potential for Contamination which would need addressing if encountered.

The proposal would be able to make provision for on-site parking for at least 2 cars as well as turning provision which would meet the daily needs of occupants. Visitor and delivery parking is available in the road where there are no restrictions. Although the number of parking spaces in the road is limited it is possible to park in the road leaving adequate space for vehicles to pass and for residents without private parking to park. The alignment, narrowness and usage of the road are noted but meet highway requirements in terms of visibility, suitability and the proposed use. There is adequate access for emergency vehicles, the disabled and for vehicles to pass within the site. It is not considered the proposal would lead to danger to users of the highway.

There is no reason to suppose that the shored up wall would be made more vulnerable to damage as a result of increased use of the access.

There is no evidence to suggest the proposal would lead to additional flood risk as conversion of existing buildings to more vulnerable uses is normally allowed. The site lies within Flood Zone 2 and the application is supported by Flood Risk Assessment & Drainage Strategy Report Ref: 4924-RP01 Issue 1 by SDS Consulting dated 20 March 2019. This is change of use of existing buildings and therefore is not subject to the same level of flood risk requirements as a new development in a flood risk area.

The Flood Risk Assessment (FRA) states that finished floor levels will be 62.160mAOD which is only marginally above the 1 in 1000 year flood level (62.050 mAOD). A 600mm freeboard allowance is recommended as this is self-contained single storey accommodation with no safe refuge on a higher floor,

and the freeboard being provided is minimal (only 0.11m AOD). However, it is unlikely that floor levels can be raised sufficiently above the estimated flood level. Therefore, the applicant will need extra flood resistance and resilience measures to 600mm above 100 year flood level plus climate change. This information should be included in the methodology.

Due to the risk of fluvial flooding and local concerns about an element of surface water and groundwater flooding on this site, the lead local flood authority could be consulted. The technical officer raises no objection and as there would be no additional new build or hard surface on the land, the amount of run off would be unchanged.

In relation to flood emergency response and evacuation arrangements for the site, a Flood Warning and Evacuation Plan for future occupants should be secured through an appropriate condition.

The proposal would be CIL liable with an estimated charge £1,850.00k plus index linking.

Provision for storage of refuse is not shown but would be achievable without undue risk to health. Oil tanks can normally be provided without formal permission in some cases and are normally small enough to screen off.

The biodiversity report was negative.

Any existing covenants on the property may restrict implementation of the scheme which is a legal matter relating to the land rather than a planning consideration.

17.0 Conclusion

Market housing complies with Policy SUS3 where it relates to a designated heritage asset which includes this curtilage listed building.

The conversion, making use of existing fabric and without any changes to the external surroundings would safeguard the setting of this and other listed buildings in the vicinity.

The conversion would not impact on neighbouring amenity and road safety. There are no significant issues.

No harm would result in terms of the impact on the significance of the designated heritage asset.

18.0 RECOMMENDATION Grant, subject to conditions.

CONDITIONS:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location & Site Plan - Drawing Number PL-1302-100B received on 22/08/2019

Floor plans & Elevations - Drawing Number S-1302-02C received on 22/08/2019

Floor plans & Elevations - Drawing Number received on 22/09/2019

REASON: For the avoidance of doubt and in the interests of proper planning.

- 2 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 3 No development above ground level shall be commenced until details and samples of all new external facing materials for the walls and roof shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

REASON: To safeguard the setting of the heritage asset.

- 4 No development for the insertion of new doors and windows shall commence until a schedule and detailed sections (scale 1:10) of all new windows in the development has been submitted to and approved in writing by the Local Planning Authority. All windows shall be constructed of timber and shall be painted, but the schedule shall include additional information relating to (i) the method of opening, (ii) the depth of the reveal from the face of the wall and (iii) the product number where the window is supplied from a manufacturers standard range (copy of catalogue to be included). Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed in strict accordance with such details as have been agreed.

REASON: To safeguard the setting of the heritage asset.

5 No development above ground level shall commence until a scheme showing precise details of all vents, flues, meter boxes and letter boxes shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented before the development is occupied and shall be permanently maintained thereafter.

REASON: To safeguard the setting of the heritage asset.

6 No development shall be occupied until full details of hard landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include: proposed finished levels or contours, means of enclosure, car parking layout, other vehicular and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (eg; furniture, play equipment, signs, lighting, refuse or other storage units), proposed and existing functional services above and below ground (eg; drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc), retained historic landscape features and proposals for their restoration where relevant.

REASON: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

7 Before occupation of the dwelling details of flood resilience and proofing measures to be undertaken to the fabric of the building shall be submitted to and approved by the Local Planning Authority.

REASON: To ensure measures to incorporate flood resilience do not detract from the setting of the heritage asset.

8 Before occupation of the dwelling, details of an emergency access shall be submitted to and approved by the Local Planning Authority and shall be completed. This access shall only be used if the existing access becomes unusable due to flooding. This access shall be permanently retained and maintained and kept clear of any obstruction.

REASON: To provide emergency access and/or egress if the existing access becomes flooded and in the interests of highway safety.

9 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.

Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargements, improvements, or other alterations of the dwellinghouse; no buildings etc incidental to the enjoyment of the dwellinghouse; no hard surfaces (other than those agreed under condition 6) and no chimneys permitted by Classes A, B, C, D E, F and G of Schedule 2 Part 1 of the 2015 Order shall be laid within the land shown edged red on the approved plan.

REASON: To safeguard the setting of heritage assets.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no gates, fences, walls etc (other than those agreed under condition 6) permitted by Class A of Schedule 2 Part 2 of the 2015 Order shall be erected within the land shown edged red on the approved plan.

REASON: To safeguard the setting of heritage assets.

12 The existing private drainage sewers re-used for redevelopment must be tested prior to site construction to ensure that groundwater is not able to enter the system. Results of the testing and any remedial work should be submitted to and approved by the Local Planning Authority. The system must be entirely in accord with the agreed details.

REASON: To ensure no groundwater enters the foul water drainage system within the site.

