

## 1.0 Application No: 2/2019/0686/FUL

**Location:** Agricultural Building, Sandpits Lane, Madjeston, Gillingham, Dorset

**Proposal:** Erect 4 No. dwellings (demolish agricultural buildings).

**Ward Members:** Cllr Potheary, Cllr Walsh, Cllr Ridout

**Case Officer:** Mr James Lytton-Trevers

## 2.0 Summary of Recommendation:

2.1 Approve subject to conditions.

## 3.0 Reason for Recommendation:

The proposal would lead to an environmental enhancement over and above that which would be achieved were the existing building to be converted into four dwellings.

## 4.0 Table of Key Planning Issues

Issue	Conclusion
Principle of the development	This is considered to be acceptable having regard to the approved Class Q application. It has been established that the conversion of the building to four dwellings can be carried out under permitted development. This means that there is a fall back position. Four dwelling can be delivered in this location. The proposal to demolish the barn and to erect four dwellings would lead to a visual enhancement.
Residential Amenity	It is considered that having regard to the layout and scale of the proposed residential development the scheme would have an acceptable impact on residential amenity.
Visual amenity	It is considered that having regard to the layout, scale, appearance and landscaping the proposed development would have an acceptable impact on visual amenity.
Highway safety	It is considered that having regard to the access and layout of the sites that the development would have an acceptable impact on highway safety.

## 5.0 Description of Site:

The site houses a large, mostly modern, agricultural barn situated close to a farm

complex. The barn is situated adjacent to Sandpits Lane and is accessed from an existing access. On the road frontage, forming part of the modern building, is a stone wall of much earlier date, likely from the 19th century.

## **6.0 Description of Development:**

The proposal would be for two pairs of conventionally styled domestic dwellings, brick built with slate roofs and timber fenestration, side by side, behind the aged stone wall which currently supports one side of the barn, with shared access and rear gardens and parking. Permission has been granted for the conversion of the barns to four dwellings. In view of this, the principle of this location for the delivery of housing as already been established.

## **7.0 Relevant Planning History:**

Application: 2/2018/1261/AGDWPA

Proposal: Change of use and conversion of 1 No. barn building to form 4 No. single storey dwellings (C3).

Decision: Grant Prior Approval

Decision Date: 06.11.2018

The barn has been granted prior approval to be converted into 4 dwellings which would require completion in November 2019 and has not been implemented.

## **8.0 List of Constraints:**

Agricultural Land Grade - Grade: GRADE 3HSE Hazardous Installations - Address: Brickfields Business Park, New Road, Gillingham, Dorset

## **9.0 Consultations**

### **DC Transport Development Management:**

No objection conditional of Vehicle access construction, Turning and parking construction.

### **Wessex Water**

No objection.

### **Gillingham TC**

Objection:

Out of character with the local area;

Dominant, over-bearing and bulky and harmful to the landscape.

## **Representations:**

8 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 8 objected to the proposal and 0 supported the proposal.

Additional traffic;  
Would differ in appearance from the barn;  
Difficulty of selling the converted barn is irrelevant;  
No screening;  
Unsustainable location for families;  
Intrusive design;  
Would be a negligible contribution to housing supply;  
Precedent;  
Biodiversity impact.

All consultee responses and representations can be viewed in full on the website.

## **10. Relevant Policies:**

### **Gillingham Neighbourhood Plan**

#### **North Dorset Local Plan (Part 1):**

Policy 1 - Sustainable Devt.  
Policy 4 - The Natural Env.  
Policy 20 - The Countryside  
Policy 23 - Parking  
Policy 24 - Design  
Policy 25 – Amenity

### **National Planning Policy Framework**

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

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

## **11. 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.

## **12. Public Sector Equalities Duty:**

12.1 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.

12.2 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.

## **13. Financial Benefits:**

Council tax

Construction jobs

No developer contributions are applicable to this development

## **14. Planning Assessment:**

The proposal would be for two pairs of conventionally styled domestic dwellings, brick built with slate roofs and timber fenestration, side by side, behind the aged stone wall which currently supports one side of the barn, with shared access and rear gardens and parking.

### **Principle of development**

Policy 20 of the North Dorset Local Plan (2016) states that development in the countryside outside defined development boundaries will only be permitted -

(a) it is of a type appropriate in the countryside, as set out in the relevant policies of the Local Plan; or

(b) for any other type of development, it can be demonstrated that there is an 'overriding need' for it to be located in the countryside.

The preamble which forms part of Policy 20 mentions within paragraph 8.172 that *new dwellings should be located where they will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided unless there are special circumstances.*

It is, therefore, considered that the development is not of a type appropriate in the countryside as discussed within the preamble of Policy 20, furthermore, it is considered there is no 'overriding need' for such a development. In light of this, in normal circumstances, it is considered the development would result in an unsustainable form of development and is contrary local policy.

Notwithstanding this, prior Approval was granted for the conversion of from agricultural buildings to four residential dwellings under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

As a consequence, a fall-back position has been established whereby four residential dwellings have been approved in this location and is a material planning consideration in the determination of this proposal. It is for the Local Planning Authority to consider whether the benefits of the 'replacement dwellings', when compared to the extant Class Q permission, would outweigh the harm caused by the development's conflict with local policy.

## **Design**

Having regard to the design of the dwellings approved through the prior approval application, it is considered that the designs of the dwellings subject to this application would represent an improvement by virtue of the scale, built-form and external appearance.

The proposed dwellings would be sited within the footprint of the existing agricultural buildings. The footprint of the proposed (replacement) dwellings would be smaller than the buildings to be replaced. When considering the site as a whole and the modern/large agricultural buildings to be removed as part of this process, the proposed new buildings would be less obtrusive.

In terms of the dwelling's appearance, the proposed development would employ a conventional domestic design. It is considered the materials are typical for dwellings and would contribute positively to the appearance of the development.

In light of the above, it is considered the design of proposed dwellings would provide an enhancement to the appearance of the site and locality in comparison to the dwellings granted under prior approval. Furthermore, the improvement in the design of the development is considered to outweigh the harm of the development owing to its conflict with local policy.

## **Amenity**

The proposed development is sited in a relatively isolated location being some distance from the nearest residential property. Owing to this level of separation, it is considered the proposed development would not have a significant adverse impact on the living conditions of occupiers of neighbouring residential properties.

## **Landscape**

The site is not screened but a stone wall would be retained on the frontage. Houses do make an appearance along lane frontages nearby so such a prospect of four more would not be exceptional.

In light of the above, it is considered that the proposal would not have a significant adverse impact on the landscape and would not detract from local landscape character but rather result in environmental enhancements.

## **Access and parking**

It is considered the proposal would not compromise road safety and there is sufficient parking. Conditions are recommended.

### **Other matters**

A revised BMEP makes recommendations for bat boxes in the new build.

It is noted that a nearby house has been for sale without selling, but this is not reason to refuse the proposal where the principle is already established. Likewise, the likelihood or not of welling the conversion if it went ahead.

The proposal would not set local precedent for more houses as there is a prior approval for only four dwellings and no more. As to precedent for the fallback position, this is considered on a case by case basis.

Given the past use, a contamination condition would be needed.

### **15. Conclusion:**

The proposal would lead to an environmental enhancement over and above that which would be achieved were the existing building to be converted into four dwellings.

### **16. Recommendation:**

16.1 Grant subject to the following conditions:

1. 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).

2. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: 2543-01,02, ED SS400/01A, 3.0,4.0,5.0 forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

3. 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.

4. No development for the demolition of the barns shall commence until precise

details of the steps to be taken and works to be carried out to secure the safety and stability of the stone wall to be retained, shall be submitted to, and agreed in writing by the Local Planning Authority. The approved steps shall remain in place for the full duration until completion of the works hereby approved.

Reason: To protect and safeguard the fabric of the wall.

5. The protected species mitigation proposals set out in the approved Protected Species Survey and Mitigation Report shall be undertaken in full before the development hereby approved is first brought into use and shall be maintained in the approved condition permanently thereafter.

Reason: To ensure adequate habitat is provided and protected to accommodate protected species.

6. Before the development is occupied or utilised the first 5.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

7. Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number 4.0 must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.