

Application Number:	P/VOC/2023/07382		
Webpage:	Planning application: P/VOC/2023/07382 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	The Barn Gods Blessing Lane Holt BH21 7DE		
Proposal:	Variation of Condition 4 to application P/PAAC/2023/04935 (Conversion of agricultural barn to a single dwelling, with alterations to provide windows to all habitable rooms including 3 bedrooms and 2 reception rooms.) (Approved Condition 4 was added under a Non-Material Amendment (P/NMA/2023/06875) to list the approved plans)		
Applicant name:	Mr R Freemantle		
Case Officer:	Jane Vlach		
Ward Member(s):	Cllr Robin Cook		
Publicity expiry date:	30 January 2024	Officer site visit date:	04 March 2024
Decision due date:	11 March 2024	Ext(s) of time:	11 March 2024
No of Site Notices:	2 (1 x site gate & 1 x on Telegraph pole on Gods Blessing Lane in front of barn).		
SN displayed reasoning:	To maximise neighbour awareness		

1.0 The application comes to the committee at the request of the Chair of the Eastern Planning Committee

2.0 Summary of recommendation:

Grant subject to conditions

3.0 Reason for the recommendation: as set out in section 16:

- Prior Approval for the change of use of the barn to a dwelling in accordance with the requirements of Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 was most recently granted on 25th October 2023. The current application is to vary the condition relating to the approved plans to amend the design.
- It is necessary to consider whether the proposed development would be acceptable with the alternative condition wording; in this case the proposal is

to vary the approved plans condition to allow alternative fenestration. The relevant material considerations are the acceptability of the design and appearance of the building and the provision of adequate natural light to habitable rooms.

- The proposed amended design is considered appropriate in its setting; it will not result in any demonstrable harm to the character of the area or to the amenity of future occupiers.
- There are no other material considerations that would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Prior approval for the change of use of the agricultural building to a dwelling under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 was granted in 2019 (3/19/1590/PNAGD), 2021 (3/21/0167/PNAGD) and 2023 (P/PAAC/2023/04935).
Scale, design, impact on character and appearance	The proposed design and external materials are considered acceptable and comply with Core Strategy Policy HE2 and would be compatible with their surroundings
Impact on the living conditions of the occupants.	The proposed design offers acceptable living conditions for future occupants
Impact on landscape or heritage assets	The proposed design would have no adverse impact on the character of the area.





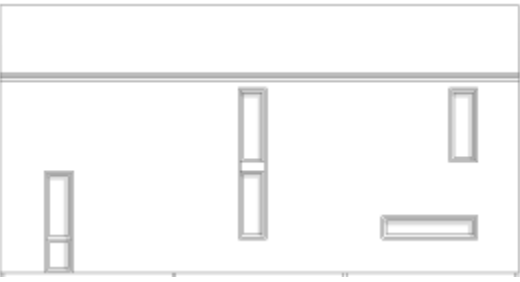
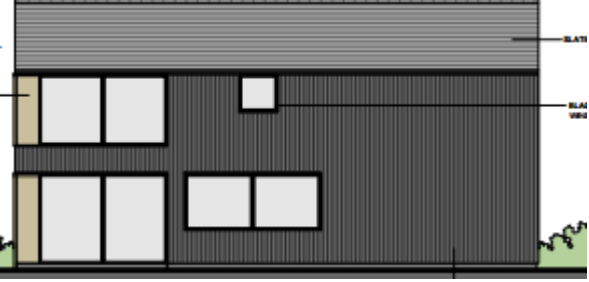
5.0 Description of Site

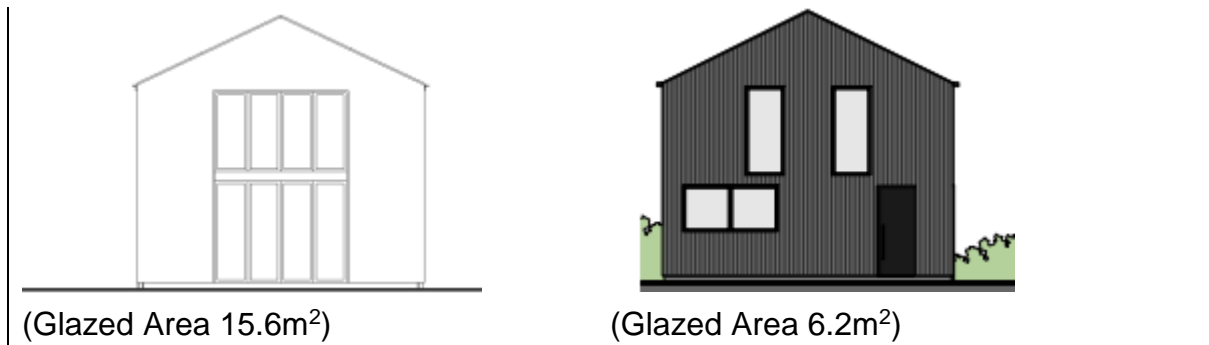
- 5.1 The barn is situated to the north of Gods Blessing Lane, north east of Pig Oak, Holt. A ribbon of detached dwellings in large plots follows the southern side of Gods Blessing Lane whilst on the northern side the barn is surrounded by agricultural land.
- 5.2 Mature hedging and a large oak tree restrict views of the barn from God Blessing Lane. Land is relatively level.

6.0 Description of Development

- 6.1 The application is to vary the plans condition attached to the Prior Approval application granted in 2023 (P/PAAC/2023/04935). The condition listing the plans was added as a non-material amendment in 2023 (P/NMA/2023/06875).

- 6.2 The proposed plans relate primarily to alternative fenestration treatment and show a fourth bedroom.
- 6.3 Materials shown are black vertical timber cladding on the side elevations, black aluminium window frames, slate effect roof tiles and PV panels recessed into the roof on the southern elevation.
- 6.4 During the course of the application, it became apparent that the applicant needed to serve notice on Dorset Highways as owners of a strip of land providing access to the site. This was duly done.
- 6.5 The 3D illustrative plans submitted with the application showed projections around the proposed windows. The agent has subsequently confirmed that these no longer form part of the application.

Approved Elevations P/NMA/2023/06875	Proposed Elevations
South west – facing Gods Blessing Lane	
 <p data-bbox="323 1144 608 1182">(Glazed Area 11m²)</p>	 <p data-bbox="922 1144 1235 1182">(Glazed Area 11.2m²)</p>
South east	
 <p data-bbox="277 1532 590 1570">(Glazed Area 15.6m²)</p>	 <p data-bbox="850 1532 1163 1570">(Glazed Area 16.4m²)</p>
North east	
 <p data-bbox="260 1912 557 1951">(Glazed Area 6.5m²)</p>	 <p data-bbox="842 1912 1155 1951">(Glazed Area 19.7m²)</p>
North west	



7.0 Relevant Planning History

Planning application	Proposal	Decision	Comments
P/PDE/2024/00039	Requesting permission for static caravan on site during Class Q conversion of barn	Permitted development	
P/NMA/2023/06875	Non Material Amendment to P/PAAC/2023/04935 to add planning condition listing approved plans to allow a Section 73 application thereafter	Granted	S73 relates to an application to vary a condition
P/PAAC/2023/04935	Conversion of agricultural barn to a single dwelling, with alterations to provide windows to all habitable rooms including 3 bedrooms and 2 reception rooms	Prior Approval granted	Renewal of prior approval. Extant until 25 October 2026
3/21/0167/PNAGD	Conversion of existing barn into a two storey dwelling	Prior Approval Given	Renewal of prior approval

3/19/1590/PNAGD	Change of use of existing agricultural building to a C3 dwelling.	Prior Approval Not Required	Initial application to establish change of use
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8.0 List of Constraints

Within Greenbelt: Bournemouth Greenbelt

Within Dorset Heathlands - 5km Heathland Buffer

Within Bournemouth Water Consultation Area

Groundwater – Susceptibility to flooding;

Ancient Woodland: MARTINS CLOSE COPSES; Ancient & Semi-Natural Woodland - Distance: 229.44

Ancient Woodland: HARTS LANE COPSE; Ancient & Semi-Natural Woodland - Distance: 409.55

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 2117.43

Site of Special Scientific Interest (SSSI) impact risk zone;

Radon: Class: Class 1: Less than 1%

9.0 Consultations

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

Consultees

- 1. Dorset Council Highways**
No objections
- 2. Dorset Council Building Control**
Requirement B5 (Fire Service Access) to be carefully considered
- 3. Holt Parish Council**
The proposal contravenes some of the 6 additional conditions specified on the Decision Notice for P/NMA/2023/06875 dated 15 December 2023.
- 4. Stour and Allen Vale Ward Members**
No comments received

Representations received

The application was advertised by means of site notices.

Total - Objections	Total - No Objections	Total - Comments
2	1	0

Summary of comments of objections:

- Contravenes conditions [plans list] of the NMA granted in 2023
- Fundamental Change and contrary to the Class Q Planning Permission initially granted.
- Permitting additional windows will change the original barn to a normal house and not a barn conversion.

Summary of comments of support:

- Delighted to see that work has started on the old, eyesore of a dilapidated barn in God's Blessing Lane. Outside elevations look far more aesthetically attractive than previously. Beautiful well-maintained building and plot of land.

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant Policies

Development Plan

Adopted Christchurch and East Dorset Local Plan (2014) (CED LP – Core Strategy):

The following policy is considered to be relevant to this proposal:

- HE2 - Design of new development
- HE3- Landscape Quality

Other Material Considerations

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan

Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

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

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 Public Sector Equalities Duty.

The proposed variation to the approved design of the proposed dwelling would not result in any disadvantage to those with protected characteristics.

14.0 Financial benefits

None relevant as application is to vary a condition

15.0 Environmental Implications

The conversion of an existing barn to a dwellinghouse will be associated with some carbon emissions but these will be less than would be anticipated for a wholly new development. The dwelling will need to comply with Building Control Regulations.

16.0 Planning Assessment

Caselaw has established that the conditions imposed on a prior approval can be subject to an application under Section 73 to vary or remove them.

Principle of Development

- 16.1 The Prior Approvals granted in 2019, 2021 and 2023 served to establish the principle of the proposed change of use of the agricultural building to a dwelling in accordance with Schedule 2, Part 4, Class Q permitted development rights.
- 16.2 The grant of prior approval enables the applicants to undertake the conversion in accordance with the details submitted with the application and the criteria and conditions set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Additional conditions were also added to the 2023 prior approval to secure mitigation in the event that contamination is identified; biodiversity enhancement, and boundary demarcation.
- 16.3 The subsequent non-material amendment (NMA) to the 2023 Prior Approval clarified the approved plans associated with the prior approval by adding a plans condition. The current application proposes to vary the plans condition. The proposals are for an alternative external appearance, primarily involving different fenestration.
- 16.5 Holt Parish Council has objected to the application because it would change the approved plans, but a variation of condition application is an appropriate mechanism by which to consider the impacts.
- 16.4 As set out in the General Permitted Development Order the only material considerations for a Class Q prior approval (agricultural to residential) are:
 - (a) transport and highways impacts of the development,

- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,
- (f) the design or external appearance of the building, and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

Of these the only considerations relevant to the current proposals to change the elevation and floor plans are (f) and (g). As the proposal would provide adequate light to the habitable rooms the main consideration is (f) – the design or external appearance of the building. On an application to vary conditions, only the conditions attached to the planning permission can be considered.

Impact on the character of the area

- 16.5 A neighbour has objected that the proposed external appearance will depart from a traditional barn appearance and will appear more domestic. The proposal represents a departure from the traditional treatment and cohesiveness of the original design, particularly in respect of the end gables where the large rectangular fenestration has been replaced by a more contemporary assortment of windows. However, this is not considered to be inappropriate in its setting or to result in any demonstrable harm to the character of the area. The scale and proportion of the building, with its height and low pitch flat roof, will continue to bear a stronger resemblance to a barn than a 'normal house'.
- 16.6 The proposed use of black vertical timber cladding on the side elevations, black aluminium window frames, slate effect roof tiles and PV panels recessed into the roof on the southern elevation are all considered appropriate within this rural setting. The barn is well screened by mature vegetation from views on both approaches along Gods Blessing Lane and the proposed reduction in glazing on the north west gable will generate less light spillage from this side elevation.

16.7 Total glazed area:

Approved plans = approx.48.7m² Proposed plans = approx. 53.5m²

The proposal introduces an additional ca.9% increase in fenestration, primarily on the north east (rear) elevation, mainly on the eastern end, where it will be less prominent from distant views from Holt Lane. It is not considered that this would result in a significant increase in light spill so there would be no demonstrable harm to the local landscape quality and the proposal would not conflict with policy HE3.

18.0 Conclusion

The proposed alternative appearance of the elevations are acceptable in accordance with policies HE2 and HE3. Any conversion of the barn to residential use will require compliance with all of the criteria and conditions set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Previous additional planning conditions in respect of contamination, biodiversity and curtilage demarcation remain relevant.

18.0 Recommendation: Approve subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 202 Location Plan
 - 200 Site Plan
 - 201 Block Plan
 - 206 Elevations
 - 203 Floor Plans
 - 204 Roof Plan

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

2. 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 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be carried out and on completion a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

3. Works to convert the barn must take place fully in accordance with the mitigation measures set out in the conclusion and appendices of the Preliminary Roost Appraisal (PRA) & Barn Owl report. Prior to first occupation of the dwelling details of a Barn Owl Box, as specified in the ABR Ecology Completion Statement dated 17/2/22, shall be submitted to and agreed in writing by the Local Planning Authority. The Barn Owl Box shall

be erected as agreed prior to first occupation or use of the dwelling hereby approved.

Reason: In the interests of biodiversity

4. Prior to the first occupation of the dwelling, details of the boundary demarcation for the residential curtilage identified on the Block Plan, drawing 002, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary demarcation shall be installed prior to first occupation and thereafter retained.

Reason: In the interests of the character and appearance of the area and openness of the Green Belt as the location plan indicates a larger area.

Informative Notes:

1. The application site is in close proximity of a European protected heathland (Dorset Heathland) and given the proposed residential use, the development is likely to result in a significant impact unless mitigation is secured.

The matter of appropriate assessment under the Habitats Regulations is a condition of the permitted development legislation that must be resolved prior to commencement; the developer should obtain a Habitats Regulations Approval via an application to the Council as the Local Planning Authority.

2. The developer is reminded that permitted development under Class Q of the GDPO only allows for the conversion of a building and does not allow for the new build or fresh build of an agricultural building. The developer should satisfy themselves that all of the Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are met prior to commencing work.
3. The applicant is reminded that Class Q only grants the change of use of the building and its curtilage the size of which is defined in legislation. Planning permission would be required to use any other land within the red line for purposes other than agriculture e.g. as garden.
4. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and

- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

5. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
6. 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. The Natural Environment Team, Dorset Council recommends that vegetation, hedge, shrubs and tree removal; translocation or cutting back avoids the bird nesting season which runs from mid-February to 31st August. This is in order to avoid impacts to nesting birds and infringement of the legislation.

Vegetation or site clearance as a result of this development should be undertaken outside of the nesting season specified above. In some seasons the nesting period may start before or extend beyond these dates, so the applicant should be aware that the dates are a guide only. If clearance work has to be undertaken during the nesting season, a breeding bird survey needs to be carried out by a suitably qualified person no more than 48 hours before clearance /cutting works commence. Any active nests identified should be protected by a 5m exclusion zone until the young have left the nest.

As a general rule, it should be assumed that birds will be nesting in trees, scrub, reeds or substantial ditch side vegetation during the core breeding period, unless a survey had shown this not to be the case. In addition, some species are ground nesting, such as the skylark and lapwing, both of which can occur on grassland areas and cleared sites where there is a time lapse between demolition and development.