

DC/2017/00122

**PROPOSED CONVERSION OF REDUNDANT BARN TO SINGLE DWELLING**

**DYFFRYN FARM, LLWYNA LANE, PEN-Y-CAE-MAWR, USK, NP15 1LR**

**RECOMMENDATION: APPROVE**

Case Officer: Andrew Jones  
Date Registered: 22.02.2017

**1.0 APPLICATION DETAILS**

1.1 This application was previously presented to Planning Committee on 1<sup>st</sup> August 2017 with an officer recommendation for refusal (see previous report below). However, Members voted to approve the application on the basis that they considered the building of adequate size to provide suitable living space for a permanent dwelling. The application is therefore re-presented to Planning Committee with the following conditions for their considerations:

**RECOMMENDATION: APPROVE subject to Section 106 Agreement, with Heads of Terms below:**

- Financial contribution of £27,469 towards affordable housing in the local planning authority area.

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
	<b><u>Pre-commencement conditions</u></b>
3.	The hereby permitted works shall not in any circumstances commence until the local planning authority has been provided with a copy of the final Method Statement detailing bat mitigation. The Method Statement shall be implemented in full and any subsequent amendments provided to the Local Planning Authority for record and enforcement purposes. Reason: To safeguard individuals and the resting place of a European Protected Species in accordance with the Conservation of Habitats and Species Regulations 2010.
	<b><u>Compliance conditions</u></b>
4.	Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be attached to or be positioned in the curtilage so as to illuminate the south west elevations of the building. Reason: To safeguard roosting and / or foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

5.	Works shall be carried out in accordance with the submitted report “Duffryn Barn, Llantrisant – Bat Method Statement & Mitigation Addendum” dated March 2017 produced by Acer Ecology Reason: To safeguard species protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended).
6.	No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building(s) for active birds’ nests immediately before the work commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. Reason: to ensure that nesting birds are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife & Countryside Act (1981) as amended.
7.	Notwithstanding the provisions of Article 3, schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed. Reason: If substantial extensions or alterations were necessary this development would not normally be favourably considered.
8.	No part of any wall of the existing building other than shown on the approved plans is to be demolished. Reason: This conversion is granted having regard to the Council’s policies which relate to the conversion of redundant buildings in the countryside and the information supplied with the application. If substantial demolition and rebuilding are necessary the development may be beyond that which has been permitted.
9.	Notwithstanding the provisions of Article 3, schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority. Reason: In the interests of visual amenity and to safeguard the appearance of the area.

## PREVIOUS REPORT

### 1.0 APPLICATION DETAILS

- 1.1 This application relates to a redundant agricultural building that is accessed off Llwynau Lane to the west of Pen-y-cae-mawr.
- 1.2 Planning permission is sought to convert the barn to provide a single dwelling. To facilitate the conversion a single storey extension would be erected to the rear of the dwelling. The extension, which would be of pitched roofed form, has been reduced in size and would now measure 4.3m in width and 3.4m in length. The extension would be clad with waney edge timber and other external materials include natural roof slate, repointed stonework, timber joinery and cast aluminium rainwater goods. The building

is served by an existing point of access and would provide two parking spaces to the rear. A portion of the steel Dutch barn on site will be retained for use as a domestic store.

- 1.3 The application is presented to Planning Committee at the request of the Local Member Councillor Peter Clarke.

## **2.0 RELEVANT PLANNING HISTORY**

None.

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Planning Policies

S4 – Affordable Housing Provision  
S13 – Landscape, Green Infrastructure and the Natural Environment  
S16 - Transport  
S17 – Place Making and Design

### Development Management Policies

H4 - Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use  
DES1 – General Design Considerations  
EP1 – Amenity and Environmental Protection  
MV1 – Proposed Developments and Highway Considerations  
NE1 – Nature Conservation and Development

## **4.0 REPRESENTATIONS**

### 4.1 Consultation Replies

Llantrisant Fawr Community Council – Have no objection.

MCC Highways – Has no objection. I am concerned that the highway network in the vicinity of the proposal will be harmed detrimentally with the increased daily use and with the construction traffic that would be associated with the renovation of the building. Should you be minded to approve the application, I would not wish this application to set a precedent for any future proposals to convert to residential all further barns at this location.

The applicant may be required to enter into a Section 59 agreement under the highways Act 1980 whereby admitting liability to any damage to the roads by extraordinary traffic likely to be generated by this operation.

Prior to the commencement of any construction work, provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a turning area. All materials must be loaded and unloaded for storage off the highway.

MCC Planning Policy – Strategic Policy S1 applies, the site is located in the open countryside where planning permission will only be allowed for; acceptable conversion of rural buildings, in the circumstances set out in Policy H4, sub-divisions of existing dwellings (subject to detailed planning criteria) or dwellings necessary for agriculture, forestry or other appropriate rural enterprises, in accordance with TAN6.

As the proposal relates to a redundant agricultural building Policy H4 should be considered. Policy H4 contains a number of detailed criteria relating to the conversion/rehabilitation of buildings in the open countryside for a residential use that must be considered in full. The existing building appears to be of limited size and would appear to not be suitable for a permanent residential use as it currently stands. Criterion (f) should be referred to which states the building must be capable of providing adequate living space and ancillary space such as garaging within the structure. In addition to this, criterion (f) adds that only very modest extensions will be allowed, it would have to be considered whether the proposed extension is modest in size, most notably as it will result in the increase of floorspace by approximately one third. Criterion (a) relating to the form, bulk and general design of the proposal and (d) relating to design requirements must also be considered. The Conversion of Agricultural Buildings Design Guide (April 2015) should also be referred to.

Criterion (g) relates to the conversion of buildings well suited for a business use, the H4 criterion (g) Assessment of Re-use for Business Purposes Supplementary Planning Guidance (April 2015) should also be referred to. It is noted in the planning statement that informal advice has been sought from estate agents which noted the project would be economically unviable for speculative commercial development and unsuitable for modern commercial ventures.

Finally, Strategic Policy S17 is of relevance relating to Place Making and Design along with Policies EP1 and DES1 in relation to Amenity and Environmental Protection and General Design Considerations respectively.

MCC Biodiversity Officer - A bat scoping assessment found moderate potential for bats within the stone barn proposed for conversion and negligible potential in the steel barn that will be removed to facilitate development. The site is located in a high quality landscape area for foraging and commuting; this was further demonstrated by the bat activity levels and number of species observed in the activity surveys.

The building is a confirmed roost for at least one soprano pipistrelle bat, but it is noted that there are multiple roosting opportunities for bats on the south west gable end. The original survey suggested that the works could be undertaken without licence, following discussion with myself and NRW the ecologist has modified the proposals to ensure works are completed under licence and made adjustments to the mitigation measures, this is demonstrated in the March 2017 report.

Considering the works proposed the roost will be lost and as such the development will need to be subject to a licence from Natural Resources Wales before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species. Please see our internal guidance note on consideration of the 'Three Tests' for licencing and report template. The LPA need to consider tests i and ii; test iii has been considered by NRW – see below.

Under new guidance from Natural Resources Wales, this proposal has been identified as a lower risk case and as such test iii is considered to be met.

It is further noted that the proposals will result in the loss of a barn swallow nest, the recommendation of the report to provide compensation for this loss in the form of an artificial swallow nest is welcomed and in line with LDP policy NE1 and our duties under the Environment (Wales) Act 2016.

I am satisfied that if the bat method statement and mitigation addendum are implemented, then there should be no negative impacts on biodiversity as a result of the proposed development. If you are minded to grant planning permission for this development then suitable planning conditions are advised below.

Natural Resources Wales (NRW) - We recommend you should only grant planning permission if you attach the following condition. This condition would address the significant concerns we have identified and we would not object provided you attach them to the planning permission.

The submitted bat survey report, prepared by Acer Ecology, dated October 2016, identifies soprano pipistrelle bats are roosting in wall crevices within the building to be converted.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii. There is no satisfactory alternative; and,
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

The bat report identifies soprano pipistrelle bats were using two separate crevices in the south-western wall. Despite confirmation the building contains bat roosts, the bat report concludes a European Protected Species licence is not necessary in this instance, and the works can be carried out under a detailed method statement instead. The bat report further identifies the building contains numerous other crevices suitable for bat use. It is concluded these other crevices are not being used by bats, however there is no evidence within the report to support this. The bat report additionally identifies hibernation potential within the crevices.

Therefore, on the basis of the information provided, we are of the opinion the proposed development is likely to give rise to the need for a licence application. However, we do not consider the development is likely to be detrimental to the maintenance of the population of the bat species concerned at a favourable conservation status in its natural range, provided the requirement for a European Protected Species licence is secured by way of planning conditions on any permission your Authority is minded to grant, and appropriate measures are implemented through the licence.

Condition

Inclusion of a planning condition on any planning permission that prevents the commencement of any development on site that could affect structures which may contain bat roosts until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified development to go ahead.

Advice to Applicant

We will wish to discuss a number of aspects of the mitigation proposals in more detail during the European Protected Species licence application stage, including the following matters:

- The submitted mitigation proposals include leaving the 1m x 1m square of wall containing the two known roost crevices un-pointed. It is unclear if this solution would accord with Building Regulations;
- A firm timetable of works will be required to ensure the chances of entombing/ disturbing bats is minimised;
- Clarification of pre-works inspection measures will be needed (a torch check is mentioned in section 6.2.7 of the report, but sections 6.2.4 and 6.2.9 stipulate an endoscope inspection). We will need suitable (external/ internal) crevice inspection / pre-works activity survey / bat exclusion measures put forward before an EPS licence can be granted.

Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

MCC Senior Strategy & Policy Officer - It is a basic principle of Local Development Plan Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning area. The financial contribution that will be required is £27,469.

#### 4.2 Neighbour Notification

No responses have been received following the consultation exercise.

#### 4.3 Local Member Representations

County Councillor Peter Clarke – if the recommendation is for refusal requests the application is presented to Planning Committee.

### 5.0 EVALUATION

#### 5.1 Principle of the proposed development

##### 5.1.1 Local Development Plan

5.1.2 Policy H4 *Conversion / Rehabilitation of Buildings in the Open Countryside for Residential Use* of the Local Development Plan (LDP) contains a number of detailed criteria relating to the conversion/rehabilitation of buildings in the open countryside for a residential use that must be considered in full.

#### **a) The form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building;**

5.1.3 The barn is of traditional form and retains its original character, it is of small scale with stable doors to the front and rear, with two window openings also to the front façade. The single storey extension proposed is of a simple pitched roof form, however its size in proportion to the modest scale of the host building represents a sizeable addition in floor area. This point is addressed further in Section 5.1.8.

#### **b) The proposal, including curtilage and access, is in scale and sympathy with the surrounding landscape and does not require the provision of unsightly infrastructure and ancillary buildings;**

5.1.4 No new outbuildings are proposed as part of the application, instead a portion of an existing Dutch barn would be employed to provide additional storage. The access point is existing and the extent of curtilage proposed would not be intrusive to the rural landscape.

**c) Rebuilding works, necessitated by poor structural conditions and/ or the need for new openings in walls, should not involve substantial reconstruction, with structural surveys being required for marginal cases;**

5.1.5 An Inspection has been undertaken which concludes that the structure is in fair condition and solid walls are plumb. Walls will require deep raking and repointing in lime mortar. Some stitching is required to the northern corner. There is a small area of masonry loss at eaves level above the crack, which will require a small area of reconstruction. The roof structure appears to be in sound condition however this will be further reviewed upon stripping the finishes. New softwood rafters will be installed over to carry the new slate roof finish, felt and battens. A single new opening will be formed in the stone wall offering access to the extension; however this will not affect the stability of the wall.

**d) the more isolated and prominent the building, the more stringent will be the design requirements with regard to new door and window openings, extensions, means of access, service provision and garden curtilage, especially if located within the Wye Valley AONB;**

5.1.6 The structure is a typical traditional stone walled agricultural farm building. New openings are limited, both to the rear. One internal opening is proposed to create access into the proposed extension, and another to the proposed lounge area.

**e) Buildings of modern and /or utilitarian construction and materials such as concrete block work, portal framed buildings clad in metal sheeting or buildings of substandard quality and / or incongruous appearance will not be considered favourably for residential conversion. Other buildings will be expected to have been used for their intended purpose for a significant period of time and particularly close scrutiny will be given to proposals relating to those less than 10 years old, especially where there has been no change in activity on the unit;**

5.1.7 As noted previously within this report the building is of traditional character and clearly has been used for its original purpose for a significant period of time.

**f) The building is capable of providing adequate living space (and ancillary space such as garaging) within the structure. Only very modest extensions will be allowed and normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn;**

5.1.8 The biggest area of concern with the proposal relates to the size of the building as it stands in situ. Externally the building measures approximately only 54 square metres, however this does not take account of the stone walls and the internal usable space. Without extension it is unlikely the building could provide a single bedroom, which is proposed to be located within the new extension. The extension proposed (measuring 4.3m x 3.4) whilst taken in isolation could be considered modest, but is a sizeable addition when read in the context of the very small parent building. This criterion seeks to protect the character of buildings by ensuring the original building is not eroded by later additions. The concern in this instance is that the building provides such little internal storage that it would in time require further harmful additions to create a practical living space. It is therefore considered that the proposal fails to meet criterion (f) of the Policy H4 as it does not provide adequate living space.

- g) The conversion of buildings that are well suited for business use will not be permitted unless the applicant has made every reasonable attempt to secure suitable business use and the application is supported by a statement of the efforts that have been made.**

5.1.9 Supporting information submitted sets out that local Estate Agents have confirmed that the project is economically unviable for speculative commercial development. The structure is unsuitable for modern commercial ventures and requires significant investment for conversion to commercial use where the developer is unlikely to see a return for the foreseeable future.

#### 5.1.10 Supplementary Planning Guidance

5.1.11 Supplementary Planning Guidance (SPG) in respect of Policy H4 titled *Conversion of Agricultural Buildings Design Guide* was adopted in April 2015. Section 7.0 of the SPG reaffirms the policy position in respect of the concerns over the size of the original building to be converted. It sets out the following:

*The Local Development Plan policy does not exclude extensions. Any proposed extension will however need to be carefully assessed against strict criteria controlling the effect on the character and setting of the existing building and/or their group value. This effect will clearly be more pronounced on smaller buildings, which is why they may not be favoured for conversion if substantial enlargement is needed to provide tolerable living or working conditions.*

5.1.12 Therefore given the size of the existing building it is considered that even with the extension it would fail to provide adequate living space for practical day to day living. The building would be better suited to a holiday use, under Policy T2 of the LDP. Criterion (c) of this Policy would permit buildings of this size for tourist accommodation. The demands for space and storage are quite distinct from those required for someone's day to day main residence.

#### 5.2 Visual Amenity

5.2.1 The site does not fall within a designated landscape area and sits within a dense group of buildings including working agricultural buildings and the farmhouse. There is significant mature vegetation immediately to the rear of the building as well as to the south east. Therefore the building is not visually prominent within the rural landscape, with only limited localised views from a public right of way to the north west. However, despite this is not considered that the discreet nature of the site fundamentally outweighs the building's inability to satisfy criterion (f) of Policy H4.

#### 5.3 Residential Amenity

5.3.1 The closest neighbouring property, Dyffryn Farm to north-west and Glan-y-Nant to the south, are sited sufficient distances from the barn so that if converted it would not prejudice the amenity or privacy interests of those properties.

#### 5.4 Highway Safety

5.4.1 No objections have been received from the Council's Highway Engineer, although concerns have been raised that the highway network in the vicinity of the proposal will be harmed detrimentally with the increased daily use and with the construction traffic that would be associated with the renovation of the building. Each case is considered



on its own merits and the construction traffic associated with this development may not be comparable with other applications along Llwyna Lane. Any damage caused to the lane during construction would need to be addressed between the applicant and Highway Authority directly.

5.4.2 The proposed development provides two parking spaces to serve one bedroom, which exceeds the requirements set out in the relevant SPG. The site also provides sufficient space to allow vehicles to turn and leave the site in a forward gear.

#### 5.5.1 Biodiversity

5.5.2 A bat scoping assessment found moderate potential for bats within the stone barn proposed for conversion and negligible potential in the steel barn that will be removed to facilitate development. The site is located in a high quality landscape area for foraging and commuting. This was further demonstrated by the bat activity levels and number of species observed in the activity surveys. The building is a confirmed roost for at least one soprano pipistrelle bat, but it is noted that there are multiple roosting opportunities for bats on the south-west gable end. The original survey suggested that the works could be undertaken without licence. Following discussion with MCC's Ecologist and NRW the ecologist has modified the proposals to ensure works are completed under licence and made adjustments to the mitigation measures. This is demonstrated in the March 2017 report. Considering the works proposed, the roost will be lost and as such the development will need to be subject to a licence from NRW before work can commence at the site.

#### 5.5.3 European Protected Species – Three Tests

5.5.4 In consideration of this application, a European Protected Species (in this case bats) will be affected by the development and it has been established that a derogation licence from NRW will be required to implement the consent. Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests have been considered in consultation with NRW and the Council's Biodiversity and Ecology Officers as follows:

(i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Development Management Comment: Should the building be left it could fall into a further state of disrepair and therefore harm public health and safety. By bringing the building back into use it could have social and economic benefits to the locality. However, in this instance it must be noted that owing to the size of the building the re-use for tourism use would be acceptable rather than residential.

(ii) There is no satisfactory alternative

Development Management Comment: The proposal is for the conversion of an existing building, which in planning terms is acceptable in principle whereas a new building would not be. However, in this instance the building is not considered to be of sufficient size to be converted to permanent residential use.

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned by a favourable conservation status in their natural range.

Development Management Comment: Under new guidance from NRW, this proposal has been identified as a lower risk case and as such test iii) is considered to be met.

5.5.5 Should the application have been recommended for approval then planning conditions would have been required including the requirement for a Method Statement and removal of normal permitted development rights in respect of lighting.

## 5.6 Affordable Housing

5.6.1 Strategic Policy S4 *Affordable Housing* of the LDP sets out that developments below the thresholds detailed within the Policy will be required to make a financial contribution towards the provision of affordable housing in the local planning authority area. SPG in respect of this Policy was adopted in March 2016. Section 2.1 of the SPG recognises that *a significant issue for Monmouthshire is the fact that house prices are high in relation to earnings so that there is a need for additional affordable housing in the County in both urban and rural areas, particularly for those that live and work here.* Further detail in respect of the need for Affordable Housing is set out in full in Section 3 of the SPG. A sum of £27,469 has been requested by the Council's Housing Officer for this proposal. In this instance the proposal would be for a self-build, however had the application been recommended for approval then a Section 106 Agreement would have been entered into. Providing the building would have been occupied for 3 years then the requested sum would not have been payable. An informative is to be attached advising that in the event of an Appeal the requested sum could be achieved by the submission of a Unilateral Undertaking.

## 5.7 Response to the Representations of the Community/ Town Council (if applicable) Well-Being of Future Generations (Wales) Act 2015

5.7.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.0 RECOMMENDATION: REFUSE**

### Reason(s):

1. The barn is considered to be of inadequate size to provide suitable living space for a permanent dwelling within the structure. It is therefore considered to be contrary to Policy H4 (f) of the Monmouthshire Local Development Plan.

### Informative(s)

In the event of the decision being subject to an Appeal to the Planning Inspectorate, should the Inspector be minded to allow the Appeal the affordable housing contribution of £27,469 required under Policy S4 of the Monmouthshire Local Development Plan could be secured through a Unilateral Undertaking.