

**Application Number:** DM/2020/01766

**Proposal:** Retrospective application for amendment to previously approved planning application: DM/2020/00669

**Address:** Beaulieu Barn, 25 Kymin Road, The Kymin, Monmouth, NP25 3SD

**Applicant:** Mr James Tuttle

**Plans:** Elevations - Proposed - , Floor Plans - Proposed Ground Floor - , Floor Plans - Proposed First Floor - , Location Plan

## **RECOMMENDATION: APPROVE**

Case Officer: Mr Andrew Jones  
Date Valid: 01.12.2020

**This application is presented to Planning Committee at the request of the Council's Head of Planning**

### **1.0 APPLICATION DETAILS**

#### **1.1 Site Description**

This application relates to a detached two storey building that was originally approved for conversion to residential use in 2008. This application is situated within open countryside outside of any development boundary and was approved originally under Policy H7 of the UDP, but is now considered under Policy H4 of the adopted Local Development Plan.

The site is located at The Kymin, to the east of Monmouth and is within the Wye Valley Area of Outstanding Natural Beauty.

#### **1.2 Proposal Description**

Planning permission is sought retrospectively for extensions and alterations to the building which are now complete. Permission (DM/2020/00669) was granted in 2020 which sought to make changes to a previous approval (DC/2016/00287) which was for a two storey side extension. Works commenced in July 2020 to implement consent DM/2020/00669, however these were not carried out in accordance with the approved plans. Under section 73A of the Town and Country Planning Act 1990 the applicant is entitled to submit an application to regularise the works as completed.

The works as erected and for which permission is now sought include a second gable to the rear (north) elevation, a lean-to element linking to another rear two storey gable, whilst the rear elevation is also now entirely clad with timber. The overall height of the building now measures 6.6m. Other fenestration details also differ from those on the 2020 permission and can be viewed by comparison on the Council's website.

### **2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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DM/2018/01196	The use of the building for purposes ancillary to residential dwelling known as Beaulieu Barn.	Withdrawn	27.02.2019
DM/2020/00658	Discharge of condition 3 of planning consent DC/2016/00287.	Approved	12.06.2020
DM/2020/00669	Minor amendments to previously approved planning application (planning reference: DC/2016/00287).	Approved	23.07.2020
DM/2020/01143	C3 (Dwelling house) Beaulieu Cottage 23 Kymin Road	Pending Determination	
DC/2016/00287	An extension to Beaulieu Barn to provide a suitable internal volume to provide for a modern standard of residential living accommodation.	Approved	20.01.2017
DC/2015/01178	Amendment to the roof height of the previously approved agricultural building previously approved in DC/2014/01291 (raise height of hay and storage barn).	Approved	17.11.2015
DC/2011/00024	Proposed storage building, pigsty and polytunnels at Beaulieu Meadow small holding, the Kymin, Monmouth	Approved	16.03.2011
DC/2009/00999	Proposed temporary compound to store building material and plant for local building works	Approved	12.01.2010
DC/2007/01144	Proposed conversion of redundant barn to provide new dwelling	Approved	08.02.2008
DC/2008/00587	Proposed agricultural store & workshop building for existing dwelling	Approved	03.07.2008
DC/2018/00091	The variation/removal of conditions 1, 2 and 3 relating to application DC/2007/01144.	Refused	29.03.2018
		Appeal allowed	07.09.2018

### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

## **Strategic Policies**

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport

## **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use  
LC4 LDP Wye Valley AONB  
NE1 LDP Nature Conservation and Development

## **4.0 NATIONAL PLANNING POLICY**

### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

### **Planning Policy Wales (PPW) Edition 11**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

## **5.0 REPRESENTATIONS**

### **5.1 Consultation Replies**

**Monmouth Town Council** - recommendation: refusal noting the following grounds:

- Overdevelopment
- Scale
- Not in keeping
- Impact on neighbours

**MCC Ecology** - In line with PPW 11 and the Dear CPO letter (23/10/19) this application must demonstrate a net benefit for biodiversity, this should be marked on the submitted plans, including location, specification and positioning.

**Wye Valley AONB Office** - The AONB Unit has several concerns regarding this development. The development is at notable variance from the originally approved plans, which we did not consider out of keeping with the area. However the scale and design of the current building, which this retrospective application is for, exhibits a cumulative increase in scale, volume and

incremental change in design that now makes the building out of keeping with its setting and the surrounding area.

While there may be arguments for the 'quality' of the build, this does not necessarily equate to it complementing, conserving or enhancing the local distinctiveness and landscape character including scale and setting, nor that it benefits or enhances the natural environment. It is unclear what the level of light pollution may be from the building, which appears to have clerestory across the gables in the building. Overall, the building is now of a scale that it creates a persistent and dominant feature out of keeping with the landscape and impacts particularly on the Offa's Dyke Path [SQ23]. We therefore conclude that this retrospective application should be refused.

## 5.2 Neighbour Notification

10 Letters of objection have been received raising the following areas of concern:

- Does not fit in with immediate area.
- Far too much glazing.
- The structure is clearly visible from the busy Offa's Dyke Footpath and is not a good advertisement for the Wye Valley AONB.
- The building is highly visible from the Offa's Dyke National Trail and within the Wye Valley Area of Outstanding Natural Beauty.
- Property has already been extended a number of times through a number of applications.
- It is the only building on The Kymin of its type and appearance.
- The bulky gables are out of proportion with the narrow body of the house, and this is compounded by the linking balcony that destroys the true concept of twin gables.
- The house's layout would seem to have been optimised for hosting B&B guests. The steep and tortuous access lane is already overloaded. Recent emergencies have demonstrated that the lane is impassable by fire appliances and ambulances.
- The building's scale is wrong for the position that it is in and its appearance is at odds with the existing dwellings in its near vicinity.
- Typically the immediate neighbouring cottages are of white painted brick or stone construction and have an appropriate amount of glazing.

37 Letters of Support have been received making the following observations:

- In keeping with surroundings.
- Second dormer balances property.
- There is an eclectic collection of buildings all in that small community.
- It does not block anyone's light or affect any other property around.

2 neutral comments were also received.

## **6.0 EVALUATION**

### **6.1 Good Design/ Place making**

6.1.1 As noted in the introduction to this report the building is located within the Wye Valley Area of Outstanding Natural Beauty (AONB). This policy seeks to protect the Wye Valley AONB from inappropriate development in order to maintain its unique character, special landscape qualities and local distinctiveness.

The building itself was originally converted to a dwelling under Policy H7 of the former Unitary Development Plan; the equivalent Policy in the current LDP, H4, is clear that the criteria detailed within it will also be applied to proposals to extend buildings that have already been converted.

6.1.2 Turning first to the building itself, a sizeable two storey side extension to the building was approved by Planning Committee in January 2017 under application DC/2016/00287. At the time this represented approximately an 84% increase in floor space. This permission also included a full glazed side (west) gable end as well as a full-height, glazed, single-storey projection to the rear.

Planning permission DM/2020/00669 sought permission to make design changes to this consent which included, raising the overall ridge height and increasing the single storey rear gable to a two storey addition (also fully glazed).

It is also relevant to note that in August 2018 the applicant successfully appealed against the conditions imposed on the original conversion of the building (Ref: DC/2007/01144) that saw Part 1 Permitted Development rights afforded to the property. In this decision the Inspector noted that "a two storey extension to the barn conversion has recently been granted planning permission by the Council (Ref: DC/2016/00287). The submitted drawings indicate that the extension would substantially increase the scale of the dwelling. Nonetheless, due to the immediate context and the permitted scheme's design, following implementation I am of the view that the appeal dwelling would appear as a working farmhouse, albeit an extended and modified one, rather than a domestic building or a new-build country residence". The Inspector also concludes that "any extension constructed under permitted development rights would be of more modest scale and unlikely to be any more visually prominent than that already permitted". Finally he also asserts that "the permitted extension represents a material change to the site's circumstances. Whilst it has not yet been constructed I afford substantial weight to it as a fall-back position. I consider that, in the context of the extended dwelling, any changes to the original barn undertaken under permitted development rights would be perceived as relatively minor".

Therefore whilst the works now undertaken do not qualify as Permitted Development within Part 1, one can take a number of points from the Inspector's decision being a) the still extant consent DC/2016/00287 materially changes the site's circumstances and b) that the Inspector clearly felt that the extended building would be capable of further extension by the virtue of restoring Permitted Development rights.

As noted previously in this report, Policy H4 of the LDP is still the correct policy to be applied when considering the current application, and which does state under criterion f) that "only very modest extensions will be allowed and normal permitted development rights to extend further or to construct ancillary buildings will be withdrawn". However, it must be acknowledged that the building has extant planning permission for a larger two storey extension and also, as discussed, it now benefits from permitted development rights to be extended further.

6.1.3 Therefore, having regard to the lengthy and complex planning history of the building, these must be afforded appropriate weight when considering the extension and alterations for which permission is now sought. Whilst the height of the original building is now 850mm higher, it is not considered that this particular change results in the building itself becoming significantly more visually prominent or intrusive within the wider AONB. Such has been the cumulative change approved to the building, officers are not of the view that the increase of 850mm can be argued to be unacceptably harmful to the rural character of the building. The changes to the rear elevation perhaps differ most from the previous approval; this elevation is now almost entirely finished with timber cladding whilst a second two storey gable is now in situ.

Officers have carefully considered the additional visual impact in terms of scale and mass of the provision of an additional two storey gable. Having regard to the planning history of the building, it is considered, on balance, that the second gable now constructed does not create such additional harm to the building so as to warrant refusal.

Timber cladding has been included in the previous two permissions to the side extension and officers are of the view that such a finish is not only traditional but is a secondary material that distinguishes the works from the original stone elements. The extent of glazing, particularly at first floor level to the rear, is also less than that allowed on the previous application.

New openings at ground floor level to the front elevation are now entirely omitted, whilst a single roof light is positioned to the front and two to the rear.

Considering the extent of glazing featured within the building when compared to existing, extant planning permissions at the site, officers are not of the view that what has been built would cause unacceptable harm to the character of the building.

Therefore with regard to design considerations and in particular consideration of LDP Policy H4, officers are of the view that on balance, the works implemented do not cause additional harm to the rural character of the building and therefore are not contrary to the aspirations of Policy H4.

6.1.4 Having regard to the wider context, as noted the site is located within the Wye Valley AONB. In addition the building is already readily visible from Offa's Dyke Path. A number of third

party objections have been received in respect of the impact on the AONB. In addition to this an objection has also been received from the AONB Office.

Concerns relate to the scale of the building and that it would create a persistent and dominant feature out of keeping with the landscape. However, as noted in the preceding paragraph of this report, one must look back at the extant permissions in place on this site and consider what harm is being caused by the difference between what was approved and what now seeks consent. Officers are of the view that the original permission to extend the property (DC/2016/00287), as acknowledged by the Planning Inspector, materially changed the circumstances at the site and permitted a considerable extension as well as large glazed elements. When considering the potential light spill from the building, officers are not of the view that the building in situ would create such additional spillage when compared to the extant consents so as to warrant refusal of permission. The main area of glazing is located in the western side gable, however when considering wider views of the site the western boundary of the site is characterised by mature woodland, Garth Wood. As such it is not considered that the spillage of light now proposed would result in the building becoming overly prominent within the wider AONB so as to fail to conserve and enhance the natural beauty of the area. Notwithstanding this, permitted development rights, in respect of external lighting are to be removed which would prevent any additional lighting being placed outside of the building.

Whilst the existing garden area is enclosed by mature vegetation, particularly to the eastern boundary it is acknowledged that there are some gaps within this and that by filling these gaps as well as being supplemented by additional soft landscaping would further help the works to the rear assimilate into the rural landscape. A condition is therefore recommended to allow a detailed soft landscaping scheme to be agreed and implemented. Officers are of the view that whilst views of Beaulieu Barn from Offa's Dyke Path have always existed, that appropriate additional soft landscaping will further soften views of the building from this well used footpath.

6.1.5 When having regard to place making, design and crucially the wider impact of the proposal on the sensitive Wye Valley AONB, there are evidently a number of critical material planning considerations and policies to balance. Having regard to all of the issues, when considering the visual impact of the extended building itself and by association its wider contribution to the AONB, officers are satisfied that any additional, demonstrable harm caused by the works now under consideration is not such that refusal of the application can be recommended.

## **6.2 Impact on Residential Amenity**

6.2.1 Criterion (d) of LDP Policy DES1 sets out that all development should "maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties". In this instance having regard to distance to neighbouring buildings, Beaulieu Barn is located approximately 80m to No 22 and 75m to No 27 as nearest neighbouring dwellings. Firstly it is noted that the elevation that faces towards these properties, the south, would feature less ground floor windows than the previous permission and the only opening above ground floor level is a single roof light. With regard to new first floor openings these are contained to the side (west) and rear (north) elevations. Accordingly, owing to the position of the new first floor openings as well as the significant distances to neighbouring properties, it is not concluded that the development would give rise to an unacceptable loss of third party privacy.

Whilst the original building ridge height has now been increased by 850mm, having regard to the distances to the nearest neighbouring dwellings as well as intervening vegetation it is also not concluded that the building as built gives rise to a harmful overbearing impact on third party residential amenity.

In light of the above it is considered that the development accords with the requirements of policies DES1 (d) and EP1 of the adopted LDP.

## **6.3 Access / Highway Safety**

6.3.1 Concerns have been raised by third parties via the consultation process with regard to the potential for future use of the building for B&B accommodation and whether the local highway infrastructure is suitable. However, the application is made on the basis of this being a single household used for residential purposes. It is not considered that the works for which permission is now sought, would create significant and unacceptable additional traffic growth in relation to the

capacity of the existing road network and / or fail to provide a safe and easy access for road users. The application site is of good size and provides appropriate space for domestic parking and turning on site. The proposed development is therefore considered to be in accordance with Policy MV1 of the LDP.

## **6.4 Biodiversity**

6.4.1 A bat survey was last undertaken at the site in 2016; it was concluded at that time that there was negligible potential for the building to have implications for bats. During the time of the 2020 planning application it was concluded that the building had not changed or deteriorated so as to warrant a fresh survey and the conclusion of 2016 remained the same.

The works that now seek planning permission as part of this application have, as noted at the outset of this report, already been carried out. Accordingly it is not considered necessary at this stage to request further formal survey work as the works have taken place, as well as having regard to previous findings.

However, having regard to PPW 11 and the Dear CPO letter (23/10/19) this application must demonstrate a net benefit for biodiversity. No measures (for example bat or bird boxes) have been illustrated on the submitted plans and therefore it is considered appropriate to condition that these details are submitted, agreed and the implemented within a specified time frame.

Previous planning permissions at the site to extend the property have via condition removed Permitted Development Rights in respect of external lighting and it is again necessary and reasonable to add this element of management to the current application.

It is therefore considered on balance that the proposal accords with Policy NE1 of the adopted LDP.

## **6.5 Response to the Representations of Third Parties and Town Council**

6.5.1 Whilst a number of important and relevant concerns have been raised by third parties, these issues have already been addressed in the preceding sections of this report and therefore there are no further points to address.

## **6.6 Well-Being of Future Generations (Wales) Act 2015**

6.6.1 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.

## **6.7 Conclusion**

6.7.1 This application site presents a unique and complex planning history. Officers have reviewed this history in detail to make a balanced assessment of the works that are the subject of this planning application. The requirements of Policy H4 are still relevant and in addition the character and setting of the Wye Valley AONB are evidently important material considerations.

However, so too is the previous Committee decision (DC/2016/00287) which is still extant as well the Planning Inspector's assessment of the building and their decision to restore permitted development rights (DC/2018/00091).

In reaching a recommendation, officers are of the view that appropriate weight should be given to which extant permissions could be implemented as well as to the extent of works that could be undertaken via Permitted Development rights. Crucially when considering and weighing up the additional harm caused by the current works above what has extant permission, officers do not believe that this is such as to recommend refusal of permission. Upon detailed review, and subject to the conditions set out in section 7.0 below, the development is considered to be acceptable.

## **7.0 RECOMMENDATION: APPROVE**

**Conditions:**

1 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

2 Within two months of the date this permission there shall be submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

4 Within two months of the date of this permission details of bat and bird enhancement (to include location, position and specification) to be provided as part of the development or within the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The enhancement shall be provided within two months of the date of the details being approved and shall be maintained as such thereafter.

REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 11, the Environment Act 2016 and LDP policies S13 and NE1.

5 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 elevations of the building.

REASON: To ensure retention of roosting/foraging opportunities for Species of Conservation Concern and to ensure compliance with LDP Policy NE1.