

PARISH Clowne

APPLICATION Construction of new dwelling, construction of new barn, conversion of existing barn to microbrewery/ kitchen with associated office.
LOCATION Land To The West Of Bridge Close Hollin Hill Road Clowne
APPLICANT Mr & Mrs Salt 10 Church View Clowne ChesterfieldS43 4LN
APPLICATION NO. 18/00043/FUL **FILE NO.** PP-06574992
CASE OFFICER Mr Chris Fridlington
DATE RECEIVED 19th January 2018

SUPPLEMENTARY REPORT

BACKGROUND

The current application proposes (1) construction of a new barn (2) conversion of an existing barn to microbrewery, and (3) the erection of a new house on land off Hollin Hill on the edge of Clowne. The new house would be sited broadly on the footprint of a derelict barn that currently lies adjacent to the southern boundary of the application site. The new barn would be sited opposite the new house and between the existing stables and converted barn so the whole development would be arranged around a central courtyard to the rear of a property known as Bridge Close.

Full details of the proposals are contained in the original officer report (attached to this report as Appendix A) but the application was originally recommended for refusal by officers for the following reasons:

The current application does not meet the requirements of HOU9 because there is no essential need for the new house proposed in countryside outside of the settlement framework. Therefore, the proposals for a new house are considered to be contrary to relevant national planning policies and saved Local Plan policies GEN8 and ENV3 because the house is not necessary in this location.

It is also considered the proposals would not result in such a significant improvement to the rural environment or such a significant benefit to the local community through the reclamation or re-use of land that there are exceptional circumstances in which permission may be granted for a house in this location under the enhancement criteria in relevant national planning policies and ENV3.

The original officer report and officer recommendation of refusal was first considered by the Planning Committee in September 2018.

PURPOSE OF THIS REPORT

At the meeting of the Planning Committee in September 2018, a decision was not made on this application because members indicated that they were actually minded to approve this application with particular reference to the benefits of allowing two locally-based businesses

(one being a start-up business) to develop and expand on the site. The applicants also raised a number of issues at the meeting in September that required further consideration. Therefore, a final decision on this application was deferred.

Consequently, the specific purpose of this supplementary report is to allow members of the Planning Committee to now make a final decision on the current application by providing additional information on the particular economic and social dimensions of this case that could form the reasons for approval of this application. In addition, this report recommends conditions and a s.106 legal agreement, which officers consider would be necessary if permission were to be granted for this application. However, this report must be read in conjunction with the original officer report (attached as Appendix A), which provides a fuller discussion of all other relevant planning considerations.

ASSESSMENT

In this case, officers originally concluded that the proposed development would be acceptable in planning terms other than the location of the site was outside of the settlement framework and there was insufficient justification to grant planning permission for residential development in this location in the countryside contrary to the Council's adopted housing policies.

This was a finely balanced judgment because the proposals would be unlikely to have a harmful impact on the local area and it could be seen that granting planning permission would give rise to some social, economic and environmental benefits. However, in the first instance, additional information presented by the applicants at the meeting of the Planning Committee in September requires further assessment with regard to the public sector duty set out in the Equality Act 2010.

Public Sector Duty

In accordance with the public sector duty in the Equality Act 2010, the Council does need to consider how its decision making on this application would affect a person with a disability, which is a protected characteristic as defined in the same Act. This is because the information provided by the applicants indicates there are two family members who live with the applicants that have a disability which affects their ability to carry out normal day to day activities. The information provided by the applicants suggests the proposed house would help promote equality of opportunity for both these two family members and help meet their currently unmet needs.

In addition, the information provided by the applicants suggests the opportunity to live in the new house with better access to Eco Therapy, for example, would have a positive impact on their own physical and emotional welfare. This is important because the information submitted to the Council by the applicants indicate that they have taken on 'carer's roles' for the two family members with protected characteristics whose needs are not being met in their current accommodation or in any other way according to the information made available to the Council.

Therefore, a decision to approve this application could be deemed to be consistent with the public sector duty set out in the Equality Act 2010 because an approval would provide the applicants the opportunity to use private money to build a new house to help meet the unmet needs of the household and minimise disadvantages currently suffered by the two family members because of their protected characteristics.

A decision to approve this application on this basis could also be deemed to be consistent with national planning policies which say it is important that the needs of groups with specific housing requirements should be addressed and go on to say: in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

However, the proposed house does not incorporate any special adaptations or allow the two family members with protected characteristics to live independently. So, the new house would not necessarily continue to meet the needs of either of these two family members over the longer term given that there are no particular design features built into the new house that addresses their needs other than its location. These issues make it difficult for officers to recommend granting planning permission for a permanent house in the countryside 'solely' to meet what may be a 'transient' need based on the applicants' current circumstances.

Nonetheless, if members were minded to be approve the application with regard to the public sector duty, as outlined above, officers would recommend prior entry into a legal agreement that limits occupation of the new house to the applicants and their family for three years following completion of the new house and it first being taken into use. This type of legal agreement would be reasonable and necessary to ensure that the new house would meet the need identified by the applicants that could be deemed to justify granting the new house planning permission contrary to adopted policies in the Bolsover District Local Plan.

The Business Case

The current application seeks permission to convert and subdivide the existing barn on the site to form a microbrewery, a commercial grade kitchen and a small office. The office would be shared by the microbrewery business and the operator of the commercial kitchen and used for the administration of the adjacent land in ownership (currently partly-used for growing hops). The commercial kitchen would be used for creating candles, soaps and similar scented products that would be made from natural ingredients.

Information submitted by the applicant indicates the microbrewery proposals, in particular, are realistic and reasonably likely to happen. The business proposals are also both related to the management of land in the applicants' control (c. 3 hectares) because it is intended to grow hops for the microbrewery and scented plants for use in the commercial kitchen on this land. In addition, the proposed house would help prevention of crime because someone living on the site would provide more security for the site itself and the associated land holding.

In this case, if it were to be considered that the business proposals amounted to an 'essential need' for a dwelling for a rural worker, then the proposals would comply with the thrust of saved Local Plan policy HOU9 and the specific provisions of Paragraph 79 of the revised Framework. These policies allow for new housing outside of the settlement framework for a rural worker to be able to live permanently at or near their place of work in the countryside on an exceptional basis.

If members were minded to approve this application on this basis then it would be necessary to place an occupancy restriction on the new house so it would be lived in by a person (and their dependents) who were employed solely or mainly in either of the businesses operating from the converted barn. This type of condition would be reasonable and necessary to ensure that the new house would continue to remain available to future employees of the business(es) operating from the site rather than be sold on the open market to meet general demand, for example.

An occupancy condition would also be reasonable and necessary because the residential amenities of the new house would be affected by the proximity of the new house to the business premises and this level of amenity would only be acceptable (from a planning perspective) if the person or people occupying the new house were employed by the business(es) operating from the site.

Equally, consideration should be given to a phasing condition that would only allow construction on the new house to commence once the existing barn had been converted. This would be reasonable and necessary insofar as there would need to be an existing business operating from the site for the new house to be occupied in compliance with the proposed occupancy restriction.

Relationship between the needs of the applicant and the business case

Notably, when the need for a new house in the countryside arises from a start-up business, as in this case: officers would normally recommend approval of temporary accommodation (such as a mobile home). This is mainly because an approval for temporary accommodation allows an applicant to live on site (or close to their place of work) to be better placed to build up their business to demonstrate that there is a longer term need for permanent on-site accommodation for a rural worker. This approach gives all parties greater certainty and less likelihood of a subsequent application to remove an occupancy condition attached to a permanent house in the countryside because the business proposals were subsequently found to be unviable or unsustainable for whatever reason

In this case, there would be less need to consider whether temporary accommodation would be more appropriate to test the long term viability of the business in this case if the new house would also meet an unmet need (of the family members with a protected characteristic) as identified above – provided that a legal agreement secured first occupancy of the new house by the applicants' family. In these respects, officers consider it is actually a combination of the opportunity to meet the unmet needs of the two family members with protected characteristics and the relative strength of the applicants'

business case that constitute the exceptional circumstances that would form the reasons for approval of this application.

This approach would minimise the risks involved with granting planning permission for a permanent house based on the business case for an 'untested' business, and provide a long term planning purpose for granting planning permission for the new house if the family members with a protected characteristic were to move out of the house in the future.

If this application were to be approved on the basis of this combination of the applicants 'personal circumstances' and their business case, a condition restricting occupancy of the new house to a rural worker employed by either of the two on-site businesses would still be necessary. This is because the applicants could not be reasonably expected to live so close to the converted building (once it has been taken into a commercial use) unless it was on a live/work basis. Similarly, a phasing condition would still be necessary to ensure that the conversion of the barn happens at an early stage of the development to ensure the wider economic benefits of granting planning permission for this application would be achieved.

Other Matters

In all other respects, the original officer report concluded that the proposed development would not harm the environmental quality of the local area subject to planning conditions ensuring that any odours from the commercial kitchen would be properly dealt with in the interests of safeguarding the amenities of neighbouring and nearby residential properties.

Alongside a condition related to odour, it would also be reasonable and necessary to reserve approval of design details to ensure that the completed development would be of an appropriately high quality if permission were to be granted for this application. These types of conditions would require approval of samples and/or specifications of external cladding materials prior to the erection and conversion of buildings on the site and the details of any roof-mounted solar arrays prior to their installation.

As noted above, a legal agreement requiring the new house to be first occupied by the applicants, a phasing condition and an occupancy condition would also be recommended alongside conditions imposing a time limit for commencement and requiring the development to be completed in accordance with the approved plans, which would otherwise be required in the interests of the proper planning of the local area.

Finally, in addition to the previous agricultural use of the land, historical mapping indicates the site may have been subjected to other potentially contaminative uses, including a sewage works and allotment gardens. There is also likely to be infilled ground in the vicinity of the site (along the former railway line) which can also be a potential source of contamination. Therefore, given the sensitivity of the proposed development, a condition dealing with potential contaminants would also be required if permission were to be granted for this application.

Conclusions

In conclusion, the development proposed in this application can be made acceptable in planning terms, subject to appropriate planning conditions and a legal agreement, if it is accepted that there are exceptional circumstances that would justify permission being granted for a new house in the countryside in this case.

Although the issues remain finely balanced, on the basis that an approval would provide an opportunity to address the unmet needs of this particular household and allow two locally-based businesses to develop and expand; it is considered there is sufficient justification to recommend conditional approval of the current application.

RECOMMENDATION

The current application be APPROVED subject to

- A. prior entry into a S.106 legal agreement specifying named first occupants of the proposed dwelling and restricting occupancy of the dwelling to those named occupants for three years from first occupation; and
- B. the following conditions:
 - 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2. The development hereby permitted shall be carried out in complete accordance with the approved plans.
 - 3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in

accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

E. Importation of soil

In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

4. Prior to the conversion of the existing building hereby permitted, samples and specifications of all external facing materials and a scheme for the extraction, dispersal and control of odour, together with details of all elements of the inlet and extract systems and associated noise assessment shall be submitted to and agreed in writing by the local planning authority. Thereafter, the proposed conversion must be carried out in complete accordance with the approved details.
5. The dwelling hereby permitted shall not be occupied until the conversion of the existing building has been completed in accordance with the approved plans and the details approved under Condition 4 (above).
6. Prior to the erection of the new dwelling and/or the new storage building hereby permitted, samples and specifications of all external facing materials shall be submitted to and agreed in writing by the local planning authority. Thereafter, the proposed conversion must be carried out in complete accordance with the approved details.
7. Prior to the installation of any roof-mounted solar array on any of the buildings on the land in the applicants' control, samples and specifications of the solar arrays shall be submitted to and agreed in writing by the local planning authority. Thereafter, the proposed solar arrays must be installed in complete accordance with the approved details.
8. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed or last employed in the microbrewery and/or commercial kitchen (also consented by this permission), or a widow or widower of such a person, and to any resident dependants.

APPENDIX A: ORIGINAL OFFICER REPORT

PARISH Clowne

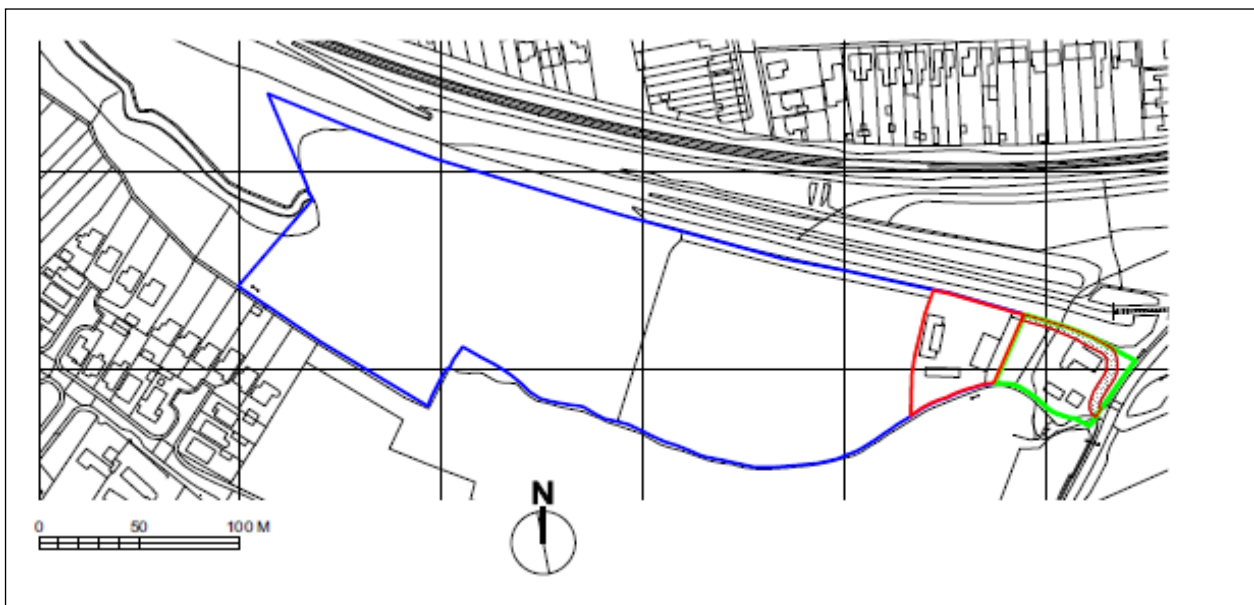
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CASE OFFICER Mr Chris Fridlington
DATE RECEIVED 19th January 2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Planning Manager
REASON: To ensure transparency in the department's decision taking into account the planning history attached to the site, the Heritage Conservation Manager's support for the design of the proposed development, and the potential support for these proposals in national planning policies in the revised National Planning Policy Framework.

SITE

The application site lies on land off Hollin Hill that lies outside of the settlement framework but adjacent to the designated Clowne Conservation Area. The site is accessed from a shared driveway that runs around the northern side of an existing dwelling known as Bridge Close. Clowne Linear Park runs parallel to part of this driveway and the northern boundary of the site and a small stream runs along the southern boundary of the application site. There is mature planting along both these boundaries and some planting between the site and Bridge Close, which is on land at a lower level to the application site.

Location Plan



The application site is currently occupied by three buildings: a 4 bay steel framed barn with blockwork and profiled sheet walls and roof; a timber framed and clad stable block for 8 horses (permission granted 2007 - 07/00295/FUL), and a single storey derelict barn.

Existing Barn



Stables



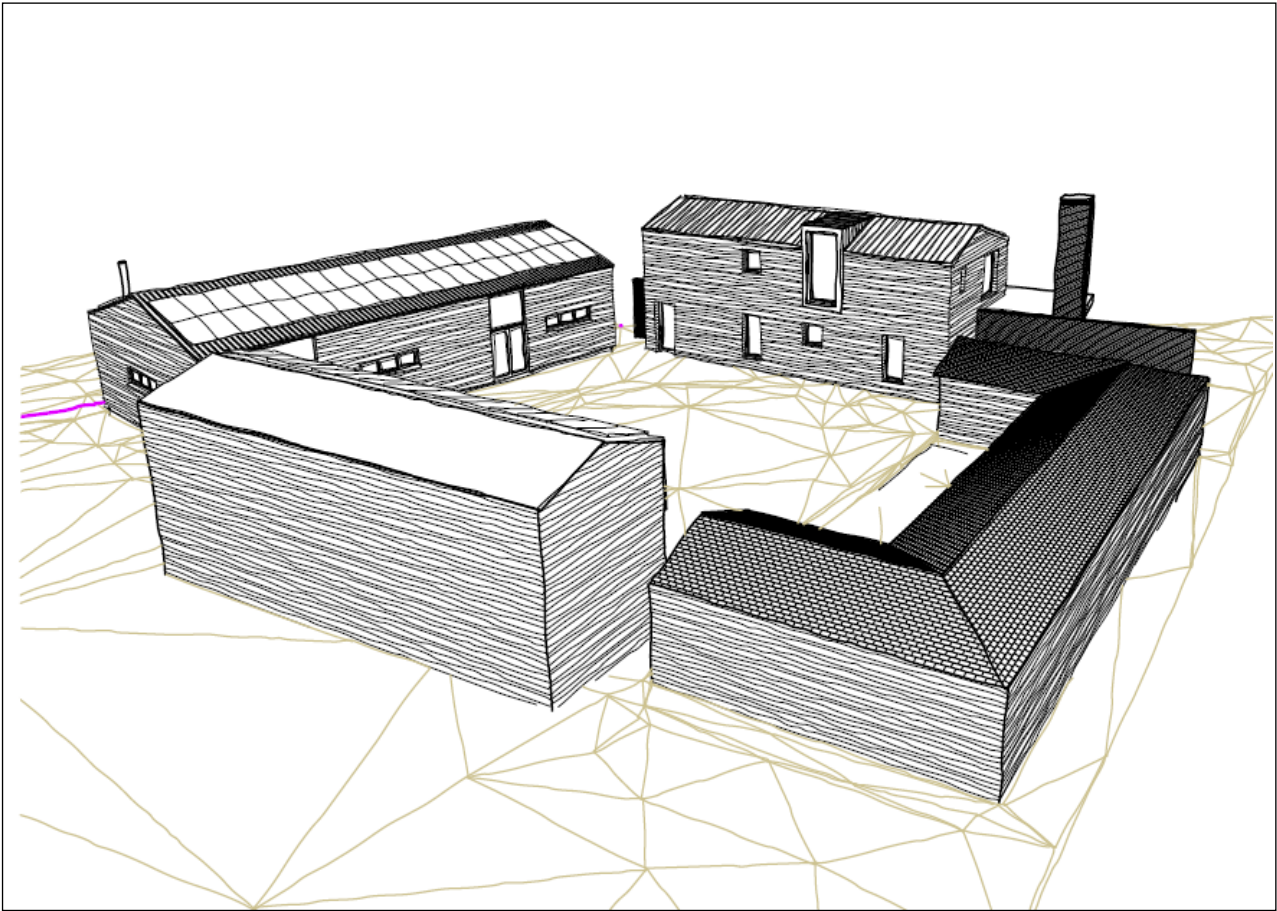
Derelict Barn



PROPOSAL

The current application proposes (1) construction of a new barn (2) conversion of the existing barn to microbrewery, and (3) the erection of a new house. The visualisation (overleaf) shows how the new house would be sited broadly on the footprint of the derelict barn adjacent to the southern boundary of the application site. The new barn would be sited between the existing stables and barn (opposite the new house) so the whole development would be arranged around a central courtyard.

Visualisation of Proposals



AMENDMENTS

Additional information has been submitted to support the application including an updated heritage statement and business case. There have been no amendments to the plans submitted with the original application.

HISTORY

In May 2010, planning permission was refused for the demolition of an existing barn and erection of two storey dwelling (application no. 10/00072/FUL). The subsequent appeal was dismissed because the proposed dwelling was located outside of the settlement framework and because the proposal would cause harm to the rural character and appearance of the site and its surroundings and fail to preserve the character, appearance and setting of the Clowne Conservation Area by virtue of its siting and design.

In 2007, permission was granted for the erection of the existing stable block and a new barn to replace the derelict barn on the application site (07/00295/FUL).

CONSULTATIONS

Bolsover District Council (Engineers) – No objections.

Bolsover District Council (Environmental Health) – No objections subject to conditions.

Bolsover District Council (Heritage Conservation Manager) - No objections but comments that the scheme is well considered and aims to convert existing agricultural buildings and introduce a new dwelling whilst referencing the character of the existing site and its buildings.

Clowne Parish Council – No response to date.

Derbyshire County Council (Flood Team) – No objections.

Derbyshire County Council (Highways) – No objections subject to conditions.

Environment Agency – No response to date.

Severn Trent Water – No response to date.

PUBLICITY

The application has been publicised by site notice and neighbour notification and one representation has been received by the Council, which supports the proposals by saying that the development is innovative and would improve the site.

POLICY

Bolsover District Local Plan

Relevant saved Local Plan policies include:

- GEN 1 Minimum requirements for development)
- GEN 2 (Impact of the development on the countryside)
- GEN 4 (Development on contaminated land)
- GEN8 (Settlement Frameworks)
- ENV 3 (Development in the countryside)
- ENV4 (Reuse and adaptation of rural buildings)
- ENV 5 (Nature conservation interests throughout the district)
- HOU9 (Essential new dwellings in the countryside)
- CON 4 (Development adjoining conservation areas)
- CON 10 Development affecting the setting of listed buildings)

Publication Version of the Local Plan

The Publication Version of the Local Plan has now been submitted to the Secretary of State but there are no emerging policies that are significantly different from the thrust of saved Local Plan policies in the existing Local Plan. Notably, the application site remains outside of the settlement framework and is not designated for residential development in the Publication Version of the Local Plan.

National Planning Policy Framework

The National Planning Policy Framework was revised in July 2018. The paragraphs in the revised Framework that are most relevant to the current application include:

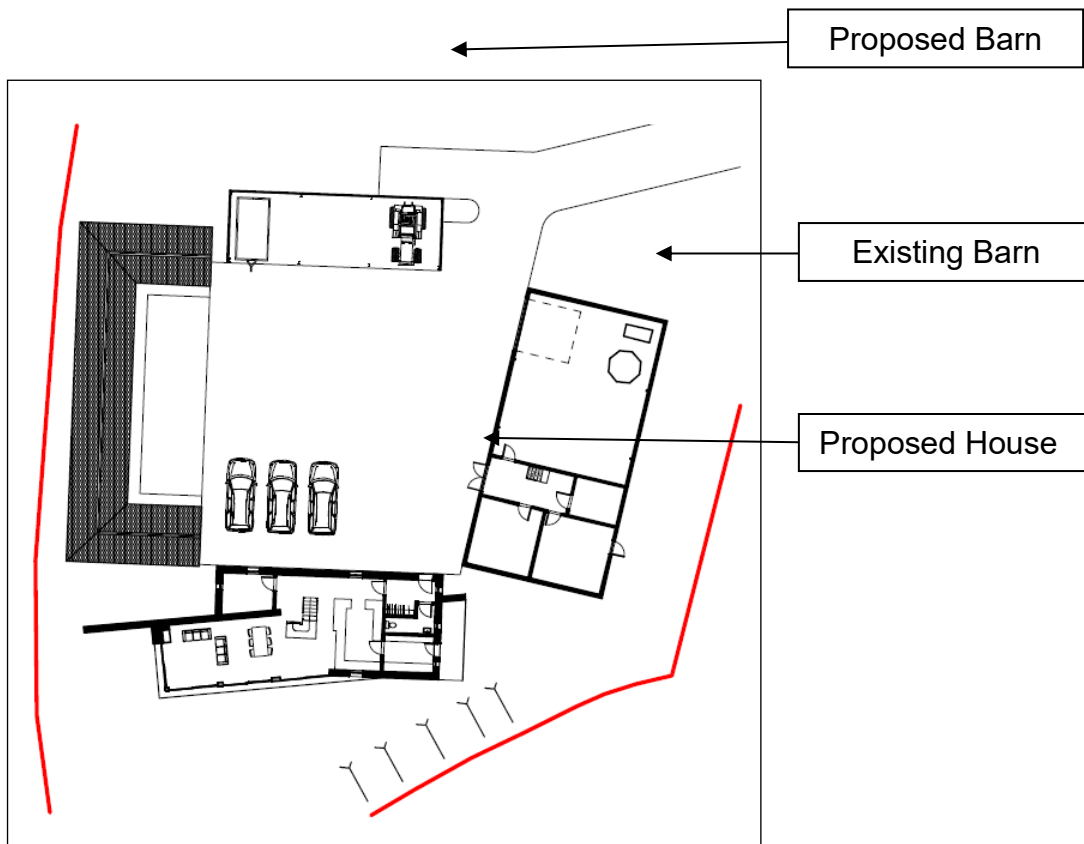
- Paragraph 8: Achieving sustainable development
- Paragraph 11: Presumption in favour of sustainable development
- Paragraph 34: Development contributions
- Paragraphs 47-50: Determining applications
- Paragraph 54-57: Planning conditions and obligations
- Paragraph 67: Identifying land for homes
- Paragraphs 73-74: Maintaining supply and delivery
- Paragraph 76: Timescales for commencement of permission
- Paragraphs 83 & 84: Supporting a prosperous rural economy
- Paragraph 92 & 94: Promoting healthy and safe communities
- Paragraph 127: Achieving well-designed places
- Paragraphs 184 & 189-193: Proposals affecting heritage assets

ASSESSMENT

Construction of a new barn

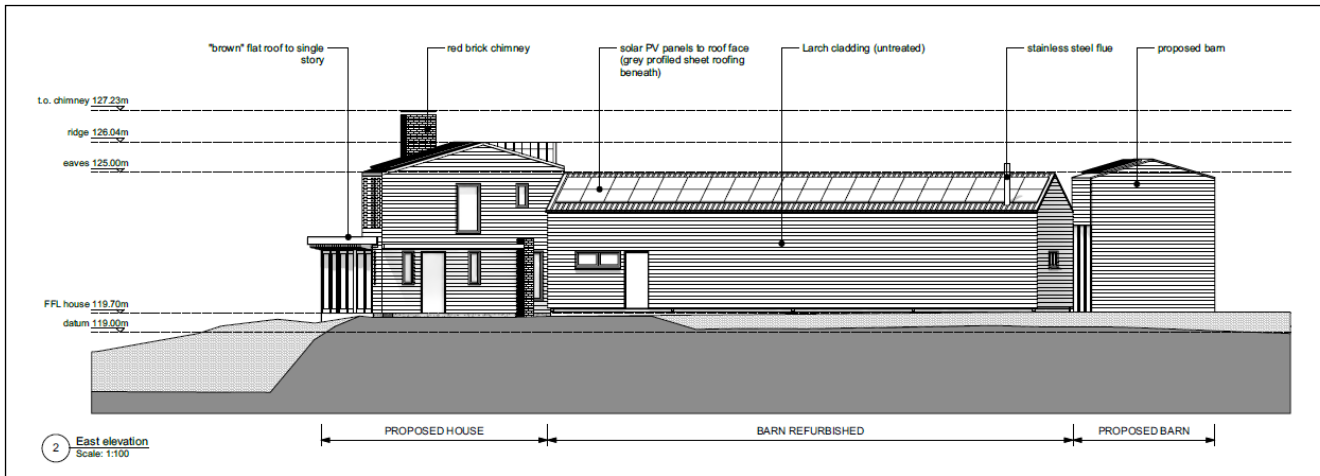
Previously, planning permission has been granted for a new barn on the application site (07/00295/FUL) and this permission remains extant because it was implemented when the existing stable block was built. However, this barn would have been located on the site proposed for the new house (see below).

Site Layout



The new barn (proposed in this application) is required for the dry storage of hay, the drying of hops, and the storage of implements and it would be a steel-framed building clad in horizontal open jointed timber. This type of building used in association with land management would normally be acceptable in the countryside under ENV3, which allows for development that is necessary in the countryside. However, as noted above, the new barn proposed in this application is only 'needed' because the new house would be constructed in the position of the new barn approved previously under application no. 07/00295/FUL.

East-facing Elevation



Therefore, the acceptability of the new barn proposed in this application rests on the acceptability of the new house insofar as the consented barn would be located tighter to the southern boundary of the site where it would have less visual impact than the barn proposed in this application. In addition, there appears to be no obvious or essential requirement for two new barns on the application site and if the house was not consented; there is fall-back position that would allow the applicant to build the barn consented under the existing permission (07/00295/FUL).

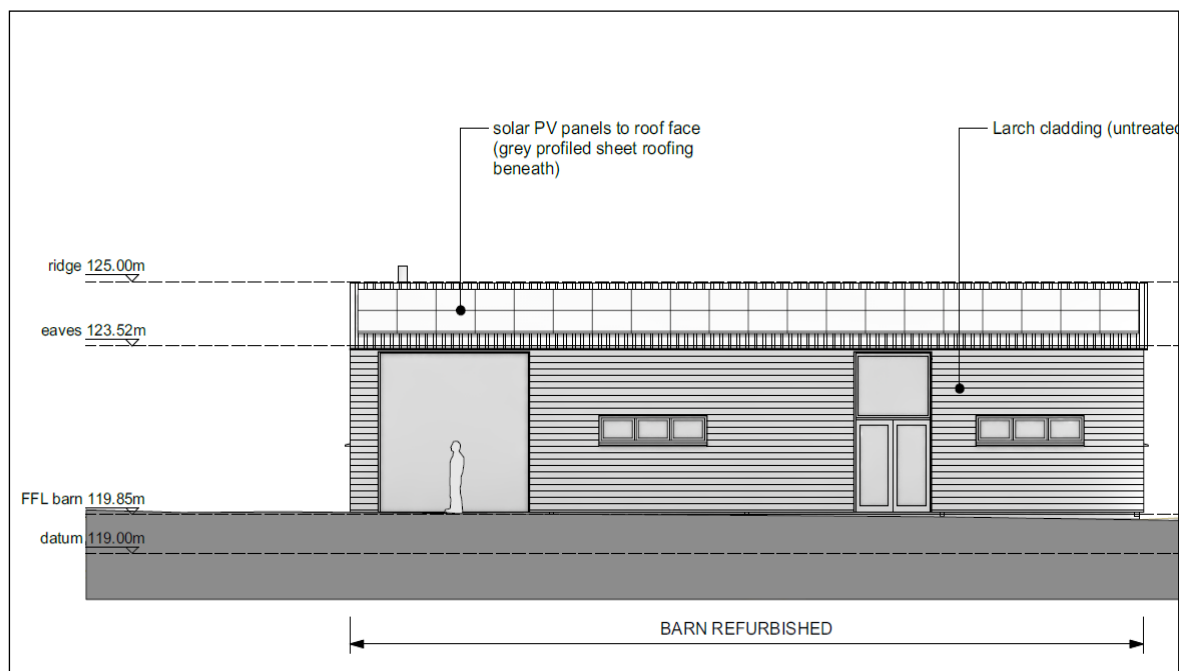
Conversion of the existing barn to microbrewery and commercial kitchen

The current application proposes to convert and subdivide the existing barn on the site to form a microbrewery, a commercial grade kitchen and a small office. The office would be used for the administration of the adjacent land in ownership (currently partly-used for growing hops) and shared by the microbrewery business and the operator of the commercial kitchen. The commercial kitchen would be used for creating candles, soaps and similar scented products that would be made from natural ingredients.

The submitted plans (overleaf) show that the walls will be clad with timber boarding and the roof will be covered with new profiled sheeting, similar to the sheeting on the existing building. Solar photovoltaic panels are proposed to both roof faces whereas there would be a limited amount of new openings in the existing building. Overall, it is considered that the converted building would retain the appearance of a rural building and this helps to minimise the visual impact of these proposals on the surrounding Conservation Area, nearby listed St John the Baptist's church, and the wider landscape in accordance with saved Local Plan policies CON4, CON10 and GEN2.

Saved Local Plan policy ENV4 and national planning policies in the revised National Planning Policy Framework also support the proposed re-use and adaptation of the existing barn and there are no objections to the proposals to convert the existing barn on highway safety grounds. In addition, it is highly unlikely that the proposed use would be unneighbourly other than the Environmental Health Protection Officers are recommending conditions to deal with the potential for odour. Therefore, there are no overriding objections to the proposals for conversion of the existing barn to microbrewery and commercial kitchen (when assessed in isolation) subject to appropriate planning conditions.

External appearance of converted barn



Erection of a new house

Saved Local Plan policies GEN8 and ENV3 only allow for residential development in the countryside outside of the settlement framework in very limited circumstances. The proposed house would be located outside of the settlement framework and therefore, must be carefully justified to meet the requirements of ENV3 that allow for development that 'needs' to be in the countryside. Saved Local Plan policy HOU9 or Paragraph 79 of the revised Framework both allow for new dwellings in the countryside to meet an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

The need for the house proposed in this application is related mostly to the above proposals for conversion of the existing barn to a commercial use and could allow both applicants to make a success of their respective business proposals. The business proposals are both related to the management of land in the applicants' control (c. 3 hectares) because it is intended to grow hops for the microbrewery and scented plants for use in the commercial kitchen on this land. The proposed house would also help prevention of crime because someone living on the site would provide more security for the site itself and the associated land holding.

However, the justification for the dwelling falls short of that required for a new house in the countryside for an occupational worker because there is no 'essential' requirement for either applicant to be on the site at most times during the night and day throughout the year to manage the land or either business operating from the converted barn. Equally, whilst both the applicants' businesses would benefit from the marketing aspects (and practical aspects) of growing all or part of their product on their own land; it is also clear that neither business is

dependent on being in the proposed location outside of the existing settlement framework to operate successfully.

Therefore, the proposals do not comply with saved Local Plan policy HOU9 or Paragraph 79 of the revised Framework in the absence of an 'essential need for the dwelling' and as such: the dwelling is not necessary to meet the needs of a rural-based rural business in this location contrary to the requirements of saved Local Plan policy ENV3.

However, there are other exceptions in Paragraph 79 of the revised Framework that might allow consent for a new house in the countryside to be granted including where the design of the new house would be of exceptional quality, in that its design would be:

- truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

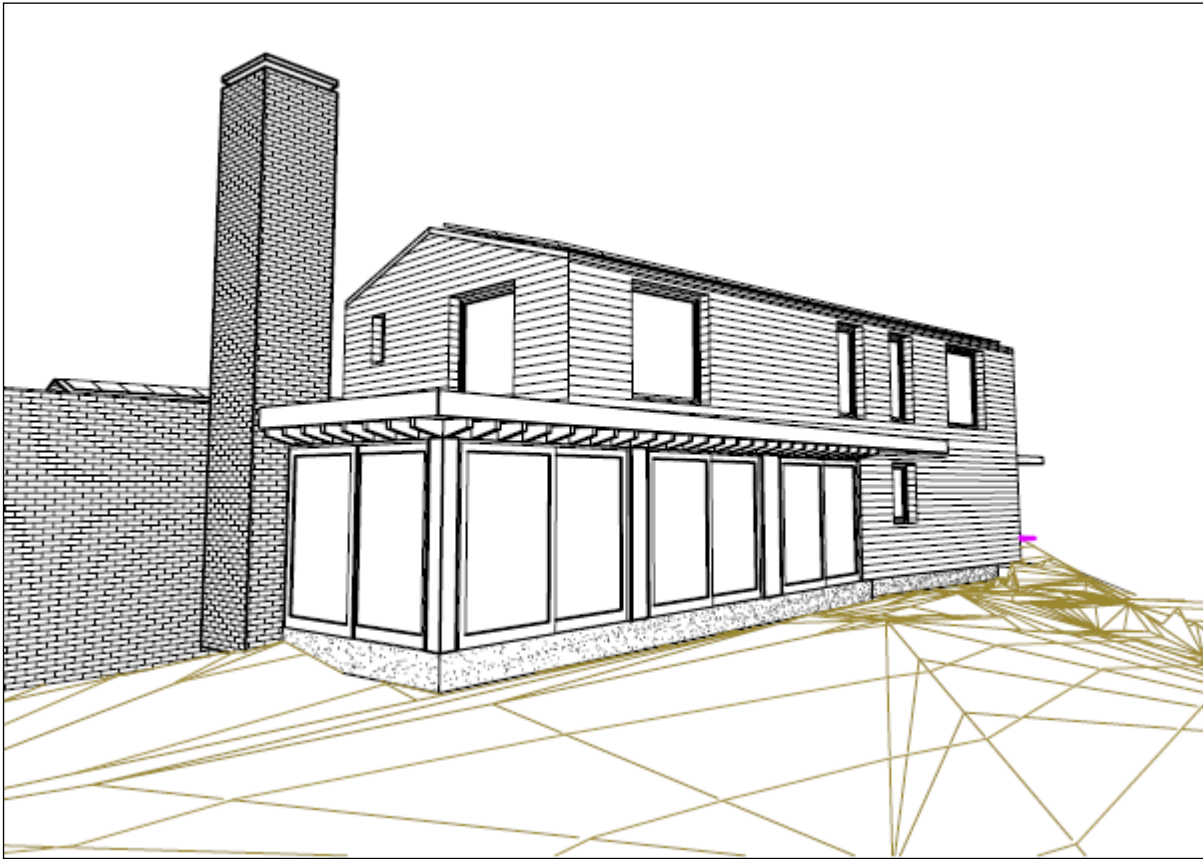
In this case, the Council's Heritage Conservation Manager considers that the scheme is well considered and aims to convert existing agricultural buildings and introduce a new dwelling whilst referencing the character of the existing site and its buildings.

Design Quality

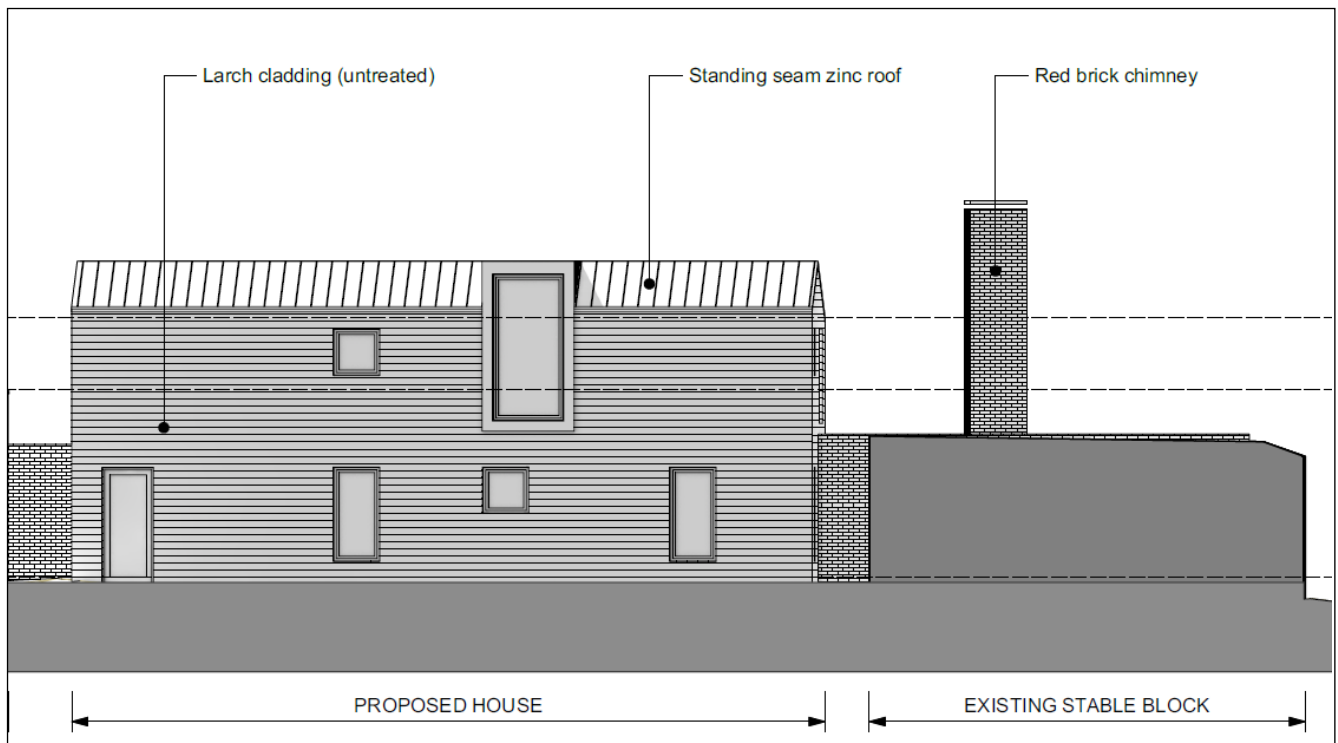
As shown on the submitted plans (overleaf), the proposed house is composed around a central building that has been designed to look like a farm building. The walls of this part of the new house would be clad in timber and would have a zinc-covered roof with solar photovoltaic panels to the south facing roof face. A glazed single-storey element forms an intersecting design feature linked to the south facing elevation of the main part of the building, which would have a 'brown' roof to encourage biodiversity and slow surface water runoff. This adds interest to the building as would a sheltering brick-built fin wall that would extend beyond either end of the house and a brick-built chimney. The use of red-brick and the presence of the chimney is intended to echo Clowne's industrial heritage.

The north facing elevation of the new house (also shown overleaf) is much plainer with only the irregular shaped windows adding interest and overall the new house would fall short of being a truly innovative design as described in national planning policies. Although it is acknowledged it would be distinctive, there is nothing truly ground-breaking in either the form and massing or the individual elements of the new house, the proposed construction materials or the environmental performance of the building.

South Facing Elevation



North-Facing Elevation



Enabling Development

Although the dwelling might not be permissible because it is not of 'exceptional quality', for the above reasons, it should still be taken into account that the dwelling could otherwise be considered enabling development that could enhance the quality of the local area including the setting of the adjacent Conservation Area. Paragraph 79 of the revised Framework also says, amongst other things, isolated homes in the countryside will not be permissible unless:

- the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- the development would re-use redundant or disused buildings and enhance its immediate setting;

In addition, Paragraph 202 of the revised Framework says local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies. Saved Local Plan policy ENV3 also allows for development outside of the settlement framework where the development would result in a significant improvement to the rural environment or would benefit the local community through the reclamation or re-use of land.

In this case, it is reasonable to say the new house, and the development as a whole, would not have a negative impact on the surrounding Conservation Area partly because the main views into the site would be dominated by buildings that would be of a similar appearance to farm buildings. The buildings would also be sited in a relatively discrete location screened from most public vantage points by mature trees and the chimney would more likely be seen as a 'quirky feature' in the landscape rather than a particularly intrusive and alien development.

Furthermore, the proposed development would result in the existing buildings being improved and the derelict barn being removed. However, these enhancements would have a limited impact on the overall environmental quality of the local area partly because the buildings are, as above, sited in a relatively discrete location screened from most public vantage points by mature trees. In addition, the presence of farm buildings and stabling in a rural area is not unusual and a consent has already been granted for a replacement for the derelict barn. There is also no reason to consider that the site itself or the existing buildings are currently in a non-conforming use that would justify a new house to enable re-location of an existing unneighbourly business, for example.

Therefore, the new house cannot be justified as enabling development that would warrant an exception to saved Local Plan policies primarily because the value of a new open market house is not proportionate to the value of the enhancements to the public realm that could be achieved by granting permission for this application on an exceptional basis. The provision of a new open market house on the land is also not considered to be a proportionate way to offset the private costs of carrying out improvements to the buildings that would not be excessive compared to the 'normal' business costs of maintaining land and buildings on a small holding of land.

Consequently, whilst there are no overriding objections to the proposals on conservation grounds, the house does not meet the requirements of ENV3 or national policies in terms of being necessary enabling development that would give rise to significant public benefits or substantial enhancement to the special qualities of the adjacent Conservation Area and/or the environmental quality of the local area more generally.

The Planning Balance

In light of the above assessment, it is considered that the current application does not meet the requirements of HOU9 because there is no essential need for the new house proposed in countryside outside of the settlement framework. Therefore, the proposals for a new house are considered to be contrary to relevant national planning policies and saved Local Plan policies GEN8 and ENV3 because the house is not necessary in this location.

It is also considered the proposals would not result in such a significant improvement to the rural environment or such a significant benefit to the local community through the reclamation or re-use of land that there are exceptional circumstances in which permission may be granted for a house in this location under the enhancement criteria in relevant national planning policies and ENV3.

The new barn proposed in this application is also difficult to accept insofar as the barn consented previously could be sited in a preferable location if permission were to be refused for the house proposed in this application.

However, it has to be acknowledged that the new barn, new house and converted building would have a limited visual impact on the surrounding Conservation Area and the wider landscape. Equally, the site is on the edge of Clowne in a reasonably sustainable location in terms of access to services and facilities and the applicants have completed and intend to carry out further environmental improvements on their land such as tree planting and habitat creation.

In addition, a new barn and conversion of the existing barn to allow for commercial uses on the site, as proposed in this application, would be acceptable in this location and the business uses that would be accommodated in the converted barn would provide some economic benefits. The business plans submitted with the application show that the microbrewery is a realistic business proposition that is likely to be successful. Similarly, the operations taking place in the commercial kitchen could expand into a larger market if the conversion of the existing barn were to be granted planning permission. In both cases, the respective businesses intend to emphasise their local connections and use locally produced hops and scented plants.

Therefore, although these businesses would not create a significant amount of jobs, they would still provide local employment opportunities and have some positive impacts on the local economy. Similarly, the actual development would give rise to some limited economic benefits for the local area during the construction period but the provision of one house cannot be said to meet any shortfall in housing supply in any meaningful way. There is also no case made out to say the new house would meet an identified need for affordable housing.

In addition, there is no compelling case that the house is required to accommodate a person with a registered disability and it is not considered that there is an essential need for the house insofar as it would allow the applicants to live closer to close relatives who might require their care.

It is therefore concluded that the personal circumstances of the applicants cannot be taken into account in the determination of this appeal but the proposals, as a whole would give rise to some wider public benefits along all three dimensions of sustainable development: i.e. the proposals would support the start-up and expansion of two locally-based businesses; give rise to some local employment opportunities; contribute positively to the local economy; and contribute to some localised environmental improvements including micro-generation of renewable energy.

However, it is also concluded that these benefits are not sufficient to offset or outweigh the identified conflict with national planning policies and saved Local Plan policies GEN8: HOU9 and ENV3 in the absence of an overriding need for the new house in this location outside of the settlement framework.

Accordingly, the current application is recommended for refusal.

RECOMMENDATION

The application be REFUSED for the following reasons:

The current application does not meet the requirements of HOU9 because there is no essential need for the new house proposed in countryside outside of the settlement framework. Therefore, the proposals for a new house are considered to be contrary to relevant national planning policies and saved Local Plan policies GEN8 and ENV3 because the house is not necessary in this location.

It is also considered the proposals would not result in such a significant improvement to the rural environment or such a significant benefit to the local community through the reclamation or re-use of land that there are exceptional circumstances in which permission may be granted for a house in this location under the enhancement criteria in relevant national planning policies and ENV3.

Statement of Decision Process

Officers have sought to work positively and pro-actively with the applicants and their agent to address the policy issues set out in full in the officer report. However, amended plans would not address the fundamental reasons for refusal of this application.

Site Location Plan

