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.	18/000623/FUL FILE NO. PP-06574992
CASE OFFICER	Mr Chris Fridlington
DATE RECEIVED	6th December 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 clad stable block for 8 horses (permission granted 2007 - 07/00295/FUL), and a single storey derelict barn.

Existing Barn



Derelict Barn



<u>Stables</u>



PROPOSAL

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 with residential annex on land off Hollin Hill on the edge of Clowne.

The new house with integral annex would be sited broadly on the footprint of the 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.

In summary, these proposals are a resubmission of a recently refused application for similar proposals. The key difference between the two sets of proposals is the addition of the annex (shown on the visualisation overleaf extending off the main house under a cat-slide roof). The applicants have also provided further justification for the new house and annex, which is discussed in more detail in the later sections of this report.

Visualisation of Proposals



AMENDMENTS

No amendments to report.

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).

In October 2018, planning permission was refused for application no. 18/00043/FUL, which proposed: (1) construction of a new barn; (2) conversion of an existing barn to microbrewery; and (3) the erection of a new house on the current application site for the following reasons:

1. 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.

2. 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 current application is a resubmission of this refused application but in this case, the main thrust of the argument made by the applicants for a newly-built house on the application site relates to meeting the unmet needs of two family members with protected characteristics.

CONSULTATIONS

Bolsover District Council (Engineers) - No response to date

Bolsover District Council (Environmental Health) – No response to date

Bolsover District Council (Heritage Conservation Manager) - No response to date

Clowne Parish Council – No response to date.

Derbyshire County Council (Flood Team) - No response to date

Derbyshire County Council (Highways) - No response to date

Environment Agency – No response to date.

Severn Trent Water – No objections subject to conditions

PUBLICITY

The application has been publicised by site notice and neighbour notification and one representation has been received by the Council in support of the application. The reasons for supporting the application are given as follows:

I am in full support of this proposal. From a consumer point of view the fact that I can buy quality products made in the same village in which I live is amazing. I also know (from my own experience) that there is a great need for the products that Sirius Therapies provides and further expansion of businesses like this is essential if we are to tackle the environmental issue that we find ourselves in today. Clowne is in a period of regeneration, we have new restaurants, bars and finally people are coming into Clowne from other towns. The venture described in this proposal will only add to this regeneration and continue to help put Clowne on the map (for the right reasons).

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 is now entering into examination in public by 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 overleaf).

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.

In these respects, a similar conclusion to that reached on the previous application can be reached on this aspect of the proposals in the current application; the new barn could be approved on the basis of its individual planning merits but the barn proposed in this application (shown below) is only 'needed' because the new house would be constructed in

the position of the new barn that has not yet been built but was approved previously under application no. 07/00295/FUL.

In addition, 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 and there appears to be no obvious or essential requirement for two new barns on the application site. Therefore, if the house proposed in this application were to be refused planning permission; there is fall-back position that would allow the applicant to build the new barn that has already been consented under the existing permission (07/00295/FUL) in a better location.

Consequently, it is not considered a decision on this application turns on the acceptability of the new barn because if the application is approved, the new barn would be required and would be acceptable in planning terms; if this application is refused, the consented barn could still be built to meet any residual need for an extra farm building on the site.



East-facing elevation of proposed barn

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 Council's Environmental Health Protection Officers have previously recommended conditions to deal with the potential for odour. In addition, supplementary details have been submitted with this application that provide further evidence that both businesses are likely to be successful over the longer term.

Therefore, as in the determination of the previous application, 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

Previously, proposals for a new house on this site have been assessed against policies in the Bolsover District Local Plan and the Framework based on the applicant's case that in the first instance: the house was needed as an occupational dwelling associated with the microbrewery and commercial kitchen that would operate from the converted barn (as discussed in the previous section of this report). A similar case is made in this application insofar as additional information has been provided to help demonstrate that both these on-site businesses would be viable propositions over the longer term.

Therefore, the need for the house proposed in this application could be assessed against the merits of the applicants' proposals for conversion of the existing barn to a commercial use noting the new house 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.

In these respects: saved Local Plan policy HOU9 and Paragraph 79 of the revised Framework both allow for new dwellings in the countryside to meet an <u>essential need</u> 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. These policies are consistent with saved Local Plan policies GEN8 and ENV3, which only allow for residential development on the application site (i.e. in the countryside outside of the settlement framework) in very limited circumstances.

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.

Moreover, the applicants' business proposals also appear to have altered from the previous application or the information submitted with this application makes it more explicit that the applicants intend to maintain their interest in an information technology company. This company is intended to be operated as part of a single business with the commercial kitchen and microbrewery and it is less than clear from the submitted information whether either applicant would be employed full time in the kitchen and/or microbrewery and/or the information technology business.

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 the dwelling does not need to be in this location to meet the needs of a rural-based business contrary to the requirements of saved Local Plan policy ENV3. Notably, this conclusion appears to have already been accepted by the applicants given that on page 9 of the submitted Supplementary Planning Statement it is said:

It is not argued that the proposal constitutes an essential rural worker's dwelling, although living on site would have strong benefits to the sustainability of the applicant's enterprises.

Instead, page 10 of the submitted Supplementary Planning Statement now goes on to say:

It is the applicant's case that because of the exceptional circumstances of the duty of care towards their children and the substantial benefits that the proposal would have in terms of addressing the disadvantages that their children face, it is necessary to build a new dwelling

in this location.

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 annex would help promote equality of opportunity for both of these two family members by allowing each in turn to live semi-independently from their parents in an annex that would provide all the facilities for day-to-day living. In addition, the information provided by the applicants suggests the opportunity for the older of the two family members and then for the younger family member to live in the assisted living accommodation (provided by the annex) 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. In these terms, granting planning permission for the current application would minimise the disadvantages faced by the household arising from two members of the family having a protected characteristic.

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 the 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 that the needs of groups with specific housing requirements should be addressed by local planning authorities 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, with equal regard to the public sector duty in the Equality Act 2010, the applicants' proposals need to be balanced against the provisions of policy ENV3 to achieve a fair decision on this application, which can be shown to have been made in the wider public interest. As noted above, policy ENV3 only allows for residential development outside of the settlement framework in limited circumstances and specifically: where that development is necessary to be in the countryside.

In this case, officers remain concerned that a new dwelling is not the only way to address the applicants' particular circumstances and it is not clear that genuine hardship would be caused as a direct result of planning permission being refused for this application. For example, other

households face similar issues and may also feel they have a need or desire to live in the countryside but do not have the same 'opportunities' to meet their unmet needs by the provision of a new house in the countryside as proposed in this application. In these terms, an approval would make a big difference to the applicants but would only make a slight difference to tackling wider issues of inequality and discrimination.

Consequently, the applicants' circumstances are not considered to be unique or exceptional in terms of the issues they are seeking to address (with regard to the unmet needs of the two family members) but their proposed solution is highly individualised being based on their personal circumstances (such as having land in their ownership) and goes beyond the normal expectations of a public sector body adapting services or making reasonable adjustments for people with similar protected characteristics (or group of people with a shared protected characteristic) as provided for under the Equality Act.

Therefore, officers consider the applicants' case indicates the new house is highly desirable in this location but not strictly necessary in planning terms so granting planning permission for this application contrary to the Council's adopted planning policies could be seen as a disproportionate response to the applicants' individual circumstances. Nonetheless, with due regard to the public sector duty in the Equality Act 2010, it is considered that the desirability of meeting the unmet needs of the applicants and their family through the provision of a new house with an annex does weigh in favour of granting planning permission for the current application.

Relationship between the needs of the applicants and the business case

In the determination of the previous application, officers did consider whether 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 would constitute the exceptional circumstances that would form the reasons for approval of this application.

In these respects, it was noted that the need for the new house based on the applicants personal circumstances could be transient and that officers would normally recommend approval of temporary accommodation (such as a mobile home) when the need for a new house in the countryside arises from a start-up business, as in this case. It was therefore suggested that a newly-built house could initially meet the applicants need to live in the new house from a wellbeing perspective and as the brewery (and kitchen) started to operate commercially; the new house could then serve as an occupational dwelling.

As noted above, the applicants have now seemingly moved away from arguing there is an essential need for an occupational worker's dwelling on the site but do seem to remain committed to operating both the microbrewery and commercial kitchen from the site. So, it remains reasonable to say there is a live-work element to the current proposals and whist this might not justify a new house in the countryside, permission would result in some wider 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, there is still 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. However, the applicants have now sought to emphasise that the annex is needed over the longer term to accommodate the younger of the two family members with protected characteristics. As noted above, this is a positive aspect of this application that provides some social benefits.

Therefore, if these socio-economic benefits are augmented by any environmental benefits then there may be a case that the benefits of granting planning permission would demonstrably and significantly offset or outweigh the policy objection to a new house in the countryside that is not required in this particular location to meet an essential need in planning terms.

Design Quality

Aside from a dwelling required by a rural worker, 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; or
- 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 commented that the previously refused scheme was well considered and the new proposals continue to propose conversion existing agricultural buildings and introduce a new dwelling whilst referencing the character of the existing site and its buildings. Therefore, the design quality of the new house could weigh in favour of granting planning permission for the current application.

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.

South Facing Elevation



North-Facing Elevation



The north facing elevation of the new house (shown at the bottom of the previous page) is much plainer and whilst the irregular shaped windows might add some interest; the addition of the annex generally detracts from the composition of the main house. In design terms, the annex is especially intrusive when seen as part of the west and east facing elevation (shown below) and is a somewhat inelegant addition to the main core of the proposed house.



East and west facing elevations



Therefore, taken as a whole, the new house would fall short of being truly innovative and/or of exceptional design quality 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 whereas the addition of the annex diminishes the overall design quality of the house.

Consequently, the dwelling would not be permissible solely on the basis of design quality for the above reasons but it should still be taken into account that the dwelling is of a reasonable design that could otherwise be considered enabling development that could enhance the quality of the local area including the setting of the adjacent Conservation Area.

Enabling Development

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. Similarly, the provision of a new open market house would not be a proportionate response to the applicants' extensive schedule of tree planting as welcome as this work may be.

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

It is therefore concluded that any environmental benefits resulting from granting planning permission for this application would not justify granting planning permission for a new house in the countryside in their own right. The design of the house also falls short of the exceptional quality that would be required to justify an approval of this application on design grounds alone.

Nonetheless, the environmental benefits of granting permission for the new house combined with the socio-economic benefits of a new house to better accommodate a household including two family members with protected characteristics and the local employment opportunities resulting from the expansion of an existing business and the start-up of a locally-based microbrewery – when taken together – do weigh in favour of the current proposals.

Equally, the application 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. Therefore, the current proposals have some merit and it is unlikely that the new house and associated development would have a harmful impact on the countryside subject to appropriate planning conditions.

However, the provision of a newly-built house cannot be demonstrated to be an essential requirement in terms of meeting the current unmet needs of the appellants or the needs of their family over the longer term. In addition, it is accepted by the applicants that there is no essential need for a rural worker's dwelling on the site at this time and the applicants have provided limited evidence to show that the house would otherwise be occupied by a rural

worker on a permanent basis. Finally, the provision of a newly-built house is not required to facilitate a significant improvement to the environmental quality of the local area.

Therefore, the provision of a new house is not strictly necessary in planning terms and the supporting text to saved Local Plan policy ENV3 states that housing development in the countryside will be strictly controlled and proposals for new houses will require special justification. Policy ENV3 accords with national policies which set a presumption against sporadic development in the countryside other than in exceptional circumstances.

For the above reasons, it is not considered that the social, economic and or environmental benefits of granting planning permission for this application amount to the special circumstances required to justify a new house in the countryside outside the settlement framework either individually or cumulatively.

As the new house is integral to the current application and the Council cannot issue a split decision; there is no opportunity to otherwise grant permission for the proposed conversion of the existing barn or erection of a new barn even though these elements of the application may be acceptable on the basis of their individual planning merits.

Accordingly, officers recommend that planning permission is refused for the current application.

RECOMMENDATION

The application be REFUSED for the following reasons:

In the absence of exceptional circumstances that would justify the erection of a new house outside of the settlement framework, the proposed house is not considered to be development that is necessary in this countryside location. Therefore, the application is contrary to saved Local Plan Policy ENV3.

Statement of Decision Process

Officers have sought to work positively and pro-actively with the applicants and their agent prior to the submission of this application seeking 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

