

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/15/02914/FPA

FULL APPLICATION DESCRIPTION: Conversion of field barn to 1no residential dwelling

NAME OF APPLICANT: Mr Bruce Dinsmore

ADDRESS: Field Barn To The East Of Hawcroft Lane, Cotherstone,
Barnard Castle, County Durham, DL12 9PQ

ELECTORAL DIVISION: Barnard Castle West

CASE OFFICER: Jill Conroy, Planning Officer, 03000 264955,
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DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises a disused field barn located approximately 100m to the east of Hawcroft Lane, Cotherstone. To the north and south of the site are public footpaths, which run on an east to west axis following the lines of existing field boundaries. A tree belt runs centrally parallel with the footpaths, directly west of the barn. There is no formal access track leading to the barn from the adopted highway Hawcroft Lane, but there is an existing field gate insitu to the western stone wall boundary of the site directly off Hawcroft Lane. The grade II listed Society of Friends Quaker Meeting House lies approximately 87m to the NE. Despite lying beyond the built envelope of the village the site still falls within the conservation area and is also within an Area of High Landscape Value as defined within the Teesdale District Local Plan.
2. The application seeks planning permission to convert the barn to a residential dwelling, including the provision of an enclosed car parking area and the creation of a vehicle access track and turning area to be taken from the existing field gate entrance onto Hawcroft Lane.
3. The conversion will involve minimal external alterations by utilising existing openings. The existing corrugated iron sheet roof is to be replaced with red clay pantiles with stone slab courses to eaves. A new metal flue and velux roof light will be incorporated onto the north roof slope. The existing stone wall enclosure to the west of the barn will be marginally extended to provide a modest amenity and parking space.
4. This application is being reported to Planning Committee in accordance with the Scheme of Delegation at the request of Councillor Richard Bell because of the degree of local concern over the loss of a local vernacular feature.

PLANNING HISTORY

5. There is no relevant planning history relating to this particular building.
6. Outline permission for 3 new build dwellings along Hawcroft Lane was refused in 1992 (ref: 6/1992/0342/DM)

PLANNING POLICY

NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
8. *Part 4 – Promoting sustainable transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
10. *Part 7 – Requiring good design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.
12. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated publicly accessible).

LOCAL PLAN POLICY:

13. The following saved policies of the Teesdale District Local Plan are relevant, however in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight:-
14. *Policy GD1 - General Development Criteria* - Development will be permitted providing it complies with a number of criteria in respect of design, impact on the character and appearance of the surrounding area and landscape; avoiding conflict with adjoining uses; ecology, drainage, and highways impacts.
15. *Policy ENV3 – Development within or adjacent to an Area of High Landscape Value* - This policy requires that development does not detract from the area's special character and should pay special attention to the landscape qualities of the area.
16. *Policy ENV8 - Safeguarding Plant and Animal Species Protected by Law* - Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
17. *Policy BENV3 – Listed buildings* – Development which would adversely affect the character of a listed building or its setting will not be permitted.
18. *Policy BENV4 - Development within and / or adjoining Conservation Areas* – Development will only be permitted provided that it would be appropriate in design, layout materials, scale and landscaping, will not generate problematic traffic or environmental problems, would not destroy important trees, hedgerows or views or landscape features. Proposals should not adversely affect the setting of the Conservation Area or views into and out of the area.
19. *Policy BENV13 - Change of Use or Conversion in the Countryside* – permits change of use or conversion of buildings in the countryside to business and community uses (part A) provided it fulfils criteria (part B) in respect of suitability for conversion, amenity impact, landscape impact and highways impacts.
20. *Policy BENV14 - Change of Use or Conversion to Residential Use in the Countryside* - states the change of use or conversion of rural buildings to residential use will be permitted providing the uses identified in BENV13 part A have been reasonably explored and discounted, and subject to fulfilling the criteria in BENV13 part B.

RELEVANT EMERGING POLICY:

The County Durham Plan

21. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP. In the light of this, policies of the CDP can no longer carry any weight.

22. The Cothelstone Neighbourhood Plan is an emerging neighbourhood plan that underwent stage 1 consultation between June and July 2015. It is only at a very early stage of preparation and therefore in accordance with NPPF paragraph 216 it is not capable of being given any weight at this time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY AND EXTERNAL RESPONSES:

23. *Cothelstone Parish Council* – Objects to the development as it lies outside the village development limits and within the conservation area. Use of red pantiles and the new access track will detract from the historical landscape character and views of the Quakers Meeting House, a grade 2 listed building. The access lane to the property is unsuitable and the exit from this lane at the junction onto the B6277 has very poor site lines due to parked cars.

24. *Highway Authority* – While adopted, the access road serving this site is overwhelmingly single track along its length, narrow and tortuous in places, without footways or an adopted turning head. It is unsuitable to serve new build development. Unless you consider the planning merits of converting this existing building in the conservation area outweigh these shortcomings it is considered that highway reasons are added to other refusal reasons.

25. *Durham Bird Club* – Objects to the development. Barn Owls use the barn on a regular basis. The mitigation proposed in the Risk Assessment of placing a box in the owl hole is noted but owls are unlikely to use it if people are living in the barn. The Club is also unhappy with the ecologist's proposal to reposition the box in a nearby tree. The Barn Owl Trust recommends boxes within buildings as the best option and boxes in trees are second best. The Club is therefore far from convinced that the alternatives suggested will be successful.

26. *Campaign to Protect Rural England* - Objects to the development. The barn is located outside the development limits for Cothelstone and lies within the conservation area. The introduction of a residential dwelling with its access and turning area in an open field would adversely affect the setting of the Conservation Area and detract from the Area of High Landscape Value. Hawcroft Lane is a single track adopted road that could only be accessed by smaller delivery vehicles, but not fire engines. The sightlines on exit from the lane to the B6277 are extremely limited due to parked cars. We appreciate that more housing is required within the UK, but feel strongly that conversion of this small barn in its beautiful rural setting is going to spoil much more than it solves.

INTERNAL CONSULTEE RESPONSES:

27. *Design and Conservation* – Has no objection subject to conditions for approval of materials, joinery details, enclosures, landscaping and removal of permitted development rights. The building is a good example of an ever diminishing vernacular building type. Its retention and reuse is therefore to be welcomed from the heritage perspective. The design approach is based on thorough historic research, as is the reintroduction of the stone wall enclosure. The reuse of existing openings and the retention of the solid nature of the building is appropriate. One single roof light and a new flue will not harm the character of the building. The proposed roof materials with stone flag eaves detail and pantiles is found throughout the area and is traditionally used on secondary buildings and agricultural buildings, subject to agreement of details

this is considered acceptable. The building sits within the wider setting of the grade II listed Society of Friends (Quaker) Meeting House, however it is considered there will be no harm to the significance of this setting.

28. *Archaeology Section* – Has no objection. It is noted that colleagues in Conservation and Landscape have assessed the impact of the proposed conversion on both the historic field barn and the landscape in which it exists and have found it to be acceptable. It is however recommended that a building record be made of the structure, to EH level 2 standard, prior to conversion to record the original character and make it publically accessible.
29. *Landscape Section* – Has no objection. There were initial concerns about the impact of the access track on the trees which make a significant landscape contribution, however following further information it is considered that the proposed incursion of the access track into the RPAs is within the acceptable amount as per BS 5837:2012. Protective fencing will need to be erected before construction starts.
30. *Environmental Health (Contaminated Land)* – Has no objection. There is no requirement for a contaminated land condition.
31. *Environmental Health (Noise)* – Has no objection.
32. *Ecology Section* – Has no objection subject to adherence to the mitigation measures detailed within the submitted Bat and Barn Own Survey Report and subject to the inclusion of a condition for the erection of an additional barn owl box on a nearby tree.

PUBLIC RESPONSES:

33. The application has been publicised by way of site notice, press notice and neighbour letters. At the time of writing the report there were 64 objections received. These include representations from Transport and Planning Consultants appointed by objectors. It is not possible to list every point made from such a large number of representations so the key points have been summarised. The full representations can be viewed on the website:

Highways

- Hawcroft Lane is unsuitable to access the dwelling. It is a narrow, single track lane and the proposed site access is adjacent to a blind bend. It is regularly used by pedestrians and children on bicycles and has no incorporated passing places or a turning head, with no possibility of providing any. The increase in traffic will be a hazard to users of the lane.
- Refuse vehicles do not enter the lane. The proposed development places waste storage circa 100m from the dwelling and a further 120m from potential refuse collection on the B6277, which is beyond the recommended distance of 30m.
- Access to the B6277 from Hawcroft Lane has impeded visibility due to poor sightlines at the junction.

Design and Impact on the Conservation Area and Landscape

- The barn lies outside of the limits to development for Cotherstone so residential use should not be permitted and it could otherwise set a precedent for further residential development. The consultation on the Neighbourhood Plan showed support for development only within the current development limits.
- The barn should be preserved in its present form because residential use and formalisation of vehicle access will have a negative impact upon the conservation area, the setting and views of the grade II listed Friends Meeting House and the traditional field pattern of the rural landscape.

- There is no provision for amenity space and the inevitable requirement for domestic paraphernalia including a washing line, refuse bins etc. will further erode the landscape character of the site.
- The proposed red pantiles are not in keeping with the local vernacular of the area and would make the barn more visible.

Ecology

- The development will displace barn owls without suitable alternative mitigation.

Other Matters

- The barn is substandard in size for a reasonable standard of living accommodation and will lead to further applications for extension and addition of windows.
- The construction period will create noise and disturbance to nearby residents and users of the lane.
- An offer has been made to the applicant by a local resident to finance the maintenance and repair of the structure in its present agricultural use.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:
<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NV2PNOGD0CF00>

APPLICANTS STATEMENT:

34. The applicant has provided a statement in support of their application to address some of the consultee comments and responses that have been received.
35. *Key Planning Principles* - Firstly it will be appreciated that the government have introduced, earlier this year, new permitted development rights that specifically seek to allow the conversion of barns of this nature to residential properties as part of the drive to boost significantly the supply of housing. This, as the government have made clear in introducing these new powers, is a core objective of the National Planning Policy Framework.
36. This particular building cannot be converted as straightforward permitted development because it lies within the Conservation Area. This fact does not mean that the above principle is to be set aside however, a point that has been tested at appeal in two instances. In the first instance the Inspector concluded that the government's intentions to facilitate residential conversion of such buildings were 'material considerations of very significant weight' and in the second the Inspector concluded that the government's intentions to allow for such a change of use should take precedence over the policies of the Development Plan.
37. Set against this context it is therefore very surprising that the objection letter submitted by Nathaniel Litchfield on behalf of the Cotherstone Field Barn Conservation Group fails to correctly identify the most up to date material considerations and clear changes in government policy. Accordingly only limited weight can be attached to their assessment of applicable policy.
38. *Heritage Matters* – The two designated heritage assets potentially affected by the proposals are the wider Conservation Area and the setting of the Friends Meeting House. Because this building is already in existence, its visual impact on the significance of these heritage assets is largely negligible. They were designated as heritage assets despite the barn's presence. The only legitimate concern is whether the use of the premises for domestic purposes would result in a degree of harm to the significance of the designated assets. Based upon the National Guidance, it is clear that

the para 133 tests of substantial harm have not been engaged – the Conservation officer's comments confirm this.

39. The barn clearly is not in a good condition and if left unaltered will not have a long term future. The Guidance makes it clear that “In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time.”
40. It goes on to note that “The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation”
41. Whilst the offer to restore the building for an agricultural purpose by a third party was without doubt well-meant and sincere, unless the building would subsequently have a viable long term future in an active use, the restoration would simply be a temporary stop gap and would inevitably lead to further deterioration and uncertain future in the long term. The only sustainable way in which the building can be preserved to contribute to the significance of the Conservation Area is by having a viable and active new use. As the Guidance notes; “It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.
42. *Highway Concerns* - in relation to the comments of the Highway Authority, the applicant has never shied away from accepting that the application site is not served by a standard estate road constructed to the current standards of the Local Highway Authority. The road is narrow in places and has several bends along its length. This keeps vehicle speeds down and promotes cautious driver behaviour. A public footpath is accessed off the road, despite it not having any separate footpath. For all its ‘problems’ it nevertheless manages to serve the existing residents and contributes to the special character of the Conservation Area.
43. If the barn were to be used intensively for livestock and other agricultural purposes, it would be reasonable for it to be visited by a farmer, often with tractor and trailer, several times a day during lambing season and less frequently at other times. This legitimate traffic would have a far greater impact than the proposed use as a single domestic dwelling. The proper way to assess the highway impacts involves consideration of the traffic that could be reasonably expected to use the barn under its authorised or permitted use and compare that with the traffic type and volume associated with the proposed use. It is submitted that the nett change is far less significant than that suggested by some objectors and falls well below the ‘severe’ threshold clearly set out at Para 32 of the Framework. Furthermore, there are clear areas of potential improvement possible along the length of the road using either public highway or land within the applicant's control. Records of the extent of the adoption are attached and dispel to a large extent the suggestion that all the land is third party controlled. It is also noted that some of the objectors, despite expressing concern over access have sought to increase their own onsite parking.
44. Finally on highway matters it will be appreciated that this is the only barn that could be converted off this lane and there is no question of an undesirable precedent being created that would lead to substantial additional pressures.
45. *Materials* - In terms of design, it is noted that a number of objectors have raised concerns over the proposed roofing material to replace the corrugated sheeting.

Although our client had originally proposed the use of clay pantiles, being a common vernacular material, he is prepared to consider the use of artificial/reproduction stone slates, if this is considered necessary or more desirable.

46. *Control over future development* – In relation to the concerns over future domestic activity at the site, and pressures for further development, of course each application needs to be judged on its own individual merits at the time. It is not legitimate to determine current proposals on the basis of what might come forward in the future. Unacceptable future proposals, if they emerge, can be carefully considered and refused at the point and time they are submitted. They should not be pre-determined.
47. The applicant would have no concerns if the LPA were to withdraw relevant Permitted Development rights from the development.
48. *Erratum* – A number of objectors have pointed out an inaccuracy in the Design and Access Statement in relation to the planting of new trees. Quite correctly they have pointed out that the applicant's family allowed the Group to plant new trees in the tree line leading up to the barn. The trees planted by the applicant's family were on the northern field boundary leading up to the Friends Meeting House. For this error, the applicant apologises. However the fundamental point of new tree planting having taken place along field boundaries remains material, regardless of who planted which trees in which location.

PLANNING CONSIDERATIONS AND ASSESSMENT

49. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact on the character and appearance of the area, ecology, and highway safety.

The principle of the development

50. As nearly all the objections have pointed out the barn lies outside of the settlement boundaries of Cotherstone as defined in the Teesdale District Local Plan. It is also noted that the Cotherstone Village Design Statement also considers it important that development is retained within the present boundaries defined by the Teesdale Local Plan. However, the proposal involves the reuse of an existing building not the erection of a new dwelling. The reuse of existing buildings is considered separately under Teesdale Local Plan policies BENV13 and BENV14, not the settlement limit policies. The settlement limit policies are in any case housing policies, which are considered out of date given the age of the Teesdale Local Plan (adopted in 2002) and therefore can no longer be given any weight.
51. Both Local Plan policies BENV13 and BENV14 are permissive of the reuse of existing buildings in the countryside providing a number of criteria are met. However, the sequential requirement of the policies to first explore other uses before giving consideration to residential use is also not consistent with the NPPF, in particular with NPPF paragraph 55 which identifies the re-use of redundant or disused buildings as one of the special circumstances to allow isolated homes in the countryside with no requirement to discount other uses first. Therefore in accordance with NPPF paragraph 215 these policies carry very little weight.

52. Accordingly, the proposal needs to be considered under the more up to date requirements of the NPPF and any other material considerations.
53. One of the key aims of the NPPF is to encourage sustainable patterns of development. Cotherstone is identified as a tier 4 settlement (medium sized village) within the Council's Settlement Study in recognition that it possesses some local services and facilities. The barn lies just 100m from the built up envelope of the village and approximately 270m walking distance from the primary school. The facilities and bus stops within the village can all be easily accessed by foot and within acceptable walking distance. The barn is therefore located in a sustainable location and wholly accords with the key aims of the NPPF in this respect.
54. In addition, while the barn is not listed, it is a good example of a vernacular building of its type, shown on historic OS maps from 1854, and is situated within the conservation area and setting of the grade II listed Friends Meeting House, both designated heritage assets. It is therefore considered to be of architectural and historic merit and therefore worthy of retention and improvement in terms of its contribution to the character of the conservation area, setting of the listed building and the rural landscape. However, at present it is in a state of deterioration and contains a tin sheet roof. It is in need of intervention and improvement to prevent continued decay. The objections refer to an offer by a third party to restore the barn and retain it in its current use however, that is not a factor that can be given any weight as the third party does not own the building and it is not the proposal for consideration. In any case it is considered unreasonable to insist that the building remains without a viable use, given it is no longer suitable for modern agricultural practice. It is considered that the most realistic prospect of securing the required improvements to the building and its long term future is to put it to an active viable use such as the residential use proposed. Subject to sensitive treatment of the conversion and associated works the improvements to the condition of the building and its long term retention would be capable of leading to sufficient enhancement of the setting. This is wholly in accordance with NPPF paragraph 55.
55. Taking all of the above into account, the principle of development accords with key aims of the NPPF and other relevant government policy in respect of sustainable patterns of development and the reuse of rural buildings for housing. The proposal is therefore acceptable in principle, subject to consideration of detailed issues which will be assessed in greater detail below.

Impact on the character and appearance of the area

56. The site is within the Cotherstone Conservation Area and the setting of a grade II listed building (Friends Meeting House). In the exercise of planning functions the local planning authority must have particular regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 requires that in considering whether to grant planning permission for development which affects the setting of a listed building the local planning authority shall have special regard to the desirability of preserving its setting. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Also relevant are NPPF Sections 7, 11 and 12, and Teesdale Local Plan Policies ENV3, BENV3, BENV4 and GD1.
57. The Cotherstone Conservation Area covers an extensive area, encompassing the whole village and some of the surrounding fields. It is characterised by an assortment of dwellings, old and new, within an attractive countryside setting also designated as an Area of High Landscape Value. Within the village two separate village greens provide a distinctive focal point and different types of period properties, making much use of local stone and stone slab or Westmoreland roofing slates, provide an attractive urban

environment. The surrounding fields contribute to the rural setting and still retain some of the historic strip field pattern.

58. The barn lies in the fields to the east of the village, predominantly viewable from Hawcroft Lane and the PROWs to the north and south of the site. It is of traditional construction and possesses some interesting design characteristics. These include a superior finish to the masonry of the front wall, finely worked long and short corner quoins and dressings to the openings. The main cart entry has an elliptical arch with crafted voussoirs and banded dressings. It is understood that it previously had a stone slab roof, but now has corrugated roof sheeting.
59. The significance of the site derives from its position within the conservation area, the vernacular character of the building and the positive contribution the site makes to the rural character and appearance of the area. It also lies within the setting of the grade II listed Friends Meeting House, which itself lies within the same landscape setting surrounded by fields just 87m to the NE. The barn is clearly valued by the local community from the representations received during the application.
60. The conversion proposal involves minimal intervention by utilising existing openings and does not include any extension. All the most important design characteristics of the building are to be retained and repaired. The insertion of windows and doors into existing openings can be achieved without causing detriment to the character and appearance of the building and the details can be controlled by condition. A number of objections have questioned the materials to be used for the roof. It is correct that pantiles are not a typical roofing material within the village and the reintroduction of stone slate would be the most historically authentic material on the building. However, the barn does not lie within the village and red clay pantiles with stone slab eaves courses is a vernacular feature found on barns throughout Teesdale, and on many listed buildings. Accordingly, while it may not be the first choice for roof materials it is nevertheless an appropriate alternative treatment for the roof and would not be detrimental to the character or appearance of the building or its setting. It would also be more preferable and appropriate than the use of artificial slates in this context. Neither the Design and Conservation Section nor Archaeology Section has any objection and overall the proposed conversion works to the building are considered to be acceptable. The Archaeology Section's request for building recording to be carried out prior to conversion is wholly in accordance with NPPF paragraph 141 and can therefore be conditioned. Removal of permitted development rights for alterations would be necessary to retain the rural character of the building and design quality achieved by the proposed scheme so it is not undermined by inappropriate alteration in the future.
61. The proposal also requires a new access track from Hawcroft Lane, approximately 115m in length and this has drawn concern in the objections in terms of landscape impact. The track would however be of typical rural character comprising twin gravel tyre tracks with a central grass strip. A farmer could legitimately construct such a track to serve the building if it were to be retained in agricultural use and such tracks are a typical rural feature found throughout the area. The track would closely follow the northern field line where it would be least conspicuous and would avoid fragmenting the historic strip field pattern. The track would terminate in a turning area at the barn that would be constructed with a reinforced grid product that allows grass to grow through it to reduce its visual impact. The Landscape Section has no objection in landscape impact terms and is also satisfied that the track's construction would not be detrimental to the adjacent trees, which are an important landscape feature. The trees should be protected during construction and therefore a condition would be necessary in this respect. It is not necessary to condition the retention of the trees as they are protected by the conservation area designation. Details of the materials for the track and turning head should be controlled by condition. Subject to these conditions it is considered that

that the track would be of an appropriate rural character and would not be detrimental to the landscape designation, field pattern, or character and appearance of the conservation area.

62. Objections have also expressed concerns about the treatment of the point of access onto Hawcroft Lane, but it is considered that the alterations would be very minor. An agricultural five bar gate would be retained, set slightly further back to allow a car to pull off the road. The existing dry stone wall will simply be extended by a small amount into the return. A small area of hardstanding is necessary and typical of any rural access point. Again, a farmer could create such an access to serve the building in agricultural use. The treatment of the access point is therefore considered to be entirely appropriate and would not be detrimental to the landscape designation or character and appearance of the conservation area.
63. The proposal shows very little domestic curtilage and objections have raised concerns that the occupants will seek to establish a garden with the inevitable domestic paraphernalia that would detract from the rural landscape and character of the conservation area. It is reasonable to expect that a dwelling should have some garden space and therefore in order to avoid any paraphernalia or even domestic landscaping spreading unreasonably around the building it is considered important to define the extent of the curtilage, the means of enclosure and landscaping within to limit any harm. It is considered that the area immediately to the front of the barn between the access track (including the turning head) could with appropriate rural boundary treatment and permitted development restrictions, be used as garden space without having a detrimental impact on the landscape designation or character and appearance of the conservation area. The matter could therefore be satisfactorily dealt with by conditions.
64. Taking all the above into account, it is considered that the proposal does not conflict with Teesdale Local Plan Policies GD1, ENV3 and BENV4. The barn and the site contribute positively to the character and appearance of the conservation area. The retention of the building, converted to an effective new use without undue harm to its essential character and landscape setting, would be a benefit to the designated heritage asset. Accordingly it could not be said that the proposal would have a detrimental impact on the setting of the grade II listed Friends Meeting House further to the NE. The proposal is therefore also compliant with Teesdale Local Plan Policy BENV3 and the relevant provisions of the NPPF. The proposal would be compliant with the detailed design provisions of Teesdale Local Plan Policies BENV13/14, however those policies are given very little weight as discussed previously.
65. Therefore having regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990) the proposed development would preserve the character and appearance of the Conservation Area and setting of the nearby listed building.

Highway safety

66. The NPPF paragraph 32 together with Local Plan policy GD1(Q) requires development proposals to achieve a satisfactory means of access onto the wider highway network in order to protect highway safety. The advice of the NPPF however states that development should only be refused on highways grounds where the highways impact would be severe.
67. A number of objections have been raised in relation to the proposed access arrangements and potential conflict with other road users, noting the narrowness of Hawcroft Lane, lack of vehicle passing places and restrictive sightlines egressing onto the B6277. Conflict with a number of highway standards in respect of length of access roads and bin collection arrangements have also been quoted.

68. The Highway Authority in many respects shares these concerns and as a result considers the access would not be suitable to serve a new build residential development. However, the proposal is for the reuse of an existing building, not a new build and the standards quoted in the objections only apply to new build dwellings. Therefore the Highway Authority concedes that if there are considered to be merits in the conversion, which there are as discussed in this report, they would outweigh the negative aspects of the site access and no highways objection could be raised on that basis.
69. Hawcroft Lane is an adopted highway and there are already a number of existing dwellings served off the same highway. A single additional dwelling is not likely to lead to a significant intensification of this arrangement, particularly when there is already an existing agricultural use associated with the barn involving large farm vehicles. The bin collection arrangements already cater for existing properties on Hawcroft Lane and occupiers of the barn would be similarly encouraged to either wheel their bins to near the cut through to the village green where they would be picked up, or alternatively keep their refuse within bags that would be picked up from the gate. These type of arrangements are not unusual for the refuse collection service in rural areas.
70. On this basis and taking the Highway Authority views into account, it cannot be considered that the proposed development would lead to highways impacts that could be classed as a severe cumulative impact. Accordingly, it is considered that on balance there would not be sufficient grounds to justify refusal on the grounds of the acknowledged highway safety concerns.
71. The proposal does not therefore conflict with Teesdale Local Plan Policy GD1 and accords with the guidance in the NPPF.

Ecology

72. The presence of protected species such as bats and barn owls is a material consideration in accordance with Circular 06/05. Teesdale Local Plan Policy ENV8 does not permit development that would significantly harm a protected species or its habitat unless mitigation is achievable and the overall effect would not be detrimental to the species as a whole. This is consistent with the guidance in NPPF Part 11 which seeks to minimise impacts on biodiversity, as well as the general requirements of the Habitats Regulations and Wildlife and Countryside Act (1981) for England, Scotland and Wales.
73. A Bat and Barn Owl survey and risk assessment was submitted with the application, which acknowledges the presence of a barn owl roost/nest in the application barn. Barn Owls are Schedule 1 species under the Wildlife and Countryside Act 1981. The birds, their nests, eggs and young are fully protected at all times throughout the UK. It is also an offence to intentionally or recklessly disturb barn owls at an active nest site with eggs or young or before eggs are laid, or to disturb the dependent young.
74. As a result the proposal includes the provision of a nest box to be sited on the western gable which is an existing access point. This has however drawn concerns from objectors, most notably the Durham Bird Club, who consider the mitigation would not be used if people are living in the barn.
75. The Council's Ecologist has welcomed the provision of the nest box on the building as mitigation, however is also concerned about the prospect of it being used. Accordingly, it has been recommended that an additional nestbox be sited on a nearby suitable tree, to be secured by a condition. While the Durham Bird Club consider this to be a second choice option, it is the recommended approach of the Barn Owl Trust as the next best

option to nestboxes within the building. There is a third Barn Owl Trust recommended option of nestboxes on poles. Provided the proposed nestboxes comply with the Barn Owl Trust Criteria in respect of design, size and location the mitigation is considered acceptable and can be conditioned using Barn Owl Trust recommended conditions. It will also be important to impose appropriate timing restrictions in accordance with Barn Owl Trust Guidance. Subject to restricting works outside the nesting season a license will not be required.

76. In terms of bats, the Council's Ecologist is satisfied with the results of the survey, however, has noted the adjacent trees have not been included in the activity survey/assessments. Further comments state that providing the trees are to be retained there is no need for any further survey works to be carried out. It is the case that the trees are being retained and are protected by the conservation area designation so no further survey work is required in relation to bats.

77. Taking all the above into account it is considered that the proposal does not conflict with Teesdale Local Plan Policy ENV8, NPPF guidelines and wildlife regulations, subject to suggested conditions.

Other matters

78. A number of comments have been made in the objections about potential future alterations to the building and setting a precedent for further residential development in the surrounding fields. These matters are speculative and cannot have any bearing in this decision. Permitted development rights will be withdrawn and if proposals come forward in the future they can be carefully considered and refused if they are unacceptable. The planning policy considerations for residential conversions are also very different to new build residential development so this application would not set any precedent for other types of residential development in the surrounding fields. In the same respect a planning refusal from 1992 for 3 new build dwellings abutting Hawcroft Lane is not of any relevance to this application.

79. Objections have also raised concerns about noise from construction. The impacts of construction are however temporary and this is not a scale or type of development that is likely to lead to significant noise and disturbance, particularly as the nearest houses are over 120m away. The Council's Environmental Health (Noise) Section has no objection and has not deemed any conditions controlling noise to be necessary.

CONCLUSION

80. Although the barn lies outside the development limits of the village, the reuse of a redundant building in a sustainable location is wholly in accordance with aims of the NPPF.

81. The barn and the site contribute positively to the character and appearance of the conservation area. The conversion of the barn to an effective new use without undue harm to its essential character, landscape setting and the character and appearance of the conservation area would be a benefit to the designated heritage asset and would not adversely affect the setting of the grade ii listed Friends Meeting House.

82. The highways situation is acknowledged to be less than ideal, but on balance the cumulative impact could not be classed as severe and therefore there are not sufficient grounds to sustain a highways refusal.

83. The development would also, subject to conditions, provide suitable mitigation for Barn Owls.
84. The proposal is not therefore in conflict with Teesdale Local Plan Policies ENV3, ENV8, BENV3, BENV4 and GD1. It is also in accordance with the guidance in NPPF Parts 4, 6, 7, 11 and 12.
85. All representations have been carefully considered, however when taking all matters into account, it is felt that the proposal is acceptable in planning terms subject to the suggested conditions. The proposal is therefore recommended for approval.

RECOMMENDATION

Recommendation that the application is **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the local planning authority.

Plan Reference Number	Date received
1220-01 Site Location Plan	21.09.15
1220-10B Proposed Plans	21.09.15
1220-11C Proposed Elevations	21.09.15
1220-12 Roof Plans	21.09.15
1220-13B Proposed Site Plan	21.09.15
1220-14 Proposed Access Gates	06.10.15

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Notwithstanding the details of the submitted plans, no development shall take place until sample details of all materials for the construction of the access track and turning area have been submitted to and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.

4. Notwithstanding details of the submitted plans, no development shall take place until full specification, including joinery details and external timber colour finishes of the proposed new windows, doors and rooflight have been submitted to and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policies GD1 and BENV4 of the Teesdale District Local Plan.

5. Notwithstanding condition 2 no development shall take place until plans showing a clearly defined domestic curtilage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the dwelling is served by an appropriate domestic curtilage and in the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.

6. Notwithstanding details of the submitted plans no development shall take place until full details of all boundary treatment and means of enclosure have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details and retained thereafter for the life of the building hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate means of enclosure are erected on site. In the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.

7. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime.

Reason: To ensure the appropriate landscaping of the site. In the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.

8. All planting, seeding or turfing in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. Any planting or turfing which fails to establish or dies within 5 years of implementation shall be replaced with the same within the first available planting season.

Reason: To ensure the appropriate landscaping of the site. In the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.

9. No development shall commence until a scheme for the protection of trees, including the provision of temporary protective fencing to trees north of the vehicle access hereby approved, has been submitted to and approved in writing by the local planning authority. The approved scheme of protection shall be implemented before commencement of development and thereafter retained for the duration of the construction works.

Reason: To protect the trees during construction. In the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Parts 1 or 2 of Schedule 2 of the said Order shall be carried out without an application having first been submitted to and approved by the local planning authority.

Reason: In the interests of the visual amenity of the area and to comply with policies GD1, ENV3 and BENV4 of the Teesdale District Local Plan.

11. Notwithstanding details of the submitted plans, mitigation methods and method statement outlined in the Bat and Barn Owl Surveys and Risk Assessment (Veronica Howard, August 2015), a permanent accessible nesting space for Barn Owls shall be provided within the building to which this consent applies, and thereafter maintained, in accordance with details that shall have first have been submitted to and approved in writing by the local planning authority. The approved box shall be erected and retained in accordance with the approved details.

Reason: To secure the long term protection of the species. In accordance with the NPPF and policies GD1 and ENV8 of the Teesdale District Local Plan.

12. A Barn Owl roosting/nesting box shall also be provided for Barn Owls on a tree within 200 metres of the development site at least 30 days before any development works commence, in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. Once provided the roosting/nesting box must be retained.

Reason: To secure the long term protection of the species. In accordance with the NPPF and policies GD1 and ENV8 of the Teesdale District Local Plan.

13. Development works to which the consent applies must not take place between 1st March and 31st August or at any time while Barn Owls are nesting, unless the mitigation in conditions 10 and 11 have been provided and an Ecologist has confirmed the absence of any nesting Barn Owls.

Reason: To secure the long term protection of the species. In accordance with the NPPF and policies GD1 and ENV8 of the Teesdale District Local Plan.

14. No development shall take place until the applicant has secured the implementation of the programme of building recording work in accordance with a written scheme of investigation (WSI) which has been approved in writing by the local planning authority. The WSI should include the following;
- i; Methodologies for a Level 2 EH-style building record prior to conversion.
 - ii; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the approved strategy.
 - iii; Monitoring arrangements, including the notification in writing to the County Durham County Archaeologist of the commencement of recording works and the opportunity to monitor such works.
 - iv; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- The recording work shall be carried out in accordance with the approved details and timings.

Reason: To comply with saved Policy GD1 of the Teesdale District Local Plan and para. 135 and 141 of the NPPF as the building is historically significant.

15. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record and receiving archive.

Reason: To comply with para. 141 of NPPF to ensure that record is made as widely accessible to the public as possible.

STATEMENT OF PROACTIVE ENGAGEMENT

86. In arriving at the decision to recommend approval the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. The use of pre commencement conditions is deemed necessary because of the sensitivity of the area.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Teesdale District Local Plan

Consultation responses and representations received

County Durham Settlement Study 2012

Cotherstone Village Design Statement

Barn Owl Trust Guidance: Barn Owls and Rural Planning Applications – A Guide



