

**Allerdale Borough Council**  
**Planning Application FUL/2019/0291**

**Development Panel Report**

**Reference Number:** FUL/2019/0291  
**Valid Date:** 12/12/2019  
**Location:** Gill Barn Wigton  
**Applicant:** Mr D Swan  
**Proposal:** Conversion of barn to create local dwelling and erection of workshop (resubmission of FUL/2019/0149)

**RECOMMENDATION**

- A. The barn be recognised a Non Designated Heritage Asset**
- B. That the application be granted subject to conditions.**

**1.0 Summary**

<b><u>Issue</u></b>	<b><u>Conclusion</u></b>
Principle of Development	The proposal would see the retention and reuse of an existing traditional rural building in the open countryside that accords with the ethos of Policy S31 of the Allerdale Local Plan. Whilst officers acknowledge part of the original building needs to be rebuilt due to damage and extended, it is considered this is necessary to accommodate a viable dwelling and ensure the future preservation of the structure.
Design	The proposed alterations to the building respond positively to the character, history and distinctiveness of the building. The extension will be subservient to the main dwelling in both terms of scale and form.
Highway issues	The proposed highway arrangements are considered acceptable with adequate parking and turning within the site. The Highway Authority have no objections.

## **2.0 Proposal**

2.1 The Plans for consideration are:-

027-SL BP Site Location Plan only  
028-30/PR EX EL BP FL Rev C Elevations/Block/Floors (amendment received 16 January 2020)  
Design, Access and Heritage Statement  
Bat and Barn Owl Survey  
Percolation Test Results and Soakaway Design  
Soakaway Calculations  
Structural Survey

## **3.0 Site**

- 3.1 The application site lies 1.9km to the east of Ireby Village. The limestone barn is located approximately 18 metres from the public highway. It consists of a store area with its own access door and a larger area which is open on one side (north), presumably a former cartshed and livestock shelter, with a plastic coated metal profile sheet roof.
- 3.2 The site is surrounded by improved grassland albeit, further to the south, there is open moorland. There are no other farm buildings in the immediate location.

## **4.0 Relevant Planning History**

- 4.1 2/2015/0569 Notification of prior approval for the proposed change if use of barn to residential under Class Q – refused as the Class does not permit
- 4.2 2/2019/0149 Conversion to dwelling – Withdrawn.

## **5.0 Representations**

### **Parish Council**

- 5.1 No reply to date.

### **ABC Environmental Health**

- 5.2 One issue with the possible radon at this site and would ask that a full radon affected land condition should be attached to any approval.

### **Cumbria County Highways**

- 5.3 Further to our response to the previous application, FUL/2019/0149), our response mainly still applies. However, within the new application, the applicant

has shown that on-site parking and turning will be constructed. I can confirm that we have no objections to this proposal in principle subject to the inclusion of conditions.

### **Cumbria County Lead Local Flood Authority**

- 5.4 There is an ordinary watercourse running through the site. The applicant should contact out LFRM team for consent should they propose to make any alterations or new connections to it.

### **Fire Officer**

- 5.5 No objections. Cumbria Fire and Rescue Service is committed to reducing the impact of fire on people, property and the environment. For this reason, it is recommended that the applicant should give consideration to the inclusion of a sprinkler system within the design of the premises.

### **Cumbria Wildlife Trust**

- 5.6 No reply to date.

### **Minerals and Waste**

- 5.7 The application falls within a Minerals Safeguarding Area for Limestone. The safeguarding area extends across a significant area of surrounding open land so the proposal will not prevent access to this mineral resource for extraction in the future. Cumbria County Council as minerals planning authority therefore does not object to this application.

### **United Utilities**

#### **Groundwater Source Protection Zone**

- 5.8 United Utilities have abstraction boreholes used for public water supply in the vicinity of this application which could be affected. The application site is situated in groundwater Source Protection Zone 1 (SPZ1). The Environment Agency designate SPZs to identify the catchment areas of sources of potable water and show where they may be at particular risk from polluting activities on or below the land surface. The prevention of pollution to drinking water supplies is critical.
- 5.9 The Environment Agency has a series of published position statements documenting their approach to managing and protecting groundwater. These are outlined in The Environment Agency's approach to groundwater protection. Table 1 in this document indicates the position statements (including restrictions or extra controls) applicable to certain activities within a SPZ1 of a groundwater source, which are designated to protect groundwater intended for human consumption.
- 5.10 The attention of the applicant is drawn to the following key points from within these position statements:

- a) G12 – Discharge of clean roof water to ground - The discharge of clean roof water to ground is acceptable both within and outside SPZ1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent or other forms of discharge. The method of discharge must not create new pathways.
- b) Together with the Environment Agency, United Utilities supports the principle of sustainable drainage systems (SuDS) for new discharges. Where infiltration SuDS are to be used for surface run-off the roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater.
- c) G2 – Sewage effluent discharges inside SPZ1. Inside SPZ1, all sewage effluent discharges to ground must have an environmental permit from Environment Agency (EA).

## Drainage

- 5.11 In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

## Other representations

- 5.12 The application has been advertised by site notice and neighbour letter. No representations have been received to date.

## 6.0 Environmental Impact Assessment

- 6.1 Applying the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 it can be confirmed that the development does not fall within Schedule 1 or 2 and, as such, is not EIA development.

## 7.0 Duties

- 7.1 The site is not within or near to a Natura 2000 site, a conservation area or a listed building.

## 8.0 Development Plan Policies

### Allerdale Local Plan 1999

- 8.1 The site is outside of the saved settlement limits and within the open countryside.

## **Allerdale Local Plan (Part 1)**

8.2 The following policies are considered relevant

S1 Presumption in Favour of Sustainable Development  
S2 Sustainable Development Principles  
S3 Spatial Strategy  
S4 Design Principles  
S22 Transport Principles  
S27 Heritage Assets  
S29 Flood Risk and Surface Water Drainage  
S31 Reuse of Rural Buildings & replacement Dwellings in the Countryside  
S32 Safeguarding Amenity  
S33 Landscape  
S35 Protecting and Enhancing Biodiversity and Geodiversity  
DM14 Standards of Good Design  
DM15 Extensions and Alterations to Existing Buildings and Properties

## **9.0 Other material considerations**

### **Allerdale Borough Local Plan (Part 2) Submission Draft**

9.1 The site is outside of the saved settlement limits and within the open countryside. The application of the Broadband policy, SA33, is impractical in this location.

### **National Planning Policy Framework (NPPF) (2019)**

9.2 Paragraph 197 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### **Allerdale Borough Council Plan 2019-2023:**

9.3 Strengthening our economy - Supporting the development of new homes where they are needed.

## **10.0 Policy weighting**

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan 1999 saved settlement limits and the Allerdale Borough Local Plan (Part 1) 2014 policies have primacy.

- 10.2 However, paragraph 212 of the National Planning Policy Framework (NPPF) 2019 advises that policies in that Framework are material considerations which should be taken into account in dealing with the applications from the day of its publication. In this context it is noted that paragraph 213 of the NPPF 2019 advises that due weight should be given to development plan policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 10.3 Paragraph 11 of the NPPF also advises that, where the development plan policies which are most important for determining applications are out of date, granting permission unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development; or
  - ii Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (the tilted balance).
- 10.4 A further material consideration is the appeal decision for land at Little Broughton (PINs ref APP/GO908/W/17/3183948) which specifically addressed the weighting afforded to development plan policies in the context of paragraphs 215 and 14 of the former NPPF. In brief, as a result of this appeal decision, it is accepted that development needs to come forward beyond the settlement limits during this mid-term of the Local Plan's period to meet the trajectories detailed in Appendix 3 of the Plan. This is because, by this time, significant delivery was assumed to be derived from Part 2 allocations. This has not been the case, hence windfalls beyond the settlement limits are necessary, there not being land inside the limits to come forward as windfalls to meet the trajectories. As such policies S3 and S5 are out of date in relation to the settlement limits and are only afforded limited weight and paragraph 11 of the NPPF is engaged.
- 10.5 Whilst policies S3 and S5 are out of date in relation to the settlement limits, they are not considered to be out of date in all respects. Nor does it mean that other Local Plan Part 1 policies are out of date and should not be afforded substantial or full weight where they are consistent with the provisions of the NPPF 2019. In this instance, it is assessed that the settlement hierarchy within policy S3 can be afforded substantial weight given its consistency with the sustainability principles of the NPPF 2019. Other relevant policies in Part 1 are afforded full weight.
- 10.6 Weight can also be afforded to emerging plans as a material consideration, that weight dependant on the stage of preparation, the extent of unresolved objections with the provisions of the NPPF 2019. The inspector's Report for Part 2 of the Local Plan has now been received with the inspector finding the modified plan sound. As such, significant weight can be afforded to the Plan as a material consideration.
- 10.7 Whilst Part 2 is afforded significant weight, there is still the need to deliver the Part 1 local Plan's housing supply trajectory. As Part 1 is part of the development

plan and takes primacy and the trajectories are afforded full weight, the overall balance is still firmly tilted to supporting sustainable housing to deliver the planned growth given that such development cannot be delivered within the development plan settlement limits derived from the 1999 Plan. This balance is set by paragraph 11 of the NPPF and the overall presumption in favour of sustainable development.

- 10.8 It is advised that the balance will change when Part 2 is adopted and assumes primacy alongside Part 1 of the Local Plan. However, it is considered Part 2 would not impact on this development as conversion schemes outside of settlement limits are supported in line with Policy S3 and S31 of the Local Plan Part 1.

## **11.0 Assessment**

### **Principle**

- 11.1 Given the detached location of the site from any settlement, the principle of housing can only normally be supported at this location as a conversion scheme in line with policies S31 and S3 of the Local Plan.
- 11.2 Policy S31 of the Local Plan encourages proposals that involve the conversion and reuse of redundant rural buildings in the open countryside. The policy details that the reuse of rural buildings located outside settlement limits as identified in the settlement hierarchy may be acceptable when:
- a) The scale of the development proposed is proportionate, taking into account the open countryside location;
  - b) Policies relating to access, parking and amenity can be satisfied without detriment to the building or its rural setting;
  - c) The proposal would not generate any significant increase of traffic on minor and/or unsuitable roads that would be prejudicial to highway safety.
- 11.3 A structural survey submitted with the application advises:-
- “The remaining barn walls are generally in an adequate structural condition. As noted the right hand gable has collapsed and needs rebuilt. The rear wall adjacent to the right hand gable has been damaged when the wall collapsed with a full height crack having formed adjacent to the corner. The internal walls which form the store to the left hand extent of the property are generally in a poor condition. The front wall to this structure is beyond repair and needs rebuilt. There is a slight outward lean to the rear wall however this is not significant.”
- 11.4 Comment has not been made on the condition of the roof structure or the supporting roof structure columns as these are to be replaced as part of the conversion.
- 11.5 In making recommendations the report identified that the collapsed right hand gable wall needs rebuilding and the new masonry taken around the rear corner

and retied to the existing, thus removing the structural crack apparent at the rear right hand corner. The front wall to the store building at the left hand end of the building also needs rebuilding. The report concludes “the barn is in an adequate structural condition. There are some limited areas of rebuild required, however we estimate this to be less than 15% of the overall existing masonry structure. It is our opinion that the barn is structurally suitable to be converted into a domestic property”.

- 11.6 There is a balance here to be made; in reality many barns result in this proportion of rebuilding. However, recognising that the new elements are necessary and a new range is proposed, the application has been advertised as a departure and brought before Panel in accordance with the Council’s Constitution.
- 11.7 Nevertheless, whilst not representing a conversion in its truest sense, officers consider that some rebuild and extending the building is the only way of viably preserving the structure. Such preservation is desirable as the barn has architectural and historical features of some note and is worthy of designation as a non-designated heritage asset. Historic maps illustrate the building has formed part of the wider landscape character since at least 1842.
- 11.8 Paragraph 197 of the National Planning Policy Framework states “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.
- 11.9 The features found on the barn on the application site can also be found at Daleside Farm that lie approximately 295m to the north east of the site. Therefore it is considered that the barn was originally used in association with the operation of this farm.
- 11.10 If the building is left in its current undeveloped state it will continue to deteriorate further, ultimately resulting in its loss. As such the proposal accords with the spirit of policy S31 and the principle can be supported.

### **Heritage, design, landscape and setting**

- 11.11 Policy S4 of the Local Plan seeks new developments to respond positively to the character and distinctiveness of the area whilst ensuring suitable standards of amenity are achieved for the proposed dwellings. Policy DM15 further requires a high standard of design when altering and/or extending existing buildings.
- 11.12 This is a lone building within an open landscape of panoramic views on the fringes of the Lake District National Park and World Heritage Site. It is clearly a legacy of enclosure and is associated with the farming of the improved grassland in the immediate environs. Beyond is the open, more untamed moorland of the fells. Although beyond the limits of the Lake District an inappropriate development here would have the potential to harm the enjoyment of those people taking in the views from the Uldale Fells within the World Heritage Site

Paragraph 184 of the NPPF states that these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

- 11.13 The original building is rectangular in form constructed from sandstone of simple form with minimal openings, which is a traditional construction for rural buildings of this age. The applicant has sought to retain the character of the existing building with no new openings proposed to the main structure but with the insertion of rooflights in the rear elevation. The design will reflect its original agricultural use with the existing open front elevation retaining the subdivision of the bays with glazing set in reveal. This is the most sensitive way of installing the glazing; the simple arcade of bays is retained.
- 11.14 The proposal includes a new build element to the scheme to accommodate a garage and workshop. The element is “separated” from the barn by a glazed link, thereby successfully retaining the legible extent of the original structure. The new build is also subservient in scale and location and the modernity contrasts appropriately with the traditional range. There is no cloying pastiche here. The detailing is also simple and plain, sensitively complementing the original’s agrarian character and appearance.
- 11.15 There are remnants of a former enclosure between the barn and the highway. The enclosure is marked by a limestone wall with cock and hen coping. It would have been desirable to retain this wall but examination reveals that it is structurally deficient and much of the alignment is missing altogether. The proposed block plan includes a post and wire fence demarcating the new boundary of the dwelling. This is acceptable in principle although it is reasonable to assume that there will be a desire for a more substantial enclosure in time, albeit one that will not block views. Some forms of enclosure, such as close boarded fences, would be completely inappropriate in this setting. A condition is therefore necessary to control future development.
- 11.16 Officers therefore consider the design elements of the scheme to be acceptable and comply with policies S4 and DM15 of the Allerdale Local Plan. This is subject to all permitted development rights being withdrawn to control future alterations and extensions which could, if uncontrolled, harm the significance of the asset and its setting.

### **Highway Issues**

- 11.17 There is an existing agricultural access to the front of the site directly from the highway. The applicant is proposing this access be utilised to serve the proposed dwelling. A garage will be provided on site with a drive and turning areas within the site to the front of the dwelling.
- 11.18 The highway verge to the front of the site has good sight lines and therefore there are no objections from a highway safety aspect in relation to visibility. The proposal is therefore considered acceptable in terms of highway safety subject to the inclusion of conditions.

## **Ecology**

- 11.19 The application has been accompanied by a Bat and Barn Owl Survey undertaken in May of last year. The report identified that no evidence of bats were found in the interior of the barn. No bat droppings, areas of grease or scratches were found in the building, nor any other evidence of bat presence. The report considered that the barn is likely to have low significance for bat species. No evidence could be found that bats were using the property and the surrounding habitat has limited potential for bats.
- 11.20 There is a barn owl box in situ but this is in use by breeding jackdaws and there is no evidence of barn owls having been present. No pellets, distinctive “white wash” droppings or feathers/down were found.
- 11.21 Officers consider the report has adequately considered the potential impact on protected species such as bats and owls with only mitigation proposed in relation to good working practises. The proposal is therefore considered to comply with Policy S35 of the Allerdale Local Plan.

## **Drainage**

- 11.22 The submitted information details that the site will be drained using a soakaway located in the rear of the building within the curtilage of the property. A treatment plant will be utilised for the disposal of the foul waste with outfall to a soakaway.
- 11.23 This form of drainage is considered acceptable in principle and a full drainage scheme can be conditioned. With regards to protection of the Groundwater Source Protection Zone it is considered a scheme can be achieved on the site which achieves the details covered within United Utilities comments.

## **Local Financial Considerations**

- 11.24 Having regard to S70 (2) of the Town and Country Planning Act the proposal will have financial implications arising from New Homes Bonus and Council Tax Revenue.

## **Other consideration**

- 11.25 The Environment Health Team have requested conditions be attached requiring a desk top study be undertaken in relation to possible radon at the site. This is a Building Regulations matter.

## **12.0 Conclusions**

- 12.1 The proposal will preserve a barn of historic and architectural quality within an open landscape setting. The development is sensitive to this landscape and the wider setting of the Lake District World Heritage Site. The limited rebuilding and extension are necessary to secure a viable proposal that will preserve this asset.

**RECOMMENDATION**

**A. The barn be recognised a Non Designated Heritage Asset**

**B. That the application be granted subject to conditions.**

## Annex 1

### **CONDITIONS**

#### **Time Limit:**

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

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

#### **In Accordance:**

- 2. The development hereby permitted shall be carried out solely in accordance with the following plans:  
027-SL BP Site Location Plan only  
028-30/PR EX EL BP FL Rev C Elevations/Block/Floors (amendment received 16 January 2020)  
Design, Access and Heritage Statement  
Bat and Barn Owl Survey  
Percolation Test Results and Soakaway Design  
Soakaway Calculations  
Structural Survey**

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

#### **Pre-commencement conditions:**

- 3. The development shall not be brought into use until visibility splays providing clear visibility of 215 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected or placed and no trees, bushes or other plants which exceed 1m in height shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before development of the site commences so that construction traffic is generated.**

Reason: To ensure an acceptable standard of highway access during the construction and operational use of the site, in compliance with the National Planning Policy Framework and Policy S2 and S22 of the Allerdale Local Plan (Part 1), Adopted July 2014.

4. **No development shall commence until a surface water drainage scheme, has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:**
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;**
  - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (If it is agreed that infiltration is discounted by the investigations); and**
  - (iii) A timetable for its implementation.**

**The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.**

**The approved scheme shall be fully implemented prior to the occupation of any of the dwellinghouses hereby approved.**

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in compliance with the National Planning Policy Framework and Policies S2 and S29 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**Other:**

5. **The works shall be implemented solely in accordance with the mitigation and compensation strategy outlined in Section E of the Bat and Barn Owl Survey dated 31 May 2019.**

Reason: To safeguard the habitat of bats in compliance with the National Planning Policy Framework and Policy S35 of the Allerdale Local Plan (Part 1), Adopted July 2014.

6. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A to E (inclusive) of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority upon an application submitted to it.**

Reason: The Local Planning Authority wishes to retain control over any proposed alterations/extensions in the interests of the preservation of the architectural and historical qualities of the building and its open countryside setting within view from public receptors within the Lake District World Heritage Site.

7. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no**

**development falling within Class A of Part 2 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority upon an application submitted to it.**

Reason: The Local Planning Authority wishes to retain control over any proposed alterations/extensions in the interests of the preservation of the architectural and historical qualities of the building and its open countryside setting within view from public receptors within the Lake District World Heritage Site.

**Advisory Note**

Highway works:

No works and/or any person performing works on any part of the Highway, including verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquiries should be made to Cumbria County Council Streetwork's team.

LLFA:

There is an ordinary watercourse running through the site, the applicant should contact out LFRM team for a consent should they propose to make any alterations or new connections to it.



