

ITEM 4(c)

Application Number: 18/02370/FUL

Description – Change of use of barn to provide one residential dwelling and associated garage, parking and garden areas

At 3 George Inn Place, Stoke Goldington, Newport Pagnell, Milton Keynes, MK16 8NW

FOR ISIS Builders Limited

Target: 20th November 2018

Extension of Time: No

Ward: Newport Pagnell North & Hanslope

Parish: Stoke Goldington

Report Author/Case Officer: Richard Edgington
Planning Officer

Contact Details: 01908 252346
Richard.edgington@milton-keynes.gov.uk

Team Manager: Nicola Thompson: nicola.thompson@milton-keynes.gov.uk

1.0 RECOMMENDATION

It is recommended that permission is refused for the reasons set out at the end of this report.

2.0 INTRODUCTION

The Site

2.1 The application site is an outbuilding situated within the village of Stoke Goldington. The existing barn lies on the edge of the settlement boundary, adjacent to allocated as 'Open Countryside' within Milton Keynes' adopted Local Plan (2001-2011). The site has been granted planning permission for the barn conversion and associated works under planning application 17/02230/FUL.

The Proposal

2.2 The application seeks permission for the conversion of the existing barn to for a two bedroom residential dwelling and associated works including the conversion of land designated within the open countryside as private amenity space to serve the proposed dwelling.

Reason for referral to committee

- 2.3 The application has been referred to committee at the request of Councillor A Geary.

3.0 RELEVANT POLICIES

3.1 National Planning Policy Framework (2018)

Paragraph 14 - Presumption in Favour of Sustainable Development
Section 12 - Achieving Well-Designed Places
Section 13 - Protecting Greenbelt Land
Section 15 - Conserving & Enhancing the Natural Environment
Section 16 - Conserving & Enhancing the Historic Environment

3.2 Relevant Planning Legislation:

Planning (Listed Buildings and Conservation Areas) Act 1990:

Section 66 - General duty as respects listed buildings in exercise of planning functions.

Section 72 - General duty as respects Conservation Areas

The Development Plan

3.3 Neighbourhood Plan

Once a Neighbourhood Plan has been agreed at a referendum and is made (brought into legal force) by the local planning authority, it becomes part of the local planning authority's development plan as an official development plan document which carries statutory weight. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. If a policy contained in the development plan for an area conflicts with another policy in a development plan, the conflict must be resolved by the decision maker in favour of the policy which is contained in the latest document to become part of the development plan.

Neighbourhood Plans therefore form part of the development plan for the relevant area. They will necessarily be in general conformity with the strategic policies contained in the development plan for the area. If they are the most recent document to become part of the development plan, they will attract statutory priority. Neighbourhood plan policies will also take precedence over non-strategic development plan policies where there is conflict.

There is no neighbourhood plan for this area.

3.4 Local Policy:

Milton Keynes Core Strategy (2013):

CS13 - Ensuring High Quality, Well Designed Places

CS19 - The Historic and Natural Environment

Milton Keynes Councils' adopted Local Plan:

D1 - Impact of proposals on locality

D2 - Design of Buildings

H7 - Housing on unidentified sites

S10 - The Open Countryside

T15 - Parking provision

HE5 - Development affecting the setting of a listed building

HE6 - Conservation Areas

NE2 - Protected Species

NE3 - Biodiversity and Geological Enhancement

3.5 Supplementary Planning Guidance:

Milton Keynes' Residential Design Guide (2012)

Milton Keynes' adopted Parking Standards SPD (2016)

3.6 Supplementary Planning Documents

Milton Keynes' adopted Residential Design Guide (2012)

Milton Keynes' adopted Car Parking Standards SPD (2016)

3.7 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

4.0 MAIN ISSUES

- Principle of Development
- Highways & Parking Considerations
- Impact on the Character of the Open Countryside
- Design
- Impact on Residential Amenity
- Impact on a Listed Building & Conservation Area

5.0 CONSIDERATIONS

Principle of Development

- 5.1 In accordance with the National Planning Policy Framework 2018, Milton Keynes Council's policy CSA of the Core Strategy 2013 states that; when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

5.2 Planning applications that accord with the policies in this Local Plan (and where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise. In this instance the principle of development for the proposed dwelling and previous application site is acceptable under Saved Policy H7. The principle of H7 has been demonstrated to be acceptable in this instance; hence the dwelling currently has full planning consent.

5.3 However, this application also seeks permission for the conversion of land designated within the 'open countryside'. Given this proposed change to the land use, the principle of development for this aspect within the open countryside is considered unacceptable due to the proposal being contrary to Saved Policy S10 of the adopted local plan which states that;

'The open countryside is defined as all land outside the development boundaries defined on the Proposals Map. In the open countryside, planning permission will only be given for development that is essential for agriculture, forestry, countryside recreation or other development which is wholly appropriate to a rural area and cannot be located within a settlement'.

5.4 Saved Policy S10 is also supported by the revised National Planning Policy Framework 2018 which highlights that 'Inappropriate development is, by definition, harmful to the Green Belt [and designated countryside] and should not be approved except in very special circumstances'. The criterion for exceptional circumstances includes;

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 5.5 The previous planning application (18/01245/FUL) presented no evidence or case that would present any circumstances which would form exceptions to adopted local and national planning policy. Indeed the previous application stated that the amenity space provided under the approved planning application is considered acceptable as the development lies within the settlement boundary. However, the proposed extension of amenity space outside of the settlement boundary is the point in which the development is considered unacceptable. Furthermore, the previous report acknowledged that whilst there is no building development proposed, the character of the land would still be altered both via the provision of landscaping, and associated maintenance required to enclose the land and due to the activity and paraphernalia associated with domestic residential use. The conversion could also allow for small amenity-space development to take place within the open countryside, which would be considered harmful.
- 5.6 In conjunction, Saved Policy D1 of the Milton Keynes Local Plan 2001-2011 considers the impact of development proposals on locality. Which states that; 'Planning permission will be refused for development that would be harmful and cause an 'unacceptable visual intrusion'. As per the previous application, it is considered that the cumulative visual impact of both the enclosure of the land and the paraphernalia related with the domestic residential use of it would represent a visual intrusion not associated with the current use of the land. These changes to the character and appearance of the land would therefore represent a visual encroachment into the open countryside which would be harmful to its appearance and character. It would therefore be unreasonable to conclude that the proposals are a 'wholly appropriate' form of development in the open countryside.
- 5.7 Whilst it could be argued that due to the relatively small area of land in question this harm would be fairly limited, the application should demonstrate clear need and justification to outweigh this harm. The use of planning conditions to mitigate against the potential harm to the open countryside caused as a result of allowing the proposed re-designation of this area of land has been considered. Whilst conditions could be used to remove permitted development rights ensuring control over future extensions to the property being constructed, conditions could not control the visual impact arising from the physical subdivision or potential impact of residential paraphernalia being located on the area of land.

Highways & Parking Considerations

- 5.8 The proposed parking arrangement for the dwelling includes two allocated spaces, this complies with the requirements within Zone 3 of Milton Keynes' adopted Car Parking Standards SPD (2016). This parking arrangement has also been granted planning permission.

Parking Standards Requirement - Zone 3		Provided	
Allocated	Unallocated + tandem	Allocated	Unallocated + Tandem
2	0.5	2	0.5
2.5 spaces required		2.5 spaces provided	

There have been no third party or highways objections to the parking layout, as such the arrangement is considered to comply with Part (vi) of Saved Policy D1 and Saved Policy T15 of Milton Keynes' adopted Local Plan (2001-2011).

Impact on the Conservation Area

- 5.8 The application site falls within Stoke Goldington Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Recent cases in the High Court of Appeal have placed emphasis on Local Planning Authorities ensuring that great weight is attached to these duties. Saved Policy HE6 of the Milton Keynes Local Plan 2001 - 2011 and Core Strategy Policy CS19 reflect the aforementioned duty and require development proposals to protect and enhance the significance of the Borough's heritage assets. Section 12 of the National Planning Policy Framework also seeks the conservation and enhancement of the historic environment.
- 5.9 To facilitate the conversion of the barn to residential use the application proposes the creation of an area of residential amenity space fronting the existing barn (to the South-East elevation), again, this parcel of the land associated with this application has been given consent. This land also seeks to provide access and car parking, a garage/car port. The proposed garage/car port features a cart shed style design and would be constructed in oak with clay roof tiles. This is considered to be sympathetic to the character and appearance of the conservation area, and has already been approved under a previous application. The proposed hard surfacing forming a combination of gravel and block paving does not give rise to any concerns relating to its appearance.

Design

- 5.10 In assessing the proposed development in design terms. Milton Keynes' adopted Residential Design Guide articulates that 'rural villages have their own locally distinctive vernacular character. Any new development within these villages should respect the existing character of the settlement'. This objective is supported by policies D2A of Milton Keynes' adopted local plan which requires development proposals to;
- (i) [Be in] character in townscape and landscape by identifying and reinforcing better quality and locally distinctive design elements,
 - (ii) [Have a] continuity of street frontage and enclosure of space by clearly defining public and private areas and locating main building entrances on the street,
 - (iii) [Provide] quality public realm consisting of spaces and streets that are accessible, attractive, well related to and overlooked by buildings providing natural surveillance, with active ground floor uses along main streets and with parked vehicles not being visually dominant,

- (v) [Ensure] Legibility by providing recognisable streets, junctions and landmarks to help people to find their way around, and;
- (vi) [Provide] adaptability of buildings and spaces, capable to use by a range of activities in response to changing conditions.

5.11 As per the previous applications, the proposals are deemed to be largely in character with the local area. The proposed glazing is located in existing gaps within the facade and are of a style that does not detract from the original agricultural use. Furthermore, the new rooflights are to be of a conservation style and the proposed porch comprises of significant glazing with complimentary stone, to match that of the existing dwelling. Further to being in character, the proposal also satisfies parts ii, iii and v by being located within a sustainable location in George Inn Place. The immediate vicinity consists of a range of converted agricultural buildings arranged on a private driveway.

Impact on Residential Amenity

5.12 Saved policy D1 (iii) of the Milton Keynes Local Plan 2001 - 2011 states: "Planning permission will be refused for development that would be harmful and result in unacceptable visual intrusion, loss of privacy, sunlight and daylight". The proposed conversion would not have any significant adverse impact on the amenity of neighbouring residential properties. The existing structure sits on the boundary with the neighbouring dwelling 'Thundridge', however the building does not feature any openings facing the neighbouring property and no new openings are to be created in this elevation. Whilst the proposed conversion would result in the intensification of the use of the building, this impact in terms of noise and disturbance is considered to be minimal. The proposed citing of the detached garage/carport is acceptable with regard to the impact on neighbouring properties, and has already been granted under a prior planning application.

Other matters

5.13 None.

6.0 CONCLUSIONS

6.1 In conclusion, the application is considered to contravene adopted local policy and the criterion presented within National Planning Policy Framework (2018), the application is therefore recommended for refusal for the reasons at the end of this report.

7.0 REASONS FOR REFUSAL

1. By virtue of the visual intrusion associated with the use of the area of land for residential purposes, the proposals represent an inappropriate form of development which would be harmful to the appearance and special character of the open countryside. The proposals therefore fail to comply with Saved Policies S10 and D1 of Milton Keynes' adopted Local Plan (2001-2011).

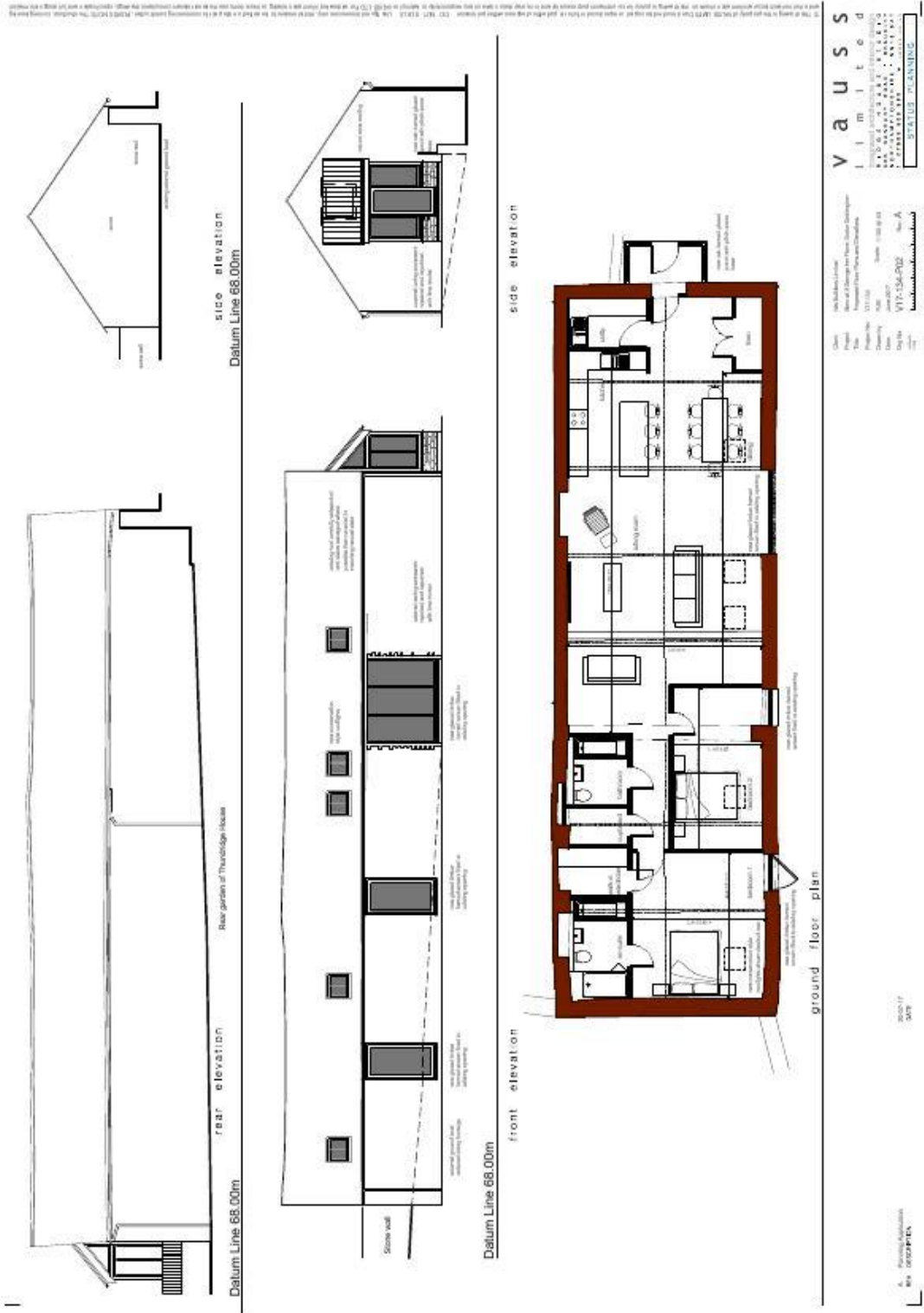
Site Location Plan (As Proposed)



Site Location Plan approved under 17/02230/FUL

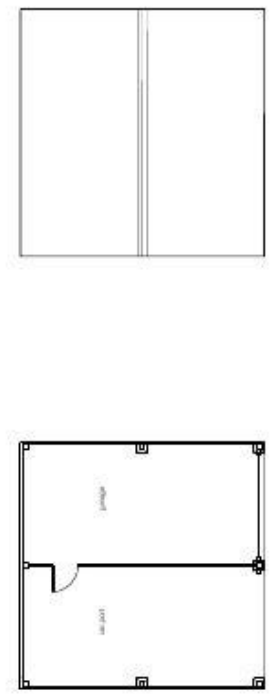
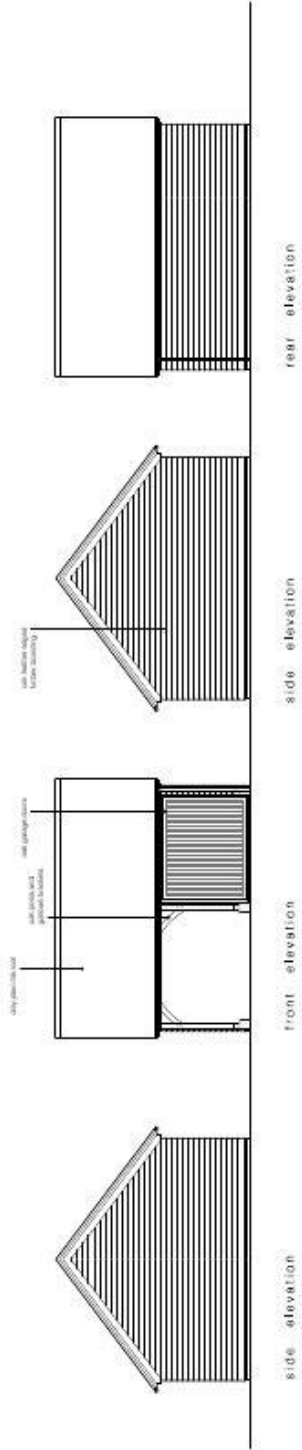


Approved Plans (As proposed with this application)



Approved Plans (As proposed with this application)

Information is provided for your information. It is not intended to constitute an offer of insurance. The information is provided for your information only. It is not intended to constitute an offer of insurance. The information is provided for your information only. It is not intended to constitute an offer of insurance.



V A U S S
L I C E N S E D
 ARCHITECTS
 2100 N. 10TH AVENUE, SUITE 100
 DENVER, CO 80218
 (303) 733-1111

Client: Mr. & Mrs. Smith
Project: New Single-Family Residence
Address: 1234 Main Street, Denver, CO 80202
Permit No.: V17-184-005
Sheet No.: 1 of 1

DATE: 08/15/2017

A. P. COMPANY
 ARCHITECTS

Appendix to 18/2370/FUL

A1.0 RELEVANT PLANNING HISTORY

18/01245/FUL - Change of use of barn to provide one residential dwelling and associated garage, parking and garden areas. Refused 20.07.2018

18/00333/FUL - Change of use of land alongside 3 George Inn Place to garden land associated to planning approval 17/02230/FUL. Refused 12.04.2018

17/02230/FUL - Change of use from barn to 1 x 2 bed dwelling house (use class C3) and construction of garage, parking and garden areas. Permitted 31.10.2017

14/01561/FUL - Conversion and single storey extension of existing barn into residential dwelling (Resubmission of withdrawn application 13/02455/FUL). Refused 09.09.2014

13/02455/FUL - Conversion and extension of existing barn into residential dwelling. Withdrawn 05.02.2014

A2.0 ADDITIONAL MATTERS

None.

A3.0 CONSULTATIONS AND REPRESENTATIONS

- A3.1 Newport Pagnell North & Hanslope - Councillor A Geary
Requested the application to be determined by Development Control Panel should the application be recommended for refusal.
- A3.2 Newport Pagnell North & Hanslope - Councillor Green
No comments received.
- A3.3 Newport Pagnell North & Hanslope – Councillor Patey-Smith
No comments received.
- A3.4 Stoke Goldington Parish Council
No comments received.
- A3.5 MKC Highways Officer
No comments received.
- A3.6 Public Representations
No third party representations have been received.