

## Combroke Parish Council

### Consultation for Planning Application 19/02056/FUL

**Proposal:** Replacement of existing mixed use building (part residential and part agricultural) to a single dwelling incorporating the existing steel frame on the site

**at:** The Tree Place, Combrook, CV35 9HP1.

The application was discussed at the Parish Council Meeting on 9 September 2019. Other opportunities have been made available for residents to view the application documents.

### Representation

The Parish Council is objecting to the application on the following grounds,

- the proposed access is inadequate to meet the required standards for the Fire Service;
- the proposed visibility splays at the public highway cannot be achieved;
- compared to the existing uses, it is likely that the development proposals will generate an increase in vehicular trips, which will in turn intensify the use of the below standard access, at the detriment to public highway safety;
- the proposed new dwelling is substantially larger than the dwelling it replaces; and
- this development in open countryside is not sustainable.

#### 1. Introduction

- 1.1. The Certificate of Lawfulness identifies a small dwelling within the agricultural barn, located at the land edged blue on the submitted plans known as The Tree Place. This land is situated beyond the northeast boundary of the village in open countryside.
- 1.2. The settlement of Combrook and surrounding countryside lies within the Feldon Parkland Special Landscape Area. Policy CS 12 protects SLAs by resisting development proposals that will have a harmful effect on the distinctive character and appearance of the SLA.
- 1.3. Since the 1990s tree planting on this field (edged blue) has contributed a substantial tranche of trees in the landscape at this location. The Planning Authority might therefore wish to consider consulting with experts in Tree Management and Protection as well as those advising on local wildlife habitats, who may not be aware of The Tree Place from the existing County and District established habitat mapping. (CS 6)

#### 2. The existing dwelling

- 2.1. This is constructed within the agricultural barn which is a long established feature at the field edge. The open plan living accommodation amounts to a floor area of 54m<sup>2</sup>. The adjacent lock-up store of 27m<sup>2</sup> is accessed within the barn but outside the 'accommodation unit'.

#### 3. The Proposed Plans

- 3.1. The proposed plans (Ref 2018 03 11 / July 2019) describe the proposal as a '*Barn Conversion*' as does the Application Form which suggests it will '*incorporate the existing substandard dwelling*'. This description of Barn Conversion is misleading. In response to a recent Appeal on this site the Inspector's Report stated, on the matter of a possible barn conversion, 'The evidence before me does not provide any details of how the proposal would satisfy the criteria that is applied to such conversion'. Similarly the Design and Access statement is misleading in suggesting '*the application is for the change of use of part of the existing building...*' and to '*retain the appearance of the barn within its setting and*

*effectively refurbish the existing structure' - and 'utilise the internal volume of the existing structure'.*

- 3.2. It is quite clear this existing barn is not for retention. The application is proposing the use of the 'existing steel framework'. Even this is unlikely to meet the structural standard required for a new dwelling ~an earlier Delegated Report (18/03788/FUL) indicates 'the existing building is not considered suitable for retention'
- 3.3. Accordingly, it is considered this proposal and plans for a new dwelling should be assessed on their own merits in relation to Policy.
- 3.4. The NPPF Paragraph 79 provides 5 criteria to identify the circumstances in which isolated homes in the countryside might be acceptable. Whilst the previous use of part of the barn for accommodation was not regulated, it did at least comprise a live-work arrangement. This utilised the remaining part of the barn and land to support a horticultural enterprise, which might have been given consideration under Paragraph 79 (a). No such proposals are indicated in this application which is described as a '*modern family home*'.
- 3.5. It is noted Paragraph 79 at (c) states, '*the development would re-use redundant or disused buildings...*'; the emphasis is '*re-use*'. It does not include "re-build" -or perhaps a "fresh build in a mock barn style" would be a more apt<sup>2</sup> description for this proposal.
- 3.6. The NPPF also clarifies, within its Glossary of Terms, that the planning meaning of '*previously developed land*', as used in the submitted Design and Access Statement, *excludes* land occupied by Agricultural Buildings.. etc. This chimes with the Appeal Inspector's comments that the barn, although "*somewhat run down*" is, '*part and parcel of a farmed landscape... and does not look out of place.*'
- 3.7. The opinion of a Planning Inspector regarding another agricultural site within the parish also remains pertinent advice today: '*I do not consider that the existing visual harm to the landscape [ie. that caused by dilapidated -or run down- buildings and other detritus] could only be mitigated by the grant of a planning permission [i.e a fresh build]*' .
- 3.8. However, the Planning Authority's Core Strategy, particularly AS10 and CS20, provide further local options for proposals in open countryside. AS10 (f) does provide for the replacement of an existing dwelling, which is what is proposed here. And, as stated in an earlier Delegated Report, Policy CS20 places proper controls upon such a replacement building: '*Where the existing dwelling is not considered suitable for retention, the replacement dwelling will be well sited in relation to the existing site, not visually intrusive and not significantly larger than the dwelling it replaces*'
- 3.9. But for this application, the proposed replacement dwelling is significantly larger. The proposed living accommodation is four times the footprint of the existing living accommodation, and similarly the loft space beneath the roof could accommodate substantially more than the existing lock up storage. There is no real justification for this large barn style dwelling which it is out of all proportion to the modest accommodation granted the lawful certificate.
- 3.10. The design and access statement suggests that this proposal will provide a modern (4- 5 bedroom) '*family home for the future*' and a '*valuable addition to the current housing stock*'. There are already several 4- and 5- bed dwellings in Combrook on the property market for over two years illustrating that there is not a great deal of local need for property of this size.

3.11. In the view of the Parish Council this proposal, four times larger than the existing dwelling, is not sustainable development and it is unacceptable in isolated open countryside.

#### 4. Access Drive and Visibility Splay

- 4.1. Access to the highway is by private right of way over an agricultural field track, which serves the adjacent field to the west of the site. The field abuts the public highway. Neither field nor track is in the ownership of the applicant. This is not an *'existing gravel access driveway'* as asserted in the submitted plans. It is a simple field track -largely bare ground/with some vegetation and along which wheel tracks have been established over centuries. One or two deep ruts in the track have been infilled with stones over time, and spare gravel spread over the track in places. There is no constructed drainage. This will not meet the standard specification of the Highway Authority that requires an access shall be *'hard surfaced and drained'* and that *'within 7.5m of the highway it shall be surfaced with a bound material'*.
- 4.2. The application and plans state that at the highway, *'the existing access will be retained with no changes.'* This does not meet the above requirements and it will not meet health and safety requirements for a new build home ~nor even for the process of its construction.
- 4.3. The most **significant health and safety concern is that of access for the Fire Service**. There is a very limited turning circle at this access with the highway. Measures made at the lane and on the access indicate that the maximum turning circle achievable at present is no more than 7m radius, including both the width of the carriageway and that available on the access track at the junction with the highway. The published advice of Warwickshire Fire Service suggests that this is well below the turning circle required for a Fire Service Appliance. Furthermore the width of the access track along its length is 2.5m wide - the Fire Service specify 3.7m.
- 4.4. Another serious concern are the visibility splays at the highway. The submitted drawings indicate that 2.4m x 120m visibility splays are available in both directions and suggests that even more can be achieved. The reality is that the drawings are two dimensional, ignore the roadside topography and fail to take account of the steep bank from the carriageway to the adjacent fields. Along the stretch of lane towards Combrook the height of the bank rises from about 0.6m to well over 1.5m This reflects the valley setting of the village and the path of the lane which is cut into the valley side.
- 4.5. So at the access of the field track with the highway, there is a steep bank plus vegetation. This is already higher than 0.6m and rises along the lane. This blocks visibility.
- 4.6. This access is well outside the 30mph speed limit designation through the village. The substandard access at the lane, will not only affect the new residents of this proposed family dwelling, it affects other road users too -in particular our village community. The former owner used a high pick-up truck, and even then would have had some difficulty ensuring a safe turn at the lane. Their use of the barn/dwelling as a live/work horticultural business generated not many more trips than their earlier sole agricultural activity on this site. This proposal for a new larger family dwelling has potential to *significantly increase the intensity of use* of this access which does not meet highway safety standards.



- 4.7. At a village meeting to consider application 18/03788/FUL for this site, residents raised the matter of road visibility as a real concern. Residents know and regularly use this stretch of road: the slight bend in the narrow lane together with the high bank to the field reduces the visibility considerably.
- 4.8. New owners have a right to expect a new property meets the current regulatory standards for health and safety.



- 4.9. To achieve the Fire Service access needed and visibility splays required will take significant engineering works to re-profile the access track and the bank along this stretch of lane. The lane forms the boundary of the Conservation Area. The Parish Council is of the view that such engineering works to the roadside along this lane will likely be highly detrimental to both the character of the Conservation Area and Feldon Parkland Special Landscape Area - such characteristic features as exist on this rural lane arising from the valley setting of the settlement, are well documented<sup>3</sup>.
- 4.10. The agricultural land adjacent the roadside and access track to the site is not in the ownership of the applicant and therefore the permission of the landowner will be required for any new works. There is no evidence from the applicant that such permission will be forthcoming. Without the prospect of such permission this application must be refused.
- 4.11. It is difficult to imagine the Agent and Architect have ignored these critical access issues in two applications for the site. The Parish Council is of the view that any application for this site must include a topographical survey of the lane and access with proposals to:
- clearly demonstrate how the required access for the Fire Service and the proposed visibility splays can be achieved (refer Local List & Supporting Information ); and,
  - enable the impact on the character of the Conservation Area and SLA to be assessed.
- 4.12. Given the above matters it is considered imperative that, **for any planning permission approved on this site, the access must be upgraded as a pre-commencement condition before any development work begins on the site.** Also given the sensitivity of this site in open countryside, it would be expected **permitted development rights will be removed.**

## 5. In Conclusion

For all the above reasons the Parish Council is objecting to this application. In summary,

- the proposed access **does not meet the requirements of the Fire Service;**
- the proposed visibility splays from the access at the junction with the highway, as depicted in the application, cannot be achieved;
- it is highly likely the proposals will intensify the use of this below standard access, at the detriment to public highway safety;
- the proposed new dwelling, in open countryside, will be significantly larger than the existing lawful dwelling it replaces.

(NPPF 108,109, 7, CS26, AS10, CS20, CS9, CS1, CS5)

## Notes

<sup>1</sup>Please note the use of "Church Hill" in the address is incorrect. The formal Post Office Address assigned is: The Tree Place, Combrook, Warwick, CV35 9HP. Refer <http://www.postoffice.co.uk/postcode-finder>.

<sup>2</sup> Mr Justice Green in the case of *Hibbitt and another v Secretary of State (CLG) and another* (2016) EWHC 2853, suggested 'fresh build' is a more apt term than "rebuild" which seems to assume the existing building is being "re" built in some way.

<sup>3</sup> Refer SDC ED4.11.2 Special Landscape Areas Study (2012):  
chap 8 Feldon Parkland - Statements of Importance  
In which Combrook is used as an example in several paragraphs, including a landscape photograph taken from this lane.