

Combroke Parish Council

Consultation for Planning Application 18/03788/FUL

Proposal: Change of use of part of the land from agricultural to domestic curtilage, demolition of existing barn /dwelling and construction of replacement dwelling (*also construction of a garage/outbuilding*).

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

The application was discussed at the Parish Council Meeting on 22 January 2019. Other opportunities have been made available for residents to view the application documents, including a Village Meeting. Fifteen residents have made comments during this process, there is an overwhelming view that the Parish Council should object to this proposal.

Representation

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 their distinctive character and appearance.
- 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. Change of Use of Agricultural Land

- 2.1. The proposed change of use will increase the domestic area of garden land to be *double*² the size identified under the lawful development certificate. There is no good reason for such an incursion into agricultural land. (AS10)

3. The existing dwelling

- 3.1. This is incorporated within the agricultural barn which is a long established feature at the field edge. The open plan living and sleeping accommodation amounts to a floor area of just 54m². The adjacent lock-up store of 27m² is accessed *within* the barn but outside the 'accommodation unit'.

4. The Proposed Dwelling, Garage and Parking Area

- 4.1. This proposal will create a significant swathe of built area in open countryside. The proposed dwelling has a height of 9m to the ridge and 5m to the eaves. It will be visible from the highway through and above the boundary trees and will create a substantial massing well above that of the existing barn which is just 5.5m to the ridge and 4.1m to the eaves. It will also be visible from nearby footpaths. Placed away from the existing

¹Please 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>.

² Refer Appendix 1 for the plan superimposed with square measures

location of the barn at the field edge, its position is detrimental to the countryside character of The Tree Place (land edge blue on the submitted plans). (CS9, CS5 CS12)

- 4.2. The total floorspace for the proposed dwelling is 460m², which is over eight times the floor area of the existing dwelling at 54m². There is no justification for this. It is also double the total floor area of the barn. (CS20)
- 4.3. The proposed garage building is 6m to the ridge, 3m to the eaves. Its ground floor area amounts to 84m². It is of note that this proposed outbuilding is about the floor size of the existing living accommodation together with the lockup store within the barn ~and might have been considered by itself an appropriate replacement for it.
- 4.4. This application is for a substantial 5-bed dwelling with an additional outbuilding as garaging and ancillary accommodation. Located in open countryside it will be harmful to the distinctive character of the landscape in this area designated as a Special Landscape Area. It bears no relationship to the existing single bed / living accommodation, for which it is proposed to be a 'replacement', nor the original barn. (CS9 CS20 CS5 CS12)
- 4.5. In the view of the Parish Council this is not sustainable development, and is out of all proportion to the modest dwelling granted the lawful certificate. 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.

5. Access Drive and Visibility Splay

- 5.1. The application implies that there is already a stone access drive between the highway and the site. The current informal access is a simple field track where some spare stone has been used to infill the worst ruts over the years. This will not meet the specification of the Highway Authority's conditions which include requirements that the access shall be 'hard surfaced and drained' and that within 7.5m of the highway it shall be 'surfaced with a bound material'.
- 5.2. The access is across land which is not in the ownership of the applicant and therefore the permission of the landowner will be required for such works. It is considered to be of the utmost importance 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.
- 5.3. **A significant concern is the visibility splay.** Given the submitted plans, the Highway Authority may not have deemed a site visit necessary to determine the suitability of the proposed splays in its initial response to the application. The submitted plans suggest there is an ample visibility splay. **This is not the case.** The plans show only two dimensions and fail to take account of the steep bank from the highway to the adjacent field. The height of the bank rises from *about*³ 0.6m to well over 1.4m along the stretch of lane towards Combrook. In the light of this, it is suggested that the Highway Authority response to this application will need to be reviewed.
- 5.4. Speed is derestricted on this section of the highway and the proposed access to the highway requires a safe visibility splay if a new development is to be approved. If any application for development on this site is to be recommended for approval the Parish Council *is requesting* that a site meeting be arranged with the Highway Authority at which the Parish Council would wish to be represented.

³ The line of visibility must be free of obstructions above the the height of 0.6m



- 5.5. The above photograph was taken from a car positioned to turn onto the lane from the proposed access. It shows that the required visibility splay is not met. This will be significantly worse in the summer months with the added height of a hay crop or any other crop on this field.
- 5.6. In the view of the Parish Council it would take significant engineering works to re-profile the bank along this stretch of lane to achieve the required visibility splay. This would clearly be highly detrimental to the character of the Feldon Parkland Special Landscape Area - such features arising from the valley setting of the settlement are well documented⁴.

6. "Fall-back Position"

- 6.1. The application planning statement makes reference to a 'fall-back position', to convert the barn under Permitted Development class Q. It appears to be described as a justification for *this* proposal.
- 6.2. However, the Parish Council is not clear whether the existing barn meets the criteria for Permitted Development under class Q:

First, it is understood that **development is not permitted** by class Q, under Q.1, *if*

(a) the site was not used solely for an agricultural use as part of an established agricultural unit (i) on 20 th March 2013 ...'

- quite clearly this barn was not used solely for an agricultural purpose in 2013 because part of it had been converted and was in use as a dwelling at that time.

Secondly, the applicant has described the existing dwelling inside the barn as 'not up to modern standards in terms of build quality', furthermore the Officer's Report for application 18/ 02769/LDE describes the interior of the barn divided into two areas -the first with '*light weight walls and roof*' over the ground of '*bare earth*'. Given these descriptions it is not clear whether development is permitted under class Q(b) if the building operations that are required to convert the building exceed the operations described in Q1 (i) parts i and ii. No doubt Building Control Inspection will be able to advise on it.

The Parish Council will look forward to learning Officers' clear interpretation and reasoning on the above matters.

⁴ Refer SDC ED4.11.2 Special Landscape Areas Study (2012): chap 8 Feldon Parkland statements of importance ~ Nb Combrook is used as an example in several paragraphs, including a landscape photograph taken from this lane.

- 6.3. If the applicant is deemed to have rights under permitted development to convert the barn, then in the view of the Parish Council such barn conversion would be less harmful to the character of the countryside and its landscape than the proposed scheme for the reasons described in Section 4.
- 6.4. It is noted that the existing lawful dwelling appears not to meet current standards for habitation and that the applicant has been advised that a planning permission may be required should significant works be carried out in order to continue the lawful residential use of part of the barn building.

7. **In Conclusion**

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

- The additional change of use of land is not merited and, it will be detrimental in the open countryside and within a landscape area to be protected for its special qualities. (AS10, CS15, CS5, CS12,)
- The proposed development is out of all proportion both to the existing dwelling and the barn. It will be harmful to the distinctive character and appearance of the countryside. (CS 20, CS 5 and CS12, CS9)
- The current informal access will need to be brought up to the standards required by the Highway Authority for the proposed development to be brought into use. The application does not identify the construction work required on the land providing the access and which is in separate ownership. The standard for a visibility splay at the highway is not met.

Note: all measurements stated in the above representation have been measured and scaled from the submitted plans.

31 January 2019

Appendix 1

Using the applicant's submitted depiction of the "lawful area" which may not be accurate.

A simple comparison of unit square areas demonstrates that the proposed area of land for change of use will be just slightly more than the total area identified in the lawful certificate

