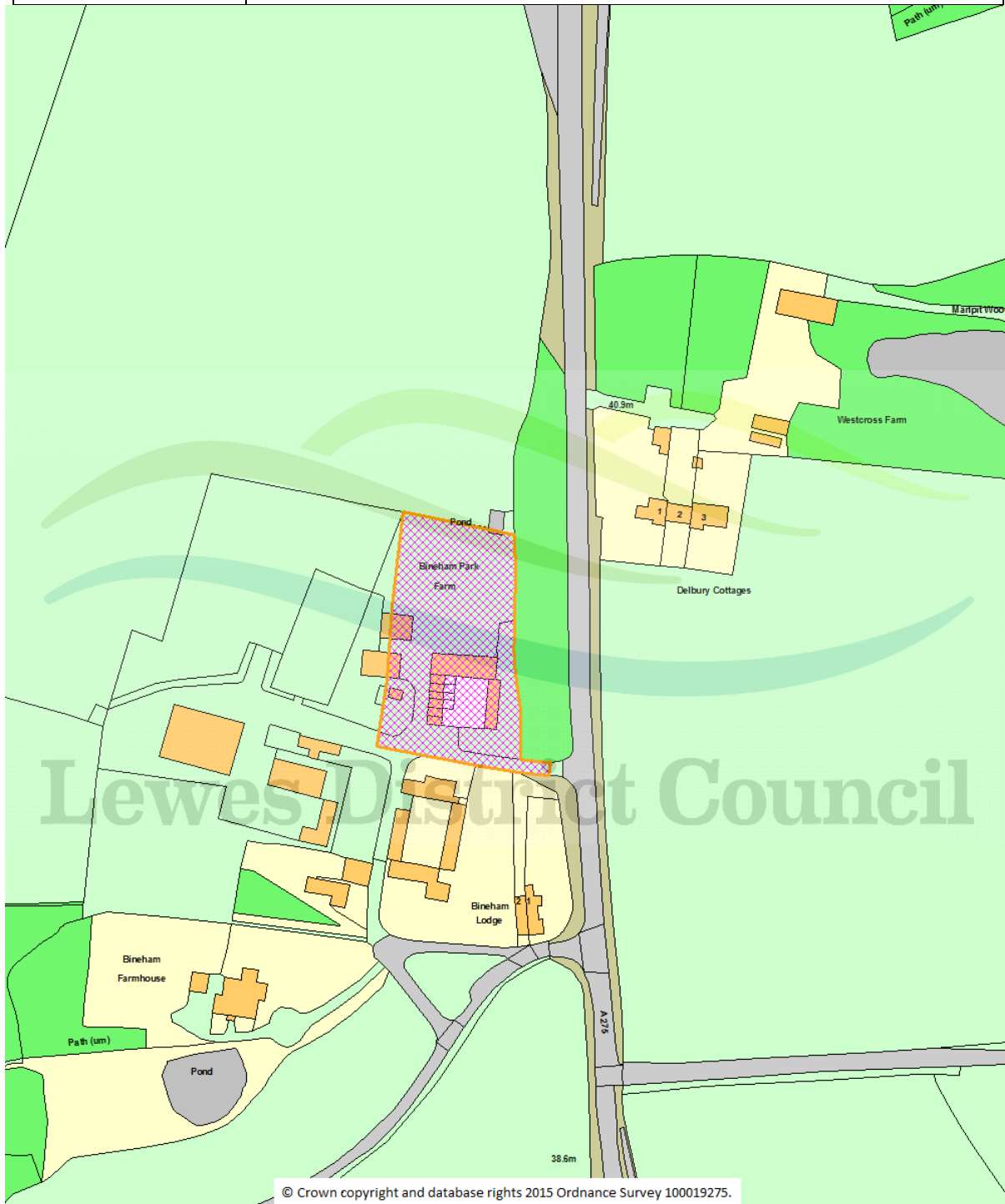


APPLICATION NUMBER:	LW/16/0782	ITEM NUMBER:	8
APPLICANTS NAME(S):	Mr K Baker	PARISH / WARD:	Chailey / Chailey & Wivelsfield
PROPOSAL:	Planning Application for Section 73A Retrospective Application for the rebuilding of the barn and conversion of stables to a single dwelling house and demolition of lean to		
SITE ADDRESS:	Bineham Park Farm East Grinstead Road North Chailey East Sussex BN8 4DD		
GRID REF:	TQ 39 20		



1. SITE DESCRIPTION / PROPOSAL

1.1 The application property forms part of the wider complex of buildings known as Bineham Park Farm, which is located on the western side of the A275 just to the south of Beggars Wood Road. The site is located on the crest of a hill and is visible from Beggars Wood Road, but is well screened from the adjacent highway. The original complex of buildings surrounded a small courtyard to the south which faced onto the access track which serves the main farm and collection of other residences. To the rear is located a much larger area of hardstand and two further buildings, currently used for storage.

1.2 The application site is located to the north of the existing access road within the site. The buildings formed a U shaped group of buildings with a large timber framed and clad barn to the north with lower stable wings to the east and west. This barn has permission for its change of use to B1. In 2012 an application was submitted to convert the barn and the south facing wings into a single dwelling house (LW/12/0401). The current proposal is to rebuild the barn with a higher ridge and eaves height than the original structure, and some additional windows.

2. RELEVANT POLICIES

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – ST03 – Design, Form and Setting of Development

3. PLANNING HISTORY

LW/16/0868 - Amendment to planning approval LW/15/0066 for a new design to the approved house and garage -

LW/16/0641 - Non-material amendment to application no: LW/15/0066 to formally add the plans as condition no: 16. The original planning decision (LW/15/0066) relates solely to the plans listed below, Reason: For the avoidance of doubt. - **Approved**

LW/16/0568 - Variation of condition 16 (plans) attached to planning approval LW/15/0066 to amend the design of the approved house - **Not Proceeded With**

LW/16/0505/CD - Discharge of condition 13 relating to planning approval LW/15/0066 - **Split**

LW/16/0399 - Variation of Condition 7 (plans) of Planning Approval LW/12/0401 (Removal of storage buildings and hard standing and conversion of barn and stables to a single dwelling house and garage) to reflect the amended scheme (part retrospective) - **Withdrawn**

LW/15/0957 - Raising of ground to help with drainage - **Not Proceeded With**

LW/15/0578 - Amendment to Planning Approval LW/15/0106 to modify extension roof and enlarge window to south elevation. - **Approved**

LW/15/0433 - Erection of a steel portal framed structure with part height brick base and timber cladding above to roof level with profiled metal sheet roofing - **Details not Required**

LW/15/0329 - Amendment to LW/12/0401 for changes to position and size of windows and doors -

LW/15/0066 - New dwelling to replace mobile home, change of use of barns from storage/distribution use to agricultural/equestrian use, removal of various barns/outbuildings currently in plant maintenance/office/storage use, return offices to stables and retain building as estate office - **Approved**

LW/15/0027/CD - Discharge of conditions 1, 2 and 5 relating to planning approval LW/12/0401 - **Approved**

LW/13/0768 - Section 73A retrospective application for the continued use of the annexe known as Bineham Park Farm Bungalow as a separate dwelling house to include the removal of Condition 2 of LW/94/0945 - **Approved**

LW/13/0675 - Section 73A Retrospective Application for removal of condition two attached to planning approval LW/94/0945 for the continued use of building as a separate self contained dwelling - **Withdrawn**

LW/13/0816/CD - Discharge of condition 4 relating to planning approval LW/12/0401 – **Approved**

LW/12/0927 - Removal of mobile home and erection of dwelling - **Refused**

LW/12/0769 - Variation of S/106/0247 to allow the subdivision of individual properties from Bineham Park Farm - **Approved**

LW/12/0401 - Removal of storage buildings and hardstanding and conversion of barn and stables to a single dwellinghouse and garage - **Approved**

LW/11/1496 - Creation of a soil bank - **Withdrawn**

LW/07/0281 - Continued use of mobile home as a separate unit of accommodation - **Refused**

LW/07/0802 - Continued use of mobile home as residential accommodation in conjunction with business use – **Approved**

APPEAL/06/0031 - Change of use of the land from use for agricultural to a mixed use. - **Allowed**

LW/06/0509 - Conversion of traditional barn to offices and showroom and the demolition of adjoining storage barn – **Approved**

APPEAL/05/1794 - Section 73A Retrospective application for change of use of agricultural building to B8 storage and demolition of existing storage building. - **Allowed**

LW/05/1794 - Section 73A Retrospective application for change of use of agricultural building to B8 storage and demolition of existing storage building - **Refused**

LW/05/0441 - Section 73A Retrospective application for (1) the cladding of building known as Unit 2 and (2) the change of use of Units 1, 2, 4 & 5 from agriculture to storage of plant and equipment and unit 3 to maintenance and repair of such equipment - **Split**

APPEAL/04/1254 - Development Appeal - **Dismissed**

LW/04/1254 - Application to discharge a Section 106 Planning Agreement dated 8th January 1992 - **Refused**

LW/04/0341 - Erection of a detached garage - **Approved**

LW/03/2316 - Application for agricultural determination for the erection of an agricultural storage building - **Details not Required**

LW/98/1708 - Section 73A Retrospective application for the retention of a sand school to replace exercise area on same site - **Approved**

LW/97/1013 - Erection of steel framed barn - **Approved**

LW/94/0945 - Conversion of existing playroom and garage to form self-contained unit with new septic tank. - **Approved**

LW/93/1534 - Agricultural Determination for the erection of a tractor shed. - **Application not Required**

LW/91/0334 - Additions to and conversion of buildings to provide additional residential accommodation - **Approved**

LW/88/0593 - Conversion of workshop and store into dwelling for farm worker. Restrictive Planning Condition No. 4. - **Approved**

E/60/0542 - Planning and Building Regulations Applications for proposed cattle shelter. Building Regulations Approved. Commenced.
- **Approved**

E/54/0120 - Application for use of land as a recreation ground including the erection of a Sports Pavilion. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Environmental Health – Based on the details of a site visit carried out by Environmental Health in relation to the previous (LW/12/0401) application and the observations and comments made following that visit, I have no contaminated land comments to add for this retrospective application.

Chailey Parish Council – Councillors objected strongly to this application. They considered that what has happened on site without consent and the applicant's moves to put matters right by making a retrospective planning application is an abuse of the planning process. What is now intended is far removed from the refurbishment of a historic barn, for which permission was originally given, and is the building of a new residential property in a prominent position in a countryside setting. The building now proposed is substantially larger than the original barn and is far too large for its environs. If Lewes District Council were minded to grant permission for a new residential property to be built, that building should be no larger than the now removed historic barn.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 One neighbour letter objecting to the application on the grounds that it would set a precedent for applications of this nature, for future 'residential conversion' applications to follow a similar route, by reference to this application if permission were forthcoming, and

that its replacement with a newly constructed building is contrary to the details of local and national policies. (Full comments available to view on line).

6. PLANNING CONSIDERATIONS

6.1 The original barn was a traditional structure, timber framed and clad with a slate roof. The two southern wings are of a similar structure but of a smaller scale. A small side extension on the eastern side will be demolished. The resulting footprint will leave 301sq.m of floorspace, but also proposed an additional floor within the main body of the barn, providing a total floorspace of 393sq.m. Other than the new internal floor the only other substantial alteration was the addition of new windows and three rooflights on the north elevation. The openings to the stables will be utilised and glazed as will the large cart doors to the main barn.

6.2 In Spring 2015, works commenced to convert the barn. However, works ceased following a letter, dated 9 September 2015, from the Council's enforcement officer, advising that a new application was required as the barn which was the subject of the conversion LW/12/0401 had been removed. It was agreed that the area could be made safe through scaffold and weather proof of the timber frame. However, the scaffold was completely removed and the frame was not weather proofed due to the concern that condensation could occur between the membrane and the frame.

6.3 The supporting information states that from the beginning, it has been the intention of the applicant to retain the original design and appearance of the barn. However, in order to achieve the long-term structural integrity of the building for residential use, a significant amount of large section oak framing has had to be added. Based on professional advice received and due to total lack of structural strength in the existing structure and the resultant extensive amount of now work required, the owner felt he was still 'converting' the building for residential purposes. The owner wanted to be true to the original structure and replace entirely in oak instead of the alternative of introducing a full metal frame. The much smaller section timbers would be hidden behind the proposed contemporary internal design.

6.4 However when the conversion works commenced, it was discovered that the building fabric had deteriorated considerably including lower level timbers being encased in concrete and a high proportion of the existing timber members being in softwood construction which were affected by rot and infestation.

6.5 The original hardwood timbers were found to have old insect damage ranging from minor to severe in the effect on structural integrity as well as evidence of fungal infection. The original hardwood Jowl posts were also confirmed to have been replaced with more recent, softwood timbers. The studs, rails and other intermediary timbers have decayed beyond repair. The survey report by Heritage Oak Frames clearly and demonstrably suggested that "...From a conservation point of view there is little point in repairing the frame in situ as they are largely softwood replacements themselves, not lending any significant value to the local vernacular...". Therefore the building was in effect entirely removed.

6.6 In 2016 an application was submitted to regularise the works that had been carried out, under Section 73 of the Town and Country Planning Act 1990 (LW/16/0399) and the proposed completion of the conversion of the barn and stables into a residential dwelling. This application was withdrawn on the recommendation of officers as it was considered that the changes to the scheme - it was no longer a conversion but a rebuild, and it has a higher ridge and eaves than the original barn, could not be considered as a

minor amendment. As such in order to regularise the position a new application was required.

6.7 The principle of allowing a dwelling in this countryside location has been established, albeit through a conversion which utilised an existing and redundant building, and therefore it is considered that the main issue is whether the changes to the building (the increase in height and addition of extra fenestration) would detrimentally impact on the living conditions of nearby residents or on the character of this countryside location.

6.8 The building as now proposed will increase the ridge height from 7m to 8.2m, and the eaves height from 3.5m to 4.8m. An additional rooflight was proposed to the north elevation but this has since been amended with only 2 rooflights now proposed on the north elevation. Two additional windows are also proposed on the north elevation of the barn to the east of the main central glazed opening. More windows would be added to the east and west elevation of the single storey south facing wings which accommodate the bedrooms and bathrooms. A new first floor within the main barn, which was proposed as part of the original conversion, has been removed.

6.9 The replacement barn is considered to be sympathetic to the general character of the area, to the existing group of buildings, and to that of the original structure. The replacement building is on the footprint of the original building and sits comfortably within the wider collection of buildings, many of which were former agricultural buildings and have since been converted to residential use. Whilst the overall bulk of the building will increase due to the increase in height, the general form, shape and appearance of the building will be retained. Overall it is not considered that the proposed changes to the structure would prejudice amenity, either that of neighbours or the wider countryside

7. RECOMMENDATION

That planning permission is granted.

The application is subject to the following conditions:

1. Before any further work associated with the development hereby approved is commenced on site, details and samples of all external materials including all facing and roofing materials, together with windows samples shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. Details of the rooflights, which shall be of a Conservation style, flush with the roof plane shall be submitted to and approved in writing by the Local Planning Authority and only such a rooflight shall be inserted and thereafter permanently retained as such to the satisfaction of the Local Planning Authority.

Reason: To protect the fabric and character of the building having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. No further development shall take place until detailed plans of both hard and soft landscape works especially to the northern boundary of the plot, including details of planting to include native species, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the building is occupied.

Reason; To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. The development hereby permitted shall not be occupied until the details of the type and location of bat boxes have been submitted to and approved in writing by the Local Planning Authority, and erected on the site in accordance with the approval, as suggested in the report by PJC Ecology dated January 2012

Reason: To enhance the site for the benefit of wildlife in order to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. No windows, doors or openings of any kind shall be inserted in the building hereby approved, other than those expressly permitted by this consent.

Reason: To protect the character of the immediate area and surrounding countryside having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development described in Classes A to G of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. The development hereby approved shall not be implemented until wheel washing equipment is provided on site, and such equipment shall be used on all vehicles accessing and egressing the site, to ensure that mud and debris is not transferred onto the highway.

Reason: In the interests of local highway safety having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy ST3 of the Lewes District Local Plan.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those

concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	12 September 2016	1:1250
Existing Floor Plan(s)	12 September 2016	842-01
Existing Elevation(s)	12 September 2016	842-01
Proposed Floor Plan(s)	31 October 2016	842-02 H
Proposed Elevation(s)	31 October 2016	842-02 H
Proposed Layout Plan	12 September 2016	842-03 J
Proposed Elevation(s)	12 September 2016	H5457/P/01
Proposed Section(s)	12 September 2016	H5457/P/01
Planning Statement/Brief	12 September 2016	
Technical Report	12 September 2016	BWP STRUCTURAL REPORT
Planning Statement/Brief	12 September 2016	
Design & Access Statement	12 September 2016	
Technical Report	12 September 2016	TIMBER SURVEY REPORT