



Planning Advisory Panel South – 21 April 2020

Delegated Report

Application no DC/20/0297/VOC

Location

Red House Barn
The Street
Brandeston
Woodbridge
Suffolk
IP13 7AB

Expiry date 24 March 2020

Application type Variation of Conditions

Applicant Mr & Mrs M Ruffles

Parish Brandeston

Proposal Variation of Condition No.6 of C/12/0736 - Erection of dwelling replicating original barn - alterations to fenestration of the barn (south/rear elevation only). Erection of granary building to provide garaging and annexe/holiday let and erection of temporary living accommodation (3 years). For the applicants occupation up to completion of the building works (revised scheme to C/07/1987) - To allow for part retention of building - part removal to be completed within 1 year

Case Officer Natalie Webb
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Summary

This application seeks the variation of condition 6 of C/12/0736 - Erection of dwelling replicating original barn - alterations to fenestration of the barn (south/rear elevation only). Erection of granary building to provide garaging and annexe/holiday let and erection of temporary living accommodation (3 years). For the applicants occupation up to completion of the building works (revised scheme to C/07/1987) - To allow for part retention of building at Red House Barn, The Street, Brandeston.

The application is presented to the Advisory Panel as Officers are minded to approve the application contrary to the parishes recommendation to refuse the application.

Site description

Brandeston is defined within the Suffolk Coastal District Local Plan as a Local Service Centre having a modest amount of facilities. The site lies at the western end of Brandeston village and is approximately 0.9 hectares in extent. The north-eastern section of the site lies within the physical limits of Brandeston and Brandeston Conservation Area. The remainder of the site is outside the defined physical limits and is countryside which forms part of the designated Special Landscape Area (Deben Valley). There is a public footpath between the curtilage of the Red House to the east passing from north to south

The site historically comprised a large threshing barn within the north-eastern section of the site which lies within the physical limits boundary and which was converted to a residential dwellinghouse under planning permission C/12/0736 (therefore this consent remains extant).

To the south of this dwellinghouse is a Dutch barn which has been replaced by a one and a half-storey outbuilding with garaging as well as annexe accommodation (later to be used as a holiday let) and to the south west is a modern barn. This outbuilding is outside the physical limits boundary but within the residential curtilage as approved in 2008, 2012 and 2016 (now re-applied for under DC/20/0295/FUL).

There is also a large former agricultural barn on site, located to the south-west of the host dwelling which was previously conditioned to be removed, but is now sought to be partially retained.

There is an extensive planning history for the site, which has been summarised within the submitted design and access statement and outlined in the site description above. The most recent applications DC/15/3628/VOC and DC/15/3629/FUL were granted in March 2016 for proposals which are generally the same to those now sought. The 2016 full and variation applications were not implemented within the permitted time and as such have expired.

Proposal

Two applications have been submitted for the site; this variation which seeks to vary the wording of condition 6 of C/12/0736 which states:

"Before the replica barn is occupied, the former agricultural building to the south-west of the replica barn shall be fully demolished and removed from the site. The work of demolition shall not take place between April and September unless otherwise agreed in writing by the local planning authority. Prior to removal a barn owl nesting box shall be installed in/on the new dwelling (replica barn) in accordance with details that shall have been submitted to and agreed in writing by the local planning authority; thereafter the nest box shall be retained and maintained in the approved form.

Reason: In the interest of visual amenity and the character of the locality; and to ensure protection of wildlife (nesting birds) and the provision of replacement of a barn owl nesting site."

To allow for the part retention of the barn to be used ancillary to the host dwelling, as sought by full planning application DC/20/0295/FUL. As such both applications should be considered cohesively.

Consultations/comments

One representation was received which raised concerns about the area contained with the red line of the site plan and whether the correct notice had been served and therefore recommended that the application be refused.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Brandeston Parish Council	29 January 2020	17 February 2020
<p>Planning Applications DC/20/0295 & DC/20/0297/VOC</p> <p>Brandeston Parish Council Recommend that the planning applications DC/20/0295 & DC/20/0297/VOC be refused.</p> <p>The basis of the refusal are as follows:</p> <p>' There are inaccuracies with architectural drawings which Brandeston Parish Council believe are a fundamental failing in the planning application:</p> <ul style="list-style-type: none"> o The floor levels would indicate the need for steps and stairways which are not shown. o The red line indicating the boundary of the curtilage encompasses land not owned by the applicant, Mr Ruffles. This issue is raised not only by Brandeston Parish Council but also residents of the village. <p>' Reassurances are required regarding the safe removal and disposal of asbestos.</p> <p>' Brandeston Parish Council requests that the East Suffolk Coastal Enforcement Officer implements Condition 6 to the 2012 planning permission C12/0736 requiring that the mono-pitch cattle building is demolished upon first occupation of the replica barn (the subsequent planning permissions to vary Condition 6 having not been implemented and have now lapsed.)</p> <p>' Brandeston Parish Council objects to the conversion of the mono-pitch cattle building and extension of the same to form indoor swimming pool, store room, stables as the scale and form of the mono-pitch building gives rise to unnecessary impact upon the setting of the replica barn, the adjoining Red House, the gateway to the village and the wider countryside. These elements of residential paraphernalia could be better provided with individual structures specific to their purpose, in a form subservient and complimentary to the replica barn.</p> <p>' Brandeston Parish Council objects to the proposed extension to the residential curtilage as the proposed area does not relate well to the existing curtilage (and merely seeks to encompass an area of land upon which the mono-pitch building stands and otherwise protrudes into open countryside).</p> <p>Notes setting out thought process:</p> <p>' Condition 6 to C12/0736 - applied to planning permission for a replica barn frame, as the original</p>		

barn frame was lost (destroyed). The planning permission gave consideration to protecting the 'feel of the gateway' to the village whilst respecting the heritage. The pay-off for this permission was for the clearance of the utilitarian mono-pitch cattle building on first occupation of the replica barn, this should be respected. (And also prevent any other future frivolous applications in this form being made.) The mono-pitch building has not been in agricultural use.

' The replica barn is in occupation, the mono-pitch cattle barn has not been demolished and cleared, and subsequent intermediary permissions to convert and retain part of the mono-pitch building have not been implemented and have now lapsed. Therefore Condition 6 to demolish the building should be implemented immediately as the replica has been in occupation for some while. The Brandeston Parish Council should seek East Suffolk Coastal to enforce Condition 6, the demolition and clearance of the mono-pitch cattle building.

' The application to create a pool, stores and stables does not justify retention of an ugly and inappropriate structure (designed for cattle and has not been used as a farm building for many years) which is much larger in scale and height than would otherwise be necessary for the provision of these 'residential type' facilities. The mono-pitch should be cleared and separate applications made for independent structures for each of the following; a pool, store room and stables. As separate structures these buildings will have less impact on the replica barn, the Red House, the gateway to the village and the wider countryside, they will follow traditional form and scale.

' The proposed extension to the residential curtilage does not relate well to the existing residential area.

' A replica barn of this scale (in residential use) merits additional facilities such as a store room, stables and pool. Support may be forthcoming for a new application for individual structures within an appropriate curtilage area and in a scale, form and design that both compliment and are subservient to the setting of the replica barn, Red House, the gateway to the village and the wider countryside.

Consultee	Date consulted	Date reply received
Brandeston Parish Council	9 March 2020	15 March 2020

Planning Applications DC/20/0295 & DC/20/0297/VOC

Brandeston Parish Council Recommend that the planning applications DC/20/0295 & DC/20/0297/VOC be refused.

The basis of the refusal are as follows:

' There are inaccuracies with architectural drawings which Brandeston Parish Council believe are a fundamental failing in the planning application:

- o The floor levels would indicate the need for steps and stairways which are not shown.
- o The red line indicating the boundary of the curtilage encompasses land not owned by the applicant, Mr Ruffles. This issue is raised not only by Brandeston Parish Council but also residents of the village.

' The revised Layout Plan 1588/1A and the revised Block Plan 1588/3A to application DC/20/0297/VOC and DC/20/2095/FUL do not accurately show the extent of the property in the control of the applicant i.e. they still appear to include a small slither of land registered to a third party. In addition; the application plans do not identify the means of access to the highway (over

third-party land) and which also require that the applicant should serve notice to the land owner.

' Reassurances are required regarding the safe removal and disposal of asbestos.

' Brandeston Parish Council requests that the East Suffolk Coastal Enforcement Officer implements Condition 6 to the 2012 planning permission C12/0736 requiring that the mono-pitch cattle building is demolished upon first occupation of the replica barn (the subsequent planning permissions to vary Condition 6 having not been implemented and have now lapsed.)

' Brandeston Parish Council objects to the conversion of the mono-pitch cattle building and extension of the same to form indoor swimming pool, store room, stables as the scale and form of the mono-pitch building gives rise to unnecessary impact upon the setting of the replica barn, the adjoining Red House, the gateway to the village and the wider countryside. These elements of residential paraphernalia could be better provided with individual structures specific to their purpose, in a form subservient and complimentary to the replica barn.

' Brandeston Parish Council objects to the proposed extension to the residential curtilage as the proposed area does not relate well to the existing curtilage (and merely seeks to encompass an area of land upon which the mono-pitch building stands and otherwise protrudes into open countryside).

Notes setting out thought process:

' Condition 6 to C12/0736 - applied to planning permission for a replica barn frame, as the original barn frame was lost (destroyed). The planning permission gave consideration to protecting the 'feel of the gateway' to the village whilst respecting the heritage. The pay-off for this permission was for the clearance of the utilitarian mono-pitch cattle building on first occupation of the replica barn, this should be respected. (And also prevent any other future frivolous applications in this form being made.) The mono-pitch building has not been in agricultural use.

' The replica barn is in occupation, the mono-pitch cattle barn has not been demolished and cleared, and subsequent intermediary permissions to convert and retain part of the mono-pitch building have not been implemented and have now lapsed. Therefore Condition 6 to demolish the building should be implemented immediately as the replica has been in occupation for some while. The Brandeston Parish Council should seek East Suffolk Coastal to enforce Condition 6, the demolition and clearance of the mono-pitch cattle building.

' The application to create a pool, stores and stables does not justify retention of an ugly and inappropriate structure (designed for cattle and has not been used as a farm building for many years) which is much larger in scale and height than would otherwise be necessary for the provision of these 'residential type' facilities. The mono-pitch should be cleared and separate applications made for independent structures for each of the following; a pool, store room and stables. As separate structures these buildings will have less impact on the replica barn, the Red House, the gateway to the village and the wider countryside, they will follow traditional form and scale.

' The proposed extension to the residential curtilage does not relate well to the existing residential area.

' A replica barn of this scale (in residential use) merits additional facilities such as a store room, stables and pool. Support may be forthcoming for a new application for individual structures within an appropriate curtilage area and in a scale, form and design that both compliment and are subservient to the setting of the replica barn, Red House, the gateway to the village and the wider countryside.

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	29 January 2020	3 February 2020
<p>Summary of comments: The proposed site contains a public rights of way (PROW): part of Footpath 13 Brandeston. The Definitive Map for Brandeston can be seen at https://www.suffolk.gov.uk/assets/Road-s-andtransport/public-rights-of-way/Brandeston.pdf. A more detailed plot of public rights of way can be provided.</p> <p>We accept this proposal, however the Applicant must take into account the information provided by the PROW team within their full response.</p>		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	29 January 2020	10 February 2020
<p>Summary of comments: This proposal is unlikely to have any impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council as a highway authority does not wish to restrict the granting of permission.</p>		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	29 January 2020	12 February 2020
<p>Summary of comments: Recommends conditions in respect of land contamination.</p>		

Non statutory consultees

Reconsultation consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	9 March 2020	13 March 2020
<p>Summary of comments: As per advice above.</p>		

Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	6 February 2020	27 February 2020	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Conservation Area In the Vicinity of Public Right of Way Date posted: 5 February 2020 Expiry date: 26 February 2020
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Planning policy

SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

National Planning Policy Framework

SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

XSP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP27 - Key and Local Services Centres (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP29 - The Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM8 - Extensions to Residential Curtilages (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM13 - Conversion and Re-Use of Redundant Buildings in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

Planning considerations

Case for Development

The principle for the demolition of the barn in its entirety was established under C/12/0736 as outlined above. This was varied under DC/15/3628/VOC which stated:

"Within 1 year of the replica barn being occupied, the former agricultural building to the southwest of the replica barn, shall be partly demolished and converted into a residential outbuilding in accordance with the plans submitted.

Reason: Works have been on-going at the site and the demolition should have been undertaken within the original approval period and to ensure that works are undertaken within a reasonable period of works finishing on the original conversion to residential use."

This application seeks a similar stance, however the replica barn has since been converted and occupied, as such the below condition is proposed:

"Within 1 year of the date of this decision, the former agricultural building to the southwest of the replica barn, shall be partly demolished and converted into a residential outbuilding in accordance with the plans submitted.

Reason: Works have been on-going at the site and demolition should have been undertaken within the original approval period and to ensure that works are undertaken within a reasonable period of works finishing on the original conversion to residential use."

The applicant has applied for works to convert the remained of the building to an ancillary outbuilding under DC/20/0295/FUL which if granted would have three years to be completed (inclusive of any time taken for the demolition).

As the building has already been considered acceptable to be retained in part, and had the previous variation application been implemented would already converted; as such Officers do not consider there to be any material considerations as to why variation could not be supported.

Conclusion

It is considered that while a previous approval called for the total demolition of the existing agricultural building, its reduction and retention as an outbuilding would broadly meet the provisions of Policy DM13 which specifically relates to the conversion and re-use of redundant buildings in the countryside. The building has also been granted retention previously by a now

lapsed variation of condition consent, which is also considered to be material in the consideration of this application.

The variation of the condition to allow for the barn to be partially retained, with works to partially demolish the barn to be undertaken within one year. The works to complete the conversion are to be commenced within three years as proposed by DC/20/0295/FUL.

Recommendation

Delegate to the head of Planning and Coastal Management.

Conditions:

1. The development hereby permitted shall be completed within one year of the date of this consent.

Reason: The applicant has only sought one year to complete the partial demolition of the barn. Works have been on-going at the site and demolition should have been undertaken within the original approval period and to ensure that works are undertaken within a reasonable period of works finishing on the original conversion to residential use.

2. The other buildings on site have been implemented in accordance with drawings approved under C/12/0736 (7486-01A received 11/12/2007 (elevations of barn), as amended by drawing 1585/5 received 10/4/2012 (south elevation of barn); 7486-02A received 11/12/2007 (floor plans), as amended by drawing 1585/4 received 10/4/12 (ground floor plan); Drawing no 1585/3A received 22/6/12 (block plan); Drawing no 1585/6 received 10/4/12 (garaging, annexe/holiday let); Drawing no 'Drft/1/Red brn/294- A received 28/5/12 (landscaping). The development hereby permitted by this variation shall not be carried out other than in complete accordance with Drawing No's Drawing No's 1588/4, 1588/5, 1588/6 received on 27/01/2020 and 1588/1A, 1588/2A, 1588/3A received on 04/03/2020.

Reason: For avoidance of doubt as to what has been considered and approved.

4. The annexe/holiday accommodation shall be limited to the areas within the building shown on drg 1585/6. The accommodation may be occupied either for purposes incidental to the use of the dwellinghouse (replica barn) on the site or for occupation by a relative or dependant of the householder or his or her spouse; or may be used as holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking or re-enacting the said Order). The duration of occupation by any one person, or persons for holiday use shall not exceed a period of 56 days in total in any calendar year, unless the local planning authority agrees in writing to any variation. The owners/operators of the holiday unit hereby permitted shall maintain an up-to-date register of all lettings, which shall include the names and addresses of all those persons occupying the unit during each individual letting. The said register shall be made available at all reasonable times to the local planning authority. The accommodation shall not be occupied either as an annexe or holiday accommodation, until the main residence (replica barn) is occupied.

Reason: To ensure the development is occupied only as bona-fide holiday accommodation or as an annexe to the principal residence, having regard to planning policies, tourism objectives and the relationship of the development to frontage properties

6. Within 1 year of the date of this decision, the former agricultural building to the southwest of the replica barn, shall be partly demolished and converted into a residential outbuilding in accordance with the plans submitted.

Reason: Works have been on-going at the site and demolition should have been undertaken within the original approval period and to ensure that works are undertaken within a reasonable period of works finishing on the original conversion to residential use.

7. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, willfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the trees and hedgerow.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended or any Order revoking or re-enacting the said Order) no development of any kind specified in Part 1, Class[es] A, B, C, D, E, and G; and Part 2 Classes A and C.

Reason: To ensure external alterations respect the character of the building and its setting, given the sensitivity of the location within/adjacent Brandeston Conservation Area and the designated Special Landscape Area.

13. Prior to the use commencing, details of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, and the luminance levels) shall be submitted to and approved by the Local Planning Authority. This scheme shall thereafter be implemented and no additional external lighting shall be installed.

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.

14. The residential curtilage of the property shall not exceed that area shown on drawing: 1588/3A.

Reason: In the interest of amenity.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail , your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

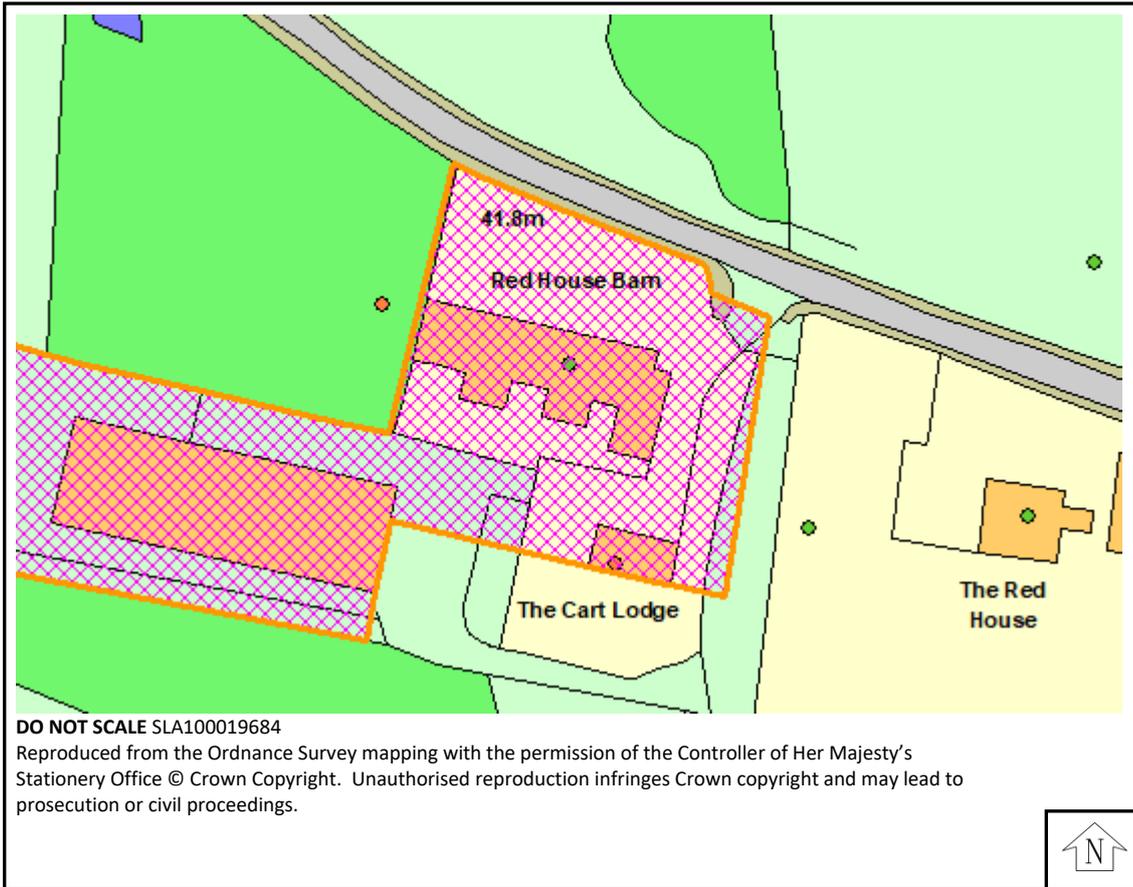
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

Background information

See application reference DC/20/0297/VOC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q4M6OYQX07400>

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support