
Delegated report Officer: Jenny Blair

Application ref. DMPA/2021/1099

Change of use of former agricultural buildings to two dwellinghouses (Use Class C3) along with change of use of land to provide as domestic gardens Follyfoot Farm, Burntheath Lane, Hilton, Derby, DE65 5FE

Valid date: 08/10/2021

Consults expired: 05/11/2021

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2016/1043 Demolition of existing building and the erection of workshop with associated access track – Refused 13-01-17

9/2016/1231 Prior Notification for change of use from agricultural buildings to 3 no dwellings – Refused 09-03-17

9/2017/0375 Demolition of existing building, erection of workshop with associated access track – Refused 4/08/2017

9/2017/0380 Prior Notification for change of use from agricultural buildings to dwelling house – Refused – 5/06/2017

9/2017/1059 Prior Notification for change of use from agricultural building to dwelling house – Refused 18/12/2017 and upheld at appeal.

9/2018/0641 – Change of use of a former agricultural building to dwellinghouse (use class c3) along with change of use of land to provide as domestic garden – Approved 09 August 2018

9/2018/0979 - Change of use from former agricultural buildings to two dwellinghouses (use class C3) along with change of use of land to provide as domestic gardens - Approved 21 December 2018

Responses to consultations and publicity

Environmental Health have no concerns.

Severn Trent Water stated that Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and no watercourse is available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. No surface water to enter the foul water system by any means. For the use or reuse of sewer connections either direct or indirect to the public sewerage system, the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. Informative recommended.

County Highways Authority refer to the comments made in previous application (9/2018/0979) that no objections are raised subject to the same conditions.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), INF2 (Sustainable Transport).

2017 Local Plan Part 2: SDT1 (Settlement Boundaries and Development), H28 (Residential Conversions), BNE5 (Development in Rural Areas).

National Guidance National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Local Guidance

South Derbyshire Design Guide SPD 2017

Planning considerations

In taking account of the application documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

Principle of development;
Design and Amenity;
Highways;
Ecology and;
Heritage.

Planning assessment

Principle of development

The proposal seeks the renewal of consent for the conversion of two existing buildings with minor alterations, from application 9/2018/0979. The previous application report stated the following: "The buildings are of 'permanent and substantial construction,' as the Council has already accepted that the buildings are structurally sound in a previous notification application. The proposed buildings are considered to be 'suitable for conversion without extensive alteration re-building and/or extension' as required by H28. The replacement of the roof element of each building, which appears to be indicated in the application form, is also considered acceptable given these are not a structural features. Whilst it is an alteration, it is an opportunity to remove asbestos sheeting to be replaced with more thermally efficient materials."

Due to the time elapsed since the previous application, an updated Structural Inspection was carried out by the applicant and submitted as part of this application. It noted that Plot 1 had no structural change or further defects. Plot 3 was found to have two cracks, which would need remediation during the conversion, as well as hairline cracks which were not structural. It concluded that all plots are still structural viable for the conversion to habitable properties.

Due to the previous decision made by the Council, and the updated Structural Inspection, it is considered that the proposal complies with policy H28.

Design and Amenity

The principle of development is unchanged from the previous application which stated the following: The existing buildings are functional in character being originally built for pig farming. More recently the buildings have been used for ancillary residential/business storage. The buildings were built with a concrete frame and brick/block infill with plot 3 having a rendered finish. Both buildings have what appears to be asbestos sheet roof finish. This is not proposed to change apart from the replacement of both roofs as mentioned above and the addition of windows in some elevations and the replacement of the entrance door. The buildings are at the rear of the complex of buildings at Follyfoot Farm and are within influencing distance of sources of ground gas generation. A condition has been attached to the decision to protect against this. The building is not affected by neighbouring residential amenity and,

whilst the adjacent land is fields in which sheep and cattle are sometimes kept, there is no animal storage barn in close proximity. Although there are other former agricultural buildings adjacent to the two proposed buildings for conversion, one of these already has permission for conversion to a residential dwelling and the other has not been in agricultural use for many years. There are therefore no issues with residential amenity in terms of incompatible uses. The proposal provides a modest rear gardens (Plot 3 to the east - Plot 1 to the west). Whilst there proposed primary lounge window of Plot 3 is facing towards the existing farmhouse, the distance between opposing windows is 21 metres, sufficient to meet the distance standards set out in the Design SPD. In any event, standards can be relaxed in situations where the applicant proposes to adversely impact their own amenity. In addition, distance standards between each conversion need not comply with minimum standards as this proposal is akin to new housing developments which are not subject to minimum standards. There are therefore no issues as regards residential amenity and as such the proposal complies with policies BNE1 and SD1.

Highways

Comments from the Highways Authority were unchanged from application 9/2018/0979. Given the size of the site and the applicant's control of the adjoining land, whilst it is noted that Plot 3 does not have any dedicated space other than the integral garage, there is sufficient space for the parking and manoeuvring of four cars and as such the Highway Authority has no objection to the proposal subject to conditions. The proposal is therefore considered to comply with policy INF2.

Ecology

The situation is unchanged from application 9/2018/0979. Given the construction type of the buildings, being modern fabrication, no bat survey was provided and DWT was not consulted. The buildings have been in regular use and their condition is such that there are unlikely to be any bats or birds inhabiting the buildings. A precautionary condition has been added to address this point.

Heritage

A Historic Environmental Record exists across the site for presence of earthwork ridge and furrow, however, given that this application is for the re-use of existing buildings, and does not involve earthworks, it is not considered that this proposal will cause any potential harm to heritage or archaeology, and therefore it is considered to comply with Policy BNE2.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	31/03/2022
Report agreed:	01/04/2022
Authorised officer:	Emma Palmer-Barnes
