

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mrs. J. Powell "A"	Change of use to holiday lets at The Mill, Finstall Nursery, Alcester Road, Finstall, Bromsgrove	GB	B/2007/0303 26.06.2007

RECOMMENDATION:

- (a) that permission be **REFUSED**;
- (b) that Members authorise enforcement action to secure the removal of the building and delegate authority to the Head of Planning and Environment Services in consultation with the Head of Legal and Democratic Services to select the most appropriate course of action.

Consultations

WCC (HP)	Views received 11/05/2007: No objection
Building Control	Consulted 02/05/2007 - comments awaited
WCC Archaeology	Consulted 17/05/2007 - comments awaited
Finstall PC	Views received 25/05/2007: The Council has reservations about whether these holiday lets will eventually become permanent residential dwellings.
Publicity	Site Notice posted 04/05/2007 expires 25/05/2007: no objections received.

The site and its surroundings

The application site relates to a rural building erected for agricultural purposes in late 2002/early 2003 within the Finstall Nursery site. The site is located south of the Alcester Road just outside of the Finstall village envelope and within the Green Belt.

Proposal

Planning permission is sought to change the use of the building to form holiday lets. The building will be altered internally to provide two, 2-bedroom holiday lets. Externally additional windows and rooflights will be added to serve the rooms created. For the reference of Members the building was accepted as reasonably necessary for the purposes of forestry and agriculture (which includes within that definition horticulture) under prior approval application B/2002/1004 and constructed under permitted development, Part 6, Class A of the GPDO.

Relevant Policies

WMSS	QE3, T2
WCSP	SD.4, CTC.1, D.16, D.29, D.38, D.39, T.1, RST.14, RST.16
BDLP	DS2, DS13, C27, C27A, RAT22, RAT27, TR11
Others	PPS1, PPG2, PPS7, SPG4, SPG5, SPG10

Relevant Planning History

- B/2002/1004 Potting / seeding store (Agricultural Notification). Details not required 12.09.2002
- B/2002/0433 Removal of 3 poly-tunnels and erection of new building for use of potting and seeding shed, office and chemical store (Agricultural Notification). Details not required 10.05.2002

Notes

Green Belt Issues:

Policy DS2 of the BDLP 2004, which largely reflects PPG2, states that development in the Green Belt will not normally be given unless the development relates to, amongst other criteria, proposals for the re-use of rural buildings, in accordance with Policy C27 of the BDLP 2004. As such the re-use of the rural building is, in principle, acceptable development within the Green Belt.

Policy C27 sets out the criteria against which applications for the re-use of existing rural buildings will be considered. Criterion (a) of this policy states that the proposal must not have a materially greater impact than the present use upon the openness of the Green Belt and the purposes of including land in it. The change of use seeks to convert the existing building only and will not involve any further extensions. I am content that the proposed alterations to provide roof lights and windows to serve rooms in the converted building will not have any significant impact upon the openness of the Green Belt.

Policy C27 (c) states that buildings must be of a permanent and substantial construction, capable of conversion without any major works. The applicant has submitted a structural survey, which has been passed to Building Control. No comments have been received at the time of writing this report and I hope to update Members at Committee. I note that the rural building is a modern construction recently completed in late 2002/early 2003 and is therefore highly unlikely to require any major works as part of the conversion. Indeed the potting shed has been constructed to a high standard to facilitate this conversion.

Design:

SPG4 states that agricultural buildings are characterised by few window and door openings and in terms of roof lights large unbroken roof slopes are often a characteristic feature of agricultural buildings. Although this is a modern agricultural building it has been built in a traditional manner with brick and tiles, the large horizontal window arrangement proposed will completely alter the appearance of the building to that of a two-storey dwellinghouse bringing a significant change to the character of the existing rural building. I therefore consider the proposed changes to be inappropriate and contrary to SPG4 and the aims and objectives of Policy C27 (d).

Principle for Change of use to holiday lets:

Policy RAT22 & RAT27 of the BDLP 2004 actively encourages the development of self-catering accommodation and holiday lets where proposals within the Green Belt are in accordance with DS2, C27 of the BDLP 2004. Policy RST14 & RST16 of the WCSP

2001 also supports tourism-related development throughout the county with the two-fold aim of generating wealth and employment and of contributing to the economic and social well being of the residents of the county thereby enhancing the quality of life. I therefore consider the principle for holiday lets to be acceptable. As the proposal relates to holiday lets it does not contravene SPG10 'Managing Housing Supply in the District of Bromsgrove'.

Permitted Development for agricultural buildings:

The building was accepted as reasonably required for the purposes of forestry and agriculture (which includes within that definition horticulture) under prior approval application B/2002/1004 and constructed under permitted development, Part 6, Class A of the GPDO. The structure was to be split into three rooms for a compressor and seeding machine, potting and packing room and office and chemical store. This internal arrangement has not been completed and the building is currently being used for domestic storage. It is unclear if the building has ever been used for its intended agricultural purpose. I will update Members at your Committee regarding this issue. The applicant has submitted as part of this application written confirmation that due to a change in the way things are grown and the change in plant types there is no longer any need for a separate potting and seeding shed as this can be done in the existing poly tunnels on site. PPG2 Annex states that to discourage the abuse of permitted development rights, Local Planning Authorities should examine carefully applications for re-use made within four years of the substantial completion of agricultural buildings erected under the General Development Order. This should alert authorities to the possibility that, when it was substantially completed, the building was in breach of planning control because there was no genuine agricultural justification.

It is unclear exactly when the building was substantially completed, your Enforcement Officer visited the site in October 2002 at which stage the roof was being constructed. I would estimate that the building is likely to have been substantially complete for just over four years, however given that it would appear incomplete internally and never used for its intended purpose I would conclude that it would be prudent to apply the advice provided in Annex D as the building does not appear to have been genuinely needed for an agricultural use. In my view the way the building has been constructed to facilitate the proposed change of use would appear to strengthen the assertion that the building was not constructed for agricultural purposes.

I note that amendments were made to the GPDO in 1997 which provided that in the case of development permitted by Part 6 Class A consisting of the erection of a building if the agricultural use of that building should cease within 10 years of substantial completion, that building shall be removed and land restored to its previous condition.

It is therefore recommended that the application be refused and enforcement action be taken to remove the unauthorised building.

Highways:

Policy C27 (e) states that the traffic generated by the development must be able to be accommodated on site and parking facilities should exist or could be provided without any detriment to highway safety. The nursery has a large hardstanding area of some 15-20

spaces formerly used for customer parking when the site was open to the public. I am therefore content that there is ample car parking for the development, which includes a tarmac area immediately adjacent to the building. The Highways Engineer has no objection to the scheme.

The building will be located just outside of Finstall village envelope within the Green Belt but is fairly close to Bromsgrove train station and other public transport links offering reasonable travel options other than the private car. Nevertheless the individual holiday lets have been designed to accommodate families or small groups of people perfectly capable of arriving in one vehicle and the vehicle movements generated by the development are likely to be very minor in nature.

Neighbours' Amenity:

The proposed change of use relates to an existing building and there will be no additional impact to neighbours in terms of built form. Given the use of the site as a horticultural nursery, which used to be open to the public I am content that the comings and goings and noise and disturbance created by the change of use to two holiday lets will not have any significant impact upon neighbours amenity. The insertion of additional windows and rooflights in the building is not expected to cause any significant loss of privacy to surrounding neighbours.

Conclusion:

I consider that the amount of apertures proposed for the conversion will have a negative impact upon the existing character of the building. Furthermore given provisions of PPG2 Annex D and apparent lack of agricultural requirement Member's authorisation is sought to remove the building and restore the land back to its former condition.

RECOMMENDATION:

(a) that permission be **REFUSED**

Agricultural buildings are characterised by few window and door openings. The number of windows and roof-lights proposed is considered to break the simple linear form and character of the existing building, unnecessarily eroding its plain, utilitarian appearance contrary to Policy C27 of the BDLP 2004, Policy D.16 of the WCSP 2001 and to provisions of good design as set in SPG4.

(b) that Members authorise enforcement action to secure the removal of the building and delegate authority to the Head of Planning and Environment Services in consultation with the Head of Legal and Democratic Services to select the most appropriate course of action.