

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 13 FEBRUARY 2013

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

**MATTER WHICH THE CHAIRMAN HAS DECIDED IS URGENT  
BY REASON OF THE NEED TO MAKE A DECISION PRIOR TO THE NEXT  
COMMITTEE**

**2010/01267/FUL** Received on 3 December 2010

Mr. Idwal Stedman, 18, Turberville Place, Pontcanna, Cardiff., CF11 9NX  
Mr. Carey Jones, Brooklands Hall, Brooklands Lane, St. Nicholas, Vale of  
Glamorgan., CF5 6TB

**Brooklands Hall, Brook Lane, St. Nicholas**

Retention of barn as leisure and amenity building ancillary to main house

**SITE AND CONTEXT**

The site consists of an existing farmyard area within the countryside and surrounded to the north, east and south by agricultural land. Whilst the land is outside any settlement boundary identified in the Council's Unitary Development Plan, the domestic residence of Brooklands Hall is directly adjacent to the site along its western boundary and the domestic property Tirnant is to the northwest. The site is access via Brook lane, which is a narrow country lane off the main A48 route.

The yard itself includes a total of 7 No. buildings with a concrete yard surrounding and in between each building. The buildings include a mix of types and designs. All buildings, save for that subject of this report, are historic single storey agricultural type structures of varying heights. The application reference 2010/01295/FUL, also being reported to this committee, proposed the retention of a mixed use of the buildings for domestic storage, the parking of cars and the keeping of livestock for recreational purposes.

**DESCRIPTION OF DEVELOPMENT**

The application has been submitted as a result of an enforcement investigation, and subsequently an appeal which was lodged against a previous refusal and the issuing of an Enforcement Notice.

This is an application under Section 73 of the Town and Country Planning Act 1990 (as amended) for the retention of a leisure and amenity building, ancillary to the main house. The building is a new construction that replaces a former agricultural barn that it is claimed had an established use for leisure/recreational and occasional guest accommodation in connection with Brooklands Hall.

The new building has been designed to reflect the original agricultural dutch barn both in scale and form, including a vaulted roof. The building is part single and part two storey with a footprint that measures approximately 14.8m x 14.9m, and an overall height that varies between 6.5m and 7m depending on the ground levels. At ground floor the building will accommodate a swimming pool, Jacuzzi, changing room, bathroom, w.c. and two games rooms. At first floor it is now proposed to remove all internal partitions and the majority of windows and use the space for storage and gym equipment. The building had been constructed with three bedrooms with en-suite facilities and a laundry/kitchen however these are to be removed by the applicant along with all but one small window. Other external finishes include goosewing grey steel profiled sheeting, facing brickwork, powder coated aluminium barrel bolted roof and mono pitched roof, and powder coated aluminium double glazed windows and doors. A hard surfaced patio area is located to the south of the building and measures approximately 5m x 14.4m.

Access to the yard area is available via an existing shared driveway to the north of the Brooklands Hall or through the separate main entrance to the house itself.

### PLANNING HISTORY

The only relevant application relating to the application site is that also being reported to this planning committee, which is detailed as follows:

2009/00941/FU L: Brooklands Hall, Brook Lane, St. Nicholas. Retention of barn as guest accommodation ancillary to main house. Refused 5 November 2009 Appeal withdrawn.

2010/01295 : Change of use of various buildings – to be considered by this Committee.

The other relevant planning history relating to the application site results from the enforcement investigations mentioned above. Two Enforcement Notices were served on 22 February, 2010. The first related to operational development in the form of the new build Barn. The second relates to the material change of use of the land and buildings forming the application site from agriculture to a mixed use for domestic purposes, domestic storage, vehicle storage and for the storage of builder's materials and equipment. Following an appeal being made against both notices and negotiations with the applicant, an appropriate course of action was agreed with both parties resulting in the submission of this and the 2010/01267/FUL application for the retention of the barn building with amendments. As a result of this progress, both Enforcement Notices were withdrawn on 7 December, 2010.

The following applications relate to the land adjoining the application site; most relate to the associated dwelling at Brooklands Hall:

- 77/0895 - Brooklands farm-land to north of current application site, farm workers bungalow. Refused 4th October, 1977, on grounds of insufficient agricultural justification.

- 93/00687/FUL - Two storey annexe and single storey extension. Approved 13th August, 1993, subject to conditions.
- 01/01206/FUL - Alterations and extension. Withdrawn 20th November, 2001.
- 02/00812/FUL - Alterations and extension. Withdrawn 9th September, 2002.
- 03/00201/FUL - Alterations and extension. Refused 1st August, 2003.
- 03/01487/FUL - Alterations and extension. Refused 26th February, 2004. A subsequent appeal was dismissed on 18th August, 2004.
- 04/01748/FUL – Extension. Refused 6th December, 2004. A subsequent appeal was dismissed on 20th April 2005.
- 05/01035/FUL - Rear first floor extension. Approved subject to conditions on 30th September, 2005.
- 05/01676/LAW - Lawful development certificate for removal of agricultural tie. Approved 17th February 2006.
- 06/00375/FUL - Removal of Condition No. 1 from approval CR/395 dated 10th October, 1949. Approved 14th July, 2006.
- 06/00376/FUL - East wing extensions to dining room and bedroom. Refused on 12th May, 2006. A subsequent appeal was dismissed on 26th October, 2006.
- 08/01303/FUL - Demolition and rebuild of main two storey dwelling. Withdrawn 23rd December, 2008.
- 09/00864/FUL - Reconstruction of dwelling – Withdrawn 7th October, 2009.

### CONSULTATIONS

**St. Nicholas and Bonvilston Community Council** : No comments have been received to date.

**Environment Agency Wales** : No comments.

**The Council's Highway Development Team** has no objection.

**The Director of Legal, Public Protection and Housing Services (Environmental Health : (Pollution)** : No comments received to date.

**Local Ward Member.** No comments have been received to date.

**Dwr Cymru / Welsh Water** has no objections subject to standard comments.

**The Council's Ecology Officer.** No comments have been received to date.

## REPRESENTATIONS

The neighbouring properties were consulted on 3 December 2010 and to date one letter of support has been received from the neighbouring property advising that the re-built barn is an improvement to the outlook from their property.

## REPORT

### Planning Policies

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV4 – SPECIAL LANDSCAPE AREAS (DYFFRYN BASIN & RIDGE SLOPES)

ENV8 – SMALL SCALE RURAL CONVERSIONS

ENV10 – CONSERVATION OF THE COUNTRYSIDE

ENV27 – DESIGN OF NEW DEVELOPMENTS

HOUS3 – DWELLINGS IN THE COUNTRYSIDE

TRAN10 – PARKING

Strategic policies of the Unitary Development Plan include Policies 1 and 2 - The Environment which seek to protect and enhance the Vale of Glamorgan's distinctive rural, urban and coastal character and encourage sustainable practices; and Policy 8 - Transportation which favours development in locations highly accessible by means of travel other than the private car.

The Council also has approved Supplementary Planning Guidance (SPG) including SPGs on Sustainable Development, Design in the Landscape, and Amenity Standards.

National guidance is contained in Planning Policy Wales March 2002 (PPW) (as amended by MIPPS) and TAN12-Design. Paragraph 5.1.1 of PPW recognises the importance of the natural heritage of Wales both for its own sake and for the health and the social and economic wellbeing of individuals and communities.

### Members Update

Members will note that this application was approved at Planning Committee on the 3rd February 2011 subject to the applicant entering into a S106 agreement not to use the first floor of the building for any other purpose other than domestic storage and the storage and use of gym equipment.

Also not to erect any sub dividing walls or create any separate rooms on the first floor of the building and not to use any part of the building whatsoever as residential accommodation. Since this time, the applicant has failed to enter into the legal agreement. In view of this, it is considered that the planning permission can be granted as the attached conditions are sufficient to protect the future use of the building and require the alterations to be undertaken to the building. Accordingly, the conditions have been amended in order to reflect the current changes on site.

### Issues

Members will be aware that a similar application for this development was refused permission in 2009 and enforcement action was authorised to remove the structure in total for the following reason:

In the opinion of the Local Planning Authority the development represents an unjustified and unsustainable building, the size, scale and independent use of which is tantamount to the creation of a new dwelling in this countryside location that adversely affects the character and appearance of the site and the wider Dyffryn Basin and Ridge Slopes Special Landscape Area contrary to Policies ENV1 - Development in the Countryside; ENV4 - Special Landscape Areas; ENV8 - Small Scale Rural Conversions; ENV10 - Conservation of the Countryside; ENV27 - Design of New Developments; HOUS3 - New Dwellings in the Countryside and Strategic Policies 1 & 2 - The Environment and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Sustainable Development and Design in the Landscape; and national guidance contained in Planning Policy Wales March 2002 (as amended by MIPPS) and TAN12 - Design.

The applicant subsequently appealed this refusal and the service of the enforcement notice alleging that the building would not be used for permanent residential purposes and was very similar in appearance to a barn which had previously existed on the site.

In that previous application and appeal the applicant claimed an established use for the building and wider barn complex, which included leisure and amenity uses ancillary to the main house. However no lawful development certificate for such uses has been issued or applied for.

However during the course of dealing with the appeal it became clear that the applicant had put the existing building on the site to various mixed uses ancillary to the main dwelling, such as storage and leisure (stables etc) but that some agricultural activities had also taken place. Following a deferment of the appeal to allow matters to be clarified an offer was made by the applicant to re-design and amend the replacement barn building, removing all of the residential accommodation and all but one of the windows from the first floor (along with associated balconies and an internal stair case) and to offer the use of the first floor for storage and gym equipment only.

Such changes were considered to significantly reduce the impact of the external appearance of the building as it would appear (after the changes were made) to replicate the appearance of the former Dutch barn. Moreover the removal of all residential accommodation and dividing walls on the second floor would overcome concerns regarding its possible future use as a separate dwelling.

Nevertheless the development must be assessed as the construction of a new building in a countryside location (albeit on the site of a former almost identical barn building). Policy ENV1 of the UDP seeks to restrict new development in the countryside to that which is essential for certain specified uses including agriculture. However while there is no such justification put forward with this application, it is clear that (see the related planning application 2010/01295/FUL) the use of this former yard for uses ancillary to the residential property has been occurring since 2002 and that moreover such uses, if properly controlled, would be acceptable. This is a significant change in the position regarding this building and while it is clear that its use for residential purposes would not be acceptable, its use for ancillary leisure and storage uses would be in accordance with the use of the other existing buildings on the site.

Policy ENV8 allows for the conversion of rural buildings but, as already noted, the building is a new structure that has replaced the former barn. The development is also put forward in the supporting submission as an acceptable one on the grounds that it is intended to be ancillary to the main house. It should be noted that there is already residential annexe accommodation to Brooklands Hall which was approved in 1993. This is sited close to the main house and within the domestic curtilage. In contrast the current building lies outside of the authorised residential curtilage and is not only physically divorced from the existing dwelling but also has a separate vehicular access. The size and scale of the structure and its ability to be used as independent accommodation would mean if the residential element of the accommodation on the first floor, were not removed, the building would be tantamount to a new dwelling in this countryside location. Such a development would not be acceptable in this location and was obviously the reason why the previous application was refused and enforcement action was pursued.

However following negotiations and the applicants assurance that the main reason for the building is for leisure and storage uses associated with the dwelling Brooklands Hall, it is clear that this amended proposal, combined with the second application for the regularisation of the use of the existing buildings within the farm yard changes the policy situation. The applicant has indicated that they are willing to enter into a legal agreement regarding the use of the building and moreover are happy for a new Enforcement Notice to be served, to require the necessary changes such as the removal of all the bedrooms and kitchen and the blocking up of the majority of the windows.

Given the above it is considered that the building must now be considered as almost a like for like replacement for the previous barn located on the site, which had in itself been previously used for leisure purposes.

### Design and Visual Impact

The appearance of the building in terms of the materials and form does currently reflect the agricultural context of the site, by replicating the appearance of the former barn. The applicant's agreement to remove the majority of the residential paraphernalia such as balconies and windows should ensure that the retention of this building will not result in the further degradation of its agricultural character of the surrounding land and will be in-keeping with the uses of the remainder of the buildings in the former yard.

Additional planting will also mitigate against the harmful impact on the appearance of the site or the wider character of the Dyffryn Basin and Ridge Slopes SLA, combined with the fact that the replacement structure corresponds to the footprint and configuration of the original building.

### Neighbouring Impact

The building is sited at some distance from the nearest neighbour at Tirnant. The majority of window openings are located on the ground floor and in the southern elevation away from that property. In addition whilst the access is via a shared driveway it is unlikely that the traffic generated by the use of the building would result in any greater disturbance than the legitimate agricultural use of the farm complex. As such the development would not have any adverse impact on the residential amenity of the neighbouring occupier.

### Highways and Infrastructure

On the issue of highways it is noted that the Council's Highway Engineer has no objection to the development.

As for the infrastructure it is noted that neither the Environment Agency nor Dwr Cymru / Welsh Water have any objections to the proposal. The Council's Environmental Health Section have also offered no comment on the application.

In view of the findings above, it is considered expedient to seek a legal agreement regarding the future use of the building and more especially the loft space or first floor. In addition it will be necessary to pursue enforcement action in order to ensure that the necessary works are undertaken to the building to render it acceptable. As such, authorisation is sought to serve an Enforcement Notice in respect of the removal of the bedrooms and residential accommodation from the first floor of the building and to ensure the development is completed in accordance with the plans which are the subject of this application

### CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 – Development in the Countryside; ENV4 – Special Landscape Areas; ENV8 – Small Scale Rural Conversions; ENV10 – Conservation of the Countryside; ENV27 – Design of New Developments; HOUS3 - Dwellings in the Countryside; and Strategic Policies 1 and 2 –The Environment; and 8 – Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Sustainable Development and Design in the Landscape; and national guidance contained in Planning Policy Wales, the development as submitted is considered acceptable subject to the applicant entering into the relevant legal agreement.

### RECOMMENDATION

1. That the Director of Legal, Public Protection and Housing Services be authorised to serve Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The completion of the development in accordance with the plans and particulars submitted as part of this application, namely the removal of all internal walls and accommodation from the first floor of the building along with the removal of the internal staircase and lean-to glass roof structure, windows, kitchen units and appliances at ground floor and a small extension to the side of the building.

In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

### APPROVE subject to the following condition(s):

1. The leisure building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Brooklands Hall.

Reason:

To avoid the creation of a separate unit of residential accommodation, and to ensure compliance with the terms of Policies ENV27 and HOUS11 of the Unitary Development Plan.

2. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, in particular details to be submitted relating to a landscaping screen to be erected along the south elevation of the building together with measures for their protection in the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.



3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development in accordance with the approved plans; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

4. Within 6 months of the date of this consent the building shall be completed in accordance with the plans hereby approved, including the removal of all internal walls and accommodation at first floor, the removal of all the relevant windows and permanent blocking up of the relevant window openings, the removal of the internal stair case and associated external structure, the removal of the kitchen units and appliances at ground floor and the removal of the side extension.

Reason:

To ensure the development is completed in a manner which is acceptable given its countryside location, proposed use and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

5. Prior to their use in the development hereby approved, samples of the materials to be used in the construction of the external staircase, blocking up of the window openings, re-cladding of the building and shuttering of the remaining windows, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

to ensure the building retains a rural barn type appearance and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

6. Notwithstanding the submitted plans, the first floor/attic space shall not be subdivided in any way and no separate rooms shall be created and shall only be used for domestic storage and for the storage and use of gym equipment, unless otherwise first agreed in writing with the Local Planning Authority

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

Background Papers

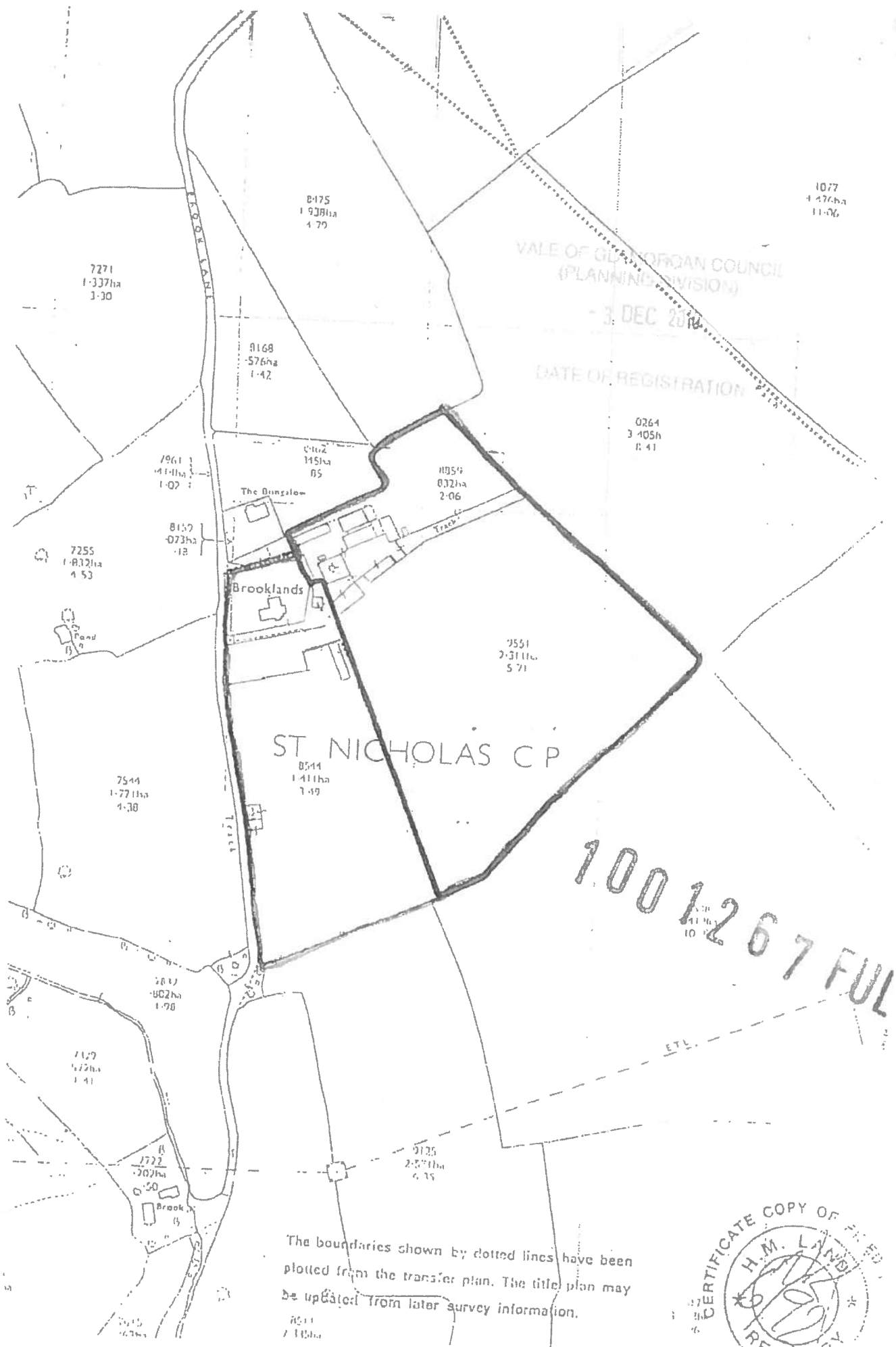
Planning Ref: ENF/2010/01267/FUL

Contact Officer - Mrs. H Kemp, Tel: 01446 704690

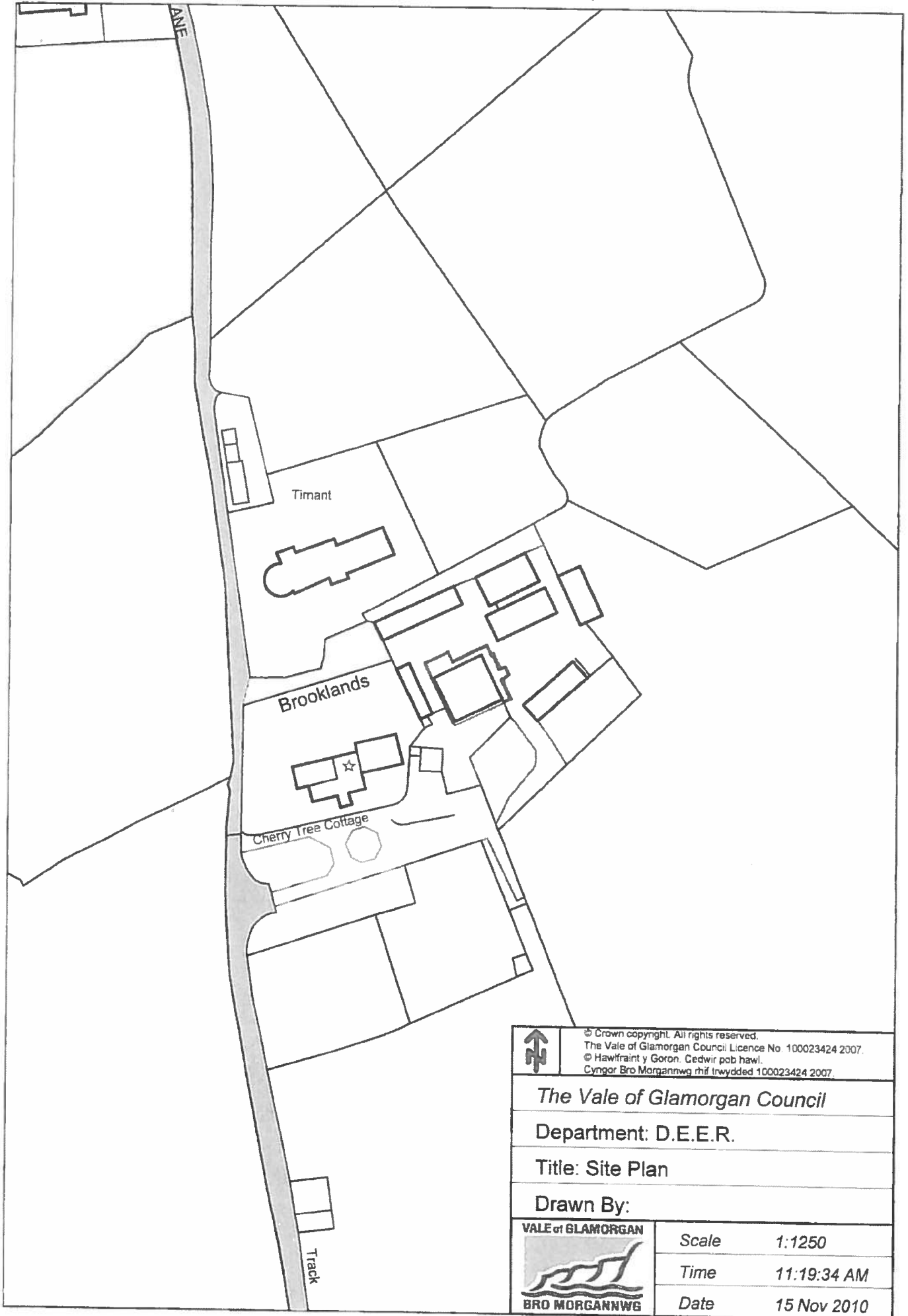
Officers Consulted:



All relevant Chief Officers have been consulted on the contents of this report.

ROB THOMAS  
DIRECTOR OF DEVELOPMENT SERVICES



The boundaries shown by dotted lines have been plotted from the transfer plan. The title plan may be updated from later survey information.



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	<b>The Vale of Glamorgan Council</b>	
Department: D.E.E.R.		
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