

D J HILL & PARTNERS

**CHANGE OF USE OF LAND AND CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS TO FORM A DOG BREEDING ENTERPRISE WITH ANCILLARY RESIDENTIAL SPACE AT BEACON LANE FARM, WELLINGTON (AMENDED SCHEME TO 44/11/0011)**

Grid Reference: 314067.117625

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed development will bring this group of former agricultural buildings back into an economic use within a rural location, which is supported by local plan policies and therefore the proposed dog breeding centre with ancillary residential accommodation is considered to be an appropriate re-use for the historic buildings at Beacon Lane Farm. The proposals will not harm visual or residential amenity and it is considered that any nuisance arising from proposed use will be appropriately contained within the enclosed kennel buildings whilst the character and appearance of the surrounding landscape and Area of Outstanding Natural Beauty will be maintained. The proposed development is therefore considered to comply with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and EC6 (Conversion of Rural Buildings), EN10 Areas of Outstanding natural Beauty, Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained within Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing), 4 (Delivering Sustainable Economic Growth), 5 (Planning for the Historic Environment) and 7 (Sustainable Development in Rural Areas).

**RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 201/G3 Elevations as Proposed Sheet 2  
(A3) DrNo 201/G2A Elevations as Proposed Sheet 1  
(A3) DrNo 201/G4A Courtyard Elevations as Proposed

(A3) DrNo 201/G1B Floor Plans as Proposed  
(A3) DrNo 201/S3 Elevations as Existing  
(A3) DrNo 201/S2 Elevations as Existing sheet 1  
(A3) DrNo 201/S1 Ground Floor Plans as Existing  
(A3) DrNo 201/L3 Highways Plans  
(A3) DrNo 201/L1B Site Layout and Location Plans  
(A4) Block Plan  
(A4) Site Location Plan DrNo 201/L2  
(A4) DrNo 201/SK2 Sketch Hedge Sections

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above.

Reason: To protect the character and appearance of the existing building and the contribution that it makes to the surrounding area in accordance with Policies S1 and S2 of the Taunton Deane Local Plan.

4. The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of the character and appearance of the building, in accordance with policies S1 and S2 of the Taunton Deane Local Plan.

5. The velux rooflights hereby permitted shall be flush fitting and of a conservation style only.

Reason: In the interests of the character and appearance of the building, in accordance with policies S1 and S2 of the Taunton Deane Local Plan.

6. The residential floor space hereby permitted shall not be occupied until the associated business floor space to be used for the dog breeding centre has first been brought into use.

Reason: To ensure that the principle use of the site as a dog breeding centre is commenced prior or simultaneously to the residential unit so as to prevent the creation of an independent residential development in open countryside contrary to policies H7 of the Taunton Deane Local Plan and guidance contained within PPS1, PPS3 and PPS7.

7. The occupation of the residential floor space identified as Range A on drawing 201/G1B shall be limited to a person solely or mainly working within the

buildings identified as Range B and Range C on drawing 201/G1B at Beacon Lane Farm and to any resident dependants.

Reason: The site lies in area where new residential development is generally restricted to that for which there is a proven functional need. As a bespoke use the Local Planning Authority wish to ensure that the occupation of the residential floor space at Beacon Lane Farm continues to be occupied in conjunction with the business use at the site in accordance with Taunton Deane Local Plan policies H7 and EC6 and guidance contained within PPS1, PPS3 and PPS7.

8.
  - (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

9. Prior to the use of any building hereby permitted first commencing, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Deposit Policy S2.

10. No part of the development hereby permitted shall be brought into use until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment and gates to be erected. The agreed boundary treatment shall be completed before any of the buildings are first occupied and thereafter be maintained as such.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

11. The section of hedge to be translocated adjacent to Foxmoor Road shall be carried out in accordance with details on plan 201/SK2 and the Hedgerow Translocation Method Statement dated 19 December 2011. Following implementation of this permission the hedge shall be moved within the first available planting season and once moved the maintenance of this hedge and infilling with appropriate planting shall be carried out and maintained for a period of 5 years in accordance with the approved plans and method statement.

Reason: In order to maintain the character of the roadside hedge in the area in accordance with policy S2 of the Taunton Deane Local Plan.

12. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of David F Wills' submitted report, dated December 2010 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for nesting birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat enhancements and owl box and related accesses have been fully implemented

Reason: To protect birds and bats and their habitats from damage bearing in mind that the law protects these species.

13. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), the building shall not be extended or any addition made to it in any way (including dormer window) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout and the character and appearance of the original building. Such would conflict with Taunton Deane Local Plan Policies S1, S2, and H17.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no building, structure, enclosure, gate, fence wall or other means of enclosure shall be erected, constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: In the interests of preserving the visual amenity and landscape character of the area in accordance with Local Plan Policies S1, S2, EN10 and EN12.

15. There shall be no obstruction to visibility greater in height than 900mm above the adjoining road level forward of a line drawn 2.4 metres back of the carriageway edge on the centreline of the access and extending to a point on the nearside carriageway edge 120 metres to the East. Said visibility shall be fully provided prior to the use of any building hereby permitted first commencing.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

#### Notes for compliance

1. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
2. If the translocation of the hedge adjacent to Foxmoor Road is not undertaken prior to March 2012 then you are advised of the need to satisfy yourself, through additional protected species survey work, that no species protected under UK or European Law are present within the hedgerow. If any protected species are subsequently found to be present within the affected hedgerow then you are advised to contact Natural England for further advice.
3. New water supply connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page at [www.wessexwater.co.uk/developerservices](http://www.wessexwater.co.uk/developerservices). As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

4. The Environment Agency should be consulted about a licence for the installation of the sewage treatment plant.
5. Changes to the surface of Public Right of Way WG13/23 will be made as a result of the proposed development. Authorisation for these works must be obtained from SCC Rights of Way Group. Further details can be obtained from Ester Harbour on (01823 357791).

If the work involved in carrying out this proposed development would - make a PROW less convenient for continued public use (or) - create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086.

## **PROPOSAL**

The application seeks planning permission for the conversion of three redundant agricultural barns to a live work unit that will comprise a dog breeding enterprise with ancillary residential accommodation at Beacon Lane Farm. Range A will be converted to a residential property of 103 sq metre floor space providing kitchen, dining and living space at ground floor level and two bedrooms with ensuite facilities above. Range's B and C will be converted to dog breeding kennels covering 132 sq metres of floor space. Range B of dog breeding element will provide for 4 individual kennels, a communal kennel, an entrance lobby, food storage and preparation area, with office and a bedding store above; Range C will have 6 whelping kennels, a WC and dog wash room. The conversion proposes to form one new doorway opening to the north elevation and one window to the east elevation of range A; all other openings will be utilised in the conversion scheme. The development will make use of natural roofing slates, timber fenestration, stone boundary treatments and reclaimed stone to repair walls where necessary. The paddock to the east of range C is to be planted out with trees to form an orchard and this area would remain outside the residential curtilage.

Externally, the buildings will be repaired using materials that are said to respect the character of the barns; new reclaimed Welsh slate roofs would be constructed over all three buildings and any repair work to the walls would use natural chert stone and lime mortar to the pointing. All fenestration would be of an oiled hardwood (Oak) frame and double glazed where necessary; in addition the new barge boards and fascias would be of timber; the log burning stove will be served by a matt black metal flue; all new rooflights would be of a traditional conservation pattern with metal frames. Foul sewage would be disposed of via a sewage treatment plant located within the northern section of the proposed orchard and all surface water would be drained to a nearby pond.

The site will be accessed via the private stone track off the unclassified highway to the north. The proposed development incorporates a scheme to translocate a 36 metre section of hedgerow to the east backwards in order to provide a visibility splay of 2.4m x 120m; a method statement and indicative plan have been submitted with regard to the hedgerow translocation together with an updated wildlife survey. Two passing bays are to be provided along the access track 70m and 240m from the existing access.

An Ecological Survey report accompanies the application, with on site survey work having been carried out on December 9th 2010. The survey report concludes that no bats were found within the barns and only limited evidence of use by nesting birds was found in the form of two nests. The report concludes that the scheme should provide for ecological enhancement opportunities for bats and birds within the development.

The application is supported by confidential financial information regarding the dog breeding business accounts together with a supporting letter from the business accountant (Francis Clark Chartered Accountants) confirming that the business is profitable and can be so maintained in the long term. A copy of the legal 'option' document is also provided. In addition, a noise survey has been submitted showing the responses from homeowners living within a 400 metre radius of the business' current location at Brimstone Barn, Pleamore Cross; this concludes that only 1 of 11 residents had heard noise from the outdoor kennels and that this was not considered to be loud or causing an unacceptable nuisance.

The dog breeding business, known as Coate Breeding, is well established and has maintained a healthy profit over the past two financial years. The business has a license to keep breeding dogs until 3 August 2012 at which point the license will require renewing. Outside kennels are currently provided at the property known as Brimstone Barn at Pleamore Cross, however this is unauthorised and enforcement proceedings are currently underway. The business proprietor currently has 18 breeding bitches - Cocker Spaniel and Miniature Poodles - and the proposed development will provide a permanent base for the business and aid in its expansion to approximately 26 breeding bitches over time. The business is marketed towards the pet and show home owners and is advertised predominantly online (85%) with some return/recommended customers (15%). The business employs one full time employee and one part time member of staff; increasing the business holds potential to increase employee numbers by 1 FTE.

## **SITE DESCRIPTION AND HISTORY**

Beacon Lane Farm is an isolated site approximately 3km (straight line distance) from the town centre of Wellington to the north. The site is accessed via a man made ungraded single lane stone track that derives access onto/off the unclassified highway network approximately 560 metres to the north. The access track also forms a Public Right of Way (WG 13/23), which follows the line of the track from the highway through a small wooded area to the complex of barns, which occupy an elevated position within the local landscape. Being set within a remote rural area within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) the site is surrounded by a collection of mature trees and native species hedgerows to the north, south and west; to the east there are clear views available out across the surrounding landscape looking out towards the raised ridge of the Blackdown Hills.

The application site comprises a complex of three traditional agricultural buildings arranged in a u-shape plan form with a cobbled access from the north. The buildings are constructed from chert stone walls with timber roof structures; the main threshing barn (range A) has historically had a natural slate roof although this is now largely dilapidated and many slates removed (either the result of natural forces or theft). The two smaller sections of the complex comprise a former Linhay and stables to the west (range B) and a shelter shed to the east (range C). Both range B & C have

corrugated metal sheet roofs over a traditional timber roof structure. Upon visiting the site it was apparent that significant site clearance had been undertaken to remove areas of undergrowth that had previously been observed to cover much of the site. To the north of the barn complex is a concrete base which is thought to have once been the site of a farmhouse.

With regard to planning history, there are three relevant planning applications that have directly involved the complex of agricultural buildings subject of this latest application.

- 44/88/0017 proposed the conversion of the agricultural barns to a dwelling house with link extension. Planning permission was refused planning permission by notice dated 17 January 1989 for two reasons - the change in character to the area by introducing a residential use and curtilage that would alter the character of the buildings and their surroundings within the remote location to the detriment of the character of the area and the detrimental impact upon the (then) Special Landscape Area through visual intrusion and additional traffic movements.
- 44/09/0014 granted planning permission by notice dated 8 December 2009. This development involved the demolition of the agricultural buildings subject of this current application and the erection of a new modern agricultural building in their place. At the time the development was considered not to harm the landscape character of the AONB. The loss of the barns was not well supported by the public and it was accepted that the barns made a positive contribution to the remote rural location locally, however at that time conservation advice indicated that the barns were not worthy of listing and would require quite substantial rebuilding and works to be brought back into use.
- 44/11/0011 refused planning permission by notice dated September 2011 for the conversion of the redundant barns to a 'live/work' unit. Planning permission was refused for three reasons - highway safety, that the development would be tantamount to a new residential development in open countryside and the impact of the development upon the character and appearance of the AONB.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WELLINGTON WITHOUT PARISH COUNCIL* - Object to the proposals based upon residents concerns together with those raised by consultees. The noise issue is also of concern.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposed details are acceptable and alleviate previous objections. No objection subject to conditions.

*SCC - RIGHTS OF WAY* - No objection received. Standard advice regarding the development and adjacent rights of way provided.

*BIODIVERSITY* - Previous comments apply - no objection & support report recommendations. The hedgerow along Foxmoor Rd should be surveyed.

Subsequent survey received. No objection to proposals.



*LANDSCAPE* - Proposals to convert barns acceptable subject to landscape details. Concern with proposed hedgerow translocation which is an important hedgerow. Method statement requested.

Proposed hedgerow translocation method statement and plan are acceptable.

*HERITAGE* - Proposals will have a lower impact than previous live/work scheme. Support proposals given the necessity to bring barns back to a beneficial use. Request conditions.

*BLACKDOWN HILLS AONB SERVICE* - Raise concern over the impact of a dog breeding enterprise upon the tranquility of the AONB; Impact upon local character from commercial & residential use that will erode the rustic agricultural character of the site; this in an unsustainable location for business or residential use; the residential use still forms a significant element of the scheme.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - No comments received.

## **Representations**

2 letters of support for the proposed development stating that Beacon Lane Farm would be the perfect place for dog breeding due to its isolated spot, with no neighbours and being good to reuse the buildings.

1 letter welcoming the reuse of the buildings but concerned that dogs may disturb wildlife.

5 letters of objection raising the following planning related issues:

- Inappropriate for footpath to run through the development;
- Noise from dogs will carry and be anti-social;
- No objection to a dwelling but have reservations over dog breeding centre alongside a very busy public footpath;
- Disturbance to kennelled dogs would cause frequent bouts of noise;
- Would be a shame for the peace and quiet of the area to be disrupted for walkers;
- This part of the valley traps and echoes noise making it carry;
- Under the Noise Strategy - England 2009 - consideration in planning and development should be given to preserving noise quality of rural quiet area;
- Proposals would cause noise disturbance to local people and visitors;
- Because of the natural bowl formation of these hills, noise naturally echoes around - one or two dogs barking on the footpath is heard over a wide area; thirty dogs in enclosures being disturbed by walkers would bark uncontrollably;
- Wildlife would disturb dogs at night causing them to bark;
- Proposal could have a detrimental impact upon visitors to the Monument whether travelling by car or on foot;
- Planning Officers might not be aware of abatement notice served on a relevant party at Pleamore Cross;
- The permanent presence of a kennel supervisor is not guaranteed and if it were such a person cannot control inevitable noise nuisance which would be five times grater than at Pleamore Cross
- 27 Dogs will shatter the peace of the only direct walk to Wellington Monument which is popular with visitors;

- Barking dogs will disturb sensitive wildlife in the area;
- Noise pollution will detract from peoples quiet enjoyment of this environmentally sensitive area;
- Natural shape of the land and prevailing wind will send high levels of penetrating sound into the wider valley disturbing neighbouring properties

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
 S2 - TDBCLP - Design,  
 EC6 - TDBCLP - Conversion of Rural Buildings,  
 H7 - TDBCLP - Conversion of Rural Buildings,  
 EN12 - TDBCLP - Landscape Character Areas,  
 EN10 - TDBCLP - Areas of Outstanding Natural Beauty,  
 EN3 - TDBCLP - Local Wildlife and Geological Interests,  
 M1 - TDBCLP - Non-residential Developments,  
 S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,  
 S&ENPP9 - S&ENP - The Built Historic Environment,  
 S&ENPP49 - S&ENP - Transport Requirements of New Development,  
 PPS1 - Delivering Sustainable Development,  
 PPS3 - Housing,  
 PPS4 - Planning for Sustainable Economic Growth,  
 PPS 5 - PPS5 Planning for the Historic Environment,  
 PPS7 - Sustainable Development in Rural Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues that require consideration in determining the proposed development are considered to be:

- the policy principle of a dog breeding centre with ancillary accommodation at the site;
- the impact upon the built historic environment; and
- the impact of the proposed development upon the landscape character and visual amenity of the Blackdown Hills AONB.

### Development Principle

PPS4 and PPS7 are generally supportive of the conversion of rural buildings to some form of employment generating and economic re-use where appropriately located. Policy EC6 of the LP sets out a number of criteria that must be met in order for a development to be considered acceptable. The proposed dog breeding business will account for 132 square metres of the floor space being created whilst the adjoining residential element will have a floor area of 103 square metres. The business element of the amended scheme has been increased significantly from the 46 square metres previously sought as part of a live work unit under planning application 44/11/0011. The amended scheme now provides for more business floor space than residential accommodation and provides for an end user which enables a better understanding of how the unit will function.

It is accepted that the proposed business use at the site generally accords with LP policy EC6 with the exception of being sited close to a public highway. However, the proposed use is not thought to attract a significant number of vehicle trips to and

from the site, particularly given that the main full time employee is likely to be resident on site. Most visits will be from potential purchasers having viewed information on the internet and from domestic service vehicles. As part of a dog breeding businesses license, it is required of the licensee to ensure that a responsible person is at or within a 'reasonable' distance of the premises in order to act in the event of fire or other emergency.

It could be argued that the proposed residential element is tantamount to a new dwelling in open countryside and therefore contrary to guidance contained within Planning Policy Statements 1, 3 and 7; indeed such was a reason for refusing the previous planning application. Notwithstanding this matter, an end user has now been found and in this context it seems reasonable to me that a person should be required to be on site at most times for a dog breeding enterprise if not for sound animal welfare reasons alone. This matter is considered to add weight to the need for residential accommodation at the site in order to support the business element; the degree of residential floor space proposed is now less than that of the business unit and in this case can be argued as being ancillary to the dog breeding element.

It seems to me that dog breeding businesses are unlikely to be provided within densely populated urban areas due to potential disturbances to neighbouring properties and most similar uses such as kennels and cattery's are generally found within rural locations. The existing business is located at Pleamore Cross and surrounded by a small group of residential properties. Whilst an informal noise assessment has been provided by the agent to demonstrate that residents at Pleamore Cross are not unduly affected by the outdoor kenneling of breeding dogs this unauthorised development has an ongoing Enforcement case together with prosecution proceedings against the proprietor who is in need of finding an alternative site for the business. The conversion of the barns at Beacon Lane Farm will provide an appropriate 'in principle' location for the business to find a permanent base in order to continue operating as a financially successful enterprise.

I note that a number of objections, together with some support, has arisen through the public consultation process. The primary concern raised is that of noise disturbance within the AONB along the footpaths in the area and to nearby locations where it is perceived that noise from barking dogs will carry to along the valley. It is important to note that the proposed dog breeding kennels will be housed entirely indoors. I acknowledge that dogs generally behave in a pack like mentality and that one barking dog may set off others; however the dogs at the site will be housed indoors and will be physically separated from walkers, their dogs and any other wildlife in the area and due to the arrangement of buildings and separation by boundary walls and the like it is unlikely that walkers or wildlife will disturb the dogs within the kennel buildings. The building will be double glazed and any noise arising from the use will likely be contained well within the buildings. Any form of exercise that may be undertaken by the proprietor is likely to be done in a similar manner to any other member of the public who can walk their dog along footpaths in the area, and any one person such as a professional dog walker can often walk up to six dogs at a time.

The previous application was for a live work unit for any form of B1 or B2 use; this attracted a great deal of support - 26 letters together with the Parish Council - however there seemed little concern as to noise that would be produced from any industrial or business use at the site, which would likely be greater than that of a dog breeding enterprise, especially when factoring in a significant degree of vehicle

movements that would have been involved. The previous application clearly shows that there is a local desire to see these buildings brought back into re-use and such was also a common theme that was echoed by the Council's Planning Committee. Given that the kennels will be housed indoors I am of the opinion that any noise arising from the breeding dogs will be well contained within the buildings and that disturbance of dogs from people or animals within the vicinity will not be so great as to warrant refusal of planning permission.

#### Heritage impact and landscape character

The complex of disused barns at Beacon Lane Farm are considered by the Council's Conservation Officer to be a heritage asset in accordance with guidance contained within PPS5 and given their poor condition an alternative use should be found. The buildings are thought to date to around the 17th century and whilst a date stone inscribed with 1641 is present within one archway to range B the buildings have undergone numerous alterations in their time; as a result of the brick arch detailing to the openings of range B it is thought that the date stone may have originated from elsewhere and not the barns themselves. Nonetheless, at present the buildings are structurally sound although their general external appearance and condition is poor, with large amounts of slate roof missing, broken timbers, collapsed sections of walls and various cracks and separations within the walls.

Despite objections there remains a degree of public support for finding an alternative use of these buildings in order to preserve their contribution to the local area. I am also mindful of the support for their retention under the previously refused scheme. The proposed conversion scheme will have a relatively low impact upon the buildings themselves as acknowledged by the Council's Conservation Officer; I am of the opinion that the proposed works will not significantly alter the character or appearance of the buildings and the use of local natural materials, together with maintaining the built form in a relatively unchanged manner with only two new openings will further preserve this complex of buildings.

Objection has been raised as to the impact of the proposed development upon the quiet enjoyment of the AONB and people using the public footpaths in the area in accessing Wellington Monument. Matters regarding noise have been considered above and therefore this section will focus on the impact of the change of use and conversion works upon landscape character of the area.

The site currently has a rustic, natural appearance to it as noted by the AONB Officer and whilst the buildings may be preserved it is likely that there will be a change in the general appearance of the site arising through the business and residential use of the buildings. There was concern at the change in appearance of the site within the AONB under the previous scheme, however this particularly revolved around the potential for a high number of vehicle trips to and from the site which would have impacted upon the area significantly. Vehicle trips are likely to be significantly reduced as a dog breeding centre and this is thought to limit the impact of the proposed use upon the wider context of the AONB. It is also noted that the residential curtilage of the site is limited to the building complex, cobbled yard and area to the north within stone walls. All materials will be in keeping and can be conditioned in order to ensure features such as entrance gates are of an appropriate design and materials. Further, in order to reduce the impact of the development on the character and appearance of the AONB, permitted development rights should be removed to prevent the erection of buildings within the site.

Whilst it is acknowledged that there will be a change in appearance of the site within the AONB, which will be visible from public vantage points along adjacent footpaths, the overall benefit of bringing the buildings back into a sound economic use is also attributed significant weight so as to preserve the long term contribution made by the buildings in general to the local area.

### Other matters

Having regard to the impact of the development upon the safety of highway users - both vehicular and pedestrian - the amended scheme, which provides for a new visibility splay of 120 metres to the east, has overcome the highway officer concerns and objection to the original proposal under LPA reference 44/11/0011. The new visibility splay will ensure that vehicles can see and be seen when entering/exiting Beacon Lane off/onto Foxmoor Road. This will require a 36 metre length of hedgerow to be translocated however I am satisfied, in accordance with the Landscape Officers advice, that this can be achieved without causing the hedgerow to be lost. In addition to the visibility splay two new passing places will alleviate pressure to any vehicles meeting along the long single lane track whilst not affecting the safety of pedestrians. The application states that with the exception of the entrance, which will be finished with tarmac, the surface along Beacon Lane will not be affected. Notwithstanding this matter the resurfacing of the entrance will require the permission of the County Council Rights of Way Team before being undertaken and therefore formal advice will be provided in an advisory note as previous.

The buildings are not home to any protected species as identified within the submitted ecological survey report however there is potential to improve the site and the buildings in terms of wildlife protection and 'accommodation'; it is therefore proposed to include a condition to any approval for a mitigation strategy to be provided and it is accepted that at present, the buildings are structurally capable of being converted without the need for significant alteration or any rebuilding as per the submitted report. However it is proposed to remove permitted development rights for extensions and other alterations to the buildings in order to protect their original form, character and appearance and it is also questionable whether the buildings can be extended within the curtilage without any detrimental impact arising to amenity in the area. Sufficient parking and turning will be available within the site and cobbled yard in order to reduce the visual impact of domestic vehicles and ensure vehicles are retained within the site.

### Conclusions

In transport terms the site at Beacon Lane Farm is within an unsustainable location where new residential development is normally restricted by the LPA. However, the proposed development is for a new dog breeding centre to support an existing and financially sound business in need of new premises and it includes an ancillary residential unit that will be occupied by a person responsible for the animal welfare and safety at the site as per the breeding license requirements. The conversion of the redundant buildings to a dog breeding centre ( a business use in a rural location) is considered to comply with LP policy EC6; the buildings are worthy of retention as noted by the councils Conservation Officer, capable of conversion without significant rebuild or extension; the proposed use will enhance nature conservation and heritage interests at the site and not significantly harm the landscape character of

the area to a degree that warrants refusal.

In addition to the economic argument, the proposed scheme will provide for a long term use of the buildings at Beacon Lane Farm to the benefit of the built heritage of the local area for which there has previously been a significant degree of support from the public and which was also seen in a favourable light previously by the councils Planning Committee. As an exception to planning policy, it is accepted that a degree of ancillary residential accommodation at the site is necessary for an individual use such as that proposed. As a one off development/use, the proposals are considered acceptable and generally in accordance with planning policies. Given that this application is supported as a one off case where it has been demonstrated that residential accommodation is required in an unsustainable location in order to support a business within converted rural buildings, a suitably worded condition should be attached to the approval restricting the occupation of the residential floor space to a person solely or mainly employed at Beacon Lane Farm.

The proposed development will assist in diversifying the rural economy and bring back into use redundant agricultural buildings for alternative economic activity, which is generally supported by planning policy. This, together with the perceived benefits to the built heritage at the site is considered to outweigh the unsustainable location of the site in this individual instance and therefore, for the reasons outlined above, it is recommended that planning permission be granted subject to conditions.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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