

APPLICATION NO: 11/01022/FUL		OFFICER: Mr Ian Crohill	
DATE REGISTERED: 29th July 2011		DATE OF EXPIRY : 23rd September 2011	
WARD: Battledown		PARISH: CHARLK	
APPLICANT:	Mr J Stanley		
LOCATION:	Middle Colgate Farm, Ham Road, Charlton Kings		
PROPOSAL:	Continued use of part of existing barn as accommodation ancillary to residential accommodation of farm house at Middle Colgate Farm (including minor external alterations)		

REPRESENTATIONS

Number of contributors	3
Number of objections	3
Number of representations	0
Number of supporting	0

Wadleys
Ham Lane
Charlton Kings
Cheltenham
GL52 6NJ

Comments: 22nd August 2011
Letter attached.

Court Lodge
Ham Road
Charlton Kings
Cheltenham
GL52 6ND

Comments: 9th August 2011
Letter attached.

Comments: 1st September 2011
Letter attached.

New Barn Farm
Foxcote
Cheltenham
GL54 4LN

Comments: 30th August 2011
Letter attached.

Cheltenham Borough Council			
Environment Group			
PASSED TO			
REC'D	18 AUG 2011		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

ADLEYS FARM,
HAM LANE,
CHARLTON KINGS,
CHELTENHAM
GL 52 6NJ.
16-8-11.

you ref 11/01022/FUL.

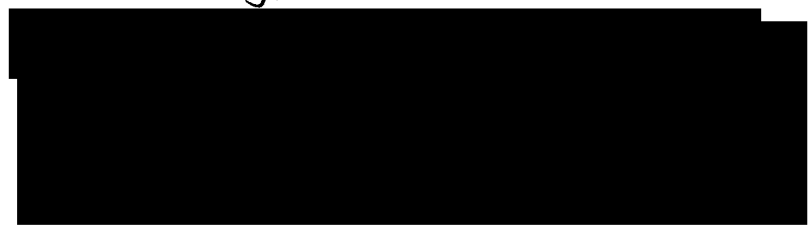
Dear Mr. Gantier,

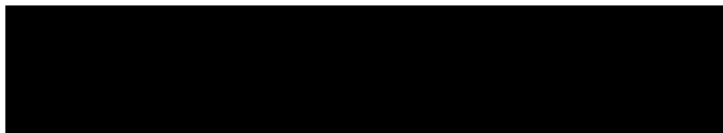
with reference to the above application, I can see no reason whatsoever to even consider it. The whole situation of Middle Wolgate Barn makes no sense at all, as the whole matter was dealt with at length, and expensively, by a Planning Inspector (Mr. G. Osborne) on the 15th and 30th September 2009 when he agreed with Cheltenham Borough Council not to issue a Certificate of Lawful use or Development to use the accommodation clandestinely installed in the barn. (APP/B1605/X/09/2097334)

Surely, that's clear enough, the barn is not to be used as living accommodation. Apparently, since then, it has been so used. This makes a total nonsense of the Planning Inspector's comments, and I, as a naive and law abiding citizen, would think that an enforcement action should be taken against the owner, followed by prosecution. Instead, we are now discussing the continued illegal use for the second time. Certainly the Planning Rules in this country seem to be more and more Alice in Wonderland!

I sincerely hope that the Planning Committee will reject this application and seek to take further action against the applicant.

Yours sincerely,





Sent: 09 August 2011 14:04
To: Internet - Planning Comments
Subject: Middle Colgate Farm 11/01022/FUL

Dear Dccomments

I cannot BELIEVE that the applicant, after the previous Inquiry into the residential use of this barn, should be applying for CONTINUED use for residential purposes. Though the last Inquiry hinged on time used (unauthorised) by the previous occupant and whether the rest of the barn was used residentially, the 'residential' use was dismissed - as it should have been for any agricultural barn secretly used as a dwelling by the owner. I hope that no 'secret' occupants have been living there in the interim.

The 'continued' use suggested by the applicant seems to defy the Inspector's findings, all of a piece with the applicant's so-say agricultural labourer's cottage - or MANSION? - now under construction in this prominent scarp location of the AONB.

I take it that the current application is retrospective, though I see no sign of this in the application, as the new owner has already commenced exterior 'improvements' to the barn - though just WHERE he is obtaining ELM boarding for the top part of the barn cladding is anybody's guess.

Fair and square the previous Inspector dismissed residential use. I hope that the Borough will therefore object to the idea of 'continued' residential use and will also refuse permission for any residential use of this agricultural barn.

Yours faithfully



Court Lodge
Ham Road
Charlton Kings
Cheltenham
GL52 6ND

Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	31 AUG 2011		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Court Lodge
Ham Road
Charlton kings
Cheltenham
GL52 6ND

30 August 2011

FAO Adam Gatier
Enforcement Officer
Built Environment
Cheltenham Borough Council
Municipal Buildings
Promenade
Cheltenham
GL50 9SA

Dear Mr Gatier

Middle Colgate Farm Ref 11/01022/FUL

In addition to the objection I sent via DCComments, to back my objection I should like to submit two articles from 'Planning' magazine's DC Casebook which, though applying to slightly different circumstances, recognise the principle that a gap in occupation and a change of occupant nullify an acceptance that a ten year occupancy had taken place, laying the new unauthorised occupant open to enforcement action.

In other words, the 'continued occupation' proposed is based on a false premise and should not be accepted.

Yours sincerely

[Redacted Signature]

[Redacted Signature]

Encs Planning Magazine 30 January 2009 'Four month vacancy deemed significant'
27 March 2009 DC Forum 'If a dwelling is covered . . .'

[Redacted Signature]

DEVELOPMENT CONTROL CASEBOOK

Development Control
Casebook is compiled on
behalf of Planning
magazine by DCS Ltd

Casebook Suite 1,
Fullers Court,
40 Lower Quay Street,
Gloucester GL1 2LW

T 01452 835820
F 01452 835822
E casebook@haymarket.com

Compilers
Julie German 01452 835831
Mark Wood 01452 411463

Forum Editor
John Harrison 01452 835820
Picture Research
Jill Maton 01452 835820

APPEAL CASES AGRICULTURAL DEVELOPMENT

Four-month vacancy deemed significant
The occupants of a bungalow in Cambridgeshire have failed to secure confirmation that they can continue living in the property in contravention of an agricultural occupancy condition.

Planning permission had been granted in 1960 subject to a condition restricting occupation to people employed locally in agriculture or forestry. The council did not dispute that the property had been occupied between 1993 and 2006 by a lorry driver in breach of the condition before being purchased by the appellants in 2006.

However, the council claimed that before the appellants moved in the premises had been vacant for four months. It argued that the appellants' occupation after this spell had led to a new breach of the condition and so the ten-year period required to acquire immunity began anew. The appellants countered that the four-month period of non-occupation was *de minimis* in planning terms.

Taken from 1993, they contended, the four months equated to only 2.5 per cent of the period during which the property had been occupied in breach of the condition. They also claimed that had a lawful development certificate been sought at the end of their initial occupation it would have been issued because there had been an unbroken ten-year period of occupation.

The inspector referred to the rulings in *Nicholson v Secretary of State for the Environment and Maldon District Council [1998]* and *North Devon District Council v Secretary of State for the Environment and Rottenbury [1998]*. These confirmed his view that there was no clear definition of what constitutes a *de minimis* period of vacancy, so the case had to be determined on the basis of fact and degree.

In his opinion, the council would not have been able to serve an enforcement notice during the four-month vacancy because the terms of the condition were not being breached. Consequently, a new breach occurred when the appellants occupied the property, allowing the council to serve an enforcement notice for non-compliance.

DCS Number 100-059-261

Inspector David Harrison; Written representations

Farmhouse sale valuation held excessive

The removal of an agricultural occupancy condition imposed on a house in the Bristol green belt has been refused after an inspector held that it had been advertised for sale at an inappropriate price.

The property comprised a three-bedroom detached house with a 12ha holding planted as

IN DEPTH

Drop-in facility given temporary consent to enable impact review

An inspector has accepted that a drop-in centre for drug users in Swindon is unlikely to increase crime but has granted a temporary permission so its impact can be monitored and reviewed.

Local residents gave general support for the appellants' work and their continued use of the premises as an office. However, they argued that drug users' past activities in the area had led to dumping of drug paraphernalia, vandalism and other antisocial behaviour. These had been significantly reduced by concerted action from various bodies but locals feared that the scheme would prompt a return to the former situation.

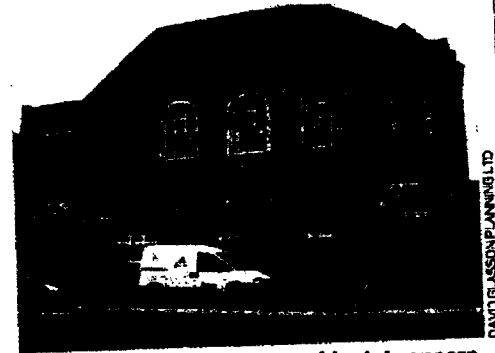
They voiced concern that the presence of the drop-in centre would attract more drug dealers to the area to prey on vulnerable people using the facility. But the inspector found no evidence of criminal, antisocial or aggressive behaviour by clients of a drop-in centre at a church in the area. He saw no reason to assume that clients visiting the proposed centre would misbehave.

He noted that the appellants operated similar centres elsewhere and had received little in the way of complaints from residents in those areas. A letter of support from the council in one such area indicated that crime rates had fallen and that there had been no negative incidents in the vicinity since the centre opened in 2000.

woodland. It had been valued by a local estate agent at £975,000 in 2006, including all associated land. It had then been marketed seeking offers in excess of £700,000. Because of changes in the property market, it had been revalued at £850,000 with offers invited in excess of £690,000.

The appellant maintained that the property had been advertised at a 25 per cent discount to reflect the agricultural occupancy restriction. He relied on other appeal decisions and the general approach adopted by the courts in *Epping Forest District Council v Secretary of State for Transport, Local Government and the Regions [2005]*.

The council argued that the valuations had been made on an inappropriate basis. It pointed out that the agent had valued the house and added £322,000



Swindon: evidence belies residents' concern

However, the inspector recognised that the evidence was limited. He decided that it would be appropriate to offer an opportunity to monitor the impact of the project over a longer period to assess the suitability of the location more accurately. On other matters, he considered that activity generated by the centre was unlikely to lead to a material increase in noise and disturbance and was satisfied that the appellant had access to sufficient car parking space.

DCS Number 100-059-479

Inspector Raymond Michael; Hearing

to account for the woodland. It maintained the potential buyers including retired farmers may have been dissuaded from making an offer because of the need to purchase the woodland as well.

The inspector agreed that this could have been dealt with had the appellant made clear that the house could be sold independently of the woodland, effectively reducing its price by more than £300,000. The marketing details had not included this option, potentially deterring expressions of interest from suitable buyers. Despite the discounted price, he ruled that inclusion of the woodland meant that the dwelling's value had been inflated so removal of the condition was unjustified.

DCS Number 100-059-526

Inspector Jon Roberts; Hearing

Download these appeal decisions from www.compasssearch.co.uk or call 01452 835820

DC FORUM

Email your queries or your replies to earlier queries to casebook@haymarket.com or post them to Development Control Casebook Forum, DCS Ltd, Casebook Suite 1, Fuller's Court, 40 Lower Quay Street, Gloucester GL1 2LW. Comment and post at PlanningResource.co.uk/forum/dc

found some visual and recreational benefit in desilting the lake but agreed that deposition of the material around the trees could be harmful if it proved toxic. Ascertaining whether the silt could be safely spread out between the trees required proper tests, she held.

DCS Number 100-060-553

Inspector Wendy McKay, Hearing

COURT CASE

Financial loss claim rejected by court

The owners of an Essex stud farm have lost a court bid to obtain damages from Uttlesford District Council following its decision to withdraw a breach of condition notice.

The council claimed that the owners were living in a building in breach of a condition stating that none of the premises should be used residentially. It withdrew the notice after the owners decided to take court action. The owners argued that during the six months leading up to withdrawal of the notice, their bank treated the £280,000 property as worthless, they were unable to secure further loans and their credit rating was harmed.

Mr Justice Ockleton decided that although the claim for damages had been well presented, there was no merit to the case. He found it hard to see how the owners' inability to obtain loans and difficulties in discharging liabilities were directly related to the council's decision to serve the notice.

Eyers v Uttlesford District Council

Date 16 February 2009

Ref CO/3585/2008

NEXT WEEK

Homes blocked pending regional plan

The secretary of state has rejected an outline proposal for 360 dwellings in Gloucestershire, finding that the site has not yet been identified as an appropriate strategic location.

DCS Number 100-060-955

Chimney removal ordered at factory

An inspector has upheld enforcement action against a chimney at a Nottinghamshire factory despite the appellant's argument that it is needed to meet health and safety regulations.

DCS Number 100-060-801

Retail space held to dent centre vitality

Marks & Spencer has failed to secure a variation of a condition restricting the size of units in an out-of-centre Kent shopping mall because it would undermine the town centre's vitality.

DCS Number 100-060-710

Tree felling justified on safety grounds

A reporter has allowed felling of four trees near a development of ten houses in Ayrshire, remarking that the council would have been aware of their proximity in approving the layout.

DCS Number 100-060-808



While every effort is made to ensure that the summaries and opinions contained in Development Control Casebook and Forum are correct, neither the publishers nor the publishers accept any liability arising from use of this information without verification from source documents or professional planning guidance.

An authority has a local plan policy seeking to protect community facilities and has indicated that it will not grant permission to redevelop a church site until a new site has been secured. The church wants to provide better community facilities in a deprived area and is negotiating with the council's property department to find an alternative site. Can the council do this? RC

A planning permission would presumably help the church establish the value of its existing site and therefore what resources it would have to move to a new one. The only suggestion I could make would be to propose either a planning obligation or a Grampian condition requiring that, say, redevelopment of the existing site should not take place until a contract has been agreed for the construction of premises that the council considers to be equivalent. However, either option would require a degree of co-operation from the authority because it would have to decide what it considers would constitute an equivalent facility. An appeal against any refusal of planning permission or non-determination would not be straightforward. Unless readers have other ideas, it would seem preferable to try to persuade the authority to accept a Grampian condition or planning obligation. *JH*

If a dwelling is covered by a lawful development certificate (LDC) confirming that an agricultural occupancy condition has been breached for more than ten years, what is the situation if the property is later occupied by someone who complies with the condition? Would this effectively nullify the certificate? RW

The issue is dealt with in *Development Control Practice* 9.453. Such a scenario was considered in *Nicholson v Secretary of State for the Environment and Maldon District Council [1997]*, where it was held that subsequent renewed non-compliance would involve a fresh breach. In other words, the period for enforcement against the breach will begin to run again. An LDC is only valid insofar as it certifies what the situation was at the time of its issue. *JH*

Can you advise on fees for renewing planning applications? The 1995 circular on fees said a flat-rate fee of £178 was payable. The 2008 circular makes no reference to this. Most authorities in this area no longer accept a flat fee to renew a planning permission and insist on a full new application with all the relevant supporting information. DfI

When the General Development Procedure (Amendment) (England) Order 2008 came into force, the procedure whereby a permission that was about to expire could be renewed by letter

with the fee set at the rate for variation of a condition was withdrawn. This is confirmed by paragraph 13 of Circular 2/2008. An application for renewal now requires the full fee for that development to be paid and it must be made through the standard application form with full plans. *JH*

Do local planning authorities have any discretion over whether access to the public highway is shown as part of a planning application site? BM

The Planning Portal's notes on lodging planning applications state that the red-lined site boundary "should include all land necessary to carry out the proposed development, including land required for access to the site from a public highway". I am not aware of any cases making this a legal requirement, however. Before granting permission, councils should be satisfied that they know how a site will be accessed. In some circumstances, a Grampian condition relating to access may be appropriate. *JH*

A client wishes to construct an access to a new hardstanding in his curtilage from an unclassified road to the rear. He already has an access from the front. The council claims that planning permission is needed for the new access because the property already has an access and therefore it is not "required" in accordance with class B, part 2, schedule 2 of the General Permitted Development Order 1995. Do you agree? GR

If your client did not consider that he required an additional access, he would hardly be proposing to spend money constructing one. For whatever reason, your client wants to be able to park vehicles in front of and behind his house and is constructing a hardstanding to enable this. The access is required as part of this work and is permitted development. *JH*

My council wishes to pave an area of 20m by 70m forming part of a seafront open space used under licence as a publicly available putting green. The public would have free access to the paved area but it would reduce the putting green's size. A low wall would have to be wholly or partly removed to provide pedestrian and possibly vehicular access to an adjacent classified road. Would this require planning permission? JS

Because of the size of the area involved, the paving works would seem to go beyond the scope of part 12, schedule 2 of the General Permitted Development Order 1995 and creating an access to a classified road would be outside the scope of part 2. So planning permission would be required. *JH*

Download these appeal decisions from www.compasssearch.co.uk or call 01452 835820

Environment Group			
PASSED TO			
REC'D	26 AUG 2011		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Planning Reference 11/01022/FUL

New Barn Farm
 Foxcote
 Cheltenham
 GL54 4LN

Cheltenham Borough Council
 Development Services
 Municipal Offices
 Cheltenham
 Glos. GL50 1PP

24th August 2011

Dear Sirs

Re: Middle Colgate Farm, Ham Road, Cheltenham. GL54 4EZ.

11/01022/FUL : Continued use of part of existing barn for residential accommodation ancillary to Middle Colgate Farm, including minor external alterations.

I object to the above application for the following reasons:

A. The description, 'continued use of barn as residential accommodation' gives the false impression that the barn is currently in legal residential use, which it is not. Two previous applications for residential use have been refused and appeals dismissed. (Reference - 08/01040/CLEUD and 09/00229/CLEUD).

The building may be occupied at this moment but that does not make the residential use of the barn legal - and it is in fact in breach of the planning laws.

Referring to the appeal for the use of the barn, as a whole or in part as a dwelling. - Appeal Ref : **APP/B1605/X/09/2097334**, Decision date: 29 October 2009. The Inspector concluded that the Council's deemed refusal to grant a Certificate of Lawful Existing Development (LDC) in respect of a single dwelling house, or to grant any alternative certificate was well founded and that the appeal should fail, (paragraph 50) and that the lawful use, to which there is no dispute, is that of an agricultural barn, (paragraph 49).

During the appeal there may have been a lack of clarity into what part of the barn was used as a dwelling and what as the non domestic barn, and subsequently enforcement action may be difficult, (although I do not see why), but the bottom line is the appeal was dismissed and the resulting occupation on a residential basis is now illegal. The addition of internal partitions subsequent to the appeal is irrelevant; it does not make residential occupation lawful. The provision of a partition certainly does not clarify the area that was lived in at the time of the appeal, which was the main issue of concern to the Inspector.

Occupation of the Barn ceased on April 28th 2008, but since the appeal was turned down on 29th October 2009, a septic tank has been installed, which was commissioned in 2010, again with no approval from the Local Authority or the Environment Agency, and unauthorised occupation of the barn then recommenced in June 2010. This septic tank is sited about 16 metres from an underground spring which I was intending to bore and use for watering animals.

On Thursday 21st October 2010 I went, with my son Mr J.L Pritchett, to the Council Offices in Cheltenham to report to Cheltenham Borough Council's Enforcement Officer at the time, Mr Martin Levick, and inform him of the unauthorised occupation and installation of the unpermitted septic tank. Mr Levick promised that action would be taken within 14 days. However no action was taken.

Having again recently spoken to an Enforcement Officer at the council by telephone it now appears that the Council have now taken a completely different attitude. I was told that there would be no agricultural tie attached, should the building be granted residential use, even though the building is an agricultural barn. It just seems strange that having gone to the

expense of opposing the appeal the Council are now reluctant to communicate with me. I feel it is the planners duty as public servants to preserve our countryside, agricultural and rural settings, particularly in an Area of Outstanding Beauty. Barns and Cotswold Stone buildings built long before planning laws are what has made our Cotswolds so pleasant, and thus valuable which we find larger numbers of people now exploiting. It is every farmers dream to turn their barns into houses but they just cannot do it, so then what is the difference here. This barn is part of an agricultural setting and should remain so. Since the Applicant has employed *SF Planning* to represent him, the proprietors of which are former senior planning officers, the Council Planning Department appears to have take a different viewpoint and, having spoken to the Enforcement Officer, almost appear to favour a change of use.

As a footnote to Item A above - I would point out that the current Planning Application Form submitted to the Council has been incorrectly filled in: Section 14 describes the existing use as 'agricultural storage residential' when the barn is actually in agricultural use only. Section 17 states there will be no loss or gain of residential units when obviously a residential unit is to be gained.

B. The barn in question is too close to my working farm, it immediately adjoins my farmyard on two sides and is no more than 10 metres away from my livestock barns. These barns are used for housing cattle in the winter, pigs all year round, lambing in the spring, also storage of hay and fodder. Weaning of animals results in a lot of noise which is hard to tolerate for neighbouring residents who have moved to the countryside for peace and quiet.

Housing of livestock will inevitably result in complaints from the residents of the barn about the noise, smell, the rats (which regrettably are inevitable) and other rodents.

I have had a similar experience in Foxcote, Nr Andoversford when the continous complaints from local residents of buildings converted long after I started in business forced me to give up keeping livestock there and hence the reason I moved to Colgate which was remote from residential buildings.

The cattle on the farm are already currently under TB restriction and the close proximity of a residential building can only increase the possibility of spread of other livestock diseases, such as foot and mouth, blue tongue and many others.

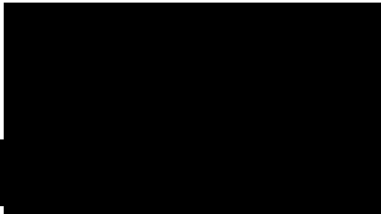

Storage of hay and fodder close to the barn could present a fire risk to the inhabitants.

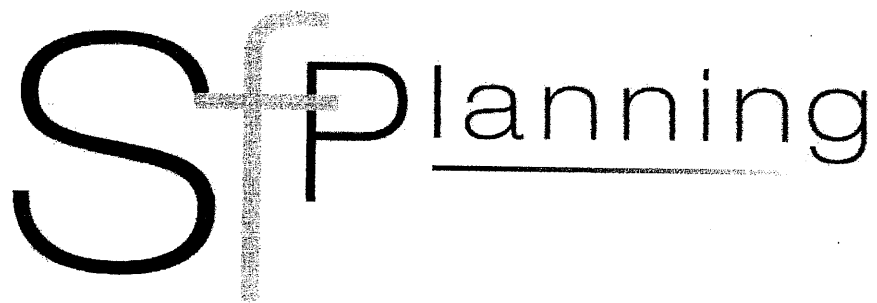
Consequently it is very unsatisfactory to have a residential property so close to a remote farmyard and I am against having any of my day to day operations disturbed or restricted - which they will be no matter how much anybody says that they will not.

If the applicant wishes to apply to construct an annex to his new farm house then I would have no objection so long as the farm yard remains as agricultural as existing.

As a conclusion to this letter of objection I request that enforcement action is now taken against the continuing illegal occupation of this barn for residential purposes.

Yours Faithfully,



Copies to:
Gloucestershire Echo
The Planning Inspectorate
NFU
Farming News
Mrs Alice Ross



**Planning, Design and Access
Statement**

in support of

**Use of Barn as Ancillary
Accommodation**

at

**Middle Colgate Farm, Ham Road,
Charlton Kings, Cheltenham**

On behalf of Mr J Stanley

July 2011

Contents

- 1.0 Background, Location and Context**
- 2.0 Use**
- 3.0 Amount, Scale, and Layout**
- 4.0 Landscaping**
- 5.0 Design, Appearance, and Materials**
- 6.0 Access**
- 7.0 Policy Considerations**



SF Planning Limited
12 Royal Crescent
Cheltenham
Gloucestershire
GL50 3DA

Telephone: 01242 231575

Email: simon@sfplanning.co.uk or mark@sfplanning.co.uk

COPYRIGHT:

The contents of this statement must not be copied or reproduced in part or in whole without the express written consent of SF Planning Limited.



1.0 Background, Planning History, Location and Context

Background and Planning History

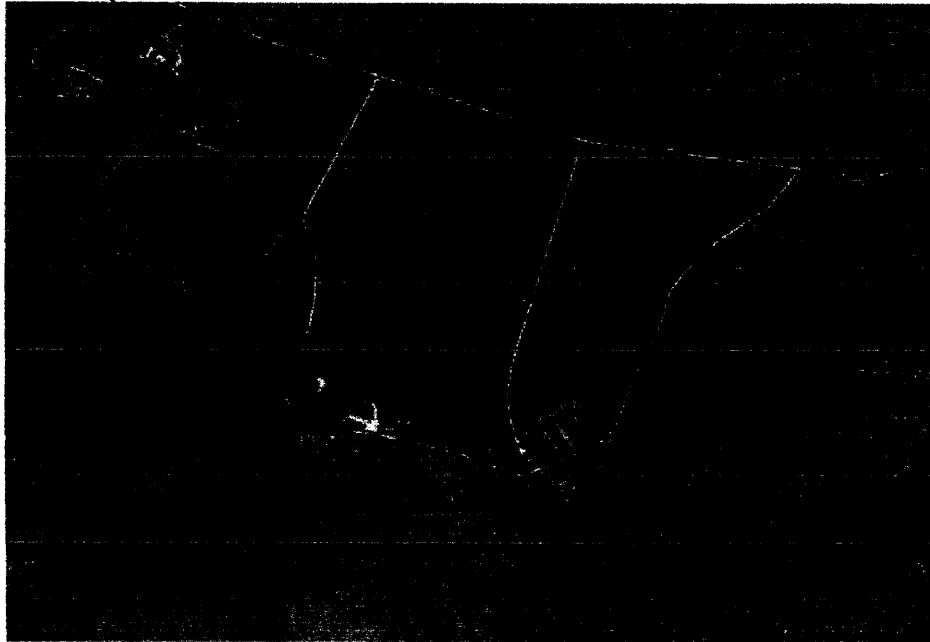
- 1.1 Planning permission is sought for the use of part of an existing barn for residential accommodation ancillary to the property known as Middle Colgate Farm.
- 1.2 This statement provides a description of the application site, its context and history, along with what is involved in the actual submission. This statement also explains how the proposed development accords with the relevant policies of the Local Plan and the advice in national planning guidance.
- 1.3 Planning permission for the erection of an agricultural workers dwelling at this site was originally granted in 1986 under reference CB.16763/04. In January 1997 the Council confirmed that due to condition 1 of that consent previously being satisfied, the permission remained extant.
- 1.4 More recently, revisions to that permission have been approved in August and November 2010, under references 10/00986/FUL and 10/01664/FUL respectively. This dwelling is now well under construction, with completion due in the near future.
- 1.5 In terms of the barn for this application for ancillary accommodation, it has been the subject of previous uses and proposals. Of most relevance are an application and subsequent appeal for a Certificate of Lawful Existing Development (CLEUD) for use of part of the barn as a dwelling, references 08/01040/CLEUD and 2097334.
- 1.6 That application was refused by the Council. In determining the appeal the Inspector interestingly fully accepted that sufficient evidence existed to demonstrate that the barn had been used continuously for residential purposes for a sufficient period to in effect be immune from enforcement action.
- 1.7 It was the lack of clarity about the part of the barn to which this use had persisted however which led the Inspector to dismiss the appeal. Notwithstanding this, the accommodation has continued to be used for residential accommodation since that time (for purposes ancillary to the occupation and use of Middle Colgate Farm). The complications arising from the Inspectors decision appear to have created a situation where although the appeal was dismissed (and therefore planning permission did not exist) it would seem impossible for the Council to enforce against something which all parties accept has existed continuously for more than the necessary timeframe. Additionally, partition walling which clearly identifies the area of the barn used for residential purposes has been in place since the outcome of the appeal; thereby providing clarity to the issue of concern to the Inspector and reinforcing the applicant's position.

- 1.8 Following further discussions with the Council's Enforcement Section, what is now applied for is an application for planning permission for the use of the barn as ancillary accommodation, with some cosmetic changes to the external appearance of the barn to facilitate this use and enhance its character in the context of the AONB.

Location and Context

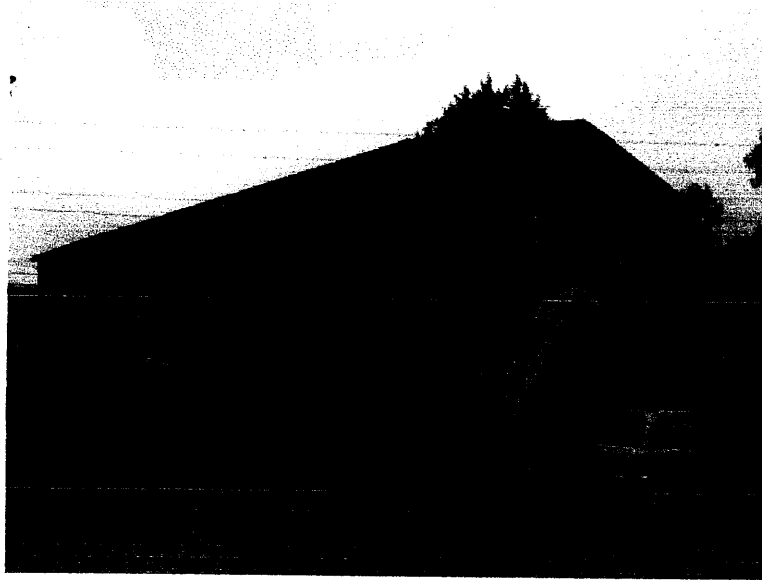
- 1.9 The application site is located to the south side of Ham Road close to the Borough boundary with Cotswold Council. The barn is within a complex of other buildings used for agricultural and business purposes, the whole of which are surrounded by fields and woodland. The site is within the Cotswolds Area of Outstanding Natural Beauty (AONB).

Application site



An aerial view of the application site and context

- 1.10 The site is accessed via an existing drive from Ham Road, which serves the farm itself as well as the new dwelling currently nearing completion.



Part of the existing barn has been in residential use for many years, and this application effectively seeks to regularise this use for ancillary accommodation. New cladding will significantly enhance its appearance to the benefit of the AONB.



The barn in the context of other buildings on the holding. The existing windows and entrance door (above) associated with the residential use of the barn are visible. These features will remain, with the addition of two further openings to the west elevation.

2.0 Use

- 2.1 Planning permission is sought for the use of part of the barn as residential accommodation ancillary to Middle Colgate Farm. Part of the barn is already being used for this purpose, as it has been for many years now as established by the appeal. The application therefore seeks to regularise this current situation. The applicant accepts that the Council may feel it is appropriate to restrict through condition the use for this ancillary purpose; an approach which is acceptable to the applicant.

3.0 Amount, Scale and Layout

- 3.1 The part of the barn subject to this application covers an area of approximately 56 square metres, with the barn itself being roughly 170 square metres. The overall holding at Middle Colgate Farm is 11 hectares.
- 3.2 The proposal has no impact on the amount, scale or layout of built form at the site, with the accommodation being wholly contained within the existing barn. Internally, the layout of the accommodation remains as existing with a day room/kitchen, shower room and WC on the ground floor and living room and bedroom above on the first floor.

4.0 Landscaping

- 4.1 No further landscaping is proposed as part of this proposal. As the change of use and minor alterations relate to an existing building, no additional landscaping is considered necessary.

5.0 Design, Appearance, and Materials

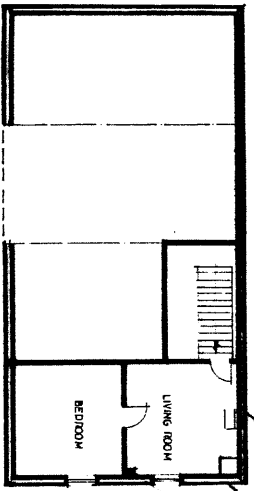
- 5.1 Again, there is little change to the existing site as a result of this proposal, with the exception of certain enhancements to the visual appearance of the barn.
- 5.2 In this respect, coursed natural rubble stone will be provided on the lower half of the external elevations, with waney edged boarding on the upper part of the elevation. Two new windows are proposed to the west elevation at ground floor level to allow natural light into that part of the accommodation.

6.0 Access

- 6.1 There are no alterations to the existing access arrangements, which have served the accommodation within the site perfectly well for the last 13 years or so.
- 6.2 The proposal will not have any material impact on the local road network when compared to the existing situation. The use of the barn for ancillary accommodation to Middle Colgate Farm makes great sense to avoid the need for those assisting with the activities at the site having to commute in from elsewhere. Re-using an existing building in this way therefore embraces the principles of sustainable development.

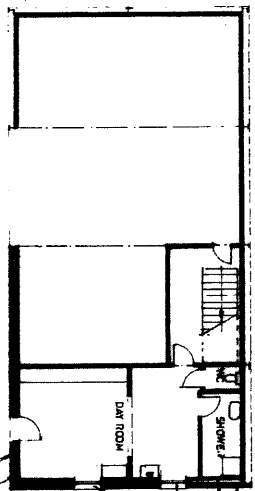
7.0 Policy Considerations

- 7.1 At the national level PPS4 mentions little of relevance to this application, although paragraph (f) of Policy EC6.2 supports farm diversification schemes and requires LPA's to *"set out the criteria to be applied to planning applications for farm diversification, and support diversification for business purposes that are consistent in their scale and environmental impact with their rural location"*. In terms of this proposal, the scheme is entirely consistent with the context of the site and its rural location.
- 7.2 Paragraph 17 of PPS7 is supportive of the re-use of existing buildings, with paragraphs 30 and 31 encouraging of farm diversification proposals.
- 7.3 In terms of the Cheltenham Borough Local Plan, as a change of use proposal involving no new built form there is no conflict with any of the Policies dealing with development within the AONB. Policy CO12 deals with farm diversification proposals and in that respect, this application re-uses an existing building as required, has no landscape visual impact and is of a scale consistent with the rural location.
- 7.4 The alterations to the exterior of the barn will have only positive impacts on the visual appearance of the AONB, ensuring that the proposal continues to sit comfortably within this sensitive designated context.



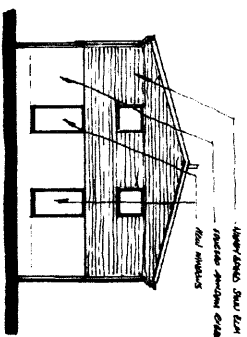
FIRST FLOOR PLAN

ALL MATERIALS SPECIFIED WITHIN THIS SET OF PLANS SHALL BE OF THE HIGHEST QUALITY AND AVAILABLE IN THE MARKET.



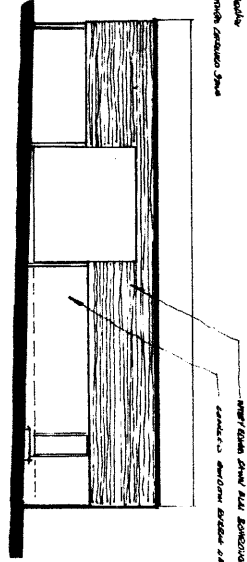
GROUND FLOOR PLAN

ALL MATERIALS SPECIFIED WITHIN THIS SET OF PLANS SHALL BE OF THE HIGHEST QUALITY AND AVAILABLE IN THE MARKET.



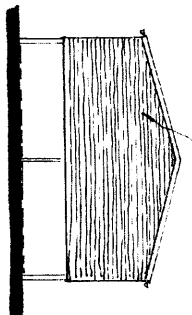
WEST ELEVATION

UPPER LEVEL SHALL BE FINISHED WITH CONCRETE AND SHALL BE FINISHED WITH CONCRETE AND SHALL BE FINISHED WITH CONCRETE.



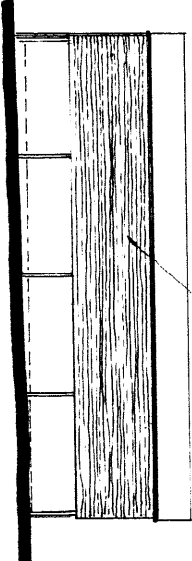
NORTH ELEVATION

UPPER LEVEL SHALL BE FINISHED WITH CONCRETE AND SHALL BE FINISHED WITH CONCRETE AND SHALL BE FINISHED WITH CONCRETE.



EAST ELEVATION

UPPER LEVEL SHALL BE FINISHED WITH CONCRETE AND SHALL BE FINISHED WITH CONCRETE AND SHALL BE FINISHED WITH CONCRETE.



SOUTH ELEVATION

UPPER LEVEL SHALL BE FINISHED WITH CONCRETE AND SHALL BE FINISHED WITH CONCRETE AND SHALL BE FINISHED WITH CONCRETE.

ALL DIMENSIONS TO BE CHECKED ON SITE

IF IN DOUBT PLEASE ASK

NOTES

Empty box for notes.

Empty box for notes.

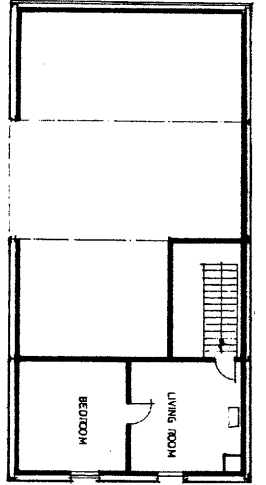
REVISIONS

Empty box for revisions.

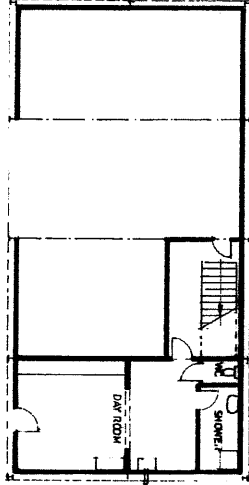
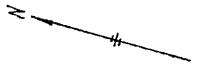


JACOB POT BA(Cantab) RIBA 9 LAMBTON PLACE LANE W. 10142 22ND
 CHICAGO, IL 60612
 TEL: 312.467.2200
 FAX: 312.467.2201
 www.jacobpotba.com

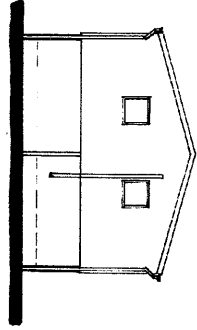
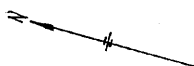
MIDDLE COBBLE PATH
 PHASE 1
 1516 B. 2



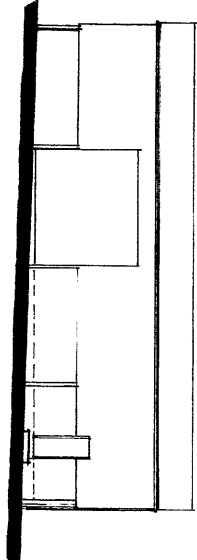
FIRST FLOOR PLAN



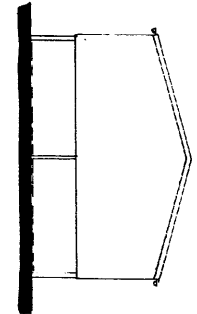
GROUND FLOOR PLAN



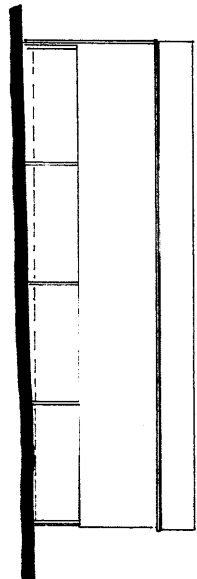
WEST ELEVATION



NORTH ELEVATION



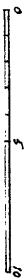
EAST ELEVATION



SOUTH ELEVATION

ALL DIMENSIONS TO BE CHECKED ON SITE

IF IN DOUBT PLEASE ASK



NOTES

1. ALL DIMENSIONS TO BE CHECKED ON SITE

2. IF IN DOUBT PLEASE ASK

REVISIONS

1. ALL DIMENSIONS TO BE CHECKED ON SITE

JACOB POT BA(Canb) RIBA ARCHITECTS CHELTENHAM OFFICE 15/6 B1		9 LINDSAY PLACE UNIT CHELTENHAM GL50 2JZ TEL: 01242 22895	
SCALE 1:500 & A1 JULY 2011	DATE 15/6 B1		