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MasonCMFBarn/4

15 March 2023

Dear Lisa

The Dutch Barn, Southwell Road, Lowdham

LPA reference 22/01637/FUL

I hope you are well.

It was with some disappointment that I read the Committee Report prepared in respect of the above planning application – not least since none of the reasons for refusal had been raised by the Planning Officer as concerns during the consideration of the application.

Indeed, in my final conversation with Mr Cadman before I conceded that I was not able to persuade him to consider the application favourably, he confirmed to me that he was content the proposal complied with Green Belt policy – and that his only concern related to the location of the property and whether the proposal amounted to an enhancement of the building's setting within the specific context of paragraph 80 of the NPPF (if this was indeed to be applied).

Interestingly, the Committee Report is silent on the matter of paragraph 80 – and instead concludes that the development is contrary to national Green Belt policy and should, in the absence of very special circumstances, be refused.

In reaching this conclusion, the author of the Committee Report considers the development should be regarded as a 'new build' rather than a re-use – where there is no policy support owing to the building being excluded from the NPPF's definition of previously-developed land.

Further, whilst the Report acknowledges the proposed garage is not materially larger than the stable building it will replace, it concludes that this too comprises an inappropriate form of development in the Green Belt as the existing and proposed uses are not the same.

It is respectfully submitted that both conclusions are erroneous.

Dealing first with the proposed garage, the application makes it absolutely clear that this element of the proposal comprises the redevelopment of previously-developed land (rather than the replacement of one building with another).

A stable building (equestrian use) is clearly not excluded from the definition of previously-developed land.

Given the Report's conclusion that the proposed building is not materially larger than the one it replaces, surely this element of the proposal complies with paragraph 149(g) of the NPPF as the partial or complete redevelopment of previously-developed land where the development has no greater impact on the openness of the Green Belt than the existing.

Turning then to the re-use of the existing building.

The author of the Report acknowledges the conclusions of the structural report submitted with the application (which concludes the building is of permanent and substantial construction and capable of conversion without significant re-build or extension), but then somewhat curiously suggests that such evidence is not in itself an assessment of compliance with Green Belt policy?

Paragraph 150(d) confirms the re-use of buildings comprises an appropriate form of development in the Green Belt provided that they are of permanent and substantial construction – and preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Nowhere in the Report does the author dispute or provide contrary evidence to the conclusions of the applicants' structural report.

The crux of the matter appears to be the suggestion that the extent of conversion works goes beyond what might be considered a conversion – and is therefore tantamount to a new build.

In this particular context, the Committee Report concludes that there is no policy support for a new building in the Green Belt here as the building/land is excluded from the definition of previously-developed land.

However, this too is erroneous.

The Report advises Members at the outset that the most recent lawful use of the building was for storage for the Gonalston Farm Shop.

This is clearly not an agricultural use (a view further corroborated by the Council's refusal of a previous Class Q application on this site on the basis that the last use of the building was not agricultural¹) – and therefore the building clearly does fall within the definition of previously-developed land.

Given the proposal seeks the re-use of the existing building, even if alternatively considered as a new build, then it could just as easily be considered as appropriate development in the Green Belt via paragraph 149(g) of the NPPF – i.e. comprising the redevelopment of previously-developed land having no greater impact on the openness of the Green Belt than the existing development.

Notwithstanding the above, the proposal evidently comprises the re-use of the existing building – with the existing structure, floors, external and internal walls being retained throughout.

Whilst the author of the Committee Report provides a schedule of alterations, these are neither untypical nor materially different to most conversions of rural buildings.

The Committee Report then concludes that the proposal would also be contrary to national Green Belt policy as it would fail to preserve the openness of the Green Belt owing to the likelihood of the introduction of residential paraphernalia arising from clothes lines, garden furniture and barbeques!

Aside from the fact that the same criticism could be applied to any barn conversion in the Green Belt (and therefore all would by definition fail), the author of the Report fails to acknowledge or offset the associated impacts from the presence of retail/equestrian paraphernalia already on site – as Members will no doubt see on their site visit.

This being the case, it would be reasonable to conclude that, on this occasion, one set of paraphernalia would offset the other – ensuring that overall the impact of the development on the openness of the Green Belt would be preserved.

The Committee Report then concludes the development amounts to poor design – despite considering the original agricultural look of the building would be retained, and that the proposal would result in some improvements to the appearance of the site – including replacing the existing corroded roof sheeting, the application of render to the blockwork on the lower parts of the walls, and the replacement of the majority of the unbuilt part of the site currently occupied by hardstanding with a mixture of stone setts and grass.

The criticism focuses on the colour of the render, the metal structural frame obscuring the high level windows – and the windows and balcony overlooking the landscape to the south.

¹ again, as also recorded in the Committee Report

First, none of these elements were raised as a concern during the consideration of the application – and all, obviously, could have been easily addressed.

It is therefore extremely disappointing to only learn of these on reading the Committee Report.

Second, the applicants would be happy to accept a condition seeking the Council's approval of the colour of the render – and would be equally content to swap the white with say a more subdued concrete (or alternative) colour.

Third, the author of the Report has misunderstood the intention behind the design concept for the high level windows.

Rather than these windows being inadvertently obscured by the metal structure, the depth of the windows was deliberately designed to coincide with the decorative band of the metal structure – so that this aspect was not lost as a consequence of the conversion works.



The high level windows proposed will provide an additional element of natural light without impacting on amenity, whilst enabling the origins and structure of the building to remain legible post-conversion.

Whilst it is accepted that good design is to a certain extent subjective, I see no reason why this element of the proposal should be construed as comprising poor design!

In any event, it is again an element of the proposal that could have been easily amended/omitted.

Fourth – so too with the windows and balcony on the southern elevation, despite the fact I do not agree with the Committee Report's conclusions as regards their impact and acceptability from a design standpoint (there are numerous conversions of agricultural buildings that incorporate larger windows and balconies – see overleaf).



The criticism that the proposal is not representative of the local built vernacular is neither accurate, nor particularly applicable in terms of the key policy considerations.

The Report acknowledges the timber cladding, neutral colours and typical design of the existing building means that it does not look out of place in its setting in the open countryside.

With this in mind, I fail to see how a proposed conversion which retains many of the agricultural features should not be similarly acceptable.

Moreover, given the type of building, a conversion more akin to the local built vernacular would clearly not be suitable.

In any event, this aspect of the Committee Report is inconsistent with the approach the Council has adopted elsewhere – one example being the residential conversion of a similar contemporary barn at Ferry Farm in the Green Belt, near Hoveringham (LPA reference 20/02527/FUL).



The Delegated Report for that application confirmed the proposal was to be assessed against national Green Belt policy.

No similar concerns were raised regarding the design of the proposed conversion – or that it was contrary to the local built vernacular.

Indeed, the extract below confirms the following:

block/timber clad construction with slate and metal roofs. I am mindful that usually when proposals include the conversion of traditional rural outbuildings that limited physical alterations are permitted (in accordance with the Conservation of Traditional Rural Outbuildings SPD). However, as this application is for the conversion of modern buildings within the green belt the conversion approach is not required to adhere to the design parameters as set out within the foregoing SPD.

Interestingly, the same Delegated Report considered the impact of associated residential paraphernalia, and confirmed that this would be limited as a consequence of the restricted curtilage, the removal of permitted development rights – and in any event offset by the removal of the farm park play equipment associated with the previous use of the same building.

physical impact on the openness of the green belt. However, I do appreciate that the change of use of these two buildings to two separate dwellings will result in separate properties with separate residential curtilages that could then be furnished with domestic paraphernalia which cumulatively could harm the openness of the green belt. However, the residential curtilages proposed have been restricted to the areas directly around the proposed properties (rather than the wider Ferry Farm Park site to the SW) and therefore would not enjoy permitted development rights being forward of the principle elevations. Moreover, arguably the development could result in less paraphernalia than that associated with the operations of the children's farm park given the proposal would see the removal of some external play equipment.

Considering the extant use with the proposed use, I do not consider the proposal would result in a materially worse impact on the openness of the green belt. In both spatial and visual terms, I do not consider the proposal would lead to a reduction in openness.

Turning then to the section referring to 'sustainable development', the Report suggests that insufficient information has been submitted to establish that this site would not be required at a future date by Gonalston Farm Shop.

Again, this was never raised as a concern (or requested by the Case Officer) during the consideration of the application.

Nevertheless, the application was submitted and justified on the basis that the existing building is no longer required – either for agriculture, or as ancillary storage for the farm shop.

The farm shop is currently closed following extensive fire damage.

Whilst it is the applicants' intention to re-build and re-open as soon as possible following resolution of the insurance claim, the replacement building will necessarily (as the former building did) integrate sufficient ancillary storage within it.

The Report also fails to acknowledge that the re-use of an existing building comprises a **sustainable form of development in itself** – one of the reasons why there is specific policy support in the NPPF for the re-use/residential conversion of rural buildings in the countryside (in both sustainable and isolated locations) and the Green Belt.

It is now clearly for Members to consider the planning merits of the application. However, in order for them to be able to do so on a fair and balanced basis, it is important that those erroneous aspects of the Committee Report are brought to their attention in order that their decision is reached in light of all relevant and correct facts.

Please therefore could I ask you to circulate a copy of this letter to all Members of the Planning Committee in advance of their consideration of this application at Thursday's meeting.

Obviously, given there is currently no right for the general public (or applicants or agents) to address the Planning Committee on the night, this is the only means of conveying the same points to Members to ensure they are aware of all of the pertinent facts either omitted from, or reported erroneously in, the Committee Report.

I acknowledge that some aspects will be considered subjective, but the matter of whether the site comprises previously-developed land is not at all subjective – and the fact that the land and buildings comprise previously-developed land is clearly very relevant to the assessment of whether the proposals comprise an appropriate form of development in the Green Belt.

Please therefore can I ask you to confirm safe receipt of this letter. I will be attending the Planning Committee in person to observe proceedings on behalf of the applicants.

Kind regards



Nick Baseley
MA(Hons)TP MRTPI
Director