



Report Reference Number: 2021/0241/FUL

To: Planning Committee
Date: 1 June 2022
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APPLICATION NUMBER:	2021/0241/FUL	PARISH:	Cliffe Parish Council
APPLICANT:	Mr Kevin Sarginson	VALID DATE: EXPIRY DATE:	4th May 2021 29th June 2021
PROPOSAL:	Conversion of existing barn to form one dwelling, external alterations and a chimney		
LOCATION:	The Farmstead Lund Lane Cliffe Selby North Yorkshire YO8 6PD		
RECOMMENDATION:	GRANT subject to planning conditions		

This application has been brought before Planning Committee as the proposal is recommended to be approved contrary to the requirements of the Development Plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan), but it is considered that there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is a barn/outbuilding within the residential curtilage of The Farmstead, Lund Lane, Cliffe. It is located in the hamlet of Lund, which comprises a grouping of properties situated between Cliffe and Osgodby and centred primarily around Lund Lane. The site is outside any defined development limits and therefore lies within countryside.
- 1.2 Historically, the barn was within the farmstead of Hall Farm. This farming enterprise ceased in 2001. In 2010, consent was granted to redevelop the farmstead with a

dwelling now known as 'The Farmstead' and convert and extend the barn subject of this application to an office. The applicants live in 'The Farmstead' and they have been using this barn as a home office.

- 1.3 The barn has red brick walls, red pantiles and wooden window frames. Internally, works to convert the building to a residential use has already started. Stud walls and plastering has begun, and electric points installed. Overall, the building is in good condition.

Proposal

- 1.4 This application seeks consent for the use of the home office/outbuilding as a two bedroom dwelling.
- 1.5 When planning consent was granted in 2010 to convert the barn to an office, the approved plans showed a number of external changes. The building as it stands now has not been renovated in accordance with the 2010 approved drawings. Therefore, this application seeks consent for the change of use of the barn to a dwelling but also retrospective permission for external alterations and the installation of a chimney.

Relevant Planning History

- 1.6 The following historical application is considered to be relevant to the determination of this application.

2010/1135/FUL - Conversion of and extension to two barns including part rebuild following demolition of fold yard/enclosure walls, single storey stores WC and garage, two storey store, stable and range of outbuildings. To create one dwelling with office accommodation and associated works. Granted 23.12.2010.

2020/1361/ATD - Prior notification for the change of use of agricultural building to 1 dwelling (Use Class C3) and associated operational development. Withdrawn 02.03.2021.

2. CONSULTATION AND PUBLICITY

2.1 Contaminated Land Consultant

No objections or conditions required as the site is at low risk of contamination.

2.2 NYCC Highways Canal Rd - No objections.

2.3 Selby Area Internal Drainage Board

It is understood that the drainage system has been in place since 2014/2015 and accordingly, given the time that has now past, and that there is no proposed increase in impermeable area, the Board's view is that there will be minimal increased impact on any watercourses within the Board's district as a result of this application. Therefore, no objections are raised, and no conditions are required.

2.4 Parish Council - No response received within the consultation period.

2.5 Publicity - The application was advertised by site notice for a period of 21 days and no observations were received.

At a later stage of the application (4.5.22), the description was revised for accuracy reasons and a new site notice was displayed for a period of 14 days. At the time of writing the report, the second publicity period had not ended expired. Should any representations be received, these will be reported to Planning Committee in the Officer's update.

3. SITE CONSTRAINTS

- 3.1 The site is outside defined development limits and therefore lies within the open countryside in planning policy terms. The site falls in flood zone 1 (low probability).

4. POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"219...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby Core Strategy

- 4.6 The relevant Core Strategy Policies are:

SP1 – Presumption in Favour of Sustainable Development
SP2 – Spatial Development Strategy
SP15 – Sustainable Development and Climate Change
SP18 – Protecting and Enhancing the Environment
SP19 – Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 – Control of Development
H12 – Conversion to Residential Use in the Countryside
T1 – Development in Relation to the Highways Network
T2 – Access to Roads

National Planning Policy Framework

4.8 The relevant sections are:

2 – Achieving sustainable development
4 – Decision-making
5 – Delivering a sufficient supply of homes
9 – Promoting sustainable transport
12 – Achieving well-designed places
14 – Meeting the challenge of climate change, flooding and coastal change
15 – Conserving and enhancing the natural environment

5. APPRAISAL

5.1 The main considerations are:

- 1) The principle of the development
- 2) Suitability of the building for re-use
- 3) Design and impact upon the countryside
- 4) Effect upon residential amenity
- 5) Highway and parking considerations
- 6) Drainage

Principle of the Development

5.2 The application site is situated in Lund, which is a hamlet and as such is not defined as a village by the Core Strategy and has no defined development limits. It therefore is considered to fall within the countryside in planning policy terms.

5.3 The application site is a former agricultural building on a site that is no longer in agricultural use. The building is within the curtilage of a residential dwelling and has been used as a home office in recent years. The building was granted planning consent in 2010 to be used as an office and the applicants have been using the building as a home office.

5.4 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. To deliver this, planning policies should identify opportunities for

villages to grow and thrive, especially where this will support local services. Isolated homes in the countryside are discouraged in paragraph 80 of the NPPF, unless for specified circumstances including re-use a redundant or disused building.

- 5.5 Core Strategy Policy SP2A(c) states that the re-use of buildings is permitted in the countryside preferably for employment purposes which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities in accordance with Policy SP13 or where it would meet rural affordable housing need (SP10), or other special circumstances. SP13 seeks to bring sustainable economic growth in rural areas through local employment opportunities. As the proposal is not for the reuse of the building for employment purposes in line with Policy SP13, the proposal does not strictly accord with Policy SP2, though the inclusion of the word 'preferably' is noted, and it is considered that this does not exclude residential re-use of buildings.
- 5.6 Policy H12 of the Local Plan (adopted 2005) stipulates the criteria in which conversions will be permitted. Criteria 1 of Policy allows proposals for the conversion of rural buildings to residential uses provided "*...it can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality*". The proposal does not meet the criteria and is therefore contrary to the requirements of the development plan. However, the approaches taken by Policy SP2A(c) and Paragraph 79 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12 (1), with SP2A(c) merely expressing a preference for employment uses where proposals involve the re-use of a building, and paragraph 79 of the NPPF promoting sustainable housing where it will enhance or maintain the vitality of rural communities. It is therefore considered that Policy H12 of the Selby District Local Plan should be given limited weight due to the conflict between the requirements of Criterion (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF.
- 5.7 The proposal would re-use an existing rural building that is at a residential property within the hamlet (also a converted former agricultural barn). As such, the site is not isolated and nor would the proposal result in an isolated dwelling in the countryside. The building was granted consent to be converted to an office in 2010, which it has been used as such by the applicants, whilst it is noted that Core Strategy Policy SP2 seeks re-use of buildings for employment purposes, this is preferable rather than limited to such a use. The provision of one further dwelling within the hamlet within an existing building would provide a modest contribution towards enhancement of the vitality of this rural community. Future occupiers could also help to support the services located in nearby villages, such as Cliffe and Osgodby, which are the nearest defined settlements with some existing local amenities.
- 5.8 In conclusion, the proposal does not comply with H12(1). However, the proposal does comply with the up-to-date policy of the NPPF and Policy SP2A(c) of the Core Strategy as the proposal re-uses a building in the countryside and maintains the vitality of rural communities. Therefore, the proposal to convert the building to a dwelling is acceptable in principle. The building is not considered to be isolated, therefore the tests of paragraph 80 of the NPPF do not need to be applied.

Suitability of the building for re-use

- 5.9 Criteria 2 of H12 looks to assess whether the conversion would "*...provide the best reasonable means of conserving a building of architectural or historic interest and*

would not damage the fabric and character of the building". Criteria 3 and 4 of policy H12 requires proposals to demonstrate the building is structurally sound and extensive alterations, rebuilding and/or extensions are not required.

- 5.10 This is an existing brick-built barn that may previously have been used for stabling with a loft store. It has been used as a home office in recent years. The building is in good condition both externally and internally. When permission was granted to change the building into an office in 2010, the barn was deemed structurally sound. Since 2010, the condition of the building has further improved because the building has been maintained and converted into a home office by the owners.
- 5.11 The 2010 granted plans for the office permitted 2 windows on both the south and north elevations and the window on the front was shown as one opening containing two pieces of glazing and an arched head. The current building has 3 openings on the south elevation and five on the north elevation. The front windows are two separate openings with brick cills only. There is an opening on the rear elevation and a chimney has been installed as well.
- 5.12 The building as it currently stands, whilst contrary to the 2010 approved plans is still considered to be sensitive to the design of this former rural building and the unauthorised changes has not damaged the character or fabric of the existing building.
- 5.13 Therefore, it is considered that the proposal is structurally sound and suitable for re-use as a dwelling and the unauthorised changes have not damaged the character and fabric of the existing building. Part 2-4 of Local Plan Policy H12 is therefore satisfied.

Design and Impact Upon the Countryside

- 5.14 The NPPF, local policies ENV1 of the Selby District Local Plan and Core Strategy Policy SP19 require developments to have regard to local character and the open countryside. Furthermore, the creation of the residential curtilage in connection with the conversion should not have a significant adverse impact on the character and appearance of the surrounding countryside as per the requirements of policy H12(5).
- 5.15 The existing building is reflective of a former agricultural building, and it is complementary to the rural setting of the settlement.
- 5.16 The property will be served off an existing drive and parking will be provided at the rear of the building. A courtyard style garden will be provided to the rear of the dwelling. The parking and garden would be located in the grounds of the former farmstead, which is now grounds of the main house. The parking and garden areas are deemed to be reasonable in their size and nature and as they are confined to the area of the former farmstead, they do not have a detrimental impact on the open countryside.
- 5.17 In conclusion, the proposal satisfies the design and character policies as stated above.

Effect Upon Residential Amenity

- 5.18 Policy ENV1 (part 1) and H12 (part 7) require developments to have regard to adjoining occupiers and local amenity.
- 5.19 The only property that will be materially affected by the application is the applicants property, which is to the south. Windows of the proposed dwelling do not directly face principal elevations of the applicant's house. The proposed garden is a courtyard to the rear of the barn, which could be enclosed from the applicants grounds by a wall or fence up to 2m in height. Therefore, each property whilst close to each other, can have a good standard of privacy.
- 5.20 Vehicles of the new dwelling will have to pass the side of the applicant's house, but movements will be infrequent as this is a small-scale development creating only one, two bedroom dwelling.
- 5.21 Therefore, the proposal complies with Local Plan Policies ENV1 (part 1) and H12 (part 7).

Highway and Parking Considerations

- 5.22 Policy in respect to highway safety and capacity is provided by the NPPF, Selby District Local Plan Policies ENV1(2), T1 and T2 and Core Strategy Policy SP15. Parking standards is stated in Appendix 4 of the Selby Local Plan and the Interim Parking Standards Documents from NYCC dated 2015. Both the Local Plan and NYCC standards require a 2-bedroom property in a rural area to have 2 parking spaces.
- 5.23 The layout plan shows the site will be served off the existing access to the farmstead. No highway safety issues are expected to arise from the intensification of the access as the lane has a low number of traffic movements.
- 5.24 A parking area for two cars is proposed at the rear of the property. Sufficient off-street parking is retained for the existing property.
- 5.25 In conclusion, access and parking arrangements are acceptable and no highway safety issued are expected to arise. The highway policies and parking standards set out above are therefore adhered to.

Drainage

- 5.26 The site is not vulnerable to flooding (flood zone 1). As such, planning policy for flood risk does not need to be applied.
- 5.27 A wastewater connection to mains sewers is available. The IDB have no objections given that surface water drainage is already in place to and the proposal will not increase impermeable areas, so there would be an acceptable drainage solution and no increase in flooding elsewhere as a result of the development.

6. CONCLUSION

- 6.1 The proposed conversion of this former rural building accords with Policy SP2 and paragraph 79 of the NPPF because it re-uses a rural building in an existing

settlement for an appropriate use. Future occupiers would help to maintain the vitality of this rural community and support local services in nearby villages, albeit modestly. The proposal does not comply with criteria 1 of Selby Local Plan Policy H12. However, this should not be a reason to withhold permission as later policy does not require rural buildings to be prioritised for employment uses and the conversion has several benefits to the character of the area and the rural community.

- 6.2 The building is structurally capable of being converted and the alterations preserve its former agricultural appearance. There are no residential amenity, highway or drainage issues. The proposal is therefore considered to comply with the NPPF, Core Strategy Policies SP1, SP2, SP15, SP18 and SP19 and Local Plan Policies ENV1, T1 and T2.

7. RECOMMENDATION

This application is recommended to be GRANTED subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall not be carried out otherwise than in strict and complete accordance with the plans as listed as follows:

Layout Plan (received 04.05.2021)

Proposed Cross Sections (received 29.04.2022)

Proposed Elevations (received 29.04.2022)

Proposed Floor Plans and Roof Plan (received 29.05.2022)

Existing Plans and Elevations (received 29.05.2022)

Reason:

To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Policy ENV1.

8. Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the

recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9. Financial Issues

Financial issues are not material to the determination of this application.

10. Background Documents

Planning Application file reference 2021/0241/FUL and associated documents.

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Appendices: None