

**Report Reference Number 2021/0481/FUL**

**To: Planning Committee**  
**Date: 5<sup>th</sup> October 2022**  
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APPLICATION NUMBER:	2021/0481/FUL	PARISH:	Stutton With Hazlewood Parish Council
APPLICANT:	Mr Michael Annely	VALID DATE:	7th May 2021
		EXPIRY DATE:	2nd July 2021
PROPOSAL:	Conversion of a barn into a 2 bedroom dwelling		
LOCATION:	Sugar Hill Farm Wingate Hill Stutton Tadcaster North Yorkshire LS24 9NF		
RECOMMENDATION:	APPROVE		

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 2005), 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 located further west of a small group of residential properties sited remotely from Stutton village. There are agricultural fields surrounding the site and it is accessed via an existing access track through the north-east corner of the site. The field to the west of the site lies within the ownership of the applicant and there is an access to it in the north-west corner of the site. The site is located outside any defined development limits and therefore lies within countryside and also lies within the Green Belt.
- 1.2 The site comprises an existing stable block building built following approval of planning application 2007/0510/FUL that was later extended following approval reference 2011/1038/FUL. There is a substantial area of hardstanding to the north of the building and the site is enclosed by a low post and mesh fencing with a hedgerow planted internally along it on the west, low post and rail fence with some vegetation

along it on the north, a low timber post and rail/mesh fencing with some trees and other vegetation on the east and the southern elevation of the building together with a low metal field gate form the southern boundary of the current curtilage of the building. It is noted that the application site is slightly larger than the established curtilage of the building due to a small part of the field to the south of the building being incorporated in the proposals and there is no clearly defined southern boundary of the application site.

- 1.3 The existing stable block is constructed with a solid concrete floor, concrete blockwork up to a height of approximately 1.6m and timber clad externally above the blockwork. The west elevation consists of green profiled metal sheets with the door finished in the same material. The existing window openings have timber frame with no glazing but are currently boarded up with timber and the door in the west elevation has metal sheet cover. The roof is constructed of timber rafters fixed to ridge boards and supported internally with timber posts and the roof covering is metal corrugated roof sheets. It is noted from a site visit that the foundations which are visible above the ground level are slightly extending beyond the elevations of the building. Overall, the building is in good condition.
- 1.4 During the course of the application the red line was amended to include access up to the adopted highway. This access road is in the ownership of multiple landowners and the application form was amended accordingly and correct certificates were served.

### **The Proposal**

- 1.5 This application seeks consent for the conversion of the existing stable block to a two-bedroom dwelling.

### **Relevant Planning History**

- 1.6 The following historical applications are considered to be relevant to the determination of this application.
  - Application Number CO/1991/1190 (8/70/57F/PA) for the proposed change of use of approximately 125 acres of land to use as a golf course at Sugar Hill Farm, Stutton was approved in February 1992
  - Application Number CO/1994/1126 (8/70/57M/PA) for the use of land as a practice area and the erection of golf driving range with associated car parking and lighting at Sugar Hill Farm, Wingate Hill, Stutton was approved in April 1996
  - Application Number 2006/1379/FUL (8/70/183/PA) - outline application for an American barn containing eight internal stables (including layout, appearance, access and scale) Stables in Field West of Sugar Hill Farm, Wingate Hill, Stutton was refused in December 2006
  - Application Number 2007/0510/FUL (8/70/183A/PA) resubmission of previously refused application 8/70/183/PA (2006/1379/FUL) the erection of stable block and tack room at Stables in Field West of Sugar Hill Farm, Wingate Hill, Stutton was approved in June 2007

- Application Number 2011/1038/FUL for the proposed extension of existing stable block of three units, to accommodate three further stable units at Stables in Field West of Sugar Hill Farm, Wingate Hill, Stutton was approved in January 2012

## 2. CONSULTATION AND PUBLICITY

2.1 **Parish Council** – Stutton-cum-Hazlewood Parish Council asks that the following concerns be taken into account when considering the application and state that the development should not go ahead:

- the proposed development is within a green belt area.
- There are concerns regarding sustainability and that conversions of agricultural buildings for domestic purposes/residential property produce the associated trappings of domestic life which are not suitable or appropriate for the green belt area.
- There is for example no suggestion that this conversion is required for agricultural workers.

2.2 **Contaminated Land Consultant** – Confirmed that the Screening Assessment Form shows that the site is currently occupied by a stable, and previous to this has been used as pasture for cows since the late 1800's with the building being used as a hay barn. No fuel or chemicals are known to have been stored onsite and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present. The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, a condition related to unexpected contamination is recommended to be attached.

2.3 **Ainsty (2008) Internal Drainage Board** – advised that the site sits outside of the Board's drainage district and that there are no Board maintained watercourses in the vicinity. On this basis they advised that “it is not considered that the proposal will have a material effect on the Board's operations and therefore the Board has no comment to make”.

2.4 **Environmental Health** – The application and amended plans/information have been considered. Given the close proximity of this proposed conversion to other nearby residential properties, it is recommended that the applicant considers the hours of work so as not to adversely impact upon neighbouring properties in the form of noise nuisance.

2.5 **Natural England** – Confirmed have no comments to make on this application and referred the Council to Standing Advice and that a view should be sought from own ecology services.

2.6 **County Ecologist** – responses were provided by County Ecology as follows:-

First response: No ecological information has been submitted with the application and the photos alone are not sufficient to be certain that the building does not support roosting bats or nesting birds. It is therefore recommended an ecologist is commissioned to check the current structure for any evidence of bats and birds. If bats and birds are absent from the building, then no further survey or mitigation will be required.

Second response: NYCC Ecologist advised that he is satisfied that the building has been adequately assessed with regards to bats and since the building has negligible

potential to support bats no further survey work or specific mitigation is required. NYCC Ecologist is also pleased to see the recommendation for inclusion of artificial bat roost structures are part of the new development (2 bat boxes on the converted building as ecological enhancement, as set out in section 8 of the survey report 'Bat survey: preliminary roost assessment - Barn to the rear of Sugar Hill Farm, Stutton, Tadcaster by Verity Webster, dated October 2021'). This is supported as a way of providing enhancement measures for bats. There is no information within the report with regards to nesting birds. From the photos and information provided on bats it is considered that the building is no ideal to support nesting birds, but NYCC Ecologist still recommended adding an informative to the permission which recommends that the demolition works are undertaken outside of the bird nesting season or the building is first checked for nesting birds by a suitably qualified ecologist.

Third response: The NYCC ecology team has been re-consulted regarding amended plans for this application and confirmed that their previous comments still apply and that there are no further observations to add.

- 2.7 **North Yorkshire Bat Group** – No response received during the statutory consultation period.
- 2.8 **Yorkshire Wildlife Trust** – No response received during the statutory consultation period.
- 2.9 **Yorkshire Water Services Ltd** – No response received during the statutory consultation period.
- 2.10 **NYCC Heritage & Archaeology** – Confirmed that there are no known archaeological sites in the area indicated or within the immediate vicinity and that there is no objection to the proposal and no further comments make.
- 2.11 **NYCC Highways Canal Rd** – Confirmed no objections to the proposals.
- 2.12 **Public Consultation** – Site notices were posted on 27<sup>th</sup> May 2021. No representations have been received as a result of this advertisement.

### **3 SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The site is located outside defined development limits and therefore lies within the open countryside in planning policy terms. It is also located in the Green Belt and within the Locally Important Landscape Area. The site falls in flood zone 1 (low probability of flooding).

### **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 various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the Church Fenton and the Appleton Roebuck and Acaster Selby neighbourhoods plans.
- 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 and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. 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 District Core Strategy Local Plan 2013 (SDCS)**

- 4.6 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
  - SP2 – Spatial Development Strategy
  - SP3 – Green Belt
  - SP9 – Affordable Housing
  - SP15 – Sustainable Development and Climate Change
  - SP18 – Protecting and Enhancing the Environment
  - SP19 – Design Quality

#### **Selby District Local Plan 2005 (SDLP)**

- 4.7 The relevant Selby District Local Plan Policies are:
- ENV1 – Control of Development
  - ENV2 – Environmental Pollution and Contaminated Land
  - ENV15 – Locally Important Landscape Area
  - H12 – Conversion to Residential Use in the Countryside

- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads

### **National Planning Policy Framework (NPPF)**

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
- 13 – Protecting Green Belt land
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment

### **Other relevant documents**

4.9 The application site falls outside the scope of the **Stutton Village Design Statement**.

## **5 APPRAISAL**

5.1 It is considered that the main issues for consideration in the determination of this application are as follows:

1. The principle of the development
  - *Green Belt*
  - *Conversions to residential use in the countryside*
2. Design and impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on highway safety
5. Nature conservation and protected species
6. Flood risk, drainage and climate change
7. Land contamination
8. Affordable housing

### **The principle of the development in the Green Belt**

5.2 The application site is located outside the defined development limits of any settlements and is therefore located within open countryside that is designated as Green Belt. The application proposes the conversion of an existing stables building to a dwelling (Use Class C3). As such, national guidance contained within the NPPF, policies SP1, SP2A(d) and SP3 of the SDCS and Policy H12 of the SDLP are relevant.

### *Green Belt*

5.3 Policy SP2A(d) of the SDCS sets out that in Green Belt, development must conform to policy SP3 and national Green Belt policies. SDCS policy SP3B states that in accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.

- 5.4 The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows:-
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
  - b) If the development is appropriate, the application should be determined on its own merits.
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 5.5 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.6 The guidance within the NPPF paragraph 149 states "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt" other than for specified exceptions including [amongst other things] "the extension or alteration of a building provided it does not result in disproportionate addition over and above the size of the original building".
- 5.7 Paragraph 150 of the NPPF sets out which forms of development are not considered inappropriate development in the Green Belt. As per paragraph 150 (d) the reuse of buildings provided that the buildings are of permanent and substantial construction and (e) material changes in the use of land are not considered inappropriate provided that openness is preserved and there is no conflict with the purposes of including land within it.
- 5.8 NPPF Paragraph 137 confirms that the essential characteristics of Green Belts are their openness and their permanence. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it. Paragraph 138 sets out the five purposes the Green Belt serves which include assisting in safeguarding the countryside from encroachment.
- 5.9 In terms of the impact of the proposals on the openness of the Green Belt, it should be noted that there is no specific definition of 'openness' in the NPPF, but in the Green Belt context, it is generally held to refer to freedom from, or absence of, development.
- 5.10 Assessing the impact of a proposal on the openness of the Green Belt, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- spatial and visual aspects, in other words, the visual impact of the proposal may be relevant, as could its volume;
  - the duration of the development, and its remediability, taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and

- the degree of activity likely to be generated, such as traffic generation.

- 5.11 Whilst the proposals include minor changes to the external dimensions of the building due to the introduction of timber cladding over the existing blockwork, there are no extensions or other additions to it and the proposed alterations would therefore not result in a disproportionate addition over and above the size of the original building. This element of the proposals would therefore be considered to be appropriate development in the Green Belt in accordance with Paragraph 149 of the NPPF.
- 5.12 The proposal involves the re-use of an existing building and the material change of use of the land surrounding it to residential use. As set out in Paragraph 5.7 of this report, the re-use of the buildings is not inappropriate where it relates to buildings of permanent and substantial construction and, for both re-use of buildings and material change of use of land, openness is preserved and there is no conflict with Green Belt purposes.
- 5.13 The existing building is a barn previously used as stables with the well-established enclosed curtilage and an existing vehicular access in the north-east corner of the site. The proposal is to convert the building to a dwelling with associated operational development including incorporation of a small area to the south of the building to serve as private amenity space. A structural report reference Y-JG-SRS-10118-22 dated 24<sup>th</sup> May 2022, prepared by Lightly & Lightly Surveys LHL Group, was submitted which concludes that the building is of simple agricultural construction and is in a structurally sound condition, and also sets out some repair and improvement works which would be required if the building was to be converted to residential use.
- 5.14 The proposed change of use would retain the overall appearance of the building and the residential curtilage would be restricted to the existing enclosed curtilage of the stables building with the additional 6.5 metres wide strip of grassed area to the south of the building included for the use as private garden area. The area surrounding the building has well-established boundaries as described in Paragraph 1.2 of this report and the area to the north is already an area of hardstanding related to the building to be converted. The site is accessed via an existing track to the north-east leading to the nearest adopted highway which is at a distance from the site of over 300 metres to the east.
- 5.15 Upon review of the planning history of the site it is noted that the curtilage of the existing building remained the same as originally approved, but the scheme proposes to include a strip of land approximately 6.5 metres in depth which currently forms part of the field immediately to the south of the building; this would be used as a private garden area. Whilst this is noted, the additional strip of land is very limited in size and is well-screened from any public views by the existing built form to the east of the site consisting of mainly farmhouses and converted to residential uses agricultural buildings and their curtilages and by the existing mature vegetation surrounding the site and the fields nearby. There are no public rights of way or public highways in close proximity that would allow views. Also, there are no outbuildings or other structures proposed anywhere within the site which is considered acceptable and can be secured via a suitable condition.
- 5.16 Furthermore, it is indicated on the application form that existing boundaries of the site would remain as described in Paragraph 1.2 of this report. These boundary treatments consist of timber post and rail/timber post and mesh fence with hedgerow planting and these are considered to be sympathetic to open countryside location. In addition, a condition can be added to secure matching boundary treatments and



planting of the hedge along the southern boundary to ensure that the boundary treatments are appropriate as well as the retention of the other boundaries.

- 5.17 In terms of duration of the development and irremediability, the site is unlikely to be returned to the use for the stables as noted from the Design & Access Statement submitted with the application, which states that the equine hobby has come to an end due to a number of factors. Also, no changes to existing boundary treatments are proposed as noted from the application form and the appropriate southern boundary treatment can be secured via a condition. Furthermore, the ability to construct any extensions, additional buildings, fences and structures which could impact on the openness of the Green Belt, can be controlled by a condition removing permitted development rights in relation to the site.
- 5.18 The proposal is to create 1 small scale residential unit and it is considered that this would not significantly increase the activity on the site compared to the use for the stabling of horses. As such, the degree of activity generated by the proposal is not considered to significantly affect openness in this instance.
- 5.19 Given that the proposal is mostly contained within the existing site and development, the conversion of the building and creation of a residential curtilage are considered to preserve the openness of the Green Belt and the purposes of including the land within it. These elements of the proposal would therefore not constitute inappropriate development in a Green Belt in accordance with paragraph 150 of the NPPF. It is however recommended that permitted development rights should be removed from the property and the curtilage to ensure that the openness of the Green Belt is not harmed in the future.
- 5.20 Having considered all of the above and subject to aforementioned conditions the proposals are therefore considered to be appropriate development in the Green Belt and would therefore not conflict with policies SP1, SP2 and SP3 of the SDCS and national planning policy contained within the NPPF.

#### Conversions to residential use in the countryside

- 5.21 The application site is located within countryside in planning policy terms and the proposed scheme is for the conversion of the stables building to a dwelling.
- 5.22 The application site is a former stable block on a site that is no longer used for its intended purpose as noted from the submitted Design & Access Statement. The stables building was granted planning consent in 2007 with a subsequent approval for its extension in 2011.
- 5.23 SDCS 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.

- 5.23 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. Having had regard to the above, it is noted that whilst the proposed development would be considered isolated given its distance from any of the nearby residential properties but the development would re-use a disused building and would enhance the immediate setting.
- 5.24 Policy H12 of the SDLP (adopted 2005) stipulates the criteria in which conversions will be permitted. Criterion 1 of policy H12 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 SDLP 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 SDCS and within the NPPF.
- 5.25 Criteria (3) and (4) of SDLP Policy H12 require that “*the building is structurally sound and capable of re-use without substantial rebuilding*” and “*the proposed re-use or adaptation will generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension*”.
- 5.26 In terms of criterion (3), it is noted that a structural report has been submitted with the application which concludes that the building is in a structurally sound condition and is capable of conversion and repair without the need for demolition or substantial reconstruction. As such and having noted the condition of the building during the site visit by the Case Officer, it is considered that the proposal would comply with criterion (3) of SDLP Policy H12.
- 5.27 In terms of criterion (4), the proposals would involve replacement of roof material and replacement of the existing timber cladding and small-scale internal works necessary for the conversion to a residential use, and no extensions are proposed. As such, and having considered the nature and scale of works to the building to be converted, it is considered that the proposals would not result in extensive alterations and the proposals would generally take place within the fabric of the existing building. the repair and improvement works are not considered to be extensive and would be those reasonably required to convert the building to residential use. on this basis, it is considered that the proposal would comply with criterion (4) of SDLP Policy H12.
- 5.28 The remaining criteria of SDLP Policy H12 relate to the impacts of the proposed conversion and will therefore be assessed further in this report. Having had regard to the above, the proposals are considered to be acceptable in principle taking account of Policy H12 of the SDLP, Policy SP2 of the SDCS and national policy contained within the NPPF.

## **Design and impact on the character and appearance of the area**

- 5.29 The application site is located within the open countryside and in the Green Belt and is also located in a Locally Important Landscape Area. Therefore, policies ENV1, ENV15 and H12 of the SDLP, Policy SP19 of the SDSC and section 12 of the NPPF are relevant.
- 5.30 SDLP Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. Significant weight will be attached to the SDLP Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 5.31 Policy ENV15 of the SDLP emphasizes the importance of conservation and enhancement of the traditional character of buildings and quality of the landscape.
- 5.32 SDLP Policy H12 criterion (5) requires that the conversion of the building and ancillary works, such as creation of a residential curtilage and the provision of satisfactory access and parking arrangements, would not have a significant adverse effect on the character and appearance of the area or the surrounding countryside
- 5.33 Policy SP19 of the SDSC requires that “Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
  - B) Positively contribute to an area's identity and heritage in terms of scale, density and layout.”
- 5.34 The proposal as originally submitted was not considered to be a conversion due to the following:
- construction of stone wall outer skin which is considered as building a new building around the existing structure,
  - the wall material (stone) is fundamentally different from the existing (blockwork and timber cladding),
  - the alterations to openings which included significant enlargement of existing openings and creation of two new large openings were considered to result in an overly domestic appearance of the building which was not considered to reflect its agricultural character.
- 5.35 The scheme as amended has addressed the above concerns by removing of the proposed outer skin and proposing to re-use the existing outer walls instead, change of external wall material to timber cladding and alterations to window openings to ensure that the existing openings are not significantly altered. Whilst it is noted that timber cladding is now proposed to cover all of the elevations fully, this is the arrangement that was originally approved for the stable block but was never fully implemented. The slate roof is also considered acceptable at this location and its details can be secured via a condition. Also, the window openings as now proposed would mostly re-use the existing openings and very limited number of new openings is proposed which is reflective of the existing arrangement and of the agricultural character of the existing building. Furthermore, the windows and doors would be timber framed which is also considered acceptable and can be secured via a

condition together with the details of their colour. As such, it is therefore considered that the proposal as amended would be reflective of the existing stable block building, would respect its rural character and would be complementary to the rural setting it is located within.

- 5.36 The development will be served off an existing access track and would utilise the existing hardstanding to the north of the building for access, parking and turning. The access, parking and manoeuvring areas would be located in the grounds of the former stables and are deemed to be reasonable in their size and nature and as they are confined to the area of the former stables and would retain rural character of the site. Whilst the southern boundary would be moved outwards by approximately 6.5 metres to provide a private amenity space and would include a part of a larger field, it would provide adequate private amenity space to the rear of the proposed dwelling, would not extend beyond the existing eastern or western boundaries of the field thus not appearing out of context and would not be visible from any of the public points of view. In addition to this, the appropriate to the countryside location boundary treatments such as low post and rail timber fence and hedge planting along the southern boundary can be secured via a condition to reduce the pressure for any future garden extensions at this rural location. Furthermore, it is considered reasonable and necessary to add a condition removing permitted development rights for any alterations to the boundaries.
- 5.37 In terms of landscaping, it is noted from the submitted Design & Access Statement that natural landscape will remain unaffected and no removal of any existing trees or hedge will take place. Whilst there was no landscaping plan submitted with the application related to boundary treatments, details of species, density of planting or external hard landscaping materials, it is considered that these matters can be adequately addressed by imposition of an appropriate condition.
- 5.38 Having taken into account all of the above, it is therefore not considered that the proposal would cause adverse impacts on the rural character of the area or its visual amenity. As such, the proposal is considered to accord with Policies ENV1, ENV15 and H12 of the SDLP, Policy SP19 of the SDCS and section 12 of the NPPF subject to conditions.

#### **Impact on residential amenity**

- 5.39 Relevant policies in respect to the impacts on residential amenities include policies ENV1 and H12 of the SDLP which is consistent with NPPF policy at paragraph 130(f) which seeks a high standard of amenity for existing and future users.
- 5.40 There are no residential properties within the vicinity of the site and the building itself is already present within the site with no extensions proposed. As such, it is not considered that any detrimental impacts of overlooking, overshadowing or overbearing would be caused to any of the nearby residential properties or the proposed conversion itself.
- 5.41 Also, the vehicular access to the site already exists and is adequately distanced from any of the nearby residential properties. As such it is not considered that any significant disturbance from vehicular movements would be caused as a result of the proposals.
- 5.42 It is noted that the east elevation of the proposed conversion would have no openings which is considered acceptable. However, given that it is adjacent to and is facing the

grounds of the property known as Wingate End (one of Wingate Hill Farm cottages), it is considered reasonable and necessary to remove permitted development right to create new openings in this elevation to protect amenities of existing and future occupiers.

- 5.43 The site only contains one building which is proposed to be converted and as such it is not considered that any impacts of odour would be caused to the future residents of the proposed conversion. Also, Environmental Health Officer (EHO) has been consulted who advised that given the close proximity of this proposed conversion to other nearby residential properties, it is recommended that the applicant considers the hours of work so as not to adversely impact upon neighbouring properties in the form of noise nuisance. The comments of the EHO are noted and having considered the scale and nature of the proposals, it is considered that this matter can be adequately addressed via an informative rather than a condition.
- 5.44 Having taken into account all of the above, it is therefore considered that the proposed development would not cause any unacceptable impacts on residential amenities of any of the neighbouring properties or the future occupiers of the proposed conversion. The proposals would therefore comply with policies ENV1 and H12 of the SDLP and paragraph 130 of the NPPF.

#### **Impact on highway safety**

- 5.45 Policy in respect to highway safety and capacity is provided by the NPPF and SDLP policies ENV1(2), H12 and T2. Parking standards are stated in Appendix 4 of the SDLP and the Interim Parking Standards Documents from NYCC dated 2015. Both the local development plan and NYCC standards require a 2-bedroom property in a rural area to have 2 parking spaces.
- 5.46 The layout plan shows the site will be served off the existing access to the stables. No highway safety issues are expected to arise from the intensification of the access as the lane has a low number of traffic movements.
- 5.47 Whilst parking areas are not indicated on the layout plan, it is noted that the hardstanding area to the north of the building is of a substantial size and can comfortably accommodate parking area for two cars and associated turning area. Also, it is indicated on the application form that there are 6 parking spaces currently on the site and that those would be retained which is considered acceptable. NYCC Highways have reviewed the proposals and have raised no objections to the proposals.
- 5.48 Having taken into account all of the above, it is considered that the proposal would not result in a detrimental impact on highway safety in accordance with policies ENV1, H12 and T2 of the SDLP and the advice contained within the NPPF.

#### **Nature conservation and protected species**

- 5.49 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 5.50 NYCC Ecologist has been consulted who initially advised that no ecological information has been submitted with the application and the photos alone are not sufficient to be certain that the building does not support roosting bats or nesting

birds, and recommended the current structure is checked for any evidence of bats and birds.

- 5.51 The applicant was advised of the above comments and following discussions with the Applicant, Bat Survey: Preliminary Roost Assessment has been submitted. the Bat Survey Report concluded that the building is considered to have negligible suitability for roosting bats as no bats or signs of the presence of bats were found during the external and internal inspection of the building and that the proposals are very unlikely to have any negative impact upon bats or bat roosts in the locality. The Bat Survey report recommended that no further survey work or mitigation is required and that 2 bat boxes should be installed on or integrated into the newly converted structure on site or on trees in the locality.
- 5.52 NYCC Ecologist was reconsulted who advised that the building has been adequately assessed with regards to bats and since the building has negligible potential to support bats no further survey work or specific mitigation is required. NYCC Ecologist is also pleased to see the recommendation for inclusion of artificial bat roost structures as part of the new development which is supported as a way of providing enhancement measures for bats. NYCC Ecologist also noted that there is no information within the report with regards to nesting birds but from the photos and information provided on bats considers that the building is unlikely to support nesting birds. However, NYCC Ecologist still recommended adding an informative which recommends that any demolition works are undertaken outside of the bird nesting season, or the building is first checked for nesting birds by a suitably qualified ecologist.
- 5.53 There are no other known constraints with respect to nature conservation or protected species which would be impacted by the proposals.
- 5.54 Having regard to the above, it is considered that the proposed development is acceptable in respect of nature conservation and protected species and is therefore in accordance with policy ENV1 (5) of the SDLP, Policy SP18 of the SDCS and the advice contained within the Section 15 of the NPPF.

### **Flood risk, drainage and climate change**

- 5.55 Relevant policies in respect to flood risk, drainage and climate change include policy ENV1 of the SDLP, policy SP15 of the SDCS and policies contained within the Section 14 of the NPPF.
- 5.56 The site lies within Flood Zone 1, which has a low probability of flooding. The surface water drainage is already in place and the proposal will not increase impermeable areas. IDB had no comments to make and as such and given the above, the surface water drainage is considered acceptable. Foul water is proposed to be disposed of via a package treatment plant and the supporting information clarifies why other foul drainage arrangements would not be appropriate for this site and that the equipment would be serviced and emptied by a sewerage undertaker. Having reviewed this information, it is considered that the proposed foul drainage solution is acceptable and that there would be no increase in flooding elsewhere as a result of the development.
- 5.57 Policy SP15 (B) of the SDCS states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.

Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.

- 5.58 Having considered all of the above, it is therefore considered that the proposal is acceptable in terms of flood risk, drainage and climate change in accordance with policy ENV1 (3) of the SDPL, policies SP15 and SP19 or the SDCS and the advice contained within the NPPF.

### **Land contamination**

- 5.58 SDLP policy ENV2 states that development that would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution will be refused unless satisfactorily remediated or prevented. Policies SP18 and SP19 of the SDCS seek to prevent development from contributing to unacceptable levels of, inter alia, soil pollution and in doing so reflects national policy set out in the paragraph 185 of the NPPF.
- 5.59 The application is supported by a Contaminated Land Screening Assessment Form which was assessed by the Council's Contaminated Land Consultant who raised no objections in respect of contaminated land subject to a condition relating to reporting of unexpected contamination.
- 5.60 Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of land contamination in accordance with policy ENV2 of the SDLP, policies SP18 and SP19 of the SDCS and the advice contained within the NPPF.

## **6. CONCLUSION**

- 6.1 The application seeks permission to convert an existing rural building to provide one residential unit, including the change of use of the surrounding land to provide domestic curtilage.
- 6.2 it is considered that the proposal meets the exceptions set out in Paragraph 149 and 150 of the NPPF and the proposal therefore is not considered to be inappropriate development within the Green Belt. The proposed development, subject to the recommended conditions, would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it and would accord with both national and local Green Belt policy.
- 6.3 Whilst the proposal is contrary to Selby District Local Plan 2005 Policy H12 criteria 1 which requires a sequential approach to considering the re-use of buildings in rural areas to a business use in the first instance, this is superseded by the approach taken in Selby District Core Strategy 2013 and NPPF, both of which are considered to be more up to date than Policy H12 and as such, limited weight is attached to the preference for the business use and the proposal meets the rest of the criteria contained in policy H12. As such, the fact the proposal is contrary to criterion 1 of policy H12 should not be a reason to withhold permission.

- 6.4 The building is structurally capable of being converted and the alterations preserve its former agricultural appearance. Furthermore, subject to the relevant conditions, it is considered that the proposals would not create any adverse impacts on residential amenity, highway safety, land contamination, ecology, flood risk or drainage. The proposal is therefore considered to comply with policies ENV1, ENV2, ENV15, H12 and T2 of the Selby District Local Plan 2005, policies SP1, SP2, SP3, SP9, SP15, SP18 and SP19 and Selby District Core Strategy 2013 and the NPPF.

## 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:

Drawing No LOC01 A – Location Plan

Drawing No 02 – Layout Plan (received 07.05.2021)

Drawing No 03 – Existing Floor Plans (received 29.04.2021)

Drawing No 04 – Existing Elevations (received 07.05.2021)

Drawing No 05A revision CP2 – Proposed Floor Plan (received 09.06.2022)

Drawing No CP1 – Proposed Elevations (received 13.08.2021)

Reason:

To ensure that no departure is made from the details approved and that the whole of the development is carried out in accordance with the approved details in order to ensure the development accords with policies ENV1 and H12 of the Selby District Local Plan 2005, policies SP2 and SP3 of the Selby District Core Strategy 2013 and paragraphs 80 and 150 of the NPPF.

03. Conversion works hereby approved shall only be limited to those as described in the Structural Report reference Y-JG-SRS-10118-22 dated 24<sup>th</sup> May 2022 and no existing structural elements such as floor slab, blockwork and elements supporting the roof shall be removed.

Reason:

For the avoidance of doubt and in the interests of protecting the structural integrity of the building to accord with policies ENV1 and H12 of the Selby District Local Plan 2005, policy SP3 of the Selby District Core Strategy 2013 and paragraphs 80 and 150 of the NPPF.

04. The development hereby approved shall be undertaken in accordance with the mitigation strategy set out in section 8 of the Bat Survey: Preliminary Roost Assessment produced by Verity Webster and dated October 2021.

Reason:



In the interests of protecting and enhancing biodiversity and to comply with policy ENV1 of the Selby District Local Plan 2005 and policy SP18 of the Selby District Core Strategy 2013.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, outbuildings, porches, roof, dormer windows, flues or other structures other than those hereby approved shall be constructed without the prior written approval of the Local Planning Authority.

Reason:

In the interests of preserving the character of the building and to protect the landscape character of the local area and the openness of the Green Belt to comply with policies ENV1 and ENV15 of the Selby District Local Plan 2005 and policies SP3 and SP19 of the Selby District Core Strategy 2013.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no openings shall be inserted in the east gable end of the dwelling hereby approved without the prior written approval of the Local Planning Authority.

Reason:

In the interests of preserving the character of the building and to protect the amenities of the future occupiers of the dwelling hereby approved to comply with policies ENV1 of the Selby District Local Plan 2005 and policy SP19 of the Selby District Core Strategy 2013.

07. The boundary treatments comprising of a low post and rail/mesh fencing and hedge/other planting along the east, west and north boundaries shall be retained for the lifetime of the development.

Reason:

In the interests of preserving the character of the building and to protect the landscape character of the local area and the openness of the Green Belt to comply with policies ENV1 and ENV15 of the Selby District Local Plan 2005 and policies SP3 and SP19 of the Selby District Core Strategy 2013.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further hardstanding shall be created and no boundary treatments other than those hereby approved shall be constructed without the prior written approval of the Local Planning Authority.

Reason:

In the interests of preserving the character of the building and to protect the landscape character of the local area and the openness of the Green Belt to comply with policies ENV1 and ENV15 of the Selby District Local Plan 2005 and policies SP3 and SP19 of the Selby District Core Strategy 2013.

09. The window frames for the development hereby approved shall be constructed in timber and no other materials shall be used without the prior written consent of the Local Planning Authority.

Reason:

In the interest of visual amenity and to protect the character of the building in order to comply with policies ENV1, ENV15 and H12 of the Selby District Local Plan 2005 and policy SP19 of the Selby District Core Strategy 2013.

10. The doors and door frames for the development hereby approved shall be constructed of timber and shall be maintained and retained as such throughout the lifetime of the development.

Reason:

In the interest of visual amenity and to protect the character of the building in order to comply with policies ENV1, ENV15 and H12 of the Selby District Local Plan 2005 and policy SP19 of the Selby District Core Strategy 2013.

11. Prior to commencement of the development, the details of the external timber cladding and roof tiles shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of preserving the character of the building and to protect the landscape character of the local area to comply with policies ENV1, ENV15 and H12 of the Selby District Local Plan 2005 and policy SP19 of the Selby District Core Strategy 2013.

12. Prior to commencement of the development hereby approved, the landscaping plan, including the existing and proposed planting, the details of the existing and proposed boundary treatments and external landscaping materials shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.

Reason:

In the interests of preserving the character of the building and to protect the landscape character of the local area and the openness of the Green Belt to comply with policies ENV1, ENV15 and H12 of the Selby District Local Plan 2005 and policies SP3 and SP19 of the Selby District Core Strategy 2013.

13. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be

carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives:

01. The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.
02. Given the close proximity of this proposed conversion to other nearby residential properties, it is recommended that the applicant considers the hours of work so as not to adversely impact upon neighbouring properties in the form of noise nuisance.
03. THE COAL AUTHORITY

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

## **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 2021/0481/FUL and associated documents.

**Contact Officer: Irma Sinkeviciene (Senior Planning Officer)**

**Appendices: None**