



Report Reference Number: 2019/0582/FUL

To: Planning Committee
Date: 6 November 2019
Author: Jenny Tyreman (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0582/FUL	PARISH:	Womersley Parish Council
APPLICANT:	Mrs W Haigh	VALID DATE: EXPIRY DATE:	14th June 2019 9th August 2019
PROPOSAL:	Proposed conversion and extension of existing barn to form 1No. dwelling		
LOCATION:	Grange Farm Fulham Lane Womersley Doncaster South Yorkshire DN6 9BW		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as the proposal is contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) but it is considered 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 outside the defined development limits of any settlements and is therefore located within the open countryside. The application site is also located within the Green Belt.
- 1.2 The application site comprises a stone built agricultural building, an area of hardstanding which currently forms part of a farmyard and a tennis court. The application site is located within an existing agricultural site operated by G Haigh and Sons, thus the site is surrounded by agricultural buildings to the north, east and

west, and the existing farmhouse to the south. Open agricultural fields surround the farm complex.

The Proposal

- 1.3 The application seeks full planning permission for the conversion and extension of an existing stone built barn to form 1No. dwelling.
- 1.4 It is noted that there is an extant planning permission for the conversion of the existing stone built barn to form 1No. dwelling, therefore the assessment of this application will mainly focus on the addition of the extension to the west side. The proposed extension would be constructed from an oak frame with glazing between posts and a roof covering to match the existing barn. The proposed extension would measure a maximum of 5.9 metres by 5.6 metres and would have a pitched roof with eaves to a height of 2.5 metres above ground floor level and ridge to a height of 3.8 metres above ground floor level.

Relevant Planning History

- 1.5 The following historical applications are considered to be relevant to the determination of this application.
- 1.6 An application (reference CO/1995/1074) for the proposed erection of a conservatory to the front elevation was granted on 27 November 1995.
- 1.7 An application (reference CO/1996/0191) for the demolition of existing garage and erection of two storey extension to existing farm offices to provide new garage, store, kitchen and toilet accommodation on the ground floor with offices over was granted on 29 April 1996.
- 1.8 An application (reference 2018/0954) for an existing lawful development certificate for a tennis court linked to existing farmhouse was granted on 09 October 2018.
- 1.9 An application (reference 2019/0088/FUL) for the proposed conversion of existing barn to form 1No. dwelling was granted on 05 April 2019.
- 1.10 A discharge of condition application (reference 2019/0500/DOC) for the discharge of condition 04 (materials) of approval 2019/0088/FUL - Proposed conversion of existing barn to form 1No. dwelling is pending consideration (case officer: SOKI).

2. CONSULTATION AND PUBLICITY

- 2.1 **Parish Council** – No response within statutory consultation period.
- 2.2 **NYCC Highways** – No objections, subject to a condition relating to the provision of the approved access, parking and turning areas.
- 2.3 **Yorkshire Water Services Ltd** - No response within statutory consultation period.
- 2.4 **Neighbour Summary** - All immediate neighbours were informed by neighbour notification letter and a site notice was erected. No letters of representation have been received as a result of the advertisement of the application.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside. The application site is also located within the Green Belt.
- 3.2 The application site is located within Flood Zone 1, which has a 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 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 would take place early in 2020. 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 (February 2019) (NPPF) replaced the July 2018 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 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213.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

- 4.6 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development

SP2 – Spatial Development Strategy
SP3 – Green Belt
SP5 – The Scale and Distribution of Housing
SP9 - Affordable Housing
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
ENV2 – Environmental Pollution and Contaminated Land
H12 – Conversion to Residential Use in the Countryside
T1 – Development in Relation to the Highway Network
T2 – Access to Roads

5 APPRAISAL

5.1 The main issues to be taken into account when assessing this application are:

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing

The Principle of the Development

5.2 Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

5.3 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside. The application site is also located within the Green Belt.

5.4 Policy SP2A (c) of the Core Strategy states that *"Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, 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 meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."*

- 5.5 The proposal would result in the re-use and extension of an existing building and would therefore comply with Policy SP2A (c) of the Core Strategy.
- 5.6 Policy SP2A (d) of the Core Strategy states *“In Green Belt, including villages washed over by the Green Belt, development must conform with Policy SP3 and national Green Belt policies”*.
- 5.7 Policy SP3B of the Core Strategy states *“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”*.
- 5.8 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 clearly outweigh the presumption against it.
- 5.9 The guidance within the NPPF paragraph 145 states *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”* and sets out a number of exceptions including [amongst other things] *“the extension or alteration of a building provided the building does not result in disproportionate additions over and above the size of the original building”*. Paragraph 146 of the NPPF states that *“Certain other types of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it”* including [amongst other things] *“the re-use of buildings provided that the buildings are of permanent and substantial construction”*.
- 5.10 As demonstrated under the extant planning permission, reference 2019/0088/FUL, the proposed conversion of the existing brick built agricultural building would represent the re-use of a building which is of permanent and substantial construction, in accordance with paragraph 146 of the NPPF. Furthermore, the proposed extension, as shown on drawing no’s. 401 and 402A, given its size and scale in relation to the existing building to be converted, would not result in a disproportionate addition over and above the size of the original building in accordance with paragraph 145 of the NPPF.
- 5.11 The proposal would therefore be appropriate development in the Green Belt and comply with Policies SP2A (d) and SP3B of the Core Strategy and national policy contained within the NPPF.
- 5.12 Policy H12 of the Selby District Local Plan specifically relates to conversion to the conversion of rural buildings to residential use in the countryside and sets out that such proposals would be acceptable in principle subject to a number of criteria.
- 5.13 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 this 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 merely setting out that the re-use of redundant or disused buildings would be acceptable in the countryside. 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.

- 5.14 Notwithstanding the above, Criterion (3) and (4) of 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”*.
- 5.15 In terms of Criterion (3), it is noted that a structural report has been submitted with the application. This is the same structural report that was submitted with the previous application, reference 2019/0088/FUL, which was granted planning permission earlier this year and remains extant. From a site visit it is noted that the condition of the building remains the same as when the previous application was assessed and determined. The structural report suggests that the building is structurally sound and capable of reuse without substantial rebuilding. On this basis and having regard to the extant planning permission, reference 2019/0088/FUL, it is considered that the proposal would comply with Criterion (3) of Policy H12.
- 5.16 In terms of Criterion (4), the proposals would involve the construction of an extension to the west side elevation of the building to be converted. The proposed extension would be constructed from an oak frame with glazing between posts and a roof covering to match the existing barn. The proposed extension would measure a maximum of 5.9 metres by 5.6 metres and would have a pitched roof with eaves to a height of 2.5 metres above ground floor level and ridge to a height of 3.8 metres above ground floor level. Read in the context of the building to be converted, it is considered that the proposals would not result in an extensive alteration or extension, and aside from the extension, the proposals would generally take place within the fabric of the existing building. On this basis, it is considered that the proposal would comply with Criterion (4) of Policy H12.
- 5.17 The remaining criteria of Policy H12 relate to the impacts of the proposed conversion and extension and will therefore be assessed later in this report.
- 5.18 Having regard to the above, the proposal would be acceptable in principle and represent appropriate development in the Green Belt in accordance with Policies SP1, SP2 and SP3 of the Core Strategy, Policy H12 (3) and (4) of the Selby District Local Plan and national policy including paragraph 79 of the NPPF.

Design and Impact on the Character and Appearance of the Area

- 5.19 The application site comprises a stone built agricultural building, an area of hardstanding which currently forms part of a farmyard and a tennis court. The application site is located within an existing agricultural site operated by Haigh G and Sons, thus the site is surrounded by agricultural buildings to the north, east and west and the existing farmhouse to the south. Open agricultural fields surround the farm complex.

- 5.20 In terms of the conversion of the existing stone built barn, this would be carried out as per the extant planning permission, reference 20169/0088/FUL. The main alterations would be the re-use of a number of existing openings to form windows and doors and the introduction of a number of new openings both within the elevations to form windows and the roof in the form of roof lights. These alterations were considered acceptable in respect of design and impact on the character and appearance of the area under the extant planning permission, reference 20169/0088/FUL, and are similarly considered to be acceptable in respect of design and impact on the character and appearance of the area under the current application.
- 5.21 In terms of the proposed extension, this would have the same form as the barn and would be constructed from an oak frame with glazing between posts and a roof covering to match the existing barn. As such, it is considered the proposed extension would have an acceptable design in relation to the converted barn and would satisfactorily integrate into the proposed dwelling.
- 5.22 Having regard to the above, it is considered that the proposals would not have a significant or detrimental impact on the character and appearance of the area in accordance with Policies ENV1 (1) and (4) and H12 (5) of the Selby District Local Plan, Policies SP4 and SP19 of Core Strategy and national policy contained within the NPPF.

Impact on Residential Amenity

- 5.23 The proposed dwelling would be sited to the north west of the existing farmhouse, comprising Grange Farm and Grange Farm Bungalow.
- 5.24 Given the nature of the proposals, for the conversion and extension of an existing building, and having regard to the size, scale, siting and design of the proposed extension, it is not considered that the proposals would result in any significant adverse effects in terms of overshadowing or oppression between the existing and proposed dwellings. Furthermore, given the location of windows in the proposed dwelling, it is not considered that the proposals would result in any significant adverse effects of overlooking between the existing and proposed dwellings.
- 5.25 In terms of the provision of amenity space for the proposed dwelling, it is considered that the proposal would enable the provision of an adequate amount of useable external amenity space for the occupiers of the proposed dwelling, which would include a tennis court. Furthermore, the existing dwellings would retain an adequate amount of useable external amenity space for the occupiers of those dwellings.
- 5.26 The Council's Environmental Health Officer was consulted in relation to the previous planning application at the site (reference 2019/0088/FUL) and their comments remain relevant to the current application. The Environmental Health Officer noted that the applicant acknowledges that any future occupant of the proposed dwelling would be subject to noise and disturbance from farming activities on the wider site. However, they also note that the applicant has advised that the proposed dwelling would be occupied by a family member who runs the farm business and that as such the occupants would accept limited residential amenity as it is part of the business. On this basis, the Council's Environmental Health Officer raises no objections to the proposals, subject to a suitably worded condition

requiring the occupation of the dwelling to be limited to a person or persons solely or mainly working or last working at Grange Farm. Such a condition was attached to the previous extant planning permission, reference 2019/0088/FUL, and could be attached to any new planning permission granted.

- 5.27 Subject to the aforementioned condition, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policies ENV1 (1) and H12 (5) of the Selby District Local Plan and national policy contained within the NPPF.

Impact on Highway Safety

- 5.28 The proposed dwelling would be accessed from an existing vehicular access from Fulham Lane and would benefit from an area of hardstanding for parking, turning and maneuvering to the east of the dwelling.
- 5.29 NYCC Highways have been consulted on the proposals and have not raised any objections, subject to a condition relating to the provision of the approved access, parking and turning areas. Such a condition was not recommended to be attached to the previous planning permission, reference 2019/0088/FUL, and given the nature of the site, which has sufficient space for parking, turning and manoeuvring, it is not considered this condition would be reasonable or necessary.
- 5.30 Having regard to the above, it is considered that the proposal would be acceptable in terms of highway safety in accordance with Policies ENV1 (2), H12 (7), T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF.

Flood Risk and Drainage

- 5.31 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 5.32 In terms of drainage, the submitted application form sets out that surface water drainage would be disposed of via soakaway, but does not state how foul drainage would be disposed of. No objections have been raised by any consultees in relation to drainage and it is noted that no drainage related conditions were considered reasonable or necessary to attach to the extant planning permission at the site.
- 5.33 Having regard to the above, it is considered that the proposals are acceptable in terms of flood risk and drainage.

Nature Conservation and Protected Species

- 5.34 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration.
- 5.35 The application has been supported by a Bat Survey Report undertaken by Middleton Bell Ecology, dated 25 September 2018. This Bat Survey Report was assessed by NYCC Ecology under the consideration of the previous planning application, reference 2019/0088/FUL, earlier this year and the report is considered to be sufficiently up-to-date to support the current application. NYCC Ecology advised *“Whilst the building is shown to have moderate potential for roosting bats and there is evidence that the barn has been used in the past by small numbers of*

bats, the recent surveys have confirmed that there are currently no active bat roosts. I am therefore satisfied that the proposed works to redevelop the barn into a domestic dwelling will not have a detrimental impact upon the favourable conservation status of the species in the local area”.

- 5.36 In terms of recommendations/enhancements, the submitted Bat Survey Report sets out that in order to enhance the ecological value of the site, it is suggested that tree sparrow boxes are installed as part of the proposed development. The report recommends that three boxes are fastened high on gables or under the eaves. NYCC Ecology have advised *“With regards to nesting birds the redevelopment of the barn will lead to the loss of nesting sites for swallow and house sparrow. Whilst compensation is proposed for house sparrow there are no measures currently proposed to compensate for the loss of swallow nesting sites. If possible compensatory nest provision should also be made for swallows”.* As per the previous planning permission, reference 2019/0088/FUL, an informative can be attached to any planning permission granted relating to nesting birds.
- 5.37 Having regard to the above, it is considered that the proposals would not harm any acknowledged nature conservation interests or protected species and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy, national policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

Land Contamination

- 5.38 The application has been supported by a Phase 1 Desk Study Report. This was assessed under the previous planning application, reference 2019/0088/FUL, where no objections were raised to the proposals in respect of contaminated land, subject to a condition relating to the reporting of any unexpected contamination.
- 5.39 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 Selby District Local Plan, Policy SP19 of the Core Strategy and national policy contained within the NPPF.

Affordable Housing

- 5.40 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District.
- 5.41 However, the NPPF is a material consideration and states at paragraph 63 - *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”.* ‘Major development’ is defined in Annex 2: Glossary as *“For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”.*

- 5.42 The application proposes the creation of one dwelling on a site which has an area of less than 0.5 hectares, such that the proposal is not considered to be major development as defined in Annex 2 of the NPPF. It is therefore considered that having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the advice contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

6 CONCLUSION

- 6.1 The application seeks full planning permission for the conversion and extension of an existing stone built barn to form 1No. dwelling.
- 6.2 The application is considered to be acceptable in principle and represent appropriate development in the Green Belt in accordance with Policies SP1, SP2 and SP3 of the Core Strategy, Policy H12 (3) and (4) of the Selby District Local Plan and national policy including paragraph 79 of the NPPF. Policy H12 (1) of the Selby District Local Plan is given limited weight as 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).
- 6.3 Furthermore, having assessed the proposals against the relevant policies, it is considered that the proposals are acceptable in respect of their design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, nature conservation and protected species, land contamination and affordable housing.

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 be carried out in accordance with the plans/drawings listed below:

05-58-06 – Location Plan

05-58-02B – Proposed Site Plan

401 – Proposed Floor Plans

402A – Proposed Elevations

Reason:

For the avoidance of doubt.

03. Notwithstanding the provisions of Class A to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved.

Reason:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policies ENV1 and H12 of the Selby District Local Plan.

04. The occupation of the dwelling shall be limited to a person or persons solely or mainly working, or last working, at Grange Farm, Fulham Lane, Womersley, or a widow or widower of such a person or persons, and to any resident dependants.

Reason:

To ensure the agricultural activities at Grange Farm are not curtailed by future occupiers on the grounds of complaints due to noise, disturbance, odour or any other aspect of farming operations and because the existing agricultural activities would result in a lack of adequate residential amenity for future occupiers not employed on the farm.

05. 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.

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 2019/0582/FUL and associated documents.

Contact Officer:

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Appendices: None