



Report Reference Number: 2016/0673/FUL (8/79/167J/PA)

Agenda Item No: 7.5

To: Planning Committee
Date: 10 January 2018
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APPLICATION NUMBER:	2016/0673/FUL 8/79/167J/PA	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	H W And J M Houseman	VALID DATE: EXPIRY DATE:	6 June 2016 1 August 2016
PROPOSAL:	Proposed conversion of windmill to form a dwelling with new extension		
LOCATION:	Windmill, Old Road, Appleton Roebuck		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to Criterion 1 of Policy H12 of the Local Plan, there are material considerations which would justify approving the application.

Members should note that an associated Listed Building Application is also being considered at this Committee under Reference 2016/0675/LBC.

1. Introduction and background

The Site and Context

- 1.1 The application site comprises an area of land which is located between the settlements of Appleton Roebuck and Bolton Percy. There is currently a post and wire fence delineating the site boundary.
- 1.2 The site and surrounding area is characterised by open agricultural fields with predominantly hedgerow boundaries.
- 1.3 The windmill is on an elevated position within the site with grassed land surrounding the site and the remains of previous buildings. The windmill itself has openings but no remaining window frames or doors.

The Proposal

- 1.2 This proposal seeks full planning permission for the conversion of the windmill into residential accommodation and the addition of a single storey extension. There would be significant internal works required to the windmill due to the lack of floors/beams in order to facilitate the conversion and the works are detailed within the supporting documents submitted with the application.
- 1.4 An extension is proposed which would be attached to the windmill by virtue of a glazed link. The extension would be constructed from dark timber board with English pantiles to the roof and timber doors and windows. It would measure 11.4m in length by 5.2m in depth with a maximum height of 5m to the ridge.
- 1.5 The scheme will provide within the extension a double bedroom with en-suite, and a living room, which is then linked to the main windmill structure. The ground floor of the windmill element will provide a kitchen and dining area. The first floor will provide a living room, the second floor provides a further double bedroom and en-suite and the third floor would provide a single bedroom with en-suite.
- 1.6 The proposed elevations will include the addition of a series of vents to the southern and northern elevations.
- 1.7 Access to the site would be taken from the existing field access. It is proposed that the access would be tarmac for the first 8m into the site after which the access road would be laid with stone. No boundary treatments are proposed to the application site although a garden area and curtilage is shown on the submitted plans.

Planning History

- 1.5 The following historical applications and appeals are considered to be relevant to the determination of this application:-
 - An application (2016/0675/LBC) for Listed Building Consent for the proposed conversion of windmill to form a dwelling with new extension is currently pending consideration and is on the same planning committee agenda.
 - An application (2015/1428/LBC) for Listed Building Consent for proposed conversion and change of use of windmill to a single dwelling with new extension was withdrawn on 5 February 2016.
 - An application (2015/1425/FUL) for the proposed conversion and change of use of windmill to a single dwelling with new extension was withdrawn on 5 February 2016.
 - An application (2012/0812/FUL) for the conversion of windmill to form a holiday cottage was approved on 9 May 2013.
 - An application (2012/0805/LBC) for Listed Building consent to facilitate conversion of windmill to form a holiday cottage was approved on 9 May 2013.

- An application (2009/0573/LBC) for Listed Building Consent for the conversion of a redundant windmill to a holiday let was refused on 21 August 2009.
- An application (2009/0572/FUL) for the proposed conversion of redundant windmill to holiday let was refused on 30 September 2009.
- An application (2008/0405/LBC) for Listed Building Consent for the conversion of a redundant windmill to a holiday let was withdrawn on 6 May 2009.
- An application (2008/0404/FUL) for the proposed conversion of redundant windmill to holiday let was withdrawn on 6 May 2009.
- An application (CO/2002/0262) for Listed building consent for the conversion of a windmill tower into an astronomical observatory and sky science centre at was withdrawn on 27 January 2003.
- An application (CO/2002/0261) for the proposed conversion of a windmill tower into an astronomical observatory and sky science centre at was withdrawn on 27 January 2003.
- An application (TA/6413) for the conversion of old Windmill into dwelling house, dated 23 May 1973, was refused on the 13th November 1973. This refusal was on the basis that “the site is divorced from the existing residential development in the area and it is considered that the proposed use of the isolated structure would constitute an undesirable intrusion of a residential use into an area which is in the main open and undeveloped”.
- An application (TA/4629) for the change of use to a house, dated 6th August 1968 was refused on the 9th September 1968. This refusal was on the basis of
 - Site outside any area shown allocated for general development purposes in the approved County Development Plan
 - The site is divorced from any existing residential development in the area and it is considered that the proposed use of the isolated structure would constitute an undesirable intrusion of residential use into an area which is in the main open and undeveloped.

2.0 Consultations and Publicity

- 2.1 **Parish Council** - They are most concerned that the windmill does not fall into ruin as it is a local land mark visible from the surrounding area. It is felt that this proposal will ensure that it is preserved as such.
- 2.2 **NYCC Highways** - No objections subject to several conditions.
- 2.3 **Yorkshire Water** - No response at the time of compilation of this report.
- 2.4 **Ainsty Internal Drainage Board** - No objection to the development in principle and have recommend that two conditions be attached to any planning approval.

- 2.5 **Natural England** - No comments.
- 2.6 **Yorkshire Wildlife Trust** - The surveys by Wold Ecology are thorough and the suggested mitigation should be conditioned a European protected Species Licence may need to be applied for.
- 2.7 **North Yorkshire Bat Group** - No response at the time of compilation of this report.
- 2.8 **Historic England** - having considered the latest Heritage Statement and Plans Historic England note that “the revised heritage statement provides a more detailed consideration of significance and assessment of the impact of the proposals” and confirm that they “concur with the conclusion of the statement” and have thus confirmed that they have “no objection to the applications on heritage grounds”.
- 2.9 **Conservation Advisor** - The application would lead to less than substantial harm to the heritage asset due to the following reasons:
- Alterations to the appearance of the listed building with the additions of a roof and windows;
 - Change to the setting of the listed building with the addition of an extension; and
 - Insertion of internal floors and modern services to make the building habitable.

As harm has been identified, the proposal is then weighed against the public benefits of the application in accordance with NPPF 134.

The proposed design and supporting information has demonstrated that there would be heritage benefits of the application and measures have been taken to mitigate the harm caused to the significance of this designated heritage asset:

- Scale of the proposed extension has been kept to a minimum to reduce the visual impact. The width of the extension is no wider than the windmill and the height has been kept below the first floor window;
- Materials of construction proposed for the extension reflect the agricultural nature of the setting and the character of the existing building - the proposed dark wood reflects the original tar finish to the windmill;
- The glazed link provides a degree of visual separation between the listed windmill and the extension and allows the curvature of the windmill profile to still be appreciable through the visually permeable link;
- The design is utilitarian and uncomplicated;
- The proposal safeguards the future of this listed building and keeps it in a viable use; and
- The proposal maintains and preserves the historic fabric.

The application is in accordance with Paragraph 131 of NPPF as the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with its conservation. The application sustains the windmill as a feature within the landscape for this and future generations to enjoy. Great weight has been given to the conservation of the Windmill as a Grade II heritage asset. The application has been accompanied by clear and convincing justification for the development including the long term conservation of the asset

for this and future generations and is therefore in accordance with NPPF paragraph 132.

The application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. Selby Core Strategy Policy SP18 requires for the high quality and local distinctiveness of an environment to be maintained which is achieved by this proposal.

The sensitive approach to the design of the converted windmill ensures that the proposal complies with Selby Core Strategy Policy SP19 in terms of achieving a high quality design, and having regard to the local character, identity and context of its surroundings.

The proposal is also in line with Selby Local Plan Policies ENV22 in terms of having a minimal impact upon the character, fabric and setting of the listed building and policy ENV24 in terms of the minimising any adverse impact upon the architectural and historic character of the building. The proposal is also considered to be appropriate in terms of scale (as the proposed extension has been kept to a minimum size), design and materials (the design and materials of construction of the proposed extension reflects the historic development of the building).

The following conditions should be attached to an approval to ensure the detailing is to a high standard:

1. Before the relevant work begins, details in respect of the following shall be approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details:
 - a) detailed drawings at 1:5 scale of the glazed link to show materials, doors and interaction with the windmill;
 - b) samples of external materials and surface finishes including the pan tile roof and the timber boarding for the extension
2. Before work begins, the details of the type and colour(s) of the paint to be used on all external timber joinery shall be agreed in writing with the Local Planning Authority. All glazing shall be face-puttied.
3. Rainwater goods (gutters, downpipes, hopperheads and soil pipes) [on visible elevations] shall be in cast-iron. The sectional profile for the rainwater gutters shall be half round and fixed on agreed brackets.
4. No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.
5. No new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.
6. PD rights should be removed.

Informatives:

All leadwork should follow the Codes and details recommended by the Lead Sheet Association.

- 2.10 **Environmental Health** - The applicant has indicated that foul drainage is to be disposed of via a package treatment plant. The installation of a new foul drainage

system will require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency.

2.11 **Contaminated Land Consultants (WPA)** - No contaminated land conditions are recommended for this application.

2.12 **Neighbours** - Due to the location of the application site, there are no immediate neighbours and as such, notifications undertaken were through a site notice and an advert within the local press. This has resulted in two letters of objection being received (from the same objector) and thirteen letters of support.

2.13 The letters of objection raised the following points as summarised:

- Inaccurate information is provided within the application form, in particular with respect to the existence of a hedge which is a valuable feature of the local landscape and there is no assessment of the works to be carried out;
- The Heritage Statement focuses on the physical characteristics of the property and not any wider considerations such as the reason why it has been listed to enable the LPA to fully assess the contribution the building makes to the surrounding area. It is also impossible to quantify the building's value and significance and therefore the harm that may occur;
- The Heritage Statement has failed to take account of the recent Court of Appeal decision *Barnwell Manor Wind Energy Ltd v E Northants DC*, English Heritage, National Trust and SSCLG (2014);
- Plans have not been provided from public vantage points of which to assess the proposal;
- No detailed drawings for the fenestration/door details have been provided and no justification for these design elements which would appear inappropriate for such a functional and utilitarian mill building, set within a rural landscape;
- Sustainability has previously been a reason for refusing permission for a dwelling in this location in the past;
- The site is particularly remote and a considerable distance from the nearest settlement. The applicant quotes a distance of 700m however this is along a narrow country road with no pedestrian facilities, is subject to the national speed limit and is taken to the edge of the settlement rather than the focus of facilities and services within the settlement;
- There are very limited facilities within Appleton Roebuck which do not represent a sufficient breadth or depth of services to support sustainable development;
- The identification of a daily bus service to York or the rural footpath walks do not outweigh the sustainability issues and residents can only realistically travel to site by private car;
- There have been no alternative options presented in protecting the structure. In demonstrating that the least intervention possible is proposed for a viable re-use to occur the applicants should have demonstrated less invasive uses have been fully considered such as agriculture or storage. This should involve marketing the building for a range of agriculture and employment opportunities. A period of 18 months for this would be reasonable;
- The creation of boundary treatment would introduce a defined and alien curtilage in the area;
- Associated activity and detailing such as garden planting, outdoor tables chairs etc will change the setting of the Listed Building and will be adverse when compared with the open countryside location of the surroundings;

- The electricity supply will most likely be made via overhead power lines and the impact of this connection is unknown and therefore cannot be reasonably assessed;
- There are detailed design issues which are not appropriate to a building of this historic value such as provision of ducts, vents and openings for heating appliances, external lighting equipment, external pipes associated with drains etc;
- The applicant proposes a disjointed and unintelligible mix of large windows, decorative gables and roof planes which have no historic or contemporary theme. The use of glazed links alongside pantiles and clamp bricks further compounds the unclear design approach;
- The effect is of a series of domestic extensions which have no bearing and an uncomfortable relationship with the historic structure. There is no evidence of an examination of the scale and design of historic structures which may have been in this location, nor a contemporary approach to the extension;
- The applicants have submitted a repair schedule however there is so much information that is missing or inadequate that the full extent of the proposal is unknown at this stage;
- The building was listed in its current state of disrepair and therefore, there is a question with regard what it is that the Council are trying to preserve. The Council have the power to ensure that the building is maintained which need only involve minor structural works and weatherproofing;
- The proposals will have a detrimental impact on the visual amenity of the surrounding landscape due to loss of the current open aspect across the site;
- There is a need to consider the application in light of potential alternatives such as do nothing, as well as alternative reuse of the structure in its current condition and then assessing the potential redevelopment of the site. There is no evidence that this exercise has been completed;
- Given the isolated location any form of intensive use is likely to have a significant impact on the area. The development is of a much greater intensity than the existing windmill and by virtue of its design and ancillary structures will be more dominant in views from all directions;
- It is understood that the proposal would require the formation of visibility splays of 150m to the west and 215m to the east, it is unclear how the applicant proposes to ensure that the site is capable of safe access from the public highway;
- There is reference to removing parts of the hedge, however there is no indication of the level of visibility that this will achieve nor the works likely to be required to the hedge;
- Whilst the applicant is proposing two car parking spaces it is not possible to determine that there is provision for the parking of any service vehicles including delivery vehicles and those needed to carry out essential servicing such as waste collection;
- There is an intention to use a historic well structure on the site for the purposes of ground water disposal however there is no assessment of the structural integrity of the well or its ability to function as a viable soakaway;
- The reuse of the well opens up possibility of direct and uncontrolled access for pollutants to a ground water source. The risk of contamination spreading into surrounding ground water and possible aquifers is increased far above that of a typical open well by the positive pressure that the water flowing into the well will be under when it drops down into the soakaway;

- There has been no assessment of the historic or archaeological significance of this feature of the site;
- The structural survey contradicts the Heritage Statement in respect of the decay of the building;
- The Heritage Statement should be completed by a competent and informed individual;
- The proposed development is contrary to Policies ENV1 and ENV24 of the Local Plan, Policy SP2 of the Core Strategy and the NPPF;
- There is no assessment on the impact on the nearby Conservation Area;
- The revised scheme and Heritage Statement are considered to be an inadequate basis for a properly informed assessment of the development proposals.

2.14 The letters of support raised the following points as summarised:

- The development is supported by numerous national and local planning policies;
- It would preserve a local listed building and landmark for the future;
- The windmill is a prominent and well known feature of the local landscape, despite being disused for over a hundred years;
- The building has no practical use for modern day farming and the self-evident functional link between the windmill and the local agricultural industry has long since been severed;
- The structure appears reasonably sound, by its design the building supports its self, with a good structural engineer, architect and builder this could be a fine structure, providing that the team are sympathetic in their approach to the task in hand;
- The access to the site is already used by heavy farm machinery to access the fields adjacent to it, so it really is questionable as to additional traffic from one dwelling will have a measureable impact on local traffic volumes. Traffic volumes are not great;
- When the building was in its original use there would have been lighting in and around the building, it had life, it is considered a ridiculous suggestion that lighting from the property would be harmful to the local countryside, this really is objection born on desperation;
- There is local and national support for the re-use of this structure and reusing the building concerned in this way would be the best use of this asset;
- There is strong support by both District and National Planning policies for the reuse of redundant farm buildings for alternative uses within the countryside, where it helps to preserve the structure;
- The proposal is for a sympathetic conversion into a residential dwelling with a small extension, complying with planning policies;
- local and national planning policies endorse the preservation of these structures by allowing the sensitive and thoughtful conversion into productive, sustainable and aesthetically pleasing buildings;
- The applicants have looked carefully at alternative uses;
- The site is served by a public bus route, and is within easy walking distance of Appleton Roebuck village; in fact a great many people walk the Old Road between Bolton Percy and Appleton Roebuck on a daily basis. There is no footpath on the side of the road, but the grass verge is sufficiently wide enough to seek refuge;
- Cyclists use this route extensively;

- Although there is no electrical power supply to the site there is no reason why an underground supply could not be connected to the existing mains supply in Appleton Roebuck;
- It would appear that Historic England do not wish to object to the proposal, and indeed appear to be in support of it, so long as the work is carried out sympathetically, it must therefore be of significant material consideration that the application gains approval;
- It is questionable as to whether it should even be listed, given its current condition (which has not noticeably deteriorated since its listing in 1987).
- The issue of bringing it into use is highly supportable;
- Long gone are the days of economic activities from windmills and its use as anything other than a night shelter for sheep are non-existent so that the opportunity for vitality into the building is highly desirable;
- Reusing the structure as a home with a sensitive extension as proposed would prevent the further dilapidation of the structure and make it safe.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The windmill is Grade II Listed and is constructed from brick and has no roof structure or glazing remaining. It is located within open countryside and is outside the defined development limits of Appleton Roebuck.
- 3.2 The site is within Flood zone 1 which has a low probability of flooding.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.3 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.4 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.
- 3.5 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. In terms of the Appleton Roebuck and Acaster Selby Neighbourhood Plan, then NPPG Neighbourhood Planning paragraph 7 states that:

“An emerging neighbourhood plan may be a material consideration factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Decision makers should respect evidence of local support prior to referendum when seeking to apply weight to an emerging neighbourhood plan. It is for the decision maker in each case to determine what a material consideration is and what weight to give it.” (NPPG Neighbourhood Planning para 07)

As such under Section 1 of the Neighbourhood Planning Act 2017 the law as in force from 19th July 2017 states that a neighbourhood development plan forms part of the development plan for the area if it has been approved by referendum. The Appleton Roebuck and Acaster Selby Neighbourhood Plan was examined in summer 2017 and was recommended to proceed to referendum. The Referendum took place on the 23rd November 2017 and was supported by the community. In accordance with the Neighbourhood Planning Act it now becomes part of the statutory development plan to which the provisions of Section 38(6) of the 2004 Act apply.

Selby District Core Strategy Local Plan

3.6 The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP5:	The Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

Appleton Roebuck and Acaster Selby Neighbourhood Plan

3.7 The relevant Neighbourhood Plan policies are:

WB1	Re-use of Redundant Buildings
DBE2	Respecting Traditional Building Design and Scale
DBE3	Green Infrastructure
DBE4	Drainage and Flood Prevention
EHL1	Maintaining Agricultural Land
ELH 4	Historic Rural Environment.
H1	New Housing Development Design and Scale,
H3	Car Parking
ELH2	Conserving, Restoring and Enhancing Biodiversity

Selby District Local Plan

3.8 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans 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)".

3.9 The relevant Selby District Local Plan Policies are:

ENV1	Control of Development
ENV2	Environmental Pollution and Contaminated Land
ENV24	Alterations to Listed Buildings
T1	Development in Relation to the Highway Network
T2	Access to Roads
H12	Conversion to Residential in the Countryside

Other Documents

3.10 Other relevant policies and guidance are:

- NPPF and NPPG
- Affordable Housing Supplementary Planning Document
- 5 Year Housing Land Supply Report 2017-2022, Position at 31st March 2017
- Appleton Roebuck Village Design Statement

4.0 Appraisal

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

1. Principle of the development
2. Impact on Heritage Assets
3. Design and Impact on the Character of the Locality
4. Impact on Residential Amenity
5. Highways Issues
6. Drainage, Flood Risk and Climate Change
7. Impact on Nature Conservation and Protected Species
8. Affordable Housing
9. Contaminated Land
10. Neighbourhood Plan
11. Other Issues
12. The Benefits of the Proposal

The Principle of Development

4.2 Relevant policies in respect of the principle of this proposal include Policy WB1 of the AR & AS NP, Policies SP1 "Presumption in Favour of Sustainable Development" and SP2 "Spatial Development Strategy" of the Core Strategy and Policy H12 of the Selby District Local Plan. In addition it should be noted that in considering the case that the Council have confirmed that housing policies are up to date, as it now has a via the Appeal at West Farm Ulleskelf (Ref 2016/0403/OUT) a 5 year housing land supply and as such the proposals should be considered under the normal planning considerations.

4.3 In terms of the AR & AS Neighbourhood Plan, then this application is for conversion and the small scale extension of the windmill which would bring a redundant building back into use, which is in accordance with Policy WB1 per sa. The criterion

in Policy WB1 do note that any such conversions should not increase levels of traffic to cause disruption, increase HGV movements or significantly increase noise associated with the new use. These elements are considered later in the report in terms of the highways impacts and amenity considerations.

- 4.4 In terms of the Core Strategy, then 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. Alongside this Policy SP2A(c) 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. Given the scheme is a conversion and extension it can therefore be concluded that the principle of re-use of the building and extension to the existing building is in accordance with both Policy SP1 and Policy SP2A(c) of the Core Strategy.
- 4.5 In terms of the Local Plan, then as noted above the key Policy H12 on "Conversion to Residential Use in the Countryside" notes a series criterion for the consideration of scheme. Criteria (1) and (3) allow 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" and that the "building is structurally sound and capable of re-use without substantial rebuilding" and Criteria 2 of Policy H12 of the Local Plan states that conversions to residential use will only be permitted where 'The proposal 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.' As such Policy H12 supports the principle of conversion of the building with appropriate extensions.
- 4.6 It is accepted that the scheme is contrary to Policy H12 of the Local Plan, but it is considered to be in compliance with the approach of the Neighbourhood Plan and the Selby Core Strategy. It is considered that the limited weight should be attached to the Local Plan, and greater weight should be attached to the approach of the Core Strategy and the Neighbourhood Plan in considering the scheme. Then in considering the approach of the NPPF this should be a material consideration in accordance with Paragraph 38 (6).
- 4.7 This includes consideration of the scheme in the context of Paragraph 55 of the NPPF is particularly relevant to the application and states that:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as [amongst other things]:-

- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.”

As such, Paragraph 55 thus supports re-use of redundant or disused buildings, which is consistent with the Core Strategy and the AR & AS NP but is significantly different to that taken in the Local Plan and Policy H12 as it does not require the more onerous tests set out in H12 (1) and (2).

- 4.8 The windmill is a Grade II Listed Building and an assessment of securing the future of this asset is discussed later in the report. The proposal would re-use a redundant and disused building and is considered to lead to an enhancement to the immediate setting by virtue of retaining, reusing and repairing the windmill which is in a semi-derelict state. The applicant has submitted a Structural Survey which concludes that the building is structurally suitable for its intended use and the conversion will retain and enhance the character of this building. In addition, following a site visit to the application site, officers have not seen any signs that would indicate that the building is other than structurally sound.
- 4.9 It is considered that the policies in the Development Plan, as noted above, pull in different directions given the approach of the NP, the Core Strategy and the guidance within the NPPF which is a material consideration. As such it is considered that the Development Plan is not neutral (when applying the approach of the High Court decision *R v Rochdale Metropolitan Borough Council ex parte Milne* (2000). Sullivan J) and as such the starting point as per 38(6) is that schemes should be refused ‘unless material considerations indicate otherwise’.
- 4.10 In this case given that Policy H12 is inconsistent with the Neighbourhood Plan and the Core Strategy (as part of the development plan) and the guidance in the NPPF, it is considered that limited weight can be given to Policy H12 and as such it is essential that the benefits of the development outweigh any conflict such that notwithstanding the conflict with the development plan the material considerations indicate that planning permission should be granted. Having considered this position, the proposal is considered to meet one of the special circumstances identified within paragraph 55 of the NPPF and wholly accords with Policy WB1 of the Neighbourhood Plan. In addition although limited weight is afforded to the Policy then the proposal is in accordance with Policy H12 (3) of the Local Plan.

Sustainability of the Development

- 4.13 In terms of assessing the sustainability of housing development in this open countryside location, it is noted that Appleton Roebuck which is the closest village to the application site is identified as being 'least sustainable' with respect to its sustainability ranking as set out in Core Strategy Background Paper No. 5 Sustainability Assessment of Rural Settlements.
- 4.14 The application site itself is situated approximately 720 metres outside the defined development limits of Appleton Roebuck which provide local services such as a primary school, two public houses and a church. There is also a bus stop on Main

Street within the village which serves the Colton to York bus route that runs Monday to Saturday on a 2 hourly basis. The site is also located approximately 1.3km from Bolton Percy which benefits from a village hall, café and public house and is also on the Colton to York bus route.

- 4.15 In considering the location of the application site and its relative isolation and the subsequent reliance of the private car to serve the proposed dwelling it should be taken into account that paragraph 55 specifically allows isolated homes in the countryside provided they meet the special circumstances set out in that paragraph. Isolated homes are very unlikely, by virtue of their isolated nature, to be served by good, or any, public transport services. As such the policy envisages that there are circumstances, where on balance, the lack of public transport and consequent reliance on the private car can be acceptable. As set out earlier in this report it has been established that the proposals accord with the exceptions set out within Paragraph 55. In addition it worth noting that the conversion of isolated agricultural buildings to residential use is supported by Government in the changes made to the permitted development regime whereby conversions, of certain scales, are able to be supported subject to there being no technical reasons such as highways, contamination, noise, flooding or the location impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).
- 4.16 Comments from objectors regarding the sustainability of the site have been noted and although sustainability. The location of the site and its sustainability was a previous one of the reasons for refusal for a holiday let proposal under reference 2009/0572/FUL, however this reason for refusal was linked to PPS7 (Sustainable Development in Rural Areas) which is no longer in place. The later application under 2012/0812/FUL did considered the use of the site for a holiday let again and the application was consented by the Council, with the assessment being undertaken in regard to the NPPF.
- 4.17 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles. Having assessed the proposals against the three aspects of sustainable development the following conclusions have been reached:

Economic

The proposal would provide jobs during the conversion and internal works to the windmill as well in the construction of the extension and through local spending by new residents within the village and District.

Social

The proposed dwelling would provide one additional dwelling, adding to the housing supply in the District and would use local facilities.

Environmental

The proposals would bring back into beneficial use a Grade II Listed Building and provides a means of ensuring the future conversion of the windmill and its retention.

The proposals would re-use a disused building and would lead to the enhancement of the immediate setting and as such is in compliance with Paragraph 55 of the NPPF. The proposals would re-use the existing building and as such would make use of the environmental capital (energy and materials) invested in that part of the structure that would be reused. Furthermore the design would take into account environmental issues such as reducing carbon emissions, flooding and impacts on climate change. The proposals ensure that they do not result in a detrimental impact on ecology and would lead to enhancements to the site.

Therefore having had regard to the three dimensions of sustainable development it is considered that the proposals would have a positive economic, social and environmental role as identified above and would represent sustainable development. Whilst the proposal would perform poorly with respect to the location of the site, on balance taking into account the benefits of the scheme identified above and the fact that the proposals comply with Paragraph 55 of the NPPF which acknowledges that in order to make use of existing buildings they may be in isolated locations where access to public transport may be poor, that the proposals are considered acceptable on balance, when considered against the three dimensions of sustainability outlined in the NPPF.

- 4.18 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies as well as all relevant policies in the Neighbourhood Plan, Core Strategy, NPPF and Local Plan.

Impact on Heritage Assets

- 4.19 In considering proposals which affect a listed building regard has to be made of S16 (2) and S66 (1) where a planning application affects a Listed Building or its setting of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'. Members should note that in terms of applications for Listed Building Consent then if it is considered that a scheme affects a Listed Building per se and also affects its setting then it is the duty of Members, in line with Case Law, to give considerable importance and weight to the impact of the proposed would have on the listed building and its setting.
- 4.20 The Windmill is a Grade II Listed Building and a Heritage Statement has been submitted with the application which considers the local and national policy contexts within the Local Plan, Core Strategy and NPPF as well as the Barnwell Manor Court of Appeal decision. It also provides details of the listing of the Windmill and an assessment of the historical significance of the windmill as well as its physical characteristics.
- 4.21 The submitted plans show existing features remaining near the Windmill which historic plans from 1892 and 1849 show as being within an area of built form. The information submitted by the Applicants also notes that there is evidence of other buildings in close proximity to the windmill. The Statement also confirms that the external face of the brickwork was originally covered in protective tar, but this has

deteriorated to leave much of the brickwork exposed, although this is noted in the submission to be still sound condition.

- 4.22 The Heritage Statement (June 2017) adds that “there is nothing remaining of the original doors or windows within the openings of the structure, or of the roof, so that the remaining fabric of the building inside and out is exposed to the elements which can only help to accelerate its demise. There are 2 door openings in the east and west elevation of the building and other window openings in the north and south elevations. The building now lies empty and without any viable or economic use. Virtually all the internal machinery, fixtures and fittings and most obviously the external sails, have been long removed from the building. It is believed this took place over the last 100 years.”
- 4.23 It continues and states “There is a small amount of evidence remaining of the original disposition of milling activities and machinery inside the remains of the four-storey mill tower. The tower size suggests a modest 4 sail configuration, there is no evidence of a taper in the profile and the closing brick courses visible today suggest the cap was seated at close to the top of the present tower. It is unlikely the tower was higher than at present. Its visual contribution to the character of the local area has more recently been that of a semi-ruin. It is not considered this is a positive contribution to the visual amenities of the area.”
- 4.24 In respect of the impact on the Conservation Area, it is noted that the site lies 720 metres from Appleton Roebuck and the statement considers that “As a visual feature beyond the perimeter of the Conservation Area the mill can be considered as 'gateway feature' to the area and its conservation should reflect this. The profile of the tower is not visible from most public areas of the village. Views of the tower from public footpaths, bridleways, passing trains and roads (the view of the mill from the railway is considered as a way-mark for many travellers) is essentially unchanged by the proposal as the aspect of the additions is largely blocked from these distant, lower sight-lines by the hedge line.
- 4.25 The Heritage Statement also provides a rationale for the proposed works and includes a comprehensive schedule of works that would be undertaken as part of the proposed conversion and extension. It concludes that “...the proposed development would deliver a sustainable project which not only safeguards the special architectural and historic character of the Grade II Listed Building and provides it with a secure future that will ensure its proper upkeep and repair but also complies with the relevant planning and heritage policy and guidance at both national and local level.” Additionally, the Design and Access Statement considers that the proposed conversion is considered to be the optimum viable use that is compatible with the fabric, interior and setting of the historic building.”
- 4.26 It is noted that application 2012/0812/FUL permitted the change of use of the windmill to form holiday accommodation. This use has not been implemented. The Heritage Statement advises that alternative uses of the tower are limited because of the small floor area, uncertain funding or intermittent occupation (possibly leading to a poor maintenance regime)” and adds that “Uses of the tower other than as a dwelling all risk its under-use linked to unknown or uncertain economic value. A permanent occupant of the building implies a higher standard of care than other uses.”

- 4.27 In terms of landscaping, the Statement considers that “The addition to the site of a renewed hedge screen is in keeping with the current 'hedge and field' aspect of the tower as seen from the public road and publicly accessible viewpoints” and The principal visual effect of these changes has very little impact on the nature of the building or its listed status.”
- 4.28 The proposed single storey extension would be attached to the Listed Building through a glazed link and is considered to be to a sympathetically designed scale and massing which would not detract from the significance of the windmill. The external walls are proposed to be timber boarding in a dark wood with a pantile roof which are considered to be acceptable and can be secured by condition. Furthermore, any materials required in order to repair the walls of the existing windmill would match those as per existing and a flat roof is proposed. It is considered reasonable to request details of the proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.
- 4.29 Historic England and the Council's Conservation Advisor have considered the submitted information and the approach of the scheme for the conversion and extension. They have confirmed that it is considered that the submitted Heritage Statement provides a detailed assessment of the significance of the Windmill and an assessment of the impact of the proposals, with Historic England confirming that they confirm with the conclusion of the statement and have no objections on heritage grounds. A view support by the Councils Conservation Advisor who also notes that the “proposed design and supporting information has demonstrated that there would be heritage benefits of the application and measures have been taken to mitigate the harm caused to the significance of this designated heritage asset” in terms of :
- Scale of the proposed extension has been kept to a minimum to reduce the visual impact. The width of the extension is no wider than the windmill and the height has been kept below the first floor window;
 - Materials of construction proposed for the extension reflect the agricultural nature of the setting and the character of the existing building - the proposed dark wood reflects the original tar finish to the windmill;
 - The glazed link provides a degree of visual separation between the listed windmill and the extension and allows the curvature of the windmill profile to still be appreciable through the visually permeable link;
 - The design is utilitarian and uncomplicated;
 - The proposal safeguards the future of this listed building and keeps it in a viable use; and
 - The proposal maintains and preserves the historic fabric.
- 4.30 As such it is considered that the application is in accordance with Paragraph 131 of NPPF as the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with its conservation. The application sustains the windmill as a feature within the landscape for this and future generations to enjoy. Great weight has been given to the conservation of the Windmill as a Grade II heritage asset. The application has been accompanied by clear and convincing justification for the development including the long term conservation of the asset for this and future generations and is therefore in accordance with NPPF paragraph 132.

- 4.31 In addition, the application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. Selby Core Strategy Policy SP18 requires for the high quality and local distinctiveness of an environment to be maintained which is achieved by this proposal and the design also ensures that the proposal complies with Selby Core Strategy Policy SP19 in terms of achieving a high quality design, and having regard to the local character, identity and context of its surroundings.
- 4.32 In commenting on the application the Conservation Advisor also notes that the proposal are considered to be in line with Selby Local Plan Policies ENV22 in terms of having a minimal impact upon the character, fabric and setting of the listed building and policy ENV24 in terms of the minimising any adverse impact upon the architectural and historic character of the building. As such the proposal is also considered to be appropriate in terms of scale (as the proposed extension has been kept to a minimum size), design and materials (the design and materials of construction of the proposed extension reflects the historic development of the building).
- 4.33 As such it is considered that a delicate balance needs to be struck between conserving the building and its heritage and securing its optimal viable use which would ensure its continued conservation in the future. It is clear that the use of the windmill for its original purpose has long ceased and there is no prospect of it returning to its original use. Although, there is considered to be limited harm to the Listed Building and its setting as a result of the proposal including the addition of the extension, the harm can be considered to be “less than substantial”. Therefore, when balanced with the benefits of bringing the Windmill back in beneficial use through improvements to its fabric and the proposed extension and thus allowing its use for residential accommodation it is considered that this benefit package outweighs the harm to a considerable degree and thus in applying the approach of the Barnwell Manor Wind Energy Ltd v E Northants DC, English Heritage, National Trust and SSCLG (2014) case it is considered that proposal is on balance acceptable.
- 4.34 As such Officers would advise Members that it is therefore considered that the Heritage Statement is competent and having had regard to the submitted proposals, the comments received following notification of the application and responses from consultees, the proposals are considered to be acceptable with respect to the impact on designated and non-designated heritage assets in accordance with ELH4 of the AR&AS Neighbourhood Plan, Policies SP18 and SP19 of the Core Strategy, the NPPF and Policies ENV1, ENV22, ENV24 and H12, of the Local Plan subject to appropriate conditions as noted by the Conservation Advisor.

Design and Impact on the Character of the Area

- 4.35 The proposed development seeks permission to convert an existing windmill into a residential dwelling and also proposes a single storey extension. The proposed re-use is considered to generally take place within the fabric of the building and does not require an extensive extension in order to create a dwellinghouse. In addition it should be noted that the proposals would utilise the existing window and door openings within the existing building in order to retain the character and appearance of the building.

- 4.36 The proposed single storey extension would be 5 metres in height, a maximum of 11.4 metres in width and a maximum of 5.2 metres in depth. The size, scale and juxtaposition of the proposed extension would appear subservient to the windmill. Furthermore, the design takes into account the circumference of the windmill and appears as a functional outbuilding to the windmill rather than a separate building. In addition, the use of a dark wood for the external walls would reflect the original tar finish of the windmill visually and as such, it is considered that on balance the proposed extension would not be harmful to the windmill's landscape prominence and is acceptable.
- 4.37 Other design features incorporated into the proposed extension and windmill includes ducts, vents, external pipes and openings for windows and doors. The existing openings within the windmill would be utilised and the proposed windows would be recessed and all windows would be dark painted or stained hardwood to reflect the historical character of the site. Although the proposed windows would vary in size, it is considered that this approach is acceptable.
- 4.38 The Heritage Statement confirms that ducts and vents would be fitted internally, although from the plans submitted, there may be some views of the vents on the windmill. However, when taken in the context of the site, it is not considered that the services required as part of the proposal would result in a visual impact as many would be located internally and therefore views would be limited.
- 4.39 The external wall materials proposed for the single storey extension would be dark wood timber boarding with Old English Pantiles for the roof which is considered acceptable. In addition, there would be a glazed link connecting the windmill and proposed extension in order to visually separate, but link the two structures. These materials are considered to be acceptable and can be secured by condition in order to ensure the development is carried out in accordance with the submitted details. Furthermore, any materials required in order to repair the walls of the existing windmill would match those as per existing and a flat roof is proposed. It is considered reasonable to request details of the proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.
- 4.40 In terms of landscaping, a garden area is proposed to the rear of the proposed extension and windmill and the proposed hardstanding leading from the highway is proposed to be constructed of stone. There is an existing hedge to the western boundary which is proposed to have any gaps closed but no other boundary treatment is proposed which would retain the open nature of the site. This hedge planting can be conditioned to ensure it is of the same species and height as the existing hedge and a further condition can be included which removes permitted development rights for the installation of any further boundary treatments to the site under Part 2 of the General Permitted Development Order which would ensure the openness of the site is retained.
- 4.41 Although the submitted plan shows the areas of hard and soft landscaping within the site, it is considered that a condition is attached which requires full details of the hard and soft landscaping within the site in order to ensure the site does not appear overly domesticated in nature having regard to the historical setting of the site and the surrounding area. In light of the conditions proposed, it is considered that the

landscaping and boundary treatments within the site would be appropriate to the current and historical landscape in the surrounding area and would not result in a significant impact on the visual amenity of the area.

- 4.42 It is considered that it is appropriate to remove permitted development rights for any extensions to preserve the setting of the listed building thus removing rights under Classes A to E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order.
- 4.43 The letter of objection considers that insufficient information has been submitted which would allow the LPA to fully assess the proposal and its impact on the character of the open countryside. The public viewpoints of the site in the wider area have been visited and the proposal has been assessed accordingly. It is concluded that the proposals are acceptable having had regard to the impact on the character of the area subject to a series of conditions.
- 4.44 In addition, the objector considers that the use of the site as a dwelling is likely to have a significant impact on the area due to the creation of a structured urbanised landscape, introduction of lighting, residential paraphernalia and residential curtilage. This would result in the structure being more dominant in views from the more intensive use of the site. Having had regard to these issues and as set out above it is considered that an appropriate scheme can be achieved subject to conditions. In terms of the issue regarding external lighting, within the letters of support it is noted that there would have been some lighting at the site when it was in operational use, although this is likely to have been low level and the application proposes blackout blinds in order to reduce light spillage from the site. As such, it is considered that an appropriate lighting scheme can be achieved at the site and this can be conditioned.
- 4.45 Having considered all of the above, the proposals are considered acceptable with respect to the design and the impact on the character of the area, in accordance with policies DBE 2, DBE 3 and ELH 4 of the AR&AS Neighbourhood Plan, Policies SP18 and SP19 of the Core Strategy, the NPPF and Policies ENV1 and H12 of the Local Plan subject to appropriate conditions.

Impact on Residential Amenity

- 4.46 The nearest residential property is located in excess of 500 metres from the application site and as such, it is considered that the proposal would not have any impact on the amenity of any property. In addition, it is considered that the proposal would result in an acceptable standard of amenity for the occupants of the proposed dwelling.
- 4.47 It is therefore considered that a good standard of residential amenity for both occupants and neighbours would be achieved and that the proposal is therefore in accordance with Policy WB1 of the Neighbourhood Plan, the advice contained within the NPPF and Policy ENV1 (1) of the Selby District Local Plan.

Highway Safety Issues

- 4.48 The letter of objection raises some concerns in regards to highway safety including safe access to the site and provision for service vehicles to enter the site. The

proposal would utilise an existing access into the site from Old Road and would create a new access road to the windmill which is similar to that approved under application 2012/0812/FUL in terms of length.

- 4.49 The Highways Officer at North Yorkshire County Council has been consulted and has no objections to the access arrangements and impacts on the highway network subject to several conditions. Furthermore it should be noted in respect of accessibility by service vehicles such as refuse vehicles that it is not unusual in locations such as this for the occupiers to present their bins at the entrance to the site for collection. It is therefore considered that there are suitable provisions in place to ensure that no detriment would occur.
- 4.50 A plan has been submitted which shows the required visibility splays of 138 metres to the west and 215 metres to the east are achievable at the site which meets the requirements of the Highways Officer and a suitable condition can be included which requires the visibility splays to be retained throughout the lifetime of the development. One of the conditions requested by the Highways Officer relating to a construction management plan is not considered as being reasonable or proportionate given the scale of the development.
- 4.51 It is therefore considered that the scheme is acceptable and in accordance with Policy WB1 of the Neighbourhood Plan, Policy SP19 of the Core Strategy and the NPPF and Policies ENV1(2), H12(7), T1 and T2 of the Selby District Local Plan.

Flood Risk, Drainage and Climate Change

- 4.52 The application site is located within Flood Zone 1 which is at a low probability of flooding. The application forms states that the foul water would be directed to a Package Treatment Plant and surface water would be directed to a soakaway. The Ainsty Internal Drainage Board has requested two conditions are attached to any permission in regards to soakaways. The Lead Officer for Environmental Health advises that the installation of a new foul drainage system will require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency.
- 4.53 Concern has been raised in the letter of objection in regards to the suitability of the well for use as a soakaway which could increase the risk of pollutants spreading into the surrounding ground water. It is noted that the IDB has requested conditions in regards to the suitability of the soakaway and it has been confirmed that the well would not be used as part of the soakaway or surface water disposal.
- 4.54 Having had regard to the above and taking into consideration the proposed connections, the proposed scheme is considered to be acceptable in regards to drainage on the site subject to appropriate conditions in accordance with DBE 4 of the AR&AS Neighbourhood Plan.

Nature Conservation Issues

- 4.55 The application site is not a formal or informal designated protected site for nature conservation or is known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. The applicant has

submitted a Bat Survey and a Phase 1 Habitat Survey by Wold Ecology as part of the application.

- 4.56 The submitted Bat Survey has identified a common pipistrelle bat roost within the windmill which would be disturbed and destroyed as part of the proposed conversion and structural repair work to the windmill. Consequently, a Natural England European Protected Species development license is required before building work can commence. The Bat Survey identifies mitigation measures as appropriate which are required in order to apply for a development license from Natural England.
- 4.57 The Ecological Survey concludes that the proposed development is unlikely to impact upon any other protected species or associated habitats. However, the report recommends a number of measures which should be adopted to ensure potential adverse impacts to wildlife are avoided
- 4.58 The North Yorkshire Bat Group, Yorkshire Wildlife Trust and Natural England have been consulted on the application. Natural England have stated that they have no comments to make and refer to their standing advice, the Yorkshire Wildlife Trust consider that the surveys are thorough and the suggested mitigation should be conditioned as a European Protected Species Licence may need to be applied for and the North Yorkshire Bat Group has not provided any comments.
- 4.59 Having had regard to all of the above it is considered that the proposal would accord with ELH2 of the AR&AS Neighbourhood Plan, the NPPF and Policy ENV1(5) of the Local Plan with respect to nature conservation subject to conditions.

Affordable Housing

- 4.60 In the context of the West Berkshire High Court decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

Contaminated Land

- 4.61 The proposal involves an end use that would be particularly vulnerable to contamination and the site is identified as potentially contaminated and a Screening Assessment Form (SAF) was submitted with the application. The Council's Contaminated Land Consultant has reviewed the SAF for the above site, as well as undertaken a brief review of available online information and advise that no contaminated land conditions are required to be appended to an approval of this application. As such, the proposal is therefore considered to be acceptable with respect to contamination and in accordance with Policy SP19 of the Core Strategy and Policy ENV2 of the Local Plan.

Other Issues

- 4.62 Criterion 1 of Policy H12 of the Local Plan 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 of that there is no demand for buildings

for those purposes in the immediate locality”. However, the approaches taken by Policy SP2A(c) and Paragraph 55 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. It is therefore considered that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of Criteria (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF. As such, it is considered that the applicant does not need to meet the tests set out in Criterion 1 of Policy H12 of the Local Plan.

- 4.63 Criteria 6 of Policy H12 requires that buildings are not in close proximity to intensive livestock units or industrial uses which would be likely to result in a poor level of amenity for occupiers of the dwelling. The site is located adjacent to agricultural land which is not used for intensive livestock uses and is also located at a considerable distance away from the nearest industrial use.
- 4.64 The two letters of objection reference several mistakes within the application form and submitted documents. Officers have assessed the application based on a site visit, consultee responses, the submitted information and having taken into account national and local policies as well as comments received following notification of the application and not solely based on the applicant’s submission and are satisfied that there is sufficient information on which to determine the application.
- 4.65 Other concerns have been raised regarding alternative options in protecting the structure. The applicants contend in their Heritage Statement that the benefit of bringing the building into use is a conservation gain and alternative uses (such as a Visitor centre, Community hall and consolidated ruin amongst others) are limited because of the small floor area, uncertain funding or intermittent occupation (possibly leading to a poor maintenance regime). Uses of the tower other than as a dwelling all risk its under-use linked to unknown or uncertain economic value and a permanent occupant of the building implies a higher standard of care than other uses.
- 4.66 A further concern has been raised over the supply of electricity to the site and it is noted that no overhead power lines are located within the vicinity of the site. However, in many instances, an electricity supply can be made through underground cables which do not require the provision of overhead power lines and it would be up to the applicant to ensure that a supply can be provided to the property.
- 4.67 Concerns have been raised in regards to the contents of the Heritage Statement (dated March 2017) stating that it fails to provide the correct policy background and balanced assessment of the impact of the proposal on the heritage assets in the area. Concerns are also raised that the Heritage Statement has failed to take account of the recent Court of Appeal decision *Barnwell Manor Wind Energy Ltd v E Northants DC, English Heritage, National Trust and SSCLG* (2014). The Heritage Statement (dated 1st June 2016) states that “The *Barnwell Manor Wind Energy Ltd Court v East Northants and others* appeal decision clarifies that the assessment of harm to a listed building setting or landscape must be balanced by the benefit of a proposed development. The decision refers to a Grade 1 listed building where the listing includes garden, grounds and setting. The Grade II status of the mill in its modern (un-listed, unscheduled) agricultural setting, without active conservation

measures in place renders it is vulnerable to harm as much by inaction as by intervention. The benefit of bringing the building into use is a conservation gain; the harm of placing a small outbuilding adjacent to it is of a low order of magnitude in both visual and material terms.”

Benefits of the Proposal

- 4.68 In assessing the proposal, it is considered that the proposals would bring back into beneficial use a Grade II Listed Building and provides a means of ensuring the future conservation of the windmill. The proposals would re-use a disused building and would lead to the enhancement of the immediate setting and as such is in compliance with Paragraph 55 of the NPPF which allows isolated homes in the countryside if such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 4.69 The proposal is not considered to inhibit an understanding of the windmill’s historic function and how it would have operated and the proposed extension would appear as a functional outbuilding to the windmill, which is not alien in character in terms of the type of structure that may have been attached to the windmill historically. In addition, the proposal would result in the future conservation of the windmill which is considered to be an important structure and therefore, the proposal is considered to be acceptable in terms of its impact on Heritage Assets.
- 4.70 The proposals would make use of the environmental capital (energy and materials) that is invested in the windmill through its re-use and the design would take into account other environmental issues such as reducing carbon emissions, flooding and impacts on climate change. Furthermore, the proposals ensure that they do not result in a detrimental impact on ecology and would lead to enhancements to the site.
- 4.71 In addition, the proposal would add an additional dwelling to the housing supply in the District and would provide various economic benefits from the initial conversion/construction works through to spending by new residents within the village and District.
- 4.72 Whilst the proposal would perform poorly with respect to the location of the site, the proposal is considered to comply with paragraph 55 of the NPPF which acknowledges that in order to make use of existing buildings they may be in isolated locations where access to public transport may be poor. As such, the significant benefits of the scheme as outlined in the report are considered to outweigh this adverse impact and the proposals are considered acceptable on balance, when considered against the three dimensions of sustainability outlined in the NPPF. In addition the scheme fully accords with the policy approach of the AR&AS Neighbourhood Plan.
- 4.73 Therefore having had regard to the three dimensions of sustainable development it is considered that the proposals would have a positive economic, social and environmental role and accord with the requirements of the relevant policies and on this basis that permission should be granted subject to the conditions listed below.

Legal Issues

Planning Acts: This application has been considered in accordance with the relevant planning acts.

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.

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.

Financial Issues

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

5.0 Conclusion

5.1 The application seeks the conversion and extension of a windmill to form a single dwellinghouse. The site is located outside the defined development limits of Appleton Roebuck and is within the open countryside.

5.2 The proposal is considered to be appropriate development in the open countryside as it and it is considered acceptable when assessed against the development plan which includes the Neighbourhood Plan and balanced against Paragraph 55 of the NPPF.

5.4 The proposal is considered to provide a means of ensuring the future conservation of the windmill which is an important structure. The scale, appearance and design of the proposed extension is considered to provide a good appreciation of the circumference of the tower and give the appearance of a functional outbuilding to the windmill. As such, it is considered that the proposal is acceptable in respect of the impact on the Heritage Asset.

5.5 Other matters of acknowledged importance such as the impact the character of the area and open countryside, flood risk, drainage, highway safety, residential amenity, nature conservation and land contamination have been assessed and are considered to be acceptable.

5.6 Members should also note that the issues raised in the letter(s) of objection are not consider to justify the refusal of the application and subject to Condition the council will have sufficient control over the proposal to ensure that the development will be satisfactory.

5.7 So although the scheme does not accord with the Development Plan in terms of the relationship to the Local Plan Policy H12 there are material considerations in favour of the development and the scheme is considered acceptable on balance given the benefits to allow planning permission to be granted.

6.0 Recommendation

6.1 That the application be APPROVED 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:

- Location Plan: LOC01
- All Plans: 2016/17/501/11B
- Proposed Sections: 2016/17/501/9B
- Visibility Splays: SK01

Reason:

For the avoidance of doubt.

03. The development hereby approved shall not be occupied until all conversion works to the Listed Building (The Old Windmill) have been undertaken and completed in accordance with the permission.

Reason:

For the avoidance of doubt and to ensure that the works to convert the Windmill are undertaken and completed prior to occupation.

04. Prior to the commencement of development, samples of external materials and surface finishes including the pan tile roof and the timber boarding for the extension shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details:

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building.

05. The materials to be used in the repairing of the external walls of the windmill, the vents and in the construction flat roof of the windmill shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

06. Before any development is commenced, details of the type and colour(s) of the paint to be used on all external timber joinery shall be agreed in writing with the Local Planning Authority. All glazing shall be face-puttied.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

07. There shall be no new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

08. There shall be no new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

09. Before any development is commenced the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes. Such scheme as approved in writing by the Local Planning Authority shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

10. The new hedge planting, as shown on Drawing Number 2016/17/501/11B, shall be of the same species and height as the existing hedge along the western boundary of the site. The new hedge planting shall be carried out in its entirety prior to occupation of the proposed dwelling and shall thereafter be retained throughout the lifetime of the development.

Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

11. Notwithstanding the provisions of Classes A to E to Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no extensions, garages, porches, outbuildings, roof additions or other structures shall be erected, nor new windows, doors or other openings shall be inserted into the windmill or extension, without the prior written consent of the Local Planning Authority.

Reason:

In order to retain the character of the site in the interest of visual amenity, to ensure continued protection of the open countryside and to ensure that proposals are in keeping with the Listed Building having had regard to Policies ENV1 and ENV24 of the Local Plan and the NPPF.

12. Notwithstanding the provisions of Class A and Class C to Schedule 2, Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no fences, gates or walls shall be erected within the curtilage of the dwellinghouse hereby permitted, other than those shown on the approved drawings, nor shall any exterior painting of the extension or windmill be permitted without the prior written consent of the Local Planning Authority.

Reason:

In order to retain the character of the site in the interest of visual amenity and to ensure that proposals are in keeping with the Listed Building having had regard to Policies ENV1 and ENV24 of the Local Plan and the NPPF.

13. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with Policy ENV1 of the Selby District Local Plan.

14. No development approved by this permission shall be commenced until the Local Planning Authority has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented prior to the development being brought into use. The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm).

- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

15. The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Local Authority. If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area). If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained.

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

16. The windmill and/or extension shall not be occupied or brought into use until the site is connected to the Package Treatment Plant for the disposal of foul water.

Reason:

To ensure that no foul water discharges take place until proper provision has been made for its disposal.

17. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- a. The access shall be improved to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 8 metres into the site shall be constructed in accordance with Standard Detail number E1.
 - b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

- c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.

INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason:

In accordance with Policies T1, T2 and H12 of the Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

18. The visibility splays, as shown on drawing number SK01 shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policies T1, T2 and H12 of the Local Plan and in the interests of road safety.

19. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 2016/17/501/11B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

INFORMATIVE

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North. Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

Reason:

In accordance with Policies T1, T2 and H12 of the Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

20. The development shall be carried out in complete accordance with the recommendations set out in the Bat Survey dated May 2016 and Extended Phase 1 Habitat Survey dated December 2015 both by Wold Ecology Ltd which were as received by the Local Planning Authority on 6 June 2016

Reason:

In the interests of biodiversity and nature conservation and in order to comply with the advice contained within the NPPG.

Informatives:

- All leadwork should follow the Codes and details recommended by the Lead Sheet Association.

Contact Officer:

Yvonne Naylor
Principal Planning Officer

Appendices:

None.