

## COMMITTEE REPORT

**Date:** 15 October 2015      **Ward:** Fulford and Heslington  
**Team:** Major and      **Parish:** Fulford Parish Council  
Commercial Team

**Reference:** 14/02602/FUL  
**Application at:** Lodge Cottage Selby Road York YO19 4SJ  
**For:** Change of use from workshop to farm shop and erection of fence to front (retrospective)  
**By:** Miss Alison Owens  
**Application Type:** Full Application  
**Target Date:** 19 January 2015  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The proposal is a retrospective planning application to change a small workshop building to a farm shop and erect a 1.5m close boarded timber fence along the front boundary of the site. It is understood that the shop has existed in some shape or form for around 4 or 5 years. The site is located on Selby Road adjacent to Strawberry Fields Cafe. It is within the Greenbelt and outside the defined settlement limit. The location is approximately equidistant between Wheldrake, Escrick, Naburn and Fulford.

1.2 Although the shop is referred to as a farm shop it is not actually associated with an individual farm. The owners have chickens and grow some herbs on site, however, the majority of produce is sourced from a range of farms and producers within Yorkshire.

1.3 The farm shop is located in a pitched roof building approximately equivalent in scale to a large double garage (40 sq. m). The building is located within the curtilage of Lodge Cottage, a bungalow. The occupants of Lodge Cottage own and run the shop. The use currently has no clearly defined off street car parking for customers. As part of the proposals, part of the rear garden of the site is to be used to create 4 parking spaces. The spaces would allow tandem parking. The two spaces furthest within the site would be for the residents use and for their delivery vehicle. The two spaces by the access would be for customers and external delivery vehicles. A cycle stand is proposed to the side of the workshop.

1.4 The area of curtilage to the front of the shop is used to store and display produce, the extent of display varies with the seasons.

1.5 The application is called in at the request of Cllr J Galvin because of local concerns about car parking provision and highway safety.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001  
DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1 (Design)  
CYGB1 (Development on the Green Belt)  
CYGB3 (Green Belt - Reuse of buildings)  
CYGB12 (Green Belt - Shopping Development)  
CYS10 (New Local or Village Shops)

## **3.0 CONSULTATIONS**

INTERNAL

### Planning and Environmental Management

3.1 Farm shops may be acceptable out of settlements, though would expect to see significant sales of their own produce. It is noted that a large proportion of goods are from local farms and the use reduces the length of car journeys in rural area. If the application is approved it is recommended the product range sold is conditioned and the maximum floor area controlled.

### Highway Network Management

3.2 No objections. The parking area will provide piggyback parking for the residential use/ staff and visitor parking. Staff will be essentially locked into their spaces by visitors. We feel that this will work given the scale and nature of the operation. It is understood that the owner also collect goods as well as takes deliveries. The delivery vehicles will be able to pull in to the access road off the A19, wait alongside the property until a space is made clear in the car park to offload. Such use of the access road will be sporadic and of a temporary nature so as not to unduly restrict access to the nearby properties.

3.3 It is necessary to ensure that no produce, racks etc are stored to the side of the shop to ensure that any waiting vehicles do not compromise access past the site.

#### Environmental Protection Unit

3.4 No objections.

#### EXTERNAL

#### Fulford Parish Council.

3.5 Support

#### Neighbour Notification/Publicity

3.6 Objections or comments raising reservations have been received from the occupants/ representatives of four properties/landowners.

The specific issues raised are:

- There are more suitable locations for a farm shop.
- The turning into and out of the site is not of a good standard in terms of safety.
- Customers parking is a hazard to vehicles coming off the A19 and also blocks access to the adjacent farm track.
- Sewage from the site drains to the adjacent field.
- Inadequate parking is available for customers who use therefore park on the private road or private cafe car park instead. The cafe can lose trade through their customers having inadequate space to park.
- Storage racks to the side of the shop limit the access width.
- The new fence obscures visibility. The hedge was previously managed at an acceptable height.
- The fence should be erected behind a hedge.

3.7 Letters of support have been received from 13 people and a petition signed by 176 people to support the retention of the shop has also been received.

The main issues raised are as follows:

- The shop provides an excellent service, is welcoming and particularly important to elderly people who do not want to drive long distances. Is also easy to access when passing. There is no

similar facility nearby and it would be sadly missed. A number of local villages have no shops and the villages that do have a shop such as Wheldrake and Escrick do not serve a similar role in terms of fresh vegetables, fruit, meat and dairy products.

- It reduces travel, food miles and is healthy.
- Deighton and Crockey Hill Parish Council support the use as there is nothing similar in the area and it provides local produce.
- Parking concerns can be overcome. A local resident considers that although there have been numerous accidents on the A19, none relate to the shop and that problems are typically caused by businesses on the opposite side of the road and is not aware of any issues with access or parking at the shop. Consider can park on the site without obstructing traffic or using the cafe car park.
- Consider that opposition to the shop is based on commercial grounds relating to planned business or residential schemes in the vicinity.

## **4.0 APPRAISAL**

4.1 The key issues in assessing the proposal are:

- Acceptability in respect to Greenbelt policy.
- Acceptability in respect to retail policy.
- Impact on streetscene.
- Impact on neighbouring uses.
- Impact on highway safety.

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 There are several sections that have a relevance to the farm shop use. Paragraphs 79 - 92 relate to protecting Green Belt land. It states that when considering any planning application, local planning authorities should ensure that substantial weight is given to harm to the Green Belt. Paragraph 90 states that the re-use of buildings is not inappropriate in the Green Belt providing that the buildings are of permanent and substantial construction.

4.4 The site is within a rural area and given its focus on the sale of farm produce has a relationship with the rural economy. Paragraph 28 of the NPPF relates to supporting a prosperous rural economy. It states that sustainable growth of rural business and enterprise should be supported though also states that it should promote local shops in villages.

4.5 The NPPF promotes sustainable transport, however, paragraph 29 states that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

4.6 Section 2 of the NPPF promotes the vitality of town centres. It states however (paragraph 25) that the sequential approach to the location for development that priorities town centre locations should not be applied to small scale rural development.

4.7 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.9 Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation.

4.10 Policy GB1 gives general guidance on development in the Green Belt. The re-use of existing buildings is not considered inappropriate development.

4.11 Policy GB3 relates to the re-use of buildings in the Green Belt. Of significance to the farm shop application is the requirement for the reuse not to have a materially greater impact than the previous use on openness and that the re-use will generally take place within the fabric of the building.

4.12 Policy GB12 refers to shopping development outside settlement limits. Criterion 'a' requires that the applicant demonstrate that all potential locations in existing centres have been assessed. Criterion 'b' requires the use to be small scale and ancillary to an existing use such as agriculture. Criteria 'c' and 'd' require the proposal to involve the re-

use of an existing building and criterion 'd' that it would not undermine the vitality of the city centre or district centres.

4.13 Policy S10 relates to new local shops. It states amongst other criteria that the proposal is within defined settlement limits.

### **Acceptability in respect to Greenbelt policy.**

4.14 The proposal is a re-use of a detached building. The applicants' state that it was previously used as a commercial motorcycle repair workshop, though there is no planning history regarding this. The NPPF states that the re-use of buildings in the Green Belt is acceptable providing the buildings are of a permanent and substantial construction. The change to a farm shop has taken place without the need for significant repair works.

4.15 It is noted that two customer car parking spaces are proposed in the current rear garden. It is considered in the context of the location that this would not detract from openness. It is noted that the area is used for car parking for the adjacent cottage and that when viewed from the open countryside it will be largely viewed against existing buildings.

4.16 The City of York Local Plan includes policies relating to retail uses in the Green Belt. It has two criteria that the proposal conflicts with. The applicant has not demonstrated that all potential locations in existing centres have been thoroughly assessed and it is not ancillary to agriculture. The supporting text to policy GB12 makes reference to selling products direct to the public in countryside locations. In assessing such proposals it states that the use should not detract from the character of the open countryside and that the shop should be ancillary to an existing use such as agriculture.

4.17 It is considered that little weight can be given to Policy GB12 as it pre-dates the NPPF. The NPPF does not include any similar text relating to retail uses in the Green Belt. Accordingly, it is considered that the reuse of the workshop for retail sales is not inappropriate in the Green Belt.

### **Acceptability in respect to retail policy**

4.18 Paragraph 28 of the NPPF states that the sustainable growth of all rural businesses and enterprises should be supported. In assessing the farm shop the key consideration is whether it is a sustainable location.

The fourth bullet point of paragraph 28 refers to local shops being promoted in villages. The shop is very small in scale and would not require an assessment of the impact on existing uses. It is considered that the central point is whether the use should be located within a village to discourage car use and allow access for people without cars. There are around 15 houses located in Crockey Hill around 500m away from the site and some commercial uses in the vicinity, however, the site is not convenient to non-car users as a whole. The petition and letters that were submitted in support of the use indicated that a number of customers came from villages such as Deighton, Stillingleet and Naburn where there are no general stores selling food. In addition, it appears that a number of customers come from Wheldrake and Escrick. Both villages have a small supermarket selling a range of food and convenience goods. The shop on the edge of Escrick is part of the BP garage that was recently developed. The Spar store is relatively large however, at the time of the case officer's visit the amount of shelf space given to fresh fruit and vegetables was very limited. It is considered that the application property provides a food and drink offer distinct from a modern small supermarket and would not typically compete with the retailer to the detriment of local village services.

4.19 On balance taking account of the limited number and range of existing food shops south of the urban area of York, the number of villages without stores and the convenient location on the A19 close to junctions with roads leading to Wheldrake and Naburn, the proposal is reasonably sustainable. In considering the sustainability of the proposal it is considered regard should be given to the fact that the NNPF states sustainable development has a social role as well as an economic and environmental one.

### **Impact on streetscene.**

4.20 The changes to the windows of the workshop are modest and do not have a significant impact on the streetscene. It is noted that produce is sometimes sold within the front curtilage. It is not considered that this appears out of character and it is largely screened by the boundary fence. The site is on the edge of a relatively commercial area of the A19 adjacent to a cafe and close to a commercial garage and veterinary surgery on the opposite side of the road.

4.21 The fence that has been erected is close boarded and 1.5m in height. It is considered that the scale and materials are acceptable in the location adjacent to a semi-commercial section of the A19. The

applicant's have indicated that they intend to stain this. A suitable condition is recommended.

### **Impact on neighbouring uses.**

4.22 The key consideration is whether vehicles associated with the farm shop would obstruct access to the lane leading to Tilmire Farm or impact on the adjacent cafe. The applicant proposes two parking spaces for customers and two spaces for the shop/cottage occupants. It is considered that this is acceptable for a relatively low key use. The lane to the side of the shop is an adequate width to allow vehicles to wait without causing undue conflict with any vehicles seeking to pass by.

### **Parking and impact on highway safety.**

4.23 The shop currently has no designated customer parking that is confirmed to be wholly within its ownership. Cars tend to park informally to the side of the shop. It is understood that cars also sometimes park within spaces associated with the nearby cafe, even when users are not also stopping to eat.

4.24 The maximum parking standards in the Local Plan for shops are 1 space per 30 sq. m. for customers and 1 space per 100 sq. m for staff. As the shop is only around 40 sq. m. in size and the external sales/storage area is limited, the future provision of 2 spaces for customers and 2 spaces for the owners of the shop/residents is considered reasonable. The scale of the proposed parking area (13m deep and 7m wide) is such that it can also accommodate delivery vans. Highway Network Management are satisfied that if on occasions the car park is full and car borne visitors or delivery vans can not immediately park within it there will be no conflict with highway safety or vehicle access to adjoining land uses. It is recommended that a condition is included with any consent requiring signage to be erected informing customers of the parking to the rear.

4.25 It is noted that the comments of Highway Network Management regarding parking provision and highway safety are related to the specific small scale use. Accordingly conditions are recommended to control the scale and nature of the shop. These include controls over:

- The use of the shop being linked to the occupants of the cottage.
- The nature of produce that can be sold to be restricted largely to fresh foods.



- No cafe to be allowed.
- No extensions to the shop to be allowed.

## **5.0 CONCLUSION**

5.1 The shop subject to the planning application is small in scale and largely sells fresh food from the local area. It is considered that the re-use of an existing building is in compliance with national Green Belt policy. The Local Plan has a policy requiring rural shops to be ancillary to other uses such as agriculture. However, this is not a requirement of the NPPF. In the context little weight can be attached to this policy of the Local Plan.

5.2 It would appear that the shop is seen as a significant asset to many people living to the south of the urban area of York. Some residents argue in letters received, that if the shop closed they would not have convenient access to the range of fresh local produce that it currently sells. Although local shops are encouraged in settlements it is considered that the location of the premises on a main road and between several small settlements where a local shop has not been sustained is sustainable in the context.

5.3 The applicant intends to provide parking to the rear of the property for 4 vehicles. Two spaces would be for customers and the space would also be practical for delivery vehicles. Highway Network Management are satisfied that if on occasions the car park is full and car borne visitors wait to the side of the shop, there will be no conflict with highway safety.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 The shop shall only be operated by the permanent occupants of the adjacent house (Lodge Cottage).

Reason: To ensure that the agreed car parking configuration remains practical in the interests of highway safety.

2 The approved shop can sell fresh fruit, fresh vegetables, meat and poultry, dairy products and bread, cakes and pies. The shop shall not sell alcoholic drinks, tobacco products, clothing, newspapers, toiletries or cosmetics. The sale of other goods not listed above (such as plants, firewood and tinned or packaged non-fresh food) shall not exceed 15%

of the total sales of goods from the premises. Records shall be maintained of the goods sold.

It shall not be used for any other purpose, including any other purpose in Class A1 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: It is considered that the range of products that can be sold from the premises shall be controlled to ensure that the use relates to the rural economy and supports the food needs of local communities. A record of sales shall be kept and made available for the scrutiny of the Local Planning Authority should the type/amount of goods sold need clarification at any future date.

3 There shall be no consumption of food and drink on the premises and the premises shall not be used as a cafe even if the cafe is ancillary to the main use of the premises.

Reason: To ensure that the use relates to the retail food needs of local communities and minimises the need for additional parking spaces for longer visits.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Schedule 2, Part 3 (changes of use), Part 7 (non domestic extensions etc) and Part 4 (temporary buildings and uses) shall not be undertaken.

Reason: To ensure that any proposal to enlarge the premises or intensify its commercial use can be assessed on its merits.

5 Within 8 weeks of the date of this permission, the provision of parking spaces for 4 vehicles (and 1 cycle) and associated signage shall be constructed and laid out in accordance with plans and details that shall be submitted to and agreed by the Local Planning Authority and thereafter such signage and parking areas shall be retained and remain fully functional/ accessible for such purposes.

Reason: In the interests of highway safety.

6 Within 8 weeks of the date of this permission, plans and details showing the area of land to be used for external sales and storage

associated with the farm shop shall be submitted to and approved in writing with the Local Planning Authority. Following approval all land not proposed for storage or sales shall remain free of any uses associated with the farm shop.

Reason: To ensure that the scale of use is appropriate to the location and to protect the visual amenity of the area.

7 At all times that the shop is open, the area of land between the side of the shop/side fence and the access road leading to Tilmire Farm shall remain free from obstruction.

Reason: To ensure that storage does not restrict passing space adjacent to the application premises.

8 Within 8 weeks of the date of this permission the approved fence shall be stained dark brown.

Reason: To ensure that the fence is appropriate to its surroundings.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. Statement of the Council's Positive and Proactive Approach

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome:

Revised drawings submitted to address parking provision issues.

#### **Contact details:**

**Author:** Neil Massey Development Management Officer  
(Mon/Wed/Fri)

**Tel No:** 01904 551352