

COMMITTEE REPORT

Date: 10 January 2019 **Ward:** Osbaldwick And Derwent
Team: Major and **Parish:** Kexby Parish Council
Commercial Team

Reference: 18/02103/FUL
Application at: The Limefields Scoreby Lane Scoreby York YO41 1NR
For: Conversion of former agricultural building to a dwelling
By: Mr Ben Smith
Application Type: Full Application
Target Date: 15 January 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the conversion of a former “roll top” agricultural barn and lean-to extension to a dwelling. The application site is located within the area of Scoreby approximately 8 miles east of York along a narrow single lane road but in close proximity to a small number of existing residential properties. The site lies within the general extent of the Green Belt. The building to which the application relates is used for storage in connection with the applicants landscaping business. The conversion would take place within the general fabric of the existing building and would create four bedrooms on the ground floor with open plan living to the first floor. An internal courtyard would be provided and the existing footprint of the building would not be enlarged.

1.2 The application has been called in by Cllr Mark Warters for the following reasons:

- The Green Belt location
- The unique access arrangements leading to concerns regarding neighbour amenity
- Concerns over potential overlooking
- The potential loss of an existing agricultural/horticultural storage facility inevitably leading to pressure for replacement buildings
- The unusual internal layout certainly for a 'family home'

2.0 POLICY CONTEXT

2.1 National Planning Policy Framework 2018

2.2 Yorkshire and Humber Regional Spatial Strategy (Saved Policies)

2.3 Publication Draft Local Plan (2018)

Policy D1	Placemaking
Policy SS2	The Role of York's Green Belt
Policy GB1	Development in the Green Belt
Policy GB3	Reuse of Building
Policy D2	Landscape and Setting

2.4 Development Control Local Plan (2005)

CYGP1	Design
CYGB1	Development within the Green Belt
CYGB3	Reuse of buildings

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 The proposed use as residential is similar to the surrounding uses and therefore there is unlikely to be any adverse noise impacts as a result of this proposed use.

3.2 The screening assessment form identifies that the barn does not currently have a contaminative use and, historically, no fuels have been stored on site. The information advises that there have been no known pollution incidents and there have been no known waste disposal activities on site or within 250m of the site. The roof of the lean-to is believed to be constructed of asbestos and the form identifies that this will be removed by an approved contractor as part of the development works. Therefore no contaminated land conditions are required.

3.3 A condition should be attached in connection with vehicle recharging facilities.

Countryside and Ecology

3.4 No bat survey is required as single skinned metal buildings are not normally favoured by bats.

Highway Network Management

3.5 No objection to the proposed scheme.

Rights of Way - Definitive Map Officer

3.6 The public footpath runs to the south of the proposed conversion and is approximately 10ft wide. However, the parking arrangements to the front of the garage would not impact upon this right of way. This may need to be revisited if complaints are received but it appears that the overwhelming majority of the public use the Sustrans route to the north of the barn.

EXTERNAL

Kexby Parish Council

3.7 Strongly object on the following grounds:

- The structural frame may not be 'fit for purpose' and the works involve a new insulated roof, wall cladding, new insulated floor, windows and doors
- Would be replacing the barn with almost an entirely different structure
- Proposed design is not in keeping with the rural countryside location
- Loss of privacy to neighbours
- Route 66 and farm machinery have right of way through the middle of and along the side of this development
- The road to and from the site is a single track
- The applicant has a holiday let business and it is considered that this may eventually be a holiday let

Neighbour Notification and Publicity

3.8 Ten objections received on the following grounds:

- The conversion will be for a holiday let
- The proposed layout is not practical as a family dwelling due to the main living accommodation on the first floor
- The holiday let could accommodate four couples with four cars increasing traffic along the quiet road
- Increased traffic would compromise the safety of the cycle route and bridleway
- Four cars parked outside of the barn would be an eyesore
- Construction traffic would be a disruption
- The conversion would be out of character and spoil views of the countryside
- The design is very urban in nature
- The inside space will be very dark
- Overlooking of Limefields Farm
- Inadequate drainage facilities
- External amenity space is too small for a four bedroom property

- Potential for additional noise from guests
- The first floor side window would overlook the bridleway
- Limefield Farm will be overlooked by the first floor windows and the main access
- The large double height window to the south elevation may result in a loss of privacy depending how the louvers are fixed
- The access is partly public, becomes a bridle way and Sustrans route and a private road owned by The Church Commissioners
- The access is narrow and requires cars to pull in to allow oncoming vehicles to pass
- Residents may try and access the A1079 via the alternative private road
- Direct access is through Limefield Farm
- Vehicular access is close to Lime Field Farm where children play out
- Potential conflict with cyclist, walkers, horse riders and the additional traffic
- Where will the equipment which is stored within the building go
- Inadequate drainage

3.9 Five supporting comments:

- The conversion is the final element of Limefields Farm building to be converted
- The building is beginning to look a little dilapidated
- The footprint would remain as existing
- It remains in character with the area
- Creation of homes is a society and government priority
- There is no reference to Holiday Let in any of the supporting information only a family home

4.0 APPRAISAL

4.1 Key Issues

- Acceptability within the Green Belt
- Visual impact
- Highway implications
- Amenity
- Drainage

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no statutory development plan for York other than the Poppleton and Rufforth Neighbourhood Plans and the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS"), saved

under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt around York with an outer boundary about 6 miles from the City Centre. The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

National Planning Policy Framework

4.3 The National Planning Policy Framework (NPPF) was published in July 2018. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to-date representation of key relevant policy issues (other than the saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.4 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Publication Draft Local Plan 2018

4.5 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. Policies D1 'Placemaking', SS2 'The Role of York's Green Belt', GB1 'Development in the Green Belt', GB3 'Reuse of Building' and D2 'Landscape and Setting' are all relevant to consideration of this application.

Policy GB1: Development in the Green Belt

4.6 The relevant policy is Policy GB1: Development in the Green Belt which states that within the Green Belt, planning permission for development will only be granted where:

- i. the scale, location and design of development would not detract from the openness of the Green Belt;
- ii. it would not conflict with the purposes of including land within the Green Belt; and
- iii. it would not prejudice or harm those elements which contribute to the special character and setting of York

AND it is for one of the acceptable purposes which include buildings for agriculture and forestry, appropriate facilities for outdoor sport and outdoor recreation, extension or alteration to existing buildings, replacement buildings, limited infilling in villages and limited affordable housing. All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

4.7 Policy GB3 states that outside defined settlement limits planning permission for the reuse of buildings within the Green Belt will be granted provided:

- i. the reuse does not have a materially greater impact than the present use on the openness of the Green Belt; and
- ii. the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and
- iii. the proposed reuse will generally take place within the fabric of the existing building and will not require extensive alteration, rebuilding or extension; and
- iv. the form, bulk and general design of the buildings are in keeping with their surroundings and sympathetic to the character of the building; and
- v. any residential buildings are not in close proximity to intensive livestock units or other uses that may result in a poor level of amenity for the occupier of the building; and
- vi. there is already a clearly defined curtilage; and
- vii. where the proposal involves changing the use to residential, permission will only be granted where criteria i. to vi. are satisfied; and the building(s) are within 800m of a defined settlement limit.

4.8 Policy D1 'Placemaking' of the Publication Draft Local Plan 2018 states that development proposals should enhance and complement the character and appearance of the landscape and D2 'Landscape and Setting' which states that proposals should conserve and enhance landscape quality and character, the public's experience of it and make a positive contribution to York's special qualities.

Development Control Local Plan (Approved April 2005) (DCLP)

4.9 The Development Control Local Plan was approved for development management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF (2018).

410 Policy GB1 'Development in the Green Belt', GB3 'Reuse of Buildings', SP2 'The York Green Belt' and GP1 'Design' are relevant although the weight that can be afforded to them is very limited.

OPENNESS AND PURPOSE OF THE GREENBELT

4.11 The site is located within the general extent of the York Green Belt as described in the RSS. In the emerging Local Plan and DCLP (2005) it is also shown as being within the Green Belt. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

4.12 The construction of new buildings within the Green belt is inappropriate and should be resisted. However, Paragraph 146 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it. These include the re-use of buildings provided that the buildings are of a permanent and substantial construction.

4.13 The application site comprises of a roll top barn with attached lean-to located in the area of Scoreby, approximately 8 miles East of York. The barn backs onto The Limefields, a residential property within the same ownership, with the remaining aspects facing the vehicular access to the site and open countryside. The conversion would provide four en-suite bedrooms and an enclosed courtyard at the ground floor and an open plan kitchen and living area to the first floor, in order to utilise the views over the adjacent countryside. High level glazing is proposed to the rear elevation, facing The Limefields, with large expanses of glazing to the northern elevation facing the internal courtyard and open countryside beyond. The barn would be finished in a low level of existing brick, timber cladding, corrugated sheeting walls and a black zinc roof.

4.14 The existing building is constructed of a heavy steel frame with steel trussed members with a lower section of brickwork supporting corrugated sheeting above. It is considered to be in a good state of repair and capable of conversion with the existing structure being capable of carrying additional loading for the first floor construction. The scheme does not involve any increase in footprint or height and the development would not extend beyond the existing elevations of the building. As such it is considered that the proposed conversion would preserve the openness of the Green Belt.

VISUAL IMPACT

4.15 As the proposal would not result in any increase in footprint or increase in height there would only be a limited effect in terms of visual impact. The proposed external finish would incorporate elements of timber cladding, black vertical corrugated sheeting and a black zinc roof. The appearance of the building would change, mainly due to the proposed materials with the proposed black finish being in contrast with the existing grey cladding. However, when the barn approached along the access road it is seen in context with the existing buildings and a domestic boundary wall leading to The Limefields. In addition the barn is located within an area of mature trees which from more distant views would partially screen the development and reduce its prominence.

4.16 The majority of the glazing is proposed to the newly created internal courtyard and to the first floor facing the courtyard. To the exterior of the building a horizontal band of high level glazing at first floor is proposed along with four vertical slit windows to the rear elevation, glazing either side of the door and glazing to a small first floor terrace area to the side. Due to the limited number of these openings, the building would retain the feel of an agricultural structure within this rural location and as such would not appear out of place within the landscape.

HIGHWAY IMPLICATIONS

4.17 Paragraph 109 of The NPPF 2018 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe. The application site is located within a remote area some distance off the adopted highway network. Immediately to the north of the site lies a Sustrans cycle route and immediately to the south lies a public bridleway/footpath.

4.18 Concerns have been expressed that the conversion would have a detrimental impact upon the rights of way around the building. As there will be no increase in the footprint of the building the only impact could be in terms of vehicular parking and vehicular access. The plans indicate two car parking spaces within the adjacent garage and two in front. When assessing the bridleway and public footpath it is clear that the spaces would not interfere with the ability of the public to pass and repass.

Cycle storage has been identified as being located within the existing large garage which is considered to be acceptable.

4.19 It is noted that the development is located a distance from the adopted highway network. However, Paragraph 79 of the NPPF states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply, one of these being that the development would re-use redundant or disused buildings and enhance its immediate setting. As such the isolated location of the dwelling should not be reason for refusal.

4.20 Concerns have been expressed that the proposed access is along single lane tracks that are maintained by local residents, including the applicant, and The Church Commission and that there is the potential for conflict with vehicles and farm machinery. However, it is not considered that the formation of a single four bedroom dwelling would be likely to increase vehicular movements to a level that would result in a danger to highway users. Access along the lanes is a private legal matter but the applicant has confirmed that there is a legal right of access over this land which would pass onto any successors in title deeds.

AMENITY

4.20 Concerns have been raised that the windows in the conversion would result in a loss of privacy for the occupiers of Limefield Farm. The plans indicate openings to the ground floor to the rear elevation and to the door to the side of the property. High level glazing is proposed to the first floor corridor but this is located above head height. A double height window is proposed to the rear elevation, opening into the double height hallway and staircase, to allow light into the building. This would be located behind a "brise soleil", which is a series of horizontal bars angled to allow light in but to prevent any views from the building. Furthermore, Limefield Farm is located approximately 27m away from the nearest point of the conversion.

DRAINAGE

4.21 Due to the isolated location of the site there are no foul or surface water sewers within the vicinity. The barn is in a good state of repair and surface water from the building currently flows into an existing large silt trap chamber which has an existing piped outfall connecting into the existing field drainage system. The proposed development will not increase the existing impermeable areas on the site. The application proposal includes the removal of part of the roof to include a courtyard garden area within the curtilage of the existing building footprint, which will reduce the effective drained area. It is proposed to use the existing surface water drainage system.

4.22 There is no existing foul water drainage available to serve the site. The adjacent residential properties have their own private treatment plant systems that are maintained by the respective owners. It is proposed that a new appropriately sized and detailed effluent treatment plant will be installed adjacent to the existing building to serve the proposed residential use of the converted barn. The final effluent from the treatment plant will connect into and discharge to the existing surface water drainage system.

5.0 CONCLUSION

5.1 The conversion of the building would not have any detrimental impact upon the character of the area, on residential amenity or upon the openness of the Green Belt. As such the application accords with the NPPF 2018 paragraphs 143 to 145, policy GB1 of the Publication Draft Local Plan 2018 and policies GB1, GB3 and GP1 of the Development Control Local Plan 2005.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Drawing number LT 07 Rev A dated 18th October 2018
Site Layout Plan YTA005SP

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 VISQ8 Samples of exterior materials to be app

4 HWAY19 Car and cycle parking laid out

5 EPU1 Electricity socket for vehicles

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes B and C of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as

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"permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side or rear elevations of the property.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Sought additional information in connection with the site drainage, access and design

2. RIGHTS OF WAY

The adjacent Public Right of Way to the south and National Cycle Route to the north shall at no point be blocked or affected by the proposed works without prior written approval of the authority's Public Rights of Way Team. Contact: publicrightsofway@york.gov.uk

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