

COMMITTEE REPORT

Date: 7 February 2013 **Ward:** Derwent
Team: Major and **Parish:** Kexby Parish Council
Commercial Team

Reference: 12/03487/FUL
Application at: Cedar Croft 4 Hull Road Kexby York YO41 5LA
For: Conversion of workshop including alterations to the roof and an extension to the side to create a holiday cottage (Use Class C1) and the erection of double garage and stable
By: Mr and Mrs Ward
Application Type: Full Application
Target Date: 23 January 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for a small extension to an existing workshop and its conversion into a holiday let. Alongside this a new double garage is proposed for use by the residents of the host house, Cedar Croft. Additionally a stable building is proposed within a paddock area. The application site consists of Cedar Croft and the adjoining paddock. The site is located at 4 Hull Road in Kexby.

1.2 The whole of the application site is within the Green Belt.

1.3 The proposed holiday let would be created primarily through the re-use of an existing workshop building. It is understood that the workshop has been most recently used for small scale car repairs by one of the occupants of Cedar Croft. In order to convert this building it is proposed to remove the existing roof cladding and roof structure and to create a new roof which would be covered in clay pantiles. This requires an increase in ridge height from 3.3m at present to 3.8m. A 1m x 2.8m extension is proposed to the side of the building in order to create a utility room and entrance. The remainder of the building would be retained with new doors and window openings inserted into the existing walls. A chimney is proposed to allow a fire to be installed. An area of existing hard standing around the workshop would be retained and upgraded for car parking and manoeuvring and to create a sitting out area. The remaining hard standing would be removed and grassed over.

1.4 To the west of the existing workshop is a dilapidated pony shed. This is proposed to be demolished and removed from site. A new stable block is proposed immediately to the west of the existing pony shed. The stable block would be constructed of timber and have a footprint of 6.8m x 3.4m and a height of 3.1m. The roof would overhang the entrance to the stable for weather protection. The stable block could accommodate two horses.

It is proposed by the applicants that this facility would allow holiday makers to bring their horses to the site and take advantage of the local riding trails. The area around the stable has previously been used as a paddock and this would remain.

1.5 Between the domestic house of Cedar Croft and the workshop building, it is proposed to erect a double garage. This garage would be used for domestic purposes associated with the dwelling. The proposed garage measures 6.7m x 5.6m with a ridge height of 3.4m and would be constructed of rendered block work with a tiled roof.

1.6 Access to the holiday accommodation and stable block would be via an existing access which is used for the house at 4 Hull Road. A new access to the paddock would be removed. The existing access is proposed to be improved to allow greater visibility for safer access.

1.7 Site History - The dwelling at 4 Hull Road has been extended to the rear, this was approved in 1989 (Ref. No. 8/04/53/PA). Recently the paddock area has been subject to enforcement action. This was after the site was occupied by gypsy travellers who sited two caravans on site, increased the size of the hard standing area, and erected a solid timber fence around the site. Last year the travellers moved off the site and the fence was removed. The extended hard standing has not yet been removed but is shown as being removed within this application proposal.

1.8 This application has been brought before East Area Planning Committee because one of the applicants works for the City of York Council. A site visit is recommended to allow Members to understand the objections received within the context of the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGB1
Development within the Green Belt

CYGB3
Reuse of buildings

CYGB4

Extension to existing dwellings in GB

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections to the scale and nature of the development in highway terms. The development is to convert a workshop into a holiday cottage, it is envisaged that there would be no increase in traffic movements. The applicant has shown, on drawing WAR-322-01-02 Rev D, a rationalised access arrangement that incorporates the existing field entrance, existing house access and proposed holiday cottage in to one single access with improved visibility. There is adequate vehicular parking and turning within the site to allow egression of the site in a forward gear. Conditions should be attached covering improvements to the access and the re-instatement of kerbing and footway.

3.2 Environmental Protection Unit - No objections subject to a condition controlling the reporting of any contamination found during construction.

3.3 Leisure and Open Space - No comment as this is not a residential dwelling.

EXTERNAL

3.4 Kexby Parish Council - Do not object to the erection of a double garage but strongly object to the conversion of a holiday cottage and erection of a stable block on the following grounds:

- 1) This is green belt/open countryside land and should remain as such.
- 2) Contradicts previous enforcement.
- 3) The hard standing was put there by the previous owner of the paddock illegally and was then ordered by City of York Council to remove it and did not. The present owner was also ordered to remove it and to date has not done so.
- 4) The current workshop building is unlikely to be able to be converted without substantial alteration and lacks compatibility with existing house.
- 5) Access into and out of the paddock would be a major issue as visibility is poor and is directly onto the very busy A1079.
- 6) Question 24 of the application form (Site Visit) is incorrect as the site can be seen from both a public road and public footpath.
- 7) The paddock is not large enough to support one horse, let alone two (rule of thumb is 1 acre per horse). This would also cause problems for (a) a horsebox or trailer to turn in the paddock, (b) the siting and disposal of a muck heap (c) drainage of the land is poor and (d) lack of storage for feed and materials for equine use. The only access for a horse and rider would be directly onto the busy A1079.

- 8) The holiday cottage would be subject to noise and pollution from the very busy A1079.
- 9) The Parish Council cannot recall or find reference to a previous planning application to convert two garages to a workshop originally which has happened within the last fifteen years.
- 10) Kexby already has holiday lets and a bed & breakfast establishment all of which struggle as it in no way appeals to tourists due to the lack of facilities - shops, pub, and park and no longer has a church. The Gateway to York Hotel closed due to lack of business and is now a Care Home.

3.5 Local residents - One letter of objection received from the owner of the agricultural land to the north of the application site. Primary concerns raised are:

- 1) Not notified formally of the application despite owning the adjoining land/property.
- 2) The site is referred to as a slightly brown field site, this is wholly untrue. The land was a green belt paddock prior the arrival of the travellers and post their departure should have been returned to its previous condition. This new planning application refers to the fact that 'a previous owner has already formed a substantial hard standing'- this was in fact created by the travellers without planning approval and should have been removed within 3 months of 4th May 2011. As the non removal of the hard standing is contrary to a planning enforcement notice this cannot be used as justification for turning a 'slight brown field location' back into a 'rural paddock' that needs to happen in any event, and cannot surely be used as a basis to support this new application.
- 3) With regard to the stabling of horses at the new development. Access from the development to the closest bridleway involves travelling along a major trunk road - the A1079. All of the land to the rear has no public right of way over it. The journey along the major thoroughfare to the bridleway must be considered as the 'visiting horses' may be unused to traffic.
- 4) Concerns about the 'Screening Assessment for Land Contamination' documentation relating to the current workshop. The documents completed by the architect suggest that the property has been used as either domestic or agricultural, whereas it is a workshop and has been used for vehicle repairs/bodywork and re-spray activities on a commercial basis.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of Development in the Green Belt
- Impact on the Green Belt
- Highway Safety

POLICY POSITION

4.2 The National Planning Policy Framework (NPPF) states that 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.' Paragraph 89 sets out the categories of development which are not inappropriate within the Green Belt; this includes 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building' and 'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'. Paragraph 90 goes on to state that the re-use of buildings in the Green Belt is not inappropriate provided that the buildings are of permanent and substantial construction. Development Control Local Plan (DCLP) Policies GB1 'Development in the Green Belt', GB3 'Re-use of Buildings', and GB4 'Extensions to Dwellings' are broadly consistent with the aims of the NPPF.

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT

4.3 The application under consideration contains three main elements: the conversion of a workshop to a holiday let including small extension; the erection of a double garage for domestic use; and the erection of a stable primarily to be used to house horses of the occupants of the holiday lets.

4.4 The NPPF and DCLP both state that the re-use of an existing building for another purpose within the Green Belt is not inappropriate in principle. The major caveat to this within the NPPF is that the building to be converted must be of permanent and substantial construction. Submitted in support of the planning application is a 'Structural report' submitted by Dudleys Structural and Civil Consultants. This assesses the structural state of the existing building and assesses the level of work required to convert it into a holiday let. The report concludes that the building is of reasonably good condition for its age and there is no reason why it could not be converted into its intended use. The external walls would be retained with internal walls constructed to create cavities for insulation and to section off the internal space. The roof would be removed and new trussed rafters installed so that a new tiled roof could be fitted. The floor would be laid with insulated concrete. It is inevitable that any outbuilding of this type would require significant internal works to become habitable; however it is considered that the level of external work required is low, as such the building can be considered to be of permanent and substantial construction and would not require any significant rebuilding.

4.5 DCLP Policy GB3 'Re-use of Buildings' also requires the re-use to take place without extensive extension, for the building to not be in close proximity to intensive livestock units and for there to be a clearly defined curtilage. The proposal involves a very modest extension to the existing building. There is a clear boundary around the proposed holiday let area and there is no intensive livestock activity in the immediate vicinity. Overall it is considered that the principle of the change of use of the workshop building into a holiday let is acceptable in the Green Belt.

4.6 The second part of the application is the creation of a new double garage to be used for domestic purposes by the residents of 4 Hull Road. Green Belt policy allows modest extensions to existing houses (including domestic outbuildings). DCLP Policy GB4 and the supporting text states that domestic extensions will only be permitted where it would not cause undue visual intrusion, is appropriate in terms of design and materials, and is small scale compared to the original dwelling. A guide figure of 25% is stipulated within Policy GB4 and in general terms a proposal to extend by more than 25% of the original footprint will be considered to be large scale and resisted accordingly. The dwelling at 4 Hull Road has already been extended to the rear. According to the applicants agent this extension took the footprint of the dwelling from 77 sq m to 87 sq m. This is an increase of approximately 13% in footprint. The proposed garage has a substantial footprint of approximately 37 sq m. When this is added to the size of the existing rear extension it represents an increase of approximately 62% over the original footprint of the dwelling. This significantly exceeds the 25% guide figure.

4.7 However, recent appeal decisions indicate that the fallback position using permitted development rights is a material consideration. It is the case that permitted development rights would allow a garage of similar proportions to be erected on the site without the need for planning permission. The applicant has reduced the ridge height within the revised plans so that it sits below the eaves height of the outbuilding and a space is retained between the garage and the house to allow views through to the original field. Bearing in mind what could be erected using permitted development rights, it is not considered that any objections to the erection of the garage could be sustained. Refusal of the application could result in a similar structure being erected without the need for planning permission, and permitted development rights would remain in place at the property. Should the application be approved, a condition could be added to any approval removing permitted development rights and therefore allowing the Local Planning Authority to have control over any future extensions to protect the openness of the Green Belt.

4.8 The proposed stable block would be located within land which has previously been used as a paddock. There is an existing pony shed on site which has not been used for a period of time and is dilapidated and would be removed from the site. Green Belt Policy allows developments which provide essential facilities for outdoor sport and recreation.

It is considered that the proposed stable block would allow holiday makers to bring their horses to the site and gain access to the outdoor riding trails in the area. It is considered that the principle of a small stable block on this site is acceptable.

IMPACT ON THE GREEN BELT

4.9 It is considered that the principle of the developments proposed in the Green Belt is acceptable. However, it is important to also consider the impact on the Green Belt, most notably in terms of the need to protect the openness of the Green Belt which is seen as its key characteristic.

4.10 The proposed holiday let would not result in a significant increase in the size of the building and the level of hard standing would be reduced from what is on site currently. The removal of the hard standing shown on the submitted drawings would result in a level of hard standing on site which is broadly in line with that which was in place before it was occupied by a gypsy traveller family. In addition hard standing is being removed from close to the access point and re-grassed. It is considered that this has a positive impact through a reduction in development on the site. The use of the current workshop building as holiday lets would create a more domestic appearance to this part of the site. The parking of cars, creation of sitting out areas, and general activities associated with a holiday let would have a different character to the current workshop space. However, given that this activity would take place in an area well set back from the road and close to other domestic dwellings it is considered that on balance there would be no significant harm to the openness of the Green Belt. A hedge is proposed along the front of the hard standing area and a hedge to the front of the site would be retained thereby creating a softer appearance to the holiday let area.

4.11 The proposed stable block is relatively modest in scale. It is proposed to be constructed of timber and would appear typical within a paddock area within the countryside. The stable would be located close to the holiday let area therefore resulting in a cluster of buildings and activities which enables the majority of the paddock area to remain open.

4.12 The proposed garage would also be close to existing buildings therefore reducing the amount of the site which appears developed. The applicant has attempted to minimise the visual impact of the garage by reducing the height and width to allow greater views above and between buildings. Given that a similar garage could be erected as permitted development it is not considered that objections could be raised to the proposed garage on the grounds of the impact on openness.

HIGHWAY SAFETY

4.13 The application site is accessed off the A1079 Hull Road. This section of the road has a 60 mph speed limit. Officers consider that the proposed use would result in only a modest increase on the level of use of the access onto the road. Through discussions between the applicants and a Highway Network Management Officer, the access has been re-designed to create a shared access between the dwelling house at 4 Hull Road and the holiday let. The access has been improved through widening and the creation of better sight lines in both directions. The Highway Network Management Officer raised no objections to the proposed development subject to conditions requiring the full details of the access to be agreed with the Local Planning Authority and for redundant crossing to be converted back to kerbs. On this basis it is not considered that any objections on the grounds of highway safety could be sustained.

5.0 CONCLUSION

5.1 For the reasons given above, this application is recommended for approval subject to conditions.

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:-

Proposed Holiday Cottage, Double Garage and Stable - Drawing Number WAR-322-01-02 Revision D received 24/01/13

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used including roof tiles and render colour for the holiday let and garage, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in classes A, B, C, D or E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the openness and visual amenity of the green belt 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 "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

5 The converted workshop building shall not be used for residential purposes other than holiday letting. For the purpose of this condition "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.

Reason: In order to avoid a permanent residential use in this location, which would be contrary to the aims and objectives of the City of York Green Belt contained in Development Control Local Plan Policies GB1 ad GB3.

6 The double garage hereby approved shall only be used for purposes incidental to the enjoyment of the dwellinghouse.

Reason: In the interests of residential amenity and the protection of the openness and purposes of including land within the Green Belt.

7 At no time shall a vehicular entrance gate be fitted within 10m of the junction of the access and the highway without the prior written consent of the Local Planning Authority.

Reason: It is considered that a vehicle gate within 10m of the highway could create highway safety issues for vehicles wishing to enter to the site.

8 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the holiday let shall not be occupied until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

9 The holiday let shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb and footway to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

10 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

NOTE: Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

11 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of green planting. This scheme shall be implemented within a period of six months of the first occupation of the holiday let. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

12 All hardstanding shown as being removed on the approved plans shall be excavated and removed from the site. These areas shall be suitably prepared and seeded or turfed prior to the first occupation of the holiday let hereby approved. Details of any upgrading/change of surface material of remaining hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to ensure suitable drainage of the site.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Principle of Development in the Green Belt
- Impact on the Green Belt
- Highway Safety

As such the proposal complies with Policies GB1, GB3, and GB4 of the City of York Development Control Local Plan.

2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. 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 a positive outcome:

- Amendments to access in order to improve highway safety
- Removal of vehicle gate from the plans
- Reduction in size of proposed garage
- Alterations to elevations of proposed holiday let
- Reduction in the amount of hard standing on site

Contact details:

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Author: Michael Jones Development Management Officer
Tel No: 01904 551339