

**Parish: Seamer**  
Ward: Hutton Rudby  
**11**

Committee date: 4 April 2019  
Officer dealing: Ms Helen Ledger  
Target date: 8 April 2019

**19/00026/FUL**

**Conversion of former agricultural barns to provide two dwellings  
At Applegrove Farm, Seamer  
For Mr & Mrs Campbell**

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site includes a group of traditional brick farm buildings with asbestos sheeting roofs. The buildings are arranged in a traditional loose courtyard form, with a further store building on the eastern side. The buildings are a mix of 1 and 2 storey with a 2 storey range on the east side of the courtyard, and a short 2 storey wing on the south side, the remainder being 1 storey. The buildings lie to the north of a two storey house, accessed by a track approximately 200 metres long. Between the house and buildings there are Dutch barns. Agricultural use appears to have ceased some time before. The site is located outside development limits.
- 1.2 The proposal is a full application to allow the conversion of the two former agricultural buildings to dwellings. The site currently benefits from permission previously granted under a Class Q Prior Notification (Permitted Development) for a proposed change of use of agricultural buildings(s) to form 2 dwellings, application number 16/01588/MBN, granted September 2016. The applicant claims that permission was lawfully implemented, following the discharge of two conditions precedent, relating to structural works and approving materials, both dealt with in January 2018. There is no change in the plans submitted under the prior notification application previously approved and those now submitted under this full application.
- 1.3 It is a requirement of Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) that consents granted under this particular class must have all the works completed within three years of the date of the initial permission. This time condition has created problems for this site, with complex conversion work required, the project has not made significant progress since implementation started. It is understood that implementation currently amounts to repointing and repair under architectural supervision to ensure that the work did not adversely affect the building's fabric. It is understood the applicant would like to sell the site and buildings but that the expiration of the 3 year time limit could make the sale less attractive, in the absence of an lawful scheme for the conversion of the buildings.
- 1.4 The applicant also contends that work has started thus implementing the permission under part Q. This, they feel, would implement the permission and based on their interpretation of case law would mean that the use has changed to C3 dwelling house. This would mean part Q could no longer be applied for, as the last use would no longer be agricultural. Based on information gleaned at a site visit and photographs supplied, the extent of the implementation is small scale and amounts to some repointing and repair. It is a matter for debate as to whether this would legally constitute implementation sufficient to change the use.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 16/01588/MBN - Prior Notification for a proposed change of use of agricultural building(s) to form 2 dwellinghouses and for associated operational development - Granted 5 September 2016
- 2.2 2/02/128/0214 - Construction of a detached dwellinghouse to replace an existing dwelling - approved 3 December 2002.
- 2.3 2/04/128/0214A - Revised application for the construction of a replacement dwelling house. Permission granted 23/12/2004
- 2.4 06/01604/FUL - Revised application for the construction of a triple domestic garage. Granted 15.09.2006

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP4 - Settlement hierarchy  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP8 - Development Limits  
Development Policies DP9 – Development outside Development Limits  
Development Policies DP28 - Conservation  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design National Planning Policy Framework  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

- 4.1 Seamer Parish Council – consulted on 23.01.2019 - no response received
- 4.2 NYCC Highways – No objection, recommends parking spaces condition.
- 4.3 Environmental Health - No nuisance issues identified. Sewage treatment condition recommended.
- 4.4 Environment Agency - No objection. Noted that part of the site is in zone 2 flood risk and reference is made to their standing advice. Reference also made to the sewage disposal and the hierarchy of treatment preferable in the NPPG on Water supply, waste water and water quality.
- 4.5 Site notice posted 24.01.2019 expired 14.02.2019 - No public comments received.

## **5.0 ANALYSIS**

- 5.1 The main issues are i) principle of development proposed ii) design iii) the impact on amenity and iii) flood risk.

### The Principle

- 5.2 The proposal as a full application needs to first pass the policy tests in the Local Development Framework and the National Planning Policy Framework (NPPF).

- 5.3 The principle of the development of open market residential development in this location does not fully comply with the requirements of policy CP4, which allows for development outside development limits in certain circumstances. Criterion iv) allows the reuse of existing buildings without substantial alteration or reconstruction, where they would support the rural economy or help meet a need for affordable housing.
- 5.4 The applicant is not claiming this scheme will provide affording housing. The proposed end use is not a direct employment generating use or one that is shown to have any economic benefit beyond the impact of the construction work and occupancy of the dwellings. This level of benefit would apply to any new dwelling.
- 5.5 Policy CP4 criterion (ii) is supportive of development in certain situations. Criterion (ii) is supportive of development “necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance”. Whilst the buildings, subject of this application are not Listed Buildings, they are of an age, type, form and character to warrant status as non-designated heritage assets. It is accepted that the buildings are no longer suitable for farming purposes. It is considered that their long term conservation is of benefit to the character and appearance of the area and as such their conservation and beneficial re-use is supported.
- 5.6 The NPPF provides more recent policy guidance and paragraphs 78 - 79 support the development of rural housing to sustain communities. In particular paragraph 79 c) allows the conversion of redundant and disused buildings that enhance their immediate setting. The designs submitted and considered last time are a sensitive conversion of the existing barns and offer retention of the main features, door and window openings, and brickwork. The proposed exterior layout allows for vehicles but does not look out of character with the network of existing barns.
- 5.7 The applicant has referred to an Inspector’s decision, considering the application of ‘enhancement’ to the conversion of an equestrian stable block in an appeal in January 2018 (APP/H0738/W/17/3187728). In this case the inspector was not necessarily restricted to the improvement of character and quality of an area, and that it could also relate to the condition, maintenance and management of land and buildings from a disused or redundant state, thereby improving and enhancing them through conversion.
- 5.8 In this proposal, from a site visit, it is clear that the collection of buildings have fallen into disrepair and likely that this has been caused by lack of investment and maintenance over time; the agent describes by their inability to operate as viable farm buildings for modern farming practices. It is true that the quality of traditional vernacular buildings, in an old fold yard layout, are undermined to some extent by their current state of despair; and bringing them back into use through a residential conversion may be the only reasonable way to retain them. This goes some way towards compliance with NPPF paragraph 79 c) and the requirements of Core Policy CP4.

#### Design

- 5.9 One of Hambleton’s strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is “To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character.”
- 5.10 National Planning Policy Framework paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or

indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.12 The National Planning Policy Framework Planning supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.13 The design and layout in this application is well planned and sensitive to this location, therefore can comply with policy DP32. The design will not have a negative impact on the character or intrinsic quality of the countryside, based on its sensitive conversion of agricultural buildings in the countryside, policy DP30.

#### Amenity

- 5.14 The Environment Health section was consulted and raised no objections on residential amenity of the future occupiers. The farm has recently finished operation. The proposed dwellings and well positioned away from the existing adjacent house to not affect the amenity of this property. They did recommend a condition to resolve the drainage required and the disposal of sewage.

#### Flood risk

- 5.15 Flood risk was considered under the class Q prior notification application and considered acceptable. This time the Environment Agency has not made an objection. It remains that flood zone 2 surrounds the north, east and west sides of the buildings, touching the north side, and extending into the North East corner of unit 2. Technical guidance to the NPPF classifies the use as a dwelling as 'more vulnerable' which may be acceptable in Flood zone 2. The sequential test seeks to direct all development to flood zone 1. In this case the large majority of the development is in Flood zone 1. There are no doors on the north face of the building as proposed. Unit 2 has two storeys and an exit door on the south side, from which escape from flood would be possible. The main access from the site is to the south, and is not in a flood zone. On this basis, the development is considered acceptable in terms of flood risk.

#### Planning balance

- 5.16 It is clear that as a non-designated heritage asset, the retention and re-use of these buildings should be given considerable weight. Policy CP4 is supportive of this position. It is considered that the development meets the main aims of the legislation, to provide new rural housing while maintaining and retaining historic agricultural buildings in a viable use. The policy test NPPF paragraph 79a) is met in its broadest sense and the current proposal can comply with the requirements.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered P102, P103, P104 Rev

A, received by Hambleton District Council on 07 January 2019 unless otherwise approved in writing by the Local Planning Authority.

2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

3. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing marked Project No. 16.003 Dwg No P104 REV A for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

4. No part of the existing boundary hedge along the west and east boundaries of the site shall be uprooted or removed; other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.

5. Above ground construction of dwellings shall not be commenced until a detailed landscaping scheme indicating the type height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situated within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

The reasons for the above conditions are:-

1. To ensure a satisfactory design and appearance In accordance with the requirements of CP 17 and DP32

2. To ensure a satisfactory design and appearance In accordance with the requirements of CP17 and DP32

3. In accordance with policy CP2 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

4. The existing hedges is considered to make a worthwhile contribution to the character of the area and is worthy of retention in accordance with Local Development Framework Core Strategy Policy CP16.

5. In order to protect the character, setting and soften the visual appearance of the development and provide any appropriate screening in accordance with CP16