

Parish: Yearsley

Ward: Huby

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Committee date: 22nd August 2019

Officer dealing: Caroline Strudwick

Target date:

18/00097/OUT

Outline Application (with all matters reserved) for the conversion of agricultural buildings to provide up to 3 residential dwellings

At High Lions Farm Well Lane Yearsley North Yorkshire

For Newburgh Priory Estate

This application is referred to Planning Committee as the proposal is a departure from the Development Plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 High Lions Farm site is located approximately 1.3km northwest of the village of Yearsley and 3.0km east of Oulston. The site is located 3.6km from the core Newburgh Priory Estate buildings at Newburgh Priory. The site covers 0.65 hectares of vacant agricultural land, including the buildings that lie to the south of High Lions' Lodge.
- 1.2 The site comprises of three large farm buildings; including 2 modern steel portal frame buildings and 2 traditional stone agricultural buildings. The site is not actively used, and has fallen into a state of disrepair, which detracts from the setting. The steel portal-frames are proposed to be removed and the stone buildings are proposed be converted.
- 1.3 The site is also located within the Howardian Hills Area of Outstanding Natural Beauty (AONB) and is adjacent to Newburgh Priory Grade II Registered Park and Gardens. There is a public right of way which passes through the site.
- 1.4 Four burrows (burial mounds) located in fields neighbouring the site are protected as Scheduled Monuments, with the closest lying 200 metres to the south west of the site, separated by dense tree cover. The site boundary to the west is mostly open arable land, with areas to the north, south and west bound by mature trees and foliage.
- 1.5 The proposal seeks outline permission (with all matters reserved) for the conversion of agricultural buildings to provide up to 3 residential dwellings. The buildings comprise of three large farm buildings, including two large portal-frame structures and 2 stone farm buildings. The stone buildings are the subject of this application.
- 1.6 The indicative site layout plan shows 3 units; 2 x 5 bedrooomed dwellings and 1 x 3 bedrooomed dwelling in the form of a rural "courtyard" development. The agent has advised that the indicative layout maximises the availability of open space, with each plot having an appropriate amount of private outdoor amenity space. Access is by a track from Yearsley Moor Bank.
- 1.7 Permission was granted in 2016 by the Council for the change of use and conversion of a stable block and coach house, and swimming pool building for a wedding business at Newburgh Priory, a grade II listed former priory and accompanying grade II listed ancillary buildings. This application is one of two submitted to Hambleton District Council, as part of an "enabling development" scheme. The other is planning application 18/00144/OUT Oulston Hall for the redevelopment of the agricultural site

for 9 dwellings. Two applications have been submitted to North Yorkshire Moors National Park, also under the premise of “enabling development”. Both of these applications are in Coxwold; one is for four open market houses (NYM/2018/0039/FL), and the other for 3 affordable houses (NYM/2018/0037/OU). It is considered by the applicant that these affordable houses fulfilled the quota for the four sites; a total of approximately 15% affordable housing contribution.

- 1.8 The intention of the applicant is to secure permission at all three sites and the sites to be sold onto a developer. There is no intention by the applicant to develop the sites out; and the applicant wishes to have the applications considered in outline form only.
- 1.9 The application at Oulston Hall is not at a point where a recommendation of approval can be made. Discussions are ongoing with the applicant as to the necessary amendments to seek to resolve the application to a positive outcome.
- 1.10 The two applications in the village of Coxwold, lodged with the North Yorkshire Moors National Park, currently outstanding as additional information is being sought by that planning authority.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant planning or enforcement history at the application site.

Oulston Hall, Oulston

- 2.2 18/00144/OUT Outline application for the redevelopment of the site for up to 9 residential dwellings (Class C); pending consideration.

Newburgh Hall

- 2.3 16/02144/FUL Alterations and change of use of existing stables, back courting buildings and extension and conversion of swimming pool building to create new function suite and accommodation for weddings, parties, corporate events, storage and Estate office, alteration to main building to include new gates and modification of existing Estate Office to create reception area and creation of service area car park to rear of back courting; approved January 2017.
- 2.4 16/02145/LBC Listed Building Consent for alterations and change of use of existing Stables, Back Courting buildings and extension and conversion of Swimming Pool Building at Newburgh Priory to create new function suite and accommodation for weddings, parties, corporate events, storage and Estate office. Alteration of Newburgh Priory main building to include new gates and modification of existing Estate Office to create reception area. Creation of service area car park to rear of Back Courting; approved January 2017.

Coxwold

- 2.5 NYM/2018/0037/OU Outline application for construction of up to 3 no. affordable dwellings (all matters reserved); Pending consideration.
- 2.6 NYM/2018/0039/FL Construction of 4 no. open market dwellings with associated access, parking, garage/car ports, amenity space and landscaping works; Pending consideration.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – No observations to make

4.2 Howardian Hills Area of Outstanding Natural Beauty Manager – makes the following points

- A Public Footpath runs through the development site and the route of this would need to remain unobstructed at all times, or be formally diverted.
- Conversion is unlikely to have an adverse visual impact on the AONB landscape. The Registered Park & Garden of Newburgh Priory would not be affected, nor its setting.
- In terms of policy, these open-market dwellings would be in a location that would normally be considered unsustainable and contrary to the Local Plan's Settlement Hierarchy. The part that this development plays in the implementation of the Newburgh Priory Estate Plan, with its long term goal of providing revenue to maintain the Grade I Listed Buildings, is however important.
- The principle of Enabling Development is one that all the large Estates in the AONB will be considering, to address the significant conservation deficits that exist for the repair and maintenance of their Grade I Listed buildings and parklands. These buildings and parklands form one of the most visible Special Qualities for which the Howardian Hills AONB was designated. As such I would not wish to object to the proposal, as long as it is absolutely tied by legal agreement to the Affordable Housing being proposed in Coxwold, and the repair and maintenance of the heritage assets of Newburgh Priory.

4.3 Yorkshire Wildlife Trust - a Bat Emergence Survey has been submitted to accompany the application. This concluded there is a necessity for a licence from Natural England and additional surveying at appropriate season.

4.4 Public comments – one comment has been received from a local resident, who expresses their concerns as:

- the access road that also supplies two existing properties would need to be considerably upgraded and its maintenance responsibility be designated;
- there are telephone, water and electricity supplies underground which need to be undisturbed;
- consultation with the electric suppliers would show where the earthing cables are laid as these may go under part of the proposed alterations;
- there is a large underground tank to the west and close to the single storey dwelling that may cause ground water pollution if soakaways are placed too close;
- as much of the original stone as possible should be retained, including the stone wall in the NE corner of the fold yard; and
- It would be good to see the original west side of the open yard reinstated, it would also give the single storey dwelling open views to the west.

5.0 OBSERVATIONS

5.1 The matters for consideration in this case is i) the principle of development, ii) impact on the protected landscape and countryside, iii) impact on neighbouring amenity, iii) impact on highway safety, vi) ecology matters

Principle of development and links to Enabling Development

5.2 It is noted that if the buildings were outside the Howardian Hills Area of Outstanding Natural Beauty it would be possible to convert the agricultural buildings to residential use under the provisions of Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The control of the rights to convert buildings in the AONB signals the importance attached by Government to the issue and confirms the care required to assess the impact of the change on the character of the buildings and the landscape.

5.3 The site is located in a remote location, approximately 1 mile by road from the village of Yearsley. Yearsley is not recognised as a sustainable location within the Hambleton Settlement Hierarchy. For development to be supported in the countryside there must be exceptional circumstances, as set out in CP4 of the Hambleton Local Development Core Strategy. These exceptional circumstances are:

- i. Development is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or
- ii. It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
- iii. It would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or

- iv. It would re-use existing buildings without sustainable alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
 - v. It would make provision for renewable energy generation, of a scale and design appropriate to its location;
 - vi. It would support the social and economic regeneration of rural areas.
- 5.4 The application has been submitted as part of a larger “enabling development” proposal, which has the potential to comply with the tests of criteria ii of CP4, above. Paragraph 79 of the NPPF sets out that isolated homes in countryside should be avoided unless the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. The NPPF also sets out, in paragraph 202, that “Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies”.
- 5.5 Historic England (HE), in 2008, published guidance “Enabling Development and the Conservation of Significant Places”. This has been revised to be NPPF (2012) compliant, but has not been updated again in line with the 2019 revision of the NPPF. The HE document sets out how applications should be tested, in terms of the legal basis, requiring the justification necessary to determine the application and understanding the financial figures. It is clear that development should be on a level which generates the minimum amount for the upkeep and repair of heritage assets. Monies raised through enabling development should not be spent on non-essentials, such as furnishings.
- 5.6 There has been some disagreement as to whether outline applications can provide a true and accurate estimation of the profit a development will return; the outline application will provide land uplift for the land owner. The value of the uplift (between the value of the land without a planning permission and the value with a planning permission for residential conversion) will then be secured by a legal agreement. In this case a section 106 agreement (S106) between the land owner and local authority is the appropriate mechanism. The agreement will require that the money is to be spent on agreed and specified works to the listed buildings at Newburgh Priory. The disagreement arises due to the difficulty in controlling any further uplift from the land with the outline planning permission to the complete converted dwelling.
- 5.7 The uplift in value resulting from the conversion should be used for the upkeep of the agreed historic asset. Public benefit which arises from the maintenance and upkeep of a historic asset is the reason development is acceptable where it would normally not be supported.
- 5.8 The only circumstance where this situation may be acceptable is where it can be demonstrated that the monies raised through the sale of the land, with outline permission will generate sufficient income to fund all the agreed works on the schedule for the conversion of the listed assets at Newburgh Priory. It remains unclear whether the proposed schemes will achieve sufficient funds to enable the project to restore the buildings at Newburgh Priory to go ahead. Further it is noted

that the permissions for the works at Newburgh Priory expire in early 2020. The final number of units that may be achieved at Oulston Hall is not agreed and there is the possibility that this application will be amended to a full planning application. Additionally, neither of the applications at Coxwold are near a decision due to outstanding details.

- 5.9 Given that on the basis of the applicants assessment all four developments will be required to come forward to generate the necessary income for restoration of the heritage asset at Newburgh Priory a S106 agreement will need to be signed by Hambleton District Council, North Yorkshire Moors National Park and the applicant, there is significant risk in the proposal for all parties. The heads of terms of the S106 agreement have not yet been set out.
- 5.10 Notwithstanding the complications of the viability subject to the financial matters being finalised and preparation of a S106 agreement, the principle of development is acceptable, in accordance with criteria ii of CP4 and paragraph 79 of the NPPF which enables development,

Housing mix

- 5.11 The development proposes up to 3 dwellings. The proposed units to be formed would consist of a mix of 3 and 5 bed dwellings, including 1 x 3 bed bungalow. The plans are indicative at this stage. At reserved matters stage it is expected that this mix would be reflected, however, the size of the dwellings must meet the nationally described space standards.

Impact upon the Howardian Hills AONB

- 5.12 The detailed layout and appearance of the site is to be considered at the reserved matters stage. However, the AONB Manager does not consider that the proposal would have an adverse visual impact upon the AONB, given that these are conversions.
- 5.13 It is considered that the removal of the modern large portal framed buildings will improve the character and appearance of the area.

Impact upon neighbouring amenity

- 5.14 There are two dwellings which are accessed from the existing junction off Well Lane. There are no other dwellings nearby. High Lions' Lodge is 54m to the north west of the nearest building in the site area, and Lion Lodge Bungalow is 125m to the north east. It is considered that there is sufficient distance from the application site to neighbouring dwellings to ensure that existing and future resident's amenity is adequately protected. The reserved matters application and details can be brought forward in a manner to ensure that the amenity of neighbours is protected in terms of overlooking and privacy. Details of the boundary treatments can also be carefully considered.

Impact upon highway safety

- 5.15 The existing access track from Yearsley Moor Bank will be utilised to access the site. This is shared with 2 other dwellings – High Lions Lodge and Lion Lodge Bungalow. The exact details of this element of the scheme will be considered as part of the

reserved matters application but it is expected that a safe access can be achieved. The maintenance liability for the access is a 'civil' matter to be resolved by the landowners, it is not a matter that can be resolved by the Local Planning Authority.

- 5.16 The indicative site layout plans includes parking provision and on-site turning for each of the dwellings sufficient to meet the needs of the proposed dwellings.

Ecology

- 5.17 The application has been accompanied by a Bat Emergence Survey undertaken in 2018. The emergence survey has confirmed the presence of multiple small non-breeding common pipistrelle roosts, spread across the site. Small non-breeding roosts of brown long-eared and whiskered bats are also suspected on the basis of remote monitoring. Further, no consistent patterns were noted across the surveys, and it is suspected that roosts comprise of a number of non-breeding bats which move between roost locations across the site and wider area depending on the prevailing weather conditions.
- 5.18 Based on the structure of the barns and results of the emergence survey, it is thought that the roost locations in most instances will be at the wall tops, with many of the bats emerging via the barns interior before leaving via open barn doors.
- 5.19 A licence will need to be secured from Natural England in order to derogate offence's arising as a result of the proposed conversion, as the destruction or significant alteration of the roosts will be unavoidable in the context of the current proposals.
- 5.20 Sufficient survey has been undertaken to inform a planning application. Further survey will be required later in the year, to in order to provide a picture of activity across the season, and to assess possible swarming behaviour.
- 5.21 Subject to the further survey works, it is considered that the application would not cause significant harm to habitats of protective species. Additionally measures to provide alternative habitat can be required through planning conditions.

Planning Balance

- 5.22 This scheme seeks permission for residential development in a location which would usually be contrary to national and local planning policy. This development will result in small amount of economic activity through the construction of a mix of additional homes, and will result in the visual improvement of the immediate environment by way of developing and re-using the derelict buildings. As a result of these benefits, set out above, alongside the securing of a sum of monies by way of legal agreement, to be used in the essential repair of a designated heritage asset, it is considered that the scheme, on balance, is found to be sustainable development in the terms of the NPPF.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to a Section 106 Agreement in respect of the enabling development funds and to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout (b) scale (c) appearance, including a schedule of external materials to be used, (d) the landscaping of the site, and (e) access, parking and turning.
 3. The development hereby approved shall not be brought into use until the bat boxes, shown in a plan, to be submitted and approved in writing by the Local Planning Authority, have been put in place.
 4. This approval allows for no more than 3 dwellings, the sizes of which must meet the Nationally Described Space Standards.
 5. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
 6. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

Reasons

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
5. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
6. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.