

**Parish: Helperby**  
Ward: Raskelf & White Horse  
**8**

Committee Date : 31 March 2016  
Officer dealing : Mr Andrew Thompson  
Target Date: 29 March 2016

**16/00166/FUL**

**Conversion of barn to dwellinghouse with double domestic garage, associated parking and revised access.**

**at The Stelling Back Lane Helperby North Yorkshire  
for J G Swiers (Helperby) Ltd.**

**1.0 APPLICATION SITE AND PROPOSALS**

1.1 This application relates to a large timber barn located to the rear of Old Star Cottage (Grade II Listed) which is located to the northeast of Back Lane, Helperby. The settlement boundary runs on the opposite side of Back Lane and as such the application site is not within Development Limits.

1.2 The proposals relate to the conversion and refurbishment of the existing timber barn building into a dwelling house. As existing the area around the barn is concrete hardstanding with the proposals introducing new planting, a garden and general soft landscaping of the existing frontage areas.

**2.0 RELEVANT PLANNING HISTORY**

Old Star Cottage (including the application property)  
85/1088/LBC - Application for Listed Building Consent for alterations to 2 existing dwellings to form 1 dwelling to include the provision of a bay window

Opposite the site, accessed from the same access point - The Brick Barn  
15/02162/MBN - Prior Notification for Change of Use of agricultural building to dwelling-house and associated operational development - Prior Approval Not Required - 12.11.2015

**3.0 RELEVANT PLANNING POLICIES:**

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP4 - Settlement hierarchy
- 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 DP9 - Development outside Development Limits
- Development Policies DP10 - Form and character of settlements
- Development Policies DP32 - General design
- Interim Guidance Note - adopted by Council on 7th April 2015
- National Planning Practice Guidance

**4.0 CONSULTATIONS**

4.1 Parish Council- No objections.

4.2 Environmental Health - No objection subject to a condition

4.3 North Yorkshire County Highways - No objection subject to conditions

4.4 Site notice displayed and neighbours notified. 1 letter received supporting the application commenting that it will be good to see this old run down building replaced by a house. It can only serve to enhance the Back Lane in Helperby.

## 5.0 OBSERVATIONS

5.1 The key determining issues are the principle of residential use, the relationship to neighbouring residents, the character of the area and the impact on the heritage asset and road safety. Contamination from previous uses is also considered.

5.2 The site falls outside the Development Limits for the village of Helperby as defined within policy CP4 of the Core Strategy where Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.

5.4 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

5.5 The IPG states that the Council will support small-scale housing development in villages "where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies."

5.6 Helperby has a church and two public houses, as well as a local shop and Millennium Hall. There are also sports facilities within the village. As such the village itself has a number of facilities that enhance the sustainability of the settlement. The Interim Planning Guidance defines Helperby as a Service Village (with Brafferton).

5.7 It is noted that the barn building to the north of the site which was an agricultural building has been approved for conversion to a dwelling house as Permitted Development under Part Q of the General Permitted Development Order.

5.8 The application proposals fit well with the criteria of the Interim Guidance and would represent an improvement to the area through the creation of the garden space and the softening of the large area of hard-surfacing on the site. It would also improve the relationship to the neighbouring property in terms of their outlook and the visual impact on the building.

5.9 The existing building, due to its current level of dilapidation and lack of cohesive landscaping or boundary treatments has a detrimental impact on the setting of the neighbouring domestic listed building. The proposed conversion will lead to significant environmental improvements and greatly improve the setting of the neighbouring listed building.

5.10 The comments of Environmental Health officers are noted in that the Phase 1 Environmental Desk Study submitted in support of the above development identifies potential sources of contamination in above ground fuel tanks, made ground and asbestos containing materials. The report recommends the fuel tank is removed by licensed contractor and soil sampling carried out for validation purposes. These recommendations are agreed by the Environmental Health Officer and a condition is proposed to ensure the investigative and, where necessary, remedial works are carried out.

5.11 The comments of the Highway Authority are noted. There would be appropriate parking provision on the site and the proposed access is in accordance with the requirements of highway safety.

5.12 It is recommended therefore that the proposals are in accordance with the Interim Planning Guidance and would be an appropriate form of development.

5.13 The submitted application has been considered in relation to the principle of development and the impact on the character of the area and the amenities of residents in the vicinity and other matters arising from consultations. The proposals are considered to be in accordance with adopted policy.

## 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **approved** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered S74-2-PLG4 2016; S74-2-EX1, S74-2-PLG12016 received by Hambleton District Council on 20 January 2016.
3. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been

implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

4. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 33 metres measured along the centre line of the major road from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: a. vehicular and pedestrian accesses b. vehicular parking c. vehicular turning arrangements No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

6. The development 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 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 situate 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.

7. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.

3. In the interests of human health and the environment

4. In the interests of road safety to Back Lane.

5. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

6. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Hambleton District Wide Local Plan L14.

7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.