

Parish: Well
Ward: Tanfield
10

Committee Date: 13 October 2016
Officer dealing: Mrs H M Laws
Target Date: 10 August 2016
Date of extension of time (if agreed): 14 October 2016

16/01362/FUL

Change of use of agricultural farm yard to domestic use; demolition of existing building and construction of a single storey building for use as a domestic garage/store at Well Hall Farm, Bedale Road, Well for Mr Gary Elsworth

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site forms part of the group of buildings within the yard area of Well Hall Farm, which lies at the northern end of the village on the eastern side of Bedale Road, outside Development Limits. Several buildings within the yard have been converted to employment uses.
- 1.2 Part of the site is occupied by a small building, currently in use as a workshop/store in connection with a hobby (a motorbike collection). The land to the rear of the building is vacant and has relatively recently been cleared and covered in hardcore.
- 1.3 An existing building, used for agricultural storage, abuts the site to the east; agricultural land lies to the north; the access to the site and the remaining part of Well Hall Farm, which is also a public right of way, lies to the south. To the immediate west are the back gardens of three dwellings on Bedale Road: Well Hall Farm (the applicant's home), Northfield and Rebana.
- 1.4 It is proposed to remove the existing building and construct a larger building on the site to be used for the same hobby purpose (motorbike storage for 12 bikes) and for the garaging of four cars. The application site covers a larger area than the existing building and includes the land up to the boundary with the agricultural land to the north. The application states it is proposed to change the use of all of this land to domestic use.
- 1.5 The dimensions of the building would be 35m x 8m (280sqm) with a ridge height of approximately 4m. The distance between the side elevation of the building and the boundary with the dwelling known as Rebana would be approximately 3.2m.
- 1.6 There would be a roller shutter door in either end of the building, with a smaller one and a personnel door to the side elevation, facing northwards towards the boundary with Rebana. The applicant has been asked to relocate this to the end of the building, where there is space for it to be inserted without facing towards the adjacent dwelling, but he has declined to do so.
- 1.7 Amended plans have, however, removed three windows and reduced the size of the roller shutter door from the side elevation. A total of seven rooflights are proposed in the side elevation. The building would be constructed of insulated profile sheeting to the walls and roof.
- 1.8 The scale of the building is such that it would lend itself to a Class B1(light industrial) use if the proposed domestic use were to cease and it is important therefore to consider the range of possibilities for future uses of the building, bearing in mind that Planning Permission would be required for any alternative use.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 15/02776/FUL - Construction of an agricultural storage building (36m x 9m x 6.2m); Refused 26 February 2016 for the following reason:

The proposed development would cause a substantial loss of amenity to neighbouring residential property by reason of an overbearing impact and an increased sense of enclosure to the existing neighbouring properties contrary to LDF Policies CP1 and DP1, which require proposals to adequately protect amenity.

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 CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - comments from councillors are as follows:

- The application description is inaccurate; this appears to be for several vehicles. Other buildings are available for the required purpose now most of farming operation has ceased. If permission is granted, a condition should limit the use to vehicle storage;
- There is no clear indication of cladding materials, colour etc. or why the use would be vulnerable to contamination;
- The building seems much larger than the one to be demolished or needed to store vehicles and somewhat disproportionate to the size of the property it would support. The area outlined in red is larger than the building size proposed;
- Discrepancies between drawings; and
- More information is required before a final decision can be made.

No further comments to add in respect of the amended plans.

- 4.2 Highway Authority - no objection.
- 4.3 Ramblers Association - no objection.
- 4.4 Environmental Health Officer - I have reviewed the amended documents provided by the Agent of the Applicant and consider that the Kingspan insulated roof and ceiling materials will have a positive impact on reducing potential noise from within the proposed structure. There is still potential for internal noise, from mechanical activities taking place within the structure, to cause disturbance to nearby residents. I consider that conditions are required in order to protect the nearby residents from any potential disturbance from noise and light pollution.
- 4.5 HDC Conservation Officer - it is unlikely that the setting of Well Hall or the adjacent barn would be affected by this proposal. The building is to be located within a farmyard of similar buildings and to the far side of an existing building. There are

non-listed buildings between the listed buildings and the site which will block views to and from. I wouldn't ask for a heritage statement for this application.

4.6 Public comment - representations have been received from and on behalf of 3 local residents, summarised as follows:

- No justification has been provided to explain why the building is required. Recent history suggests that business and industrial uses may be more probable;
- Other buildings on the farm may be available that would suit the required purpose;
- Although the revised proposal represents a reduction in height from the previous refused scheme it still does not adequately protect amenity, particularly with regard to privacy, security, noise and disturbance and daylight;
- The proposal is still in close proximity to the boundary of Rebana (approximately 2.5 metres) and approximately three metres in height. This is simply not sufficient to address the previous reason for refusal;
- The building is of a much greater scale than the one that is to be demolished at the site and is largely disproportionate to the size of the applicant's residential property. No clarification as to the need for such a large unit at the site has been submitted;
- We have been informed that the applicant already regularly disturbs the neighbouring properties including at weekends by revving his motorbike engines and testing his motorbikes in the yard part of the Well Hall Farm Estate and it is likely any further development will exacerbate these problems. Already one of the other industrial units is equipped as a motor workshop which could accommodate this requirement;
- The bulk and massing of the building would create a sense of enclosure; residents would be considerably affected. In addition, the height of the proposed building would be significantly more than the height of the existing fence. Tree cover is sparse and the boundary fence does not adequately conceal the proposed development;
- the submitted drawings identify numerous windows and doors on the Rebana side elevation giving rise to further amenity privacy and likely noise issues;
- The application site is adjacent to several important listed buildings, including the Grade I listed Well Hall and Grade I listed Well Church, and is adjacent to the boundary of the Well Conservation Area. The applicant has not submitted a Heritage Assessment or attempted to assess the impact of the proposed development on these heritage assets;
- This domestic building is also sited outside the building line for the village;
- The site is adjacent to three private residences which will receive the full effect of any motor/motor cycle activates, as will the village itself with the increased motor/motor cycle traffic;
- The applicant has shown no consideration for any disturbance, both the noise and the huge building itself, which would cause local residents distress and upset;
- It is not believed that the application site is brownfield;
- Policies CP4 and DP9 stipulate that development outside of development limits will only be supported when an exceptional case can be made for the proposals. We do not consider that the proposed development constitutes an exceptional case;
- Measurements for the height of the proposed building are taken from a base which does not as yet exist, as the gravel site has yet to be covered;
- The fence at Rebana is 6 ft - indicating that the 7 ft 8 in height stated on plan would mean that there is a 1ft 8 in drop behind the fence to the building level, the total height of the proposed building on the plans is approx. 24 ft;

- The statement that there is tree coverage of most of the unit by non-deciduous trees is totally incorrect - there are two trees which are deciduous in the corner of Rebana's garden covering a very small area of the unit in summer;
- These proposed domestic garages are behind both Well Hall Farm house and Rebana, yet the main entrance to the garages is directly opposite Rebana's kitchen window. This main entrance to the garages consists of a third roller door, a pedestrian door and several windows, indicating considerable traffic; The noise, pollution, vehicle movement and pedestrian traffic - which the applicant states are currently experienced elsewhere in the Well Hall Farm site would all be brought together and concentrated behind Rebana;
- The applicant states that there would be thousands of pounds of vehicles in the garages behind Rebana - which gives me grave concerns for personal safety as alternative access to the garages is across my property; and
- These domestic garages if permitted would destroy the privacy, quality of life and enjoyment of my property, the noise and air pollution would be considerable, as would pedestrian movement during usage, repair and maintenance of the many vehicles.

Further comments have been received regarding the amended plans as follows:

- This 'revised' application has minimal changes. I previously set out the many ways in which this garage/store and its intended use would dominate my house and deprive me of the enjoyment of my property;
- In addition I understand that the applicant would wish to establish a driveway between the garage/store and my perimeter fence. This driveway would be used by traffic from the farm road to access the north facing roller door and the side roller door and the pedestrian door and windows which are opposite my kitchen window;
- The building and its intended use is totally unsuitable for this situation;
- The revised proposals still do not adequately protect amenity, particularly with regard to privacy, security, noise and disturbance and daylight;
- We have serious concerns regarding the two doors facing Rebana on the side elevation. The revised drawings submitted by the applicant show the removal of windows on the elevation facing Rebana. Although we are supportive of this change we do not consider this to be adequate to deal with our client's amenity concerns. The applicant's justification for the retention of the doors is that the line of Rebana misses the proposed roller door. We dispute this claim as there would still be views within the line of sight of windows in Rebana and clear views from the private garden, further exacerbating amenity privacy issues;
- Whilst the applicant has offered to provide sound insulation to the building, this will not be effective if the roller shutter door is open. Given that the building will be used for maintaining and repairing motor vehicles, this break in the building envelope will remove the benefits of sound insulation in the building fabric when the door is open;
- The applicant has indicated that he will be driving cars and motorbikes on land to the south west of the unit. This access path would foreseeably result in noise nuisance being caused, impacting on the residents of Rebana and giving rise to amenity issues. Given the number of motorised vehicles potentially in use at this building, the level of vehicular activity is potentially beyond what would normally be associated with a residential use. Due to the close proximity of the residential dwellings this strip of land should not be used for any purpose, including as an access route; and
- If the Council is minded to recommend the application for approval we request that no doors are permitted on the side and rear elevations and that a strict condition is applied to restrict the use of the land along the curtilage of Rebana from being used as a vehicle access road.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to (i) the nature and principle of the development; (ii) the visual impact of the building proposed; (iii) the impact on heritage assets; and (iv) the impact on residential amenity.

Nature and principle of development

- 5.2 There is no longer a significant amount of agricultural activity associated with Well Hall Farm and many of the buildings are in employment uses. The building within the application site is currently used for storage of the applicant's motorbikes. There is no recorded planning history relating to this building and information submitted with the planning application determined earlier this year stated the yard has been used for general storage and for livestock, including chickens.
- 5.3 The application site lies outside the Development Limits of the village and therefore development should only be granted if an exceptional case can be made in terms of Policies CP1 and CP2 and in respect of the criteria within Policy CP4.
- 5.4 Criterion ii of Policy CP4 would allow development outside Development Limits if it is necessary to secure a significant improvement to the environment. Given the nature, form and use of the site, it is difficult to see how the existing use would be harmful to residential amenity to a degree whereby the proposed development would be beneficial to local residents through the removal of the use.
- 5.5 The applicant describes the proposed use of the building as domestic and there is no doubt that he intends to use it to accommodate his personal collection of cars and motorcycles. However, the collection is large and the building would have a footprint over three times that of the applicant's dwelling. The red line includes an area approximately twice the size of the current curtilage of the applicant's home. As such the site and the building could not only accommodate a far greater number of vehicles than normally found in a domestic setting but could also accommodate significant plant and machinery to be used in repairing and maintaining the collection. If such activity were carried out intensively, the use of the building would differ little from a vehicle repair workshop.

Visual impact of development

- 5.6 CP4 also requires that the proposal should not conflict with the environmental protection policies of the Local Development Framework. Policy CP16 aims to preserve and enhance the natural and man-made assets of the District. Amongst these assets is the open countryside, its landscape, character and appearance. The proposed building lies on the site of an existing building, albeit a much smaller one and is surrounded on three sides by development. The site does not form part of the open countryside and the construction of a building on this site would not detract from the character and appearance of the surrounding rural landscape.

Impact on heritage assets

- 5.7 Due to the scale and positioning of the proposed building it is not anticipated that the development would have an adverse impact on the character or appearance of the nearest listed building at Well Hall to the south east or the Well Conservation Area, both of which lie beyond the opposite side of the original farmyard.

Impact on residential amenity

- 5.8 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The existing building and land within the application site are currently available for use in connection with agricultural activities; the information submitted with the earlier planning application stated the rear yard has been used for general storage and for livestock including chickens. It should be noted that the refusal of application 15/02776/FUL set out in paragraph 2.1 did not include any indication that agricultural activity would be unacceptable in this location. The residents who have commented on the application would argue that the proposed use for the storage of motorbikes and cars would also have an adverse impact but with conditions as recommended and the use of insulation as proposed, a domestic use is likely to result in less noise and disturbance.
- 5.9 The Council's Environmental Health Officer and adjacent local residents are concerned regarding the potential scale of the activity within the building could result in noise and disturbance, particularly if used to store a large number of cars and motorbikes. From the details visible on the submitted plans it appears that the building could accommodate a significantly larger number of cars and motorcycles than the applicant currently owns. It is not unreasonable to consider the storage of vehicles associated with a person's hobby as a domestic activity requiring an amount of floor space and although the scale of the building is relatively large the opportunity for harmful activities would be minimised so long as the use is genuinely domestic. There is however an opportunity for disturbance to occur if the vehicles were being repaired or maintained, particularly if the doors were open. A condition is therefore recommended that would require the doors to be closed if any work is being undertaken inside the building, although the need to do this is highly unusual for a domestic proposal. The Environmental Health Officer has confirmed that the use of the insulating material specified in the application would have a positive impact on reducing potential noise from within the proposed structure and this can be secured by planning condition, even though it is highly unusual to need to exercise such close control over a domestic activity.
- 5.10 To conclude on the potential for noise disturbance, the advice from the Council's Environmental Health Officer and the assessment of planning officers indicates that neighbour amenity can only be adequately safeguarded by the imposition of conditions that are rarely if ever imposed when dealing with domestic proposals. The need for such conditions is driven by the scale and nature of the building, which has the appearance of a workshop, and the conditions could require a significant monitoring commitment on the part of the Local Planning Authority depending on how the building is used. The safest approach is to secure protection of amenity in the same way that would be done if this building were proposed for industrial use.
- 5.11 It is also important to consider the effects of the proposed structure itself on the amenity of the adjacent residents. The proposed building would lie approximately 3m from the boundary with the neighbouring dwelling Rebana. The dwelling is single storey and positioned at a higher ground level than the application site, with the rear garden sloping downwards towards the boundary. The distance between the rear elevation of Rebana and the side elevation of the proposed building would be approximately 17m.
- 5.12 The existing ground level of the application site, which is surfaced with hardcore, lies at a lower level than the bottom of the boundary fence. The outlook from the rear windows of Rebana would be onto the eaves height of the building and its roof. The ridge of the proposed building would be below the eaves of the adjacent building to the east, which is a much taller structure. The outlook from the rear windows of Rebana would not be significantly altered and the sense of enclosure would not be

greatly increased due to the distance of the proposed building from the boundary and its relatively low height.

- 5.13 It is considered therefore that in respect of the structure and its use the proposed domestic building would not have an adverse impact on residential amenity that would be contrary to LDF Policy DP1, subject to compliance with the recommended conditions.

Conclusion

- 5.14 The scale of the building is such that it would lend itself to a Class B1 (light industrial), B2 (general industrial) or B8 (storage and distribution) uses in line with other buildings within the former farmyard if the proposed domestic use were to cease but the possibility of the building being used for commercial purposes in the future is not a matter for consideration at this stage and is merely speculation as the application is for a domestic use only. The applicant requires the building for the storage of private vehicles for his own enjoyment and the Planning Authority is satisfied that the proposed use is domestic. Any alternative use would, however, be subject to further planning control.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development, including details of the colours of the walls and roof sheeting, have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method and thereafter retained.
3. 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 or alteration shall be carried out to the building hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
4. The roof lights in the building hereby approved shall not be capable of being opened.
5. No work to any vehicles stored within the building, except vehicle washing, shall take place other than within the building hereby approved, with the doors closed.
6. There shall be no external illumination of the building, yard or access without details having first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
7. The walls and roof of the building shall not be constructed other than using the "Kingspan" insulated materials specified in the application (or an alternative of equivalent acoustic performance to be approved in advance writing by the Local Planning Authority).

8. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered E007-04C received by Hambleton District Council on 10 June and 21 September 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions 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. 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.
3. In order to protect the amenities of residential property in the locality in accordance with LDF Policy DP1.
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5. In order to protect the amenities of residential property in the locality in accordance with LDF Policy DP1.
6. In order to protect the amenities of residential property in the locality and the appearance of the rural landscape in accordance with LDF Policies CP16, DP1 and DP30.
7. In order to protect the amenities of residential property in the locality in accordance with LDF Policy DP1.
8. 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 Policies.