

Parish: Well
Ward: Tanfield
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Committee Date: 2 February 2017
Officer dealing: Mrs H Laws
Target Date: 10 February 2017

16/02586/FUL

Revised application for a change of use from agricultural to domestic use, involving the construction of single storey steel portal structure to accommodate domestic cars and motorbikes

At Well Hall Farm, Bedale Road, Well
For Mr Garry Elsworth

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site forms part of the group of buildings associated with Well Hall Farm, which lies at the northern end of the village on the eastern side of Bedale Road.
- 1.2 A 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; residential properties on Bedale Road lie to the west.
- 1.3 Part of the site is occupied by a small building, currently in use as a domestic 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.
- 1.4 It is proposed to construct a replacement building on the site to be used for the same domestic purpose. The application does not state the number of cars and motorbikes that would be stored but the floor plan shows ten motorbikes and 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.
- 1.5 The footprint of the building would be 22.5m x 8m (180sqm) with a ridge height of 3.75m. The distance between the side elevation of the building and the boundary with the dwelling known as Rebana would be approximately 3m.
- 1.6 Planning permission was refused for a similar building in October 2016 (see paragraph 2.2 below) for a building with a footprint of 35m x 8m (280sqm) and a ridge height of 4m. The information within that application indicated that the building would be used to store four cars and between 9 and 12 motorbikes.
- 1.7 There would be a roller shutter door in either end of the building, with a personnel door to the side elevation, facing northwards towards the boundary with Rebana. A total of five rooflights are proposed in the side elevation. The building would be constructed of insulated profile sheeting to the walls and roof.

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.

2.2 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; Refused 14 October 2016 for the following reasons:

1. The proposed development is outside defined development limits and the application fails to demonstrate any exceptional case for development as defined within Core Policy 4 of the Local Development Framework.
2. The proposed development is considered to be harmful to residential amenity due to the potential for noise propagation from the building particularly due to a lack of appropriate acoustic protection and the proximity of roller shutter doors to the neighbouring residential properties. As such the proposed development is considered to fail to comply with the requirements of Local Development Framework policy DP1.

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 – the following comments have been made by Parish Councillors:

- Contrary to CP4 - does not satisfy any exceptional circumstances. A door remains on the west side giving rise to disturbing neighbours amenity due to noise. Thus neither of the reasons for refusal of the previous application are addressed, so they still apply. The reduction in size suggests the last application for 12 bikes was unnecessarily large, or this one is too small;
- Has much been changed? Slightly smaller, but still likely to disturb neighbours;
- Not clear what has been revised;
- As long as just domestic use. Not clear as to what has changed;
- potential for noise and disturbance, more now than previously as the northern roller shutter door is nearer to Rebana;
- This site is outside development limits, and does not accord with any of the exceptions found in CP4, thus is clearly contrary to policy;
- That is to say....nothing has changed in planning terms;
- No further comments; and
- Size is smaller and if only domestic use I have no objection.

4.2 Highway Authority - no objection.

4.3 Ramblers Association - no objection to this proposal in addition to what is already a business centre. The public right of way within the site is well defined, walkable and separated by a fence from farm usage.

4.4 Environmental Health Officer - The proposed structure is adjacent to residential premises and there is the potential for noise from vehicle movements and vehicle maintenance and lighting from the development impacting on the amenity of those properties. Recommends conditions that: (a) the development is only for the domestic use of the occupier of Well Hall Farm; (b) the door to the west elevation is removed and the windows the west elevation are not be openable; and (c) details of any external lighting are submitted to and approved in writing by the Local Planning Authority.

(This advice differs from that provided on application 16/01362/FUL in that it is no longer recommended that all doors be closed while work takes place within the building. The EHO has advised that closing the doors makes mechanical extraction of vehicle exhaust fumes necessary and he does not consider that appropriate for a domestic use.)

4.5 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.

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

- The only revision, a reduction in the length of the unit, does not address previous objections or reasons for refusal relating to amenity, therefore permission should be refused;
- Inaccuracy of the revised plans;
- The proposal does not accord with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 which dictate that applications must be determined in accordance with the Development Plan (in this case Core Policy 4 and Policy DP1 of the Local Development Framework), unless material considerations indicate otherwise;
- The proposal does not constitute a significant improvement to the environment and cannot draw support from criterion ii of Policy CP4. The applicant has not demonstrated any exceptional case for the development;
- The applicant's offer to provide sound insulation to the building will not be effective if the roller shutter doors (or pedestrian side door) are open;
- The acceptability of the proposed sound insulation arrangement has not been tested and proven by a qualified acoustic engineer and in the absence of such a noise assessment, the changed noise environment will result in harm to amenity, particularly given the number of vehicles that would use the building;
- The passage of cars and motorbikes on land to the south west of the unit (along the curtilage of Revena) to reach the rear entrance would result in noise nuisance and loss of amenity;
- There is insufficient screening between adjacent dwellings and the proposed unit;
- The application site and the building would still accommodate a far greater number of vehicles than normally found in a domestic garage and further house significant associated plant and machinery. The unit would be more akin to a storage and distribution use (Use Class B8) or a light industrial style use (Use Class B1c) than ancillary Use Class C3 domestic garage; and

- The overbearing nature of the proposal would have a detrimental effect on amenity.

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 alternative use. The building within the application site is currently used for storage of six motorbikes belonging to the applicant, who lives at Well Hall Farm. 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. The first reason for the refusal of the planning application in October last year was in respect of this matter of principle for new development outside Development Limits.
- 5.4 Criterion ii of Policy CP4 would allow development outside the Limits if it is necessary to secure a significant improvement to the environment. Agricultural activity undertaken at the site could have a significant impact on residential amenity in such close proximity to neighbouring residents. The adjacent buildings within the Well Hall Farm site are used for commercial purposes and therefore there is potential for a significant amount of disturbance to local residents that would be beyond the control of the Local Planning Authority.
- 5.5 It must be asked however whether the proposed use for domestic purposes be necessary to secure a *significant* improvement. Depending on the nature of the agricultural activity and the extent of the hobby, the storage and maintenance of the applicant's cars and motorbikes could result in less noise and disturbance but that cannot be certain and there is no way of gauging the difference in terms of neighbour amenity with confidence. In order for the proposal to be considered an exception under policy CP4, the reduction would need to be significant and that is not certain
- 5.6 The applicant describes the proposed use of the building as domestic and he intends to use it to accommodate his personal collection of cars and motorcycles. However, the collection indicated in the application is large, certainly more than are currently stored on the land, and the building would have a footprint roughly double 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. It is not considered therefore that the improvement secured to the environment would be significant and would not therefore accord with LDF Policy CP4 as an exception.

Visual impact of development

- 5.7 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, 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 rural landscape.

Impact on heritage assets

- 5.8 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 buildings 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

- 5.9 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. Any agricultural activities could occur without any further permission and it has been suggested that the provision of an insulated building would reduce the potential for noise and disturbance to the adjacent residential properties.
- 5.10 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 for storage and repair of a large number of cars and motorbikes. It is not unreasonable for a domestic use to require a large amount of floor space for the storage of vehicles associated with the applicant's hobby and although the scale of the building is relatively large the opportunity for harmful activities is minimised if the use is domestic. There is however an opportunity for disturbance to occur if the vehicles are being repaired, particularly if the doors are open, and if significant repair activity takes place at times when neighbours should expect quiet, particularly in the evening or at weekends. The scheme has been amended to reduce the building's size but the collection of vehicles appears to be the same as indicated in the previous application, so the amount of activity may not be reduced.
- 5.11 To conclude on the potential for noise disturbance, the advice from the Council's Environmental Health Service and the assessment of planning officers indicates that neighbour amenity can only be adequately safeguarded by a construction specification and 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. In this regard it is pertinent to note the change in EHO advice since the previous application. The current advice indicates that it is not practical to require that all doors are closed when work takes place because of the need for mechanical ventilation it would generate, so it would have to be accepted that some aspects of vehicle maintenance and repair, particularly those involving running engines, would take place with one or more doors open, thus increasing the risk of noise disturbance.

- 5.12 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.
- 5.13 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.
- 5.14 It is considered therefore that in respect of the structure there would be no significant impact on residential amenity, but in respect of its use there would be an adverse impact on residential amenity that would be contrary to LDF Policy DP1.

Conclusion

- 5.15 The scale and nature of the building are such that it would lend itself to a Class B1 (light industrial) or Class B2 (general industrial) use if the proposed domestic use were to cease, although those uses would require planning permission. The applicant requires the building for the storage of private vehicles for his own enjoyment and the Planning Authority is satisfied that his proposed use is private and personal, and therefore of a domestic nature. Any alternative use would be subject to further planning control. However, it is not considered that the alterations to the proposed development have overcome the reasons for refusal of the previous application and the development would therefore be contrary to LDF Policies CP4 (principle of development) and DP1 (impact on residential amenity).

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposed development is outside defined development limits and the application fails to demonstrate any exceptional case for development as defined within Core Policy 4 of the Local Development Framework.
 2. The proposed development is considered to be harmful to residential amenity due to the potential for noise propagation from the building particularly due to the proximity of doors to the neighbouring residential properties. As such the proposed development is considered to fail to comply with the requirements of Local Development Framework policy DP1.