

Update Sheet

Page No

3. Planning Applications

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Report of the Deputy Chief Executive.

Please note that plans are available to view on the Council's website through the Public Access facility.

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PLANNING COMMITTEE
SUPPLEMENTARY INFORMATION
29th September 2022 - Update list

Agenda Item	Application number and Parish	Respondent	
1	20/02047/OUT	Officer Note	The Surface Water Management Plan states in the conclusions that surface water will be discharged to the water course to the south boundary of the site. This is not correct. The assumptions in the report are based on discharge to an existing surface water sewer which discharges to the water course to the North on The Avenue.
2	20/02464/FUL	Parish Council	Note that the Parish Council still object on the basis of the revised scheme.
3	22/0321/FUL	Applicant	<p>Section 1.7 states '<i>... An area of hardstanding would be provided to connect an existing area with the roller shutter door proposed in the west elevation of the building.</i>' This area of hardstanding related to the building in its original position to the north of the warehouse – not the position as it stands within the curtilage of the existing buildings. There is no additional area of hard standing required on the new site and there is also no roller shutter door in the west elevation.</p> <p>Reference is made in representations to the Wensleydale Railway. Since the re-siting of the proposals, this is no longer considered relevant.</p> <p>Section 4.8. Note that the site of the proposed development is approximately 25m from the neighbouring cottages and not 13m.</p> <p>Any issues regarding the management of the two businesses on site would be a matter for the operator to comply with relevant legislation.</p> <p>Section 4.9 states '<i>A copy of correspondence between the neighbour and a visitor to the holiday accommodation details works taking place at the application site that led to a disturbance such that compensation was paid.</i>'. These works were part of the existing livery business and are entirely irrelevant to the planning application, or indeed the applications proposed use.</p>

Applicant
response to
objections

Section 4.10 and 5.5. Discussion around the viability and profit created from the livery business. The third party comments are refuted and evidenced by portal document #2113669.

Section 5.20 Concerned that the commentary of the Objector's acoustician has been quoted without there having been proper reference to the equipment and its location.

Section 5.22 Had the 2m high wall been constructed, it would further have served to protect the mixed use livery site from being impacted by the holiday accommodation in as much as they are now being leveraged against this proposal.

I believe Section 5.23 Again note that the building is now 25m from the holiday cottages and not 10m.

There would be no inevitable closure of the holiday cottages given that sound surveys confirm no observed effect, I believe that the building, with the newly lowered roof, will also not be visible over the top of the boundary wall of the cottages making the appearance irrelevant. If bookings are cancelled and refunded this would be the choice of the owners.

There are no flaws in the Nova Acoustics report, it has been made by an independent national company. The calculated sound reading from the proposed building fall under even the particularly low values from LA Environmental and remain as no observed effect. All of the machines were measured – we did not cease production for a day and turn on and measure each machine individually. The readings at the injection moulders (in the woodshop), cnc machines (own room) and lathe (with extractors) therefore also take in measured background from all other machinery operating in the background as normal.

Planning condition enforcement is the responsibility of the Planning Enforcement department as is the case in all planning. With the level of interest from our neighbours, I am sure they will be

policed.

The machines we use are the machines we use, in most cases they are expensive (the list price of a new Swiss Lathe is around £200,000) there would be no sense in buying replacements and, presumably, also paying to dispose of the existing equipment.

To my knowledge the only assumption mentioned by Environmental Health is that the building will be completed as per the planning application and that conditions will be placed on any granting of planning to ensure this. Document 2115723 is another document submitted by this same objector and as such I can make no observations on any assumptions they may have.

Wherever possible we have provided full documented evidence to illustrate factual claims, the only deliveries received by the proposed building would be for raw materials and I am happy to state again for the record that these are received approximately 6 times per year (max 7.5t as per conditions and current operations).

The latest report states in section 5.11 that 'Local planning authorities may take decisions that depart from an up-to-date development plan but only if material considerations in a particular case indicate that the plan should not be followed' as is the case here and as further laid out in the officer report.

When put into context, the officer report clearly sets out why the planning is being recommended against local planning policy as being the right thing to do.

The cattle grid installed must surely be capable of carrying the vehicles to which the road is rated. Ham Hall Lane is a regular run for agricultural vehicles for us and neighbouring farms, six deliveries per year, delivered on maximum 7.5T vehicles will clearly not be an issue as confirmed by the Highways Authority who are more than satisfied. As with the cattle grid, the level crossing must be capable of carrying the vehicles to which the road is rated. 6

Neighbour
Representation

deliveries per year clearly is not 'significant additional road traffic' and as such Wensleydale Railway do not object and indeed have not objected.

The application is correctly Class E, this is clearly demonstrated by the current location of the business in a residential development. Model manufacturing is traditionally a 'cottage industry' operating out of a garage or garden shed despite the 'size' of our business, the machines we use are exactly the same as those used by 'cottage industries'.

Despite several months since submitting this application the Parish Council have not submitted any material reason for wishing to see the application refused. We also note that, again despite several opportunities to do so, the Parish Council has never discussed this application in the open forum of the Parish Council Meetings.

Given the standard operating hours of the building the issue of light pollution and the translucent panels is clearly not relevant, it also fails to acknowledge the numerous safety lighting around the livery yard which operate throughout the opening hours of the livery yard 06:00 to 21:00.

3-phase electricity is already supplied to site.

The David Cullingford statement shows a complete misunderstanding both of the planning application and the submitted business plan, the quoted figures are incorrect and entirely misrepresented.

Development will result in the closure of the holiday cottages. To date 22 guests have reservations for 2023 - these would have to be refunded. (Contravenes policy EG8)

It should be noted that the baseline recording needs to be unhindered by deliberate attempts to increase local noise levels.

Nova Acoustic Report does not show any readings for a number of the machines which are listed in both the Officer Report and the application (ie. internal extraction equipment, saws, sanders, dust extraction machines, finishing/polishing machine).

Where is the guarantee that the machines which have been documented for noise output will be the same ones in use in the newly constructed factory?

No reference has been made to Permitted Development rights and potential for extension.
(Officer Note: Recommendation to include additional condition removing Permitted Development Rights.)

Too many assumptions have been relied upon in favour of this application and there has been far too much ill-placed faith in the word of the applicant in the Officer Report

The development is contrary to policy and contravenes a number of policies within the recently adopted Hambleton Local Plan: Policy E2, Policy EG8, Policy E7.

It also contravenes Policy EG7 in the recently adopted Hambleton Local Plan. It does not entail the expansion of an existing business: nothing demonstrates that it meets an operational need that cannot be physically or reasonably met on its existing site (in Worcestershire): it does not involve the re-use of an existing building: it is not well related to any existing rural settlement: nor is it shown that it cannot be located within a nearby settlement or within an identified employment location (for example, barely 2km distant in Leeming Bar): nor does it 'specifically require' a countryside location.

If the planning officer's recommendation to grant this application is supported by the Planning Committee, the newly installed cattle grid at the junction of Ham Hall Lane and the A684 may not be able to support the tonnage of HGVs.

Ham Hall Lane is currently closed for at least a month due to the installation of a new cattle grid resulting in traffic using the level crossing; *'The level crossing is not designed for frequent use by*

large vehicles, this would be likely to cause significant maintenance issues. The Railway would object to a development that resulted in significant additional road traffic.'

Ham Hall Lane is not open in nature. The fence obstructs vision – drivers often have to reverse a significant distance due to the sharp bend
Industrial land is available locally
Scruton Parish Council wish to see it refused

Leakage of light from the translucent panels in the proposed workshop, creating light pollution in the dark sky, has not been addressed by the EHO

There have been no investigations with regard to power supply from the grid. 3 phase will be required for these machines. Can the existing grid support this operation without detriment to the supply to neighbouring households? Will a sub-station be required? and if so where will it be placed?

The benefits of this scheme are illusory as there is a blind adherence to the belief that allowing the model workshop on the site will help to secure the future of the livery business

The workshop is unlikely to provide the funds required because it cannot support a location on an existing appropriate site

If the workshop is to be allowed, then the signing of a Unilateral Undertaking should be insisted upon. The applicant should undertake a list of specified physical tasks to improve the livery before and after permission is granted.

There is no real synergy between the workshop and the livery business either functionally (skills, type of work, operations, products) or financially (nothing requires any income from the workshop to support the ailing livery business)

Given the complexities of the acoustic reports the Council should employ a third party acoustician to verify the results.

Nova Acoustic's most recent report states:

The applicant has stated that there is a planning requirement for the operators of the holiday home adjacent to the site to have a 2m tall solid wall installed around the external area of their property. [p18 under the subheading 'Boundary Wall']

The details of the wall were agreed as built through a discharge of condition application which agreed that the boundary detail was acceptable.

The link between the model workshop on the site and the future of the livery business is very weak

The submissions provide reasons to undermine that belief. The livery is expected to make loss of £75,000 pa for the first 5 years and to require £380,000 of investment to recover from the alleged previous neglect. Yet the applicants cannot afford to locate their workshop on an appropriate site. Nor can they split their resources because 2 people need to be in the workshop at all times (for safety reasons) and the livery will require constant supervision. Yet the elder Mr and Mrs Wright intend to retire (a reason for purchasing Field House) which leaves only 3 'active' family members to undertake all the supervision required.

If approved there should be a Unilateral undertaking to ensure that specific works are carried out to the livery business.

The livery appears to be entirely self-service and new contracts were to be sought. No experience is referred to on the website.

The neighbour remains concerned that the submission contains misleading information and cites Bob Neil who stated:

“Planning applications are publicised during the determination period so that any interested parties have the opportunity to comment. If any party considers that the application includes deliberately misleading information, or lacks important information that would be material to the decision, they should report this to the relevant local authority who will decide what, action is appropriate. Planning permission can be refused on the grounds that information provided was insufficient to accurately describe the nature and anticipated impacts of the proposed development.”

The observation then sets out a number of changes to the acoustic assessment through the consideration of the application and a number of statements made in relation to the running of the livery business, its viability and need for additional investment.

The neighbour asks the question that given the identified discrepancies in the submission, what other issues are there which have not been identified.

Officer Note:

Additional information has been submitted through the course of the application in order to support the applicant’s case and answer questions raised by Members, the Environmental Health and other officers.

The neighbour has raised a number of concerns about the number and enforceability of the proposed planning conditions. They set out that they consider that the conditions, designed to protect amenity are not readily policed and would be difficult to enforce.

Officer Note:

The conditions proposed are considered to meet the requirements of the National Planning Policy Framework:

		Representation from visitor to adjacent cottages	<p>Concerns have been expressed about future alterations or extensions to the building. On this basis it is recommended that all Permitted Development Rights be removed for alterations and extensions.</p> <p>I have visited the Ham Hall cottages in June this year and was pleasantly surprised at the quiet country situation these cottages have surrounding them. Concern about noise, dust and smell from chemicals. The narrow lane is not suitable</p> <p>RECOMMENDATION In addition to the conditions already set out in the Recommendation it is further recommended that Permitted Development Rights which would allow the extension or alteration of the building.</p>
4	21/02458/FUL Potto	Update from ecologist	<p>Officers received an email from the applicant's ecologist confirming that they have carried out a site visit as requested. They commented as follows; <i>"The site survey did not record any major ecological constraints to the proposed development at the site, however a low-moderate number of bat droppings were recorded in the larger barn which may indicate roosting activity. I don't foresee this being a major constraint to the development, although a single survey (May to Sept) would be required to confirm if bats are roosting in the barns and then subsequently the requirements for mitigation and compensation input for bat species. The droppings would indicate low numbers of day roosts in the barn rather than maternity activity. Also recorded in the large barn was a single barn owl pellet; this would indicate that barn owl use the building on an occasional basis for roosting purposes; the impact of the development on barn owl can be mitigated with standard measures."</i></p> <p>These comments reaffirm Officers position set out in para 5.18 of the Committee Report that the potential risk in terms of the impact on protected species is low and any impact can be addressed through a suitable condition requiring mitigation measures once the single emergence survey is carried out and assessed by the ecologist.</p>

		Third Party Representation	<p>An additional objection to the amendments was received by Officer's after publication of the Committee Report. The comments can be summarised as follows:</p> <ul style="list-style-type: none"> - The Officer report was written without taking into account the latest response from the Structural Engineer to the report submitted in support of the application. - The development does not comply with policy S5 as the building is not structurally capable of conversion and the tests within the Structural Survey supporting the application has been limited to visual survey only and without detailed, invasive, inspection it simply cannot be known whether the foundations, concrete slab, walls, steels and timber supporting structure can support the much heavier and change in loading of the Development, including its new walls, roof and first floor. - The shed is not an 'eyesore' as outlined in the Officer's report and only reasonable maintenance would be required to bring it up to standard. Previous Inspectors have taken the view that "While the large structure has a rather dilapidated appearance this does not justify the harm that would result from the proposal, particularly as there is no reason to believe that this matter could not be reasonably resolved by other means." - The building is not redundant or disused and it could be used alongside the applicant's land. - The proposed design would have an urbanising effect and fail to recognise the intrinsic character and beauty of the countryside. - There is no fall-back position that would allow the building to be used for livestock or poultry and therefore the nitrate output needs to re-calculated. <p>The objector above submitted a letter from CoDa Consulting Civil and Structural Engineers which refutes the claims in the structural report submitted in support of this application. The comments within this can be summarised as follows:</p> <ul style="list-style-type: none"> - Firstly, this sets out the previous reports from Officers and Inspectors from the previous applications/prior notifications for the conversion of this building. - There have been no material changes in the structural circumstances of the shed and therefore the conclusion must remain the same. - The Structural Report is only to 'identify any defects to the building which might cause structural issues for future developments along with an assessment of the overall condition of the building.' Having reviewed it, it is clearly just a visual survey report with little measured
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		<p>Cllr David Hugill Comments</p>	<p>survey of the structural elements and no structural analysis of the structural members and frames.</p> <ul style="list-style-type: none"> - The report does not appear to recognise that the building has been designed as an agricultural building with substantially less onerous design criteria than those used in a building for human occupation. - At Section 5 the Structural Survey Report identifies several 'considerations for future development'. These matters are critical to the structural analysis of the shed and the omission of a detailed analysis of them is significant. There has been no intrusive investigation and analysis of the existing foundations to assess the impact of any additional loading. <p>Note the two letters attached to this update from which the above summary is taken.</p> <p>Cllr Hugill has pledged support for this application.</p>
	<p>21/02482/FUL Linton on Ouse</p>	<p>NYCC Heritage Agent Officer Housing manager Agent</p>	<p>No additional observations to make in light of the amendments</p> <p>Amended plans show the inclusion of 4 social rented units namely the 1 bed flat units 12/13 and 18/19, satisfying clause 1 of para 6.53. The tenure mix of the 14 affordable units is 28.6% (4 units) social rent, 28.6% (4 units) affordable rent, 28.6% (4 units) shared ownership and 14.3% (2 units) discounted sale.</p> <p>An updated table of the proposed accommodation size, type and tenure is below</p> <p>The Housing Manager has confirmed the tenure mix is acceptable. The agent is requested to prepare a revised draft 106 agreement to cover the revised tenure</p> <p>The agent advises a noise consultant has been appointed to provide information regarding the pumping station, advises the density of the scheme based on the site area at 0.78 Ha (1.95 Acres) is 24 dph, is happy to accept a condition regarding boundary treatment to the west boundary with dwellings on Half Moon Street, and to the area of public open space and provided details of alternative access schemes considered.</p>

		Officer	<p>Planning officers are satisfied details of the boundary treatment to western boundary with Half Moon Street and around the Public Open Space can be appropriately conditioned. A condition regarding the boundary treatment to western boundary to Half Moon Street and Public Open Space is required.</p> <p>Ecology advisor to the Council have advised that the Biodiversity assessment is flawed and does not provide a gain in biodiversity. The agent has been advised.</p>
		Defence Infrastructure Organisation	<p>Object to the proposed drainage arrangements during a flood that relies upon Ministry of Defence land to receive overland flow of surface water during an exceedance event.</p>
6	22/00509/MRC Knayton	None	
7	20/02700/CLP Hutton Sessay	None	
8	21/02011/MRC Hutton Sessay	Parish Council	<p>Raise concern with errors in the report. Paragraph 1.1 - The track to the west of the site is private not a public right of way Paragraph 1.2 - The pub is in the same ownership at the Caravan Park.</p>
		Officer	<p>The public footpath referred to leads westward to Highfield Farm, the track immediately to the west of the Park is not a public right of way. The public house has not been considered as part of the same planning unit as the Caravan Park.</p>

Item 5 updated plot number, type, size and tenure.

Plot	Type	size		Tenure
		sqft	m2	
1	3 bed detached bungalow	1,022	95	Market Sale
2	3 bed detached bungalow	1,022	95	Market Sale
3	3 Bed semi detached House	1,001	93	Shared Ownership
4	2 bed semi detached house	850	79	Aff rent
5	2 bed detached bungalow	775	72	Market Sale
6	2 bed detached bungalow	775	72	Market Sale
7	3 bed detached house	1,033	96	Discount Sale
8	3 Bed semi detached House	1,001	93	Discount Sale
9	2 bed semi detached house	850	79	Aff rent
10	2 bed semi detached house	850	79	Aff rent
11	3 Bed semi detached House	1,001	93	Shared Ownership
12	1 bed flat	538	50	Soc Rent
13	1 bed flat	538	50	Soc Rent
14	3 bed detached bungalow	1,022	95	Market Sale
15	2 bed semi detached house	850	79	Shared Ownership
16	2 bed semi detached house	850	79	Shared Ownership
17	2 bed semi detached house	850	79	Aff rent
18	1 bed flat	538	50	Soc Rent
19	1 bed flat	538	50	Soc Rent
		15,903	1,478	

The Chief Planning Officer
Hambleton District Council
Planning Services
Civic Centre
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Northallerton
North Yorkshire
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Rawcliffe
46, Cooper Lane
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FAO Mr Peter Jones – Development Manager (North)

26 September 2022

Dear Mr Jones

Planning Committee 29 September 2022

Change of Use of Agricultural Building to a Dwelling, External Alterations and Demolition of Single Storey Outbuildings (“the Development”) Land West of Rawcliffe, 46 Cooper Lane, Potto (“the Site”)

Planning Application Ref No 21/02458/FUL Mr and Mrs R Hill (“the Applicants”)

I refer to my letter dated 24 November 2021 (attached) on this matter and CoDa Structures recent letter of 21 September 2022 (attached) in response to the newly solicited Structural Report by Core Structural Ltd (the CSL Report) for the Applicants. Please would you read both if you have not already done so.

This matter is now to be discussed at the Planning Committee on 29 September next despite the fact that I was given until 23 September to submit a response to new information. This means that the Officer’s Report to Committee was completed in advance of the CoDa Structures letter of 21 September and without the benefit of properly assessing its conclusions in the balance of considerations. This is disappointing at best, discourteous in the sad circumstances (which you are aware of) and prejudicial. I have now had the opportunity of reading the Officer’s Report, which is startlingly inconsistent with the LPA’s and Planning Inspectors’ several previous decisions (see paras 2.1-2.4 of the Officer’s Report for a resume), misrepresents the facts of submitted information and consequently seriously misdirects Members on compliance with development plan policy (especially Hambleton Local Plan Policy S5 Development in the Countryside).

It is obvious from the Officer’s Report that this apparent volte-face is predicated on two new and changed conclusions. Firstly, that the shed is somehow now, and for the first time, and based on the CSL Report, considered to be structurally capable of conversion to residential use. Secondly, that the shed is also now considered to be such an eyesore that its conversion or indeed *redevelopment* (para 5.3) would enhance the area. Both are remarkable conclusions given the planning history, the LPA’s and Inspectors’ recent consistent and contrary comments and decisions, facts and reasonable judgment. I comment briefly below.

Structural Condition of the Shed and Conversion and Local Plan Policy S5

The Officer’s Report says that the CLS Report is an “improved” structural report (para 1.5) and which has “much greater detail of the inspections that have taken place of the various structural elements of the building”. Ultimately, this concludes that “the building...has the potential to be re-developed.” Consequently, the Officers Report at para 5.5 says that “...policy S5 is considered to support the principle of this development.” This is a misrepresentation of the facts and a serious misdirection to Members such that an approval of planning permission based on this advice would be unsafe. What is clear is that the CSL Report is again only a limited visual survey and does not, at any level, confirm that the existing shed is structurally capable of conversion for the Development. To be fair to the author of the CSL Report, he does not disagree, and the list of “Considerations for future development” at Section 5 and “Summary” at Section 6 makes this clear. There is simply no evidence to show that significant structural intervention is not required. Without such evidence from detailed, invasive, inspection it simply cannot be known whether the foundations, concrete slab, walls, steels and timber supporting structure can support the much heavier and change in loading of the Development, including its new walls, roof and first floor. What should be obvious is that the shed was not

built with the structural capacity for a two-storey house. As J Lawrence BEng Hons CEng MStructE of CoDa Civil and Structural Engineers says in his recent letter of 21 Sept 2022,

In conclusion, after scrutiny of the limited submissions, I consider that a number of internal load bearing walls are proposed and that probable works to new foundations and the slab will be required, meaning there is potentially only a modest amount of help from the existing structure. Together with the complete re-cladding of the building and the formation of a significant number of new openings such extensive works are not typical to a conversion project. As a matter of professional judgement, I do not consider that this proposal can be fairly and reasonably be described as a 'conversion'. Indeed, I consider it to be plainly evident that the scope of required works constitutes a rebuilding exercise, including new and substantial elements. The shed, for the purposes of the accepted criteria, is not considered suitable for conversion.

It therefore fails Local Plan Policy S5 f (ii) and (iv). The LPA is consequently invited to defer consideration of the planning application and to instruct its Officers to require from the Applicants a fully investigative structural survey with calculations, which details the actual proposed load bearing and structural work that would be required for the Development. It should then have any report independently examined so that Members might be better advised on this important issue.

The Shed as an "Eyesore"

Whilst I appreciate some local people would like to see the shed tidied up a little, the changed position and suggestion that it is an eyesore by the Case Officer is both troubling as well as exaggerated. The shed has not deteriorated much over recent years and only a modicum of reasonable maintenance is required. However, this has not been occasioned by either the previous or new landowner in the context of repeated applications for residential development. It is a shed that is common in form, design and materials to the locality and what one expects to see in the local countryside. Its condition does not meet the threshold for a S215 Notice intervention by the LPA but if it did the matter could be appropriately dealt with. If the LPA rewards landowners for failing to reasonably maintain their sites and buildings in such circumstances then it will be contrary to normal and best LPA practice and merely encourage gaming of the planning system. Previous applications have sought to suggest that residential proposals would lead to an enhancement of the building and area but this would merely serve to reward poor husbandry, be it deliberate or otherwise. I would refer you to the Inspectors comments re 3180127 and 16/02573/FUL in November 2017 dealing with a very similar scheme for this same shed when he said

IR17 The appellant refers to an enhancement to the immediate setting arising from the proposal. At the time of my site visit the buildings and external areas of the site were generally clear. While the large structure has a rather dilapidated appearance this does not justify the harm that would result from the proposal, particularly as there is no reason to believe that this matter could not be reasonably resolved by other means.

On other matters the suggestion that the shed is redundant or disused is fanciful. The landowner has approx 8 acres of adjacent land such that its use would be most practical for storage of land husbandry equipment etc. Choosing not to do so merely suggests an approach of seeking to meet a criterion of a planning policy for development gain. It fails Local Plan Policy S5 f (i). In design terms the suggestion that the scheme is now different and better to the others consistently refused and dismissed by the LPA and Inspectors over recent years is again a misrepresentation. The Development has no less than 11 new openings in its south and west elevations, which will be prominent from the PRoW. There are also 11 new openings in the rear elevation and 24 overall. Inspectors were very clear on the harm from poor design in these circumstances, which would be an urbanising and highly incongruous incursion into the countryside. Consequently, it would fail to recognise the intrinsic character and beauty of the countryside. The design is poor and consequently the Officers conclusion and recommendation on design is troubling, inconsistent and baffling. It fails Local Plan Policy S5 g (i) and (ii). Finally, the Officers report again misdirects Members at para 5.16 and suggests, in terms of satisfying the nutrient neutrality issue, that the lawful fall-back position would allow for livestock or poultry to be kept in the shed, the latter having a "relatively high nitrate output". This is factually wrong and there is no such fall-back position. Perhaps you could correct this erroneous claim at Committee and seek a recalculation of the nitrogen output given the serious implications for the Teesmouth and Cleveland Coast SPA catchment.

Yours sincerely,

Mrs C Young



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21 September 2022

Our Ref: /JL/jl

The Chief Planning Officer
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FAO Mr N Puckering – DC Case Officer

Dear Sir

Change of Use of Agricultural Building to a Dwelling, External Alterations and Demolition of Single Storey Outbuildings (“the Development”)

Land West of Rawcliffe, 46 Cooper Lane, Potto (“the Site”)

Planning Application Ref No 21/02458/FUL

Mr and Mrs R Hill (“the Applicants”)

As an experienced practitioner I have been asked by Mrs C Young of Rawcliffe, 46 Cooper Lane, Potto to audit a new document entitled ‘Structural Survey Report’ dated 8 April 2022 by Core Structural Ltd in regard to planning application ref 21/02458/FUL for the Development. I have many years of experience dealing with conversion projects and providing expert advice to clients on structural matters.

I previously advised Mrs Young and audited a Structural Report dated 10 July 2017 by A19 Consultancy Services, Peterlee Co Durham for the same shed. The conclusions of that report were endorsed by both the LPA and the Planning Inspector dealing with S78 Appeal ref APP/G2713/W/17/3180127. On that point I would refer to the following extract from Mrs Young’s objection letter to the LPA dated 24 November 2021 re the Development (which recognises at that stage that no structural report at all had been submitted),

A structural report by a professionally qualified civil and structural engineer is noticeable by its absence with the Applicants’ submissions. This matter has already been considered in some detail by an independent Civil and Structural Engineer Mr J Lawrence BEng (Hons) CEng MIStructE of CoDa Structures, Leeds and the LPA and the Planning Inspector when dealing with the S78 Appeal re APP/G2713/W/17/3180127 in November

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2017 for the conversion of the same building to two, semi-detached 2 storey dwellings. As I say earlier that scheme was very similar to that now proposed under this current planning application. In its S78 Appeal Statement the LPA stated;

4.15 It is not considered that the report clearly demonstrates that the building is capable of conversion. It is generally accepted that for a conversion to be accepted it needs to be demonstrated that the building is capable of being converted. Whilst not permitted development under Class Q of the GPDO, the guidance set out under paragraph 105 of the Planning Practice Guidance is a useful reference. This identifies the requirement for the existing buildings to be structurally strong enough to take the loading which comes with the external works to provide for residential use.

4.16 The submitted structural report does not demonstrate this. On the contrary, it supports the view that the building is not capable without significant works being undertaken, with very limited amounts of the existing structure being structurally strong enough. It would also appear that significant amounts of the existing walling and roofing would need to be replaced. The structural report also lacks detail as to the extent of works that may be required for conversion (e.g. vertical bracing for the side walls for stability, repairs to steelwork).

4.17 Whilst some works to convert an agricultural building to a dwelling and be compliant with building regulations are to be expected, the amount of works that will be required go beyond what can be reasonably considered as a conversion.

In his subsequent decision letter on 30th November 2017, Inspector C L Humphrey BA (Hons) DipTP MRTPI, commented as follows.

IR18 The appellant makes reference to permitted development rights under Class Q in relation to the change of use of agricultural buildings to dwellinghouses. However, the Planning Practice Guidance states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling and further that it is not the intention of the permitted development right to include the construction of new structural elements for the building. Based on the evidence before me, the construction of substantial new structural elements would be necessary to enable the existing structure to be used as dwellinghouses. As such it has not been demonstrated that permitted development rights exist in this case

I attach a copy of my previous letter to the Planning Inspectorate dated 29 September 2017 for information. There have been no material changes in the structural circumstances of the shed and consequently my conclusions remain the same and that the scope of the works required to *convert* this shed to a dwelling would actually constitute a very significant rebuilding exercise, including new and substantial structural elements. The newly solicited Structural Survey Report by Core Structural Survey Ltd fails to evidence that the shed is structurally stable and suitable for residential conversion without requiring substantial new structural elements.

I note that the Structural Survey Report was prepared to 'identify any defects to the building which might cause structural issues for future developments along with an assessment of the overall condition of the building.' Having reviewed it, it is clearly just a visual survey report with little measured survey of the structural elements and no structural analysis of the structural members and frames. Consequently, I would make the following observations,

The building is a single bay, twin pitched, steel portal frame approximately 18.0 x 8.55m on plan. Asbestos cement board cladding is fixed to secondary steelwork on the upper sections of the elevations. There is solid blockwork wall, approximately 2.25m high above the ground floor. The ground floor slab is ground bearing.

The report acknowledges that there are significant defects and that extensive maintenance and remedial work is required to extend the life of the building.

The report does not appear to recognise that the building has been designed as an agricultural building with substantially less onerous design criteria than those used in a building for human occupation. For example, the deflection on the steel frame underloading may be excessive particularly as the report highlights the 'structure appears to have been relocated and lifted vertically at some time in its life.' and the original column sections are slightly smaller than the members used for the extension.

At Section 5 the Structural Survey Report identifies several 'considerations for future development'. These matters are critical to the structural analysis of the shed and the omission of a detailed analysis of them is significant.

A full analysis of the existing structural frame and secondary member is noticeable by its absence. The proposed additional loadings [e.g. a heavier roof and introduction of a mezzanine] have not been assessed. This is particularly important as the building has already been extended vertically and this was likely to have been done without out structural assessment.

There has been no intrusive investigation and analysis of the existing foundations to assess the impact of any additional loading. I consider it improbable that the existing slab, structure and foundations are capable of supporting the likely load of the proposed development.

In conclusion, after scrutiny of the limited submissions, I consider that a number of internal load bearing walls are proposed and that probable works to new foundations and the slab will be required, meaning there is potentially only a modest amount of help from the existing structure. Together with the complete re-cladding of the building and the formation of a significant number of new openings such extensive works are not typical to a conversion project. As a matter of professional judgement, I do not consider that this proposal can be fairly and reasonably be described as a 'conversion'. Indeed, I consider it to be plainly evident that the scope of required works constitutes a rebuilding exercise, including new and substantial elements. The shed, for the purposes of the accepted criteria, is not considered suitable for conversion.

If any structural, construction or engineering matters arise please do not hesitate to contact me here at Springfield Court directly.

Yours faithfully



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Cc Mrs C Young