

**Parish: Whenby**

Ward: Huby

**4**

Committee Date : 6 February 2020

Officer dealing : Ann Scott

Target Date: 29 October 2019

Date of extension of time (if agreed): 11 January 2020

**19/01840/FUL**

**Proposed conversion of an existing agricultural building to one residential dwelling.**

**At: Wellfield Farm Whenby North Yorkshire YO61 4SF**

**For: Marshall Properties Projects Ltd.**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is in open countryside and the nearest village is Whenby 1.2km north west of the application site. The site is south of Whenby Lane, between Whenby and Sheriff Hutton which is approximately 3km south east from the application site and beyond the district of Hambleton.
- 1.2 The application proposes the conversion of a redundant agricultural building to a dwelling on land at Wellfield Farm, Whenby. The building to be converted is a large modern steel frame building beneath a cement profile roof with steel sheet sides. The proposal is to form one dwelling creating a first floor to achieve a five bedroom dwelling. Part of the lean-to section of the building is to be reduced such that the dwelling will stand on a smaller footprint than the existing building.
- 1.3 The external walling of the building is to be mainly Yorkshire Boarding with large windows within aluminium frames and sliding doors on the south east and south west elevations. A proposal for a detached domestic car port to the west of the building has been omitted the proposed car port.
- 1.4 The agent in their covering statement with the application states:

“Since the approval of the aforementioned planning application, our client has instructed agents to market the three proposed dwellings. The overwhelming feedback from agents has been the identification that the homes will be difficult to attract prospective purchasers due to their size and location. Accordingly, our client has considered an alternative approach to the conversion of the building to ensure that the wider development of the site is not adversely impacted by the retention of a dilapidated Dutch Barn.

The development proposals have retained the design quality of the wider development proposals at the site and are in keeping with the approved proposals to convert the building. The design is still modern and contemporary, but as we have not been restricted by the Class Q requirements, we believe we have been able to provide a much improved conversion proposal for the Dutch Barn. The footprint of the amended proposal is smaller in size than the existing footprint of the Dutch Barn and approved conversion scheme. The amended proposal will therefore improve views onto and from within the site as the overall form and massing of the Barn will be better suited to the spatial relationship of the surrounding area.

The principle of converting the building for residential development has been established by the extant planning permission at the site. The development proposals therefore seek to amend the proposed conversion of the building from

three to one residential dwelling to ensure that it is market facing and doesn't remain as a dilapidated feature detracting from the redevelopment of the wider site."

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 19/00881/MBN - Notification for prior approval for a proposed change of use of 3 agricultural buildings to 5 dwellinghouses and for associated operational development - Granted 10/6/19.
- 2.2 The proposal made in this application is to convert the large modern building that has previously gain approval for use as 3 dwellinghouses to a single dwelling, the approval for the conversion of two separate buildings to the north west of the application site, each to a new dwelling, is unaffected by the proposal. The two barns are shown to provide a 4 and a 5 bedroom dwelling.

## **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 CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

## **4.0 CONSULTATION**

- 4.1 Whenby Parish meeting - No response received.
- 4.2 NYCC Highways - No objections subject to conditions regarding parking, turning and access.
- 4.3 Yorkshire Water - No response received
- 4.4 Environmental Health - No objections
- 4.5 Foss Internal Drainage Board - The Board notes that whilst the impermeable area on site may not alter as a result of the existing agricultural building, nonetheless, when in residential use, the property would require formalised drainage arrangements for both the disposal of surface water and foul sewage. The Board notes that under the Land

Drainage Act 1991 and the Board's byelaws, the Board's consent (outside of the planning process) is needed for any connection and/or discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly.

4.6 Publicity – no responses received.

## 5.0 ANALYSIS

5.1 The main planning issues to consider in this case are the principle of conversion of a rural building to a dwelling, landscape impact of the building alterations and new use and matters of highway safety and drainage.

### Principle of development

5.2 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration. The site falls outside of Development Limits of any settlement. Whenby does not appear in the settlement hierarchy and signals that the application site is not considered to be a sustainable location for new development.

5.3 Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that permission will only be granted for development outside of Development Limits "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). Paragraph 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

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 In the settlement hierarchy contained within the IPG, Huby is defined as a Service Village. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. The site is not located where it will support local services in a village nearby and cannot comply with the requirement of the first criteria of the IPG. To gain support from the IPG a proposal must meet all the criteria. As the proposal fails the first criteria the IPG cannot be used to support the development proposal.
- 5.7 The applicant's statement, see third paragraph of 1.4 above, sets out the conversion would "ensure that it doesn't remain as a dilapidated feature detracting from the redevelopment of the wider site. Policy CP4 notes that where an exceptional case for development can be made under CP1 and CP2 and one of the six criteria exist development may be supported. If the development "is necessary to secure a significant improvement to the environment" (CP4 criteria 3) support could be given subject to the remaining test of CP4 relating to not conflicting with environmental protection and nature conservation policies. The conversion of the building is not necessary to secure a significant improvement to the environment: i) the building is not a prominent feature in the landscape, ii) the building does not result in harm to the landscape, iii) the removal of the building is not necessary to overcome any harm, iv) the landscape does not need improvement. As such the proposal cannot benefit from the provisions of CP4 criteria iii).
- 5.8 The site is situated in open countryside outside the development limits the nearest village is Whenby which is in open countryside as defined in Policy CP4. Policy DP9 "Development outside Development Limits" seeks to ensure that new development, will only be granted for development outside development limits in exceptional circumstances having regard to the provisions of CP4 or where it constitutes replacement of a building, which would achieve a more acceptable and sustainable development than would be achieved by conversion. As noted above, the scheme cannot gain support from CP4, the proposal seeks to convert not replace the building so cannot gain support from DP9 and the conversion as shown in this scheme is not considered to be "more acceptable than would be achieved by conversion" as consented by the prior notification procedure, as set out at paragraph 2.1 above.
- 5.9 The steel portal framed agricultural building which has no particular architectural or historic merit which would warrant it worthy of retention. Due to the isolated location the proposal would result in the need to travel to access services and facilities mainly by the private car as the potential for means of public transport in this location would be very limited. A previous application under class Q permitted development rights proposed a conversion of the building to three separate 3 bedroom dwellings. Whilst the travel impact of a large single dwelling may be less than three smaller 3 bedroom dwellings the proposal for a large 5 bedroom dwelling would not meet local needs. As such the proposal would not achieve a more acceptable development. Furthermore there is no evidence to substantiate the assertion that "the homes will be difficult to attract prospective purchasers due to their size and location", other than a statement in the submitted supporting statement.

- 5.10 Policy CP4 allows for development in other locations in the countryside which will only be supported when an exceptional case can be made to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in the countryside and will support a sustainable rural economy. The case put forward in this submission does not provide sufficient clear and convincing justification for the purposes of an essential requirement for a rebuilt single dwelling in connection with the existing previous class Q conversions on the other buildings on the site as set out in the accompanying supporting information. The proposal is contrary to Core Strategy Policy CP4 of the Hambleton Development Plan.
- 5.11 If the building was considered by the owners to harm the setting of the other buildings on the site there would be no objection in principle to the demolition of the building. The condition of the building is acceptable it does not cause significant harm to the appearance of the immediate surroundings or the wider landscape. The conversion or replacement of the building is not necessary to secure a significant improvement to the environment as no such improvement is necessary.

### **Highway Safety/Access**

- 5.12 The site is in a remote location, with access via Whenby Lane which links to Sherriff Hutton. The Highways Authority have no objections in principle to the proposal subject to conditions in relation to parking, turning and surfacing materials. There are very limited options for accessing the site via means of public transport, walking or cycling the proposal does not therefore accord with Policy CP2 as it will not minimise the need to travel and will not reduce the need to travel by private car.

### **Flood Risk/Drainage**

- 5.13 The site is not adversely affected by drainage issues and is sited in flood zone 1, land at the lowest risk of flooding. It is considered that the retention of the reduced building will not significantly change the risk of surface water drainage problems or flood risk on the site. Drainage to the site for surface water is proposed via an existing watercourse and foul drainage via a septic tank. No comments have been received from Yorkshire Water and the Drainage Board has no objections to the proposal.

### **Contaminated land**

- 5.14 The proposed development does not provide a risk assessment for the potential for contamination on the site due to previous use for agriculture. A condition could be attached to ensure appropriate safeguards relating to remediation of any contamination that may exist. The Environmental Health Officer has no objections to the proposal.

### **Conclusion**

- 5.15 The proposal has been considered in accordance with the Local Development Plan and National Planning Policy Framework. There are no other material planning considerations which would outweigh the application being determined in accordance with the Development Plan.
- 5.16 The proposed development is situated in open countryside, outside the Development Limits for any nearby settlements, noting no Development Limits are drawn for Whenby, and would have a harmful impact due to remote location where a residential development would need to be essentially required for the purposes of agriculture,

forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy.

**6.0 RECOMMENDATION:**

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The proposed development is situated in open countryside and beyond the Development Limits for any nearby settlements as defined in Core Strategy Policy CP1, CP2 and CP4 of the Hambleton LDF. The proposal would not be a sustainable form of development due to remote location where under the provisions of CP4 and the NPPF development is only to be supported where it is required for the purposes of agriculture, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy.