

Parish: Potto
Ward: Osmotherley & Swainby
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Committee Date: 29 September 2022
Officer dealing: Mr Nathan Puckering
Target Date: 8 December 2021
Date of extension of time 30 September 2022

21/02458/FUL

Change of use of an agricultural building to a dwelling and associated works, including demolition of single-storey outbuildings.

At: Agricultural Building, Land Adjacent To Rawcliffe Cooper Lane Potto
For: Mr & Mrs R Hill.

This application is brought to Members owing to the level of Public Interest in the development.

1.0 Site, Context and Proposal

- 1.1 The site is a rectangular parcel of land located on the western edge of Potto, at the end of a track leading off Cooper Lane. It forms part of a former smallholding that also incorporated a paddock/grassed field area to the west. Within the site is a modern portal framed agricultural building measuring just under 160sqm, which sits alongside some smaller timber buildings that are presently in a state of severe disrepair. To the east of the building, beyond the hedgerow that lines this boundary, is a stable block and paddock, with several detached dwellings that line the track beyond this.
- 1.2 Due to its location on the edge of the built form, the building and site is in a fairly prominent location in terms of the setting of the village. This is mostly due to the public right of way which runs east-west past the site 50m to the south that offers a public vantage point of the western edge of the village which is compounded by the lack of any substantial landscaping around the site.
- 1.3 The site has been subject to several refused applications for the conversion of the building. More recently, the building has been the subject of a prior notification for its conversion under permitted development rights. All of these have been refused, with some also dismissed at subsequent appeals.
- 1.4 This application is for the conversion of the agricultural building to a dwelling. The wider site will be incorporated into the domestic curtilage of the site, with the dilapidated timber buildings demolished. Access will be taken from the existing track that enters the south east corner of the site, with a hardstanding area created for the driveway. The external appearance of the building itself will be altered, with the corrugated profile fibre cement sheeting that currently makes up the upper part of the walls and the roof removed and replaced with timber Yorkshire boarding on the walls and a standing seam natural zinc roof. Windows will be inserted, mostly on the front and rear elevations, with an integral garage also included.
- 1.5 Through the course of the application, the following additional supporting information was submitted & improvements were secured to design:

- A full Landscape Visual Impact Assessment submitted
- An improved structural report assessing the state of the building submitted
- A Landscape Plan
- Simplification of the principal elevation by way of the removal of zinc cladding and rendering to include just the single material - i.e. the timber boarding
- Reduction in the amount of fenestration on the western elevation that is most visible from the PROW

2.0 Relevant Planning and Enforcement History

- 2.1 16/02573/FUL - Demolition of two storage structures and conversion of existing large storage structure into two, semi-detached dwellings - Refused for the following reasons:
The proposed development would be located on the edge of a village that is identified as an 'Other Settlement' in the revised Settlement Hierarchy for Hambleton. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, the proposed development does not reflect the existing built form and character of the village and would have a detrimental impact on the natural and built environment. Further, the proposed design is not considered to be of a high quality as required by LDF Policy DP32 and the resultant development will not reflect the local character or distinctiveness and will not enhance its setting. This does not achieve the requirement of enhancing the immediate setting as required by paragraph 55 of the NPPF. The proposal fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy, that would justify development outside Development Limits. The Development would be contrary to LDF Policies CP1, CP2, CP4 and DP9, DP28 and DP30 along with the Council's Interim Planning Guidance (2015). This application was subsequently Dismissed at appeal.
- 2.2 18/00159/FUL - Revised application for the demolition of 2 storage buildings, alterations and conversion of large storage building to form 2 semidetached dormer bungalows with installation of mezzanine floor, new access driveway, associated work and provision of car parking. - Refused for the same reason as set out above. Also dismissed at appeal.
- 2.3 18/02419/FUL - Revised submission of 18/00159/FUL for demolition of two smaller storage structures and reduction in height & conversion of existing large storage structure into one, single-storey, bungalow dwelling with integral garage and associated external alterations to provide new brick walls and tiled roof externally, new windows & doors, access driveway, gardens/curtilage behind 1 metre high boundary fence and new tree planting line. - Refused for the same reason as set out above. Also dismissed at appeal.
- 2.4 20/02738/MBN - Notification for prior approval for a proposed change of use from agricultural building to 1 dwellinghouse and associated operational development - Refused due to non-compliance with the General Permitted Development Order.

3.0 Relevant Planning Policies

- 3.1 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 out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Local Plan Policy S1: Sustainable Development Principles

Local Plan Policy S3: Spatial Distribution

Local Plan Policy S5: Development in the Countryside

Local Plan Policy E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy E3: The Natural Environment

Local Plan Policy E7: Hambleton's Landscapes

Local Plan Policy IC2: Transport and Accessibility

4.0 Consultations

- 4.1 Parish Council - Whilst the PC understand the views of the immediate neighbours and their objections, it has been approached by a number of parishioners in support of the redevelopment of this site, the view being that a proposal that is sympathetic to surrounding property would enhance the character of the site, remove an eyesore and be a vast improvement to the current situation on a site that is visible to public rights of way around the village.
- 4.2 NYCC Highways - The visibility splay available at the proposed access to Cooper Lane from the private Cooper Lane Track has been assessed as falling below the standards set out in Manual for Streets. This is particularly the case to the south east where a hedge has been planted in the public highway verge. Cooper Lane at this location is lightly trafficked and traffic speeds are low. The existing building will have an associated use which could lead to vehicular trips with the permitted operation. Therefore, it would be difficult to demonstrate that a minor further intensification of the existing access to the public highway would result in an unacceptable impact on highway safety and a refusal on highways grounds would be difficult to sustain on this occasion.
- 4.3 Environmental Health - No objections.
- 4.4 Environmental Health (Contaminated Land) - No objections.
- 4.5 Teesside Airport Safeguarding - No objections.
- 4.6 Northumbrian Water & The Safety Regulation Group were consulted but submitted no comments.
- 4.7 Site Notice & Neighbour Notification - 17 letters received, 13 in support, 2 in objection and 2 neutral. The following comments were made:

Support

- Something should be done to the building, but it is more desirable that the building be knocked down and the site redeveloped from there.
- Residents wish to see a positive conclusion brought to the derelict building to finally bring closure to the planning history.
- The development would be respectful to the location and village life.
- The applicants are long standing residents of the village, and the proposal would remove the eye sore that is currently there.

Object

- The planning history has made it clear that the building is incapable of operating as a dwelling and a new dwelling on this site would be in conflict with national and local policy.
- The structural report has already been assessed by Inspectors as failing to demonstrate the building is suitable for conversion.
- The conversion of this building will bring about pressure for a new storage building for the machinery that the site is currently used for.
- There is a risk that allowing the principle of residential development in this location will lead to in-filling.
- Concerns with existing infrastructure.
- The proposed design is poor and would be incongruous.
- No details of the impact on protected species has been submitted.
- Highway safety concerns.

Following amendments, a 10-day re-consult period was carried out. At the time of writing, no further public comments had been received, nor any pertinent additional comments from consultees.

5.0 Observations

5.1 The main issues for consideration in this instance are:

- the principle of the conversion
- design
- landscape impact & the impact on the countryside
- amenity
- highway safety/access
- nutrient neutrality
- biodiversity & protected species

The Principle

5.2 Since the refusal of the previous applications, the Council has adopted the Hambleton Local Plan. This now sets out a clear list of requirements for the proposed residential conversion of rural buildings. Policy S5 states that such a proposal will be supported when:

f) the building is:

- i. redundant or disused;
- ii. of permanent and substantial construction;
- iii. not in such a state of dereliction or disrepair that significant reconstruction would be required; and

- iv. structurally capable of being converted for the proposed use; and
- g) the proposal:
 - i. would enhance the immediate setting; and
 - ii. any extension or alteration would not adversely affect the form, scale, massing or proportion of the building.

- 5.3 Upon Officer's visiting the site, it was clear that the building was empty and appeared as though it had been out of use for quite some time. On that basis, Officers are content that the building meets requirement f) i. The initial Structural Report that was submitted was scant in detail and did not provide enough information for a judgement to be made as to whether the building is capable of re-use. The building is steel framed, with block work up to about half wall height, with corrugated cladding to the roof and remainder of the walls. The development would retain the lower walls and the steel frame and allow for the re-cladding of the upper walls and roof. An updated and improved report was then submitted which offers much greater detail of the inspections that have taken place of the various structural elements of the building. Ultimately this concludes that, whilst limited repair work may be necessary, the building is in fair-good condition and therefore has the potential to be re-developed. On balance, Officers are content that f) ii-iv are met.
- 5.4 At the moment the building is widely viewed as an eye sore, as set out in a number of the public letters of support. Whilst these types of buildings are common in the rural environment Officers generally concur with this assessment, partly owing to the proximity of the building to the village. It is considered that the unattractive, functional design is presently having a negative impact on the character and appearance of the locality and the setting of the village. This is further compounded by the state of disrepair of the adjoining timber structures which look unstable and derelict. The complete removal of these structures as part of the wider redevelopment of the site is very much welcomed and will enhance the setting of the site. As such, requirement g) i. is met. There is to be no extension to the building and therefore point g) ii. can be discounted.
- 5.5 The above assessment demonstrates that on balance the proposal complies with the requirements of local policy relating to the conversion of rural buildings. On that basis, policy S5 is considered to support the principle of this development.

Design

- 5.6 Policy E1 of the Local Plan relates to the design of development. This requires all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place. It then goes on to list a number of design principles which help to achieve this overarching aim. Particularly relevant in this case is the requirement to respond positively to a site's context and drawing inspiration from the key characteristics of its surroundings.
- 5.7 The initial proposal caused concern regarding the overtly domestic appearance of the proposed dwelling, which given the location was considered to be inappropriate. The alterations by way of the simplification of the external appearance in terms of the materials, addressed this issue. The

use of Yorkshire timber boarding throughout the elevations of the building will give the appearance of a rural barn-like building that is much more in keeping with the rural surroundings. It will represent a significant improvement on what is presently there and that is certainly welcomed. It is considered that the design of the conversion constitutes a high quality development and therefore complies with policy E1.

Landscape Impact & Impact on the Countryside

- 5.8 Policy E7 seeks to protect the District's landscapes and requires, amongst other things, development to take into consideration the degree of openness and special characteristics of Hambleton's landscapes. Also relevant in this respect is policy S5 which requires development to recognise the intrinsic beauty, character and distinctiveness of the countryside as an asset. Furthermore, it specifically states that development will only be supported when it would not harm the character, appearance and environmental qualities of the area in which it is located.
- 5.9 A professionally prepared Landscape Visual Impact Assessment was submitted to accompany the amended plans. This demonstrates that views of the building are fairly readily available from several adjacent vantage points and the current state of the building is harming the character and appearance of the landscape in the locality. Furthermore, the LVIA informed a new landscape plan which includes a more substantial hedgerow defining the boundary of the site which will include intermittent tree planting.
- 5.10 It is noted that in previous appeal decisions, the Inspectors have taken the view that the conversion of this building would lead to an unacceptable level of domestication of the site and thus be a harmful incursion into the open countryside. Officers were conscious of this previous ruling and initially expressed the concern with the initial proposal that this would have led to the same level of harm. The amended design to some extent addresses this concern, and the improved landscape plan will soften the visual impact of the building, ensuring that the site does not appear overtly domestic but rather a suitable edge of settlement building. This coupled with the improvement to the appearance of the building that will result from its conversion means that on the whole the development is considered to have a positive landscape impact.
- 5.11 To fully ensure that the concern of the domestication of the site is addressed, a condition withdrawing permitted development rights to prevent domestic outbuildings being constructed, as well as other extensions to the dwelling itself, is recommended.

Amenity

- 5.12 Policy E2 of the Local Plan requires all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 5.13 In this instance the site is somewhat detached from the closest dwelling due to a paddock area between it and the nearest neighbour. As a result, the development is considered to have no significant impact on the amenity of

neighbours. Furthermore, the design of the dwelling and the wider site ensures that future occupiers of the development will have ample amenity space. The proposal complies with policy E2.

Highway Safety

- 5.14 It is important to ensure that all development is served by a suitable access that will not compromise highway safety. To assist in this, the Local Highway Authority were consulted. They acknowledge that the visibility is not up to standard at the access onto Cooper Lane and this is noted. However, given the low vehicle speeds on Cooper Lane this development is considered not to compromise highway safety. Indeed, it is important to note that at the moment the access could serve a smallholding with the larger vehicles this would require using the same access. The development will likely prevent this from happening moving forward. On this basis, the proposal is considered acceptable on highway safety grounds.

Nutrient Neutrality

- 5.15 On 16th March 2022 Natural England identified that The Teesmouth and Cleveland Coast Special Protection Area is being adversely affected by nutrient pollution. An immediate requirement is not to issue any further planning approvals that would increase the discharge of nutrients into the River Tees catchment. This site falls within said catchment. Since this first announcement, Natural England have created a 'nitrogen calculator' that allows one to compare the nitrogen output from a proposed development relative to the existing use.
- 5.16 In this case, the building in question has a lawful fallback position of being an agricultural building that could reasonably be brought back into use as part of the smallholding and for example be used for poultry, which has a relatively high nitrate output. On this basis, the agent has provided a completed nitrogen calculator which demonstrates that should the 0.12ha site be brought back into use in this way, as it lawfully could, the proposed conversion to a dwelling will actually lead to a net decrease in the nitrogen output - therefore it would be 'nutrient neutral'. On this basis, Officers are content that there will be no detrimental impact on the SPA and this application can be determined.

Biodiversity & Impact on Protected Species

- 5.17 Policy E3 of the Local Plan now requires all development to lead to a net gain in biodiversity. Furthermore, the impact of development on protected species is also a material planning consideration.
- 5.18 Initially no Ecology Survey was submitted as part of this application. The issue of the potential impact on bats was put to the agent who has clarified that an initial scoping survey of the site was carried out which concluded that due to the construction of the building, any bat roosts would be clearly evident and there were none observed. Furthermore, there were no bat droppings or other signs of bats present. On this basis a full Bat Survey was felt unnecessary. Officer's note this and would agree that on this basis, the likelihood of bats being present is low. However, a Bat Survey confirming this was requested and is to be submitted but at the time of writing had not been received. Notwithstanding, based on the evidence before Officer's at present, it is

considered that the risk is low and therefore this has not been a reason to recommend refusal.

- 5.19 A proposed landscaping plan has been submitted, although there has been no information provided insofar as biodiversity baseline calculations. Nevertheless, Officers are content that given the low biodiversity value of the current site that a net gain will be possible through the landscaping plan and subsequent management of this. Therefore, a condition requiring this to be confirmed is considered to be adequate to cover this issue and thus the proposal complies with policy E3.

Planning Balance

- 5.20 The proposed conversion in this instance is considered to comply with all the relevant requirements of policy S5 and therefore on balance the principle of development is supported by local policy. The present building is in a state of dilapidation that has led to it becoming an eye sore that is not viewed favourably by much of the local community - as demonstrated by the letters of support. Due to it being readily visible the existing building is considered to have a detrimental landscape impact and resultant impact on the setting of the settlement. Its conversion to a suitably designed dwelling that takes into account the rural context will rectify this and ensures compliance with policies E1, S5 and E7. On that basis, approval is recommended.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered RH/002 Rev A and 2216.01 received by Hambleton District Council on 22.06.2022 & 24.08.2022 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to the clearance of the site, a management plan outlining how a net gain for biodiversity can be achieved through the implementation of the landscape scheme shall be submitted to the Local Planning Authority. This shall then be implemented fully.
4. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
5. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved

plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works: - The parking of contractors' site operatives and visitor's vehicles clear of the highway; - Areas for storage of plant and materials used in constructing the development clear of the highway; and - Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

6. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

7. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples 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.

8. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 24.08.2022 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

9. 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, improvement or other alteration shall be carried out to the dwelling or building, nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

The reasons are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

3. To ensure the scheme leads to a biodiversity net gain, as per the requirements of policy E3.

4. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

5. In the interest of public safety and amenity.

6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. 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 Local Plan Policies S1 and E1.

8. In order to help assimilate the development within the rural landscape.

9. To control the extension or alteration of the development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Plan Policies S1, E1 and E2.