| Agenda Item | Committee Date | Application Number |
|---|---|---|
| A13 | 6 March 2017 | 16/01593/RCN |

| Application Site | Proposal |
|---|---|
| 1 To 3<br>Sellerley Farm<br>Conder Green Road<br>Galgate | Change of use and conversion farm buildings to form student/tourist accommodation (3 units) (pursuant to the removal of condition 8 on planning permission 01/00874/CU to be removed to permit the continuance of permanent residential occupancy) |
| **Name of Applicant** | **Name of Agent** |
| Mr Edward Newsham | Mr David Hall |
| **Decision Target Date** | **Reason For Delay** |
| Extension of time until 9 March 2017 | Committee cycle |
| **Case Officer** | Mrs Eleanor Fawcett |
| **Departure** | No |
| **Summary of Recommendation** | Approval subject to an additional condition requiring the permanent retention of the footway. |

## (i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Helen Helme for the application to be reported to the Planning Committee. The reason for the request is that the site is in a sustainable location to Galgate and the proposal will create dwellings needed in the village.

## 1.0 The Site and its Surroundings

1.1 The site relates to a complex of converted barns, comprising 9 individual units, located on a farm off Conder Green Lane, approximately 800 metres to the southwest of Galgate. The buildings were converted under several consents and are restricted to use as short term holiday accommodation or for post graduate students. In addition to these units, there is also an existing farmhouse at the north eastern edge of the complex, and a number of agricultural buildings to the southeast. The buildings are arranged around a central courtyard to which there is an existing access off Conder Green Lane and provides a parking area. This leads through to a number of agricultural buildings which are set further back from the road. There are two additional accesses which serve the farm buildings to the north east and south west of the buildings.

1.2 This particular application relates to a group of single storey buildings arranged in an almost ‘u’ shape which have been separated into three units. The north west elevation abuts the narrow highway verge and contains no windows. The south west elevation faces a mostly open gassed and gravelled area and most of the south east elevation abuts a large barn which has recently gained approval under the prior approval process to be converted to two dwellings. The buildings front onto a shared courtyard area enclosed by a low stone wall, beyond which is a parking area. The site is located within the Countryside Area as identified on the Local Plan Proposals Map.

## 2.0 The Proposal

2.1 Planning permission was granted in 2002 for the conversion of the buildings to three residential units with the occupancy restricted to post graduate students or short-term holiday lets. This application seeks to remove condition 8 which restricts the occupation. There is also a Section 106 Agreement which essentially repeats these restrictions in terms of the occupancy, but also expands on this. A separate application has been submitted to remove the Legal Agreement (16/01613/VLA).

## 3.0 Site History

3.1 There are three separate permissions at Sellerley Farm relating to the conversion of barns and other outbuildings which were approved between 1999 and 2005. These permissions were granted for the use of the buildings for residential use but limited the occupancy to short term holiday use or student accommodation, with the exception of the agricultural worker's dwelling. The most relevant site history is set out below:

| Application Number | Proposal | Decision |
|---|---|---|
| **16/00793/PAA** | Prior Approval for the change of use of an agricultural building to two dwellinghouses (C3) | Approved |
| **15/00389/ELDC** | Existing Lawful Development Application for the use of 9 holiday cottages to be used as unfettered residential dwellings | Refused and appeal dismissed |
| **14/00985/ELDC** | Existing Lawful Development Application for the use of 9 dwellings to be used as permanent residences | Withdrawn |
| **05/00742/CU** | Change of use and conversion of redundant buildings to form tourist and overnight accommodation | Approved |
| **01/00874/CU** | Change of use and conversion of farm buildings to form student/tourist accommodation (3 units) | Approved |
| **99/00489/CU** | Change of use and conversion of agricultural building to residential dwelling and post graduate student family/holiday flats | Approved |

## 4.0 Consultation Responses

4.1 The following responses have been received from statutory and non-statutory consultees:

| Consultee | Response |
|---|---|
| **Parish Council** | **Support.** |
| **County Highway** | **No objection.** |
| **Environmental Health** | No comments received during the consultation period. |

## 5.0 Neighbour Representations

5.1 None received.

## 6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles
Paragraph 32 – Access and Transport
Paragraphs 49 and 50 – Delivering Housing
Paragraph 55 – Housing in Rural Areas
Paragraphs 56, 58 and 60 – Requiring Good Design

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public

consultation on:

(i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,

(ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC3 – Rural Communities
SC5 – Achieving Quality in Design

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.5 Development Management Development Plan Document (adopted December 2014)

DM8 – The Re-use and Conversion of Rural Buildings
DM20 – Enhancing Accessibility and Transport Linkages
DM28 – Development and Landscape Impact
DM35 – Key Design Principles
DM41 – New Residential Development
DM42 – Managing Rural Housing Growth

## 7.0 Comment and Analysis

7.1 The main issues are:

- Principle of permanent residential accommodation
- Impact on residential amenity

7.2 Principle of permanent residential accommodation

7.2.1 The application seeks consent to remove a condition on the planning approval in 2002 which restricts the occupancy of the three units to post-graduate students or short term holiday accommodation. This would mean that these could be occupied on a permanent basis for residential use, subject to the discharge of the legal agreement. Policy SC1 of the Core Strategy requires new

development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits.

7.2.2 The application site is located in the open countryside approximately 650 metres from the edge of the built up area of Galgate. As such, new residential development in this location would not usually be supported as the site it is not considered to be well related the village. Paragraph 55 of the NPPF sets out the special circumstances where new isolated homes in the countryside would be supported. These include: the essential need for a rural worker to live at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

7.2.3 The building was formally agricultural but has already been converted to accommodation for post-graduate students and short term holiday accommodation. It is understood that the units are currently being occupied as permanent residential dwellings, contrary to the planning condition and legal agreement. As the building is in use, and has consent for the post-graduate and holiday use, it cannot be considered to be redundant or disused. In addition, it is not considered that the use as permanent residential accommodation would lead to an enhancement of the setting of the building and would more likely cause harm as a result of increased domestic paraphernalia and possibly vehicles and is partly evident at present. This is in contrast to the development that was approved at appeal at Scale House Farm, approximately 350 metres to the west, for the removal of holiday occupancy conditions on a consent for the conversion of a large barn. In the Inspector's report it was set out that the occupiers would be heavily reliant on the use of motor vehicles to access facilities and services and the site was not in an accessible location. However, it was considered that the proposal would meet the special circumstances test for isolated new dwellings in the countryside as set out in paragraph 55 of the NPPF as the removal of the large modern agricultural buildings in close proximity to the barn would lead to an enhancement of the immediate setting of the building. In this case, although consent had already been granted for holiday accommodation, this had not been implemented or used for this purpose and was therefore still a redundant building.

7.2.4 An appeal for a similar proposal, to the current application, at Old Waterslack Farm near Silverdale was recently dismissed. This related to the removal of a legal agreement that restricted the use of two holiday cottages, granted consent in 1991 for the conversion from two shippons. The change of use had been implemented, although the applicant indicated that the units were currently being used as permanent dwellings and not as holiday lets. It was argued that the use as holiday lets was redundant due to the limited demand for such a use in this area, and as they were already being used as permanent dwellings they were technically dis-used as holiday lets. However, the Inspector's report set out that no substantive evidence had been provided to support the claim that there was limited demand for holiday lets in the area, or to show that despite reasonable marketing of the units, occupancy levels were such that the lawful use was unviable. It was therefore concluded that the units were not considered to be redundant or dis-used buildings and would add unnecessarily to sporadic development in the countryside, would fail to achieve any significant economic, social and environmental benefits and as a result it would not represent a sustainable form of development.

7.2.5 The current submission sets out that, as part of a farm diversification scheme, various traditional but redundant buildings were converted to holiday and post graduate student accommodation between 1999 and 2006. It goes on to say that changes in the market conditions, primarily increased alternative better placed availability, has seen the demand for these units for their intended purpose decline over time. Given the significant investment which had been undertaken, and rather than leave the dwellings vacant, the owners have responded positively to requests from mainly local people for small relatively inexpensive permanent dwellings and have permitted them to be occupied full time. The submission sets out that this has taken place over a period of time such that most of the units have been occupied on a permanent basis for a number of years. As with the case referred to above, no substantive evidence has been provided to demonstrate that there is no longer a need for holiday or post graduate accommodation in this location. It is noted that letters of support have been provided by occupiers of some of the units, and the agent has raised concerns about social

hardship if consent is not granted and they need to leave the properties. However, the application must be considered against planning policies and material planning considerations, in particular whether the proposal constitutes a sustainable form of development. The applicant has let the properties knowing that there is a restriction to the occupancy and has not previously sought consent from the Council to remove these restrictions.

7.2.6 Whilst new build development in this location would not be usually supported, it does relate to existing buildings, although not disused. It is also accepted that a prior approval for the conversion of a barn on this site has recently been granted under permitted development rights. However, this does not allow the sustainability of the location to be taken into account and does not constitute a material planning consideration in terms of the current application. The location is also not wholly isolated from Galgate, being approximately 650 metres from the edge of the settlement and a further 700 metres from services in the centre. The road between the site and the edge of the settlement is narrow with hedges on either side for most of the length, limited verges and a 60mph speed limit. However, there is a permissive footway on the applicant's land behind the hedge for a distance of approximately 550 metres and the last 100 metres of the road is more open with the exception of the canal bridge. However, this is unlit and not surfaced and as such, is likely to discourage its use in the evening and during winter. Whilst it is on a cycle route, the Inspector for the Scale House Farm appeal did note that the road network did not lend itself to regular, safe and convenient use by cyclists, although this site is slightly closer to the village.

7.2.7 The presence of the footway is a considerable factor supporting the location. Whilst it is likely that people living in these properties would be quite reliant on private transport, this does provide a link to the village off the road for the most part. At present this is just a permissive path and as such its use could be withdrawn at any time. It would therefore be appropriate to condition that this is retained at all times as it is on the applicant's land. Clarification will be sought from the applicant that they are agreeable to this. In addition, given the size of the three units it is unlikely that they would be occupied by families. It is considered that a holiday use would be less intensive in terms of vehicle movements than a permanent residential use, and the post-graduate use to a lesser extent. However, on balance, given the proximity to Galgate and the pedestrian links, the relatively small scale of the development, the reuse of the buildings although not redundant, and the contribution that the proposal will provide towards housing, the removal of the occupancy condition to create three permanent open market dwellings is not considered to result in significant adverse impacts and is therefore considered to be acceptable in principle

7.3 Residential amenity

7.3.1 Each of the three dwellings has two bedrooms, a lounge/dining room, kitchen and bathroom. Although quite small these appear to meet the Council's standards in terms of room sizes for flats. Part of the courtyard to the front has been walled off to provide shared external amenity space and an additional large amenity area is available at the rear of the building. On the original plan this was shown as a communal sitting/ recreation area. However, with the change to residential use it would be more appropriate if separate gardens were provided, to provide some private amenity space. Clarification has been sought with regards to this and it is not considered that fences would be appropriate. There are concerns that the use as residential accommodation could lead to more domestic paraphernalia, as can be seen at present and it needs to be ensured that appropriate boundaries are provided in additional to retention of existing screening. One of the units (number 1) would have no private amenity space, with just a shared courtyard at the front. Whilst this would not usually be acceptable, given the small size of the unit it is not considered to be a substantial reason to resist the proposal. It is not considered that there are issues with overlooking between the units.

7.3.2 The submission sets out that this is a working farm and there are a number of agricultural buildings to the southeast. It is understood that access to the farm was formally through the central courtyard but there is now a newer track to the north east of the buildings. It is also noted that there is also one to the southwest providing access to the farm buildings. Therefore farm vehicles will no longer pass in close proximity to these units, except along the highway. It is the manoeuvring of vehicles that is likely to cause disturbance, particularly at early hours in the morning. These units are between approximately 60 and 40 metres from the main farm yard and nearest agricultural buildings. The closer unit has its windows facing away from this. Whilst there would normally be concern about the siting of a new agricultural building that close to a residential property, it is accepted that someone occupying a property on a farm would expect a level of disturbance and smell associated with the farming operation. Given the distance and intervening buildings, it is not considered that there would

be a significant detrimental impact on the amenities of the occupiers.

## 8.0 Planning Obligations

8.1 There are none to consider as part of this application.

## 9.0 Conclusions

9.1 Whilst this is not a location where new residential development would usually be supported, the NPPF emphasises a presumption in favour of sustainable development and due to the lack of a five year land supply, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. As such, on balance, given the proximity to Galgate and the pedestrian links, the reuse of the buildings although not redundant, and the contribution that the proposal will provide towards housing, the removal of the occupancy condition to create two permanent open market dwellings is not considered to result in significant adverse impact and is therefore considered to be acceptable. The retention of the footpath on the applicant's land is an important part of this condition and it is therefore considered necessary that this is conditioned.

## Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Plans
2. Parking spaces
3. Removal of permitted development rights – Parts 1 and 2 of Schedule 2
4. Retention of footpath

## Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## Background Papers

None