

Agenda Item A15	Committee Date 6 March 2017	Application Number 16/01594/RCN
Application Site 5 To 8 Sellerley Farm Conder Green Road Galgate Lancaster		Proposal Change of use and conversion of redundant buildings to form tourist and overnight accommodation (pursuant to the removal of condition 7 and 8 on planning permission 05/00742/CU to permit the continuance of permanent residential occupancy)
Name of Applicant Mrs Bargh		Name of Agent Mr David Hall
Decision Target Date Extension of time until 9 March 2017		Reason For Delay None
Case Officer		Mrs Eleanor Fawcett
Departure		No
Summary of Recommendation		Refusal

(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 large stone building located on the south eastern edge of the courtyard. It is understood that this was a former stable building and it has been converted into four holiday units, each over three floors, and a camping bothy over two floors. The units front onto the shared courtyard which provides parking and at the rear there is a narrow shared garden/ yard area. This abuts a large hardstanding area which is used by farm vehicles and provides access to the farm buildings. 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 2005 for the conversion of the building to five units of holiday accommodation, one of which was identified as a camping bothy. This application seeks to remove

conditions 7 and 8 from the consent in so far as they relate to numbers 4-7 Sellerley Farm and not the camping bothy. Condition 7 limits the occupancy of the units to short term holiday accommodation and ties them to the farm holding. Condition 8 requires a register to be kept of the occupancy of the building and for it to be made available when required for inspection by the Council. Removal of the conditions would permit the units to be used as permanent accommodation. If the bothy is to remain as holiday accommodation then a new condition would need to be added to relate to this.

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 Highways	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 two conditions on the planning approval in 2005 which restricts the occupancy of four units to short term holiday accommodation, linked to the farm complex, and requires a bound register of the occupancy of the units. This would mean that these could be occupied on a permanent basis for residential use. 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 short term holiday accommodation. It is understood that at least some of the units are currently being occupied as permanent residential dwellings, contrary to the planning condition. As the building is in use, and has consent for 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 shippens. 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 on the whole complex, 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 650m from the edge of the settlement and a further 700m from services in the centre. The road between the site and the settlement edge 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 550m and the last 100m 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. The 2005 consent did require this to be created as part of a condition to provide safe access to Galgate. However, it was proposed to extend up to the canal bridge and it is not clear whether the precise details of the width and surfacing were formally agreed. Whilst it is on a cycle route, the Inspector for the Scale House Farm appeal noted 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. It would therefore be appropriate to condition that this is retained at all times as it is on the applicant's land. In addition, given the size of the two 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. However, 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 four permanent open market dwellings is not considered to result in significant adverse impacts in terms of its location and is therefore considered to be acceptable in principle.

7.3 Residential amenity

7.3.1 The accommodation in the four units is arranged over three floors with a kitchen and shower/toilet on ground floor, a lounge on the middle floor and a bedroom on the upper floor. The location of the shower room/toilet is not ideal given that it requires an occupier to walk down two flights of stairs and through the lounge from the bedroom to reach this. However, they are only one bedroom units. The bedrooms are only served by rooflights and it does not appear that they provide any outlook, although this will be clarified. The amount of private amenity space is very limited and does not appear to be divided to serve each unit individually.

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. These four units are the closest to the farm operation and, from a visit to the site, it appears that large farm vehicles come within approx. 6 metres of the rear wall of the dwelling, evidenced by tire marks left in the mud. There is also approximately 20 metres between the rear of the units and the nearest agricultural building. Whilst the reports in relation to the other units on the site consider that there is unlikely to be a significant detrimental impact on the amenities of the occupiers of those units, it is not considered to be the case in this instance.

7.3.3 There are windows in the rear of the walls and roof which serve the living accommodation and face towards the farm operation. The external amenity space is also on this side of the building. Given the proximity to the farm complex there are significant concerns regarding the negative impact that movements of farm vehicle, animals and associated noise and smells will have on the occupiers of these properties. It is understood that this is a dairy farm, with cows milked twice a day, and that they also keep free-range chickens. However clarification has been sought with regards to the use of the

nearest buildings closest to the site. In any event, there would be little control over the use of these, vehicles and animal movements, including the hours of these. In coming to this conclusion, a search has been carried out on case law relating to similar developments in close proximity to farm complexes. There are a number of cases where appeals have been dismissed due to impacts on amenities of future occupants. In one such case, the Inspector set out that while future occupiers would be inclined to tolerate a certain environment due to a farmstead location, the dwelling would lie in the midst of a farm and this was likely to result in unacceptable living conditions. In this case the dwelling lay next to a farm track and opposite a modern farm building and it was considered that there would be potential for disturbance to arise as a result of animals and farm machinery using the track and smells from animals and their waste would add to the problem. The same issues do not apply when occupied as short term holiday accommodation as the same level of amenity would not be expected as with permanent dwelling.

- 7.3.4 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants. Given the proximity of the units to the operational farm, including tracks and buildings, it is not considered that the proposal would provide an acceptable level of amenity for occupiers of these units and therefore it is considered that the holiday use restriction should be retained.

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. Given the proximity to Galgate and the pedestrian links, the reuse of the buildings although not redundant, the location of the building is not considered to be a substantial reason to resist the proposal. However, given the very close proximity of the units to the farm complex, it is not considered that the proposal would create acceptable living conditions when occupied on a permanent residential basis and would result in a detrimental impact on the amenities of occupiers of the units. It is not therefore considered that the benefits of the proposal, in terms of housing need, outweigh the negative impacts that the development would have on the amenity of occupiers of the units.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. Given the close proximity of the application site to an existing farm operation, the proposal fails to provide an acceptable level of amenity for the future occupiers of the dwellings. It is therefore contrary to the aims and objectives of the National planning Policy Framework, in particular the Core Planning Principles and Section 7, and Policy DM35 of the Development Management Development Plan Document.

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

In accordance with the above legislation, the City Council can confirm that it has taken a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons set out in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

None