

Agenda Item A10	Committee Date 26 June 2017	Application Number 17/00466/CU
Application Site Sea View Ringstones Lane Lowgill Lancaster	Proposal Change of use and conversion of redundant agricultural buildings to a single storey dwelling and a domestic storage and garage	
Name of Applicant Mr George Morphet	Name of Agent Mr Andrew Tait	
Decision Target Date Extension of time agreed until 30 June 2017	Reason For Delay Committee Cycle	
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 Jane Parkinson for the application to be reported to the Planning Committee and for a site visit to be undertaken. The reason for the request is that the site is sustainably located close to High Bentham, is brownfield and would be greatly enhanced by the proposed application as it would transform the current buildings from semi-derelict to an attractive dwelling and there have been a number of barn conversions in the area.

1.0 The Site and its Surroundings

- 1.1 The application relates to a traditional agricultural barn located on a small farm complex at the eastern edge of the district, close to the boundary with Yorkshire. It is within an open moorland area, containing scattered dwellings and small groups of agricultural buildings. The site is located approximately 3 kilometres from the very small dispersed settlement of Lowgill and approximately 3.6 kilometres from the larger settlement of High Bentham, which is outside the District. The barn is constructed of stone with, what appears to be, a stone flagged roof and is attached to the existing farmhouse, Sea View. There is a single storey stone lean-to on the south east and south west elevations of the building, most of which has a slate roof but part is corrugated metal. To the south east of the barn and dwelling is a relatively small group of agricultural buildings, constructed of a mix of stone and metal sheeting.
- 1.2 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map, and the Forest of Bowland Area of Outstanding Natural Beauty (AONB). Burn Moor Biological Heritage Site is located adjacent to the site to the east.

2.0 The Proposal

- 2.1 Planning permission is sought for the change of use of the main part of the barn to a domestic store and garage in association with the existing dwelling, Sea View House. The lean-to on the side and rear elevations is proposed to be converted to a two bedroom bungalow, with a garden area to the southeast. The submission sets out that the new dwelling will be connected to the existing septic

tank.

3.0 Site History

3.1 There have been two relatively recent planning applications at the site for the conversion of the barn and lean-to to two new dwellings. The second of these was also the subject of an appeal which was dismissed. The application was refused for the following reasons:

1. *The site is located within the open countryside, divorced from services and as such is not considered to be sustainable in terms of its location. It is not considered that there are any special circumstances, in this instance, to justify two new dwellings in this isolated, unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 6, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.*
2. *The proposed alterations to the building do not respect the character and appearance of the former agricultural barn and are overly domestic in appearance. The domestic curtilage will also extend into the adjacent open field and result in associated paraphernalia being visible from the surrounding landscape, to the detriment of the character and appearance of the site and surroundings, which is within a very open and isolated position in the Forest of Bowland Area of Outstanding Natural Beauty. It is therefore considered that the scheme will have a detrimental impact on the character and appearance of the designated landscape and the non-designated heritage asset and its setting, contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7, Section 11 and Section 12, and policies DM8, DM28, DM33, DM35 and DM42 of the Development Management Development Plan Document.*

3.2 The relevant site history is set out below:

Application Number	Proposal	Decision
17/00097/PREONE	Level 1 pre-application enquiry for the conversion of barn to a dwelling	Advised unlikely to be acceptable.
16/00669/CU	Change of use of agricultural buildings to two dwellings (C3)	Refused and appeal dismissed
16/00052/CU	Change of use of agricultural buildings to two dwellings (C3) and erection of a single storey front extension	Refused

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Support the application as it would produce much needed housing stock for the parish.
Environmental Health	No comments received within the statutory timescale.
County Highways	No objection subject to a condition requiring the surfacing of the track with a bound material for a distance of 10 metres from the highway.
Lancashire Archaeological Advisory Service	No objection subject to a condition requiring a programme of building recording and analysis.

5.0 Neighbour Representations

5.1 11 pieces of correspondence have been received in support of the planning application. These raise the following points:

- The site is not isolated and will not put pressure on services; there are electricity, mains

water and high speed internet access at the site and services nearby in High Bentham and Lowgill which the dwelling will support; a new dwelling here would not be unsustainable.

- Will provide a use for a redundant building, which is an integral part of the landscape; will enhance the settlement and the character of the countryside and will improve the appearance of the site;
- Barn conversions should be the way forward to increase the building stock in the area;
- There have been other recent developments in the vicinity of the site and many neighbouring farms have converted barns to dwellings; and,
- No detrimental impacts on neighbouring properties

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

Paragraphs 56, 58 and 60 – Requiring Good Design

Paragraph 115 – Areas of Outstanding Natural Beauty

Paragraphs 117 and 118 – Biodiversity

Paragraph 135 – Non-designated Heritage Assets

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. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains 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

SC5 – Achieving Quality in Design

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

E3 – Development affecting Areas of Outstanding Natural Beauty

E4 – Countryside Area

6.5 Development Management Development Plan Document (adopted July 2014)

DM7 – Economic Development in Rural Areas

DM8 – The re-use and Conversion of Rural Buildings

DM20 – Enhancing Accessibility and Transport Linkages

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM33 – Development Affecting Non-Designated Heritage Assets or Their Settings

DM35 – Key Design Principles

DM40 – Protecting Water Resources and Infrastructure

DM41 – New Residential Development

DM42 - Managing Rural Housing Growth

6.6 Other Material Considerations

Forest of Bowland Landscape Character Assessment.

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of the development
- Design and impact on the AONB
- Impact on residential amenity
- Highway safety and parking provision
- Ecological implications
- Contaminated land, and,
- Drainage

7.2 Principle of development

7.2.1 The site is located in the open countryside, divorced from any of the villages identified in Policy DM42 as being suitable for new residential development. The nearest of these within our district is Wray, which is approximately 9 kilometres, by road, to the north-west. The settlement of High Bentham, which is outside the District, also contains services, and this is closer being located approximately 3.6 kilometres to the north. There are no bus services close to the application site and anyone living in this location would be wholly reliant on private transport. The site is therefore considered to be in an unsustainable location where new dwellings would not usually be supported. This opinion was supported by the Planning Inspectorate in their recent decision to refuse permission for the most recent appealed planning application. The case put forward by the agent was that the site was sustainable for the countryside, given the number of services within High Bentham and Lowgill. The Planning Inspector considered this, and her subsequent appeal decision sets out that: *“The road network does not lend itself to safe and convenient use by pedestrians or cyclists and as such I consider it likely that occupiers of the proposed dwellings would be heavily reliant on the use of motor vehicles to access facilities and services, particularly given the apparent lack of any public transport facilities nearby. Consequently the appeal site is not in an accessible location and the proposed dwellings would be isolated homes in the countryside.”*

7.2.2 Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and local authorities should avoid new isolated homes in the countryside unless there are special circumstances. One of these is the re-use of redundant or disused buildings where it would lead to an enhancement to the immediate setting. The previous proposal related to the conversion of the barn and lean-to to two dwellings. The Inspector’s decision set out that the proposal would not lead to an enhancement of the immediate setting and would be out of keeping with its surroundings which is generally characterised by open moorland and improved pasture and would therefore not meet the special circumstances set out in paragraph 55.

7.2.3 The current proposal for the new dwelling now only utilises the existing single storey element to the

side and rear of the main part of the barn. Whilst the alterations are more sympathetic than the previous proposals, as the scheme does not propose new domestic openings to the main structure, and the garden area would extend into the yard area associated with the farm rather than the open field, it is considered that this would not lead to a clear enhancement to the setting of the building. The scheme would remove a small stone and brick outbuilding but it would propose an enclosed garden area to the front and side which would result in some domestication to this end of the barn. It is considered that the small structure to be removed does not currently cause harm to the setting of the building. The Inspector considered the benefits of securing the retention of the barn in the appeal decision and she was not satisfied that the proposal was the only available means to retain the non-designated heritage asset. The current application proposes the retention of the main part of the barn, which has the most architectural merit, through the conversion to a garage and store associated with the existing dwelling. It is therefore considered that the new dwelling is not required to allow the building to be retained.

7.2.4 The submission refers to a number of decisions for barn conversion in the area, and this was also raised and considered as part of the previous application. As the Planning Inspector stated in her decision, the proposal must be determined on its own merits. In any case, some of the examples cited were prior to the Lancaster District Core Strategy adoption in 2008, so those applications were determined on the basis of different policies so they are not relevant to the current proposal. With regard to the others:

- 09/00409/FUL – Extension of dwelling into attached barn - Craggs Farm, Craggs Lane, Tatham. This provided ancillary accommodation and was not a new dwelling.
- 12/00292/CU – Conversion of Lowgill Methodist Church to one dwelling. This is located within the small settlement of Lowgill and is much better-related to the existing built up form. It was considered that the historic integrity and the retention of the church building, which is an important heritage asset, was a reasonable justification to permit the conversion.
- 12/00848/FUL & 12/00849/LB - Conversion of barn to form an extension to existing family home at Green Hall Farm Craggs Lane Tatham. This related to ancillary accommodation to an existing dwelling. It was not a new independent dwelling.

7.2.5 The Inspector also had regard and some sympathy for the applicant's desire to remain living at the appeal site, and noted that there was a significant amount of local support for the applicant and the proposal. However, the appeal decision went on to say that this does not justify the proposal which, for the reasons stated, is contrary to relevant development plan policies and the Framework. Although the current application only proposes the creation of one dwelling, with less intervention to the building than the previous proposal, it is considered that the scheme will not lead to an enhancement of the setting of the building. Therefore, it does not overcome all of the previous reasons for refusal and dismissal of the appeal as it would result in a new isolated dwelling in the countryside without any justification in terms of special circumstances.

7.3 Design and impact on the Area of Outstanding Natural Beauty (AONB)

7.3.1 The site is located within the Forest of Bowland in a relatively exposed and open position. The Forest of Bowland Landscape Character Assessment classifies the landscape within which the site is located as Moorland Fringe and the land immediately to the north east of the existing parking area as Unenclosed Moorland Hills. The landscape is very open in this location and does contain some characteristics typical of the latter character type, with it being open and exposed with a strong sense of remoteness and tranquillity. It is very much on the fringe of the moorland area. The barn to be converted is attached to an existing dwelling, Sea View. A building of a similar size to the stone barn and dwelling is shown on the first addition Ordnance Survey Map (c.1845). Given the age and limited alterations that have been made to the agricultural barn, this is considered to be a non-designated heritage asset.

7.3.2 The building contains very limited openings in the front elevation. The lean-to extends along the side and rear of the main part of the barn and contains some openings. This part of the building appears to be in a poorer state than the main barn, and may need to be demolished and re-built. The submission sets out that the building has been inspected and is capable of conversion, however no structural survey has been submitted with the application. The roof of the lean-to extends to just under the eaves of the main barn and it finished in a mix of slate and corrugated sheeting. The roof of the main building is stone flags.

- 7.3.3 The application proposes the conversion of the main part of the barn into a store and garage associated with the existing dwelling and the conversion of the lean-to into a two bedroom dwelling. No new openings are proposed in the main part of the barn, and new timber doors are proposed to be fitted to the cart door opening. The conversion of the lean-to element predominantly reuses existing openings, with one new window and one roof light in the rear elevation and two new roof lights in the side elevation. The treatment of the larger opening in the side wall is quite domestic and could be more sympathetic. However, the precise details of this could be adequately covered by a condition. The part of the roof currently covered in corrugated sheeting is proposed to be replaced in slate. It is considered that the alterations are sympathetic to the character and appearance of the building and area in general.
- 7.3.4 The scheme proposes the removal of one small outbuilding. The site and adjacent land is quite untidy, but relatively well contained. It is unclear how much impact the proposal would have on this, in terms of approving its appearance, as the small farm complex is still proposed to be retained. The proposal will create a domestic curtilage to the side of the building, but no longer encroaches into the adjacent field, as was proposed with the previous application. Given that the proposed garden area will be wholly contained within the existing farm yard, it is considered that this will not have a detrimental impact on the character or appearance of the AONB. The location of the garden areas to the front and side will introduce domestic elements to this end of the barn, however it is considered that this would not have a significant adverse impact on the character and appearance of the barn and its setting, although it would not be an enhancement.
- 7.4 Impact on residential amenity
- 7.4.1 The only nearby neighbouring property is Sea View House which is attached to the barn. Given that the proposals are contained within the existing building, and the position of the garden of the new dwelling, it is considered that the proposal will not have a detrimental impact on residential amenity. The site is adjacent to existing farm buildings, but it does have a separate drive and as such farm machinery will not have to pass the dwelling to reach the farm yard. The new dwelling is quite close to the farm enterprise and the submission indicates that it is the intention of the applicant to move into this dwelling from Sea View House and continue to operate the farm enterprise. All of the garden is now between the yard and the dwelling which increases the likelihood that residential amenity could be impacted by the development. However, the occupation of this dwelling could be linked to the use and ownership of the farm buildings and yard.
- 7.5 Highway safety and parking provision
- 7.5.1 County Highways have raised no objections, but have requested a condition requiring the surfacing of the first 10 metres of the access road in a bound material. This was not raised previously, however there will be an increase in vehicles using the track and its improvement would be reasonable to request by condition. Sufficient parking is proposed to serve the new dwelling.
- 7.6 Ecological implications
- 7.6.1 A bat survey has been submitted with the application. This involved the inspection of the buildings in December 2015. This sets out that at a first glance the main barn was ideal for bats, there were multiple gaps that could allow bats to gain access. The milking parlour has a corrugated asbestos sheet roof, which has limited potential for crevice roosting bats. However, there were numerous potential access points to the inside of the building. These included doorways that were not fully sealed or open, and access between adjoining extensions. The shippon had a slate roof which had holes in it and was in a poor state of repair with numerous gaps located between cracked/slipped slates. Additionally, there were open windows and numerous gaps between the stone walls which were bulging and in risk of failure. Finally, the small brick shed was inspected and this was found to be well sealed and offered no potential for bats. The report sets out that whilst there were a number of potential locations for bats to roost inside the buildings, no signs of recent or historic bat activity were found. It concludes that in line with BCT guidelines (2012), development may go ahead without the need for further surveys. However, as the barn, shippon and milking parlour will be re-roofed it is recommended that an ecological clerk of works is present to oversee the roof renovation.

7.7 Contaminated land

7.7.1 The contaminated land officer previously has requested a preliminary risk assessment and further investigation and remediation if necessary. This is considered appropriate, given the agricultural use of the building, and can be controlled by condition.

7.8 Drainage

7.8.1 The submission sets out that Sea View Farmhouse is served by an existing septic tank, which will be utilised for the new development. No information has been provided in relation to the capacity of this, but it could be conditioned to ensure that the new dwelling benefits from adequate drainage.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposed dwelling will be formed by the conversion of part of a redundant barn, however this would not result in an enhancement to the setting of the building, for the reasons set out above. It is therefore considered that the proposal fails to comply with the exceptional circumstances set out paragraph 55 of the NPPF in order to justify a new dwelling in this isolated location within the countryside. The Council cannot currently demonstrate a five year supply of deliverable housing sites.

9.2 In accordance with paragraph 49 of the NPPF, the Planning Inspector for the previous application considered that Policy DM42 was a relevant policy in relation to the supply of housing and could not be considered up to date. Paragraph 14 of the NPPF sets out that at the heart of the NPPF is a presumption in favour of sustainable development and where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies indicate development should be restricted.

9.3 There are three dimensions to sustainable development: economic, social and environmental. Taking on board the assessment that was made by the Inspector in assessing the planning appeal for the previous proposal, there would be some modest economic benefits by providing employment during the construction period and by supporting the local economy. There would also be some environmental benefits resulting from the retention of the building, although the more significant part of the building is not the part being converted to a dwelling, and possibly from the removal of the small outbuilding. The proposal would provide one additional dwellings and contribute to the range of housing available in the local area, however occupants would be wholly reliant on private transport to reach services. Whilst the current proposal would be unlikely to have a significant impact on the character and appearance of the area, it is considered that the adverse impacts in terms of a new isolated dwelling in the open countryside would significantly and demonstrably outweigh the very limited benefits when assessed against the policies in the NPPF taken as a whole.

9.4 This conclusion is consistent with that of the Planning Inspector in December 2016. Therefore the proposal is not acceptable in light of the presumption in favour of sustainable development, and is contrary to the relevant Development Plan policies and the NPPF.

Recommendation

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

1. The site is located within the open countryside, divorced from services and as such is not considered to be sustainable in terms of its location. It is considered that there are no special circumstances, in this instance, to justify a new dwelling in this isolated, unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 6, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 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 the following:

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. Whilst the applicant has taken advantage of this service prior to submission of the application, the resulting proposal is unacceptable for the reasons prescribed in this report.

Background Papers

1. Planning Inspectorate Appeal Decision – Sea View Farm, Ringstones Lane, Lowgill (22 December 2016). Ref: APP/A2335/W/16/3158144.