

Agenda Item A11	Committee Date 7 April 2015	Application Number 14/01080/CU
Application Site Lentworth Hall Farm Abbeystead Road Abbeystead Lancaster	Proposal Change of use and conversion of existing redundant barn to agricultural workers dwelling (C3)	
Name of Applicant Mr And Mrs Entwistle	Name of Agent Mrs Hilary Brown	
Decision Target Date 1 December 2014	Reason For Delay Awaiting consultation responses	
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 determined by the Planning Committee. The reason for the request relates to the need for the applicants to live on the site.

1.0 The Site and its Surroundings

1.1 This application relates to a large agricultural barn located on an existing farm complex, approximately 2 kilometres to the west of Abbeystead and 3.5 kilometres to the north east of Dolphinhholme. It is attached to another traditional barn which adjoins a dwelling, Lentworth Hall Farm. The building is constructed from stone with a slate roof and appears to be well maintained. There are limited openings in the front elevation, the main one being a large barn door. The building is largely redundant from the agricultural operations on the unit and its agricultural use is limited to additional sheep housing during lambing time. The adjoining barn is longer but lower in height, and the dwelling is of a similar floor area to the application building, but is higher and is older. The barns front onto a large graveled courtyard area to the north, and the land to the front of the dwelling is enclosed by a low stone wall, forming its garden. To the south of these buildings are some other stone agricultural buildings arranged around a yard, and to the south east are more modern agricultural buildings associated within the farm complex.

1.2 The site is accessed via a long track off Abbeystead Road which also serves four apartments in a large building, Lentworth Hall, located approximately 13 metres to the south west of the barn. A large stone wall separates the courtyard at the application site. The end gable abuts this adjoining land and another large stone wall encloses the land to the rear. There are some mature trees adjacent to the west and southern boundaries. The site is located within the open countryside, as identified on the Local Plan Proposals map, and the Forest of Bowland Area of Outstanding Natural Beauty. There is a public footpath which follows the line of the track to the east of the farmhouse, through part of the farmyard. Much of the surrounding land, including the location of the more modern agricultural buildings, is owned by the Abbeystead Estate.

2.0 The Proposal

2.1 Planning permission is sought for the conversion of the barn to form an agricultural worker's dwelling associated with the existing farm operation at Lentworth Hall Farm. The accommodation will be over two floors and will comprise five bedrooms, a shared bathroom and ensuite at first floor, and a kitchen/dining room, living room, snug and utility room at ground floor. The existing openings will be utilised, with new windows and door openings in the front, rear, sides and both roof slopes. The dwelling is to serve the existing farm operation at Lentworth Hall Farm which is predominantly on land owned by the Abbeystead Estate. The existing dwelling is owned and occupied by the applicant's mother who also owns the traditional farm buildings, including the one to which the application relates. The applicant and family currently live in rented accommodation, on the Abbeystead Estate, approximately 1.7 kilometres by road to the north east of the site.

3.0 Site History

3.1 The most relevant site history is set out below:

Application Number	Proposal	Decision
14/00640/CU	Change of use and conversion of existing redundant barn to dwelling (C3)	Withdrawn
13/01191/FUL	Erection of a roof over handling area	Approved
12/00354/FUL	Erection of an agricultural building for machinery and housing of sheep during lambing	Approved

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments received
Environmental Health	No objection subject to agricultural occupancy conditions - despite potential for noise/odour issues arising from farm use. Also request conditions requiring submission of a preliminary risk assessment and standard contamination conditions.
Conservation	No objection subject to conditions requiring: details of all windows and doors (including colour & finish); details of conservation rooflights; new stone samples, including stone cills and heads; mortar sample; ridge, verge and eaves details; rainwater goods; and finish of flues.
Tree Protection Officer	No objection subject to conditions requiring: no trees to be cut down etc. without approval; submission of a Tree Protection Plan; and submission of Arboricultural Method Statement.
County Highways	No objection
County Archaeology	As the barn is likely to date to the late 18th century, it is therefore considered to be of some historic interest, showing the development and response to changing agricultural practices and economics over time. No objection subject to condition requiring a programme of archaeological building recording and analysis.
County Estates Surveyor	The operational needs of the unit create an essential need for an agricultural worker to live at or close to the place of work. If it were the case that the applicants did not currently have a residence which met this requirement, the Surveyor would advise that the proposed development was justified on operational grounds. Although its size is larger than a typical agricultural dwelling, it is understood that there are personal reasons for this. However, the proposed development would effectively create two dwellings for the unit which is not considered to be necessary.
Rights of Way Officer	No comments received
Ramblers Association	No comments received
United Utilities	No comments received
County Minerals Planning	No comments received

5.0 Neighbour Representations

5.1 No comments 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
Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

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

E3 – Development Affecting Areas of Outstanding Natural Beauty
E4 – Countryside Area

6.4 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM43 – Accommodation for Agricultural and Forestry Workers
Appendix C: Criteria for Housing Development for Rural Enterprise Workers

7.0 Comment and Analysis

7.1 The main issues are:

- Principle of development
- Design
- Residential amenity
- Highway impacts
- Ecological impacts
- Impacts on trees
- Land contamination

7.2 Principle of development

7.2.1 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 DM42 of the Development Management DPD (DM DPD) sets out a list of villages within which new residential development will be supported. It also states that new homes in isolated locations will not be supported unless clear benefits outweigh the dis-benefits as set out in paragraph 55 of the NPPF.

7.2.2 The application site is located in the open countryside, divorced from any of the villages listed in

Policy DM42. There are some limited services in both Abbeystead and Dolphinholme which can only be accessed via rural roads which have no footpaths, and there are no local bus services. Someone living in this location would be wholly reliant on private transport. As such, the site is considered to be within an unsustainable location. 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. 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 Policy DM43 of the DM DPD sets out criteria in relation to accommodation for agricultural and forestry workers. In order to meet the criteria there must be a clearly identified functional need, the need must relate to a full time worker, the business must be established for at least three years and be financially sound, the functional need must not be able to be met by other accommodation in the area and the new dwelling should be sited to minimise the impact on the surrounding area. Appendix C supports this policy and sets out the tests for assessing the functional need and the financial soundness. An agricultural appraisal has been submitted with the application and the Estates Surveyor at the County Council has been consulted to provide advice on whether the proposal meets these tests.
- 7.2.4 Mr Entwistle farms 508 acres, all of which is land owned by the Grosvenor Estate and is farmed under three tenancy agreements. The agricultural buildings are located at Lentworth Hall Farm and comprise a range of traditional stone constructed buildings and steel portal frame structures. There is also a house at Lentworth Hall Farm which is owned and occupied by the Mr Entwistle's mother. She also owns the adjacent traditional farm buildings, but the more modern buildings are on land owned by the Estate. The principal enterprise comprises a flock of 850 breeding ewes. Up to 50 head of beef breed suckler cattle are purchased as weaned calves and sold as stores at 18 months of age. The applicant operates the farm on a full time basis. The house occupied by the applicants (Summershead) is located approximately 1 mile from the buildings where the cattle are over wintered, sheep are housed during lambing and in the spring and store lambs housed in the autumn.
- 7.2.5 The applicants have the opportunity to acquire the barn, subject to this application, with a view of converting it to a dwelling in order that their family can reside there. The applicants are proposing to move from the existing rented property to be on hand to manage the livestock and to provide a larger dwelling to accommodate the family of 5 children, as the current residence has just two bedrooms. There have been a number of operational reasons put forward to justify the applicants residing on the unit, and these reasons are focused upon the management of livestock whilst housed. The Estates Surveyor at the County Council considers the most significant to be the care for the sheep which are housed during lambing time. Mr Entwistle operates a conventional spring lambing system with lambing commencing from late March. With reference to the cattle, these are housed in the autumn typically as soon as they are purchased. The cattle are purchased as weaned calves and they require close management for a period until they become accustomed to being housed and being separate from their mothers. The applicants have also advised of dietary problems that can be encountered from housing store lambs. In addition to the operational matters, social implications associated with the supervision of their young children have been raised. This is partly relevant at lambing time as Mr and Mrs Entwistle share lambing duties with Mrs Entwistle dealing with the evening period. They are also assisted by a friend of the family during lambing.
- 7.2.6 As the applicants' dwelling is located approximately 1 mile from the agricultural buildings, the Estates Surveyor considers that, particularly during lambing, the agricultural operations would be best managed by the worker living at, rather than close to, their place of work. The lambing period though is a relatively short period in the calendar year, typically 6-8 weeks. It was also considered that the other operational matters referred to would relate to a number of days rather than weeks. Reference was made to the disruption to the water supply should the housed cattle cause the water bowls to leak, but this was not considered to constitute an essential need. The Estates Surveyor is also of the opinion that the essential need does not justify the applicants moving from their existing residence to a dwelling on the unit. It is considered that the agricultural operations constitute a full time worker requirement but there is not an operational need for two full time workers. With this in mind, it is evident that the agricultural unit is served by the dwelling currently occupied by the applicants and as

such the proposed dwelling would constitute a second dwelling for the unit which is not considered to be necessary. The Estates Surveyor did advise that, had this existing property not met the agricultural requirements for the unit, he would have advised that the essential need would be best served by the farm worker residing at a dwelling at Lentworth Hall Farm. However, it is not considered that the agricultural operations are sufficiently disadvantaged by the applicants residing at the existing residence.

- 7.2.7 The applicants disputed some of the information in the consultation response from the County Council regarding the functional need for a worker to be on the site. As such, further information was provided regarding the agricultural enterprise. Following a further consultation with the County Estates Surveyor, he maintained his previous opinion regarding the need for an additional dwelling to serve the farm operation. As it has been advised that it is considered that the applicants' existing property serves the need of one full time farm worker for the farming operation, then it would be difficult to come to a conclusion that there is a functional need to support a new dwelling in this location. It is also noted that there is a member of the family living at Lentworth Hall Farm, although not a farm worker, which would provide a level of security and surveillance. It would be unreasonable to restrict the existing dwelling on the site to agricultural use as there is only a justified need for one farm worker.
- 7.2.8 The proposal does re-use an existing building which does have some historic merit. The response from the County Archaeologist sets out that Lentworth Hall dates to the 17th century, but is thought to have an earlier 14th century foundation as a vaccary, whilst one of the barns on site is recorded as having a date stone of 1637. As the barn is likely to date from the late 18th century, it is therefore considered to be of some historic interest, showing the development and response to changing agricultural practices and economics over time. Although the building has some historic merit, it is not in a particularly poor state of repair and does not appear to be in danger of being lost in the near future. The land and building are also not causing harm in their present state to the character and appearance of the landscape. As such, it is not considered that the re-use of the redundant barn is sufficient to justify a new dwelling in a particularly isolated part of the District.
- 7.2.9 The agent has also referred to an application that was granted consent for two dwellings without an occupancy restriction. Each application must be determined on its own merits and although outside a settlement, the approved application related to a large disused barn, adjacent to a farm complex on a bus route in a less isolated location. It would also allow for an improvement to its setting. As such, it is not considered that the situation is directly comparable.

7.3 Design

- 7.3.1 The application proposes alterations to the building in the form of additional windows, doors and roof lights, with all existing openings also utilised. Amendments have been made from the previously submitted scheme which are now more sympathetic to the agricultural character of the building. As already set out above, the building has historical merit and as such would be considered as a non-designated heritage asset. Two new windows, a door and four roof lights are proposed in the front elevation. The upper floor has also been set back from the large glazed barn door so that the floor does not cut across the window. There are more windows proposed in the rear elevation, however, this elevation is not visible from public viewpoints and is contained within an existing large stone boundary wall. There are also two flues proposed on the rear elevation. Overall the alterations are considered to generally respect the character and appearance of the building subject to appropriate details of all new external materials, which can be controlled by condition. The County Archaeologist has set out that the conversion will have a significant impact on the historic character of the buildings, and result in the loss of some historic fabric. It has therefore been requested a programme of archaeological building recording and analysis which can be secured by condition.

7.4 Residential Amenity

- 7.4.1 There are two windows proposed at first floor in the west elevation of the building and one in the east elevation. There are four apartments within Lentworth Hall, located to the south west of the barn. Given the position of this neighbouring property, there will be no adverse impacts on privacy as a result of the windows in the side elevation, or any in the rear. The existing farmhouse is located approximately 21 metres to the south east and as such the proposal will not be detrimental to the amenities of this property. The area at the rear of the barn is partly enclosed by a high stone wall

along the rear wall and it is proposed to separate this from the farmyard by a new wall. Given the proximity of the proposed dwelling to the farm operation, this would be unacceptable as an open market dwelling. However, as it is proposed to serve an agricultural worker, this relationship is acceptable but the occupancy would need to be controlled by condition.

7.5 Highway impacts

7.5.1 County Highways has raised no objections to the application. The site is served by an existing track from Abbeystead Road and there is sufficient space to the north of the building for the parking of cars. As such, the proposal will not be detrimental to highway safety.

7.6 Ecological Impacts

7.6.1 As the proposal involves the conversion of a barn, a bat, barn owl and nesting bird survey has been submitted with the application. Assessments of the building's walls and roof were undertaken in addition to emergence surveys. No indications of use of the site by barn owls or nesting birds was found during the survey. A single Brown Long-eared bat was seen foraging inside the barn on the first survey, but no activity was recorded on the second survey. The first activity survey found evidence of the adjacent barn being used by small numbers of Brown Long-eared bats as a transitional roost. The second survey identified use of the internal space of the adjacent barn by foraging bats. A large Brown Long-eared roost is known to occur in Lentworth Hall adjacent. Due to the proximity of known bat roosts, but negligible potential for use of the building for roosting, the report sets out that precautionary mitigation would be appropriate.

7.6.2 On the basis of the information provided, it is unlikely that the proposal will adversely impact on protected species of bats or barn owls provided that the mitigation set out in the report is implemented. This consists of precautionary measures during the works to the building.

7.7 Impact on trees

7.7.1 There are seven large trees established immediately adjacent to the site. These trees are mature and can be clearly seen from the public domain. They make an important contribution to the character and appearance of the site in question and that of the wider locality. Species include sycamore, beech and horse chestnut. Given the age and dimension of all of the trees in question, rooting areas will be extensive. Provision must be made to protect both above and below ground tree structures during the course of the proposed development. Whilst, the proximity of the existing barn structure and hardstanding is likely to constrain an element of root development towards the site, a detailed arboriculture assessment to include a Tree Protection Plan and Arboriculture Method Statement will be required. Only "root friendly" methods of working and materials will be agreed within calculated root protect areas. Further details will be required to be submitted and agreed in writing for the protection of trees in relation to the installation of gable end windows and all new surfaces or services proposed within 8 metres of the existing trees. It is considered that this can be adequately controlled by conditions.

7.8 Land Contamination

7.8.1 The Contaminated Land Officer has requested a condition requiring the submission of a preliminary risk assessment in relation to contaminated land, in addition to the standard contamination conditions. In this instance, the submission sets out that the building has solely been used for housing animals periodically. There is no evidence of obvious contamination. However, as it has been used for some agricultural purposes there is potential for some contamination and as such it seems appropriate to include a condition, if consent is granted, requiring a preliminary risk assessment to be carried out prior to commencement and further investigation and assessment incorporating remediation measures if necessary.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 The proposed dwelling is not considered to be in a sustainable location due its isolated, rural

position, divorced from services. On the basis of the information provided it is considered that there is a functional need for one full time worker but that this need is served by the dwelling currently occupied by the applicants. The proposal would therefore result in two dwellings to serve the unit for which there is not a functional requirement. Although the proposal reuses an existing building which has some historic merit, it is not in a particularly poor state of repair and does not appear to be in danger of being lost in the near future. The land and building are also not causing harm in their present state to the character and appearance of the landscape. As such, it is not considered that the re-use of the redundant barn is sufficient to justify a new dwelling in a particularly isolated part of the District. As such, the proposal is considered to be contrary to the policies contained within the Core Strategy, the Development Plan DPD and the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development and, for the reasons explained in the report, it is not considered that the proposal represents this.

Recommendation

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

1. The site is located within the open countryside, divorced from any services and as such is not considered to be sustainable in terms of its location. It is not considered that the proposal meets the functional tests required to justify a dwelling in the open countryside to meet the needs of a rural worker. 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 the Lancaster District Core Strategy and Policies DM20, DM42 and DM43 and Appendix C of the Development Management Development Plan Document.

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

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

In accordance with Article 31 of the Development Management Procedure Order, the Development Plan policies and other material considerations relevant to this particular application are those that are referred to in this report.

This proposal has been assessed on site by the local planning authority. Regrettably the proposals are unacceptable for the reasons prescribed in this report and the problems are so fundamental that they are incapable of being resolved as part of the current submission.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None