

<b>Agenda Item</b> A12	<b>Committee Date</b> 8 February 2016	<b>Application Number</b> 15/01398/CU
<b>Application Site</b> Sidegarth Sidegarth Lane Halton Lancaster	<b>Proposal</b> Change of use of existing barn to two holiday units, demolition of side extensions and erection of a 2 storey side extension	
<b>Name of Applicant</b> Mr & Mrs M Swindlehurst	<b>Name of Agent</b> Mr Sam Edge	
<b>Decision Target Date</b> 21 January 2016	<b>Reason For Delay</b> Committee Cycle	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	None	
<b>Summary of Recommendation</b>	Approval	

## **1.0 The Site and its Surroundings**

- 1.1 This application relates to a detached barn, sited adjacent to a residential property in a rural location between the settlements of Aughton, Over Kellet and Gressingham. It is accessed off Kirkby Lonsdale Road via a long privately maintained track, known as Sidegarth lane, which is also a public right of way. The line of the right of way appears to pass adjacent to the northeast elevation of the barn, between the building and the dwelling, and then splits beyond the residential boundary, with one path continuing in a south east direction and the other to the south west. The site is located within the Countryside Area and is close to the boundary (but within) the Forest of Bowland Area of Outstanding Natural Beauty. There is a high pressure gas pipeline located approximately 280 metres to the south east of the site.
- 1.2 The barn is constructed of stone with limited openings. It does however have some unsatisfactory modern influences, most notably a side (upvc) conservatory. The building also has a lean-to and non-traditional chimney. It appears to have been used in association with the adjacent dwelling to some extent historically, although there is no formal consent for this and the submission refers to the building as a barn. There is also a larger traditional barn to the northwest of the site which is outside the applicant's ownership. With the exception of the adjacent dwelling, which is under the same ownership as the barn, there are no nearby residential properties; the closest being located approximately 450 metres to the south west.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for the change of use of the barn to form two holiday cottages. The proposal includes the demolition of the existing conservatory and the lean-to, and replacement with a two-storey side extension. The existing chimney is also proposed to be removed. The extension would help facilitate the second of two holiday cottages – each benefitting from a ground floor lounge/diner/kitchen space, with 2 bedrooms and a bathroom above.

## **3.0 Site History**

- 3.1 There is no recent planning history relating to this barn (although a separate planning application for

works to the nearby dwelling is also being presented to the February 8<sup>th</sup> 2016 Planning Committee (Ref: 15/01399/FUL).

#### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	<b>No objection</b> but advised that the grant of planning permission does not entitle a developer to obstruct a right of way.
<b>Conservation</b>	<b>No objections</b> in relation to the reuse of the barn as holiday units but concerns regarding the design and materials.
<b>Environmental Health</b>	<b>No objections</b> – no conditions necessary.
<b>Tree Protection Officer</b>	<b>No objection</b> subject to conditions requiring: submission of an arboricultural method statement; implementation of tree/hedge protection; details of hard and soft landscaping.
<b>Parish Council</b>	No comments received within statutory timescale.
<b>Public Rights of way Officer</b>	No comments received within statutory timescale.
<b>Ramblers Associations</b>	They have commented on the separate application for works to the nearby property (15/01399/FUL).
<b>National Grid</b>	No comments received within statutory timescale.

#### **5.0 Neighbour Representations**

5.1 No comments have been 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 28 – Supporting a prosperous rural economy
  - Paragraphs 56, 58 and 60 – Requiring Good Design
  - Paragraph 115 – Conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty
  - Paragraph 118 – Conserving and Enhancing Biodiversity
  - Paragraphs 135 – Non-Designated Heritage Assets
- 6.2 Lancaster District Core Strategy (adopted July 2008)
- SC1 – Sustainable Development
  - SC5 – Achieving Quality in Design
  - ER6 – Developing Tourism
- 6.3 Lancaster District Local Plan - saved policies (adopted 2004)
- E3 – Areas of Outstanding Natural Beauty (AONB)
  - E4 – Countryside Area
- 6.4 Development Management Development Plan Document (adopted December 2014)
- DM7 – Economic Development in Rural Areas
  - DM8 – The Re-use and Conversion of Rural Buildings
  - DM13 – Visitor Accommodation
  - DM20 – Enhancing Accessibility and Transport Linkages
  - DM27 – Protection and Enhancement of Biodiversity
  - DM28 – Development and Landscape Impact
  - DM29 – Protection of Trees, Hedgerows and Woodland
  - DM33 – Development Affecting Non-Designated Heritage Assets or their Settings
  - DM35 – Key Design Principles

## **7.0 Comment and Analysis**

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

- Principle of holiday accommodation
- Design and impact on non-designated heritage asset
- Impact on residential amenity
- Impact on trees
- Ecological Impacts
- Public Right of Way

### **7.2 Principle of holiday accommodation**

7.2.1 Aside from the principles of sustainability advocated by national and Development Plan policy (particularly Core Strategy Policy SC1 and Development Management (DM) DPD Policy DM20), the main policy consideration relates to the proposed tourism-related use of this building. Policy ER6 of the Core Strategy sets out that the Council will promote and enhance tourism development in the district's countryside by encouraging agricultural diversification to create quiet recreation and small scale sensitively designed visitor attractions and accommodation.

7.2.2 The proposal cannot be considered as agricultural diversification as it does not relate to an agricultural business. However, Policy DM DPD DM13 sets out that visitor accommodation will be acceptable where it involves the conversion or re-use of a suitable existing rural building and the proposal complies with other relevant policies, in particular the criteria set out in DM DPD Policy DM8. In this case the building is a traditional barn, which has some domestic additions. It appears to be structurally sound and capable of conversion. In terms of sustainability, the site is located within an isolated rural location, however there is a good network of public footpaths in the vicinity of the site which can be used by visitors staying in this location and it is within the Forest of Bowland AONB. The application includes a two storey extension which would not usually be encouraged. However the presence of the existing conservatory and lean-to, and the need to remove these unsatisfactory elements from the building – leads Officers to consider that a suitably-designed two-storey extension would be preferable to the current situation. Therefore, providing that the design, amenity, ecological and other impacts are acceptable, the principle of development can be accepted.

### **7.3 Design and Impact on non-designated heritage asset**

7.3.1 The buildings at Sidegarth are located in a traditional U-shaped arrangement which is characteristic of an isolated former farmstead in a field of recent (as opposed to ancient) enclosure. The buildings at Sidegarth are not Listed, nor are they within a Conservation Area. However the barn is visible on the 1840s and 1890s Ordnance Survey maps in an unaltered plan form and therefore it is capable of being considered as a non-designated heritage asset, in accordance with the advice provided in DM DPD Policy DM33. This approach is supported by the Council's Conservation Officer, given that the barn has retained many of its vernacular details (e.g. rubble walling; ventilation holes).

7.3.2 The removal of the existing upvc conservatory and the lean-to extension will clearly benefit the setting of this non-designated asset. Similarly, the replacement of the concrete roof tiles with slate is a significant positive. Other pleasing features to arise from the submission include the exposure of the original barn door and the removal of the existing (modern) canopies.

7.3.3 Notwithstanding these improvements, the proposed plans as submitted were subsequently amended to address some outstanding concerns. A proposed roller-boarded barn door was removed from the scheme. A series of ridge-lights in the barn were also deleted, in favour of more traditional conservation-type rooflights. These amendments, coupled with the removal of the existing non-traditional extensions, lead Officers to consider that the two-storey extension is acceptable. In reaching this conclusion, Officers have taken into account the implications for the non-designated heritage asset. The opportunity to bring the barn back into beneficial reuse; the removal of non-traditional features; and the amendments to the design of the current proposal considerably outweigh any concern relating to the scale of the two-storey extension. The significance of the non-designated heritage asset is therefore enhanced by the current proposal.

## 7.4 Impact on residential amenity

7.4.1 The adjacent dwelling is in the ownership of the applicant. The barn is located approximately 5.8m from the nearest part of the dwelling, which comprises a long single storey addition at the front. This part of the dwelling is proposed to be demolished, and these works are subject to the separate planning application (15/01399/FUL) being considered on this Committee Agenda. The existing relationship feels uncomfortable given the close proximity, but it is accepted that the properties are offset slightly, and the residential impact would be alleviated if these outbuildings were removed, as is proposed. The two-storey extension is proposed to have side-facing windows at ground floor (facing south-east), but not at first floor. The site plan shows proposed intervening landscaping and a solid boundary treatment, which will be capable of improving the physical relationship between the two remodelled structures. These details will be conditioned.

## 7.5 Impact on Trees

7.5.1 A tree survey and protection plan has been submitted with the application. A total of 9 trees have been identified within the context of the proposed development, including within the setting of the nearby dwelling. The species include Apple, Douglas Fir, Scots Pine, Sycamore, Birch, Beech, and Cypress. Four trees, namely T5, Birch, T6, Beech, and T8 & T9, both Leyland Cypress are proposed for removal because of their poor overall condition. T6 is the most significant of the trees proposed to be felled and concerns have been identified with regard to the structural integrity of this mature tree. The removal of these trees is considered to be acceptable in the interest of good arboriculture practice. However, new replacement tree planting is anticipated and would be controlled by condition. A Sycamore (T7) is a mature tree that has been pollarded in the past. This tree must be maintained as a pollarded tree and proposals include a regular 5 year pollarding programme which is acceptable.

## 7.6 Ecological Impacts

7.6.1 As the application proposes the conversion of a traditional stone barn, a bat survey has been submitted. Surveys of the building and general activity have been carried out. The emergence survey confirmed the building as a bat roost for a single *myotis spp* bat and the re-entry survey confirmed the building as a bat roost for a 3 soprano pipistrelle bats. It is concluded that a Natural England licence is necessary in this instance as there will be a small impact upon two known bat roosts. The proposed development at the site will result in the loss of both existing bat roosts. As a license from Natural England is required, the three derogation tests that would applied when determining whether a licence can be issued must be considered. These are:

1. The proposed development must meet a purpose of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment” Regulation 53(2)(e).
2. The competent authority must be satisfied “that there is no satisfactory alternative” Regulation 53(9)(a), and:
3. “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range” Regulation 53(9)(b).

7.6.2 In terms of overriding public interest, the proposal will result in a viable use to a non-designated heritage asset. It will also result in the removal of more domestic additions, enhancing its character. For these reasons it is considered that the proposal complies with the first test. The second test relates to there being no satisfactory alternatives. In the guidance it sets out that there are always going to be alternatives to a proposal and, in terms of licensing decisions, it is for Natural England to determine that a reasonable level of effort has been expended in the search for alternative means of achieving the development whilst minimising the impact on the Protected Species. In this case, the works are required to allow the building to be converted. The main alternatives are leaving the building in its current state and use. As set out above, there are benefits to the development, and if left as it is the building could fall into disrepair and could eventually fall down. As such, it is not considered that there are satisfactory alternatives.

7.6.3 The third test sets out that the action authorised will not be detrimental to the maintenance of the

population of the species concerned at a favourable conservation status in their natural range. A mitigation strategy has been set out within the report. The careful planning and timing of the works will ensure that direct impacts upon bats will be avoided. The mitigation aims to exclude the bats from the building. Compensation is also proposed to mitigate the loss of the two small roosts. It is therefore considered that the proposal complies with this test.

## 7.7 Public Right of Way

7.7.1 A public right of way (FP 18) appears to cross the wider site. The agent has responded to requests to illustrate the route of the footpath on the site plan, which he has done. The route of the footpath appears to run in between the barn and the nearby dwelling. As such, it is considered that the proposed extension and works can be accommodated without obstruction to the footpath route, and the proposal can, in planning terms, be considered favourably. However it would be prudent to include an Advice Note on any grant of permission to indicate that the developer is not entitled to obstruct any public footpath, and any works that did so would be subject to a stopping-up or diversion of a public right of way Order under the appropriate Acts.

## 8.0 Planning Obligations

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

## 9.0 Conclusions

9.1 Whilst the barn is not in a geographically-sustainable location, it forms part of the group of buildings relating to the existing residential property at Sidegarth, and appears to have been used for some form of residential purpose in the past (given the conservatory and lean-to additions). The barn is considered to be a non-designated heritage asset, and this proposal attempts to bring it back into beneficial use, which is welcome. Holiday accommodation, rather than permanent accommodation, is considered an appropriate use given the circumstances of this case.

9.2 The physical works to the building will help restore the character and improve the appearance of the structure. The development will be subject to tree and bat-related conditions, and a separate Advice Note will inform the applicant that the nearby public footpath cannot be obstructed at any time. On that basis, planning permission is recommended.

## Recommendation

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

1. Standard 3-year time condition
2. Amended Plan Condition
3. Development as per approved plans
4. Materials to be agreed in writing and then implemented in accordance with agreed details; including:
  - Details of natural slate, including sample
  - Details of ridge, verge and eaves details
  - Mortar and pointing sample
  - Details of rainwater goods
  - Details of new stone
  - Details of rooflights (to be conservation type), windows and doors
  - Details of boundary treatments
5. Submission of an arboricultural method statement (including pollarded tree)
6. Details of hard and soft landscaping
7. Implementation of tree/hedge protection
8. Compliance with bat mitigation within Bat Survey
9. Creation of parking/turning prior to first use
10. Holiday occupancy – no more than 8 weeks, bound register (i.e. not permanent accommodation)
11. Removal of all permitted development rights

## 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:

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings. The local planning authority has provided advice during the pre-application stage of the process in accordance with Paragraph 189 of the National Planning Policy Framework, and the applicant's subsequent proposal has taken that advice into account. As a result the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

### **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.