

Agenda Item A8	Committee Date 27 June 2016	Application Number 16/00623/RCN
Application Site Scale House Farm Conder Green Road Galgate Lancaster	Proposal Change of use and conversion of existing redundant barn to create 4 self-contained holiday accommodation (C3) and conversion of existing outbuilding to create external storage area (pursuant to the variation of condition 17 and removal of conditions 18 and 19 on planning permission 14/00784/CU in relation to the curtilage and to allow the holiday units to be used as unfettered residential dwellings)	
Name of Applicant Mr & Mrs Wilson	Name of Agent Mr Avnish Panchal	
Decision Target Date 11 July 2016	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 relates to issues of sustainability raised by the introduction of a footpath from the site.

1.0 The Site and its Surroundings

- 1.1 The application relates to a large agricultural building at Scale House Farm, set back from Conder Green Lane, located approximately 1 kilometre to the south west of Galgate. It is accessed via a relatively short track and has a cobbled area to the front. The building is constructed of stone and has a metal sheeted roof. Across the whole of the rear elevation is a stone lean-to which has a slate roof. To the rear of this is a group of stone outbuildings which are arranged in a 'U' shape. To the west of the building is the farmhouse which is a stone building with a slate roof. To the east is a group of modern agricultural buildings which extend around the rear of the barn.
- 1.2 The site is located within the Countryside Area as identified on the Local Plan proposals map. Most of the agricultural building is within Flood Zone 2, and Flood Zone 3 extends slightly into the group of farm buildings. A public footpath lies to the north of the farmhouse and connects to a series of other paths to the west.

2.0 The Proposal

- 2.1 Planning permission was previously granted for the conversion of the large agricultural building to form four, two storey self-contained holiday units. This application seeks to remove and vary conditions relating to the holiday accommodation so that the building can be occupied as four

unrestricted dwellings.

3.0 Site History

3.1 The buildings have consent for the conversion to holiday use. Planning permission was refused at the end of 2015 for the removal and variation of conditions to allow the units to be used as permanent residential accommodation. The main difference between the current and previous application is the proposal for a footway within the adjacent fields, although this is not within the red line. The site history is set out below:

Application Number	Proposal	Decision
15/01310/RCN	Change of use and conversion of existing redundant barn to create 4 self-contained holiday accommodation (C3) and conversion of existing outbuilding to create external storage area (pursuant to the variation of condition 17 and removal of conditions 18 and 19 on planning permission 14/00784/CU in relation to the curtilage and to allow the holiday units to be used as unfettered residential dwellings)	Refused
14/00784/CU	Change of use and conversion of existing redundant barn to create 4 self contained holiday accommodation (C3) and conversion of existing outbuilding to create external storage area	Approved
14/00123/CU	Change of use and conversion of existing redundant barn to create 4 self contained holiday accommodation (C3) and conversion of existing outbuilding to create external storage area	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Comments not received at the time of compiling this report, any comments will be reported verbally.
County Highways	No objection
Environment Agency	No comments to make
County Planning (Minerals)	Comments not received at the time of compiling this report, any comments will be reported verbally.

5.0 Neighbour Representations

5.1 No representations 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
- Paragraphs 56, 58 and 60 – Requiring Good Design
- Paragraph 118 – Conserving and Enhancing Biodiversity
- Paragraphs 135 – Non-Designated Heritage Assets

6.2 Lancaster District Core Strategy (adopted July 2008)

- SC1 – Sustainable Development
- SC3 – Rural Communities
- SC5 – Achieving Quality in Design
- ER6 – Developing Tourism

- 6.3 Lancaster District Local Plan - saved policies (adopted 2004)
 - E4 – Countryside Area
- 6.4 Development Management Development Plan Document (adopted December 2014)
 - DM8 – The Re-use and Conversion of Rural Buildings
 - DM13 – Visitor Accommodation
 - DM20 – Enhancing Accessibility and Transport Linkages
 - DM28 – Development and Landscape Impact
 - DM33 – Development Affecting Non-Designated Heritage Assets or their Settings
 - 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 development
 - Flooding
 - Impact on residential amenity
- 7.2 Principle of development
 - 7.2.1 The application seeks consent to remove and vary conditions on the previous approval which relate to holiday accommodation. This would result in four unrestricted residential properties. 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, divorced from any of the villages identified in policy DM42. The village of Galgate lies approximately 1 kilometre to the north east but is accessed via a relatively narrow road with high hedges and limited verges with a speed limit of 60mph. As such it is unlikely that people would walk along this road, particularly in the dark, to reach services in this village. As such, it is likely that someone living in this location would be wholly reliant on private transport. The current application proposes a footpath behind the hedge, adjacent to the highway, on the land owned by the applicant. This would be approximately 150 metres in length. The submission sets out that this would link with an existing footpath behind a hedge in the ownership of Sellerley Farm, although it would be approx. 240 metres short of this. It is understood that this is a permissive path, not part of the highway or a public right of way, from Sellerley Farm (located approximately 350 metres to the east of the site) extending for approx. 460 metres, terminating approx. 60 metres from the canal bridge on the edge of Galgate. The formal footway through Galgate starts after this bridge. The proposed path is not within the red line and, if formally created with hardstanding, is likely to require planning permission. It would also not be lit, would not link to the existing path at the adjacent farm, and there would be no control over the path at the adjacent farm as it is not adopted highway or a public right of way. As such, it is still considered that occupants are likely to be fully reliant on private transport given the nature of the highway.
 - 7.2.3 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.
 - 7.2.4 The building received consent for the conversion to holiday accommodation earlier in 2015. Policy

ER6 of the Core Strategy set 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. The proposal could not be considered as agricultural diversification as it was indicated that the applicant intends to cease farming and remove the modern agricultural buildings on the site. However, Policy DM13 sets out that visitor accommodation will be acceptable where it involves the conversion or re-use of suitable existing rural buildings and the proposal complies with other relevant policies, in particular the criteria set out in Policy DM8. The building is a large traditional barn which is considered to be a non-designated heritage asset. The response from the County Archaeological Service identified that the first edition Ordnance Survey 1:10,560 surveyed in 1844-5 shows a building in a similar location and to a similar scale and the quoins and kneelers are thought to be indicative of a late 18th/early 19th century date for this building. It is 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. As such, the principle of the change of use to holiday accommodation was considered to be acceptable.

- 7.2.5 As set out above, it is considered that the building is a non-designated heritage asset and the removal of the modern agricultural buildings will result in an enhancement to its setting. However, these enhancements would be achieved through the implementation of the existing consent for holiday accommodation. It is accepted that holiday accommodation is often in less sustainable locations and it would be unlikely that visitors to the site would need to undertake as many trips by car to reach services as someone living in this location who would likely be wholly reliant on a car to reach shops, workplaces, schools, doctors and other services throughout the whole year. The site is close to public rights of way and adjacent to an on road section on National Cycle Route 6 which becomes a traffic free route adjacent to the Lune estuary and links Glasson Dock. This is likely to appeal to people visiting the area and may be an attraction for the site's location, however provides little in benefits to future occupiers in terms of accessing services as it would likely be unattractive to use this mode of transport to access workplaces during winter months when it is dark earlier given the nature of the highway, its width, speed and lack of streetlights. The public footpaths also lead away from most of the nearest services which are within Galgate.
- 7.2.6 The submission sets out that planning policy has evolved since the inception of the holiday scheme with the introduction of permitted development rights for agricultural holdings such as this and it is the applicants' wish to have their scheme considered for residential use, with it being located only 1 mile from Galgate with all the basic amenities to hand. Given the size of the building, it is unable to benefit from the permitted development rights and it is not considered that the introduction of these provisions is a material consideration in determining the planning application.
- 7.2.7 The building has consent for use as holiday accommodation which is less intensive and it is accepted that this type of accommodation is often located in less sustainable locations and is acceptable in policy terms. However, the proposal will result in four new dwellings in an isolated rural location, divorced from any services with occupiers likely to be wholly reliant on private transport. As such the proposal is considered to represent an unsustainable form of development and is therefore contrary to local and national policy as set out above. No substantive evidence has been provided to demonstrate why the buildings cannot be converted to holiday accommodation, which would also achieve the benefits to the setting of the building.
- 7.3 Flooding
- 7.3.1 A small part of the site is within Flood Zone 3 but does not include the buildings which are the subject of the planning application. Most of the main building is within Flood Zone 2. The proposed use is defined as more vulnerable to flooding and is considered appropriate within Flood Zone 2. As such, it is not considered that there will be unacceptable risks of flooding to users of the development. A flood risk assessment has been submitted which sets out flood protection measures to be implemented. The Environment Agency raised no objection to the previous application, subject to the inclusion of a condition requiring finished floor levels to be set no lower than 11.2 m above Ordnance Datum (AOD) as set out in the flood risk assessment. The plans show it to be 11.18 so it is only marginally higher so will have no adverse impact on the overall design.

7.4 Impact on residential amenity

- 7.4.1 The original scheme proposed the removal of the adjacent farm buildings as it is the applicant's intention to cease farming. However there were concerns that additional buildings could be erected on the farm holding which could have implications on the character and appearance of the area in addition to residential amenity, depending on where they were sites. As such, the applicant previously agreed to a Legal Agreement to prevent the erection of new buildings on the farm holding. A deed of variation would be required to link this to the current application.

8.0 Planning Obligations

- 8.1 A deed of variation would be required to the previous Unilateral Undertaking which prevented the erection of new agricultural buildings on the farm holding.

9.0 Conclusions

- 9.1 Notwithstanding the need to boost significantly the supply of housing (as defined by the NPPF, Section 6, Para 47 in particular), and the fact that housing applications should be considered in the context of the presumption in favour of sustainable development (Para 49), this proposal for four unrestricted private dwellings in open countryside does not represent sustainable development. It is not a location that can be made sustainable and it is considered that the improvements to the setting of the building could be achieved through the approved conversion to holiday accommodation and no substantive evidence has been provided to demonstrate that this type of accommodation would be inappropriate in this location. As such, approving the application would run contrary to the NPPF and Development Plan policies.

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 there are any special circumstances, in this instance, to justify four 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.

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

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

Lancaster City Council takes 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 prescribed in this report.

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