

Agenda Item	A7
Application Number	24/00295/FUL
Proposal	Change of use of agricultural land to residential curtilage
Application site	Whittington Farm Main Street Whittington Carnforth
Applicant	Rural Candelisa Ltd
Agent	Mrs Liz Walker
Case Officer	Mr Andrew Clement
Departure	No
Summary of Recommendation	Approval

(i) **Procedural Matters**

Concurrent applications for another variation of conditions application and application for extended garden spaces to the south of the site have been submitted through separate application, for consideration and determination at the same planning committee meeting. The two variation of conditions applications seek slightly different layouts and housing mix to one another, referenced 23/01408/VCN and 23/01488/VCN. Both seek to vary permissions reported to be departures from the local plan. This proposal seeks to extend the garden areas of the southern row of properties through separate application 24/00295/FUL and is relevant to both concurrent variation of conditions applications. This follows pre-application advice during which extending the development area was discussed.

1.0 Application Site and Setting

- 1.1 The application site relates to a circa 1,220sq.m parcel of land sloping down southeastwards from a farmstead and associated slurry pit, although concurrently seeking to vary consents for conversions and 18 new dwellinghouses, which is understood to be currently active on-site. The majority of this application site is grassland, and includes part of an agricultural track joining the farmstead to further agricultural fields to the east.
- 1.2 The site is centrally located on the edge of the village of Whittington, approximately 2.5km from Kirkby Lonsdale town centre. Beyond the farmstead, the neighbouring uses comprises of residential to the north, and west, with open fields located to the east and south. The majority of nearby properties are traditional in appearance and form, finished in predominantly natural sandstone under slate. The site is located just beyond Whittington Conservation Area, and Grade II listed buildings are located adjacent to the sit, Wayside and Whittington Farmhouse and Barn. The site is allocated under the adopted Local Plan as Open Countryside. Public right of way (PROW) footpath no.6 runs along the northeast of the site.

2.0 Proposal

2.1 The application seeks planning permission to change the use of the field to domestic curtilage.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
24/00377/AD	Agricultural determination for the erection of an agricultural storage building	Concurrent
24/00310/LB	Listed Building Application for the demolition of existing outbuildings and change of use, conversion and alteration of barn into one dwelling (C3), with associated parking	Concurrent
24/00309/FUL	Demolition of existing outbuildings and change of use, conversion and alteration of barn into one dwelling (C3)	Concurrent
23/01488/VCN	Outline application for the erection of 18 dwellings with associated access and change of use of barn to a mixed use comprising a dwelling (C3) and a shop/tearoom (A1/A3) and Relevant Demolition of the existing agricultural buildings (pursuant to the variation of conditions 2 on planning permission 19/00245/VCN to make amendments to the approved scheme)	Concurrent
23/01408/VCN	Outline application for the erection of 18 dwellings with associated access and change of use of barn to a mixed use comprising a dwelling (C3) and a shop/tearoom (A1/A3) and Relevant Demolition of the existing agricultural buildings (pursuant to the variation of condition 2 on 16/00397/OUT to amend the layout and appearance of the dwellings)	Concurrent
23/00205/DIS	Discharge of conditions 7, 8, 9, 10, 12, 13 and 21 on approved application 19/00245/VCN	Concurrent
23/01147/FUL	Change of use of agricultural land to residential curtilage	Refused
23/00128/PRENG2	Pre-application advice request for 33 dwellings and S106 requirements	Advice provided
21/00331/ELDC	LDC for works undertaken in carrying out demolition to implement planning permission 16/00397/OUT	Granted
19/01590/LB	Listed building application for the installation of windows and doors, installation of a first floor, installation of replacement roof on existing barn, installation of internal staircase and internal partition walls and alteration of the site entrance walls	Permitted
19/00406/REM	Reserved matters application (consisting of landscaping only) for the demolition of existing buildings, erection of 18 dwellings, change of use of barn to a mixed use comprising a dwelling (C3) and a shop/tearoom (A1/A3) and associated landscaping	Permitted
19/00245/VCN	Outline application for the erection of 18 dwellings with associated access and change of use of barn to a mixed use comprising a dwelling (C3) and a shop/tearoom (A1/A3) and Relevant Demolition of the existing agricultural buildings (pursuant to the variation of conditions 2 and 13 on planning permission 16/00397/OUT to alter the site layout and remove the play area)	Permitted
19/00110/DIS	Discharge of conditions 3,4,5 and 6 on approved application 16/00397/OUT	Permitted

18/01224/VCN	Outline application for the erection of 18 dwellings with associated access and change of use of barn to a mixed use comprising a dwelling (C3) and a shop/tearoom (A1/A3) and Relevant Demolition of the existing agricultural buildings (pursuant to the variation of conditions 2 and 13 on planning permission 16/00397/OUT to alter the site layout and remove the play area)	Refused
16/00399/LB	Listed building application for internal and external alterations to facilitate the change of use of barn to a mixed use comprising of a dwelling and shop/tearoom and removal of the site entrance walls	Permitted
16/00397/OUT	Outline application for the erection of 18 dwellings with associated access and change of use of barn to a mixed use comprising a dwelling (C3) and a shop/tearoom (A1/A3) and Relevant Demolition of the existing agricultural buildings	Permitted

4.0 Consultation Responses

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

Consultee	Response
Whittington Parish Council	No observation received to date
County Highways	No objection
Environmental Health	No objection , subject to contaminated land survey, including soil sampling, and any relevant mitigation given sensitive domestic end use

4.2 No observations have been received from members of the public to date:

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of the development
- Scale, design and landscape impact upon the open countryside and setting of designated and non-designated heritage asset

5.2 **Principle of the development** Development Management (DM) DPD policy, DM29 (Key Design Principles); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development); National Planning Policy Framework (NPPF) Sections 2. (Achieving sustainable development), Section 4. (Decision-making), and Section 11. (Making effective use of land)

5.2.1 The application proposes to change the use of agricultural land to domestic curtilage, in anticipation of implementing planning permission for the dwellinghouses through permission 19/00245/VCN, or if approved, a subsequent variation to this consent concurrently sought. A supporting statement suggests drainage infrastructure and landscaping will be located within the application site, however none are detailed as part of this proposal.

5.2.2 There are extant consents at the site, with 19/00245/VCN having no time limit condition and original approval 16/00397/OUT having received certification of commencement of the consent due to demolitions undertaken prior to this permission expiring. Whilst there are some outstanding per-commencement planning conditions and no dwellinghouses have been constructed to date, progress has been made with two concurrent variation of conditions applications, both recommended for approval with a Grampian condition tied to this application, to improve garden provision to the southern row of proposed dwellinghouses. Whilst this would much more neatly be tied into a single new full application with a larger development area, red edge development area

cannot be extended through the submitted variation of conditions applications. This application has effectively been submitted as a workaround to extend the wider residential development site due to the limitation in how applications can be varied.

5.2.3 An almost identical preceding application to this one was refused, approximately 4 months ago in late 2023, at a time when the now concurrent variation of conditions applications 23/01408/VCN and 23/01488/VCN were recently validated and invalid applications respectively, and no recent physical progress had been made on-site. Since then, the aforementioned variation of conditions applications have progressed to recommending approval at this planning committee, with progress on-site providing much greater confidence of development of the site finally coming to fruition, almost 8 years since originally approved. Whilst a preceding application to this was refused due to prematurity, the timing of this application, and ability to control the implementation of this with Grampian conditions closely tying to the concurrent variation, if approved, is considered to have addressed this issue. With such control through planning conditions for the proposed domestic curtilage to be brought forwards only as part and alongside the concurrent variation of condition applications, this addresses the principle unacceptability of the predecessor.

5.3 **Scale, design and landscape impact upon the open countryside and setting of designated and non-designated heritage asset** Development Management DPD Policies DM29 (Key Design Principles), DM39 (The Setting of Designated Heritage Assets), DM46 (Development and Landscape Impact), DM57 (Health and Wellbeing) and DM61 (Walking and Cycling), Strategic Policies and Land Allocations (SPLA) DPD Policies EN3 (The Open Countryside), SP7 (Maintaining Lancaster District's Unique Heritage) and SP8 (Protecting the Natural Environment); National Planning Policy Framework Section 12. (Achieving well-designed places), Section 15. (Conserving and enhancing the natural environment) and Section 16. (Conserving and enhancing the historic environment); and Listed Building and Conservation Areas Act 1990

5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM37 and DM38. DM38 sets out that development within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

5.3.2 The application site is located within the designated open countryside, adjacent to the Whittington Conservation Area. The site would be largely visually contained and screened from the perspective of Main Street, however it is more prominent from the public right of way (PROW) footpath to the east and south, being situated on elevated land sloping southeastwards towards this footpath. This public right of way footpath no. 6 skirts to the east of Whittington, and is primarily rural in nature, through agricultural fields leading to the River Lune and to the wider right of way network. The landscape is very open in this location, with the exception of Whittington village, which is a traditional rural village designated with a Conservation Area, containing a number of Listed Buildings and non-designated heritage assets, most notably Wayside and Whittington Farmhouse and barn.

5.3.3 The proposal seeks consent for a large curtilage area, measuring up to 19.2 metres deep from the 6 or 7 properties across proposed to the north through variation of conditions applications 23/01408/VCN and 23/01488/VCN respectively. Whilst the adjacent site to the north contains agricultural building and slurry pit, given the progress with concurrent applications and on-site, Officers are much more confident of development of the site coming forwards. More importantly, at this point it can be controlled to only be carried out with these concurrent applications through Grampian planning conditions. To the south and east is agricultural land.

5.3.4 The domestic curtilages would be visible from the surrounding landscape, particularly from the adjacent public right of way network in a prominent location on land sloping towards this receptor

point. This would increase the domestication of rural land and landscape, increasing the area of residential use of the site. This can be partially mitigated through sympathetic boundary treatments, such as double staggered native hedgerows, and by removing permitted development rights for boundary treatments and outbuildings, inline with the associated permissions immediately north. Whilst gardens would be larger, subject to the approval of concurrent variation of conditions application(s), this would be seen in the context of a wider residential development, and importantly can be controlled as such at this stage through Grampian condition. The site received positive pre-application advice on the element of modestly extending the site area to achieve the heritage and affordable housing benefits of the development, amongst others. The applications have been brought forwards through more convoluted means of variations of conditions and this change of use for extended gardens, rather than a comprehensive new full application for all the development sought, as recommended at pre-application stage. However, for this proposal, there are considered to be methods of ensuring the approvals, if granted, are brought forwards as one. This would avoid the domestic curtilage sought being seen as an alien feature in the rural agricultural landscape, but as larger gardens to a housing development. Through this proposal, whilst gardens proposed along the southern row would be larger than others within the site, these would be proportionate to the scale of development and curtilages in the wider village, and would help address a residential amenity detractor that was reported on as part of 23/01408/VCN and 23/01488/VCN.

5.3.5 In the existing site context, the proposal would cause a moderate degree of harm to the rural landscape and designated Open Countryside, and modest degree of harm to the setting of designated and non-designated heritage assets. However, this harm is reduced to become negligible in this location when viewed as part of a wider new housing development, which can be controlled through Grampian planning condition, should associated variation of conditions application(s) be approved by members. The proposal would help deliver the benefits of the wider scheme, and address residential amenity deficits in the associated applications, whilst finding a functional use for a sloping site that would otherwise likely be redundant. Subject to controls over boundary treatments and landscaping delivered as part of this proposal, condition control of implementation as part of wider residential developments only, and removal of permitted development rights to prevent potential harmful future domestic development, the harm to the countryside and heritage is considered to be negligible in this location visible as part of a wider scheme from the public right of way network.

6.0 Conclusion and Planning Balance

6.1 Given the progress with applications and on-site relating to the adjacent residential development, and subject to being controlled to be delivered as such, the proposed extended residential curtilage would be attached and associated with the new residential dwellinghouse, and viewed in this context. The proposed extended gardens would appear congruent to the wider residential development, with the main viewpoints from the public right of way to the east, looking back towards the village of Whittington and this rural settlement as a direct and immediate backdrop to the proposal. In this context, and as part of the wider scheme, landscape and heritage impacts would be negligible. The benefits of providing proportionate domestic curtilages to the new dwellinghouses, improving residential amenity standards of new dwellings and facilitating the continued implementation and deliverability of the wider residential development and the associated benefits of this are considered to weigh in favour, outweighing the negligible degree of harm identified.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Accord with approved plans	Control
3	Contaminated land assessment	Pre-commencement and first use
4	Details of boundary locations, types and heights	Prior to installation and first use

5	Remove permitted development outbuildings and boundary treatments	Control
6	Grampian condition linked to VCN approvals to the north	Control

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

In accordance with the above legislation, Officers have made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None