

HARROGATE BOROUGH COUNCIL

PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 6: LIST OF PLANS.

DATE: 14 December 2004

PLAN: 12	CASE NUMBER: 04/01157/FUL
APPLICATION NO. 6.125.99.B.FUL	GRID REF: EAST 451229 NORTH 448936
	DATE MADE VALID: 01.03.2004
	TARGET DATE: 26.04.2004
	WARD: Marston Moor

APPLICANT: The Trustees Of E C York 1997 Settlement

AGENT: Ferguson Sayell Partnership

PROPOSAL: Conversion of redundant farm buildings to form 1 no. holiday dwelling, 2 no dwellings, alterations to vehicular access and installation of a package treatment plant. (Site Area 0.075)(Revised Scheme)

LOCATION: Chapel Hill Farm (Formerly Hutton Grange) Angram York North Yorkshire YO23 3PA

REPORT

Members will recall that this application was deferred consideration at Harrogate Borough Council's Planning Area 2 Development Control Committee meeting of 6th July 2004 for further consultation with the Director of health and Housing in respect of affordable housing.

SITE AND PROPOSAL

Chapel Hill is situated in an isolated location in the open countryside and consists of a range of redundant former agricultural buildings adjacent to a farmhouse. The buildings are arranged in a courtyard and consist of a 'two storey' height barn to the frontage and two single storey structures. A brick boundary wall encloses the courtyard with a central wall splitting the courtyard into two. Access to the site is gained via a single track across land owned by the applicant. The access joins the highway (Long Marston - Askham Richard road) at a sharp 90 degree bend in the road.

The applicant proposes the conversion of the barns to form two dwellings and following negotiation a single holiday let. The units would all have 3 bedrooms with a parking area situated to the front of the courtyard.

Since consideration of the application in July, the applicant has amended the scheme by reducing the site area and confirmation has been received in respect of the proposed letting of the holiday cottage. In this respect it is stated that the let would be restricted to a maximum of 1 month occupation.

As the buildings appear in a poor state of repair, the applicants have included a structural survey of the structures to support the scheme.

MAIN ISSUES

1. Land Use
2. Visual Impact
3. Highway Safety
4. Residential Amenity
5. Open Space Provision
6. Pollution Prevention

RELEVANT SITE HISTORY

6.125.99.FUL - Re-roof farmhouse with new pantiles, form new garage with bathroom over and replace all windows and doors. PER 03.01.1995

6.125.99.A.FUL - Conversion of redundant farm buildings to form 3 no. long term let holiday dwellings, alterations to vehicular access and installation of a package treatment plant. REFUSED 11.08.2003

CONSULTATIONS/NOTIFICATIONS

Parish Council

Angram

The Coal Authority

No known constraints

DLAS - Open Space

Confirm a commuted sum of £711 generated for Leisure Area and Youth & Adult facilities and allocated to Angram Verges and Long Marston Recreation Area

Environment Agency

No objections

Environmental Health

No objections

Yorkshire Water

No comments received

Housing Development

No separate use class for holiday cottages. There is a need for affordable housing in the Angram area as identified by the Needs Survey Update 2003

Highway Authority

No objection subject to the imposition of conditions.

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 02.04.2004
PRESS NOTICE EXPIRY: 02.04.2004

REPRESENTATIONS

LONG MARSTON PARISH COUNCIL - The parish council do not object to the development but make the following comments regarding the scheme.

1. Parish council does not object but would stress that arrangements for sewage collection/disposal should be of a high standard and pose no problems for local watercourses or environmental damage.

OTHER REPRESENTATIONS - No representations received.

VOLUNTARY NEIGHBOUR NOTIFICATION - No properties notified.

RELEVANT PLANNING POLICY

- PPG1 Planning Policy Guidance 1: General Policy and Principles
- PPG3 Planning Policy Guidance 3: Housing
- PPG17 Planning Policy Guidance 17: Planning for open space, sport and recreation
- SPE2 North Yorkshire County Structure Plan Policy E2
- SPH5 North Yorkshire County Structure Plan Policy H5
- LPC16 Harrogate District Local Plan (2001, as altered 2004) Policy C16: The Re-use and Adaptation of Rural Buildings
- LPHX Harrogate District Local Plan (2001, as altered 2004) Policy HX: Managed Housing Site Release
- LPH05 Harrogate District Local Plan (2001, as altered 2004) Policy H5: Affordable Housing
- LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity
- PPG7 The Countryside: Environmental Quality and Economic and Social Development
- PPG13 Planning Policy Guidance 13: Transport
- LPC14 Harrogate District Local Plan (2001, as altered 2004) Policy C14: Farm Diversification
- LPC15 Harrogate District Local Plan (2001, as altered 2004) Policy C15: Conservation of Rural Areas not in Green Belt
- LPHD20 Harrogate District Local Plan (2001, as altered 2004) Policy HD20: Design of New Development and Redevelopment
- LPH06 Harrogate District Local Plan (2001, as altered 2004) Policy H6: Housing developments in the main settlements and villages

ASSESSMENT OF MAIN ISSUES

1. LAND USE - The proposal represents the re use and adaptation of existing rural buildings and as such HDLP Policy C16 is relevant to the proposal. This policy is permissive towards the re-use and adaptation of rural buildings provided that inter alia they are capable of conversion without extensive alteration or rebuilding works. In support of

the scheme the applicants have submitted a structural survey in relation to the condition of the barns, which concludes that they are indeed in a condition capable of conversion.

HDLP Policy HX is permissive towards the agricultural building conversions and as such there is no objection in broad land use principle to the development.

The proposal development is for the conversion of the barns to form 2 dwellings and a holiday let.

Following the earlier refusal of application 6.125.99.A.FUL in 2003 the Selective Alteration to the local plan has been adopted and now forms part of the development plan. The provisions of HDLP policy H5 requires an element of affordable housing to be provided on sites creating 3 or more dwellings or on sites greater than 0.1 hectare irrespective of the number of units.

The guidance produced in relation to Policy H5 identifies that proposals for permanent self-catering holiday accommodation, which are capable of normal residential use, will be treated as applications for dwellings. Such an approach would include mixed developments of holiday cottages and open market dwellings. Adopting this approach the scheme produces 3 residential units. On this basis and as confirmed by the Director of Housing there would be a requirement for an affordable house in the consideration of this scheme.

The applicants have however reduced the site area to below 0.1 hectares in area (from a larger site of approx 0.45 hectares). This would not in the opinion of your officer represent a deliberate site subdivision to avoid the threshold of the policy. The area now excluded from the application site includes land associated with the existing dwelling to the west of the barns and an area to the north of the site that resulted in an extension of curtilage into the countryside. Members will recall in consideration of the scheme in July that your officers were concerned that such an extension of curtilage would erode the rural landscape of the area and its removal is welcomed.

Notwithstanding the site area the proposal still represents the establishment of 3 units. In this respect the applicants state that the units would contribute towards farm diversification (the family estate extends to some 1,214 hectares (3,000 acres) on the west side of York). The applicants state that this is primarily an agricultural estate which has sought over a number of years to diversify its income through re-use of its assets. These include dwellings and other buildings which are effectively surplus to requirement for agricultural purposes. The Estate has a substantial rent roll from 40 or so dwellings in its ownership. This represents a substantial diverse income. It is further stated that the dwellings are either rented to their own agricultural workers or, where they are surplus to requirements generally for both short and long term lets.

The applicant has stated that he would not wish to dispose of the units but maintain them within his control as a contribution towards farm diversification. It is stated that the applicant would be willing to enter into a S106 to ensure the units remain in his control. Such an approach would in the opinion of your officer help meet the aims of Planning Policy Statement 7: Sustainable Development in Rural Areas, which supports farm diversification and the provision of housing and tourist accommodation through suitable conversion schemes. Given the sites isolated location, access and proximity to an existing

residential unit, commercial use of the site (as identified within HDLP C16) would not be considered appropriate in this instance. HDLP Policy C14 supports the principle of diversification, with a preference again for the conversion of existing buildings towards new uses.

The proposed holiday unit was originally described as a long term let, but following negotiation the applicant has now confirmed that the unit will be let on maximum 1 month lets. Such provision could be controlled by condition, whilst the letting itself could form part of the S106 Agreement to ensure that stays are limited to the stipulated time period (for example ensuring that details of bookings are made available to the local planning authority).

The applicants state that the holiday unit itself has limited curtilage and amenity space and your officer does not dispute this. Whilst under the provisions of H5 this wouldn't prevent occupation by a family, it may make the 3 bed unit undesirable particularly given its close proximity to the shared parking area for the remaining two residential units. In such circumstances H5 states that the holiday unit would be treated as a dwelling where it is capable of 'normal' residential use. This is clearly a subjective judgement as the dwelling could easily be occupied for normal use; it is only the associated curtilage that is restricted. It is however accepted that the unit is in close proximity to the shared access drive and parking area, which could be a source of activity and disturbance. It is further considered that given the degree of control that can be exercised through both the attachment of planning conditions and S106 Agreement that the third unit would not form a 'normal' residential unit under the provisions of H5.

2. VISUAL IMPACT - Policy C16 requires any conversion, by virtue of any physical changes, access and servicing arrangements, together with the level of activity associated with the use, to have no adverse impact upon the character or appearance of the countryside or of the building itself. In this respect the applicants have amended the scheme by reducing the extent of the domestic curtilage serving the site. The extension of the curtilage to the north of the barns was originally stated as a reason for refusal of the application at the July committee meeting. The reduction in curtilage, which in essence is now restricted to a courtyard between the single story barns and the parking /turning area to the north of these structures, is welcomed and reduces the impact of the proposed conversion upon both the landscape character and the setting of the building themselves.

The scheme has been revised since the refusal in 2003 and the proposed alterations to the existing structures have been reduced. Whilst the development would still incorporate numerous alterations to the barns in terms of the creation of new window openings, the majority retain the existing rural character of the structure. The major exception to this is the treatment of the front elevation to the main two-storey barn, which has very much a domestic appearance. Should members be minded to approve the scheme further negotiation or indeed a condition could be imposed to secure revised details.

3. HIGHWAY SAFETY - The Highway Authority have no objection subject to the imposition of conditions.

4. RESIDENTIAL AMENITY - The scheme would not adversely impact upon the residential amenity of the occupiers of the adjacent dwelling (which is within the same ownership). Internally within the site the units provide satisfactory privacy distances and future

occupiers of the units would be aware of the restricted curtilages to the units. Similarly the occupiers of the holiday unit would not generally require extensive curtilage and on the basis of a 1 month occupation (maximum) the proximity of the unit to the parking areas would not be considered detrimental.

5. OPEN SPACE PROVISION - HDLP Policy R4 is applicable in this instance and a commuted sum of £711 is generated for the scheme. The applicants have completed a Unilateral Undertaking to comply with the provision of the policy.

6. POLLUTION PREVENTION - The applicants propose the installation of a new package treatment plant to serve the site. The comments of the Parish council have been noted. Both the CEHO and Environment Agency have no objection to the scheme.

CONCLUSION - The broad land use principle of the conversion and re-use of these agricultural buildings is considered acceptable under the provisions of HDLP Policy C16 and HDLP Selective Alteration Policy HX.

Concern is expressed, however in respect of the proposed conversion works and increased domestication of the site. Of particular concern are the alterations to the two-storey barn (front elevation), which are considered damaging to its character. Given the general conformity to the development plan, if members were minded to approve the scheme, a condition could be imposed securing revised detailing of this aspect of the scheme.

The applicant has amended the scheme by reducing the application site area to less than 0.1 hectares in area. The scheme, as originally submitted was 0.48 hectares. The proposed reduction is not however considered to represent deliberate site sub division as it was clear the original curtilage included land not forming part of the application site. A reduction of the curtilage to the north of the site was requested by your officers to reduce the visual impact of the scheme upon both the landscape character of the area and setting of the barns.

Although the applicants still propose three units, the third unit is intended as a short term holiday let (previously a long term let). In this respect whilst schemes involving a mixture of holiday accommodation and open market dwellings will be treated as wholly residential for the purposes of HDLP Policy H5, it is acknowledged that the scheme will contribute towards farm diversification as encouraged within PPS7 and HDLP Policy C14.

Given that the applicants are stating that the scheme will contribute towards farm diversification, it is essential that the development be carefully controlled to ensure that the objective of the Councils affordable housing policy is not prejudiced. In this respect the applicants offer of a S106 to control and restrict the ownership of both the residential units and holiday cottage to the estate is welcomed.

Subject to a controlling condition to secure holiday occupation and a S106 agreement, it is considered that sufficient control can be exercised to ensure that the holiday unit is not used as a separate dwelling and the dwellings are not sold independently without further application to the council. Control could then be exercised in the future should the units be sold independently and/or a third dwelling established on the site.

On this basis it is considered that approval of the scheme can be supported.

CASE OFFICER: Mr A Hough

RECOMMENDATION

That the application be DEFERRED and HOPS be authorised to APPROVE the application subject to the following conditions and such other conditions HOPS considers to be necessary and following the completion of a S106 Agreement requiring:

- 0 To secure the applicant retains control of the site and the third unit is used for holiday purposed only.
- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 CC01 AMENDED DRAWINGS/LETTERS RECEIVED
- 3 CD03 SAMPLES OF MATERIALS TO BE APPROVED
- 4 HW27 APP'VL DETAILS FOR WORKS IN THE HIGHWAY
- 5 HW28 COMPLETION OF WORKS IN HIGHWAY-COMMENCE
- 6 HW17 PROV'N OF APP'VD ACCESS/TURNING/PARKING
- 7 HW19 PRKG SPCES TO REMAIN AVL'BL FOR VEH PRKG
- 8 HW20 PARKING FOR DWELLINGS (MORE THAN ONE)
- 9 HW23 GARAGE CONVERSION TO HABITABLE ROOM
- 10 The proposed unit(s) shall not be used for any purpose other than holiday accommodation and shall not be occupied for periods exceeding one calendar months at a time by the same occupant and shall not be used as permanent residential accommodation.
- 11 CI02Y PD REST,NO EXTNS,GRGS&ROOF/DORMER WINDS
- 12 CB11 SEPARATE SYSTEM FOUL AND SURFACE WATER
- 13 Prior to the commencement of the development hereby approved, revised fenestration detailing of the northern elevation of the two storey barn shall be submitted for the written approval of the local planning authority. Thereafter the approved details shall be implemented and retained as such unless otherwise approve din writing by the local planning authority.

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CC01R ACCORDANCE WITH DRAWINGS
- 3 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS
- 4 HW27R ROAD SAFETY REQUIREMENTS
- 5 HW28R ROAD SAFETY REQUIREMENTS
- 6 HW17R ROAD SAFETY REQUIREMENTS
- 7 HW19R ROAD SAFETY REQUIREMENTS
- 8 HW20R ROAD SAFETY REQUIREMENTS
- 9 HW23R ROAD SAFETY REQUIREMENTS
- 10 CI01R PERMANENT RESIDENTIAL USE UNACCEPTABLE
- 11 CI02YR PROTECT VISUAL AMENITY
- 12 CB11R TO PREVENT POLLUTION OF WATER ENVIRONMNT

13 In the interests of visual amenity

