

HARROGATE BOROUGH COUNCIL

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

DATE: 19 July 2005

PLAN: 15	CASE NUMBER: 05/02549/FUL
APPLICATION NO. 6.141.147.B.FUL	GRID REF: EAST 431180 NORTH 446800
	DATE MADE VALID: 02.06.2005
	TARGET DATE: 28.07.2005
	WARD: Spofforth With Lower

Wharfedale

APPLICANT: Mr P H Sanders

AGENT: Walker Morris

PROPOSAL: Conversion of outbuildings to form 1 dwelling including retention of reconstructed former byre and demolition of utilitarian outbuildings, and landscaping (revised scheme((site area 0.12ha).

LOCATION: Red House Farm Harrogate Road Harewood Leeds North Yorkshire LS17 9LW

REPORT

SITE AND PROPOSAL

The proposal is seeking retrospective planning permission for the conversion of part of former buildings, demolition and new build adjoining the former buildings, and erection of a double garage all to form one single dwelling with double garage at Red House Farm, to the east of Harrogate Road near Harewood Bridge, accessed by a track immediately to the north of Red House itself. A letter from the agent in support of the application is attached as an appendix to this report.

The site is within designated Green Belt.

MAIN ISSUES

- 1.Policy
- 2.Planning History
- 3.Access
- 4.Green Belt
- 5.Design
- 6.Affordable Housing

RELEVANT SITE HISTORY

- 6.141.147.FUL - Conversion of outbuildings to form one dwelling: refused :-5.11.2001.
6.141.147.A.FUL - Conversion of outbuildings to form one dwelling: permission :-
12.08.2003.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Kirby Overblow

Highway Authority

No comments received

Environmental Health

No comments received

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 08.07.2005

PRESS NOTICE EXPIRY: 08.07.2005

REPRESENTATIONS

KIRKBY OVERBLOW PARISH COUNCIL - No objections (provided scheme is the same as before).

OTHER REPRESENTATIONS - None

VOLUNTARY NEIGHBOUR NOTIFICATION - None

RELEVANT PLANNING POLICY

- PPS1 Planning Policy Statement 1: Delivering Sustainable Communities
- PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas
- PPG2 Planning Policy Guidance 2: Green Belts
- SPH3 North Yorkshire County Structure Plan Policy H3
- SPH5 North Yorkshire County Structure Plan Policy H5
- LPC02 Harrogate District Local Plan (2001, as altered 2004) Policy C2: Landscape Character
- LPC16 Harrogate District Local Plan (2001, as altered 2004) Policy C16: The Re-use and Adaptation of Rural Buildings
- LPGB02 Harrogate District Local Plan (2001, as altered 2004) Policy GB2: The control of development in Green Belt
- LPGB03 Harrogate District Local Plan (2001, as altered 2004) Policy GB3: Engineering, other operations and change in use of land in the Green Belt
- LPGB04 Harrogate District Local Plan (2001, as altered 2004) Policy GB4: Requirements of Development in Green Belt
- LPHD20 Harrogate District Local Plan (2001, as altered 2004) Policy HD20: Design of New Development and Redevelopment
- LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity
- 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

ASSESSMENT OF MAIN ISSUES

1. POLICY - Policy C16 permits the reuse of rural buildings provided they are structurally sound and capable of conversion without requiring extensive alteration, extension, demolition and/or rebuilding work and provided the physical changes, access and servicing arrangements, and the level of activity associated with the proposed use do not harm the character or appearance of the countryside or the building itself.

Structure Plan Policy H5 and Local Plan Policy H7 resist new dwellings in the countryside without special justification.

Structure Plan Policy E9 and Local Plan Policies GB2, GB3 and GB4 resist development which would be harmful to the openness of the Green Belt.

Local Plan Policy C2 seeks to protect existing landscape character.

Selective Alteration Policy H5 requires an element of affordable housing on suitable new housing developments on sites of 0.1 of a hectare or more irrespective of the number of proposed dwellings.

2. HISTORY - In August 2003 planning permission was refused for the conversion of buildings which had last been used for agricultural purposes. The building group comprised:

1. At the east end, a small corrugated iron sheeted asymmetrical ridged roofed building with externally rendered brick walls;
2. A pantiled ridged roof larger brick walled building;
3. At the western end, a tiled ridged roofed building supported by flimsy queen post trusses, themselves supported at each end by brick piers, each truss being supported internally by two separate timber posts; and at the extreme west end a small mono-pitched asbestos sheet roofed outbuilding with a base wall of concrete blocks and upper wall of brick rendered externally.

Accompanying the application was a report on the structure of the building which stated that the condition of the roof structure was variable and that some timber remedial works would be necessary. It was concluded that it would prove economically beneficial to meet (then) current regulations for waterproofing and insulation to replace sections of the roof structure.

It was concluded that the western section of the group of buildings (three above) was a significant proportion of the development. With the roof removed, sections of the roof structure removed for replacement, removal of the crude timber framed glazing and perhaps demolition of some of the base walls between the external brick piers, little of the existing fabric of the building would remain. It was considered that collectively, extensive parts of the buildings would require demolition and re-building. There were also concerns over design and access. Consequently planning permission was refused. It was considered:-

- i) The development would involve extensive demolition and re-building works, would not be the conversion and therefore would not comply the criteria for the reuse of rural buildings (Policy C16).
- ii) Because the development was for significant demolition and subsequent new build, once demolished, the future new build would be harmful to the character of the countryside and to the openness of the Green Belt.
- iii) iii) Furthermore the development provided inadequate visibility at its access with the A61.

Using Walker Morris, Solicitors, as agents, the same applicant using the same architect submitted a second planning application together with a structural engineering consultant's appraisal which concluded that "given the general reasonable condition of the timbers, these will be retained and prepared as appropriate, as throughout. Some localised replacement of weathered timbers will be considered as work progresses, but will not affect the overall conversion thesis". Other concerns about design and access were addressed in the application which was one of conversion. Because the application was supported by a structural appraisal, carried out by a firm of structural engineering consultants who considered the buildings were capable of conversion, and by a construction methodology statement, the development complied with Local Plan Policies and planning permission was granted.

However given the concern about the structural condition of the buildings and the road safety issues at the access with the main A61, the permission was strictly conditioned - a copy of that decision is attached.

Condition No. 8 required that the conversion works should only be carried out in accordance with the details that had been specified in the Structural Report and Construction Methodology Statement, which accompanied and formed part of the application.

Furthermore, an Informative was also added to the consent advising that permission related solely to the conversion of the existing buildings; and that any demolition and rebuilding (unless approved by the LPA) would render the permission inoperable and invalid.

Conditions 4 and 5 required, before any other works were carried out, that adequate visibility splays providing clear visibility of 2m x 215m must be provided and, to improve the access kerbs, should be provided, because of the concerns about highway safety at the junction of the access with the A61.

A subsequent inspection of the site earlier this year revealed that improvement works had not been carried out to the access as required by Conditions 4 and 5 of the planning permission. Consequently any other works were not approved. Both were conditions precedent and, because they have not been satisfied, there is no planning permission for conversion of the buildings. What works have taken place have been unauthorised and without planning permission.

Furthermore the whole of the western section of the buildings had been completely demolished and the materials removed from site. New foundations had been excavated

and a completely new building and double garage had been erected, walls and roof. Not strictly a planning consideration, but nevertheless relevant, the foundations were formed without the necessary Building Regulation approval and I believe there are discrepancies which preclude the necessary building regulations approval both for construction of the foundations and the external walls.

3. ACCESS - The junction of the access with the A61 has the potential for being one of the most dangerous because of the speed of traffic on the main road, unless and until clear proper visibility splays at least 2m x 215m are provided in either direction.

At the time of a recent inspection the roadside face of the hedge had been cut back for a certain distance but in no way did it provide the necessary visibility required. To achieve this it is almost certain the roadside hedge on the north side of the access would need to be grubbed out and replanted such that the visibility splay could always be guaranteed even when the hedge was outgrown. Visibility to the south is obstructed by an enclosing front garden wall surmounted by piers behind which a Leylandii hedge has been planted. Unless and until visibility splays to the south and to the north are permanently provided, no development should take place. The land on either side of the access is outside the applicant's ownership and control. Without a safe access, no development should be permitted on this site and consequently it is recommended that permission is refused on highway safety grounds.

4. GREEN BELT - Once the western section of the former farm buildings was demolished, planning permission was required for any new building, particularly for such an extensive part of the overall built development. Green Belt policies preclude development unless it is for particular purposes, none of which pertain in this case. Consequently the development would be contrary to Green Belt policies and should be refused.

5. DESIGN - When planning permission was granted for conversion of the former agricultural buildings, the design was to a great extent led by form and structure of the buildings on site. The western end was probably a brick drying shed with a roof supported on narrow brick piers and intervening timber posts. The sections between the external piers had been rather crudely infilled. The form of the former drying shed to a great extent led to the design that was approved to accord with Policy C16 which required that conversion should amongst other things not harm the character or appearance of the building itself.

Although the western section of the former buildings in some ways replicates the external appearance, the design is considered quite inappropriate in a completely new built building. The former building had been demolished and, if other policies permitted extension, the design of the replacement building would not have been encouraged and is not considered appropriate.

6. AFFORDABLE HOUSING - Policy H5 seeks to secure an element of affordable housing on sites in excess of 0.1 hectares. The application site extends to 0.12 hectares. No provision has been made for an element of affordable housing and therefore the development is contrary to Policy H5 and should be refused.

CONCLUSION - Because the previous planning permission required works to be carried out at the access before any other development took place on site, a requirement very

necessary in this case in the interest of highway safety, none of the works that have been carried out have been done with the benefit of planning permission.

Planning permission for the conversion of the buildings was granted with an express condition and an informative making it quite clear that permission was only granted on the basis of information specially submitted with the application to the effect that the development could be carried out without demolition and rebuilding substantial parts of the resultant dwelling. It was also expressed in that decision that unless prior written consent was granted by the Local Planning Authority, any demolition and rebuilding would render that permission inoperable and invalid.

The agent now advises that demolition and rebuilding of the western section was unauthorised work carried out by the contractors and that they are now subject to litigation. Clearly therefore the applicant has a course of redress against the building contractors.

Policy C16 sets out strict criteria against which re-use of rural buildings will be permitted and specifically precludes cases requiring significant rebuilding, which has occurred here.

Once the western part of the buildings had been demolished and removed, the new build which has taken place also contravenes Green Belt Policies which resist development in Green Belt, to protect the openness of the Green Belt.

The proposed development contravened the express conditions and Informative of the previous planning permission, contravenes the criteria of Policy C16 for the re-use of rural buildings, contravenes criteria for development in Green Belt, and would be a danger to highway safety as well as being an inappropriate design mimicking but not replicating the appearance of the former brick drying shed. To grant permission would send a signal to other developers that demolition was an acceptable procedure in rural areas. Consequently, in accordance with adopted planning policies, it is strongly recommended that planning permission be refused.

CASE OFFICER: Mr M A Warden

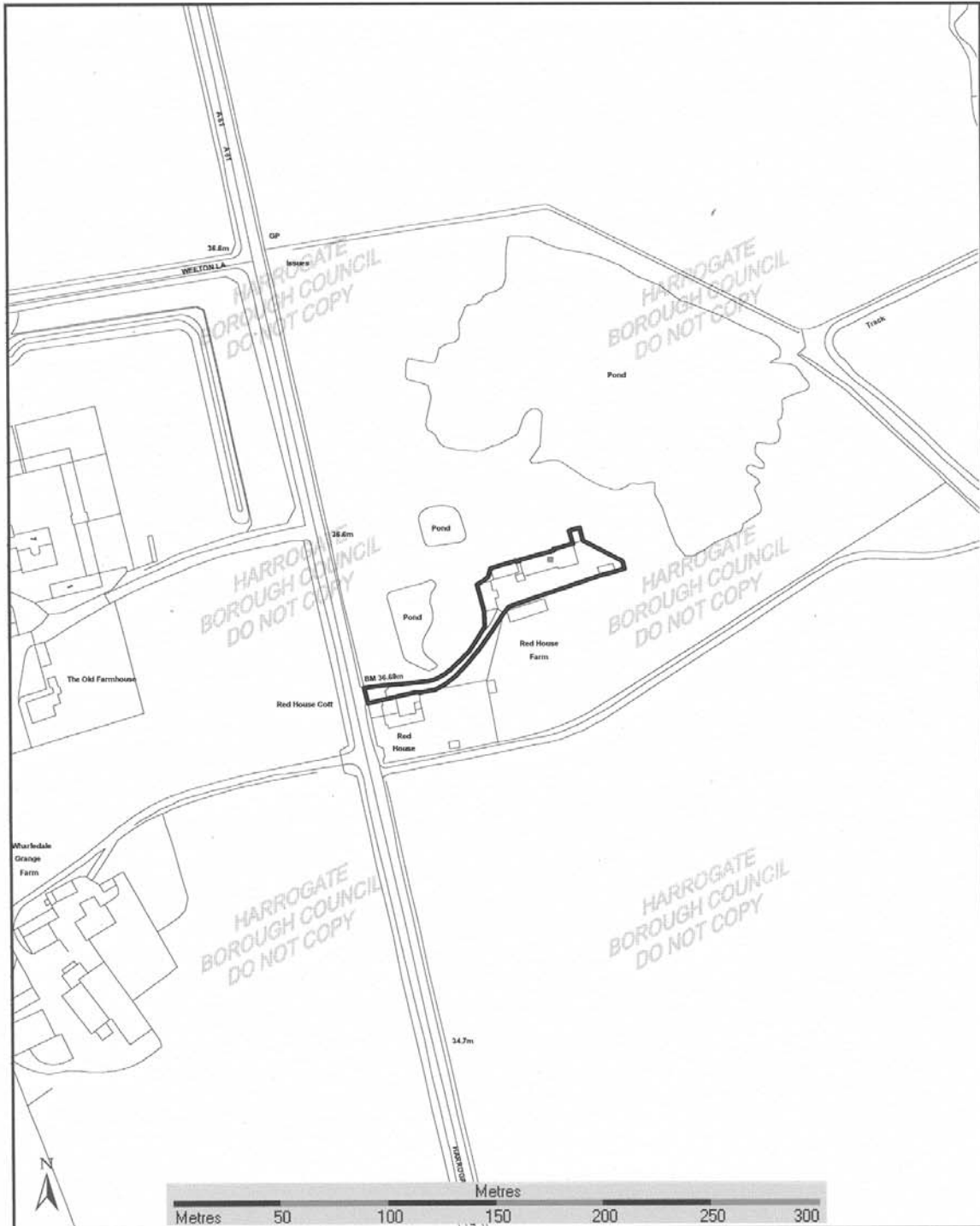
RECOMMENDATION


That the application be REFUSED. Reason(s) for refusal:-

- 1 The development involves extensive re-building of a major part of the former agricultural buildings which has resulted in the creation of a new dwelling in the countryside away from any settlement and, not being conversion but mostly new build, is of an inappropriate non vernacular design, which together with the associated residential curtilage, would be harmful to the character and appearance of the remainder buildings not demolished and to the countryside consequently the development would be contrary to North Yorkshire County Structure Plan Policies H5 and Harrogate District Local Plan Policies C2, C16, H7 and H18
- 2 The development would result in an urban form of encroachment into the countryside which would be harmful to the character and openness of the countryside and of the

Green Belt contrary to North Yorkshire County Structure Plan Policy E9 and Harrogate District Local Plan Policies C2, C16, GB2, GB3 and GB4.

- 3 The development area is in excess of 0.1 hectares and makes no provision for affordable housing and consequently would be contrary to Harrogate District Local Plan Policy H5.
- 4 The existing access, by which vehicles associated with this proposal would leave and rejoin the County Highway is unsatisfactory since the required visibility of 2 metres x 215 metres cannot be achieved at the junction with the County Highway and therefore the development is unacceptable in terms of highway safety and contrary to Harrogate District Local Plan Policy A1.
- 5 The Planning Authority considers that the proposed development would give rise to additional vehicles waiting in the carriageway and leaving and rejoining the traffic stream on an open stretch of road where vehicle speeds are high, and would thus cause interference with the free flow of traffic and consequent danger to highway users and thus contrary to Harrogate District Local Plan Policy A1.



 Harrogate BOROUGH COUNCIL Department of Development Services		AREA 2 DC COMMITTEE	
		Item No. 15	
App No./Case No.		6.141.147.B.FUL 05/02549/FUL	
Scale (at A4 size)	1:2500	Site area	0.12 ha
Drawn	M D T T	Date	19/07/2005
		Site boundary	<input type="checkbox"/>

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