

HARROGATE BOROUGH COUNCIL

DISTRICT DEVELOPMENT SUB –COMMITTEE – AGENDA ITEM 5

DATE: 30 November 2006

06/02/06
02700F
06/09/06

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DATE: 30 November 2006

PLAN:	CASE NUMBER:	06/02700/FUL
	GRID REF: EAST	423610 NORTH 456900
APPLICATION NO. 6.99.26.N.FUL	DATE MADE VALID:	31.05.2006
	TARGET DATE:	26.07.2006
	WARD:	Lower Nidderdale

VIEW PLANS AT:

APPLICANT: Mr M Grange

AGENT:

PROPOSAL: Conversion of farm building to form 1 detached dwelling (Site Area 0.13ha)
(Revised Scheme).

LOCATION: Farm Buildings To The North Of White Wall Farm White Wall Lane
Felliscliffe Harrogate North Yorkshire HG3 2JZ

REPORT

SITE AND PROPOSAL

This application was referred to District Development Sub-Committee as members wished to refuse the application. They considered that the building was incapable of conversion to a 2 storey building and that the building's proximity to existing residential property would result in adverse effects on residential amenity for both existing occupants and potential occupants of the proposed unit.

The site comprises agricultural buildings including a brick and rendered building with a slate roof which is referred to as the mistal and is the subject of this application. The other agricultural buildings on the application site comprise a pole barn and a cow cubicle house. To the east of the application site (and outside of it) is a large steel framed modern agricultural building.

These buildings have a concrete apron/yard to their front (west) the whole of which is included within the application site. An existing access leads off White Wall Lane. The nearest neighbour is on the road frontage and backs onto the site.

It is proposed to convert the mistal to form a 3-bedroomed house with 2 bedrooms in the roofspace. There would be a door and 2 windows in the west elevation; these openings

have already been made. There would be 4 full-height windows on the rear (east) elevation, each positioned between existing brick buttresses. There would be windows and doors to each gable.

Amended plans show the proposed curtilage including all three other agricultural buildings, but excluding the informal paddock to the front of the site.

In February 2004 the applicant submitted a planning application for the residential conversion of the mistal (Ref 6.99.26.L.FUL). An appeal against non-determination of this application was dismissed in June 2005, the Inspector upholding the three reasons for refusal, viz;

- i. Overlooking from the first floor window in the south elevation.
- ii. The extent of residential curtilage.
- iii. The future uses of the large farm building and potential disturbance to residents of the conversion.

A copy of the Inspector's decision letter is attached at **Appendix 1**.

This application intends to address the previous reasons for refusal.

MAIN ISSUES

1. Policy
2. AONB
3. Residential amenity
4. Public Open Space

RELEVANT SITE HISTORY

6.99.26.H.OUT - Outline application for conversion of Piggery/Mistal to form one dwelling: Withdrawn 07.03.2000.

6.99.26.I.OUT - Resubmission of application for conversion of Piggery/Mistal to form one dwelling: Refused 27.11.2001. Dismissed on appeal 26.03.2003. Reason for refusal:

Notwithstanding the accuracy of the submitted plans, the Local Planning Authority consider that the amenity and the privacy of the occupants of the proposed dwelling would be adversely affected by the proximity of the private rights of way, by the adjoining farm, farm buildings and traffic generated by the farm; that the privacy and amenity of the neighbouring property would be adversely affected; that the development would harm the character of the rural landscape of the area and detract from the natural beauty of the area which it is the statutory duty of the Authority to protect; that there is no special need for a new dwelling in the proposed location and consequently the development would be contrary to Government guidance set out in PPG 3 and PPG7, North Yorkshire County Structure Plan Policies E1 and H5, and Harrogate District Local Plan Policies C1, C15, C16, H6 and the Interim Housing Release Policy.

6.99.26.J.FUL - Conversion of Mistal to Class B1, (office, research or light industrial) Use. Granted 20.01.2004.

6.99.26.K.FUL - Conversion of former agricultural accommodation to form Class B1, (office,

research and/or light industrial) Use, with ancillary covered parking, kitchen, canteen, toilets, washroom, rest rooms and storage. Refused 02.11.2004. Appeal allowed 09.10.2006.

6.99.26.L.FUL - Conversion of farm building to form 1 No. dwelling (site area 0.17ha).
Reasons for refusal:

1. *The proposal by reason of its location, design and curtilage would be harmful to residential amenity and the character and amenity of the Nidderdale Area of Outstanding Natural Beauty contrary to Harrogate District Local Plan Policies A1, C1, C16 and HD20 and North Yorkshire County Structure Plan Policy E1.*

2. *In the absence of a unilateral undertaking to make a payment towards the provision of recreation and open space, the proposal is contrary to Harrogate District Local Plan Policy R4.*

Appeal dismissed 22.06.2005

CONSULTATIONS/NOTIFICATIONS

Parish Council
FELLISCLIFFE

DCS - Open Space (Brandreth)
Commutated sum for provision of off-site Public Open Space: £385.

Conservation and Design Section
see assessment of main issues

NYCC Highway Authority
No objections

Housing Department
Whilst the site size exceeds the threshold at which affordable housing is required to be negotiated under Policy H5, the proposed dwelling is too small to form two dwellings, one of which could be affordable.

There is therefore no requirement for affordable housing under Policy H5.

RELEVANT PLANNING POLICY

PPS1	Planning Policy Statement 1: Delivering Sustainable Development
PPS7	Planning Policy Statement 7, Sustainable Development in Rural Areas
LPC01	Harrogate District Local Plan (2001, as altered 2004) Policy C1, Conservation of Nidderdale A.O.N.B
LPC16	Harrogate District Local Plan (2001, as altered 2004) Policy C16, The Re-use

and Adaptation of Rural Buildings

LPC18 Harrogate District Local Plan (2001, as altered 2004) Policy C18, Extension of curtilages into Countryside

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

LPR04 Harrogate District Local Plan (2001, as altered 2004) Policy R4, Open Space Requirements for New Residential Development

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 07.07.2006

PRESS NOTICE EXPIRY: 07.07.2006

REPRESENTATIONS

FELLISCLIFFE PARISH COUNCIL - Does not support or object the application, but wishes to make the following comments.

- 1) South elevation - 3 windows overlooking neighbour.
- 2) West elevation - 2 windows 1 door overlooking neighbour.
- 3) Curtilage - too large and near road.
- 4) Contrary to Government guidance PPG3 and PPS7 and Local Plan Policies C1, C15, C16, H6 and Interim Housing Release Policy.
- 5) Building appears unsuitable for conversion and has no vernacular qualities.

OTHER REPRESENTATIONS - No responses received.

VOLUNTARY NEIGHBOUR NOTIFICATION - None.

ASSESSMENT OF MAIN ISSUES

1. POLICY - Local Plan Policies C16 permits the reuse and adaptation of rural buildings. The Policy seeks to ensure that the character and appearance of the countryside is not harmed and that converted buildings are of permanent and substantial construction that do not require extensive alteration, extension, demolition and/or rebuilding work.

Policy A1 considers the impact on the environment and amenity and refers to both residential amenity and surrounding land usage.

2. AONB - The recent Inspector's decision reflected an earlier appeal decision in concluding that the proposed residential plot would sit comfortably within its setting. However the Inspector concurred with the Council in concluding that the inclusion of the grassed area to the north of the access would harm the character and appearance of the AONB. The Inspector concluded that this area had the appearance of an 'informal paddock' and although the applicant has repeatedly challenged this description, it does not alter the opinion that this area should be excluded from the proposed domestic curtilage.

The applicant has recently agreed to an amended application site boundary which excludes this area save for a narrow maintenance strip to the west of the cow cubicle. This is considered to address the previous objection.

Although the two permission for Class B1 use allow the retention of the cow cubicle and pole barn, it is considered that as this is a scheme for residential conversion a condition requiring the removal of these buildings still justified on the grounds of residential amenity and the landscape of the AONB.

Similarly, although the Highway Authority has not recommended any conditions, it is considered expedient to attach a condition on the verge crossing which replicates that on these extant permissions.

3. RESIDENTIAL AMENITY - The building is located close to an existing dwelling at White Wall Farm and the Inspector concluded that the first floor bedroom window in the south elevation would directly overlook the garden area of this neighbour, with a loss of privacy. The submitted plans still include this window, but a condition could be added to any permission granted to ensure that it was non-opening and obscure glazed, thus overcoming this objection.

The third reason for dismissal related to the proximity of the proposed conversion to the modern agricultural buildings to the east, and the potential nuisance caused by the continued use of this building. The Inspector concluded that this building could be brought back into use for livestock, and the noise and smell generated would cause significant harm to the occupiers of the converted mistal due to its close proximity.

In order to reduce such a conflict, the applicant has signed a Section 106 agreement, tying the ownership/occupation of this building to the conversion and restricting its use for livestock. This agreement is considered to overcome the previous objection.

Whilst the conversion has certain shortcomings, including restricted headroom, these would have to be dealt with through Building Regulations. If compliance with Building Regulations resulted in external changes to the approved development then a fresh application would be required.

4. PUBLIC OPEN SPACE - The commuted sum for the provision of off-site Public Open Space has been calculated as £385. This would be allocated to Crag Lane Verges and Kettleasing Playing Fields. Payment of this sum is part of the Section 106 agreement.

CONCLUSION

Since the proposal is subject to a Section 106 agreement restricting the ownership and occupancy of the large agricultural building, the proposed development is considered to be in accordance with development plan policies.

CASE OFFICER: Mr M Williams

RECOMMENDATION

That the application be APPROVED subject to the following conditions:-

- 1 CA053 DEVELOPMENT SHALL BE BEGUN BEFORE 3 YRS
- 2 CC01 AMENDED DRAWINGS/LETTERS RECEIVED
- 3 CI02Y PD REST,NO EXTNS,GRGS&ROOF/DORMER WINDS
- 4 CD05 REVEALS: MM ... 100
- 5 HW07 PRVTE ACCESS/VERGE CROS'NGS CONSTCT REQM
- 6 CD13 WINDOW FRAME MATERIALS ... timber
- 7 Prior to the first occupation of the development hereby permitted, the access to the site shall be laid out and constructed in accordance with the following requirements:-

(i) the crossing of the highway verge and/or footpath shall be constructed in accordance with the approved details and/or the Specification of the Local Highway Authority;

NOTE:

You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

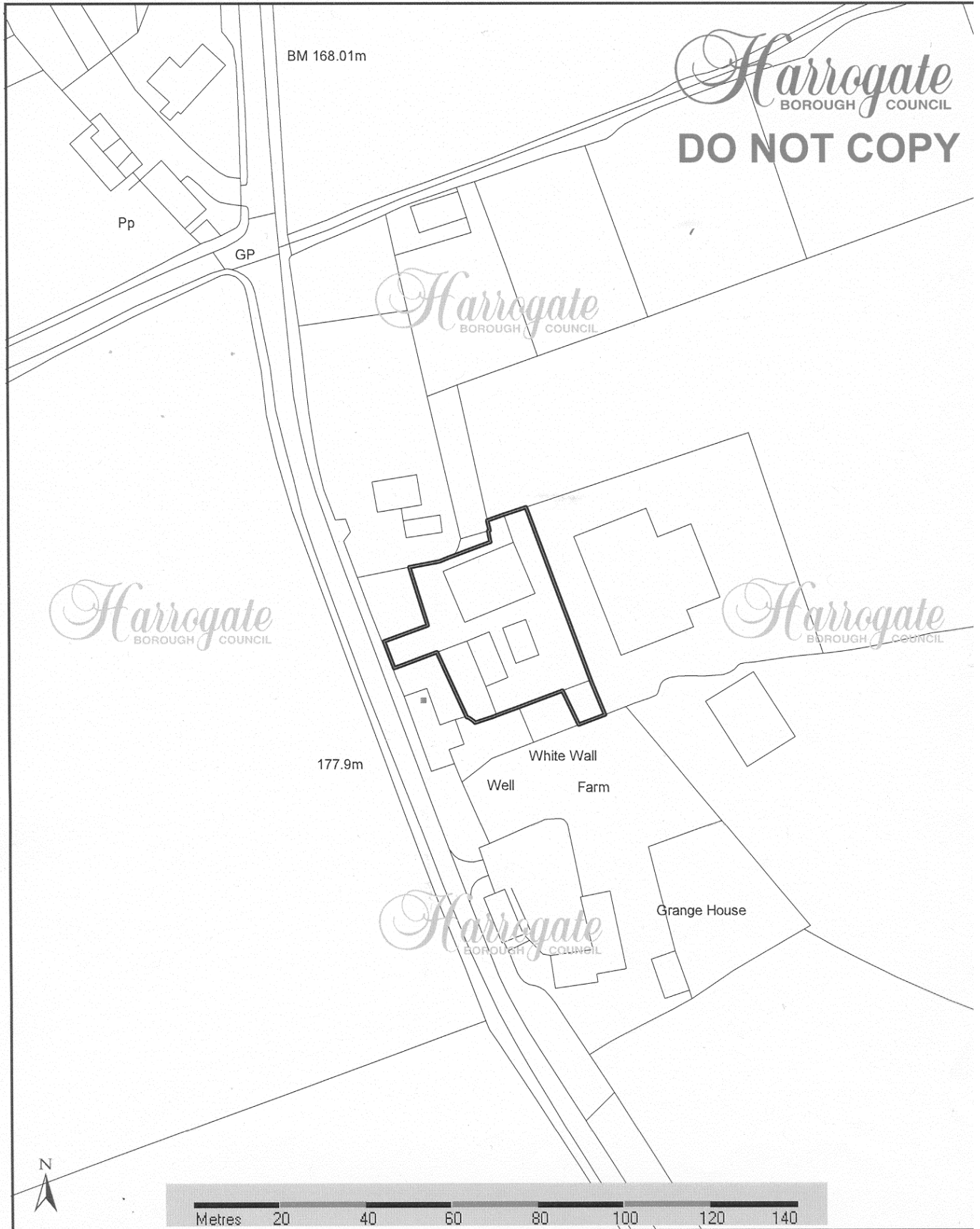
- 8 CD03 SAMPLES OF MATERIALS TO BE APPROVED
- 9 Notwithstanding the submitted details, the rooflights of the development hereby approved shall be low-profile, recessed conservation type unless otherwise agreed in writing with the Local Planning Authority.
- 10 Notwithstanding the submitted details, all external pipes, gutters and rainwater goods shall be black.
- 11 Notwithstanding the submitted details, no fascia boards shall be added to the building.
- 12 Prior to the commencement of the development hereby permitted, the cow cubicle and pole barn shall be removed and cleared from the site.
- 13 The first floor window in the south elevation shall be obscure glazed and non-opening.

Reasons for Conditions:-

- 1 CA053R TO COMPLY WITH SECTIONS 91-94
- 2 CC01R ACCORDANCE WITH DRAWINGS
- 3 CI02YR PROTECT VISUAL AMENITY
- 4 CD05R VISUAL AMENITY
- 5 HW07R VEHICLE AND PEDESTRIAN SAFETY REQ'MENTS
- 6 CD13R VISUAL AMENITY
- 7 HW07R VEHICLE AND PEDESTRIAN SAFETY REQ'MENTS
- 8 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS
- 9 In the interests of visual amenity
- 10 In the interests of visual amenity
- 11 In the interests of visual amenity
- 12 In the interests of visual amenity and the conservation of the landscape of the AONB.
- 13 In the interests of residential amenity

INFORMATIVES

- 1 This planning permission relates solely to the conversion of the existing building; any demolition and rebuilding (including cladding) would render the permission inoperable and invalid.
- 2 This development is subject to a Planning Obligation made under Section 106 of the Town and Country Planning Act 1990.



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DISTRICT DEVELOPMENT SUB-COMMITTEE			
Item No. 4			
App No./Case No.		06/02700/FUL 6.99.26.N.FUL	
Scale (at A4 size)	1:1250	Site area	0.13ha
Drawn	MDTT	Date	30.11.2006
		Site boundary	