



Report Reference Number: 2019/0905/FUL

To: Planning Committee
Date: 10 March 2021
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0905/FUL	PARISH:	Stapleton Parish Council
APPLICANT:	Mrs Jayne Hopkinson	VALID DATE: EXPIRY DATE:	26th September 2019 21st November 2019
PROPOSAL:	Proposed conversion of part of barn to residential and erection of a sun lounge		
LOCATION:	Castle Farm Castle Hills Road Womersley Doncaster South Yorkshire DN6 9AU		
RECOMMENDATION:	GRANT subject to planning conditions and informatives		

This application has been brought before the Planning Committee as the proposal is contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan), but it is considered that there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1. The planning application was submitted in 2019 for the above description of development. The supporting information originally provided, namely the structural survey and bat survey, were of some age and not an appropriate basis to determine the application. The Conservation Officer raised several comments, including the need for a listed building consent application.
- 1.2. The application was put on hold whilst the information was obtained, and an accompanying listed building consent application submitted.

- 1.3. The information and accompanying listed building consent application has now been submitted and presumably will be determined under delegated powers as and when planning permission is granted.

The Proposal

- 1.4. Proposed conversion of part of barn to residential and erection of a sun lounge

Relevant Planning History

- 1.5. The following historical applications are relevant to the determination of this application:

Ref: 2020/1306/LBC

Description: Listed building consent for conversion of barns to residential and erection of extension

Address: Castle Farm, Castle Hills Road, Womersley, Doncaster, North Yorkshire, DN6 9AU

Decision: Pending

Ref: 2007/0916/LBC

Description: Listed Building Consent for a two storey extension to the rear, extension to the existing farmhouse to form a link to an adjacent barn, conversion of the barn to additional living accommodation and conversion of barn to annexe and erection of single storey extension to form office at

Address: Castle Farm, Castle Hills Road, Womersley, Doncaster, North Yorkshire, DN6 9AU

Decision: Permitted 15-OCT-07

Ref: 2007/0915/FUL

Description: Proposed two storey extension to existing dwelling, single storey link extension from farmhouse to adjacent barn, conversion of barn to form extension to existing dwelling including erection of single storey garden room, erection of farm office extension, conversion of barn to form an annexe to the existing dwelling and various external alterations

Address: Castle Farm, Castle Hills Road, Womersley, Doncaster, North Yorkshire, DN6 9AU

Decision: Permitted 15-OCT-07

- 1.6. Refs. 2007/0915/FUL & 2007/0916/LBC are planning and listed building consent that covered the buildings subject of this current application and the wider farmhouse/farm buildings. In respect of the buildings subject of this current application, permission was given for a residential annexe (albeit restricted from operating as a separate dwelling).
- 1.7. The permission and consent were implemented by virtue of works to the farmhouse, however, works to the buildings subject of this current application were not undertaken. Officers consider the permission and consent remain extant and these works could be undertaken without further approval. Therefore, the buildings benefit from an extant residential permission and this carries significant weight in the determination of this application.

2. CONSULTATION AND PUBLICITY

Conservation Officer

- 2.1. The Conservation Officer noted that in 2007, Listed Building Consent to convert a different part of the barn had been submitted. The barns were considered curtilage and are also subject to Listed Building regulations. Therefore, Listed Building Consent is required for any alterations to the buildings.
- 2.2. The Conservation Officer noted no Heritage Statement was submitted. Due to the proximity of the development to the main Grade II Listed Building and affecting the fabric of a curtilage Listed Building, an assessment was required.
- 2.3. With regards to the development, the design of the extension was considered by the Conservation Officer noted to be inappropriate for the agricultural context and causes harm to the significance of the designated heritage asset.
- 2.4. Following the submission of the amended scheme the Conservation Officer was reconsulted.
- 2.5. The Conservation Officer considered both the grouping and size of the rooflights in a regular arrangement is not desirable and efforts should be made to reduce the number if possible (and ideally pulling them down from the ridge where they sit quite high). Rooflights should be true conservation types with black steel frame, central glazing bar, sit flush to the roof and be flashed in lead.
- 2.6. The new windows are drawn as side opening casements which are a relatively domestic style. Consideration should instead be given to single paned windows or those with inward opening hoppers.
- 2.7. The extension has been improved since the original submission in 2019 but I would question the use of timber cladding and consider that the side walls should be in stone. Pan tiles would be the preferred roofing material.
- 2.8. The Conservation Officer recommended conditions to cover: 1) schedule of works; 2) window and door details; 3) glazing to extension / constructional details of extension; and 4) works required to meet building control incl. air extraction and boiler flues.
- 2.9. The applicants submitted further revised drawings in response to these updated comments. The Conservation Officer considered the changes to the rooflights to be an improvement and preferable to "alternative openings". The Conservation Officer specifies that details of windows and roof materials would be preferable prior to determination of the application but is not opposed to use of planning conditions to secure these details.

Environmental Health Officer (EHO)

- 2.10. The initial response from the EHO noted concerns relating to the impact of existing activities on the site on the residential amenities of those residing in the proposed dwelling in respect of odour, noise, and pests. If the converted barn is occupied by persons connected to the ongoing business, there would be no objections but would recommend that the occupation is tied to the business operations.

- 2.11. Following re-consultation, the EHO considered Paragraphs 3.38 to 3.40 of the updated Planning Statement and agreed with the approach of occupancy of the proposed dwelling being restricted to persons that are either related to the occupants of Castle House Farm or are employed at Castle House Farm. Subject to this being secured, there were no further objections to the application.

County Ecologist

- 2.12. The initial response from the County Ecologist noted the lack of a bat roost potential assessment, including a check for Barn Owl activity.
- 2.13. Following submission of the revised application, a bat and breeding bird survey was provided and the County Ecologist reconsulted. The survey identifies the presence of 2 Common Pipistrelle day roosts occupied by individual bats and another roost occupied by a single Brown Long-eared Bat. Although such roosts are protected by law, they are of relatively low conservation significance. The proposed development is likely to entail disturbance or loss of roosting places, so appropriate mitigation measures will need to be licensed by Natural England.
- 2.14. Subject to appropriate mitigation, the proposed development is compatible with the test set out in Regulation 55(9)(b) of the Conservation of Habitats & Species Regulations 2017 that, "the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range". Although paragraph 6.1.3 of the assessment mentions some options for mitigation, no detail is provided. While the Ecologist recognised that details will need to be approved by Natural England as part of the licensing process, the Council needs to be confident as to the scope for mitigation. The report therefore needs to include an outline method statement. Swallow, House Sparrow and Wren nests were observed within the buildings to be converted. Should the Council be minded to approve this application, the ecologist recommends a Condition securing adherence to the mitigation measures set out in section 6.2 of the submitted report (Castle House Farm - bat and nesting bird survey by Skyline Ecology, dated October 2020).
- 2.15. An outline method statement was provided by the applicants and the County Ecologist reconsulted. The County Ecologist confirmed this provided the necessary information that the bat mitigation meets the test set out in Regulation 55(9)(b) of the Conservation of Habitats & Species Regulations 2017. A condition recommending adherence to the bat method statement is recommended.

North Yorkshire Bat Group

- 2.16. No response was received following consultation.

Contaminated Land Consultant

- 2.17. Whilst there were no particular contaminated land concerns a condition in respect of unexpected contamination was recommended, requiring: 1) reporting of unexpected contamination; 2) investigation and risk assessment; 3) remediation, and; 4) verification.

Parish Council

- 2.18. The Parish Council had no comments.

Local Highway Authority

- 2.19. The Local Highway Authority had no objections to the proposed development. The Local Highway Authority noted no details had been submitted regarding the proposed car parking arrangements. Conditions were recommended requiring: 1) details of vehicle parking, turning and manoeuvring, and; 2) provision of vehicle parking, turning and manoeuvring prior to use.

Yorkshire Water

- 2.20. Yorkshire Water responded with no comments.

Danvm Drainage Commissioners Shire Group of IDBs (IDB)

- 2.21. The IDB set out their guidelines for surface water drainage and request conditions are applied to any permission in accordance with these guidelines.
- 2.22. Following reconsultation the IDB had no comment on the application.

Publicity

- 2.23. The application was publicised via the erection of a site notice, issue of letters to neighbouring occupiers by post, and advertisement within the local press. Following this consultation, no responses were received.

3. SITE CONSTRAINTS

Constraints

- 3.1. The site is located outside of any defined Development Limits and is therefore within the Open Countryside. This section of Open Countryside sits within the Green Belt and a Locally Important Landscape Area.
- 3.2. The building sits within the curtilage of the Grade II listed Castle Farmhouse. Besides the farmhouse there are no other listed buildings on or near the site.
- 3.3. There are no assets of environmental protection on or near the site. However, the site is noted as being a source of potential contamination because of its agricultural use.
- 3.4. The site is within Flood Zone 1.

4. POLICY CONSIDERATIONS

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the National Planning Policy Framework (NPPF) with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

- 4.2. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3. On 17 September 2019, the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4. The February 2019 NPPF replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5. Annex 1 of the NPPF outlines the implementation of the Framework -

'213. ...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'

Selby District Core Strategy Local Plan (CS)

- 4.6. The relevant CS Policies are:

SP1 Presumption in Favour of Sustainable Development
SP2 Spatial Development Strategy
SP3 Green Belt
SP9 Affordable Housing
SP15 Sustainable Development and Climate Change
SP18 Protecting and Enhancing the Environment
SP19 Design Quality

Selby District Local Plan (SDLP)

- 4.7. The relevant SDLP Policies are:

T1 Development in Relation to the Highway network
T2 Access to Roads
ENV1 Control of Development
ENV2 Environmental Pollution and Contaminated Land
ENV24 Alterations to Listed Buildings
H12 Conversion to residential use in the Countryside

5. PLANNING APPRAISAL

- 5.1. The main issues to be considered when assessing this application are:

1. Principle of Development
2. Green Belt
3. Conservation & Historic Environment
4. Suitability for re-use
5. Extent of Alterations
6. Landscape & Character
7. Access & Highway Safety
8. Residential Amenity
9. Ground Conditions
10. Affordable Housing
11. Impact on Nature Conservation
12. Flood Risk & Drainage

Principle of Development

Context

- 5.2. CS Policy SP1 states that "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. CS Policy SP1 is therefore consistent with national policy set out in the NPPF.
- 5.3. CS Policy SP2 controls the location of future development within the District and directs the majority of new development to existing settlements. CS Policy SP2A(c) relates to the open countryside and limits development to:

"Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."

- 5.4. SDLP Policy H12 controls proposals for the conversion of rural buildings to residential use in the countryside (outside defined Development Limits) and stipulates the criteria in which conversions will be permitted, where relevant – which in this instance is criteria 1 to 7 and these are considered in greater detail below. H12(8) relates to part-residential/part-business and is not applicable.
- 5.5. Criterion (1) of Policy H12 allows proposals for the conversion of rural buildings to residential uses provided:

"It can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality".

- 5.6. Paragraph 79 of the NPPF sets out the policy for considering homes in the countryside and the circumstances in which this is permissible. Criterion (c) states:

"the development would re-use redundant or disused buildings and enhance its immediate setting."

- 5.7. As noted earlier, planning permission refs. 2007/0915/FUL & listed building consent ref. 2007/0916/LBC permitted a residential annexe (albeit restricted from operating as a separate dwelling) for the buildings the subject of this application. The permission and consent remain extant and can be undertaken without further approval. Therefore, the buildings benefit from an extant residential permission and this carries significant weight in the determination of this application.

Assessment

- 5.8. This proposal would result in the re-use of an existing building in the countryside and would therefore comply with Policy SP2A(c) of the Core Strategy and the NPPF.
- 5.9. However, unlike CS Policy SP2(c) and the NPPF, SDLP Policy H12 allows proposals for the conversion of rural buildings to residential uses provided “it can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality”. The proposal does not meet this criterion and is therefore contrary to the requirements of the development plan in this regard.
- 5.10. However, NPPF Paragraph 79(c) does not require the more onerous tests for commercial or employment uses within converted buildings set out in SDLP H12(1).
- 5.11. Officers consider that the approach set out within SDLP Policy H12 is more onerous than, and conflicts with, NPPF Paragraph 79 and CS Policy SP2 and therefore limited weight is applied to criterion (1) of SDLP Policy H12. However, it is clear that the conversion of buildings within the countryside (outside settlement limits) is acceptable in principle and therefore the proposal is acceptable.
- 5.12. Moreover, the extant residential annexe permission for the buildings is afforded significant weight in the determination of this application for a separate dwelling. Given the extant consent and the development plan considerations above, the principle of development is acceptable.

Green Belt

Context

- 5.13. CS Policy SP2A(d) states that within the Green Belt development must conform to CS Policy SP3 and national Green Belt policies. CS Policy SP3B echoes Paragraph 143 of the NPPF in that planning permission will not be granted for ‘inappropriate’ development unless the applicant has demonstrated that ‘very special circumstances’ (VSC) exist to justify why permission should be granted.
- 5.14. NPPF Paragraph 145 sets out which forms of development are not considered inappropriate development in the Green Belt. Paragraph 145(c) states:
- “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;”*
- 5.15. NPPF Paragraph 133 states: *“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

Assessment

- 5.16. As per NPPF Paragraph 145(c) of the NPPF, the proposal is not inappropriate providing it does not result in a disproportionate addition over and above the size of the original building.
- 5.17. The footprint of the original building is c. 227m², the extension is c.28m² i.e. an increase in floor area of c.12.5%. The existing building has a volume of c. 730m³, the extension is c.78m³ i.e. an increase in volume of c.10.7%.
- 5.18. Officers do not consider this increase constitutes a disproportionate addition above the existing building in spatial terms. Furthermore, Officers consider the orientation of the bulk of the extension running in parallel to the building length lessens the impact as does the reduction in ground level and overall height above surrounding ground level.
- 5.19. Therefore, Officers consider the proposal is not a disproportionate addition over and above the size of the original building and is not inappropriate development within the Green Belt. The proposal satisfies NPPF Paragraph 145 and CS Policies SP2 & 3 and is acceptable from a Green Belt perspective.

Conservation & Historic Environment

Context

- 5.20. CS Policy SP18 seeks to sustain the high quality and local distinctiveness of the natural and manmade environment, this includes through the conservation of those historic assets which contribute most to the distinct character of the District (CS Policy SP18(2)).
- 5.21. CS Policy SP19 expects new development to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside.
- 5.22. Where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design. CS Policy SP19(b) sets a key requirement for development to positively contribute to an area's identity and heritage in terms of scale, density and layout.
- 5.23. SDLP Policy ENV1 states that development will be permitted provided a good quality of development would be achieved. SDLP Policy ENV1(5) requires the potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area to be considered.
- 5.24. SDLP Policy ENV24 states:

“The conversion, alteration, extension or change of use of a listed building will only be permitted where it can be demonstrated that the proposal:

- 1) *Would not have any adverse effect on the architectural and historic character of the building, and its setting;*

- 2) *Is appropriate in terms of scale, design, detailing and materials; and*
- 3) *Would not harm the historic fabric of the building.”*

- 5.25. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (‘the Act’) imposes a statutory duty upon decision makers to pay special regard to the desirability of preserving listed buildings and their setting, or any features of special architectural or historic interest that they possess.
- 5.26. NPPF Paragraph 189 requires applicants to describe the significance of heritage assets and their setting that will be affected by development. The detail should be proportionate to the assets’ significance and sufficient to understand the impact of the proposals upon significance and be prepared using appropriate expertise where necessary.
- 5.27. NPPF Paragraph 190 requires Local planning authorities to identify and assess the significance of a heritage asset and setting that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.
- 5.28. NPPF Paragraph 193 requires great weight be given to the asset’s conservation irrespective of the level of potential harm. NPPF Paragraph 194 sets out that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification – substantial harm to Grade II listed buildings) should be exceptional.
- 5.29. NPPF Paragraph 195 states that where a proposed development will lead to substantial harm it should be refused unless it is necessary to achieve substantial public benefits that outweigh that harm.
- 5.30. NPPF Paragraph 196 relates to proposals generating less than substantial harm and states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Assessment

- 5.31. The revised application is supported by a Built Heritage Statement, prepared by heritage specialists at Pegasus. The Statement notes “Building C” i.e. the southern building adjacent the access track was built between 1853 and 1892, (Building D) the building adjacent the modern farm buildings was built prior to 1840.
- 5.32. The Statement considers the heritage significance buildings as principally embodied in its physical fabric. Architectural interest is considered to derive from its 19th-century agricultural appearance including traditional vernacular materials. The buildings’ past uses as part of the farm, i.e. stables and threshing barn respectively, also has a degree of historical interest.
- 5.33. The Statement goes on to consider that the buildings contribute to the setting of the listed building, through their formation of the farmyard and enclosed character,

albeit the significance derived from the setting is less than that from its historic fabric: stone and pantile materials and features that demonstrates historic use. The Statement notes potential to increase significance via the opening of blocked openings and reintroduction of doors and windows.

5.34. Paragraph 7.55 of the Statement states:

'While there will be very limited loss to some historic fabric it is considered that this loss will not materially harm the significance or the values of the buildings and as such the overall significance of the buildings will be preserved.'

5.35. Paragraph 7.57 of the Statement states:

'there will be no overall adverse effect on the Listed Buildings directly or via any change to their setting. In summary there shall be no harm and the Listed Buildings will be preserved.'

5.36. Officers consider that the Statement adequately describes the significance of the heritage asset in a proportionate manner given the significance of the heritage asset, whilst recognising the significance of the buildings and their curtilage nature. As such, Paragraph 180 of the NPPF has been satisfied.

5.37. Officers recognise the farmhouse's appearance and association with Stapleton Hall, are the identified features of significance, whilst the surrounding outbuildings contribute to the setting through the enclosed courtyard nature as well as their historic use (still apparent) and appearance. Officers have sought the expertise of the Local Planning Authority's Conservation Officer.

5.38. The initial response from the Conservation Officer raised concern with the proposals, including through lack of an appropriate assessment failing NPPF Paragraph 189. Following submission of the Statement and through collaboration, the scheme has been amended in line with the Conservation Officer's comments who now considers the scheme acceptable subject to conditions. Officers consider the applicants have sought to minimise harm in accordance with NPPF paragraph 190.

5.39. Whilst Officers note the Statement concludes there would be no harm, Officers consider through a review of the Statement, available evidence and the comments from the Conservation Officer, that the proposals constitute less than substantial harm to the significance of the Farmhouse and its setting. NPPF Paragraph 196 is therefore triggered, and a balancing of public benefits, including securing the optimum viable use is required.

5.40. Officers consider that the conversion to residential development is a viable use, equally re-using the building as a farm building would be a viable use. PPG states that where there are multiple viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, through initial alterations, wear and tear, and future changes.

5.41. Officers consider that the extent of changes necessary to make the buildings suitable for modern farming needs (size of machinery, scale of operation) would be more significant than the conversion of the existing building to a residential use. The wear and tear of continued farming use and potential for future damage and

deterioration are also greater than a residential use which will secure the long-term future of the building. Given the comparative impacts, residential use is therefore the optimum viable use.

- 5.42. Officers consider the public benefits arising from the proposal mainly relate to the interventions necessary to secure the long-term future of the building and its importance as a contributing factor to the setting of the listed building. On the other hand, harm has been minimised through careful design and in response to Conservation Officer comments, furthermore significance has been enhanced where possible. Officers consider these benefits outweigh the less than substantial harm to the significance of the listed building.
- 5.43. In consideration of the proposed alterations, their impact and the benefits of the proposals, Officers consider that subject to the recommended conditions the proposal accords with Section 66 of the Act, NPPF Paragraphs 189-190 & 193-196, SDLP Policies ENV1 & ENV25, and CS Policies SP18 & SP19 and are acceptable from a heritage perspective.

Suitability for re-use

Context

- 5.44. SDLP Policy H12(3) allows the conversion of rural buildings to residential use in the countryside where:

“The building is structurally sound and capable of re-use without substantial rebuilding”

- 5.45. The application is supported by a Structural Condition Report that demonstrates that cracking to mortar and distortion to the southwest elevation is not of structural concern. Decayed timbers should be replaced. Gutters should be cleaned, Decayed wooden floors should be repaired locally.

Assessment

- 5.46. Officers consider that the building has been demonstrated to be structurally sound and suitable for re-use subject to the recommended repairs. The rebuilding works listed are considered proportionate to converting such a building into residential use and are not therefore considered to be “substantial”. As such, the proposals accord with SDLP Policy H12(3).

Extent of Alterations

Context

- 5.47. SDLP Policy H12(4) allows the conversion of rural buildings to residential use in the countryside where:

“The proposed re-use or adaptation will generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension;”

Assessment

- 5.48. The majority of the development takes place within the fabric of the existing building. As described within the Green Belt section of this report, whilst an extension is proposed it is proportionate to the existing building in spatial terms and has been designed to lessen the impact as does the reduction in ground level and overall height above surrounding ground level.
- 5.49. Therefore, Officers consider the proposal has generally taken place within the fabric of the building and has not resulted in extensive alteration, rebuilding and/or extension. The proposal accords with SDLP Policy H12(4).

Landscape & Character

Context

- 5.50. SDLP Policy H12(5) allows the conversion of rural buildings to residential use in the countryside where:

“The conversion of the building and ancillary works, such as the creation of a residential curtilage and the provision of satisfactory access and parking arrangements, would not have a significant adverse effect on the character or appearance of the area or the surrounding countryside”

- 5.51. CS Policy SP18 seeks to safeguard and, where possible, enhance the historic and natural environment. CS Policy SP19 expects development to achieve high quality design and have regard to the local character, identity and context of its surroundings including the open countryside.
- 5.52. Selby District Local Plan ENV1 requires (1) the effect of the character of an area, and; (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping to be taken into account.

Assessment

- 5.53. Whilst the proposal will result in the building being interpreted as a residential dwelling, care has been taken to ensure the overall form of the building maintains references to its agricultural origins and respects the character and appearance of the area or the surrounding countryside. The recommended conditions in respect of the detailing (materials, joinery, etc.) will ensure this character is maintained.
- 5.54. A domestic garden is proposed to the south of the buildings surrounded by a post and rail fence. Given the scale of the garden and the existing domestic nature of the attached Farmhouse surrounding the site it is not considered that the proposals will have a significant adverse effect on the character or appearance of the area or the surrounding countryside.
- 5.55. As such, the proposals are considered to comply with CS Policy SP18 & SP19 and SDLP Policy ENV1 & H12.

Access & Highway Safety

Context

- 5.56. SDLP Policy H12(7) allows the conversion of rural buildings to residential use in the countryside where:

“The proposal would not create conditions prejudicial to highway safety...”

- 5.57. SDLP Policy T1 stipulates development will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer.
- 5.58. SDLP Policy T2 only allows for a new access or the intensification of the use of an existing access will be permitted provided where (1) there would be no detriment to highway safety; and 2) the access can be created in a location and to a standard acceptable to the highway authority.
- 5.59. Paragraph 109 of the NPPF states that planning applications should only be refused where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Assessment

- 5.60. Access to the site will be achieved from the existing access road to the farmhouse that runs adjacent the south of the buildings, albeit the route of the road will be modified to allow for the garden area to be created. The road will now deviate further southwards and require a timber shed to be removed and part of a field used to accommodate this change.
- 5.61. The proposals have been considered by the Local Highway Authority who find the proposals acceptable in principle subject to clarification of on-site parking and turning and provision of these prior to use. Subject to the recommended conditions, Officers consider the proposals will not have a detrimental impact upon highway safety and the proposals comply with SDLP Policy T1, T2 & H12.

Residential Amenity

Context

- 5.62. SDLP Policy H12(7) allows the conversion of rural buildings to residential use in the countryside where:

“The proposal would not create conditions... which would have a significant adverse effect on local amenity...”

- 5.63. SDLP Policy ENV1 provides eight broad aspirations that are taken into account when achieving “good quality development”. ENV1(1) requires “the effect upon the character of the area or the amenity of adjoining occupiers” to be taken into consideration.

Assessment

- 5.64. In response to the EHO’s initial submission, the applicants have suggested limiting occupancy of the proposed dwelling being restricted to persons that are either related to the occupants of Castle House Farm or are employed at Castle House Farm. Following reconsultation the EHO considered this approach was acceptable.
- 5.65. The northern elevation of the proposal faces onto the courtyard parking area and farm building elevation beyond: the respective separation is c. 24m. Given the

separation distance and ancillary nature of the courtyard Officers consider no overlooking would occur.

- 5.66. The eastern elevation faces the entrance to the courtyard and the ancillary garden space of the Farmhouse lies c.22m beyond. Given the separation and that the garden space is ancillary, Officers do not consider any adverse overlooking would occur.
- 5.67. The southern elevation does not face any residential development and no overlooking will occur. The southern elevation contains the extension, given the immediate absence of residential development, overbearance or overshadowing is not a material consideration.
- 5.68. The proposals include sufficient windows to allow a reasonable standard of daylight and sunlight into the dwelling. Rooms are well proportioned, and the living space is commensurate with the scale of the dwelling. The proposed private amenity space is ample for future residents.
- 5.69. Subject to the above-mentioned conditions, it is considered that the proposals do not result in a significant adverse impact upon the amenity of existing residents and future residents and the proposals comply with SDLP Policies ENV1 & H12.

Ground Conditions

Context

- 5.70. SDLP Policy ENV2A states development that would be affected by unacceptable levels of noise, nuisance, contamination, or other environmental pollution will be refused unless satisfactorily remediated or prevented. CS Policy SP19(k) seeks to prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.
- 5.71. NPPF Paragraph 178 requires planning decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, be remediated (where appropriate) to an appropriate standard and be subject to site investigation undertaken by competent persons.

Assessment

- 5.72. The proposal is noted as a potential source of contamination owing to its historic use as a farm. The Contaminated Land Officer has no specific concern although recommends a condition in respect of reporting and remediating unexpected contamination. Officers consider that this approach is proportionate and subject to this condition the proposal is acceptable from a ground condition perspective and satisfies SDLP Policy ENV2A and CS Policy SP19(k).

Affordable Housing

Context

- 5.73. Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or

less than 0.3ha a fixed sum will be sought to provide affordable housing within the District.

- 5.74. However, the NPPF is a material consideration in planning decisions (as set out in paragraph 2 of the NPPF) and states at paragraph 63:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”.

- 5.75. For housing, ‘major development’ is defined within the NPPF Glossary as being development of 10 or more homes, or where the site has an area of 0.5 hectares or more.

Assessment

- 5.76. The application proposes the creation of one dwelling on a site which has an area of less than 0.5 hectares, and as such the proposal is not considered to be major development. Having had regard to Policy SP9 of the Core Strategy and material considerations including the Affordable Housing SPD and the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

Impact on Nature Conservation

Context

- 5.77. Relevant policies in respect of nature conservation and protected species include CS Policy SP18 of the Core Strategy. CS Policy SP18 seeks to safeguard and, where possible, enhancing the natural environment. This is achieved through effective stewardship by (inter-alia) safeguarding protected sites from inappropriate development, and ensuring development seeks to produce a net gain in biodiversity.
- 5.78. NPPF Paragraph 170(d) seeks for planning decisions to contribute to and enhance the natural environment by minimising impacts and providing net gains for biodiversity.

Assessment

- 5.79. Following submission of additional information, the County Ecologist considers the proposals are acceptable. Officers agree that there are no concerns from a nature conservation perspective subject to securing and implementing mitigation measures resultant from the Natural England licensing programme. Subject to this licence, the proposals are acceptable and comply with CS Policy SP18 and NPPF Paragraph 170(d).

Flood Risk & Drainage

Context

- 5.80. The site sits within Flood Zone 1, the area at lowest risk of flood risk. CS Policy SP15A(d) seeks to ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test (if necessary). This policy is in line with NPPF Paragraph 155 which seeks to direct development away from areas at highest risk.

Assessment

- 5.81. The site is located within Flood Zone 1 i.e. the area of lowest risk and therefore development in this location complies with CS Policy SP15 and NPPF Paragraph 155.
- 5.82. The application seeks to drain surface water via soakaways and foul drainage via septic tank. Officers agree that the use of soakaways and treated effluent is appropriate for the disposal of surface water subject to conditions requiring details of the efficacy and design (if applicable) of the proposed sustainable drainage system.

6. CONCLUSION

- 6.1. Planning permission is sought for the conversion of an existing building within the open countryside to residential use.
- 6.2. The application is acceptable in principle and represents appropriate development in the countryside in accordance with Policies SP1 and SP2 of the Core Strategy and national policy including paragraph 79 of the NPPF. Policy H12 (1) of the Selby District Local Plan is given limited weight as the approaches taken by Policy SP2A(c) and Paragraph 79 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12 (1).
- 6.3. A buildings survey has been submitted that demonstrates, the building is capable of being converted without substantial rebuilding work. As such, subject to the wider development management considerations of SDLP Policy H12, the principle is considered acceptable.
- 6.4. Officers have considered the proposals against all material considerations that arise from the development, including the relevant criteria of SDLP Policy H12. This report demonstrates that the proposals overcome each of these issues including by way of conditions where appropriate.

7. RECOMMENDATION

- 7.1. This application is recommended to be GRANTED subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans, drawings and documents listed below:

- Loc 01 Location Plan
- P20-1774-08 Rev.A Proposed Plans & Elevations
- P20-1774-09 Proposed Ground Floor
- P20-1774-10 Rev.A Proposed First Floor
- P20-1774-11 Rev.A Proposed Elevations 1 & 2
- P20-1774-12 Rev.A Proposed Elevations 3 & 4
- P20-1774-13 Rev.A Proposed Internal Perspectives
- P20-1774-14 Rev.A Proposed Perspectives
- P20-1774-17 Rev.A Site Plan - Proposed

Reason:

For the avoidance of doubt.

03. The residential dwelling hereby approved, shall at no time be occupied by anyone not related to the owners of Castle House Farm or not employed at Castle House Farm.

Reason:

In the interests of residential amenity.

04. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

05. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. Vehicular accesses
- b. Vehicular parking
- c. Vehicular turning arrangements

Reason:

In accordance with SDLP Policies T1 & T2 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

06. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under Condition 5 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with SDLP Policies T1 & T2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

07. The application shall be carried out in accordance with the mitigation measures set out in section 6.2 of the submitted report, Castle House Farm – bat and nesting bird survey by Skyline Ecology, dated October 2020.

Prior to any works associated with development that will disturb, modify or result in permanent loss of bat roost, a Natural England EPS development licence shall be obtained from Natural England.

Thereafter, works shall be carried out in accordance with the Outline Method Statement (23 December), and in conjunction with any subsequent mitigation measures outlined within the EPS development licence.

Reason:

In order to protect and enhance biodiversity.

08. Prior to the use of the approved development, details of surface water drainage shall be submitted to the Local Planning Authority. In the first instance, the applicant shall carry out soakaway testing, in accordance with BRE Digest 365, in order to ascertain whether the soil structure is suitable for a soakaway system, and the results of this testing shall be submitted to the Local Planning Authority. Should the testing demonstrate soakaways are achievable then the design for the soakaway shall be submitted to the Local Planning Authority for approval prior to the use of the approved development, incorporating:

- Storage volume should accommodate a 1:30 year event with no surface flooding; and
- Storage volume should accommodate no overland discharge off the site in a 1:100 year event; and
- A 30% allowance for climate change should be included in all calculations.

If the results of the soakaway testing demonstrate soakaways are not achievable then connection to a watercourse, directly or indirectly, will be permissible subject to the submission and approval of details to the Local Planning Authority for approval. The scheme will satisfy the following criteria:

- Establish the extent of any existing discharge to that watercourse.

- Peak run-off will be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 30% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.

The approved surface water drainage shall be installed prior to the use of the approved development and shall be retained and maintained as such thereafter.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

09. Notwithstanding the submitted window and door opening details, joinery detail drawings of all windows, doors, glazed infill screens and glazing to elevation 2 of the extension (including elevation, horizontal and vertical sections including indication of reveal all at scale 1:10 and glazing bar section, if relevant, at scale 1:1) shall be submitted to and agreed in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details.

Reason:

In order to safeguard the special architectural or historic interest, character, appearance and integrity of the listed building's setting by ensuring the retention and significance of the original features and in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Prior to their installation, product details of the rooflights (including means of flashing and installation details relating to the position of the rooflights in relation to the roof tiles) shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason:

In order to safeguard the special architectural or historic interest, character, appearance and integrity of the listed building's setting by ensuring the retention and significance of the original features and in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Prior to the carrying out of the works contained within it, a schedule of works relating to the implementation of the approved scheme shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

12. Prior to their installation, details of works required to be carried out in order to meet Building Regulations (for example, the provision of air extraction vents, insulation and heating systems) shall be submitted to and agreed in writing by

the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason:

In order to safeguard the special architectural or historic interest, character, appearance and integrity of the listed building's setting by ensuring the retention and significance of the original features and in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13. 'Notwithstanding the material shown on approved plan drwg P20-1774-11 Rev A details of the roof covering material to the single storey lean to extension on Elevation 2 shall be submitted to and agreed in writing by the Local Planning Authority prior to installation. The works shall only be carried out in accordance with the approved details.

Reason:

In order to safeguard the special architectural or historic interest, character, appearance and integrity of the listed building's setting by ensuring the retention and significance of the original features and in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVE

01. The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.
02. The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development – A Guide' available at www.northyorks.gov.uk.
03. Works that have the potential to disturb, modify or result in permanent loss of bat roost include (but not limited to):
- Bat exclusion
 - Roof stripping and subsequent re-roofing
 - Erection of scaffolding
 - Pointing of brickwork
 - New windows and doors
 - Internal renovations

8. Legal Issues

Planning Acts

8.1. This application has been determined in accordance with the relevant planning acts.

Human Rights Act 1998

8.2. It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

Equality Act 2010

8.3. This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9. Financial Issues

9.1. Financial issues are not material to the determination of this application.

10. Background Documents

10.1. Planning Application file reference 2019/0905/FUL and associated documents.

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Appendices: None