

**REPORT FROM: ASSISTANT DIRECTOR, PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES**

TO: COLNE & DISTRICT COMMITTEE

DATE: 06TH JUNE 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO COLNE & DISTRICT COMMITTEE 6TH JUNE 2024

Application Ref: 24/0208/FUL

Proposal: Full: Partial demolition, reconstruction and extension of former agricultural building to form 1 no. single dwelling, new boundary walls and the erection of a detached garage.

At: Brook View Barn, Skipton New Road, Foulridge

On behalf of: Ms Gemma Wheeler

Date Registered: 15/04/2024

Expiry Date: 10/06/2024

Case Officer: Laura Barnes

Site Description and Proposal

The application site is an existing dwelling which has been converted from a former agricultural building. It is set amongst a cluster of buildings associated with Loach Brook Farm, accessed via a driveway off Skipton New Road. The application site is located within the Green Belt and outside the settlement boundary, in the Open Countryside.

At the time of the site visit a dwelling had been erected, along with the associated driveway hardstanding and stone boundary walls. The dwelling which has been built is not in accordance with the approved plans for the conversion of the building.

The proposal seeks to regularise the issue by applying for the partial demolition of the building, in order to reconstruct and extend it, making it suitable for habitable accommodation in the form of a single dwelling. The application also seeks permission for new boundary walls and a large, detached garage. At the time of the site visit the garage had not been erected.

Relevant Planning History

13/99/0241P: Extend dwelling into part of barn at Lower Borach Farmhouse
Approved with conditions

13/14/0356P: Full: Subdivision of existing property to create two dwellings.
Approved with conditions

16/0334/FUL: Full: Change of use of storage building to boarding kennels for a maximum of 5 dogs (no external alterations)
Withdrawn

17/0149/FUL: Full: Retain converted storage building for use as boarding kennels for up to 5 dogs including external alterations to windows and doors and use of field for exercise area.
Approved with conditions

18/0267/FUL: Full: Installation of a stone access track.
Approved with conditions

18/0425/FUL: Full: Conversion of two outbuildings into two residential dwelling houses.
Approved with conditions

18/0429/CND: Approval of Details Reserved by Condition: Discharge of Condition 3 (Surfacing Materials) of the Planning Permission 18/0267/FUL
Conditions Discharged

18/0750/FUL: Full: Conversion of outbuilding to dwellinghouse and change of use of agricultural land to domestic use.
Approved with conditions

19/0369/FUL: Full: Conversion of two outbuildings into two dwelling houses (Amended scheme).
Approved with conditions

19/0875/HHO: Full: Conversion of outbuilding into one residential dwellinghouse and erection of a single storey extension
Refused

20/0105/FUL: Full: Conversion of outbuilding into one residential dwelling house and erection of a single storey extension (Re-Submission).
Refused

20/0571/CND: Approval of Details Reserved by Condition: Discharge of Conditions 3 (Materials), 5 (Screen) and 9 (Drainage) of Planning Permission 19/0369/FUL.
Conditions Partially Discharged

20/0617/FUL: Full: Conversion of outbuilding into one residential dwelling house, erection of a single storey extension.
Approved with conditions

21/0377/CEA: Lawful Development Certificate (Proposed Use): Use of dwelling as a children's home for up to four resident children (C3).
Refused

21/0876/FUL: Full: Change of use of existing dwellinghouse (Use Class C3) to a children's home for a maximum of six young people (Use Class C2).
Refused

Consultee Response

LCC Highways

The application seeks approval for a 3 bedroom dwelling with garage measuring 5.45m by 5.45m. There is a large enclosed yard which provides extensive parking and turning area.

Access

The site is accessed from a privately maintained road which carries public footpath FP13-12026 for its full length from the A56 Skipton New Road until a point south of the site access when it diverts into the field along the western boundary of the site.

Parking

There is a garage proposed which is below the standard size 6m by 6m to count as 2 parking spaces, however it will provide secure cycle storage. There is ample hardstanding within the site to provide the 2 car parking spaces which are required for the proposed 3 bedroom dwelling.

Conclusion

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Foulridge Parish Council

The Foulridge Parish Council fully support this application. We have visited the site and what is proposed will complete the final renovation of the agricultural buildings at Lower Broach.

A recent application to add a double garage on the site to one of the agreed building applications has been approved. So the Council views that this application should also be approved to be seen as a balanced Planning approach for the Borough.

Public Response

Nearest neighbours have been notified by letter and a site notice has been displayed for wider publicity. Multiple responses have been received, both in support and objection of the proposals. The responses can be summarised as follows:

Objections:

- Overbearing impact
- Loss of views towards Blacko Tower and Pendle Hill
- A flat roof would work better in the case of the garage
- The garage could be positioned in a different location, so as not to spoil the view

Support:

- The proposal is in keeping with the local area
- This development will benefit the area

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by

encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 153 states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the Framework is set out below:

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;*
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- (c) 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;*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (e) limited infilling in villages;*
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*

Paragraph 155 states:

"Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- (a) mineral extraction;*
- (b) engineering operations;*

- (c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- (d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- (f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

The Development in the Open Countryside SPG is also relevant to this application.

Green Belt

The application site is located within the Green Belt. The applicant is relying on PPG2 in their planning statement. This is an out of date document which has been superseded by the Framework (National Planning Policy Framework). They have also cited Policies 1, 17 and 40 of the Pendle Replacement Local Plan. They have set out that conversion of a redundant building into a dwelling would be acceptable.

The proposed development is mostly retrospective in that the former agricultural building has been converted into residential use. At the time of the site visit work had not commenced on the building of a detached garage. It is clear that the construction of the dwelling has not been carried out in accordance with the approved plans.

The applicant has provided calculations in a report dated 1st May 2024, as to the volume of the building. Their calculations are set out below:

Original building gross external floor area – 96.5m²
Existing building gross external floor area – 128 m²
Floor area increase – 32.64%

Original building volume – 264 m³
Existing building volume – 388 m³
Volume increase 47%

The Council have reviewed the information provided within the applicant's statement and are not in agreement with these calculations. This is mainly due to the starting point for the volume of the 'original building'. The Framework provides a very clear definition, at Annex 2, of what constitutes the original building. This is a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. As such, the Council's calculation of the original building is based upon the drawings of the original building from the application reference: 19/0369/FUL.

The Council's calculations are as follows:

Original building volume: 167m³
As built volume: 486m³
Percentage increase from the original building, to as built volume: 191%
Percentage increase from the original building, to proposed building (including the volume of the proposed detached garage): 287%

It is clear that the roof of the building has been increased in height significantly since the original building was on the site. The Council have photographic evidence from July 2018 which shows the original building, being a single storey low lying agricultural building which had a long and narrow footprint. The building which is currently on the site is a much taller structure which has been substantially re-built since the permission in application reference 19/0369/FUL was given. There is a telegraph pole adjacent to the building which assists in providing a measure of scale. The original building extended to a height within the lower third of the telegraph pole. However, the height of the existing building comes within the top third of the pole. It is clear that the original building has significantly increased in volume as a result of the major increase in height.

The consideration for Members of the committee is to understand the proposals in the context of the requirements in the Framework. The Framework makes exceptions for development within the Green Belt. However, in this case it would need to be demonstrated that the extension or alteration to the building does not result in disproportionate additions over and above the size of the original building. It is clear that the building which has been erected fits within the “disproportionate” category of paragraph 154 of the Framework, being over a 200% increase in volume.

As such, the development would not benefit from the exemptions in Green Belt terms and is not inappropriate development in the Green Belt. No very special circumstances case has been advanced here. The proposals are contrary to national and local policy on this issue and should be refused for this reason.

Design

The dwelling which has already been constructed unlawfully is a three bedroom (one with ensuite), single storey dwelling with a large roof space. It has an open plan kitchen / dining / lounge area to the centre of the dwelling as well as a family bathroom. The building is constructed of natural random stone with a natural blue slate roof. The roof has eight roof lights in total.

The proposed garage is to have a footprint of 6m x 6m. It has been reduced in height from that which was originally submitted. The proposed garage is to have a dual pitched roof with an eaves height of 2.3m and a ridge height of 4.1m. The detached garage is to be constructed of materials to match the main dwelling.

The application also seeks permission for boundary treatment in the form of stone walls, most of which had already been erected at the time of the site visit. These in themselves would have an impact upon openness. Notwithstanding this they are of grand proportions and would be more akin to development in an urban setting, rather than land set within this rural location in the Open Countryside.

The dwelling and garage are to be constructed of materials which are of high quality and would be in keeping with the surrounding cluster of farm buildings. As such, the proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy in this regard.

Residential Amenity

The proposed detached garage is to be sited 7m from the existing dwelling at The Old Dairy. The proposed garage is to be over 4m in height, even with the reduction in height with the amended plans. The main habitable room windows are in the end of the barn conversion (The Old Dairy) which would be closest to the proposed garage. At 4m in height and being just 7m away, situated on land which is higher than the neighbouring dwelling this would result in an overbearing impact upon the neighbouring property.

In terms of the main dwelling, the windows are no closer to neighbouring dwelling than has previously been assessed as part of the application to convert the building from an agricultural one to a dwelling. As such, there would be no greater impact upon neighbouring amenity as a result of the dwelling itself.

Overall, there would be an unacceptable impact upon the neighbouring dwelling at The Old Dairy as a result of the proposed detached garage. This would result in an overbearing affect which would result in conflict with Policy ENV2 and the Design Principles SPD.

Highways

In terms of the dwelling and proposed garage there is ample parking within the site to allow for the parking of three vehicles. The garage would be capable of accommodating space for cycles in addition to this.

There would be no change to the Public Right of Way which runs up the main access drive to the property.

RECOMMENDATION: Refuse

Due to the following reasons:

1. The development which has been constructed is not in accordance with previously approved plans for the conversion of this building from agricultural use to domestic use (19/0369/FUL). The dwelling which has been constructed is disproportionate to the original building and does not meet any of the exceptions in Green Belt terms. As such, there is a direct conflict with paragraph 154 of the Framework. The proposed garage would result in an overbearing impact upon the habitable room windows of the neighbouring dwelling, in conflict with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

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On behalf of: Ms Gemma Wheeler

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 13th May 2024