

PLANNING COMMITTEE – 25th July 2023

REFERENCE NUMBER: 23/00381/FL Application Expiry Date: 27.07.2023

Application Type: Full Planning Permission

Proposal Description: Conversion and change of use of outbuilding (originally agricultural) with extensions to form two storey dwelling with Velux roof lights including provision of new package sewage treatment plant (Private Drainage System) (Amended Title)

At: Carr Lane Farm White Carr Lane Brackenfield Alfreton DE55 6DE

For: Mr Michael Poole

Third Party Reps: Yes Parish: Brackenfield
Ward Name:

Author of Report: Kerry Hallam Date of Report: 11.07.2023

MAIN RECOMMENDATION: Refuse Planning Permission

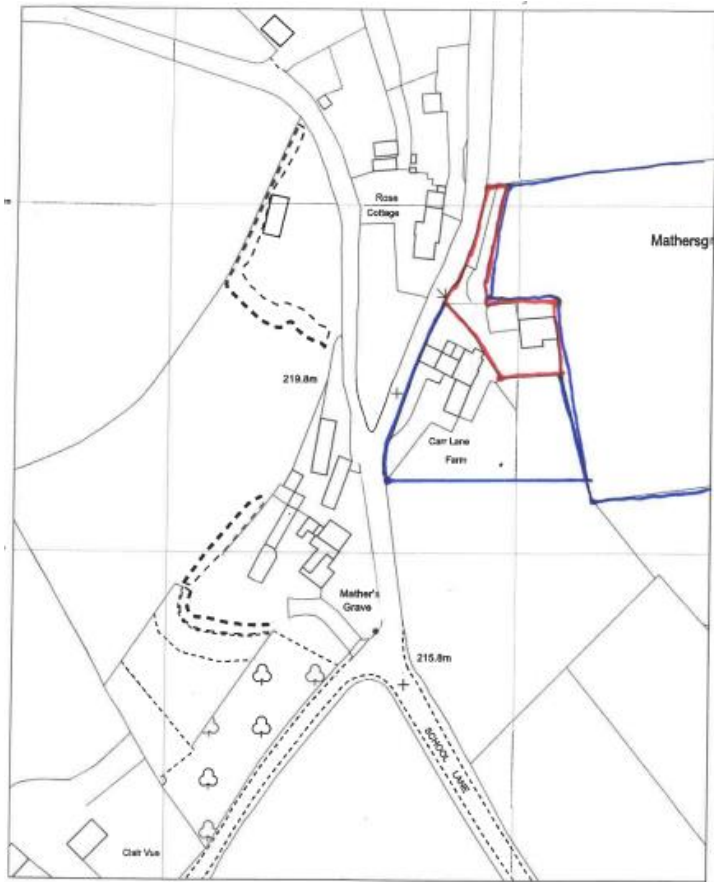


Figure.1 Application site

1.0 Reason for Report

- 1.1 The application has been called in to Planning Committee by the Local Ward Member to allow Planning Committee members to fully assess the application and consider whether this will be beneficial to the surrounding landscape, adjacent dwellings and area.

2.0 Proposal and Background

SITE DESCRIPTION

- 2.1 The application site comprises an existing outbuilding which is associated with Carr Lane Farm. (see Figure 2 below).



Figure 2: Application site

- 2.2 The site is located within the Countryside and is outside of any Settlement Development Settlement Limit (SDL). The site is also within a Primary Area of Multiple Environmental Sensitivity (AMES). The Landscape Character Type is Wooded Slopes and Valleys within the Derbyshire Peak Fringe and Lower Derwent area.
- 2.3 The site falls within a small cluster of houses on White Carr Lane and School Lane. The site is accessed via an existing access off White Carr Lane with stone walls either side of the access.

PROPOSAL

- 2.4 The applicant seeks consent for extensions to and the conversion of an existing outbuilding to form a dwelling. The proposals seeks to extend the existing building to the west, lower the ground level of the main part of the building and raise the ridge height and extend the footprint of the eastern section of the building. External alterations consist of changes to openings and insertion of new windows, doors and rooflights. Existing elevations are shown in Figure 4 below and proposed elevations shown in Figure 5.

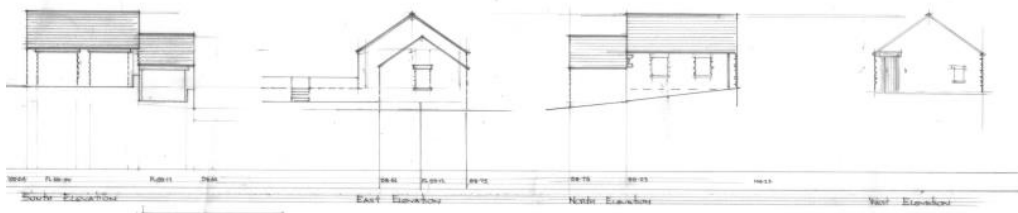


Figure 4: Existing elevations

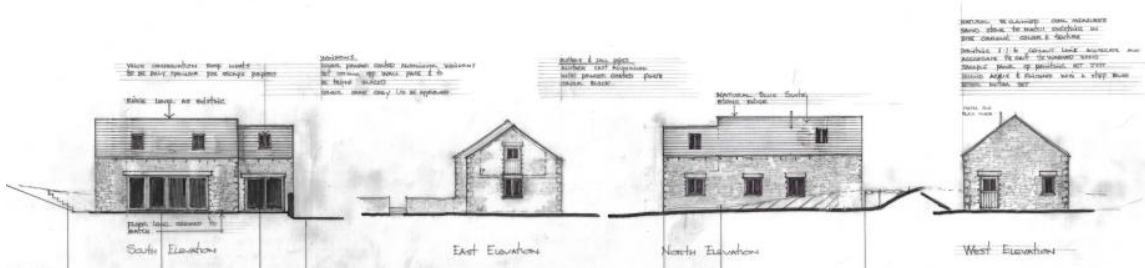


Figure 5: Proposed elevations

- 2.5 No alterations to the access are proposed.



Figure 6: existing access

- 2.6 Parking provision proposed within the site would comprise of 3 spaces with a turning area as shown in Figure 5 below.

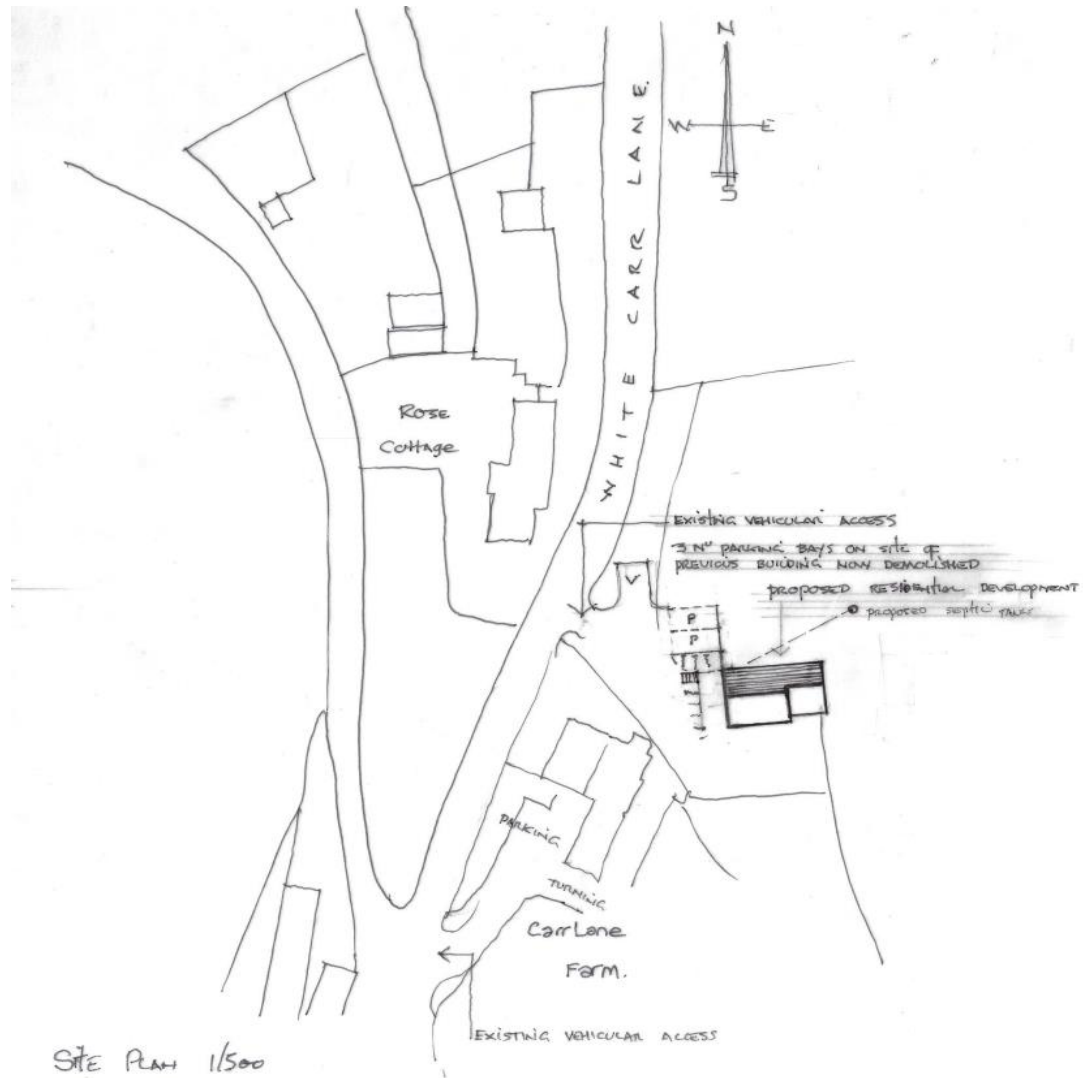


Figure 7: Parking proposals

3.0 PLANNING HISTORY

3.1 There is no relevant planning history for the application site.

4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 A neighbouring property was consulted by letter and a site notice posted at the access to the site on the 28th April 2023.

3 anonymous objections have been submitted. The comments are summarised below.

- Intended works are disproportionate and not in keeping with the site and countryside surroundings

- Will have a detrimental impact on the amenity of neighbours and the village
- Why does it need to be on two floors with unsightly Velux rooflights?
- Bats have lived there for many years and swallows nest there annually. Should the development go ahead the reality is both will be forced out, regardless of mitigation measures.
- Will the applicants next submission be for a shed/garage to the house as it appears no other outbuildings exist.
- Application form states the work has already started – why?
- Plenty of walkers, bikers, local travelling past the site.
- This is a farm and not a holiday let.
- Building is highly visible and should not be a separate dwelling.
- Access onto Carr Lane is dangerous
- What is the intended use for a separate three bedroom property?
- If approved, a condition should be applied restricting the development should the house be sold.
- If approved, a condition should be applied restricting any new future buildings due to overdevelopment and concerns at some point these may become dwellings.

Officer Note: The representations received have been summarised for the purposes of this report and can be viewed in full via the Council's website.

Consultation responses:

- 4.2 **Highways Authority:** The proposed site is to be served via the existing site access, with no alterations proposed. As such the Local Highway Authority (LHA) does not consider that the proposals would represent a significant material increase in traffic when compared to the site's permitted land use and in the site-specific circumstances it is not considered that this development proposal would lead to a severe or unacceptable highway impact in the context of the NPPF and as such the LHA would not seek to resist this application.

The LHA is satisfied with the proposed parking provision. The Highways Authority has no objections to the proposal subject to conditions.

- 4.3 **Environmental Health:** No objection to the proposals in principle.
- 4.4 **Derbyshire Wildlife Trust (DWT):** A Preliminary Bat Roost Assessment was undertaken by the Bat Surveyor in September 2022 and found bat droppings in three locations. Morph Ecological Consultants subsequently carried out three nocturnal bat surveys in May and June 2023, in line with best practice guidelines (Colins, 2016). At least two small day roosts of common pipistrelle bats were recorded using the building and therefore a licence will be required prior to works. Proposed mitigation is considered suitable. Swallow nests were recorded in the garage and compensation should be provided as part of proposals, as swallows are faithful to nest

sites on their annual return from sub-Saharan Africa. Artificial nest cups could be added to other open-fronted buildings on site, a covered area could be added to proposals or a bespoke swallow box could be considered, however the uptake rates of these are currently unknown.

Derbyshire Wildlife Trust raise no objection subject to two conditions.

- 4.5 **NEDDC Structural Engineer:** I have no concerns over the structural alterations being within what we allow. I would, however like to request that the applicant submits details of the sewage treatment and any outflows from it along with details on surface water disposal and any relevant tests (percolation tests) and calculations. The structural report raised concerns about the lack of infiltration drainage available.
- 4.6 **Ward Councillor:** Ward Councillor Cupit called in application into Planning Committee so members can fully assess the application and whether this will be beneficial to the surrounding landscape, adjacent dwellings and area.
- 4.7 **Parish Council:** No comments received.

5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 The Development Plan comprises of the North East Derbyshire Local Plan 2014-2034.

The following policies are those considered most important to the determination of the application:

SS1 - Sustainable Development
SS2 - Spatial Strategy and the Distribution of Development
SS9 - Development in the Countryside
SDC3 - Landscape Character
SDC12 - High quality Design and Place-Making
ID3 - Sustainable Travel
SDC1 – Re-use and Conversion of building in the Green Belt and Countryside
SDC2 - Trees, Woodland and Hedgerows
SDC4 - Biodiversity and Geodiversity
SDC13 - Environmental Quality

- 5.2 Brackenfield Neighbourhood Plan

CH1 – Protecting the countryside and landscape
CH2 – Protecting Local Character and Distinctiveness
NE1 – Biodiversity
NE2 – Dark Skies
H1 – Housing

6.0 PLANNING ISSUES

Principle of Development

- 6.1 The application site is located outside a defined settlement limit and within the countryside.
- 6.2 Policy SS9 of the North East Derbyshire Local Plan (Development in the Countryside) is therefore applicable. SS9 supports development where it involved the change of use, re-use, limiting infilling or redevelopment of vacant, derelict or previously developed land which would not have a greater impact on the character of the countryside than the existing development. In all cases, where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.
- 6.3 Policy SDC1 of the North East Derbyshire Local Plan (Re-use and Conversion of Buildings in the Green Belt and Countryside) is also relevant. SDC1 supports the re-use and conversion of buildings provided a) they are of permanent and substantial construction, b) they are structurally sound, and capable of re-use without major alterations, adaptations or re-construction, c) their form, bulk and design is, or can be made to be, in keeping with their surroundings, d) conversion or adaptation will not be detrimental to the character of the building itself or its setting, e) they preserve the openness and character of the Green Belt and Countryside, f) the new use would not result in replacement farm buildings or inappropriate outside storage of any materials, machinery and / or vehicles that would cause harm to the Green Belt and Countryside; and g) provision is made for nesting boxes and roosts for protected species such as barn owls and bats, where appropriate.
- 6.4 Paragraph 80 of the NPPF states that, new, isolated homes in the countryside should be avoided unless a) there is an essential need for a rural worker, b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets, c) the development would re-use redundant or disused buildings and enhance its immediate setting, d) the development would involve the subdivision of an existing residential building or e) The design is of exceptional quality.
- 6.5 Whilst policy SS9 supports development for re-development of the land, in all cases, it should respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials. Further consideration on the landscape impact is discussed later in the report.
- 6.6 In terms of compliance with SDC1, the application is supported by a structural survey which outlines that the building is structurally sound and capable of conversion, however would need a new roof structure. Officers

are of the view that a conversion of the existing building, with a modest extension and sympathetic alterations may be considered acceptable. However, the extent of the extensions along with the domestic style alterations, would be contrary to parts c, d and e of SCD1. Part f is not relevant and part g is discussed later in the report.

- 6.7 H1 of the Brackenfield Neighborhood Plan supports small scale infill subject to proposals being visually attractive and reinforcing local distinctiveness.

Impact on the countryside and landscape

- 6.8 Local Plan policy SS9 requires that in all cases where development is considered acceptable it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.
- 6.9 Policy SD3 of the Local Plan states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquility. Development proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES), and contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character type.
- 6.10 The site is located within a primary AMES. The Local Plan states that such areas are the most sensitive areas of landscape, and which are most likely to be negatively affected by change or development. In these areas, there will be a strong focus on the protection and conservation of their environmental assets. The Landscape Character Type is described in The Derbyshire Landscape Character Area Assessment as: Wooded Slopes and Valleys within the Derbyshire Peak Fringe and Lower Derwent area, the site demonstrating the typical character of irregular field pattern bounded by mixed species hedgerows, network or winding lanes and dispersed sandstone farmsteads with stone slate roofs.
- 6.11 Policy SDC12 requires that all new development should be of a high quality design and make a positive contribution to the quality of the local environment. Proposals for development will only be permitted provided that they respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings. Development should also create good design which is well-related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational treatment,

materials, streetscape, and rooflines which effectively integrate buildings into their local setting.

- 6.12 Brackenfield Neighbourhood Plan Policy CH2 supports development where it is demonstrated that it will reinforce and enhance the local character and reflect the development history.
- 6.13 The existing building is of a modest scale and is built in a traditional manner. The design and style of the building is of a rural nature and typical of the traditional built form described for the wooded slope and valleys landscape character.
- 6.14 Currently, the eastern element of the building is set at a lower land level than the main section of the building. The proposals include lowering the ground level of the main section to be concurrent with the eastern element. Whilst the overall ridge height of the main section of the building is not increasing, the alterations to the ground levels and the increased ridge height of the eastern element, significantly increases the volume and massing of the building. The existing building measures approximately 205m³ whereas the proposed building would measure approximately 350m³. The additional openings are also proposed with the insertion of a large bi-fold door across the frontage and roof lights in the front and rear roof slope.
- 6.15 Officers are of the view that the alterations, extensions and increased size and height of the eastern element would be of a design which is more domestic rather than the traditional agricultural style. The building is visible from numerous points on White Carr Lane and School Lane (shown in figure 8 & 9 below).



Figure 8: View of the barn from White Carr Lane



Figure 9: View of the barn from School Lane

- 6.16 As a consequence, it is considered that the proposed dwelling is not informed by the local landscape character or the AMES, will not respond well to local character and is not of good design. As such it does not meet the requirements of policies SS9, SDC3 or SDC12 of the local plan.
- 6.17 Due to the design and scale of the extensions, it is considered that the proposed dwelling does not reinforce and enhance the local character and therefore does not meet the requirements of Neighbourhood plan policy CH1 or CH2.
- 6.18 Dark Skies NE2 of the Brackenfield Neighbourhood Plan aims to minimise light pollution and to maintain the view of night time skies. Should the application be approved, any external lighting could be restricted or controlled via a suitably worded planning condition.

Residential Amenity

- 6.19 Policy SDC12 states that all new development should be of a high-quality design, and this includes protecting the amenity of existing occupiers.
- 6.20 The closest residential to the proposed dwelling would be the existing dwelling (Carr Lane Farm). No detail on the plans have been submitted in terms of boundary treatment, however these details could be controlled via condition should the application be approved. An additional dwelling in this location is not considered to be harmful to Carr Lane Farm and nearby dwellings through additional noise and disturbance. Due to the siting and orientation of the application site and Carr Lane Farm, it is considered that there would not be direct overlooking between windows of the two properties. Whilst there may be views from each dwelling into the amenity spaces, this is not unusual in a residential environment, especially when converting an existing building. The level of overlooking could be reduced with appropriate boundary treatment.
- 6.21 All habitable rooms within the proposed dwelling are served by a window or roof light ensuring all rooms have adequate natural light, outlook and ventilation.
- 6.22 Successful Places planning Guidance outlines that a three bedroom dwelling should have a minimum of 70sqm outdoor amenity space. Whilst not detailed on the plans, it is understood that the area at the front of the building would be for the amenity space which measures approximately 60sqm. Whilst this is below the minimum, it is considered the level provided would be acceptable which is not contrary to the guidance's aims. Given the siting of the area, it would not be a completely private, however it is contained within the existing boundaries of the site and when noting the character of the surrounding properties, this would not be unusual.

Highways

- 6.23 Policy ID3: Sustainable Travel, states that planning permission will only be refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.
- 6.24 The existing dwelling (Carr Lane Farm) benefits from a two access, one to the south of the existing dwelling and one to the north. The latter being the access included as part of this application.
- 6.25 The site has an existing access onto White Carr Lane. The Highway Authority have commented on the application stating that the proposals would not represent a significant material increase in traffic when compared to the site's permitted land use and in the site-specific circumstances, it is not considered that the development would leave to severe or unacceptable highway impact.
- 6.26 Parking provision for 3 cars is proposed within the site with turning space to allow vehicles to leave the site in forward gear.
- 6.27 Officers are satisfied that the proposed dwelling would not generate a significant intensification of the access that would result in undue pressure on local infrastructure or causing highway safety issues. In these respects the proposal is considered acceptable and in compliance with Policy ID3.

Environmental Quality

- 6.28 Policy SDC13: Environmental Quality seeks to ensure that development does not result in any adverse environmental effects. The Environmental Health Officer (EHO) has raised no objection to the proposals.
- 6.29 The NEDDC Structural engineer has requested further details of the sewage treatment and any outflows from it along with details of surface water disposal and any relevant tests and calculations. The structural report raises concerns about the lack of infiltration drainage available. Should the application be approved, these details can be requested via suitably worded conditions.

Biodiversity

- 6.30 Policy SDC4 seeks to protect and enhance the natural environment and seek to increase the quantity and quality of biodiversity through the development process. The enhancement of all development sites in terms of biodiversity is encouraged by supporting measures which improve existing and create new wildlife habitats. Such measures could include maintaining trees, native vegetation and improving green infrastructure for the benefit of wildlife.

- 6.31 The applicant has undertaken a Preliminary bat Roost Assessment which found bat droppings in three locations. Subsequently, three nocturnal bat surveys in May and June 2023 were carried out. At least two small day roosts of common pipistrelle bats were recorded using the building and therefore a licence will be required prior to carrying out any works.
- 6.32 Swallow nests were recorded in the garage and compensation should be provided as part of proposals, as swallows are faithful to nest sites on their annual return from sub-Saharan Africa. Artificial nest cups could be added to other open-fronted buildings on site, a covered area could be added to proposals or a bespoke swallow box could be considered, however the uptake rates of these are currently unknown.
- 6.33 Derbyshire Wildlife Trust have raised no objection subject to the inclusion of four conditions should be application be approved. The conditions relate to a bat license, external lighting, nesting birds and swallow mitigation.
- 6.34 Officers are satisfied that the objectives of Policy SDC4 are met by the proposed development.

Other Considerations

- 6.35 Comments raised by an objector regarding additional conditions should be application be approved. A condition revoking any permission should the house be put up for sale would not meet the tests of a planning condition. The application is judged on its merits and would go with the land, not the ownership.
- 6.36 Comments have been made by an objector requesting a condition be attached to the decision restricting future buildings/applications on the site. If future applications are submitted, these will be considered against the relevant policies and on its on merits.

Conclusion

- 6.37 Officers consider that, in accordance with the relevant policies of the North East Derbyshire Local Plan and the guidance contained within the National Planning Policy Framework, the proposed development is an unacceptable form of development in the countryside location as the extent of the works would go beyond what could be considered as a conversion and would have an unacceptable impact upon the rural character of the area.

7.0 Recommendation

REFUSE planning permission for the following reason; the precise wording being delegated to the Planning Manager (Development Management):

The application site is located within the Countryside and outside of a defined Settlement Development Limit.

The application is considered unacceptable by reason of the extent of the works, the works would go beyond what could be considered as a conversion and would have an unacceptable impact on the rural character of the area and the proposals would fail to respect, conserve, and enhance the distinctive local landscape area.

As such, the proposals would be contrary to policies SS1, SS9, SDC3 and SDC12 of the North East Derbyshire Local Plan, policies CH1, CH2 and H1 of the Brackenfield Neighbourhood Plan and the National Planning Policy Framework when read as a whole.