

PLANNING COMMITTEE – 20 October 2020

REFERENCE NUMBER: 20/00648 Application Expiry Date: 10 September 2020
Application Type: Full Planning Permission

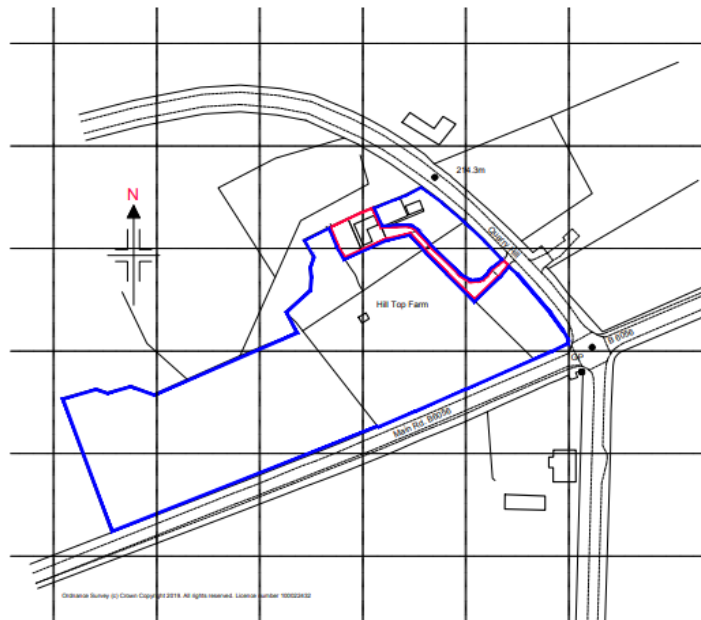
Proposal Description: Conversion of an existing stable building to a single dwelling
(Revised Scheme of 19/00219/FL) (Conservation Area)
At: Hill Top Stables Quarry Hill Troway Marsh Lane S21 5RU

For: Mrs Roper
Third Party Reps: 0 **Parish:** Eckington
Ward Name: Ridgeway And Marsh Lane Ward

Author of Report: Denise Knipe Aspbury Planning **Date of Report:** 01 October 2020

MAIN RECOMMENDATION: Refuse

Location Plan



1.0 Reason for Report

- 1.1 Councillor Renwick has requested that the Application is determined by the Planning Committee to give Members an opportunity to review and reconsider the proposal. The reason for the call in is provided below:
- 1.2 A previous application was refused on the grounds of not being of substantial construction and the change of use therefore being inappropriate development in the Green Belt. At the time of the Committee meeting concern was also expressed at the amount of extension and alteration to the building that was proposed. The current scheme has been significantly amended so that no extensions are proposed, and the amount of alteration has been substantially reduced. An additional structural report has also been submitted to support the proposal (available to view on the Council's website). This shows that the building is capable of conversion and that no demolition/rebuilding is required.
- 1.3 The proposal does not involve the provision of a large garden area which would affect the open character of the Green Belt but is restricted to a small area around the building.
- 1.4 The building is genuinely redundant: It was built to accommodate Mrs Roper's horses but Mrs Roper had a riding accident and no longer rides and now only keeps 2 ponies who do not require stabling accommodation, and a herd of rare breed sheep. This is not a case of speculatively building a stable block and then seeing a conversion as a way of making money from the site, but is rather a way of using a redundant building by providing Mrs Roper with a home from which to look after her sheep and ponies. It is accepted that the level of animal care is not sufficient in itself to justify a dwelling but it does add to my client's case which is in accordance with policy that allows for the conversion of buildings in the Green Belt to new uses in principle.
- 1.5 Planning policy and government guidance allow for the conversion of buildings in the Green Belt to other uses subject to a number of criteria including that the building concerned should be of a permanent and substantial construction and capable of conversion without significant alteration or extension. The current proposal complies with those criteria.
- 1.6 In determining any planning application, the decision must be made based on the details of the case against the planning policy background. When looking at this case in relation to other similar proposals it must also be noted that 2 previous applications for the conversion of a stable building of the same form of construction to this application building at The Woodlands approximately 700 metres to the north west of this application site were approved in 2015 and 2018. The considerations in that case

were the same as with the current proposal yet those were considered to be acceptable.

- 1.7 The Planning Committee is required to determine the application.

2.0 Proposal and Background

- 2.1 The application relates to a site that is in mixed use for agriculture and equestrian activities located to the north west of the junction of Main Road and Quarry Hill, Marsh Lane. The site lies outside of any Settlement Development Limit therefore wholly within the countryside, the Green Belt and Moss Valley Conservation Area.
- 2.2 The site comprises of a stable block, an open fronted agricultural building used for storage and a further storage barn and sits within 5 acres of land. The buildings are located along the northern boundary of the field. The applicant has two ponies and a small herd of rare breed sheep which are kept on site. The stable building, subject to this proposal, is said to not be required for the keeping of the ponies and is now redundant. There are two field shelters in the field to the south.
- 2.3 A mature hedgerow forms the front boundary to the north west and north east and provides screening of the buildings from Main Road. Access to the site is from Main Road with the track leading to the collection of buildings which are separated from the fields by a post and rail fence. Hard standing areas are provided around the buildings.



Stables – subject of the application



View west



Further agricultural buildings - east



Existing access

- 2.4 Full planning permission is sought for the conversion of the timber L-shape stable building to be used as a one bedroom residential property with associated access and parking. The stable comprises of four looseboxes and small utility/tack room and originally gained planning permission in 2011 (Ref: 11/00702/FL).
- 2.5 The “L” shaped building is 10.8m long x 3,6m wide north to south and 10.8m x 3.6m east to west. The external wall comprises a timber frame construction consisting of 50x75mm vertical standards spaced at 400mm centres. The internal partition walls are also timber frame construction consisting of 50mm x 75mm standards at regular centres. The roof of the building is supported by vierendeel type trusses spaced at 1300mm centres spanning front to rear with an overhang of 1m at the front. The trusses support 50mm x100mm timber rafters covered with corrugated sheeting. The floor/foundation is a 150mm thick reinforced concrete slab. The slab extends beyond the footprint of the building to the front yard. The top of the floor slopes slightly to the front for washing/hosing down purposes.
- 2.6 The application is supported with a Structural Survey which states that the building is suitable for habitation although a number of works would have to be undertaken. These comprise the following:
- The concrete floor slab/foundation is structurally sound and acts as a raft to support the building. However, the floor will require levelling in the form of levelling screed incorporating a damp proof membrane and thermal insulation in accordance with the Architect's details.
 - The roof trusses and timber rafters may require strengthening without removal by introducing additional members as necessary.

The roof covering will be a lightweight sheeting material underdrawn with thermal insulation as necessary to comply with current building regulations. This will produce a lightweight roof structure more than capable of being supported the existing roof trusses and rafters when benefiting from the extra bracing.

- This will not affect the scale and impact of the existing building. The external walls are structurally sound but will require insulation and a damp proof membrane or similar.

- 2.7 The proposal would utilise the existing form of the building including the window and door openings. Eight additional roof lights are proposed on the side and rear elevation to give extra light into the rooms.
- 2.8 The accommodation would provide for a dining room, kitchen, bedroom, lounge, store and bathroom.
- 2.9 There is already a defined curtilage around the building, marked by a timber post and rail fence. Parking for the future occupiers is proposed to the east utilising the existing concrete apron with an amenity area/garden provided to the west, currently used as open storage.
- 2.10 The application has been resubmitted, in an attempt, to overcome the refusal of 19/00219/FL. The difference in the two proposals is that this latest submission proposes no extension(s) and no alterations to the external appearance of the building.

3.0 Relevant Planning History

- 3.1 84/00887/FL | Retention of horse shelter. Status: Conditionally Approved
- 3.2 11/00702/FL | Construction of L-Shaped wooden stable block on concrete base (Conservation Area) Status: Conditionally Approved
- 3.3 13/00561/FL | Construction of three-sided wooden feed storage barn (Conservation Area) Status: Conditionally Approved
- 3.4 15/01120/CATPO | Notification of intended pruning works to six sycamore trees within the Moss Valley Conservation Area Status: No objection
- 3.5 17/00296/FL | Application for the construction of timber framed and clad open fronted agricultural building for use as sheep shelter and tractor and implement store (Conservation Area) (Amended Plans). Status: Conditionally Approved^{4.6}
- 3.6 18/00455/TPO | Application for various tree works within woodland covered by NEDDC TPO 9 (W1). Status: Conditionally Approved

- 3.7 19/00219/FL | Conversion of existing stable building to a single dwelling (Conservation Area) (Amended Plan/Additional Information): Refused

4.0 Consultation Responses

- 4.1 **Eckington Parish Council** have provided a late representation stating that they would like to support this conversion noting that this is a reduced scheme from the original - It is limited and does not (in their opinion) contribute to urban sprawl.
- 4.2 **Derbyshire Highways Authority** have raised no comments.
- 4.3 **Yorkshire Water Authority** have not responded.
- 4.4 **Environmental Health** have not responded.
- 4.5 **NEDDC Drainage** have not responded.

5.0 Representations

- 5.1 One **Ward Councillor** (Cllr. Renwick) has commented on the application and requested that the application is determined by the planning committee (see section 1 above)
- 5.2 The application was publicised by the display of a site notice. There have been no letters of objection received from interested parties.

6.0 Relevant Policy and Strategic Context

- 6.1 The Development Plan comprises The North East Derbyshire Local Plan
The policies applicable to the development are as follows:

- GS1 Sustainable Development
- GS2 Green Belt
- GS6 Development in the Countryside
- GS7 Change of Use and Conversions
- BE1 General Design Principles
- BE11 Development within and adjoining the Conservation Area
- NE1 Landscape Character
- T2 Highway Impact of New Development
- T9 Car Parking Provision

- 6.2 The Publication Draft Local Plan (2014-2034) (eLP) is also relevant to this application. The emerging Local Plan was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019,

the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is anticipated that the Plan will be adopted in early 2021.

6.4 The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight accordingly in decision making.

6.5 The most relevant Policies are considered to be:

SS1 Sustainable Development
SS2 Spatial Strategy and the Distribution of Development
SS9 Development in the Countryside
SS10 North East Derbyshire Green Belt
SDC1 Re-use of Building in the Green Belt and Countryside
SDC3 Landscape Character
SDC5 Development within Conservation Areas
SDC12 High quality Design and Place-Making
ID3 Sustainable Travel

6.6 National Planning Policy Framework

6.7 The revised National Planning Policy Framework was published on 19th February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in July 2012 and 2018.

6.8 For the avoidance of any doubt, the application site is not affected by a Neighbourhood Plan.

Other Material Considerations

6.9 The statutory requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("P(LBCA)A 1990") requires that special attention to the desirability of preserving or enhancing the character or appearance of that area.

7.0 Planning Issues

7.1 The key policy considerations are the suitability of the building for conversion, protection of the Green Belt, safeguarding the character of the area and highway safety.

Principles of Development and Policy Considerations:

- 7.2 The proposal lies within the Green Belt where policies restrict development unless it falls into an exempt category or, failing that, very special circumstances arise. The site, subject to the application, is also outside any defined development limits where new housing is not generally supported (policy GS1, GS2, GS6 and H3 and eLP SS1, SS2 & SS10).
- 7.3 The application site lies within the open countryside. Saved Local Plan Policy GS1 and eLP policies SS1 and SS2 seeks to ensure that all development proposals have regard to the need to maintain or improve the quality of life of communities, maintain economic growth and preserve or enhance the environment of North East Derbyshire and contribute towards achieving a sustainable pattern of development. It favours development within settlement limits unless there are other policies in the plan that supports the proposal.
- 7.4 Policy GS6 & NE1 of the adopted Local Plan (2005), eLP policies SS9 and SDC3 seeks to ensure that proposals outside of defined settlements are in keeping with their countryside location and do not represent a prominent intrusion, whilst saved policy BE1, eLP policies SDC12 seeks to ensure that the design, scale and massing of development is in keeping with the surrounding character.
- 7.5 Local Plan (2005) Policy BE11 and eLP (2014-2034) policy SDC5 seek to ensure that development proposal would not be harmful to designated heritage assets. The NPPF seeks to ensure that where less than substantial harm is identified this harm will be assessed against the public benefit(s) of the proposal. The Moss Valley Conservation Area includes swathes of open countryside and given that the building is already existing it is not considered that harm from its conversion would result to the Conservation Area. The site is well confined and any domestic use around the building would be screened by the existing mature vegetation along the western boundary and the buildings themselves.
- 7.6 Local Plan (2005) Policy GS2 and eLP (2014-2034) policy SS10 are particularly relevant to this proposal as they seek to prevent harmful development within the Green Belt unless very special circumstances exist. There are some exceptions to the policy such the reuse and conversion of existing buildings providing it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it and satisfies the relevant criteria of Policy GS7.
- 7.7 Policy GS7 advises that planning permission for change of use will be permitted provided that the use, scale or type of operation will not have an

adverse effect upon the character of the area or neighbouring land uses. Planning permission for the conversion or change of use of an existing building will be granted provided that:

- (a) the building is of a permanent and substantial construction;
- (b) where a building is situated outside a Settlement Development Limit it is capable of conversion without the need for major rebuilding or extension;
- (c) the form, scale, massing, materials, general design and appearance of the development respects the character and appearance of the original building, the site and its surroundings with particular regard to local distinctiveness in design; and
- (d) the proposed use of the curtilage of the building does not have an adverse effect upon the character of the area or neighbouring land uses.

- 7.8 The above policies are considered to be generally reflective of the policies contained within the NPPF and due weight can be given to them and the development plan as a whole. (Paragraph 213). In particular chapter 13 'Protecting the Green Belt' of the NPPF states that the Government attaches great importance to Green Belts with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Suitability of the building for conversion

- 7.9 The proposal is seeking to reuse an existing timber stables to create a single storey residential dwelling. The scope and extent of the submitted Structural Report (SR) is limited but it does set out that, at the very least, the existing floor would need to be levelled, a damp proof membrane installed along with thermal insulation (to floor and walls) and the roof trusses and rafters may need strengthening with additional members added as necessary. No mention is made of the installation of the eight roof lights and how this may also affect the structural stability of the building. Overall, Officers consider that on the basis of their own observations and the limited information set out in the SR the building cannot be considered to be substantial.
- 7.10 In view of the above, it is officers view that the building does not meet the definition of being of a permanent and substantial construction as set out in the NPPF; and would conflict with the Local Plan Policies in relation to development in the Green Belt, and conversions of buildings generally. On this issue it is therefore concluded that the proposals represent inappropriate development within the Green Belt.
- 7.11 Inappropriate development is by definition harmful and should not be approved except in very special circumstances (VSC). The provision of

onsite security are not considered to represent very special circumstances. On consideration of the proposal it is not considered that the principles of development is acceptable due to the form and construction of the stable building. The proposal would require major intervention in allowing the building to function as an independent dwelling and is considered to fail to comply with the relevant policies of the Development Plan.

Impact upon the Openness of the Green Belt

- 7.12 The proposal relates to the reuse and conversion of timber looseboxes and tack room. The application has been supported with a Structural Survey that advises that subject to modification and strengthening the building could be converted for habitable use.
- 7.13 Local Plan 2005 Policy GS2 and eLP 2014-2034 policy SS10 make reference to such proposals and, subject to wider consideration, supports them in principle providing they do not impact on openness. The National Planning Policy Framework (NPPF) states that the essential characteristic of Green Belts is their openness and permanence and that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping the land permanently open. The effect on openness is therefore a material consideration of significant weight.
- 7.14 The timber stable building sits adjacent to existing agricultural storage buildings and is in a mixed use: agriculture and equestrian. The proposal would utilise the existing hard standing areas in front of the stable for parking of vehicles and an amenity area is to be created to the west of the building. This area is currently used for outdoor storage associated with the agricultural/equestrian use and would be replaced with the domestic paraphernalia associated with domestic use. Whilst there would be a degree of change it is not considered that there would be any greater impact upon the openness of the Green Belt and therefore the change of use would be negligible.
- 7.15 Details of the boundary treatment has not been submitted and could be requested by condition in order to ensure that a suitable treatment can be provided to safeguard the character of the site and help respect the openness of the Green Belt.

Impact upon the Moss Valley Conservation Area

- 7.16 The site is located within the Moss Valley Conservation Area. The stable building is positioned alongside other agricultural buildings and is well screened from the north and east. Due to the existing use of the site it is not considered that the change of use to a domestic one would have a

signification impact upon the Conservation Area. Officers consider that impact to be neutral.

Impact upon Neighbouring Properties and the amenity of future occupiers of the building

- 7.17 The site is wholly within the open countryside, sits alone and therefore would not give rise to any loss of residential amenity to others as a result of the proposed change in use.
- 7.18 However, in assessing the proposal, it is appropriate to consider the amenities of any future occupier(s). The proposal seeks to utilise the existing openings to ventilate and provide natural light to the habitable rooms. The stable building contains a door and small window for each loose box and the elevations show the doors to be retained. There are no openings on the rear and sides of the stable building. It is not shown, or clear, if glazing is to be provided behind the stable doors and the floor plans show that these will be opening doorways. Whilst the small windows are adequate for its intended use as stabling livestock, it is not considered that it would lead to acceptable living conditions for habitable use. The dining room has no window but an opening solid door, the lounge would have no windows or door and would only receive natural light from the proposed roof lights. The master bedroom is served by two roof lights and a window, but the internal door will open on to it.
- 7.19 Overall, it is not considered that the proposal would provide an acceptable standard of living and the future occupiers would be reliant on artificial light which is counter to the aims of sustainable development. The proposal is therefore considered to fail to comply with Local Plan Policies GS1, GS7, BE1 and H12; eLP Policies SS1, SDC1 and SDC12, and the NPPF chapters 5 and 12.

Highway Safety

- 7.20 The conversion would be served from the existing access. Two parking spaces are to be provided to serve the conversion and would be separate from the agricultural buildings. The Highways Authority have been consulted and have not provided comment. Given the existing use of the site it is not considered that a domestic use would create any severe impacts upon the highway network. The Highway Authority did not object to the earlier application 19/00219/FL.
- 7.21 The proposal can be served by a safe access and parking can be provided within the site and therefore it is considered that the proposal complies with policies T2 and T9 of the Local Plan.

Other Material Considerations

- 7.22 The applicant and Councilor Renwick have advanced an argument that other stables in Troway have been approved for conversion and therefore a precedent has been set. On reviewing the permission given in respect of 14/00979/FL the building in that case was constructed from block work and considered to be of permanent construction. Notwithstanding that, or any other case put forward, whilst consistency is important, each application is to be adjudged on its own merits as circumstances may change between cases and applications. In the case of this timber framed building and the works identified, although proposing no extensions, it is not considered to be of a substantial or permanent construction and therefore fails to comply with LP (2005) Policies GS2 and GS7 and Publication Draft Local Plan Policies SS10 and SDC1.

8.0 Summary and Conclusion

- 8.1 The proposal is seeking to convert an existing timber stable building to create a single storey one bedroom dwelling to be used by the applicants who wish to provide onsite security and surveillance for the small holding. The proposal is supported with a Structural Report which, subject to various provisos, states that the buildings could be made acceptable for human habitation with modifications.
- 8.2 Conversion of existing rural buildings in the Green Belt is supported by North East Derbyshire Local Plan Policies GS2 and GS7 and within the emerging Local Plan Policies SS10 and SDC1; and the NPPF paragraph 146, providing they would not require major reconstruction or alterations and that there would not be a greater impact upon the openness of the Green Belt.
- 8.3 It is not considered that the building is suitable for residential conversion due to the fact that it requires to be substantially upgraded to provide suitable accommodation for all year living accommodation and the living conditions of future residents would be substandard. The proposal is considered to be inappropriate development and very special circumstances are therefore required to be demonstrated. Providing security and surveillance is not considered to be very special circumstances sufficient to warrant the conversion of this timber structure.
- 8.4 Taking into account all material considerations and comments received, the proposal is not considered to be policy compliant. Accordingly, the application is recommended for refusal.

9.0 Recommendation

9.1 **REFUSE** Planning permission for the following reasons:

1. The application building is a timber framed building which is located within the North East Derbyshire Green Belt. The National Planning Policy Framework sets out that the re-use of buildings is not inappropriate development provided that the building is of a permanent and substantial construction. It is clear from the submitted information that the building would need extensive work to make it habitable, including structural work to the roof trusses, a newly lined floor, the provision of new structural stud walls and alterations to the roof. Whilst the building may be in good condition and suitable to provide stabling it is not substantial being a timber framed building with no foundations.

The building therefore does not meet the definition of being a permanent and substantial construction and would represent inappropriate development within the Green Belt. Inappropriate development is by definition harmful, and the personal circumstances of the applicant do not represent the very special circumstances which would outweigh the harm to the Green Belt.

To grant permission would therefore be contrary paragraphs 145 and 146 of the NPPF and Local Plan Policies GS2, GS7 and BE1 of the North East Derbyshire Local Plan, and Publication Draft Local Plan Policies SS1, SS10 and SDC1; and the National Planning Policy framework when taken as a whole.

2. Due to the unsuitable design of the building and lack of openings to facilitate natural light and ventilation it is considered that the amenity of future residents would be severely impacted. The adverse impacts in this regard would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework taken as a whole. As a result, the proposal would not be a sustainable development.

To grant permission would therefore be contrary Local Plan Policies GS1, GS2, GS7 and BE1 of the North East Derbyshire Local Plan, and Publication Draft Local Plan Policies SS1, SS10 and SDC1; and the National Planning Policy framework when taken as a whole.