
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 21st August 2014

Subject: 14/02619/FU: Change of use of stable including alteration to form one holiday cottage at land off Wetherby Road, Scarcroft, Leeds LS14.

APPLICANT

Mr C Hattersley

DATE VALID

27th May 2014

TARGET DATE

22th July 2014

Electoral Wards Affected:

Harewood

☐ Yes

Harewood
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time limit
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
4. Areas used by vehicles to be laid out, surfaced and drained.
5. Details of all new walls and fences shall be submitted.
6. Planning permission to be obtained before any extensions, garages (not shown on the approved plans) are erected.
7. Scheme detailing surface water drainage works to be submitted to and approved in writing by the Local Planning Authority.
8. Foul drainage scheme including details of provision for its future maintenance (e.g. adoption by the Water Company) shall be implemented in accordance with approved details.
9. No works to or demolition of buildings or structures that may be used by nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of all built structures for active birds' nests immediately before (within 24 hours) works to buildings takes place.
10. Prior to the commencement of development, a Plan shall be showing bat roosting and bird nesting opportunities (for species such as House Sparrow, Starling, Swift, Swallow and House Martin). This shall be provided within buildings and elsewhere on-site.

1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel at the request of Councillor Rachael Procter due to the concerns that the proposal will create an isolated dwelling in this rural location.

2.0 PROPOSAL

- 2.1 The application seeks permission to change the use of this stable block to form a holiday cottage. No extensions to the buildings are proposed. The existing roof will be replaced with an insulate metal roof. Roof lights are proposed as well as additional window opening within some of the elevations.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a stable block and associated land which is set to the rear of Ashfield House. Permission was granted in 2006 for this stable block which was conditioned to be used by the owner of Ashfield House. After Ashfield House was sold, the applicant applied to remove the condition that tied the stable block to Ashfield House (granted approval in 2013 see Planning History section of report).
- 3.2 This land is accessed from the A58 by a private drive serving a handful of other dwellings. The land is located within the Green Belt and the area has a rural character. A public footpath runs along the access from the A58 before continuing to the east.
- 3.3 The application site is located within Scarcroft's Conservation Area and the Green Belt. This section of the conservation area is largely characterised by grand, historic dwellings set within generous plots with mature landscaping and tree cover. Other houses have been formed by the conversion of the ancillary buildings which supported the larger houses and farms lies to the west of the A58. Natural sandstone is a near ubiquitous building material and roofs are a mix of blue and stone slate. The boundaries of sites are formed by strong curtilage walls or mature vegetation and the area retains a strong agrarian character with little evidence of infill development. The wider landscape is formed by gently undulating agricultural land with a valley created by Scarcroft Beck lying to the east.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 13/03011/FU- Removal of condition 5 (stable block is restricted to the personal use of residents of Ashfield House) of application 07/07766/FU (Approved)
- 4.2 13/03010/FU- Removal of condition 7 (stable block is restricted to the personal use of residents of Ashfield House) of application 06/02614/FU. (Approved)
- 4.3 07/07766/FU- Attached building to form stables, hay barn and tack room. (Approved)
- 4.4 06/02614/FU- Detached stable block to rear of house. (Approved)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 No negotiations have taken place concerning this application.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notice posted 13.06.2014 and was advertised in the Boston Spa and Wetherby News 11.06.2014.
- 6.2 The Parish Council raises no objection to the scheme.
- 6.3 7 objection letters have been received raising the following concerns;
- The proposal will increase traffic down a narrow private drive.
 - The proposal will raise access issues for the neighbours.
- 6.4 A letter of General Comments has been received. The letter highlights that the proposed holiday cottage may increase the possibility of this structure becoming a permanent dwelling or lead to a new build dwelling being constructed.
- 6.4 2 letters of support received.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Nature Conservation- No objection, subject to conditions
- 7.2 Public Right of Way- No objection
- 7.3 Mains Drainage- No objections, subject to conditions
- 7.4 Highways- it is considered that removing the stables use would reduce the number of vehicles movements along this private road (especially large vehicles used to transport horses). Therefore, no objection is raised subject to conditions.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) which is supplemented by supplementary planning guidance and documents. The Development Plan also includes the Natural Resources and Waste Development Plan Document (2013): Developments should consider the location of redundant mine shafts and the extract of coal prior to construction.

Local

8.2 UDPR Policies:

- GP5 – development proposals should resolve detailed planning considerations.
- N19 – All new buildings or extensions within Conservation Area should preserve or enhance character.
- N20- demolition of features that contribute to the character of the conservation area will be resisted.
- N32 – Areas designated as Green Belt within the Proposals Map
- N33 – development in the Green Belt.
- N37 – development in Special Landscape Areas should not seriously harm the character and appearance of the landscape.
- N37A – development in Special Landscape Areas should have regard to the character of the landscape in which it is set.

- BD6 – alterations and extensions should respect the scale, form, detailing and materials of the original building.
- T2 – development proposals should not create new, or exacerbate existing highway safety problems.
- GB4 of the Leeds UDPR states that planning permission for change of use of a building in the Green Belt will not be granted unless, amongst others, the following criteria are met;

- 1. The physical changes to the building and its curtilage would maintain and enhance the openness, character and appearance of the Green Belt.*
- 2. The building can be shown to be in a generally sound physical condition and is of a size, structural form and materials suitable for the intended after use without needs of substantial re-building or extension.*
- 3. Safe access for the building without harming the character and appearance of the countryside.*
- 4. No significant additional expense to public utilities.*
- 5. Withdrawal of permitted development rights.*
- 6. The building not of a scale which would produce a hamlet in the Green Belt.*
- 7. Residential use would not seriously harm the local economy.*

Supplementary Planning Guidance/Documents

- 8.3 Neighbourhoods For Living: A Guide for Residential Design in Leeds was adopted as Supplementary Planning Guidance by the Council in December 2003.
- 8.4 Street Design Guide Supplementary Planning Document (Main Report) was adopted in August 2009 and includes guidance relating to highway safety and design.

Emerging Local Development Framework Core Strategy

- 8.5 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination.
- 8.6 The Core Strategy has been the subject of independent examination (October 2013) and more recently in May 2014 on a number of housing issues. Further consultation will be required on the modifications and adoption is anticipated later this year.
- 8.7 The following draft policies from the Core Strategy are considered relevant to the application:

Spatial Policy 1: Location of new development

H2: New Housing Development on Non-Allocated Sites

H8: Housing for Independent Living

P10: Design

P12: Landscape

T2: Accessibility Requirements and New Development

EN1: Climate Change

EN2: Sustainable Design and Construction

National

National Planning Policy Framework:

- 8.8 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.9 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.10 Paragraph 90 of the National Planning Policy Framework states that certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These certain development are:
- ☐ mineral extraction;
 - ☐ engineering operations;
 - ☐ local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - ☐ the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - ☐ development brought forward under a Community Right to Build Order.
- 8.11 The NPPF also states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9.0 MAIN ISSUES

- Principle of Development/ Green Belt
- Visual Amenity impact on the character of Conservation Area and Green Belt
- Highways
- Residential Amenity
- Public Representations

10.0 APPRAISAL

Principle of Development – Impact on the Green Belt/ Highway Safety

- 10.1 The scheme proposes to convert an existing stable building to form a holiday cottage. The Council's development plan policies (notably Policy N33 and GB4 in tandem) are not entirely consistent with the NPPF in so far as the re-use of buildings in the Green Belt are concerned. As the guidance of the NPPF with regards to the re-use of building in the Green Belt are more up to date than the UDPR policies, the guidance of the NPPF it should be preferred. The NPPF sets out the categories of development which are not inappropriate in the Green Belt. This includes the

reuse of buildings in the Green Belt provided that the buildings are of permanent and substantial construction.

- 10.2 The existing stables appear to be in a sound physical condition with much of the existing timber structure proposed to be retained. The works proposed to the building which includes the new metal roof and the three new windows are considered reasonable additions which would allow for the change of use to occur. Moreover, the Visual Structural Inspection Report indicates that the structure is suitable for conversion. Therefore, it is considered that the proposal is of a permanent and substantial construction and is therefore acceptable in this Green Belt location.
- 10.3 Although the proposal is to change the use of the site to form a Holiday Cottage, it is considered that restrictions should not be imposed to prevent it being used as a permanent dwelling. This is because the use of the stables as a permanent dwelling will not conflict with planning policy nor will it raise highway safety concerns. A condition limiting the properties use would therefore not serve any real purpose as in policy and amenity terms (as discussed below) the change of use can be accepted.
- 10.4 The local Ward Members have raised concerns that the proposal will result in the creation of an isolated dwelling within the Green Belt. The Paragraph 55 of the NPPF States that in order to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities are instructed to avoid new isolated homes within the countryside unless there are special circumstances. The proposal is not considered an 'isolated dwelling' as there are a number of other dwellings within close proximity to the site and is accessed of a main road.

Visual Amenity impact on the character of Conservation Area and Green Belt

- 10.5 The application does not propose to increase the mass or the height of the structure and the overall design, material and shape of the structure will be retained. Therefore, it is not considered that the proposal will harm the openness or the character of the Green Belt. For similar reasons and for the fact that the proposal will not be particularly visible from public view, it is considered that the proposal will not harm the character of the Conservation Area.

Impact on Residential Amenity

- 10.6 In terms of its impact on neighbouring residential amenity, the proposal raises no concerns. As the height and the mass of the barn will not stables will not change, it is considered that the proposal will not harm neighbouring residential amenity by way of overshadowing or over-dominance. Although, new bedroom windows are proposed the windows do not offer substantial views of neighboring dwellings. Therefore, it is considered that the proposal will not raise overlooking concerns

Highways

- 10.7 The proposal will be accessed off a narrow private road which serves a number of dwellings. A number of objections have been received from members of the public concerning the potential increase in traffic along the private road. This issue has been assessed by the Highways Officer who has raised no concerns. It is considered that the existing use generates comparable if not a higher level of traffic than a typical dwelling therefore it is considered that the proposal will not increase traffic along the private road. The Highways Officer concludes that removing the

stables use would reduce the number of vehicles movements along this private road (especially large vehicles used to transport horses).

Public Representation

- 10.8 The issue raised concerning highway safety, traffic and access has been discussed in the report. It is considered that subject to the recommended conditions being imposed the proposal will not raise highway safety concerns.
- 10.9 The concern raised that the proposal may lead to the creation of a permanent dwelling or encourage a new re-build structure, is noted. As all application a determined on their individual merits, it is considered that this application will not necessarily lead to the creation of a new dwelling. Furthermore, the use of the site as a permanent dwelling would not conflict with planning policy.

11.0 CONCLUSION

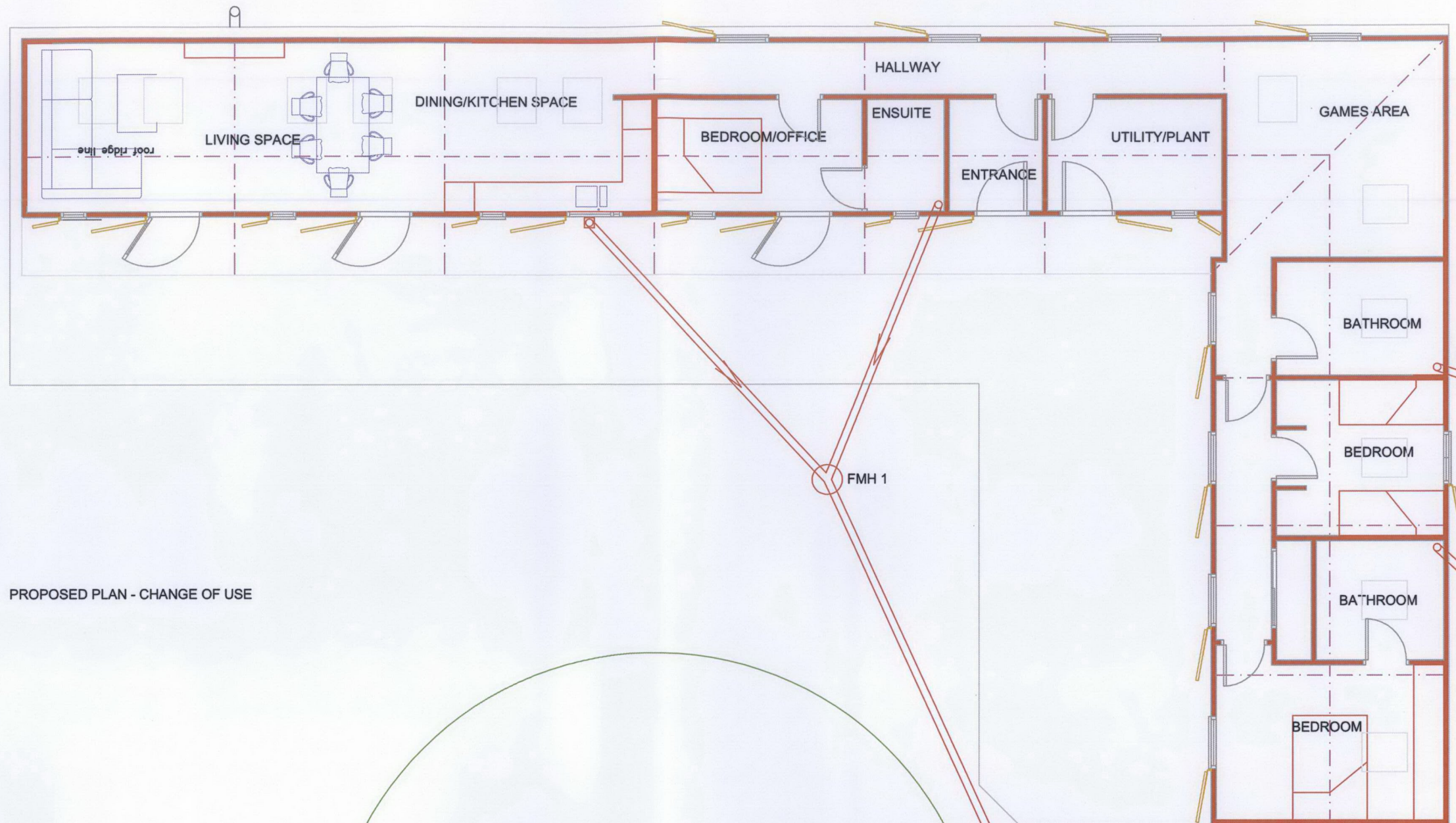
- 11.1 The applicant seeks permission for the change of use of a stable block to form a holiday cottage. It is considered that the proposal is acceptable in this green belt location and will not harm the character of the Conservation Area or the openness of the Green Belt. Furthermore, it is considered that the proposal will not have a significant detrimental impact on neighbouring residential amenity nor will its raise highway safety concerns. Therefore, it is recommended that planning permission is granted.

Background Papers:

Application file: 14/02619/FU
Certificate of Ownership: Signed by the applicant Mr. Hatersley

14 / 02619 №

Line of partial fence and variety of hedge/planting and trees



PROPOSED PLAN - CHANGE OF USE

Line of wire fence and Leylandi hedge

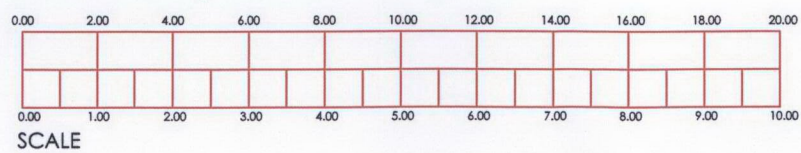
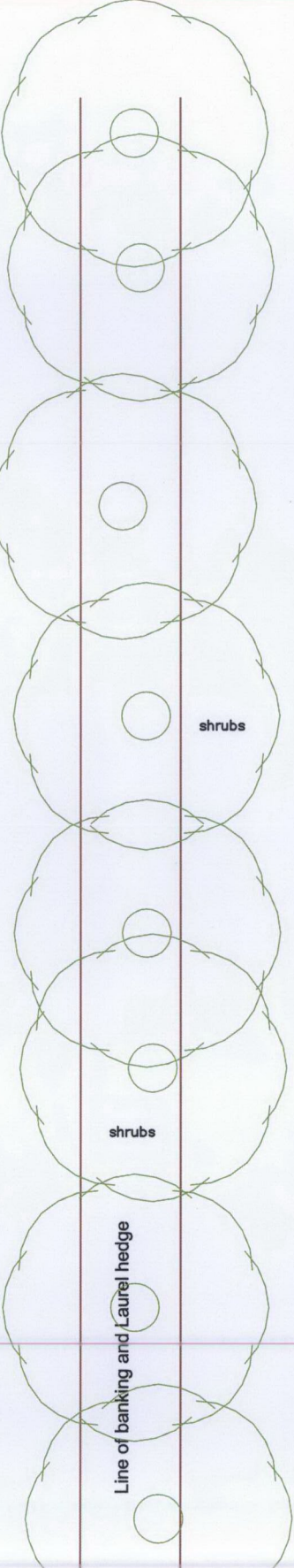
Existing Tree

FMH 2

FMH 4

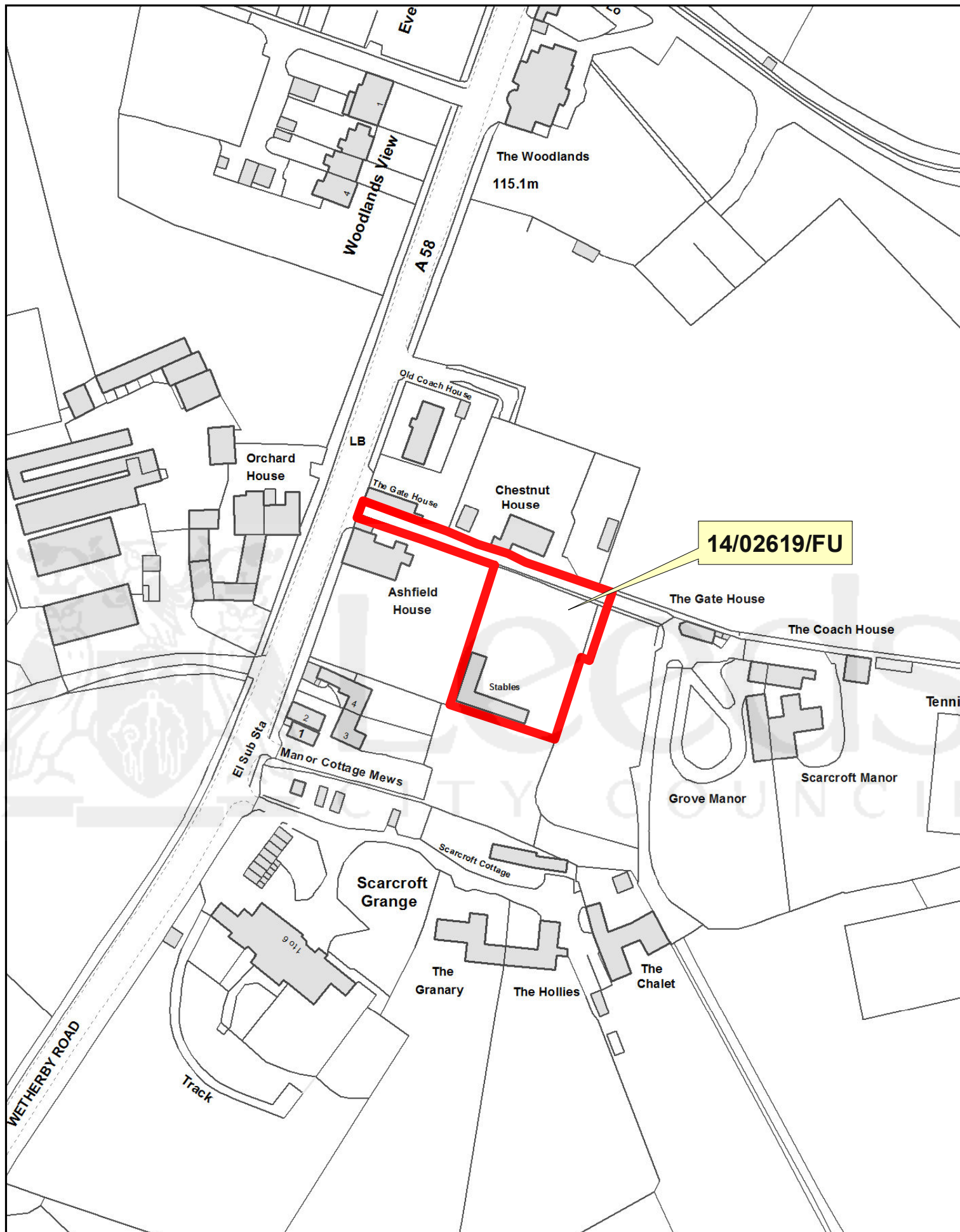
FMH 1

FMH 3



<p>Peach Architectural Design Ltd</p>		<p>31 Grosvenor Buildings Crescent Road Harrogate North Yorkshire HG1 2NT Tel/Fax: 01423 529 723 Mobile: 0773 081 7911</p>	
Date:	JANUARY 2014	Drawn By:	SP
Scale:		Revision:	
<p>Stable Building Off Wetherby Road, Scarcroft LS14 3HU PROPOSED PLAN</p>			
<p>See No. HTSIX/PR/EL/01</p>			
<p>This drawing is the property of Peach Architectural Design Ltd. Copy Right Reserved. Do not scale. All dimensions and levels to be checked on site prior to construction. All work to be carried out to current HMO approved documents.</p>			





NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

