
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 23rd October 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

22nd July 2014

Electoral Wards Affected:

Harewood

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: REFUSE for the following reason:

The Local Planning Authority considers that the building proposed to be converted is not sufficiently of substantial and permanent construction. The structure would require substantial modification before it could be converted to form a dwelling, to the point at which it could not be considered to be a conversion. As such the Local Planning Authority considers that the proposed development would be tantamount to the construction of a new dwelling in the Green Belt which would constitute inappropriate development and which is, by definition, harmful. Significant weight must be given to this harm and, in the absence of very special circumstances, the proposal is therefore considered to be contrary to Leeds Unitary Development Plan Review Policies GB4 and the guidance contained within Section 9 of the National Planning Policy Framework.

1.0 INTRODUCTION

- 1.1 This application was first considered at the 21st August North and East Plans Panel, where Members resolved to defer consideration of the application to enable a site visit to take place. Members also request further information be provided on the totality of the works proposed, and that neighbouring Local Planning Authorities, particularly in North Yorkshire, be contacted to see how they have approached similar applications.

- 1.2 As requested by Panel Members a number of Local Planning Authorities were contacted informally to see how they approached/viewed similar development. The Local Planning Authorities that were contacted and their responses are as follows;
- The Yorkshire Dales National Park Authority (covering parts of Craven District, Richmondshire District, and South Lakeland District) said that they would not consider timber stables as being of permanent and substantial construction and have no history of applications to convert them to dwellings.
 - Harrogate Council said that they would not normally consider timber stables as being of permanent and substantial construction, and cannot point to any recent examples of conversions to dwellings.
 - Calderdale Council (West Yorkshire) indicated that they have had no applications proposing the conversion of timber stables to dwellings. It is normal practice in Calderdale to advise applicants to construct stables in timber, as opposed to stone or brick, so that they do not create structures which could later lead to dwellings through conversion. This reinforces that Calderdale would not normally accept conversion of a timber building.
 - Eden District Council (Cumbria) said that they would not normally consider timber stables as being of permanent and substantial construction suitable for conversion to dwellings, and have no history of such proposals.

It should be caveated for the avoidance of doubt that of the above authorities Eden District Council and the Yorkshire Dales have no designated Green Belt.

- 1.3 The applicant has submitted further details and section plans that show the internal works that would be carried within the building. The plans show a significant amount of internal works will be required to bring this building up to acceptable living standard. Discussions with Building Control concerning the proposal reveals that the timber stable building would not be considered as being of permanent and substantial construction, due to it being a relatively lightweight, and because significant modification will be required before the building could be used as a dwelling.
- 1.4 Members will recall that the application originally carried a recommendation for permission. However, the application has been re-assessed in light of the further information gathered and the view taken that it is appropriate to recommend that planning permission be refused.

2.0 PROPOSAL

- 2.1 The application seeks permission to change the use of the stable block to form a dwelling for holiday cottage use. No extensions to the buildings are proposed. The existing roof covering will be removed and replaced with an insulated metal roof. Roof lights are proposed as well as additional window opening within some of the elevations. Internally the walls will be lined and insulated.

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 At the 21st August Plans Panel Members requested that the applicant be asked to submit further information on the totality of the works that would be carried out. The applicant was advised to submit section drawings to show the full extent of the works that would be carried out both internally and externally.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice posted 13.06.2014 and 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 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 application proposes to convert a timber 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 regard to the re-use of buildings in the Green Belt is more up to date than the UDPR policies, the guidance in the NPPF 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 In light of the guidance provided by the NPPF, the key question is whether or not the timber stable could be regarded as being of permanent and substantial construction. It should be noted that although Green Belt policy in the NPPF no longer requires re-use of buildings to be considered by reference to the necessity or otherwise for major or complete reconstruction, there is a link between what is required to make a building usable for the intended purpose and whether it is currently a building of substance.
- 10.3 Taking these matters in the round it is considered that the building falls below what could reasonably be described as being of 'permanent' and 'substantial' construction, for the purposes of the NPPF. Though relatively recently constructed and in apparent good condition, it is first and foremost a lightweight timber structure that is designed for equine shelter/housing, using relatively inferior materials as one would expect for its intended use, and is therefore not considered to be of permanent and substantial construction. An insulated and damp-proofed floor would be required and service trenches would need to be dug beneath the timber walls. The roof would be removed and replaced, and in reality it is considered likely that the timber walls would need to be removed whilst service trenches were dug, unless services were incorporated under a raised floor, for which headroom would seem to prove prohibitive.

- 10.4 Secondly, and from discussions with Building Control (meeting of 2nd October 2014), it is considered that a substantial amount of new fabric, internal and external, would be required to upgrade the building to comply with the building regulations. Whilst this is difficult to quantify precisely, and is ordinarily required in any conversion, it is considered that the amount of new fabric in this case would be far beyond that which would ordinarily be required in, say for example, proposals for the conversion of a stone or brick built structure. The amount of new fabric that would be required adds weight to the view that it is not of permanent and substantial construction.
- 10.5 On the basis that the timber stable is not considered to be of permanent and substantial construction, and as it does not fall within any of the other exemptions under the NPPF, the proposal is therefore deemed to be inappropriate development in the Green Belt which is by definition harmful. Substantial weight must be given to this harm (NPPF, Para 88), and it is considered that the submitted documents do not demonstrate the necessary very special circumstances.
- 10.6 Ward Members also raised concerns that the proposal would result in the creation of an isolated dwelling within the Green Belt. Paragraph 55 of the NPPF indeed states that in order to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities. Under the NPPF Local Planning Authorities are instructed to avoid new isolated homes within the countryside, unless there are special circumstances. The proposal is not however considered to be in an isolated location in this case.

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

- 10.7 The application does not propose to increase the mass or the height of the structure, and the overall design, external materials (save for the roof) and plan-form shape of the structure would be retained. Therefore, it is not considered that the proposed conversion would harm the openness or the visual amenity of the Green Belt. For these reasons and for the fact that the proposal would not be particularly visible from public viewpoints, and given that it is conversion that is proposed, it is not considered that the proposal would not harm the character or appearance of the Conservation Area.

Impact on Residential Amenity

- 10.8 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 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

- 10.9 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.
- 10.10 It is considered that the existing use generates comparable if not a higher level of traffic than a typical dwelling and 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

- 10.11 The issue concerning highway safety, traffic and access has been discussed in the report. It is considered that subject to the recommended conditions, the proposal would not raise any highway safety concerns.
- 10.12 The concern that the proposal may lead to the creation of a permanent dwelling and encourage a new replacement structure is noted. It could be that, were permission to be granted and the building converted, a proposal for a replacement dwelling could follow. This would be a matter to be considered on its merits if planning permission were to be granted for the conversion, and were a subsequent proposal for a replacement dwelling to be received. What is clear in considering this objection, is that if planning permission were to be granted for the conversion, it would establish a C3 Residential use of the building, albeit that it is proposed for holiday use only. A proposal for a replacement dwelling could therefore follow.

11.0 CONCLUSION

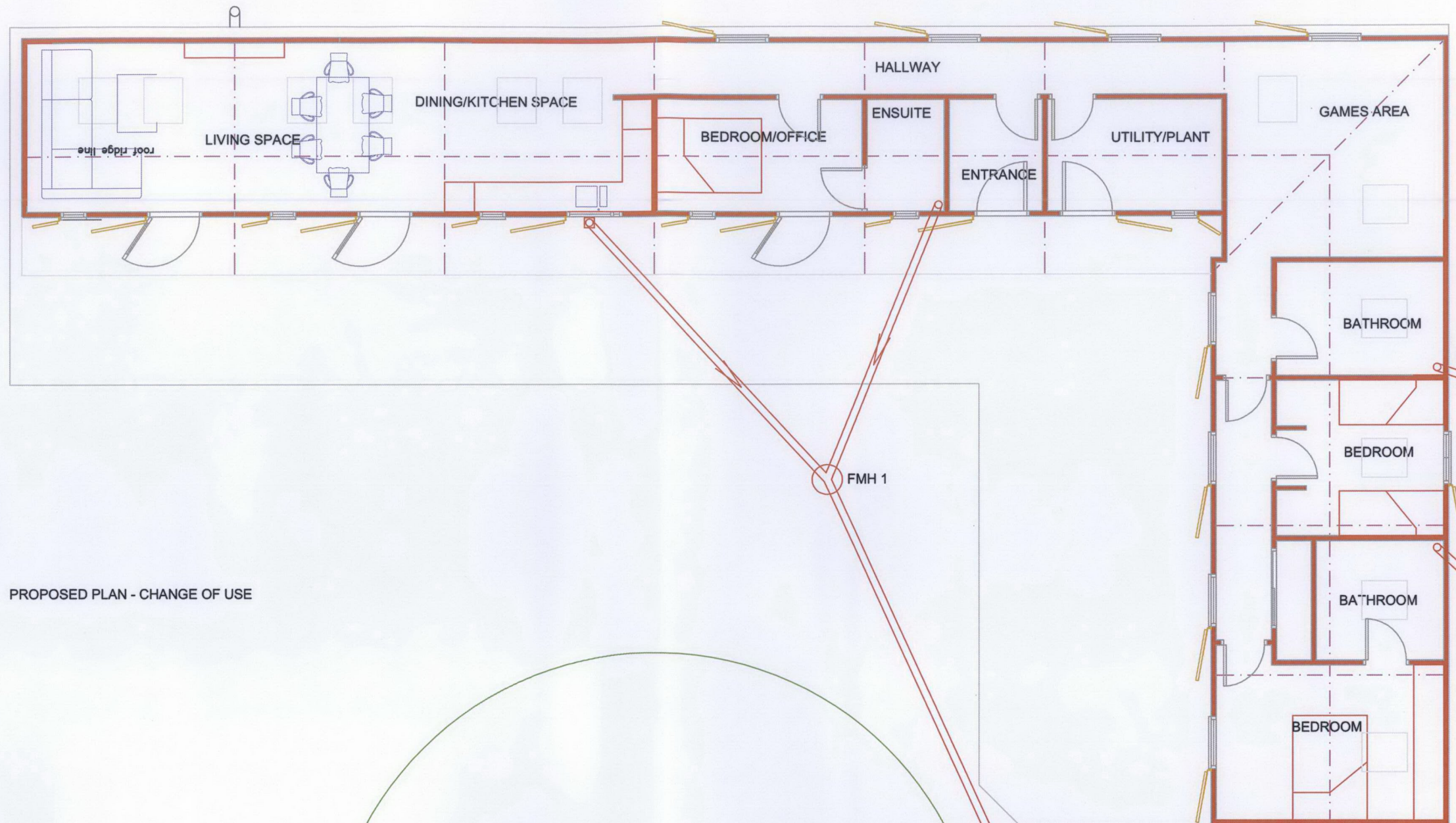
- 11.1 The applicant seeks permission for the change of use of a stable block to form a holiday cottage. It is considered that the proposed development conflicts with Green Belt policy relating to re-use of buildings, because of the nature and extent of works that would be required. Therefore, it is considered that the proposed development constitute inappropriate development within the Green Belt which would be harmful to the Green Belt and the applicant has failed to provide any evidence to demonstrate that the harm to the Green Belt is outweighed by any other material considerations. Therefore, it is concluded that application should be refused.

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

FMH 1

FMH 2

FMH 3

FMH 4

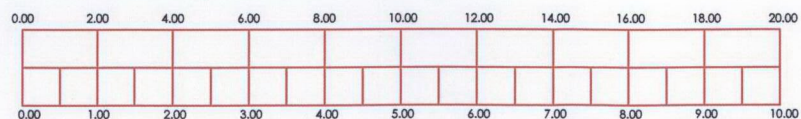
Line of wire fence and Leylandi hedge

Existing Tree

Line of banking and Laurel hedge

shrubs

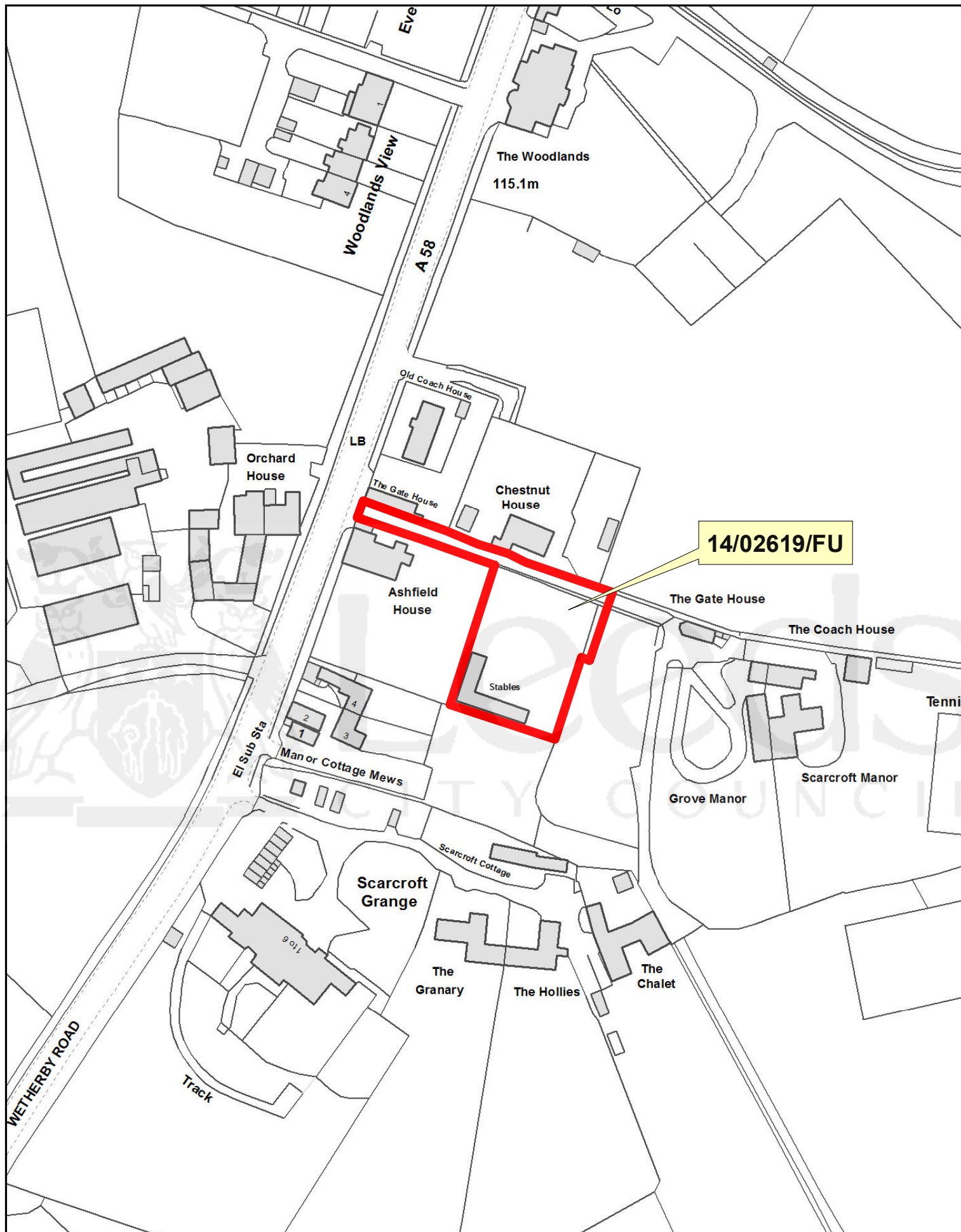
shrubs



SCALE

	Peach Architectural Design Ltd
31 Grosvenor Buildings Crescent Road Harrogate North Yorkshire HG1 2NT Tel/Fax: 01423 529 723 Mobile: 0773 081 7911	
Date: JANUARY 2014 Scale: 1:500 Revision:	Drawn By: SP
Stable Building Off Wetherby Road, Scarcroft LS14 3HU PROPOSED PLAN	
See No. HTSIX/PR/EL/01	
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NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

