



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 11th March 2010

**Subject: APPLICATIONS 08/03405/FU, 08/03398/LI, 08/03418/FU AND 08/03415/LI –
APPEALS BY OULTON HALL (IOM) LTD AGAINST THE DECISION OF THE COUNCIL
TO:**

REFUSE PLANNING PERMISSION / LISTED BUILDING CONSENT FOR –

08/03405/FU (Appeal 1)

Change of use of barns to 5 three bedroom and 2 four bedroom houses, single storey extensions, external alterations including raising height of roof of part of barn, car port with bat roost over, and double garage to farmhouse

08/03398/LI (Appeal 2)

Listed Building application for internal and external alterations to barn including single storey extensions and raising height of roof of part of barn, double garage to farmhouse, detached car port with bat roost over and demolition of porch

AT ROYDS GREEN FARM, ROYDS GREEN, OULTON, LEEDS, LS26 8EZ

08/03418/FU (Appeal 3)

Re-instatement of dwelling including two storey side extension and alterations to form 3 bedroom house

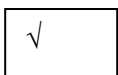
08/03415/LI (Appeal 4)

Listed Building application for re-instatement of dwelling including two storey side extension and alterations to form 3 bedroom house

AT ROYDS GREEN COTTAGES, ROYDS GREEN, OULTON, LEEDS, LS26 8EZ

Electoral Wards Affected:

Rothwell



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the following appeal decision.

1 SUMMARY OF COMMENTS

1.1 Members will recall the consideration of these four planning applications before the Plans Panel of 20th November 2008 where the officer recommendations for approval were overturned and refusal reasons were based upon:

- i) the proposed development's impact upon the Green Belt;
- ii) loss of natural habitat for wildlife (both full applications).

In the absence of satisfactory schemes of development, the Listed Building Consent applications were also refused as the impact to the character and integrity of the listed buildings.

1.2 The Inspector considered that the main issues were:

- whether the proposals would preserve the listed building setting or any features of architectural / historic interest (appeals 2 & 4)
- whether the proposals would constitute 'inappropriate development' in the Green Belt, any harm caused and whether there are any 'very special circumstances' if this is the case (appeals 1 & 3)
- whether the proposals would have a harmful effect on wildlife/nature conservation (appeals 1 & 3)

Appeals 1 & 2 – Royds Green Farm***Listed Building***

1.3 The Inspector considered that the window organisation (including the alteration/removal of more recent changes made to windows/doors) did not preserve the understanding / evolution of change externally of the farmhouse. The number of changes including the removal of an outbuilding and the addition of a double garage were considered to be too cumulatively detrimental in respect of the effect upon the special interest of the listed building.

1.4 The Inspector considered the removal of more recent agricultural buildings to be of positive benefit. However some openings such as the proposed French windows would offer a more 'discordant' feature. He also noted that the modest extensions, changes to facilitate vehicular access into the communal yard and roof increase had no great overall adverse effect on the building's character.

1.5 The Inspector concluded that whilst the conversion of the farm buildings could be successfully achieved the alterations proposed were contrary to the special interest of the listed building.

Green Belt

1.6 In respect of the Green Belt, the Inspector felt that the scheme would actually benefit its wider objectives through the proposals rather than detract from it – for example due mainly to the removal of modern agricultural buildings and creation of parking in the internal courtyard. He also considered that stonework replacement

was of a scale considered to be repair and not major rebuilding. He considered that these proposals would not amount to 'inappropriate development'. He further considered that the extensions created, visibility splay and access required did not conflict with the aims of the Green Belt objectives.

- 1.7 However he did note that the concerns he raised over the elevation changes / listed building would amount to being harmful to the character and appearance of the Green Belt in respect of its 'visual amenities'. This outweighed other commentary in regards to the Green Belt described in paragraph 1.6.

Nature Conservation

- 1.8 The Inspector considered that the methodology bat licence statement and bat surveys undertaken were well reasoned and accurate. He felt that the mitigation measures proposed and the ecological work undertaken met the requirements of the Habitats Directive. He also noted that due to the fact there is no other satisfactory alternative to preserving the listed building (this being an overriding public interest) which would have less impact upon the protected species. He considered that the proposals would comply with nature conservation planning policy advice.

Appeals 3 & 4 – Royds Green Cottages

Listed Building

- 1.9 The Inspector could not make full survey assessments due to the lack of accessibility and condition of this building. However he did make enough assessment to form the opinion that the original historic structure differed sufficiently to the proposed 'uniformity' suggested in the architects drawings – at the eastern end. For this reason, the Inspector concluded that the proposed alterations would not preserve the building's special or architectural interest.

Green Belt

- 1.10 The Inspector clarified that in his opinion the level of works required to restore this building to residential use amounted to building development (replacement building) in the Green Belt requiring 'very special circumstances' to justify such development. The Inspector reasoned that the cottage building had an unique and important relationship to the host Listed Building and that any harm caused by reason of 'inappropriateness' was outweighed by the benefit to the refurbishment of the cottage.

Nature Conservation

- 1.11 Similarly to the Farm applications, the Inspector reasoned that he was satisfied that the requirements of the Habitats Directive would be likely to be met through the proposed development if a roost was not retained in the final development (which was suggested could actually remain in situ) – this included any loss of bird nesting habitat through the removal of trees, which would be mitigated through replacement planting.

2. CONCLUSION

- 2.1 The Inspector concluded that appeal 2 should be dismissed due to the proposal's adverse impact on the special architectural / historic interest of the listed building. Appeal 1 was therefore considered must fail for the same reason in respect of the adverse impact upon the character / appearance of the Green Belt. This would not be outweighed by the lack of harm to wildlife and nature conservation he reasoned.

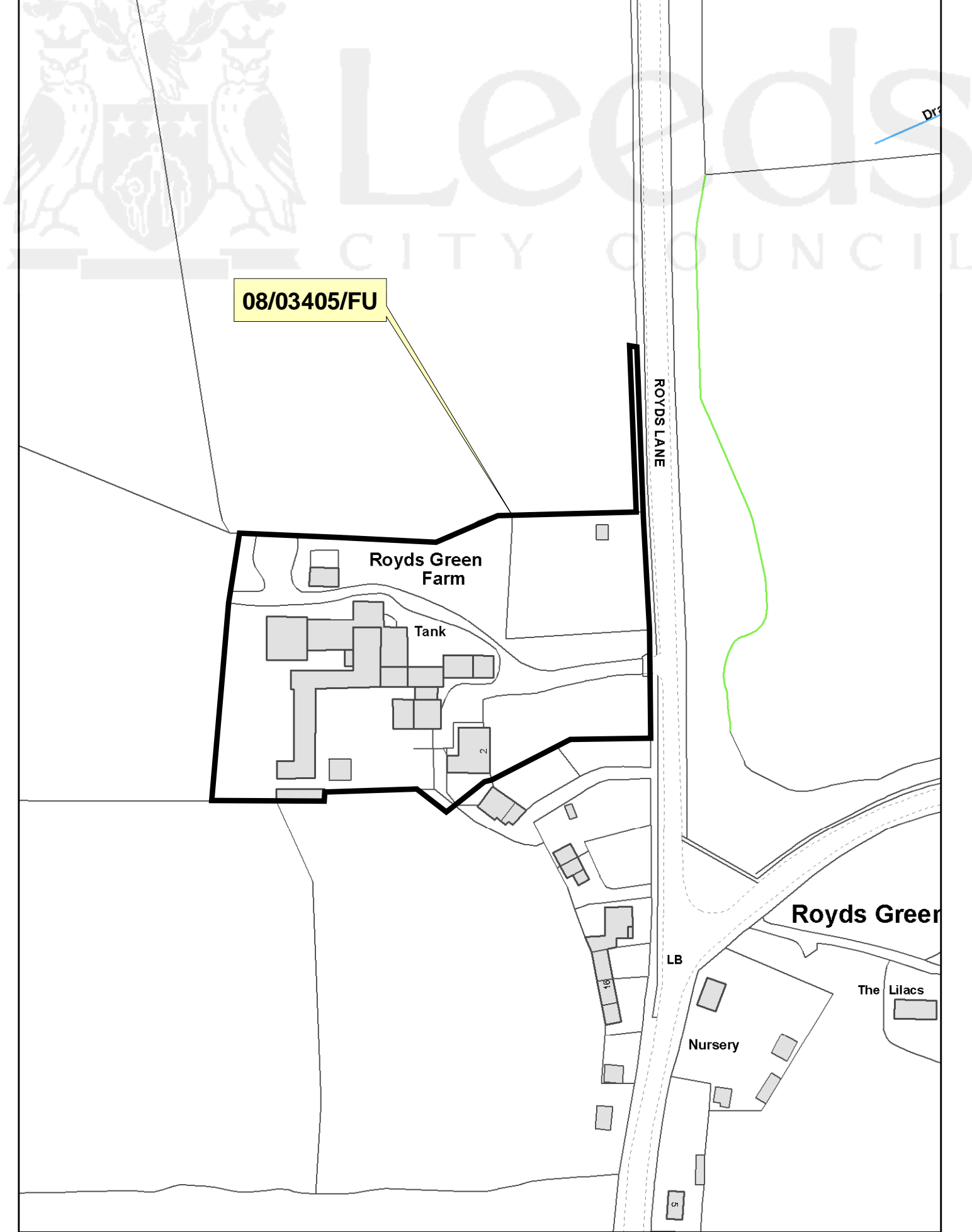
- 2.2 In respect of appeal 4, the Inspector reasoned that the proposals should be dismissed given their failure to preserve the historic interest of the cottage. Although very special circumstances would justify approval of the proposal on Green Belt grounds and nature conservation interests were deemed as being acceptable, appeal 3 was also deemed must fail for the same reason as appeal 4.

3. DECISION

- 3.1 The four appeals were dismissed dated 27 January 2010 by the Inspector.

4. IMPLICATIONS

- 4.1 Although the Inspector has dismissed all four appeals, these decisions have been primarily based on the physical (elevation) alterations proposed to the historic / architectural interest of the listed building and the associated visual impact of this proposal upon the character and appearance of the Green Belt.
- 4.2 With regard to the outstanding matters raised by Members in the refusal reasons, the Inspector did not agree that the creation of the residential curtilages, access road and hardstanding amounted to an overall detrimental impact upon the Green Belt or nature conservation issues which warranted dismissal of the appeal.
- 4.3 Importantly the Inspector was supportive of the principle of residential development at the both the farm and cottage buildings.
- 4.4 The Council has now been contacted as to pre-application discussions to a further amended scheme in light of the Inspector's decision.



08/03405/FU

Royds Green Farm

Tank

ROYDS LANE

Royds Green

LB

The Lilacs

Nursery

EAST PLANS PANEL

Scale 1/1500