



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 22nd March 2012

**Subject: 11/04911/FU: Refurbishment and re-use of 2 cottages into 1 dwelling, including external alterations, and;
11/04912/FU: Listed Building Application for refurbishment and re-use of 2 cottages into 1 dwelling including external alterations all at 4 and 6 Royds Green Cottages, Royds Lane, Rothwell.**

APPLICANT	DATE VALID	TARGET DATE
Oulton Hall (IOIM) Ltd, Property in LPA Receivership c/o Deloitte LLP	22 nd November 2011	17 th January 2012

Electoral Wards Affected:
Rothwell

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION and Listed Building Consent subject to conditions to cover the following :

11/04911/FU

1. Standard time limit
2. Compliance with approved plans
3. Walling and roofing samples
4. Samples of materials to be used in the construction of the external surfaces to be submitted.
5. Details of fencing and/or walls to be provided.
6. Submission of landscape details.
7. Implementation of landscaping.
8. Withdrawal of domestic permitted development rights (Extensions, Improvements, Enlargements, Alterations, Porches, Buildings/ Enclosure/Containers, Hard Surfaces)
9. Withdrawal of agricultural permitted development rights for remaining agricultural land.

10. Visibility to be laid out and retained as shown on the approved plans.
11. Vehicular areas to be hard surfaced, sealed and drained.
12. Footway provision (as shown on approved plans) to be provided.
- 13-17 Land Contamination conditions.

11/04912/LI

1. Standard time limit.
2. Compliance with approved plans.
3. Coursing, pointing and type of stone for areas of rebuilding to be agreed.
4. Archaeological and architectural recording to be submitted/agreed.
5. Details of replacement windows to be submitted/agreed.
6. Details of the doors to be submitted/Agreed.
7. Details of re-roofing materials to be submitted/agreed.
8. Details of rooflights to be submitted/agreed.

Reasons for approval: The site is located within the Green Belt and it is considered that the sympathetic restoration and bringing back of the listed cottages into residential use constitutes a very special circumstances to justify the setting aside of the presumption against the grant of planning permission for inappropriate development. It is also considered that the proposal will not result in harm to residential amenity, interests of nature conservation or highway safety. In light of these factors and having regard to the planning history of the site, and particularly the Inspectors decision at appeal (as outlined below), the applications are recommended for approval.

1.0 INTRODUCTION:

- 1.1 Applications are brought to Plans Panel at the request of Local Ward Members. Councillor Golton requests that Members consider the impact on the Green Belt and the access, a narrow lane which could potentially cause problems for access. Councillor Wilson has requested that the application be presented to Plans Panel as the previous applications were considered by members at Plans Panel.
- 1.2 In November and December 2008 applications 08/03418/FU and 08/03415/LI for re-instatement of dwelling including two storey side extension and alterations to form 3 bedroom house were presented to East Plans Panel. Both applications were refused for the reasons of inappropriate development in the Green Belt and the "ecological harm".
- 1.3 Appeals were then lodged and these were dismissed. In determining the appeals the Inspector reached the following conclusions:-
 - The buildings historic character as farmworkers` dwellings should be preserved.
 - The rebuilding of the eastern end as proposed would eliminate the differences in roof level and materials, giving a more uniform treatment. This is harmful to the buildings historic interest. Which would not preserve the buildings special architectural or historic interest.
 - This harm to the special interest identified above must also be seen as being harmful to the character and appearance of the Green Belt.
 - The cottage is derelict and the proposed would have a significant benefit in bringing a historic building back into productive use.
 - No harm to the openness of the Green Belt as the effect on the Green Belt would be localised.

- Benefit of refurbishing the cottage outweighs the harm to the appearance and inappropriateness.
- The cottage has a unique relationship with the listed building. Very special circumstances exist which indicate that it should not be dismissed on Green Belt grounds.
- The proposed complies with advice in PPS9 and relevant UDP Policies.
- Proposed dismissed due to adverse effect on the listed building and the consequent adverse effect on the character and appearance of the Green Belt.

1.4 The appeal decision is a material consideration that should be given significant weight in the determination of these planning applications. It is a recent decision, it concerns a very similar form of development and there has been no significant change in planning policy since. The Local Planning Authority would have to be able to demonstrate that it had very good planning reasons to depart from the conclusions reached by the Inspector.

2.0 PROPOSAL:

2.1 The proposals involves the demolition of an existing lean to and the re-instatement of the dwelling, which will involve some major re-building work (to the south east gable wall and roof structure) both of which are in a poor state of disrepair. Given the level of re-building work, planning permission (and Listed Building Consent) is required as it is considered the works go beyond that expected of repair to the dwelling and due to the nature of the property which is considered to have been “abandoned” from a planning perspective.

3.0 SITE AND SURROUNDINGS:

3.1 Royds Green Cottages are located within the curtilage of the listed farmhouse, Royds Green Farm which dates from the 17th century. The ‘cottages’ appear to have clearly served one dwelling. The building is in an extremely poor state of disrepair. It is constructed of brickwork with a slate roof (much is missing) with the site generally being overgrown with trees and bushes. The site has weathered considerably over the years and shows a high level of mortar loss. The south-east gable also bows out considerably and large cracks in the brickwork are evident. The cottage has a single storey ‘lean-to’ extension to the south-west elevation. Internally, water ingress over the years is starting to affect the integrity of the first floor structure. Access is taken separately from the farm but still off Royds Lane.

4.0 RELEVANT PLANNING HISTORY:

4.1 Applications 08/03418/FU and 08/03415/LI for re-instatement of dwelling including two storey side extension and alterations to form 3 bedroom house. Both applications were presented to East Plans Panel on the 20th November 2008. Both applications were refused for the reasons of inappropriate development in the Green Belt and the “ecological harm “.

4.2 The applicant appealed against the decisions and the Appeals were dismissed on the 27th January 2010.

4.3 Applications 11/04911 and 11/04912/LI for the conversion of barns into dwellings and alterations to the farmhouse, are being considered by Members alongside these applications.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Both applications 08/03418/FU and 08/03415/LI were refused at East Plans Panel on 20th November 2008 for the reasons of inappropriate development within the Green Belt and the ecological harm to the wildlife.
- 5.2 The Inspector dismissed the appeals and concluded "Very special circumstances would justify approval on Green Belt grounds and its effect on wildlife and nature conservation would be acceptable" The appeal was not upheld because of its inability to preserve the historic interest of the cottage.
- 5.3 The appeals were dismissed on the grounds of the harm to the historic fabric of the cottage, and this was down to the detailed design of the proposed schemes as laid out in section 1.3 above.
- 5.4 Consequently the applicant has resubmitted the applications revising the proposal addressing the criticisms raised by the Inspector as laid out in section 1.3 above. The lean to is to be demolished and the existing openings are to be retained. The existing difference in the roof levels and the difference in the roofing materials as existing are to be retained. Restoring the historic fabric and features of the cottage.
- 5.5 Pre- application discussions have also taken place with officers and plans have been revised to retain the existing details and features of the cottage.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Applications were advertised by site notices on 9th December 2011. One letter of representation received from neighbouring resident on Royds Green Royds Lane with the following comments:-
- Strongly object, live next door and share a drive. Not informed of any alterations by applicant.
 - Both 4 and 6 in state of disrepair and should be considered as ruins.
 - No maintenance has taken place.
 - Reason why bat population has diminished.
 - Since last refusal nothing has changed.
- 6.2. A further letter of representation has been received from 13 households resident on Royds Green Farm, Royds Green, Pennington Lane, Sanderson Lane and Sandy acres. The following concerns are raised:-
- Plans Panel East rejected an identical application 2 years ago and rejected it on the grounds that it was a totally unsuitable development for the green belt in general and for Royds Green in particular.
 - This decision was made on the grounds of the high levels of protected species of wildlife present at Royds Green Farm.
 - The addition of 8 new residential properties would impact seriously on the character of Royds Green, historically a farming hamlet.
 - The effect on local services in the area and the lack of need for this type of new property in this area.
 - Members were concerned that the owners had deliberately allowed listed buildings to fall into disrepair with a view to obtaining planning permission.
 - Members also expressed concern that should the application be approved this might set a precedence for development in this area.

- These factors are still relevant and the proposed new development is in conflict with all of them. We strongly urge the Panel to once again reject this application.

6.3 Representations have been received from Ward Members. Councillor Golton has requested that members consider the impact on the green belt and the access as this is a narrow lane and could potentially cause problems for access. Councillor Wilson has requested that the applications be presented to Plans Panel as the previous applications were resolved by Plans Panel on 20th November 2008.

7.0 CONSULTATIONS RESPONSES:

7.1 11/04913/FU and 11/04914/FU

West Yorkshire Archaeology Advisory Service (WYAAS)

No objections subject to conditions –archaeological recording of the site prior to redevelopment.

Natural England

No objections subject to conditions.

Environment Agency

No objections subject to sustainable drainage scheme to be submitted

Land Contamination

Phase 1 Desk study submitted recommends further investigation due to the previous use of the site as a farm. Recommend conditions to address this.

Highways

No objections subject to conditions. A section 38 Agreement will be required for the adoption of the access road and provision /reinstatement of footway along the site frontage. Scheme raises no specific road safety concerns.

Drainage

No objections subject to a detailed drainage scheme to be submitted and agreed prior to development commencing.

Conservation - Sustainable Development Unit

Support the principle of the reuse of the cottages .Without a future use the building will not be maintained and will continue to decay until its eventual loss. Recommend a number of amendments to the scheme and relevant conditions.

8.0 PLANNING POLICIES:

8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. 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. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

8.2 UDP Designation – The site is located within the designated Green Belt. The following policies apply:

- UDP Policy GP5: Detailed Planning Considerations: seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

- UDP Policy N14: There is a presumption in favour of the preservation of listed buildings.
- UDP Policy N16: Extensions to Listed Buildings will be accepted only where they relate sensitively to the original buildings (design, location, mass, materials should all be subservient).
- Policy N17: Existing detailing and features that contribute to the character of a listed building should be preserved, repaired or, if missing, replaced. The plan form should be preserved.
- Policy N25: Development and Site Boundaries: outlines that boundaries should be designed in a positive manner in regard to local character.
- Policy N32: Outlines extent of land designated as Green Belt.
- Policy N33: Outlines that except in Very Special Circumstances, approval of the following types of development, will be given only for:
- Policy N39A: Sustainable Drainage: applicants should seek to use sustainable drainage systems where practical.
- Policy T2: Development proposals should not create new, or exacerbate existing, highway problems.
- Policy T24: Parking provision in all developments should reflect guidelines set out in UDP Appendix 9, Vol.2.
- Policy BD6: Alterations and extensions should respect the scale, form, detailing and materials of original building.
- Policy GB9: Redevelopment of dwellings will be permitted providing certain criteria are met on the use and replacement dwelling.

Supplementary Planning Guidance Note 13 – Residential Design Guide – ‘Neighbourhoods for Living’ (2003).
Street Design Guide (2007).

Planning Policy Guidance 2 ‘Green Belts’ (1995).

Planning Policy Statement 3 ‘Housing’ (2006).

Planning Policy Statement 5 ‘Planning and the Historic Environment’ (1995).

9.0 MAIN ISSUES

- 9.1
1. Principle of Development in the Green Belt.
 2. Protection of the character and appearance of the Listed Building.
 3. Highway Safety.
 4. Landscape and Trees.
 5. Residential Amenity and Design Issues.
 6. Other Outstanding Issues.

10.0 APPRAISAL

Principle of Development in the Green Belt

- 10.1 The cottage cannot be classed as habitable in its current state. The re-instatement of the building to residential use to facilitate residential use therefore requires planning permission.
- 10.2 Located in the Green Belt, policy N33 applies. The re-building work required, could be considered to go beyond that associated with repairing and refurbishing the dwelling as a proposal for ‘conversion’ in the Green Belt. Therefore the proposals, whilst set within the general frame of the building could be taken to form a new dwelling in the Green Belt. Therefore the application has been advertised as a ‘departure’ from the Unitary Development Plan given the level of re-building work

required to the cottages. 'Very Special Circumstances' have been therefore put forward.

- 10.3 At this point it is worth noting the Inspectors view that the cottage has a unique relationship with the listed farmhouse, and that very special circumstances exist which indicate that it should not be dismissed on green belt grounds.
- 10.4 It has been established that the cottages form curtilage buildings to the listed farmhouse and therefore are listed by this virtue. Given that:
- a) The cottages and farmhouse have always been under the same ownership.
 - b) Historical maps produced (1854-1894-1908) show that the farm access track ran past the cottages originally and that the existing access is a more 'recent' arrangement.
 - c) A Tenancy Agreement produced by the applicant relating to the cottages and farm show that they were used as farm workers dwellings. The agreement also confirms that the cottages were in the same ownership at the time of the listing prepared for the farmhouse (28th March 1988)
 - d) Although much tree planting (by the current tenant) has been undertaken over the years to the front of and around the cottages, there is no obvious clear boundary on the site between the cottages and the farmhouse that would suggest they are not linked. The cottage is still evident from the farmhouse despite this planting.
- 10.5 The cottages have therefore always been ancillary buildings to the farm (listed) and that they constitute listed status as 'curtilage' given the above advice.
- 10.6 The applicants have argued that 'very special circumstances' exist to re-build this listed curtilage building given its importance historically and architecturally to the listed farmhouse. Given its current condition, the dwelling will otherwise deteriorate further despite efforts to protect the dwelling from further weathering.
- 10.7 In light of the existence of the buildings, the removal of the 'lean to' and the historic use of the site it is not considered that the proposals will adversely impact on the openness of the Green Belt.
- 10.8 The farm workers cottages, just like the other ancillary buildings, are important factors in understanding the evolution and operation of how this farm evolved over time. It is considered that the circumstances put forward are special enough to justify the principle of development.
- 10.9 The presumption in favour of preserving a Listed Building is clear within UDP policy N14 and PPS5 advice.
- 10.10 Policy GB9 outlines that replacement dwellings will be allowed subject to set criteria. The proposed dwelling would maintain/enhance the open character and appearance of the locality (point ii) and the dwelling will have no greater impact in terms of height/site coverage (point iii). It has become incapable of use in its present state (point iv). In respect of point i, whilst it is not clear whether the dwelling has definitely become 'abandoned' or not, this sets out clear reasons as to why the scheme is supported in the interests of the historic/architectural importance and that of its relationship with the Green Belt (openness). Therefore the position of 'abandonment' has not been tested as such.

Protection of the character and appearance of the Listed Building

- 10.11 The proposals do not alter the character and appearance of the cottages dramatically – rebuilding in the same form and condition as previously built. The general layout of rooms and structural frame will remain the same.
- 10.12 A 'lean-to' extension which appears to be a later extension is proposed for demolition. This is in a poor state of repair and its removal will open up the existing main rear (south-west) elevation which contains some original window openings.

Highway Safety

- 10.13 No objections have been received from the Highway Officer. The scheme utilises an existing access and provides for 2 car parking spaces (off-street) in accordance with UDP policy T24 and the guidance in the Street Design Guide. Visibility is to be improved onto Royds Lane, by removing and setting back the existing hedge which will benefit all users of this access track. Visibility of 2.4m x 54m-90m has been shown on the plan. The scheme is considered to accord with policy T2 of the UDP.

Landscape and Trees

- 10.14 One large tree to the rear of the dwelling is proposed for removal – its current position to the rear elevation is in conflict with the occupation of the cottages as a dwelling house. On balance the loss of this tree is not resisted due to the importance of securing a future for this building as a residential use. Two trees are also shown for removal to the entrance to aid visibility and highway safety generally for all users of this access track – no concerns are raised under policies GP5.

Residential Amenity and Design Issues

- 10.15 There is no conflict with adjoining occupiers of residential property in respect of privacy. It is not considered appropriate to apply standard guidelines for a rear garden boundary of 10.5m depth etc. Sufficiently sized provision at the rear for amenity space is shown for the floor space to be occupied.

Representations received

Residents concerns

- 10.17 Since the applications were previously refused the circumstances have changed in that the appeals were not upheld on the grounds of the effect on the green belt or the ecological harm.

Ward member concerns

- 10.18 The Appraisal section of the report addresses the concerns raised by members in reference to the wildlife and effect on Green Belt. With regards to access concerns Highways have raised no objections to the access and the Inspector reasons that the access road would be largely on the line of an existing paved track.

11.0 CONCLUSION

- 11.1 The 'very special circumstances' put forward are considered sufficient to outweigh the policy presumption against inappropriate development in the Green Belt. The importance of protecting the future of this listed curtilage building through the proposals is key to retaining the special historical and architectural attributes of the listed (former) farmstead and these cottages. As such significant weight is given to this factor in recommending the applications for approval.
- 11.2 The proposals are considered to accord with national and local planning policy advice, particularly in regards to advice on the historic environment. The proposals

have been amended to address the detailed design comments made by the Inspector on the appeal scheme.

- 11.3 In light of the very special circumstances identified, and in the absence of any other significant harm, the proposal is recommended for approval, subject to conditions.

Background Papers:

Application Files: 11/04912/LI and 11/04911/FU

History Files : 08/03418/FU and 08/03415/LI

Appeal Decision: APP/N4720/E/09/2107242

APP/N4720/A/09/2107243

Certificate of ownership:

Owners notified in accordance with Notice 1 under section 65 of the Town and Country Planning Act 1990.

Mr Paul Shipley Royds Green Farm Oulton Leeds.
R F Steel and Sons Moss Carr Farm Methley Leeds.



The proposals to this area are included within a separate planning application.

737 sqm of irrigation required. To be installed in a linked linear formation, total linear meters required = 575. Exact layout of drainage runs to be designed by the installer. Once drains are laid, area to be grassed over and used as field.

Existing hedge/ fence to be moved back as shown to allow 30m clear visibility sally to roadside road edge.

The existing trees highlighted in orange dashed lines will require pruning back or removing and replacement trees planting within the hedgerow.

Existing hedge to be taken out and replanted further away from road side.

Existing access into the site to be improved.

Orange dashed line indicates existing hedge which is to be taken out. Replant hedge further back from road side, as shown.

New / reinstated footpath to continue from altered Royds Green Farm access along Royds Lane to the existing Cottages access.

New footpath to join with the existing footpath leading to Perenniel Lane.

Orange dashed line indicates existing trees which are to be removed to improve the visibility. Also existing hedge to be removed and replanted further back, as shown.

Re-locate the drive for a minimum of 5m back from the road edge.

Green line shows existing outside edge of neighbouring vegetation.

New Build

Scale: 1:200

Existing hedgerows to be managed and reduced.

Remove key 1. Environmental land register as a green verge.

Take down existing trees marked with a red dashed line.

Garden wall to be set back in order to provide a forward visibility of 3.0m around the house.

Heated hot water tank location of existing tank.

Existing hedgerows to be H1 managed and reduced.

Orange dashed line indicates 1.0m wide service / drained surface, adjacent to the margin.

Form a new vehicular entrance into the field.

Change in surface adjoining footpath / road.

3000mm wide margin to either side of road.

Centre line of altered access.

32.50 metres from centre line is.

Orange dashed line indicates existing hedge which is to be taken out. Replant hedge further back from road side, as shown.

New / reinstated footpath to continue from altered Royds Green Farm access along Royds Lane to the existing Cottages access.

New footpath to join with the existing footpath leading to Perenniel Lane.

Orange dashed line indicates existing trees which are to be removed to improve the visibility. Also existing hedge to be removed and replanted further back, as shown.

Re-locate the drive for a minimum of 5m back from the road edge.

Green line shows existing outside edge of neighbouring vegetation.

New Build

Scale: 1:200



Native whip and hedge planting
 Mixed native hedges to be planted at 5/7m as a double staggered row.
 Mixed native hedges and whips to have rabbit guards.
 Mixed hedges and whips to be planted in single species groups of 5-10.
 All native whip and hedging plants, to be matched with much root or individual root mats, min. area 1m², fixed firmly in place.

Species	Size	Stock	Planting
Crataegus monogyna (Common Hawthorn)	60-90 1x1	50	40%
Corylus avellana (Hazel)	60-90 1x1	50	30%
Malus sylvestris (Domestic Apple)	60-90 1x1	50	3%
Rosa pratincola (Rose)	60-90 1x1	50	3%
Prunus spinosa (Wild Cherry)	60-90 1x1	50	10%
Prunus spinosa (Wild Cherry)	60-90 1x1	50	10%

General notes
 All trees, hedging, whips to comply with BS 2838 specification for nursery stock. Do not substitute the species, variety and form or reduce the size and number of plants.
 All planting to be 75mm. Note sizes shown are maximum.

All planting to be watered as required immediately after planting. All plants to be good specimens and characteristics of the species.

All site preparation, planting and maintenance to comply with BS 4428:1985.

Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species originally required to be planted.



A & E 11.11 Site plan amended to show revised drive and cottage plan

Royds Green Farm

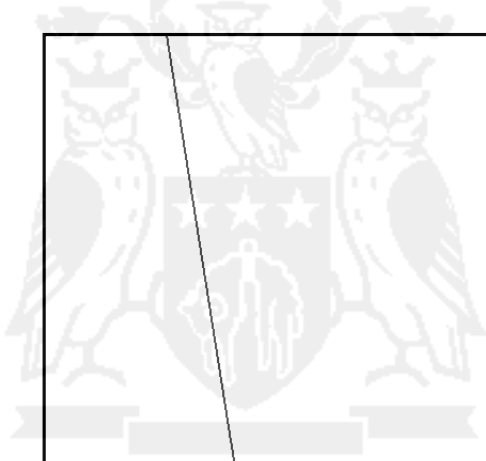
Proposed Site Plan for the cottage

4836/P/9

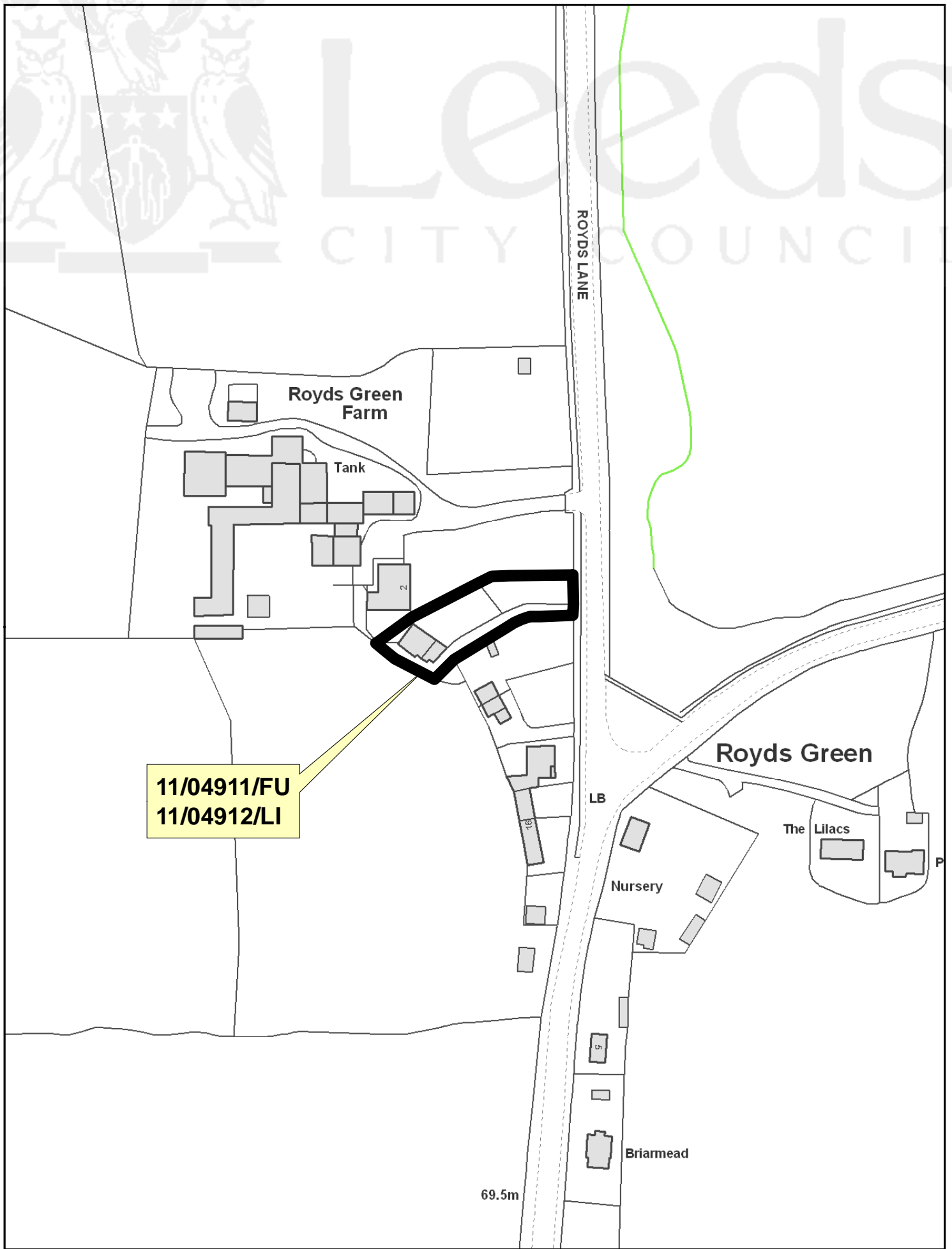
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Leeds
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EAST PLANS PANEL

