

Allerdale Borough Council

**Planning Application
Development Panel Report**

Reference Number: FUL/2022/0210

Valid Date: 27/09/2022

Location: The Barn, Syke Farm, Wigton

Applicant: Mr & Mrs Scott

Proposal: Change of use of former agricultural building to single dwelling house

RECOMMENDATION

REFUSE planning permission

1. Summary

<u>Issue</u>	<u>Conclusion</u>
Principle	The application building is not of traditional design, nor does it have any significant historic character, that would elevate it as a building worthy of protection and retention. In this regard, the building is not of the character or architectural style identified as having the potential to be adapted into a high quality building as outlined within Policy S31.
Scale, Design and Siting	The proposal would introduce a detached double garage of a significant scale and massing in a visually prominent position so as to appear incongruous in this location, in conflict with the surrounding rural character of the area.

Other Matters	The proposal provides adequate access, parking and turning. Officers consider that matters relevant to the environment and drainage could be secured by condition.
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2. **Introduction**

- 2.1 The application is brought before Development Panel at the request of Councillor Annison, with an indication that the proposal is unacceptable to a large number of residents and is counter to the Allerdale Plan.

3. **Proposal**

- 3.1 The proposal seeks planning approval for the change of use of a former agricultural building to a single dwelling house. Access to the application site would be provided via an existing access from Syke Road, which is also used by a number of other dwellings. Parking, turning and garden areas would be provided to the north of the building. A double garage would be provided within the north east corner of the garden.
- 3.2 The Plans for consideration are:-
21/870/2 Revision A – Block plan
21/870/4 Revision A – Plans as proposed
21/870/5 – Elevations as proposed
21/270/6 – Proposed double garage
21/870/7 – Site layout plan

4. **Site Description**

- 4.1 The application site comprises a modern metal clad building with steel roller doors and a hardstanding forecourt, to the north east of a former farm complex. The site is situated to the south east of Wigton settlement, within the countryside.
- 4.2 Access to the site is via a lane from Syke Road, which also serves as an access to a farmhouse and a range of cottages, situated behind and to the south of the application building. An additional modern building is located to the north west of the application building and access lane. A car repair and salesroom operates from this building. Open countryside surrounds the complex.

5. Relevant Site History

5.1.1 The following applications are considered to be of relevance to decision taking:

2/2013/0048 – Outline application for proposed single dwelling at Syke Farm, Syke Road, Wigton – Refused

Reasons for refusal:

1. The Local Planning Authority consider that without any demonstrated essential employment or local need the proposal would constitute non-essential development outside the defined settlements to the detriment of the visual amenity of the site and its surroundings, contrary to Policy HS4 of the Allerdale Local Plan, First Alterations, June 2006 (Saved), Policy EN25 of the Allerdale Local Plan, Adopted 1999 (Saved) and the National Planning Policy Framework.
2. The Local Planning Authority consider insufficient information has been submitted with the application to demonstrate the means of disposal of foul drainage. The proposal is therefore considered contrary to Policy HS9 of the Allerdale Local Plan, First Alterations, June 2006 (Saved).

Subsequent appeal under APP/G0908/A/13/2200729 dismissed

2/2013/0525 – Change of use of agricultural stack yard and erection of open fronted shed for storage of caravans/ motorhomes at Granary Cottage, Syke Farm, Wigton – Refused

Reason for refusal:

1. The Local Planning Authority consider the proposed land use constitutes a non-essential form of development in the open countryside to the detriment of the visual amenity of the locality, contrary to Policies EN25 of the Allerdale Local Plan and guidance within Chapter 11 and Paragraph 7 and 17 of the National Planning Policy Framework.

Subsequent appeal under APP/G0908/A/2214169 dismissed

2/2018/0445 – Outline application for use of land for the erection of one dwelling at Winnow Barn, Syke Farm, Wigton – Refused

Reasons for refusal:

1. In the absence of satisfactory evidence to demonstrate compliance with Policy DM2 of the Allerdale Local Plan Part 1, the proposed development constitutes non-essential residential development within a rural fringe open countryside setting, with intervening agricultural fields providing a definitive and distinctive physical boundary to the high density urban built

form of the residential and industrial estates on the eastern perimeter of Wigton's settlement. The site is therefore considered to be physically poorly related to the built environment of Wigton's established settlement contrary to Policies S1 and S2 of the adopted Allerdale Local Plan (Part 1), 2014 and the provisions of the National Planning Policy Framework 2018.

2. The proposed development represents an unsustainable form of development due to the lack of any pedestrian link along an unlit section of highway to Wigton, and as a result there would be unsustainable with a high reliance on car-borne journeys to access services and facilities. The proposal is considered contrary to Policies S1 and S2 of the adopted Allerdale Local Plan (Part 1), 2014 and the provisions of the National Planning Policy Framework 2018.

Subsequent appeal under APP/G0908/W/18/3216483 dismissed

CLQ/2021/0005 – Prior notification to change an agricultural building to a dwelling at Syke Farm, Wigton to junction with B5305 Wigton to Sebergham at Syke Farm, Wigton – Refused

Reason for refusal:

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the building subject of this application is presently in use as an agricultural building as required by Class Q (a), or that it was in sole agricultural use as part of an established unit on 20th March 2013, or that any other criterion of Class Q.1 (a) has been met. Therefore the application building does not benefit from the permitted development rights afforded by Class Q, Part 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 site.

6. Representations

Parish Councils

- 6.1 No objections from Westward Parish Council. No comments to date from Woodside Parish Council.

Cumbria County Council Minerals and Waste

- 6.2 The application site is close to existing residential property and the minerals and safeguarding area extends across a substantial area of surrounding open land. However, the proposal will not prevent access to this mineral resource for extraction in the future. No objections.

Environmental Health

- 6.3 Due to the nature of the proposal and the close proximity of neighbouring properties, it is recommended that conditions relevant to contaminated land and construction noise and dust be attached to any planning approval.

Natural England

- 6.4 No response to date.
- 6.5 The application has been advertised on site and neighbouring properties have been notified. No resulting representations have been received to date.

7. Environmental Impact Assessment

- 7.1 With reference to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the development falls within neither Schedule 1 nor Schedule 2. As such it is not EIA development.

8. Duties

- 8.1 Does the site affect the setting of a listed building?

No

- 8.2 Is the site within a designated conservation area?

No

- 8.3 Is the Development likely to have a significant effect upon the National Site Network?

No

9. Development Plan Policies

Allerdale Local Plan (Part 1)

Policy S1 - Presumption in favour of sustainable development

Policy S2 - Sustainable development principles

Policy S3 - Spatial strategy and growth

Policy S4 – Design principles

Policy S5 - Development principles

Policy S22 - Transport principles

Policy S29 – Flood risk and surface water drainage

Policy S31 – Reuse of rural buildings and replacement dwellings in the countryside

Policy S32 - Safeguarding amenity

Policy DM14 – Standards of good design

Allerdale Local Plan (Part 2)

Policy SA2 – Settlement boundaries

10. Other material considerations

National Planning Policy Framework (NPPF) (2019)

Allerdale Borough Council Plan 2020-2030

Environmental Bill 2021

11. Policy weighting

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan (Part 1) 2014 and the Allerdale Borough Local Plan (Part 2) 2020 policies have primacy.

12. Assessment

Principle

- 12.1 Policy S3 of the Allerdale Local Plan Part 1 sets the framework for development across the Plan area, outlining the Council's approach to scale, location and distribution of growth. The main role and function of towns and villages is outlined within the approved settlement hierarchy. Policy S3 further indicates that proposals outside of defined settlements will be limited to:
- a. Housing essential for rural workers in the operation of a rural based enterprise;
 - b. Housing following the rural exceptions policy;
 - c. An appropriate diversification of an existing agricultural or land based activity;
 - d. The optimal viable use of a heritage asset or appropriate enabling development to secure the future of heritage assets;
 - e. A recreation or tourism proposal requiring a countryside location;
 - f. Facilities essential to social and community needs;
 - g. The replacement of an existing dwelling;
 - h. A suitably scaled extension to an existing building;

- i. The conversion or reuse of a suitable existing building;
- j. Other development requiring a countryside location for technical or operational reasons.

12.2 Paragraph 80 of the National Planning Policy Framework (NPPF) also sets out that 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area

12.3 The application site is situated outside the defined settlement of Wigton. Proposals outside defined settlements will only be considered favourably where they meet at least one of the criteria outlined in the list(s) above. The applicant indicates that the proposal would convert a former agricultural building, which is now redundant, into a dwelling house. The proposal is therefore considered against criteria i. of Planning Policy S3 and criteria c) of Paragraph 80 of the NPPF, above. A judgement is therefore required as to whether the proposed development would constitute, 'the conversion or reuse of a suitable existing building', and whether 'the development would re-use redundant or disused buildings and enhance its immediate setting', as well as meeting the tests of other relevant policies.

12.4 Planning Policy S31 of the Allerdale Local Plan (Part 1) is applicable to the proposal. This Policy sets out that reuse of rural buildings in the open countryside will only be considered where it can be demonstrated that the scheme will contribute to the ongoing sustainability and vitality of the local economy and community, where the scale of the development is proportionate taking into account the open countryside location. The accompanying text to this Policy, contained within Paragraphs 299 and 300 of the Allerdale Local Plan Part 1, provides some context for the Policy:

‘Changes in agricultural practices, including the increased use of large vehicles and larger buildings, have meant that rural barns are sometimes no longer fit-for-purpose and stand empty. When assessed in isolation, the deterioration and/or loss of such buildings does not appear to be significant, yet when assessed in a cumulative context, the impact on the landscape can be considerable. Redundant rural buildings, of traditional design, often have the potential to be adapted into high quality buildings which can alleviate development pressures on green field land and reduce the demand for new buildings in sensitive locations. In order to conserve the historic character and to ensure the sustainable continued use of serviceable buildings, the Council will support proposals for their reuse’.

- 12.5 The application building is a modern steel framed building with some stone walling to the rear and side elevations. As a whole, the building is not considered to be of traditional design, nor does it have any significant historic character, which would elevate the building to being one worthy of protection and retention, as outlined within Paragraphs 299 and 300 of the Allerdale Local Plan (Part 1), which provide the purpose/ reasoning for Policy S31. In this regard, the building is not of the character or architectural style identified as having the potential to be adapted into a high quality building, as outlined within Policy S31.
- 12.6 The applicant submits that the proposal would result in the removal of an agricultural building, to be replaced with a high quality dwelling within a domestic setting, helping to maintain the historic character of the rural area. The applicant also submits that the proposal complies with part of Policy S31 which states that, ‘Proposals for the reuse of rural buildings that are located outside of the settlements identified in the settlement hierarchy may be acceptable when:
- a) The scale of development proposed is proportionate, taking into account the open countryside location;
 - b) Policies in relation to access, parking and amenity can be satisfied without detriment to the building or its rural setting;
 - c) The proposal would not generate any significant increase of traffic on minor and/or unsuitable roads that would be prejudicial to highway safety.
- 12.7 Whilst it may be that the proposal would retain the original footprint of the dwelling and is able to meet highways standards in terms of access and parking, this criteria is not the sole requirement of Policy S31. Rather, these requirements form a consideration as to whether a development in the open countryside *may* be acceptable, and do not preclude a proposal from meeting other criteria of Policy S31 and the accompanying text, as well as additional relevant policies. As outlined above, the application building is not considered to have the architectural or traditional features worthy of retention and protection, so as to permit development outside the defined settlement hierarchy.
- 12.8 The applicant points to other examples where similar barns have been converted within the submitted Design and Access Statement. The examples provided have been determined in accordance with the provisions of Schedule 2, Part 3, Class Q of The Town and County Planning (General Permitted Development)

(Amendment and Consequential Provisions) (England) Order 2015, which came into force on the 15 April 2015. Class Q provides permitted development rights for the change of use of some agricultural buildings for residential use. Limited physical alterations to enable the change of use can also be permitted.

- 12.9 A previous application for conversion of the application building to form a dwelling house under these provisions has been refused on the site under CLQ/2021/0005. The application was refused as it was considered that the building was not currently in use for agriculture and therefore the application did not meet the tests of this Class Q Prior Approval application process. As a result, the permitted development rights outlined within Class Q of the Town and County Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 do not apply to the application building. The current application is therefore considered outside these provisions and assessed under current local and national planning policy relevant to development outside defined settlements.
- 12.10 A recent planning appeal at Syke Farm for the erection of a dwelling (2/2018/0445 and APP/G0908/W/18/3216483) is noted. The appeal was dismissed, finding that the location, by reason of its distance and consequent physical and functional separation from Wigton, was considered to be an unsuitable location for residential development. The Inspector found that the distance of the location from services and facilities would lead to a reliance on private car journeys, concluding that development within the location would therefore fail to contribute to sustainable development in a rural area.
- 12.11 The details submitted with the current application do not contradict this finding, nor do they demonstrate that the proposal would be sustainable or proportionate within the open countryside location. Officers consider that it has not been demonstrated within the application details that the proposal would enhance the immediate surroundings or contribute to the ongoing sustainability and vitality of the local economy and community. In this regard, the proposed development conflicts with this criteria of Planning Policy S31 of the Allerdale Local Plan (Part 1).
- 12.12 On balance, given the assessment of the proposal against the criteria and explanatory text of Planning Policy S31 of the Allerdale Local Plan (Part 1), it is Officers opinion that the proposed development would result in the conversion of an unsuitable existing rural building, which does not contain any notable historic or architectural features to warrant development outside the defined settlement hierarchy. Similarly, it has not been satisfactorily demonstrated that the proposed development would re-use redundant or disused buildings and enhance its immediate setting. It is therefore considered that the proposal does not meet criteria i. of Planning Policy S3 of the Allerdale Local Plan (Part 1) and criteria c) of Paragraph 80 of the NPPF.

Scale, Design and Siting

- 12.13 The proposed dwelling would be of a large scale and massing in domestic terms, utilising the footprint of the existing building. The design of the dwelling would be modern in form and materials. The proposal also include the provision of a

detached double garage within the proposed garden area. The garage would be positioned within the north east corner of the site, between the proposed dwelling and the highway. Finishes of the proposed garage would match those proposed within the dwelling. It is indicated within the submitted Design and Access Statement that the garage would be used to house machinery and vehicles, which are currently housed within the application building.

12.14 Given that the proposed garage would be located beyond the existing building line of the application building and adjacent structures, closer to, and alongside the public highway, it is considered that this structure would appear at odds with the surrounding rural area in terms of its scale, massing and siting. This element of the proposal would therefore fail to achieve a satisfactory visual relationship with the surrounding character and appearance of the area. The proposal is therefore considered contrary to Planning Policies S2, S4, S5, S32 and DM14 of the Allerdale Local Plan, Part 1 in this regard, which require new development to respect existing development patterns, and to respond positively to the distinctive qualities of the location and visual characteristics of the site.

Other Matters

Access

12.15 The proposed development would use an existing access serving the farm complex. Officers are satisfied that the access is acceptable and that there is adequate space within the site to accommodate parking and turning.

Ecology

12.16 The application building is not of an age or construction which would trigger the requirement for any ecological surveys in relation to protected species.

Drainage

12.17 The applicant indicates that surface water would be disposed of via soakaway, and that foul would be disposed of via non mains drainage. Officers are satisfied that an acceptable form of drainage for the development could be achieved and the details could be controlled by condition.

Environment

12.18 Due to the nature of the proposal and the close proximity of neighbouring properties, the Council's Environmental Health Department recommend that conditions relevant to contaminated land and construction noise and dust be attached to any planning approval. Officers are satisfied that mitigation for contamination and construction noise could be achieved with appropriate conditions.

13. Local Financial Considerations

- 13.1. Having regard to S70 (2) of the Town and Country Planning Act. There may be matters regarding Business Rates and Council Tax Revenue for the Council. This has carried no weight in the determination.

14. Balance and conclusions

- 14.1 The proposed development site lies outside the defined settlement limit of Wigton. The application building is not considered a suitable existing rural building for conversion in terms of its non-traditional design and lack of historic character. The proposal therefore does not meet any of the permitted exceptions to the spatial strategy. The principle of the proposed development is considered to be contrary to Planning Policies S3 and S31 of the Allerdale Local Plan (Part1) and Paragraph 80 of the National Planning Policy Framework.
- 14.2 In addition, the proposal would introduce new development in the form of a proposed double garage, which would extend beyond the existing built form of the locality, in a visually prominent location. The development is considered to be of a scale, massing and siting which would fail to respect or enhance the rural character of the surrounding area. The proposal is therefore considered to be contrary to Planning Policies S2, S4, S5, S32 and DM14 of the Allerdale Local Plan (Part 1).

15. RECOMMENDATION

REFUSE planning permission

Annex 1

REASONS FOR REFUSAL

1. The proposed conversion would not secure the re-use of a rural building of traditional design or of architectural merit worthy of preservation within this sensitive landscape setting. The proposed building is not considered to be 'suitable' for conversion under policies S3 and S31 of the Allerdale Local Plan (Part 1) nor would it meet the requirements of Paragraph 80 of the National Planning Policy Framework.
2. The proposed double garage, by virtue of its scale and siting, would be out of character with the existing built form of the locality which would in turn have a significant detrimental impact upon the visual amenity of the locality, contrary to Planning Policies S2, S4, S5, S32 and DM14 of the Allerdale Local Plan (Part 1) and the National Planning Policy Framework.

