

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	KH	Date:	20.06.22	Manager:	NH	Date:	23.06.22
Site Notice displayed	Y	Photos uploaded	Y					

Application Ref:	3/2022/0436	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	23.05.22	
Officer:	KH	
DELEGATED ITEM FILE REPORT:		Decision Call in and Refused.

Development Description:	Prior notification application for the proposed conversion/ redevelopment of two agricultural buildings into two dwellings.
Site Address/Location:	Land adjacent to Miles Hill, Moor Lane, Billington BB7 9JH

CONSULTATIONS:	Parish/Town Council
The barns are old barns but are used for keeping cattle over winter. The location almost on the top of the ridge of the hill is visible in the landscape from a distance. There are suspicions that someone lives in a caravan on the site and several radio masts have appeared. The parish council objects to green belt being belt on. This could allow a precedent for old sheds and farm buildings to be converted.	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
	n/a

CONSULTATIONS:	Additional Representations.
n/a	

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:

Policy DS1: Development Strategy

Policy DS2: Sustainable Development

Policy EN1: Green Belt

Policy EN3: Sustainable Development and Climate Change

Policy DMG1: General Considerations

Relevant Planning History:

3/2007/0657 - Proposed agricultural building – Calf rearing unit – Approved.

3/2006/0126 – Proposed agricultural building to provide winter housing for cattle – resubmission – Approved.

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The site is located within land designated as Green Belt.

The site is clearly visible from road and public footpath network as it is sited prominently on the downslope of the hillside above Whalley Old Road with a substantial change in levels.

The site is accessed from Moor Lane adjacent to the agricultural buildings. The immediate site consists of three buildings. The site is relatively isolated with some agricultural buildings and farmsteads in the area but some distance away. Vehicular access from both Whalley and Billington to the site is over a mile distant up a steep hillside on a narrow track with limited passing points.

Public footpath 3-6-FP-46 runs through the site from Moor Lane to the north to Shawcliffe Lane to the south east.

The immediate site consists of agricultural buildings with the surrounding area comprises agricultural fields and associated farm buildings within Green Belt.

Proposed Development for which consent is sought:

The application seeks prior notification for the proposed conversion of two buildings into two dwellings under the Town and Country Planning Act General Permitted Development Order 2021 Class Q.

Principle of Development:

This proposal is made under the provisions of Part 3, Class Q(b) which requires prior notification for conversion of agricultural buildings to residential units.

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Development is not permitted in the following circumstances;

- the site was not used solely for agriculture as part of an established agricultural unit
- the cumulative floor space of the buildings to be changed would exceed 465sqm
- the number of separate larger dwellinghouses created on any one unit would exceed 3 or the cumulative number of all dwellings created on any one unit under Class Q would exceed 5.
- the site is occupied under an agricultural tenancy, unless express consent of both landlord and tenant have been obtained
- if a tenancy was terminated within 1 year of the commencement of development and was solely for the purposes of carrying out development under Part Q, unless both the landlord and tenant have agreed in writing that the building is no longer required.
- if any permitted works under Classes A and B of Part 6 of the GDPO have been carried out since 20th March 2013 (or within 10 years of 20th March 2023, if work begins after that date)
- the development would result in an increase in the external dimensions of the existing building, at any given point
- would include building operations other than those listed in section (i) of Part Q
- is on Article 2(3) land
- the site forms part of any of those exceptions listed in (k) (l) or (m) of Part Q

As part of the prior notification process, the Council must consider the following matters;

- transport and highways impacts of the development
- noise impacts
- contamination risks on the site
- flooding risks
- whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3
- the design or external appearance of the building

Proposed Development

There does not appear to have been any other development under the relevant parts of the GPDO within the unit in the past 10 years at this site although there has been permission obtained from Hyndburn LPA for the erection of two agricultural buildings on another site within the same ownership at Moor Head Farm in 2021.

Based on the information provided, the application appears to meet all of the initial technical criteria detailed above and can therefore be assessed under Class Q.

Transport and Highways

The site lies over 1 mile from the settlement boundary of Langho.

Moor Lane is a single track road and the access track to the site is long and narrow up an hillside with limited passing places and poor surfacing in places. The site is over 1.2 miles from the junction with Whalley Road to Moor Lane to the north east and over 1 mile from the junction with Whalley Old Road to the west.

As you ascend Moor Lane from the Whalley side you quickly rise into open countryside with open agricultural fields and farm buildings including Nab Side Farm and Brierley's Farm which are situated some distance from the site.

The nearest property on the same side of Moor Lane is Nab Top Farm which is sited 550m to the north east and consists of a farmhouse and associated agricultural buildings. On the opposite side of Moor Lane is Miles Hill 200m to the east which is a detached residential property.

Whilst there are some buildings along this route there is limited built form and even less seen in context with the proposal this site is not within a cluster of existing buildings and therefore would be considered as an isolated form of development.

There is not other built form along Moor Lane until the Whittle Hall Farm complex which is within the applicants ownership over 1km to the west. Residential properties to the north on Whalley Old Road are at a substantially lower level and are not seen in context with this site.

Whilst it is accepted that there is adequate space within the site to provide an adequate level of parking, the proposed dwelling would rely entirely upon the use of private motor vehicles with a mile in either direction until you reach the public highway. The adjacent public footpath is on a steep incline and a distance of 460m to Whalley Old Road. This would be difficult to use in inclement weather and especially when accessing facilities and services such as shopping.

Noise

There would be no unacceptable noise impacts to or from the residents of the proposed dwelling.

Contamination

There is no indication that the site contains any specific contamination.

Flood Risk

The site does not fall within any designated flood zones and there are no known flood risks associated with the development.

Design

The proposed dwellings seek to retain the existing structure with additional windows to the north east and south west elevation and rooflight to these roof slope for plot 1 and additional windows and doors to all elevations and roof light to the south west roof slope for plot 2.

The buildings on site are relatively modern steel framed buildings which have a functional agricultural purpose. The scheme has the appearance of 'retro-fitting' a residential use into buildings not designed for such a use with additional glazing including bi-fold doors and rooflights in a prominent hillside location. Whilst a modern design is not necessarily unacceptable for agricultural buildings in this case the design would create an incongruous feature within this rural location.

The lack of private amenity space and close proximity of the buildings to each other, which is a result of the nature of the existing site and built form, would result in an unacceptable, cramped form of development in this rural setting to the detriment of the amenity of the area and the amenity of the future residents.

This is not acceptable in terms of design and materials in this location.

Ecology

Bats are a protected species under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before permission is granted on order that all material considerations have been addressed.

No ecology report has been submitted with the application and therefore the presence of bats and potential impact has not been assessed. There is also the potential for other wildlife to be present on the site and therefore it has not been adequately assessed.

Paragraph W of the GPDO makes it clear that the onus is on the developer to provide sufficient information to enable the LPA to make a decision taking all material considerations into account.

Siting

The National Planning Practice Guidance document contains specific advice on applications of this nature. It states that such applications should not be subject to a sustainability assessment in terms of location, nor should they be refused solely on the basis that the location is not one in which the LPA would normally grant permission for a dwelling. Tests from the Framework should therefore not be applied, except where relevant to the subject matter of prior approval.

It also defines the meaning of 'impractical or undesirable' for the purposes of this Order. These are described as issues such as; no available vehicular access; lack of any available power source or other infrastructure services; incompatible neighbouring uses such as intensive farming, silage storage or use of dangerous machinery/chemicals.

Whilst there is an existing vehicular access the distance to facilities and services is over a mile along a narrow steep track with limited passing places would only practicably be accessible by robust transport modes and excludes sustainable methods such as cycling.

The siting of the proposed dwelling raises concerns over the isolation of the proposed dwellings in terms of accessibility which leads to an impractical development in an undesirable location.

Observations/Consideration of Matters Raised/Conclusion:

Whilst the use as two dwellings would be acceptable in terms of potential noise impact, contamination risk and flood risk the size and external appearance together with the location and siting results in the proposed use as two dwellings as impractical and undesirable in terms of transport and highway impacts in this location.

RECOMMENDATION:

Refuse based on impractical and undesirable use in this location, design and appearance and failure to demonstrate that the proposal would not impact on wildlife within or adjacent to the site.

