



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25 June 2020

Subject:

This is full planning application (20/00613/FUL) seeking planning permission to convert an existing retrospective building to stables at Knowle Farm, Knowle Lane, Wyke.

Summary statement:

The scheme is considered to be appropriate development in Green Belt and would preserve the openness of the Green Belt and would not have a detrimental impact the character and form of the open countryside landscape area. The scheme is also considered not to have significant adverse effect upon residential amenity and highway safety. The application is recommended for approval subject to conditions.

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is full planning application (20/00613/FUL) seeking planning permission to convert an existing retrospective building to stables at Knowle Farm, Knowle Lane, Wyke.

2. BACKGROUND

Attached as Appendix 1 is a copy of the Officer's Report which identifies the material considerations of the proposal.

3. OTHER CONSIDERATIONS

N/A

4. OPTIONS

This Committee has the authority to approve or refuse this development. If Members are minded to refuse this application then reasons for refusal will need to be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial or resource implications for the Council in regards to this application.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

7. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

8. OTHER IMPLICATIONS

N/A

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

The site is located on the edge of the urban area of Bradford and forms part of an allocated housing site. It is therefore considered to be in a sustainable location and as such there are no implications for the Council.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are not considered to be any significant greenhouse gas emissions impacts caused by the proposed development.

8.4 COMMUNITY SAFETY IMPLICATIONS

The Community Safety Implications of the proposed development are considered in Appendix 1.

8.5 HUMAN RIGHTS ACT

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

There are no Ward implications posed by this development.

9. NOT FOR PUBLICATION DOCUMENTS

There are no 'not for publication' documents.

10. RECOMMENDATIONS

It is recommended that the Committee accept the recommendation of approval within the report attached as Appendix 1.

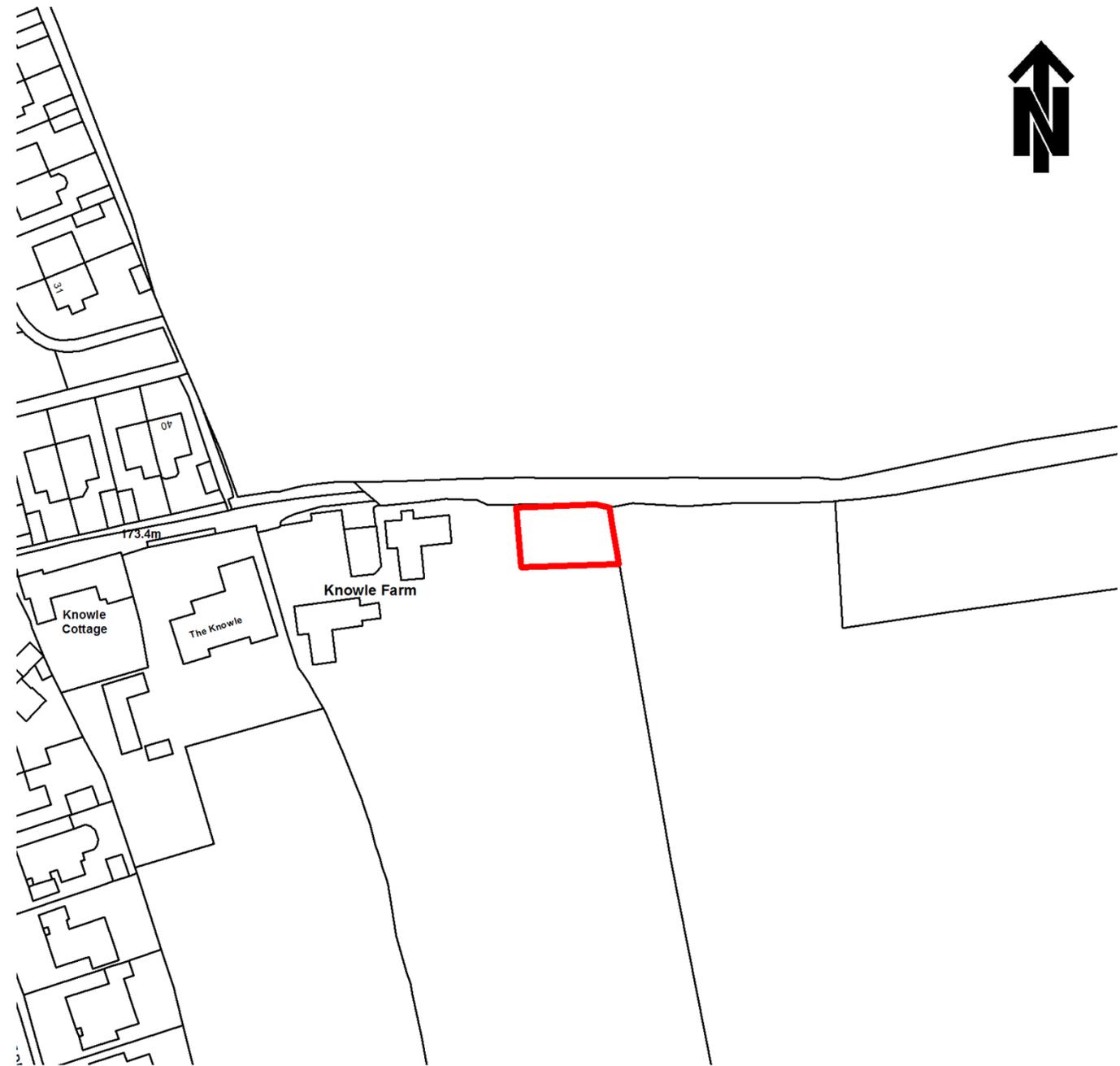
11. APPENDICES

Appendix 1: Report of the Strategic Director of Regeneration and Culture.

12. BACKGROUND DOCUMENTS

The Replacement Unitary Development Plan for Bradford District
National Planning Policy Framework
The Core Strategy Development Plan Document

20/00613/FUL



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**Knowle Farm
Knowle Lane
Wyke BD12 9BG**

Appendix 1

Ward: Thornton and Allerton (ward 23)

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:

20/00613/FUL

Type of Application/Proposal and Address:

This is full planning application seeking planning permission to convert an existing retrospective building to stables at Knowle Farm, Knowle Lane, Wyke.

Applicant:

Mrs Julie Deacon

Agent:

Chris Eyres, Chris Eyres Designs

Site Description:

This is part of a large area of open land immediately to the east of Knowle Farm which is the final property on Knowle Lane before the road turns into an unmade track over which most vehicles cannot pass. Knowle Lane up to this point is a single track road with a poor surface and no turning or passing spaces. The land to the west is made up of residential properties of varying designs and sizes and the land to the east of Knowle Farm is open Green Belt. Within the site is an outbuilding in its north-eastern corner which was the subject of the previously refused application and the building now proposed to be modified to form stables. There is also a gravelled turning area to serve the proposed stable block.

Relevant Site History:

74/01772/OUT- Proposal: One House Knowle Lane Wyke Bradford- Status: Refused - Date Issued: 02.10.1974 .

78/05919/OUT- Proposal: Residential Development Knowle Lane / Whitehall Road Wyke Bradford- Status: Refused - Date Issued: 15.11.1978

17/01461/HOU - Alterations to roofline, extension and new dormer windows - Knowle Farm Cottage Knowle Lane Wyke Bradford - Granted - 11.05.2017

18/01919/HOU- Proposal: Installation of metal sliding entrance gate for vehicles- Status: Withdrawn - Date Issued: 03.07.2018

19/00465/HOU- Proposal: Proposed metal sliding entrance gate for vehicles- Status: Withdrawn - Date Issued: 09.05.2019

19/02599/FUL – Refused - Retrospective change of use of land to residential garden that incorporates a gravel drive and turning area and for a retrospective outbuilding to be used for domestic purposes in association with the dwelling house of Knowle Farm Knowle Lane Wyke Bradford – Refused 15.08.2019 subsequent appeal dismissed (Ref: APP/W4705/W/19/3236923)

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), are saved for the purposes of formulating the Local Plan for Bradford and remain applicable until adoption of the Allocations development plan document. The site is within the Green Belt on the RUDP. Accordingly, the following adopted Core Strategy and RUDP policies are applicable to this proposal.

Core Strategy Policies:

SC7 Green Belt
TR2 Parking Policy
DS1 Achieving Good Design
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places

Replacement Unitary Development Plan (RUDP) Policies:

Policy GB1 - New Buildings in the Green Belt
Policy GB2 - Siting of New Buildings in the Green Built

Parish Council:

The site is not in a Parish.

Publicity and Number of Representations:

The application was advertised with a site notice, press advertisement and neighbour notification letters. This publicity period expired on 21 May 2020. Two representations have been received from two Ward Councillors who both ask for the application to be referred to the planning panel if officers are minded to grant permission.

Summary of Representations Received:

1. Paragraph 146 e) of the National Planning Policy Framework (NPPF) allows for material changes in the use of land (such as changes of use for outdoor sport or recreation, The scheme is considered to significantly increase the residential garden to Knowle Farm that would allow for detriment to the openness of the Green Belt by way of sprawl, erosion and increase of domestic paraphernalia and urban features in an undisturbed agricultural open countryside location. The application would not to preserve the openness of the Green Belt.
2. Inappropriate development within the Green Belt. Nothing has been provided within the application to enable the Local authority to establish that very special circumstances exist in support of the proposal.
3. The building was due enforcement action for removal.
4. Should stabling be required it should be from a clear site not an adaptation of a building built without planning permission.

Response to objections are discussed in the officer report below

Consultations:

None

Summary of Main Issues:

1. Background
2. Principle of Development Within the Green Belt
3. Harm to the Purposes of Including Land Within the Green Belt
4. Impact on the Green Belt and Character and form of the Area
5. Amenities of Occupiers of Adjacent Land
6. Highway Safety
7. Other Issues Raised in Representations

Appraisal:

1. Background

The application form states that the proposal is for proposed stables involving minor alterations to an existing shed. The red application site shows that the proposal involves the existing building, gravel turning area, existing access and a small piece of land to the south of the land existing building.

There was a recent application that used the same application site as the current one. The previous application was for the retrospective change of use of land to residential garden that incorporates a gravel drive and turning area and for a retrospective outbuilding to be used for domestic purposes in association with the dwelling house of Knowle Farm, Knowle Lane, Wyke, Bradford that was refused on 15.08.2019 under reference number 19/02599/FUL for the following reasons:

1. Paragraph 146 e) of the NPPF allows for material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). The retrospective change of use of land to residential garden that incorporates a gravel drive and turning area does not fall under the category of changes of use for outdoor sport or recreation, or for cemeteries and burial grounds. The scheme is considered to significantly increase in the residential garden to Knowle Farm that would allow for a detrimental

harmful the sprawl, erosion and increase of domestic paraphernalia and urban features in particular the gravel drive and turning area to an undisturbed agricultural open countryside location. The scheme is considered not to preserve the openness of the Green Belt. The proposal is therefore considered to be inappropriate development within the Green Belt. Nothing has been provided within the application to enable the Local authority to establish that very special circumstances exist in support of the proposal. It is therefore not considered that a case for very special circumstances exists in this instance. It is considered that the proposed development would by means of inappropriateness result in harm to the Green Belt and therefore fails to accord with paragraphs 143 and 146 e) the NPPF and Policies SC7, DS3 and DS4 of the Core Strategy.

2. Paragraph 145 of the NPPF outlines the exceptions for new buildings that are appropriate development in the Green Belt. The retention of the retrospective outbuilding to be used for domestic purposes in association with the dwelling house of Knowle Farm is currently located on agricultural land and the scheme does not fall under any of the exceptions listed for new buildings in the Green Belt within paragraph 145 of the NPPF. The proposal is therefore considered to be inappropriate development within the Green Belt. Nothing has been provided within the application to enable the Local authority to establish that very special circumstances exist in support of the proposal. It is therefore not considered that a case for very special circumstances exists in this instance. It is considered that the retrospective development would by means of inappropriateness result in harm to the Green Belt and therefore fails to accord with paragraphs 145 and 146 the NPPF and Policies SC7, DS3 and DS4 of the Core Strategy.

3. The retrospective outbuilding due to its size, scale, design, siting and materials used and the retrospective change of use of residential garden is considered to create urban sprawl and erosion to the open countryside, the increase of domestic paraphernalia and urban features to an undisturbed agricultural open countryside location. The retrospective scheme is considered to have a harmful detrimental impact on the character and form of the open countryside landscape area and therefore fails to accord with Policies DS3 and DS4 of the Core Strategy.

The application was then subsequently dismissed at appeal under reference number APP/W4705/W/19/3236923 where the inspectorate agreed with all the above reasons for refusal outlined by the Local Planning Authority. The current application proposes to convert the unauthorised building to form a stable block to be used ancillary to the residential occupation of Knowle Farm. It does not propose to retain the building as currently exists on site or change the use of the field to form an extension to the residential curtilage of the property.

2. Principle of development within the Green Belt

The application is located within the Green Belt as such, national guidance contained within the NPPF, Policy GB1 of the RUDP and Policy SC7 of the Core Strategy are relevant.

The decision making process when considering proposals for development in the Green Belt is in three stages, and is as follows: -

i) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.

ii) If the development is appropriate, the application should be determined on its own merits.

iii) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 145 of the NPPF states that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This approach is also consistent with Policy GB1 of the RUDP.

The application form states that the proposal is for proposed stables involving minor alterations to an existing outbuilding. The red edged application site shows that the proposal involves the existing building, gravel turning area, existing access and a small piece of land to the south of the land existing building.

The scheme now proposes changing the retrospective buildings external appearance so that it can be converted into a stable block so the building no longer has a domestic appearance and no longer has an appearance that the residential curtilage / garden is to be extended given its intended rural open countryside use.

From the case officer site visit there are now horses grazing in the fields that are within the blue line ownership of the applicant. The agent has confirmed that the intended use is now for a stable block for the applicant and family members of the applicant. Due to the combination of the external alterations to the building, its intended use and siting of the building to the corner of the application site which is well screened by mature trees and hedge row the scheme is no longer considered to have detrimental impact on the openness of the Green Belt.

Given that existing use of the building is unauthorised and that use has been both previously refused and dismissed at appeal a condition noting that the proposed stables shall only be used in connection with and ancillary to the residential occupation of Knowle Farm is considered to be reasonable and necessary. This condition will also clarify that the application does not approve the formation of a separate independent unit or business.

The Ward Councillor raises objections that proposal is inappropriate development in the Green Belt. However, the proposed development is now considered to be appropriate development in the Green Belt as the building is to be used for outdoor sport and outdoor recreation and preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The scheme accords with paragraphs 145 and 146 the NPPF and Policies SC7, DS3 and DS4 of the Core Strategy.

3. Harm to the Purposes of Including Land within the Green Belt

Having had regard to each of the purposes of including land in the Green Belt it is considered that the proposals do not result in the sprawl of large built up areas due to the site being located in a countryside location. Furthermore, it is not considered that the proposals would result in neighbouring towns merging into one another, would not encroach into the countryside and the site is not derelict and would therefore not assist in urban regeneration. In addition, the proposals would preserve the setting and special character of historic towns hence there would be no conflict with the purposes of including land in the Green Belt in accordance with Policy GB4 of the RUDP, Policy SC7 of the Core Strategy and the NPPF in this respect.

4. Impact on the Green Belt and Character and form of the Area

In terms of the impact on the open character and visual amenity of the Green Belt, when looking at this issue it is worth considering what is meant by the term 'openness'. In this context openness is considered to be the absence of a built structure. Hence, any new built structure would have the potential to detract from openness. However, the degree to which the scheme would detract from openness depends not only on its size, scale and mass but also its relationship to existing built form.

The scheme now proposes changing the retrospective buildings external appearance (change the window and door to two stable door openings) so that it can be converted into a stable block so the building no longer has a domestic appearance and no longer has an appearance that the residential curtilage / garden is to be extended the given its intended rural open countryside use. Due to the combination of the external alternations to the building, its intended use and siting of the building to the corner of the application site which is well screened by mature trees and hedge row the scheme is no longer considered to have detrimental impact on the openness of the Green Belt.

The Ward Councillor raises objectors that the proposal will have detrimental impact on the openness on the Green Belt. However, having had regard to the above, the outbuilding due to its size, scale, design, siting and materials used is considered not to have a harmful detrimental impact on the openness and the character and form of the open countryside landscape area and therefore accords with Policies SC7, DS3 and DS4 of the Core Strategy and paragraph 143 the NPPF.

5. Amenities of Occupiers of Adjacent Land

The agent has confirmed that the intended use is now for a stable block for the applicant and family members of the applicant. Due to the combination of the orientation of the site, the size, scale and siting of the proposed scheme and distance away from the neighbouring properties, the proposal is considered not to cause any significant adverse effects on the amenities of occupiers of adjacent land. It is considered that the proposal would not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with Policy DS5 of the Core Strategy and the NPPF

6. Highway Safety

The scheme proposes no changes to the existing access, parking and access roads/tracks within the application site. It is therefore considered that the scheme would be

acceptable in terms of highway safety and accords with policy TR2 of the RUDP and the NPPF.

7. Other Issues Raised in Representations

Most of the representations have been addressed in the preceding appraisal. The representations also make the following comments which need to be addressed:

- The building was due enforcement action for removal.
- Should stabling be required it should be from a clear site not an adaptation of a building built without planning permission.

The enforcement process is separate to the consideration of this planning application. The Council is required to consider all applications that are submitted for consideration and this can include modifications to unauthorised buildings. The key question here is whether a building of the type proposed and in the proposed use is acceptable. It is clear that stabling of horses is an appropriate use in Green Belt and the building is not considered to be of a scale or in a position which would be harmful to its openness.

Community Safety Implications:

The proposal does not present any community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

It is recommended to grant planning permission as the scheme is considered to be appropriate development Green Belt. The scheme is considered to preserve the openness of the Green Belt and would not have a detrimental impact on the character and form of the open countryside landscape area. The scheme is also considered not to have significant adverse effect upon residential amenity and highway safety. The scheme accords with Policies GB1 and GB2 of the RUDP and policies SC7, DS1, DS3, DS4 and DS5 of the Core Strategy Development Plan Document.

Conditions of Approval/Reasons for Refusal:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the drawing numbers listed below:

Location Plan 9035 02 received 17.02.2020
Proposed Plans 9035 07 received 17.02.2020
Existing Plans 9035 01 received 17.02.2020

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

2. The stables hereby permitted shall only be occupied or used in connection with and ancillary to the residential occupation of the existing premises known as Knowle Farm and shall at no time be severed and occupied as a separate independent unit or business.

Reason: To prevent the undesirable establishment of a separate independent unit and in the interests of amenity and highway safety and to accord with Policy GB1 of the Replacement Unitary Development Plan and policies DS1, DS3 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Informative

This permission does not relate to the expansion of the residential curtilage of Knowle Farm which would need to be the subject of a separate planning application. It should also be noted that any future change of use would likely require further consent from the Local Planning Authority (LPA). Please contact the LPA for further information.