

<u>APPLICATION NO:</u>	23/02653/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Halewood North	<u>PARISH:</u>	Tarbock Parish Council
<u>LOCATION:</u>	Shippon One, Tarbock Hall Estate, Ox Lane, Tarbock Green, Knowsley, L35 1QA		
<u>PROPOSAL:</u>	ERECTION OF A TREE HOUSE		

Site Description

The application site is located within a rural location and is designated as Green Belt in the adopted Development Plan. The host property is curtilage listed forming part of Tarbock Hall Farmhouse which is Grade II listed.

The buildings within the Tarbock Hall Estate form part of a traditional farmstead comprising of main hall, farmhouse, outbuildings, sheds and stables. The application property is one of three agricultural buildings which have since been converted to a residential use. The application property is a corner plot located on a private road accessed via Ox Lane and is not visible from the public highway.

The application property is brick facing and accommodates a gable roof finished in grey slate tiles together with grey windows and doors. The property is bound by a stone wall located at its principal elevation and fencing to the rear and side boundaries beyond which is agricultural fields and pasture land used for equestrian purposes.

A detached outbuilding is located opposite the dwelling house and is shared with one of the neighbouring properties. The property features a number of structures within the private amenity space which has added to its domestication by the addition of ornamental garden features.

Within the setting of the private amenity space are a large number of trees which includes one subject to this application which has suffered damage due to environmental causes.

Proposal

As originally submitted, the proposals sought permission for a tree house together with timber structure canopy. However, the timber canopy has since been removed from the application proposals. In addition, the design of the tree house has been amended due to comments provided by the conservation officer. It now consists of a raised platform with balustrading. The platform would occupy a footprint of 3m² at height of 3.2m where the balustrade will reach a total height of 4.1m

Consultations

Tree Officer – No objection. Request that the Tree Survey is made an approved document.

Conservation and Design Officer – No objection in principle. Recommendations concerning design.

Representations

This application has been publicised by letters sent to 6 neighbours and advertised by site and press notice. No representations have been received.

Planning History

The site is subject to a number of previous applications relating to Tarbock Hall. Those relevant to the application property are set out as follows:

Reference: 99/00790/FUL – Conversion of three former farm buildings to form a total of three dwellings and a golf club house, with demolition of attached and detached structures. Refused 30th November 2000.

Reference: 99/00789/LBC – Conversion of three former farm buildings to form a total of three dwellings and a golf club house, with demolition of attached and detached structures. Refused 30th November 2000.

Reference: 99/00419/APP – Change of use of arable land to form 18-hole golf course. Erection of 10 no. dwellings, conversion of barn to club house, conversion of 2 no. barns to 3 no. dwellings and alterations to existing access. Refused 30th November 2000.

Reference: 02/00060/FUL – Conversion of existing outbuildings to 3 no. residential units and formation of new access. Granted 13th June 2002.

Reference: 02/00061/LBC – Conversion of existing outbuildings to 3 no. residential units and formation of new access. Granted 13th June 2002.

Reference: 05/00863/COU – Conversion of Shippon Barn and outbuildings to form 3 no. residential dwellings, erection of detached garage block and construction of new access road. Granted 7th February 2007.

Reference: 05/00865/LBC – Listed building consent for alteration and partial demolition of Shippon Barn and outbuildings and erection of detached garage block. Granted 7th February 2007.

Reference: 22/00424/FUL – Alterations and refurbishment of dwellinghouse including the replacement of existing chimney, the erection of a pergola and the partial conversion of a detached garage to form a habitable room with en-suite. Granted 9th December 2022.

Reference: 22/00425/LBC – Alterations and refurbishment comprising of the installation of timber framed sliding doors to north and west elevation and installation of 10 no. roof lights together with the part conversion of garage to form guest annexe including the addition of 2 no. roof lights, 1 no. window and timber framed sliding doors and the erection of a detached timber framed covered seating area with brick plinth. Granted 9th December 2022.

Reference: 23/00030/LBC – Refurbishment works comprising of reconfiguration of Shippon 2 and 3 including replacement of 1no. window. Granted 31st January 2024.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

CS2 - Development Principles
CS5 – Green Belt
CS19 - Design Quality and Accessibility in New Development
CS20 – Managing the Borough’s Historic Environment
DQ4 – Trees and Development

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

Context

The applicant commenced works on the tree house with the raised deck having been erected. The applicant subsequently contacted the local planning authority to ascertain if planning permission was required. The applicant was advised that permission was required as the property does not benefit from permitted development rights and therefore planning permission is required.

Impact on Green Belt

The application site is located within the Green Belt. Policy CS5 states that 'inappropriate development' will not be permitted except in very special circumstances in which it has been demonstrated that the harm to the Green Belt would be clearly outweighed by other considerations.

Paragraph 152 of the NPPF (2023) states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 154 of the NPPF (2023) states the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include:

b) 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 ground 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.

The proposed development is located in the private amenity space of a residential garden. However, the proposed developments function is for outdoor recreation and therefore falls within the scope of the aforementioned exception identified in paragraph 154(b) referred to above.

A fundamental objective of Green Belt relates to their openness and permanence. The concept of openness has both a physical and visual dimension. In a physical sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt.

As originally submitted, the tree house resembled a traditional 'Wendy house' in terms of its design. This was considered to be out of keeping with the area due to the bulk of the design and would be visually prominent given its location and height. However, revised plans have been submitted which seek to retain the existing timber deck and instead it is proposed that timber balustrade will surround the tree house. The balustrade would feature open support columns which will allow views through the tree house and therefore reduces its effects on the openness of the green belt and visual impact. In addition, the tree house is situated on a living tree and whilst it has been pruned the neighbouring tree is mature and would help to obscure the development particularly in the summer months. Due to its location, it would only be visible from the driveway associated with the application property and would be largely obscured by existing development and outbuildings in situ. In addition, views taken from the east would be limited to the adjacent field which the applicant has confirmed is within their ownership beyond which is the Orchre Brook and dense woodland which limits views to the immediate setting of the site.

Although the development would reduce the openness of the green belt to a relatively small degree, the visual impact is localised to that of the private amenity space and drive fronting the property and land to the east. It will be in a concealed position in relation to neighbouring properties and as discussed above would be obscured by natural vegetation to its north and western extents. As such, whilst there may be glimpse attainable in winter months due to the open nature of the tree house it is not considered that the development would result in visual harm to the landscape character and openness of the Green Belt.

Heritage

Policy CS20 sets out the Local Planning Authority's approach to managing the Borough's historic environment and requires development proposals to preserve or enhance the Borough's historic and architectural assets. It further requires preservation of local distinctiveness and character of the Borough's historic assets through sensitive design of new development, including appropriate integration with their setting and immediate landscape.

Paragraph 200 of the NPPF requires applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As originally submitted, a heritage statement was not included as part of the application submission. However, the Planning Statement does include a brief description of the heritage properties of the application site. It identifies that Shippon 1 is not a listed building or within a conservation area but does provide context regarding its vicinity to Tarbock Hall Farmhouse which is grade II listed.

Notwithstanding the comments made in the Planning Statement, whilst Shippon 1 is not identified as an individual Listed Building, it is curtilage listed by way of association with Tarbock Hall Farmhouse.

Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be.

Shippon 1 has been created following the conversion of former farm buildings which formed part of the Tarbock Hall complex with the main dwelling have been altered and extended through various applications. The setting in the vicinity of Shippon 1, particularly the position closest to the building is somewhat domesticated by the addition of ornamental garden features and ad hoc additions which are not attuned to the agricultural setting.

The proposal is considered in light of s66(1) of the Planning (Listed Buildings and Conservation Areas Act 1990) which states that 'In considering whether to grant planning permission for any works the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

The Conservation and Design Officer was consulted as part of the application and raised no objection to the principle of development subject to recommendations relating to design and materials.

The applicant has revised the proposes to omit the freestanding canopy and progress with a revised design to the tree house. The Tree House would instead be a raised platform contained by open timber balustrade.

Although the tree house would be of some height it would sit below the gable end ridge and would also be obscured by the trees particularly in the summer months. As such, it is not considered that it would adversely affect the heritage setting of Tarbock Hall or its curtilage given the domesticated nature of the surrounding area and therefore the development would result in less than substantial harm to the significance of the heritage asset.

Design

The platform is of simple design as currently in situ whilst the balustrade would add some design to the overall development concept. There are number of timber framed structures found within the private amenity space. Similarly there is fencing found locally off Ox Lane fronting the wider private estate which would bear a similar appearance to that of the balustrade.

The development is considered acceptable in terms of design.

Residential Amenity

The Farmhouse

The Farmhouse is located to the west of the application property. Although the raised platform is of some height most views would be obscured by virtue of the existing outbuilding together with mature trees providing the common law boundary between The Farmhouse and the application property. As such, it is not considered that the residential amenity of existing and future occupiers would be adversely affected.

Shippon 2

Shippon 2 is the adjoining property. Due to the location of existing structure it would be largely obscured by the application property and trees associated with the development. However, new views would be provided to Shippon 2's private amenity space due to its location and height.

The common law boundary shared by the application property and Shippon 2 comprises a dwarf post and rail fence meaning that the private amenity space is not likely to be adversely affected given how the two properties currently operate.

No representations have been made by neighbours raising objection to the proposed development and it is not considered that the proposed development would adversely affect the residential amenity of this occupier.

No other properties would be affected.

Highways

No adverse effect to highways safety would occur as a result of the proposed development.

Trees

The tree subject to this application was damaged during storm event but is still living. The Tree Officer confirms there would be no adverse impact to the tree.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways (subject to condition attached). The proposal also complies with the relevant Core Strategy, Replacement UDP policies and guidance in the NPPF and is therefore recommended for approval subject to conditions.

Recommendation

That planning permission will be granted subject to the following condition(s):-

- 1) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
11.09.2023	02		LOCATION PLAN
24.01.2024	04	REV A	PROPOSED SITE PLAN
24.01.2024	01	REV B	PROPOSED FLOOR PLANS AND ELEVATIONS
11.09.2023	--		TREE SURVEY
11.09.2023	--		TREE SURVEY COVER LETTER

Signed Case Officer¹: **John Fleming**

Signed Authorising Officer²: **K Foster**

Date: **12 February 2024**

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed.

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed.