

APPLICATION NO: 23/01833/FUL

CASE OFFICER: Andrew Hunt

WARD: Northwood

PARISH:

LOCATION: Coach Road Farm, Cut Lane, Kirkby, Knowsley, L33 3AJ

PROPOSAL: CHANGE OF USE AND EXTENSIONS (INCLUDING RAISING OF ROOF HEIGHT) OF FORMER DUTCH HAY BARN TO 1NO. DWELLING, CONVERSION OF FORMER PIGGERY TO ANCILLARY HOME OFFICE / DOMESTIC ACCOMMODATION AND MEANS OR ACCESS AND EXTERNAL LANDSCAPING WORKS

Site Description

The application site located in an isolated, rural and remote area at Coach Road Farm, Cut Lane. The site is bounded by a wooded area to the south, by the main farm to the southwest, by a recent barn conversion to the west and farmland to the north and east. The site comprises a Dutch Barn and Piggery building. The Dutch barn is in a poor state of repair with large gaps around the building and is almost fully open on one side. The piggery however, is a solid brick building and is relatively well preserved with solid walls and a roof. The site, (particularly the piggery) is considered to be of historical interest but is not listed or within a conservation area. It is therefore considered to be a non - designated heritage asset.

Proposal

The proposal is for the change of use and extensions (including raising of roof height) of former Dutch Hay Barn to 1no dwelling, conversion of former piggery to ancillary home officer/domestic accommodation and means or access and external landscaping works.

Consultations

Arboricultural Officer - no objections providing the AIA and AMS are made approved documents.

Environmental Health – No Objection subject to conditions in relation to contamination, a construction/demolition management plan and construction demolition hours.

Highways – No Objection.

Merseyside Environmental Advisory Service – The Preliminary Roost Assessment is considered out of date and does not sufficiently cover the Piggery building. A preliminary Roost Assessment (for bats) is required prior to determination. An updated assessment is required for barn owl and swallows and breeding birds and a

mitigation strategy is required prior to determination for barn owls and swallows. Several mitigation measures from the previous application are no longer included. A Habitats Regulations Assessment is required, and to allow this to be undertaken additional information is required. Natural England must be consulted. Other remaining issues could be addressed via conditions.

Merseyside Fire and Rescue – No Objection subject to informatives.

Natural England – No Objection.

Representations

This application has been publicised by letters sent to 6 neighbours. 3 Objections have been received consisting of the following main points:

- The proposal is inconsistent with Green Belt Policy.
- The open metal Dutch barn does not seem substantial enough to warrant conversion to a dwelling, unlike the brick barn currently under conversion. This is not a conversion but a new dwelling in the Green Belt. This is in contrast to the stone barn which was an existing complete structure.
- The Dutch barn is in the greenbelt and the design in the application seems to be out of character with the surrounding farmhouse and cottages. The use of large windows on the west elevation and the use of industrial steel is out of character in the Greenbelt.
- The application will lead to traffic problems and highway safety issues as Cut Lane is not designed for large volumes of traffic and is in a poor state of repair. There have been numerous examples of cars having to be towed out of a ditch by the side of the road. This area is also well used by cyclists and pedestrians.
- If the road is damaged this would block access to the homes.
- I am concerned about the impact on wildlife.
- I am concerned about the impact on water supplies in the area, in particular the flow and pressure.

Planning History

An application for conversion of the stone barn to the west was approved (22/00299/FUL – approved 21/12/2022). (This application originally included the conversion of the Dutch Barn but this element was removed following advice to the applicant that this was likely to be unacceptable in principle).

A variation of condition application to change the elevations and replace wooden windows with UPVC was approved (23/02831/FUL – approved 31/01/2024).

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.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles
CS5 – Green Belt
CS7 – Transport Networks
CS8 - Green Infrastructure
CS19 - Design Quality and Accessibility in New Development

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

DQ4 - Trees and Development
G6 - Conversion or Change of Use of Existing Buildings in the Green Belt

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Assessment

Principle of Development

Policy

The application site is situated within the Green Belt.

Core Strategy Policy CS5 states that Inappropriate development will not be permitted in the Green Belt except in very special circumstances in which it has been demonstrated that the harm to the Green Belt (including any harm to its openness, purposes or to its visual and recreational amenities) would be clearly outweighed by other considerations.

UDP Policy G6 states that Proposals for the conversion or change of use of existing buildings in the Green Belt will be permitted provided they meet certain criteria including that the proposals would not have a materially greater impact on the openness of the Green Belt and that the building is of permanent and substantial construction.

NPPF Para 154 states that the construction of new buildings is inappropriate in the Green Belt subject to certain exceptions, one of which (g) allows the redevelopment of previously developed land.

“g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or”

NPPF para 155 also states that other forms of development are also not inappropriate in the Green Belt.

“155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

d) the re-use of buildings provided that the buildings are of permanent and substantial construction”;

NPPF para 152 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Para 153 states that 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.

“152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. 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 resulting from the proposal, is clearly outweighed by other considerations”.

In terms of the impact of the development on openness, National Planning Practise Guidance gives the following as factors to consider when assessing Green Belt openness.

“These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- the degree of activity likely to be generated, such as traffic generation”.*

Assessment

In terms of the site, it is considered that the site is not a brownfield site and would not meet the exception in NPPF para 154 g). In terms of Para 155 d), it is considered that the Piggery building meets the test of being of permanent and substantial construction. However, the Dutch Barn is partially open on 3 sides with large gaps between the brickwork and the roof, and almost fully open on one side with only a small portion of brickwork and structural supports on this side. The structure allows views through from one side to the other. There is an existing corrugated metal roof with small wooden support beams hanging down, however many of these are missing and this gives the building a derelict and run down appearance. The structure is almost fully open the elements.

The applicant’s structural report states that the roof is asbestos and would have to be removed in any development for the health of any future residential occupiers. The roof is the only solid part of the structure that does not have gaps in it. By removing the roof from the structure, the only elements that would remain would be partially built brick walls and support beams. In addition, the proposals propose an increase in the height of the eaves and ridge, this will result in the only part of the building being retained is potentially the blockwork walls that do not enclose the entire building. This does in no way constitute a permanent and substantial building. Therefore, the proposal would be a fundamental replacement and rebuild of the structure rather than a conversion. Overall, it is considered that the remnants of the Dutch Barn are more of a structure than a building and the structure is not of permanent and substantial construction. As a result, the application fails to comply with NPPF para 155 d) or Policy CS5 of the Local Plan Core Strategy.

In terms of the impact of the development on openness, it is considered that the development would have a greater impact on openness than the current buildings. Specifically, there would be a much greater volume of hardstanding and paving than currently particularly at the north of the site. Resulting is a greater spread of development within the site. In relation to hardstanding, there would be a large amount of hardstanding and parking spaces with 5 parking spaces proposed. This is greatly in excess of the 3 parking spaces that would normally be expected for a house of this type and suggests that there would be more traffic movements to and from the site than a typical residential dwelling, resulting in greater impact on

openness. Overall, there would be significantly more hardstanding and paved areas, these changes would result in the development as a whole having a greater impact on openness of the Green Belt than the existing site, contrary to NPPF para 155.

Overall, the application would not meet any of the exceptions in the NPPF for new building in the Green Belt and would constitute inappropriate development in the Green Belt. It is considered that no very special circumstances have been demonstrated by the applicant. As a result, the application is therefore contrary to Core Strategy Policy CS5, UDP policy G6 and the NPPF para 152 to 155.

Design

Policy

Part 1 a) of Core Strategy Policy CS19 states that development within Knowsley will be expected to Respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment;

NPPF para 130 c) requires that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

NPPF para 139 states that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Assessment

In relation to the design of the scheme, the barn conversion would involve metal sheet roofing with metal sheet walls. The materials are considered to be inappropriate for a residential building and are more suited to an industrial or agricultural use. The barn would also have many large windows on one elevation and many small but wide windows on the other side. The windows and rooflight are also arranged in irregular and uneven clusters with a lack of harmony, symmetry and consistency. It is considered that the number and arrangement of the windows would look out of place and unusual for a residential building. It would clash with the window arrangement of the neighbouring barn conversion and detract from the character of the area.

Overall, it is considered that the development would be of poor design and would fail to match the character of the existing building on site or provide an attractive residential environment. Therefore, the development is contrary to Core Strategy Policy CS19, and NPPF paras 130 and 139.

Neighbour Amenity

Part 2 of Core Strategy Policy CS19 requires that development proposals avoid

unacceptable impacts on existing residents, business occupiers, and future occupiers.

NPPF para 130 c) requires that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

The New Residential Development SPD states that new to new principal rear elevations for 2 storey properties should achieve a minimum of 20 metre between dwellings and a principal elevation to a gable should be a minimum of 12 metres.

The existing stone barn conversion (22/00299/FUL) would be located only around 12.1 metres from the Dutch Barn. This would be sufficient for a blank wall but not for dwellings which face each other. Both buildings would contain several habitable room windows which would directly face each other at a distance of only 12 metres. This distance is only just over half the minimum distances between dwellings required by guidance and would result in inadequate privacy for the occupiers of both buildings.

Overall, the extension would fail to ensure good living conditions for neighbours or future occupiers and would be contrary to Core Strategy Policy CS19 and NPPF para 130.

Highway Safety

NPPF para 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In relation to highways impacts, it is acknowledged that Cut Lane is a rural road that is not designed for large volumes of traffic and there are pre-existing issues with the road. However, the level of traffic generation from 1 additional dwelling is not considered to be significant enough to represent a severe or unacceptable impact on the highway network. This view is supported by the council's highways department who have no objection to the development. As a result, refusal of the application would not be justified on highways grounds. Overall, it is considered that there would not be significant harm to highway safety and the application complies with NPPF para 115.

Trees

In relation to tree impacts, there are trees within the wider site, however, these are proposed to be retained as part of the development. Overall, there would be no harm in relation to trees. This is supported by the views of the council's arboricultural officer who has no objection to the development.

Ecology

Core Strategy Policy CS8 states that planning powers will be used to Protect, enhance and/or introduce biodiversity into existing areas of Green Infrastructure,

through integration into the design of new development and public realm projects.

NPPF para 186 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

In relation to ecology. An updated preliminary ecological assessment and information to enable a habitats regulations assessment, was requested from the applicant. On an email dated the 20th September 2023, the applicant's agent stated that they would update the Habitats Regulations Assessment and re-submit this Information, and commission an updated bat survey from the piggery. An extension of time was agreed to enable these works to be undertaken and to attempt to resolve ecology issues to narrow down any areas of dispute in the event of a planning appeal.

"MEAS require an updated bat survey for the piggery and an 'assessment of likely significant effects' scoping exercise to determine whether a full HRA is required. We have already done this scoping exercise for the stone barn, which concluded a HRA was not required. We will therefore simply update and re-submit this to MEAS and with hindsight it should have been included in the planning application documents.

We will commission the updated bat survey for the piggery as requested.

The remaining content of the MEAS response in relation to amphibians and small mammals can all be dealt with via a Planning Condition, as was the case with the stone barn".

However, on the 21st December 2023, following a request for an update by the case officer, the applicant's agent confirmed that they now did not intend to submit any further information and that considered that it was now anyway out of season for the bat survey and that issues could instead be addressed via a condition. This directly contradicts the agents email of 20th September in which they stated that would undertake ecology work.

As a result, given the lack of additional information from the applicant, it is not possible to conclude that the habitats regulations assessment has been complied with or that impacts on bats, barns owls and swallows are or can be made acceptable. These elements are too fundamental to the development's ecological impact to leave to a planning condition. The surveys may reveal findings which may require alterations to the scheme, which would be too late at condition stage. In addition, any recommendations of the reports for mitigation measures would not be able to be secured via condition as this would be too late.

Several ecological mitigation measures previously included in the application for the stone barn (22/00299/FUL) have now been removed and the application is worse in relation to ecology than the previous scheme (when the Dutch barn was originally part of the planning application).

In conclusion, additional information is required to enable a habitats regulations

assessment to be undertaken prior to determination, along with other ecology surveys. This view is supported by Merseyside Environmental Advisory Service (MEAS) who object to the development in the absence of the above issues being addressed.

Overall, the development is contrary to the Conservation of Habitats and Species Regulations 2010 (as amended), Core Strategy policy CS8, and NPPF para 186.

Conclusion

The proposal is unacceptable in principle, and the development would cause significant harm in relation to the design of the building, residential amenity, ecology, The development is contrary to the Conservation of Habitats and Species Regulations 2010 (as amended), the Core Strategy and Unitary Development Plan, the National Planning Policy Framework and New Residential Development and Design Quality in New Development Supplementary Planning Documents.

Recommendation

Refusal

That Planning Permission be refused for the following reasons:

- 1) The development is inappropriate development in the Green Belt as the building is not of permanent and substantial construction and the development would lead to a greater impact on the openness of the Green Belt. No very special circumstances have been demonstrated, in support of the proposal. Therefore, the development is contrary to Local Plan Core Strategy Policy CS5, Unitary Development Plan Policy G6 and National Planning Policy Framework paragraphs 152 to 155.
- 2) The design of the development is unattractive, lacks harmony, symmetry and consistency and is incongruous to the surrounding built development, causing significant harm to the character of the area. The development is therefore contrary to Local Plan Core Strategy Policies CS17 and CS19, the Design Quality in New Development and New Residential Development Supplementary Planning Documents, and National Planning Policy Framework paragraph 130 and 139.
- 3) The development, would fail to provide adequate privacy for future occupiers and neighbours, resulting in significant harm to their living conditions and would be contrary to Local Plan Core Strategy Policy CS19 and National Planning Policy Framework paragraph 130.
- 4) The application has failed to demonstrate that the ecological impacts from the development are or can be made acceptable. Therefore, the development is contrary to the Conservation of Habitats and Species Regulations 2010 (as amended), Local Plan Core Strategy Policy CS8, and National Planning Policy Framework paragraph 186.

Signed Case Officer¹: **Andrew Hunt**

**Signed Authorising
Officer²:** **K Foster**

Date: **11 March 2024**

Informatives

N/A

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