

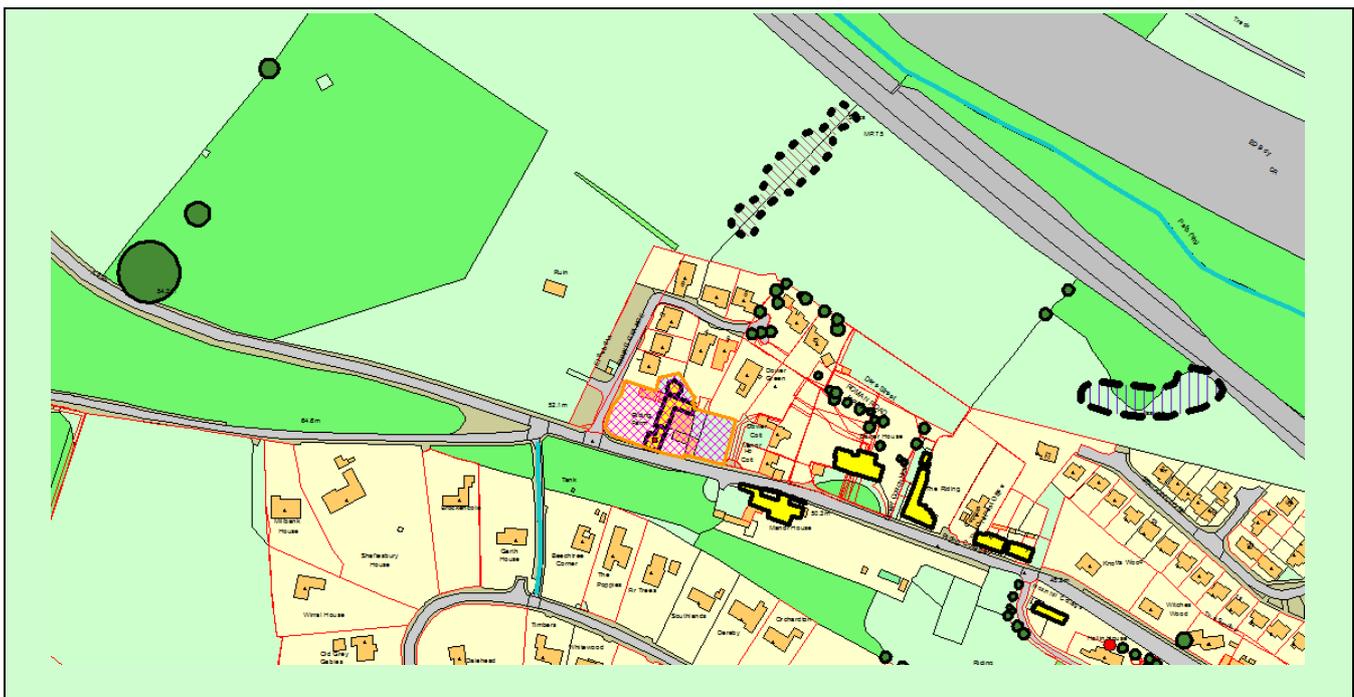


# Northumberland County Council

## Tynedale Local Area Council Planning Committee 11 December 2018

<b>Application No:</b>	18/01224/LBC		
<b>Proposal:</b>	Listed building consent for demolition of existing modern structures, Change of Use of existing agricultural buildings to residential use including internal and external alterations and construction of 1.5 storey extension on footprint of previous building.		
<b>Site Address</b>	Riding Farm, Riding Mill, NE44 6HW		
<b>Applicant:</b>	Trustees of the Riding Farm Settlement c/o Land Factor, Hexham Business Park, Hexham, NE46 3RU	<b>Agent:</b>	Mr Keith Butler Unit 11 South Acomb, Bywell, Stocksfield, NE43 7AQ
<b>Ward</b>	Stocksfield And Broomhaugh	<b>Parish</b>	Broomhaugh And Riding
<b>Valid Date:</b>	6 April 2018	<b>Expiry Date:</b>	1 June 2018
<b>Case Officer Details:</b>	Name: Ms Melanie Francis Job Title: Senior Planning Officer Tel No: 01670 625549 Email: melanie.francis@northumberland.gov.uk		

**Recommendation:** That this application be REFUSED permission



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## **1. Introduction**

1.1 The application is to be determined by the Tynedale Local Area Committee as a local councillor has requested that it is determined by committee.

## **2. Description of the Proposals**

2.1 Listed building consent is sought for the change of use of agricultural buildings to two dwellings, including the demolition of modern structures and the construction of a 1 ½ storey extension at Riding Farm, Riding Mill. The site, located on the western edge of the village is part of a farmstead which is no longer in agricultural use and includes a farmhouse and former yard area to the west which are not part of this application.

2.2 The proposed dwellings would use the existing access to the farmbuildings located to the east of the farmhouse. The farmbuildings consist of two ranges: an L-shaped range on the west with gingang to the north, which would be one dwelling, and a L-shaped range at the front (south-east corner) of the site which would provide the second dwelling. An area of land to the east would provide garden areas for both properties.

2.3 The western property would be created by converting the existing two storey range of buildings, which is attached to the farmhouse to the south, the single storey offshoot attached on the north-west corner and the gingang to the north. A modern building which currently covers and infills the yard area between the buildings would be removed and replaced by a 1½ storey kitchen/dining area, with bedroom above. A new single storey entrance porch would connect the new extension to the existing building on the ground floor. The gingang would be converted into a living room by infilling the openings with glazing and doors. This would be connected to the main range of buildings by an opening created in the northern elevation of this range. This building would have a bedroom on the ground floor, plus living space, with a staircase introduced to access the bedrooms and bathrooms on the 1<sup>st</sup> floor. New internal openings on the ground floor would be created for interconnection between the various buildings. In the roof, seven rooflights would be introduced. Parking for this property would be in the existing yard area, south of the new extension. A gated access would be created in the historic brick wall on the eastern side of the yard to provide access into the proposed garden area. This property would also have a small area of garden around the gingang, which coincides with the existing northern boundary of the site.

2.4 The southern, L-shaped range of single storey building attached to the cartshed with granary above, would be converted with a kitchen/living room on the ground floor created by demolishing part of the wall between two of the buildings. The cart shed openings would be glazed on the western elevation. A new window would be created on the ground floor eastern elevation. A staircase would be introduced to access three bedrooms and two bathrooms on the 1<sup>st</sup> floor. Two parking spaces would be provided on the western side of the building. The garden area to the east would be accessed through the property.

2.5 The northern range of farm buildings, including the gingang are grade II listed, whilst the southern range are considered to be curtilage listed. The buildings are of

stone construction with slate and stone roofs. The late 18<sup>th</sup> century buildings consist of a cartshed with granary above, byres, and a barn. The gingang, which retains its wooden roof construction, but no machinery, dates to the early 19<sup>th</sup> century. The yard area between the two ranges of buildings is infilled with a modern roofed building. On the eastern side of the site is an area overgrown with grass and small trees, bounded by brick walls to the north and west, stone walls and buildings to the south, and a wooden fence to the east. The western and northern walls are former garden walls of possible 18<sup>th</sup> century date. Attached to the western range of buildings is the farmhouse which is separately listed grade II. No works are proposed to the farmhouse.

2.4 The site is located on the western edge of the village of Riding Mill, adjacent to the A695.

2.5 Submitted with the application were the following:

- Historic Building Assessment (P F Ryder December 2016)
- Design and Access Statement and Heritage Statement
- Fabric Schedule
- Window/Door Opening Schedule
- Fabric Detail

2.6 An application for planning permission (ref: 18/01223/FUL) for the conversion of these buildings is currently under consideration.

### 3. Planning History

**Reference Number:** 17/03518/DEMGDO

**Description:** Prior notification for demolition of former hay barn in the yard to the west of Riding Farm

**Status:** Prior Notification not required

**Reference Number:** 18/01223/FUL

**Description:** Demolition of existing modern structures, Change of Use of existing agricultural buildings to residential use including internal and external alterations and construction of 1.5 storey extension on footprint of previous building

**Status:** Pending consideration

**Reference Number:** 18/01246/FUL

**Description:** Construction of two one and a half storey dwellings and alterations to parking and access arrangements

**Status:** Pending consideration

**Reference Number:** T/940079

**Description:** Demolition of boundary wall and outbuilding (As amended by plans received 13.4.94)

**Status:** Permitted

#### 4. Consultee Responses

Broomhaugh And Riding Mill Parish Council	Support: an amendment to the plans now includes realigning a wall adjacent to the public footpath which improves the width of the footpath, and it brings redundant buildings back into use.
Building Conservation	Objection: in the absence of fundamental information including structural information we are unable to determine the acceptability of the scheme. Overall consider that the development proposals are harmful to the heritage assets and their setting and that the degree of harm is substantial.

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	10
Number of Objections	0
Number of Support	0
Number of General Comments	0

##### Notices

Site notice: expired 16 May 2018

Press notice: expired 11 May 2018

##### Summary of Responses:

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=P6PZC0QSFPE00>

#### 6. Planning Policy

##### 6.1 Development Plan Policy

Tynedale Local Development Core Strategy (2007)

BE1 Principles for the environment

Tynedale District Local Plan (Adopted April 2000)

GD2 Design criteria

BE21 Alterations to listed buildings

##### 6.2 National Planning Policy

## **7. Appraisal**

7.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local authority to have special regard to the desirability of preserving the listed building, its setting and any features of special architectural or historic interest which it possesses.

7.2 The NPPF (paragraph 192) states that when determining planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to a viable use consistent with their conservation; and the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality.

7.3 Paragraphs 193 and 194 of the NPPF go on to say 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. Any harm to the significance of a designated heritage asset should require clear and convincing justification.

7.4 The existing buildings no longer have an agricultural function and are not used by the existing tenants of the farmhouse. In order to establish whether buildings are capable of conversion, particularly those that because of their nature and age are likely to have shallow foundations, the Local Planning Authority must be assured of the structural capacity of the building for any intrusive works. In this case those works include underpinning, the insertion of stainless steel rods, demolition, new openings, insertions and internal alterations, the installation of services, the construction of a new extension and the alteration of the roof. A structural survey to make this assessment has been requested since pre-application discussions took place but has not been submitted.

7.5 The Conservation Officer has acknowledged that the conversion of the listed buildings to residential use is acceptable in principle but without a structural report, they are unable to fully assess whether the building is capable of the degree of change required, and that areas of the application require revision. In terms of the proposal, the Officer has no objection to the principle of underfloor heating but full details have not been submitted, plus they have concerns regarding the insertion of a concrete floor into the building which is not appropriate or sympathetic to a listed building. There is also a lack of information on service plans and how they would impact on the buildings. The removal of the modern shed which covers the yard area would, in the views of the Conservation Officer, enhance the listed farm buildings and their setting. Concerns have also been expressed by the Conservation Officer in relation to the proposed increase in the height of the western range in order to provide a bat loft. The Conservation Officer considers that this would be harmful to the listed buildings and that this, plus the other changes to the building would result in substantial harm.

7.6 The farmstead provides an interesting and attractive group of buildings, which includes the distinctive gingham with its conical slate roof which is relatively intact. It

is acknowledged that internal alterations have already been made to the barn roof structure with new rafters inserted and that the removal of the modern shed covering the yard area would improve the setting of the listed buildings. However, without a structural report to fully assess the application, the degree of intervention required and the buildings capacity for this proposed change of use, it is impossible to be assured that the application would sustain the existing buildings, particularly when underpinning and the need for inserting rods into the building is required. This, together with a lack of information in relation to services and heating systems is not acceptable when assessing an application for listed building consent. Further revision in relation to the doors and fenestration is also required to provide a scheme that would be more appropriate to the buildings.

7.7 A number of new openings are proposed within the building, which the agent considers would not impact upon the significance of the heritage assets. Whilst we have accepted a number of new openings to establish connectivity within the buildings, the large opening that would be created between the southern range and the cartshed/granary represents too great a loss of fabric which would not be acceptable and we have recommended that the size of this opening should be reduced.

7.8 Extensions to farm buildings are rarely appropriate or acceptable. In this instance, however, a 1½ storey extension to provide a large kitchen and bedroom above, plus a new entrance porch has, because of the previous history of the site and the fact that the modern farm building would be removed, therefore enhancing the character of the farmstead, been supported. Unfortunately, other information required and alterations recommended by the Local Planning Authority have not been forthcoming.

7.9 It is considered that the application would, based on the information submitted result in substantial harm to the designated heritage assets ie the listed building. Paragraph 195 of the NPPF states that where a proposed development would lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm, or *all* of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

7.10 The agent has stated that recent approvals by the Local Planning Authority for the change of use and alteration of listed buildings which have been in the County's ownership represent cases where public benefit outweighed harm. The re-use of publicly owned buildings cannot be compared with a situation where the permission would result in personal or group profit. The agent considers that at Riding Farm any harm would be outweighed by the public benefit of protecting the buildings from further decay and bringing them back into use; there would be economic benefits by investing in the buildings; and social benefits in the use of the buildings for housing.

7.11 Whilst acknowledging that these buildings have not been in agricultural use for a considerable time and a new use for the buildings is required, any new use has to be appropriate and fully justified. The Local Planning Authority recognises that a change of use to residential could be appropriate but the scheme as submitted would represent substantial harm to the buildings. In cases such as this the NPPF directs that these applications should be refused unless *substantial* public benefits outweigh that harm or all of the criteria above are met. All of the above criteria have not been met and the limited public benefits would not outweigh this identified harm. In this respect the application would not accord with Core Strategy Policy BE1, Local Plan Policies GD2 and BE21 and the NPPF.

#### Other matters

##### *Equality Duty*

7.12 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

##### *Crime and Disorder Act Implications*

7.13 These proposals have no implications in relation to crime and disorder.

##### *Human Rights Act Implications*

7.14 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.15 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.16 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and

public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 The lack of relevant information, which would enable a full assessment of the development, plus a number of the proposed changes, would not sustain and enhance the listed buildings in accordance with relevant planning policy and legislation. Without this information it is considered that there would be substantial harm for which clear and convincing justification has not been provided. It is considered that any limited public benefits would not outweigh this harm. It would fail to accord with Core Strategy Policy BE1, Local Plan Policies GD2 and BE21 and paragraph 195 of the NPPF.

## **9. Recommendation**

That this application be REFUSED permission subject to the following:

### Reason

1. The proposal would, with the alterations to the buildings and the lack of information to substantiate those changes, represent substantial harm to the listed buildings for which any limited public benefits that can be demonstrated would not outweigh that harm. The application would fail to accord with Core Strategy Policy BE1, Local Plan Policies GD2 and BE21 and the NPPF.

**Background Papers:** Planning application file(s) 18/01224/LBC