

SCHEDULE A: Applications with Recommendation

22/0214

Item No: 04

Date of Committee: 05/08/2022

Appn Ref No:
22/0214

Applicant:
Equorium Property
Company Limited

Parish:
Hayton

Agent:
Harraby Green Associates

Ward:
Brampton & Fellside

Location: The Forge, Skellion Farm, How Mill, Brampton, CA8 9JL

Proposal: Variation Of Condition 15 & Removal Of Condition 16 Of Previously Approved Permission 14/0003 (Erection Of 1 No. Holiday Letting Unit On Site Of Redundant Agricultural Building) To Enable Mixed Residential And Holiday Let Use Of The Forge/Barn 'B'

Date of Receipt:
16/03/2022

Statutory Expiry Date
11/05/2022

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether The Proposal Would Be Acceptable In Principle

3. Application Details

The Site

- 3.1 Skellion Farm is a two-storey stone farmhouse which lies on the southern side of a courtyard and which is adjoined by a single-storey stone dwelling (which was formerly a barn). Two two-storey stone properties are located on the northern side of the courtyard, one of these is in residential use and one is used as holiday accommodation. A single-storey swimming pool building is located on the western side of the courtyard. A pond is located to the south of the buildings, with open fields adjoining the courtyard to all other

sides.

Background

3.3 In March 2014, planning permission was granted for the demolition of an open fronted metal shed which was adjoined by a two-storey stone barn and to replace it with a new build holiday let (14/003). An application was also submitted to convert two existing stone barns to two dwellings (14/0004). One of these dwellings is attached to the holiday let, with the other being located on the opposite side of the farmyard, adjacent to the existing farmhouse.

3.4 The following conditions were attached to permission 14/0003 to ensure that the building was used for holiday let purposes only.

15. The building hereby approved shall be used for holiday accommodation only and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning [Use Classes] Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The site is within an area where it is the policy of the Local Planning Authority not to permit additional residential development and to ensure compliance with Policy EC16 of the Carlisle District Local Plan 2001-2016.

16. The building hereby approved shall not be used at any time as sole and principal residences by any occupants.

Reason: The site is within an area where it is the policy of the Local Planning Authority not to permit additional residential development and to ensure compliance with Policy EC16 of the Carlisle District Local Plan 2001-2016.

The Proposal

3.5 This application is seeking to vary condition 15 and remove condition 16 of permission 14/0003 to enable the building to be used for both residential and holiday let use. Condition 15 would be amended to read:

15. The Forge/Barn B shall be used for residential (Use Class C3) and / or holiday accommodation (Sui Generis) and for no other purpose including any other purpose in Classes C3 or Sui Generis of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

3.6 The application is accompanied by a supporting statement which makes the following points:

- the ramifications of the coronavirus (COVID – 19) pandemic has led to a

review of the business model of the Estate, and the consequent effective use of resources. In relation to Barn B/The Forge the difficulties stem from the fact that it is currently unlet and there are periods (particularly outside of the summer months) when the property has remained vacant;

- in such circumstances, the current application has been submitted to vary condition 15 and remove 16 imposed under 14/0003 and thereby give greater flexibility in the occupation of that unit. This would enable The Forge to be occupied either as a holiday let or for a more extensive period as a residential dwelling;

- in comparison to the occupation of the unit as holiday accommodation the impact on such issues as the living conditions of neighbouring residents and biodiversity would not be materially altered because of this application;

- the main issue is considered to be whether the conditions restricting the occupancy of the building to holiday accommodation are necessary and reasonable, having regard to a) the policies of the development plan; b) the strength of the rural economy; and c) the accessibility of the site;

- there is no specific policy in the CDLP 2015-2030 that addresses the removal of holiday occupancy conditions;

- the building, as per the neighbouring dwellings, is capable of permanent occupation;

- it is recognised that the unit has not been subject to a recent separate marketing exercise, but this is because it is integral to the Estate's property portfolio at Skellion Farm. There is no intention to separate The Forge from the remaining dwellings at Skellion Farm. In such circumstances, no evidence is being submitted arguing that there is no demand for the property as holiday accommodation. Rather, the over-riding concern is that the occupation of the building has been seasonal;

- as it stands, the building has ongoing maintenance and operational costs as holiday let accommodation but is currently vacant and not in use for holiday purposes;

- the proposal is the Estate's response to overcoming the disuse of the building and thereby safeguard the visual amenity of the area;

- the imposed conditions arose in the policy context that applied in 2014.

National and local planning policy has evolved since the original grant of planning permission. Paragraph 80(c) of the Framework now indicating that the re-use of disused buildings in the countryside is acceptable, without any preferred hierarchy of uses related to the accessibility of the location. Policy HO6 of the CDLP 2015-2030, similarly, supports the conversion of disused rural buildings without any preference for tourism uses over residential, or any reference to the accessibility of the location;

- if the unit was still disused, its use as a dwelling would accord with the aims of the Framework and the Local Plan regarding the conversion of rural buildings. Consequently, the continued restriction on the occupation of the building for holiday purposes only, is not necessary or reasonable having regard to current development plan policy;

- the occupation of the building for holiday accommodation would have benefits for the rural economy, as tourists would bring trade to businesses and facilities in the area. However, even if a holiday use was re-established, it is likely that the building would be occupied primarily in the summer months, and therefore the economic benefits would be concentrated during the holiday season. Under the current proposal, the occupants of the unit

could support local services and facilities throughout the year;

- whilst the economic benefits arising from a permanent dwelling may be different to a holiday use, we are not suggesting that, in aggregate terms, they would be any less. Consequently, the conditions restricting the occupancy of the building to holiday accommodation, are not necessary or reasonable having regard to the strength of the rural economy;
- the option to use the unit as a dwelling will not give rise to additional highway danger compared to a holiday let;
- it is recognised that the site lies outside the limits of any settlement, but it is also the case that the occupation of the building for holiday purposes would generate a need to access services and facilities. These needs may be different to those of permanent residents, but there is no evidence to indicate that a less restricted residential use would result in a significantly greater level of private vehicular movements, compared with a holiday use;
- it is considered that the conditions restricting the occupancy of the building to holiday accommodation are not therefore necessary or reasonable, having regard to the accessibility of the site;
- condition 15 as worded and condition 16 are not necessary or reasonable in the light of current development plan policies;
- furthermore, a less restricted residential use would neither harm the rural economy nor accessibility;
- taken together, these factors demonstrate that the current restriction is no longer justified. The development, with condition 15 re-worded and removal of condition 16, would comply with Policy HO6 of the Local Plan, which supports the conversion of rural buildings.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and notification letters sent to three neighbouring properties. No verbal or written representations have been made during the consultation period.

5. Summary of Consultation Responses

Hayton Parish Council: - no observations.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP2, SP6, H02, H06, EC9, EC11, GI3, GI6, CC5, IP3 and IP6 of the Carlisle District Local Plan

2015-2030.

6.3 The proposal raises the following planning issues:

1. Whether The Proposal Would Be Acceptable In Principle

6.4 In March 2014, planning permission was granted to demolish an open fronted metal shed which was adjoined by a two-storey stone barn and to replace it with a new build holiday let (14/0003). In March 2014, planning permission was also granted to convert the adjacent two-storey stone barn and a single-storey stone barn attached to the main farmhouse into two dwellings (14/0004). When the application was determined, the proposal to erect a new build holiday unit was acceptable in principle as the NPPF and the Local Plan were (and still are) both supportive of proposals to diversify the rural economy. Similarly, the proposal to convert the existing traditional stone barns into dwellings was compliant with planning policies. Under the National Planning Policy Framework (NPPF), the conversion of traditional barns into dwellings was acceptable, providing there was some enhancement of the immediate area. In this case, bringing the barns back into use and the removal of the modern brick extension to the rear of one barn and the removal of the open fronted metal shed provided enhancements to the immediate area.

6.5 The new build holiday let replaced an open fronted metal shed which was not capable of conversion to a dwelling. Whilst a new build holiday let was acceptable, the erection of a new dwelling in this location would not have been acceptable in 2014 and would not be acceptable under current planning policies.

6.6 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby. Paragraph 80 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality.

- 6.7 Policy HO6 (Other Housing in the Open Countryside) of the adopted Local Plan permits the conversion of structurally sound or disused buildings to dwellings providing that the development would lead to an enhancement to the immediate setting of the building. The building is currently used as holiday accommodation and the change of use of the building to a dwelling would not lead to any enhancement of the building, given that it is relatively recent new build.
- 6.8 Given that the property is a new build, Policy HO2 (Windfall Housing Development) of the adopted Local Plan is relevant and this only permits new housing within or on the edge of Carlisle, Brampton, Longtown and villages within the rural area. Given that the site is located within a farm complex that lies within the open countryside and is not within or adjacent to a village/ settlement, the proposal to remove conditions to allow the property to be used a dwelling would be contrary to Policy HO2.

Conclusion

- 6.9 This proposal is seeking to remove conditions to allow a new build holiday let (which replaced an open fronted metal shed which was not capable of conversion to a dwelling) to be used as a dwelling. Para 80 of the NPPF and Policy HO6 of the adopted Local Plan permit the conversion of redundant or disused buildings to dwellings providing that the development would lead to an enhancement to the immediate setting of the building. The building is currently used as holiday accommodation and the change of use of the building to a dwelling would not lead to any enhancement of the building, given that it is a relatively recent new build. Local Plan Policy HO2 only permits new housing within or on the edge of Carlisle, Brampton, Longtown and villages within the rural area. Given that the site is located within a farm complex that lies within the open countryside and is not within or adjacent to a village/ settlement, the proposal to remove conditions to allow the property to be used a dwelling would also be contrary to Policy HO2.

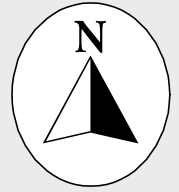
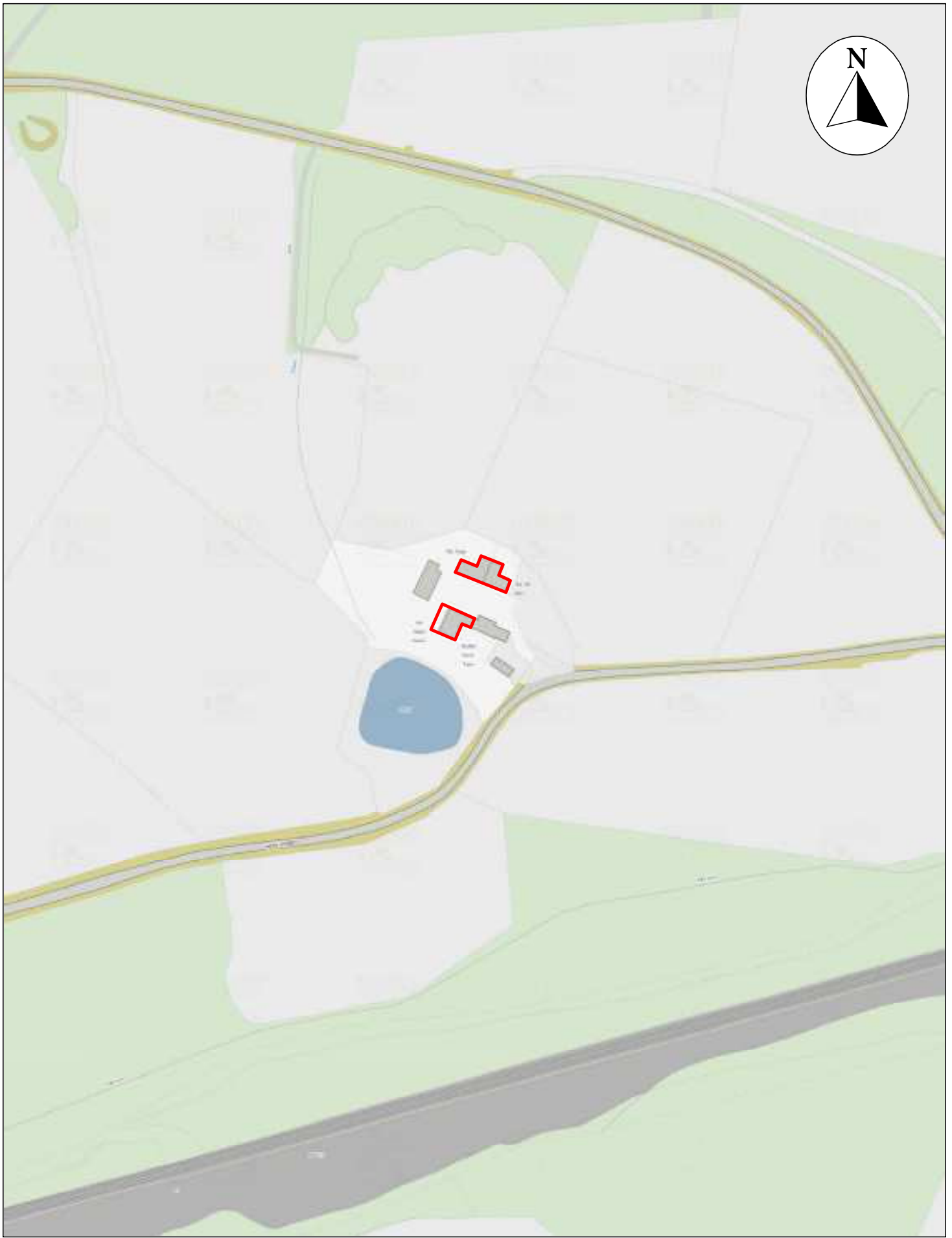
7. Planning History

- 7.1 In September 2013, an Agricultural Determination was approved for the erection of a storage building for agricultural vehicles and animal feeds (13/0015/AGD).
- 7.2 In March 2014, planning permission was granted for the erection of 1no. holiday letting unit on site of redundant agricultural building (14/0003).
- 7.3 In March 2014, planning permission was granted for conversion of barns to form 2no. dwellings (14/0004).
- 7.4 In July 2015, planning permission was granted for extension to previously approved barn conversion (14/0004) to provide 2no. additional bedrooms

and erection of communal pool hall (15/0200).

8. Recommendation: Refuse Permission

1. **Reason:** This proposal is seeking to remove conditions to allow a new build holiday let (which replaced an open fronted metal shed which was not capable of conversion to a dwelling) to be used as a dwelling. Para 80 of the NPPF and Policy HO6 (Other Housing in the Open Countryside) of the Carlisle District Local Plan 2015-2030 permit the conversion of redundant or disused buildings to dwellings providing that the development would lead to an enhancement to the immediate setting of the building. The building is currently used as holiday accommodation and the change of use of the building to a dwelling would not lead to any enhancement of the building, given that it is a relatively recent new build. Policy HO2 (Windfall Housing Development) of the Carlisle District Local Plan 2015-2030 only permits new housing within or on the edge of Carlisle, Brampton, Longtown and villages within the rural area. Given that the site is located within a farm complex that lies within the open countryside and is not within or adjacent to a village/ settlement, the proposal to remove conditions to allow the property to be used a dwelling would also be contrary to Policy HO2.
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Proposed variation of condition 15 and removal of condition 16 imposed under 14/0003 to allow mixed residential and holiday let use of The Forge/Barn "B" at Skellion Farm, How Mill, Brampton CA8 9JL



Supporting Planning Statement

Background Information

In 2014, under application 14/0004, planning permission was given for the conversion of two barns (Barns "A" and "C") to form two dwellings in addition to the existing farmhouse.

Also, under application 14/0003, planning permission was given for "Barn B" as a holiday letting unit. Condition 15 imposed under 14/0003 states:

"The building hereby approved shall be used for holiday accommodation only and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning [Use Classes] Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification."

Condition 16:

"The building hereby approved shall not be used at any time as sole and principal residences by any occupants."

In the case of both conditions, the reason given was that:

"The site is within an area where it is the policy of the Local Planning Authority not to permit additional residential development and to ensure compliance with Policy EC16 of the Carlisle District Local Plan 2001-2016."

Under application 15/0505 conditions 4, 5, 6, 8 and 14 imposed under 14/0003 were discharged.

Description of Proposal

The planning permissions granted under 14/0003 and 14/0004 have been implemented and the use of Barn B as a holiday let (now known as The Forge) and the remaining properties as dwellings commenced to generate income for the Hayton Estate - Barn A is called the Old Stable House and Barn C The Old Barn.

The ramifications of the coronavirus (COVID – 19) pandemic has led to a review of the business model of the Estate, and the consequent effective use of resources.

In relation to Barn B/The Forge the difficulties stem from the fact that it is currently unlet and there are periods (particularly outside of the summer months) when the property has remained vacant.

In such circumstances, the current application has been submitted to vary condition 15 and remove 16 imposed under 14/0003 and thereby give greater flexibility in the occupation of that unit. This would enable The Forge to be occupied either as a holiday let or for a more extensive period as a residential dwelling.

It is suggested that condition 15 be re-worded along the following lines:

"The Forge/Barn B shall be used for residential (Use Class C3) and / or holiday accommodation (Sui Generis) and for no other purpose including any other purpose in Classes C3 or Sui Generis of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order."

Proposed variation of condition 15 and removal of condition 16 imposed under 14/0003 to allow mixed residential and holiday let use of The Forge/Barn "B" at Skellion Farm, How Mill, Brampton CA8 9JL



Supporting Planning Statement

Planning Policy

Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (PPG) and Policies SP1 (Sustainable Development), SP6 (Securing Good Design), HO6 (Other Housing in the Open Countryside), IP3 (Parking Provision), and GI3 (Biodiversity) of the Carlisle District Local Plan 2015-2030 (CDLP).

Policy HO6 (Other Housing in the Open Countryside) states that new housing in the open countryside will be allowed if it involves the conversion of structurally sound redundant or disused buildings, and providing that it would:

- a) lead to an enhancement of the immediate setting of the building; and
- b) be able to access the road network without the need to construct access tracks which would have an unacceptable impact on the landscape.

On the subject of "Rural Housing", paragraph 80 of the NPPF states that:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *the development would involve the subdivision of an existing residential building; or*
- e) *the design is of exceptional quality, in that it:*
 - *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area."*

Main Issue

In comparison to the occupation of the unit as holiday accommodation the impact on such issues as the living conditions of neighbouring residents and biodiversity would not be materially altered because of this application.

As such, the main issue is considered to be whether the conditions restricting the occupancy of the building to holiday accommodation are necessary and reasonable, having regard to a) the policies of the development plan; b) the strength of the rural economy; and c) the accessibility of the site.

Proposed variation of condition 15 and removal of condition 16 imposed under 14/0003 to allow mixed residential and holiday let use of The Forge/Barn "B" at Skellion Farm, How Mill, Brampton CA8 9JL



Supporting Planning Statement

Assessment

Development Plan

When assessing the proposal regarding the policies of the CDLP 2015-2030, we would like to make the following points.

Firstly, there is no specific policy in the CDLP 2015-2030 that addresses the removal of holiday occupancy conditions.

Secondly, the building, as per the neighbouring dwellings, is capable of permanent occupation.

Thirdly, it is recognised that the unit has not been subject to a recent separate marketing exercise, but this is because it is integral to the Estate's property portfolio at Skellion Farm. There is no intention to separate The Forge from the remaining dwellings at Skellion Farm. In such circumstances, no evidence is being submitted arguing that there is no demand for the property as holiday accommodation. Rather, the over-riding concern is that the occupation of the building has been seasonal. As it stands, the building has ongoing maintenance and operational costs as holiday let accommodation but is currently vacant and not in use for holiday purposes.

Fourthly, the proposal is the Estate's response to overcoming the disuse of the building and thereby safeguard the visual amenity of the area.

Fifthly, the imposed conditions arose in the policy context that applied in 2014. National and local planning policy has evolved since the original grant of planning permission. Paragraph 80(c) of the Framework now indicating that the re-use of disused buildings in the countryside is acceptable, without any preferred hierarchy of uses related to the accessibility of the location. Policy HO6 of the CDLP 2015-2030, similarly, supports the conversion of disused rural buildings without any preference for tourism uses over residential, or any reference to the accessibility of the location.

Finally, if the unit was still disused, its use as a dwelling would accord with the aims of the Framework and the Local Plan regarding the conversion of rural buildings. Consequently, the continued restriction on the occupation of the building for holiday purposes only, is not necessary or reasonable having regard to current development plan policy.

Rural Economy

The occupation of the building for holiday accommodation would have benefits for the rural economy, as tourists would bring trade to businesses and facilities in the area. However, even if a holiday use was re-established, it is likely that the building would be occupied primarily in the summer months, and therefore the economic benefits would be concentrated during the holiday season. Under the current proposal, the occupants of the unit could support local services and facilities throughout the year.

Whilst the economic benefits arising from a permanent dwelling may be different to a holiday use, we are not suggesting that, in aggregate terms, they would be any less. Consequently, the conditions restricting the occupancy of the building to holiday accommodation, are not necessary or reasonable having regard to the strength of the rural economy.

Proposed variation of condition 15 and removal of condition 16 imposed under 14/0003 to allow mixed residential and holiday let use of The Forge/Barn "B" at Skellion Farm, How Mill, Brampton CA8 9JL



Supporting Planning Statement

Accessibility

The option to use the unit as a dwelling will not give rise to additional highway danger compared to a holiday let.

It is recognised that the site lies outside the limits of any settlement, but it is also the case that the occupation of the building for holiday purposes would generate a need to access services and facilities. These needs may be different to those of permanent residents, but there is no evidence to indicate that a less restricted residential use would result in a significantly greater level of private vehicular movements, compared with a holiday use.

On this basis, it is considered that the conditions restricting the occupancy of the building to holiday accommodation are not therefore necessary or reasonable, having regard to the accessibility of the site.

Conclusion

It is considered that condition 15 as worded and condition 16 are not necessary or reasonable in the light of current development plan policies. Furthermore, a less restricted residential use would neither harm the rural economy nor accessibility. Taken together, these factors demonstrate that the current restriction is no longer justified. The development, with condition 15 re-worded and removal of condition 16, would comply with Policy HO6 of the Local Plan, which supports the conversion of rural buildings.