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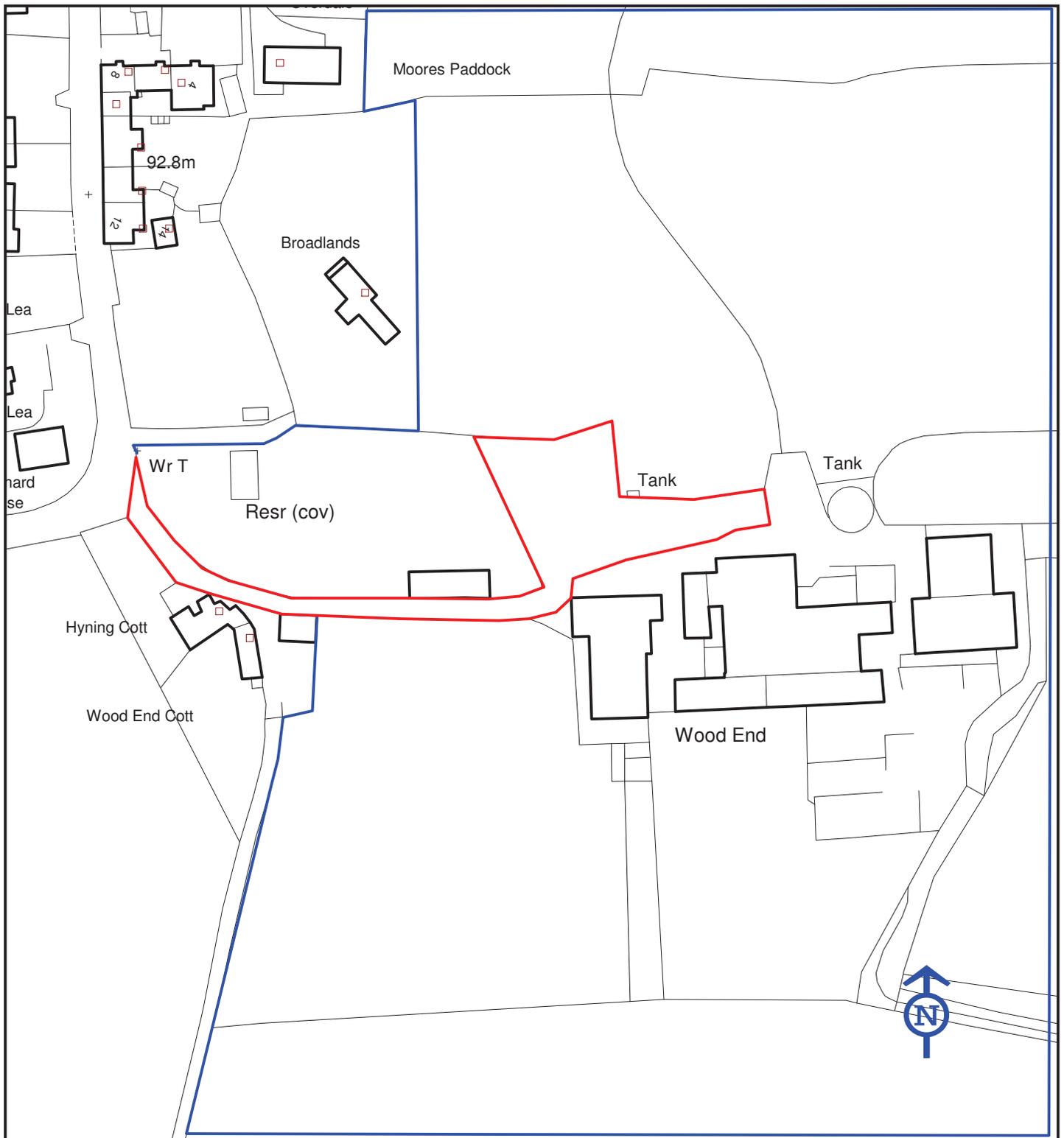
SL/2017/0087 & SL/2017/0088

PARISH: Kirkby Lonsdale
Wood End Farm, Low Biggins

PROPOSAL: Conversion and alterations of farm house to form two dwellings

APPLICANT: Mrs Katy Harrison, Mason Gillibrand

Grid Ref: E: 360658 N: 478116



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SL/2017/0087 & SL/2017/0088

**Wood End Farm
Low Biggins
Kirkby Lonsdale
LA6 2DH**

Scale 1:1250

SUMMARY

1. This report covers three planning applications relating to Woodend Farm at Low Biggins. The first two of these are Full Planning and Listed Building Consent to sub-divide the main farmhouse, SL/2017/0087 and SL/2017/0088, from one dwelling to two dwellings. The third application is an Outline Application with All Matters Reserved to demolish a range of modern agricultural buildings and associated structures and construct nine new houses, three of which would be affordable (SL/2015/0695).
2. The key issues that apply to this application are:
 - whether the principle of the subdivision of the existing farmhouse and the building of new houses acceptable in this location, and
 - whether the proposed works would cause harm to the setting of the listed building and would be secure conservation benefits
3. The application has been requested to be brought to Planning Committee at the request of the Local Ward Councillor

RECOMMENDATION

4. To Delegate Authority to the Director of People and Places to grant Full Planning Permission and Listed Building Consent for the subdivision of the main house into two dwellings and to Grant Outline Approval with All Matters Reserved subject to the conditions outlined at the end of this report. That approval is subject to securing a section 106 agreement securing the works to the listed buildings as part of the enabling development, to deliver the three affordable houses and management of the communal Surface Water Scheme and Open Space.

DESCRIPTION AND PROPOSAL

Site description

5. Woodend Farm is a Grade II Listed farmstead on the south-eastern edge of Low Biggins, a small hamlet on the southern fringes of Kirkby Lonsdale, to the southern side of the A65. The site consists of the main farmhouse a range of traditional barns which run to the south of the farmhouse, across the main access track and a substantial range of modern buildings including slurry towers and pits and silage clamps to the south and east of the traditional historic farm range on slightly rising land.
6. The site itself currently in very low level agricultural use but the farming activity from the buildings on site has now almost completely ceased and serviced from elsewhere with both the farmhouse and barn now empty. The farmhouse, whilst watertight, is in need of modernisation, whilst the listed traditional barn range is dilapidated and the other agricultural buildings on site are in need of repair.
7. The Listing describes the site as:

“Grade 2. C18 with later alterations and additions. Two storeys. Rubble, recently pebble- dashed. Slate roof. Two chimneys. Three windows, all with chamfered surrounds, all but centre first floor with crude labels. That on first

floor right hand side retains single mullion chamfered to an edge, as did ground floor left hand side until recently. Sashes only to first floor. Gabled slate roofed enclosed porch before central doorway with moulded reveal. Later C19 addition to left hand side.”

8. The site is accessed from a minor road from the west which already serves the farm and agricultural buildings. This tarmacked route passes the nearest two domestic properties which are some 70 metres to the west of the proposed development site and are the nearest properties to the proposed development.
9. A Public Right of Way passes the site to the west of the main farm steading (FP540001) before passing to the immediate north of the buildings, beyond the farmhouse. There is a Limestone Pavement Order on land to the north and east of the site, on part of which there are a group of trees.

Proposal

10. The proposal Full Planning Permission and Listed Building Consent to convert the main farmhouse into two dwellings (SL/2017/0087 and SL/2017/0088).
11. To facilitate the works and the necessary highways and other infrastructure improvements Outline Permission with All Matters Reserved is sought to demolish the modern agricultural buildings and ancillary structures for the construction of nine new dwellings, three of which are proposed to be affordable dwellings to the east of the main traditional range (SL/2015/0695).
12. The indicative plan shows these houses to be in a courtyard setting with garden areas with a proposal to remove the silage clamps and change part of existing hardstanding back to agricultural land.
13. It is proposed to secure both the affordable housing and the Listed Building enhancements as part of phased works as part of a S106 agreement.

HISTORICAL CONTEXT

14. The listed traditional barn range to the south of the farm house was granted planning permission to be converted into two dwellings in 2015 (SL/2015/0531 and SL/2015/0532).
15. Previously pre-application advice was sought for housing on the land to the east as part of an infilling and rounding off application. As part of that advice it was decided the site was not infilling and rounding off in the context of Low Biggins therefore was considered to be open countryside and any housing would need to be 100% affordable housing
16. The farm house and barns have become empty and redundant. Further discussions have taken place since the farming activity has ceased about securing improvements to the site and works to the listed buildings with discussions with our Conservations Officer about securing conservation benefits from the development.

CONSULTATIONS

Kirkby Lonsdale Town Council:

17. The Town Council generally support the application but there are concerns that the actual design of the main houses of the outline permission and its relationship with the listed buildings and the increase in traffic along Biggins Lane. A wider concern is that appears to be significant piecemeal development in both Low Biggins and High Biggins being given to the overall impact on the parish and its basic infrastructure.

Cumbria County Council:

Highways and Lead Local Flood Authority

18. The improvements to the access are noted. This should be in place prior to any works starting on site (to ensure the safety of the highway users during the construction phase).
19. The layout of the new access road will not allow the road to be adopted and will therefore need to remain private. The improvements to the access does however make this application acceptable from a highway perspective.
20. The number of dwelling taking access of a private drive will be more than the current design guide states as a maximum. Considering the improvements to the access (for the first section of road) we do not consider this point a reason for refusal.
21. The public footpath was diverted from through the farmyard to the west of the buildings and would not be affected by the proposed development
22. We can therefore confirm that the highway authority and Lead Local Flood Authority has no objection to this application. But, would recommend that conditions relating to construction details of the new carriageway, surface water drainage system and access and parking/turning areas.

United Utilities:

23. No objection subject to foul and surface water being drained on separate system and details secured prior to works on site.

South Lakeland District Council:

Principal Housing Strategy Officer

24. The South Lakeland Strategic Housing Market Assessment (SHMA) identified a need for 186 new affordable homes per year (930 over the next 5 years) in the Rural Kendal Housing Market Area. Of these 100 (54%) are for smaller (1-2 bed) homes and 53 (28%) are for 3+ bed homes.
25. There are no households registered on the Housing Register for Low Biggins and no social rented homes available. There are (as at July 2015) 88 households registered on the Housing Register for Kirkby Lonsdale, being the nearest service centre, of which 79 need 1-2 bed homes (90%) and 9 need 3+ bed homes (10%). An appropriate mix for the affordable units would be two 2 bed houses and one 3 bed house. Discounted sale would be the most

appropriate option due to the location being outside of the main settlement of Kirkby Lonsdale.

Environmental Protection Officer

26. No objection subject to securing the works as required as by the contaminated land survey

Conservation Officer

27. No objection. In relation to the proposed works to the farm house has the following comment: support the proposal as it would preserve the special interest of the building by leaving it unharmed rather than unchanged.
28. In relation to the Outline Planning Permission support the proposal as, although some modest harm would occur, this would be offset by the securing of equivalent public benefits, including the enhancement of some aspects of the listed building's setting, so that the test of NPPF Policy 134 would be met.

Natural England:

29. No objection subject to taking account of the changes on the setting of the recently extended National Park and possible protected species.

Neighbours / Others:

30. The application was advertised by three site notices which were placed at the entrance to the site from Biggins Lane, a notice in the local press and neighbour letters
31. There have been representations from two neighbouring properties. Concerns raised include:
- road safety along Biggins Road and the access road,
 - inadequacy of the farm track to accommodate the proposed traffic,
 - lack of consideration given to public footpath,
 - junction improvements near the A65, and
 - the absence of street lighting in Low Biggins.

POLICY ISSUES

South Lakeland Core Strategy (CS):

32. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 14 of the National Planning Policy Framework sets out a presumption in favour of sustainable development. This means approving development proposals that accord with the Development Plan without delay. Planning should be plan-led with the Development Plan forming the primary policy document where consistent with the provision of the National Planning Policy Framework.
33. Policy CS1.1 Sustainable Development Principles
34. Policy CS1.2 The Development Strategy

35. Policy CS6.1 Meeting the Housing Requirement
36. Policy CS6.2 Dwelling Mix and Type
37. Policy CS6.3 Provision of Affordable Housing
38. Policy CS6.6 Making Effective Use of Land and Buildings
39. Policy CS8.1 Green Infrastructure
40. Policy CS8.2 Protection and Enhancement of Landscape and Settlement Character
41. Policy CS8.4 – Biodiversity and Geodiversity
42. Policy CS8.6 – Historic Environment
43. Policy CS8.8 Development and Flood Risk
44. Policy CS8.10 – Design
45. Policy CS9.2 Developer Contributions
46. Policy CS10.1 Accessing Services
47. Policy CS10.2 Transport Impact of New Development

Local Plan Land Allocations: Development Plan Document (DPD):

48. Policy LA1.0 Presumption in Favour of Sustainable Development

Saved Policies of the South Lakeland Local Plan (LP):

49. Saved Policy S2 South Lakeland Design Code
50. Saved Policy S3 Landscaping

Planning (Listed Building and Conservation Areas) Act 1990:

51. Under section 66 of the Act, the Local Planning Authority has to have special regard to the desirability of preserving a listed building and its setting.

National Planning Policy Framework (NPPF):

52. Paragraph 55 states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
53. Para 204 - Planning Conditions and obligations. Planning obligations should only be sought where they meet all of the following tests:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

Council Plan 2014 – 2019:

54. The Council has four priorities: the economy; housing; environment; and culture and wellbeing. It states that the Council will help deliver new affordable and

open market housing and enhance and protect the district's high quality environment.

Other material planning considerations

55. Amenities of adjoining neighbours
56. Protected species

Localism Act

57. The Localism Act 2011 is aimed at empowering local agencies and people to deliver and better the Government agenda. It is not directed to deliver less, but to deliver at levels to maximise or exceed Government's strategic objectives. The NPPF (The National Planning Policy Framework) and Development Plan policies are not altered by the Localism Act.
58. The Localism Act introduces local finance considerations as a planning consideration in so far as they are material to the application.

Human Rights Act

59. This application has been determined to accord with the rights and limitations of the Act in relation to Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

ASSESSMENT

60. The key issues that apply to this application are:
 - whether the principle of the subdivision of the existing farmhouse and the building of new houses acceptable in this location, and
 - whether the proposed works would cause harm to the setting of the listed building and would be secure conservation benefits

Principle

61. The principle of the development consideration can be broken down into distinct elements: the sub-division of the listed building into two dwellings and the demolition and redevelopment of the land for housing currently occupied by the modern agricultural buildings.
62. CS Policies 1.1 and 1.2 sets out the broad spatial strategy for the location of housing. It is expected that 11% of new housing should be located in the network of smaller villages and hamlets which should be limited to small scale infilling and rounding off of which reuse of existing buildings and previously developed land is sequentially preferential whilst in open countryside locations should be allowed only in exceptional circumstances two of which are the reuse of existing buildings or involves the appropriate change of use of buildings.
63. It could be argued that the existing farmhouse and farm buildings form part of the existing settlement of Low Biggins in that the existing buildings and farmhouse are seen very much within the close context of the rest of the settlement from both close and distance views. This approach was taken by the

Planning Inspector in relation to determining an appeal at the Biggins Hall Barn farm complex on the edge of High Biggins (APP/M0933/A/12/2177363) in which the Inspector states that the “redundant agricultural building clearly define the edge of the hamlet”.

64. It is considered in this instance that the existing agricultural buildings and farm steading whilst part of the townscape of Low Biggins do not define the edge of settlement such as the site as High Biggins and it is considered that the site is not small scale infilling and rounding off and is within open countryside .It therefore should be considered under CS6.4 against the exceptional criteria. It should be noted that agricultural buildings are specifically excluded from the definition of previously developed land.
65. NPPF Paragraph 55 sets out a number of criteria for development in the open countryside two of which are considered relevant to this application. These are: where 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; and where the development would re-use redundant buildings and lead to the enhancement to the immediate setting. The re-use of the farmhouse and the provision of housing to enable works to the listed buildings and the removal of the modern agricultural buildings could be considered to enhance the setting of the listed building. These issues are further considered below.
66. The farmhouse requires significant modernisation works and the removal of the farm buildings and associated infrastructure and the necessary widening of the main road are all abnormal costs in relation to the development and more significant given the extensive nature of the buildings and the area of hardstanding and slurry storage that are required to be mediated.
67. The listed traditional barn range to the south of the farm house was granted planning permission to be converted into two dwellings in 2015. However Officers believe that this should also form part of the Conservation benefits on site.
68. In open countryside locations it is expected that on rural exceptions sites any new housing should be 100% affordable housing but it is recognised that development that brings conservation benefits may not need to make the same level of provision. This scheme brings a balance of benefits and a layout has been sought which respect the setting of listed building which has resulted in a larger number of dwellings which would incorporate three new affordable dwellings (35% of the total). The proposed 6 open market dwelling would in effect subsidize the improvements of the listed buildings and the 3 affordable units
69. The site is connected to Low Biggins by both road and public footpath to the Key Service Centre of Kirkby Lonsdale the edge of which sits around 500 metres metres to the north of the proposed development in which there a large number of services available. Whilst it acknowledged that the footpath is not surfaced and there is no pavement and street lighting to the service centre other residents in Low Biggins already make use of the this network and whilst there are deficiencies it is not considered appropriate that small development sites such as these should correct past deficiencies and are not considered reasonably necessary for this development.

70. In summary it is considered that the proposed development is sustainably located, has the potential to be considered as an exceptional circumstance as it delivers the enhancement both to the setting and the fabric of a Listed Building, making the re-use of land and affordable housing and therefore is considered to be acceptable in principle in accordance with CS Policies 1.1 and 1.2, 6.3, 6.6 and NPPF Paragraph 55.

Listed Building and Conservation benefits

71. The scheme in part seeks to convert the current farmhouse into two dwellings. The design chosen for achieving this sub-division is well conceived and would not cause any undue harm to the building's internal significance. The effect on the exterior is also well designed and no harm would occur to its external architectural appearance. The reintroduction of new timber sashed and casement windows to replace PVCu double glazed windows that were installed without the benefit of consent in the 1990s would be advantageous, and would help to preserve the building through a restorative enhancement of its appearance. The changes proposed to the former extension at the end of the house would have neutral impact.
72. In relation to the outline proposal for new houses, the proposal seeks to clear away the modern agricultural accumulation and a dilapidated stone building and replace them with a courtyard development of 9 houses. These would be of two stories with conservative floor areas arranged so that only the back elevations to the two houses and car port on the west side would be prominent in views out from the listed building. It is considered that the positioning and orientation of these new buildings would help to minimise any adverse impact on the setting of the listed building, although any subsequent reserved matters application would need to focus on the scale and quality of the boundary treatments to the gardens of No's 8 & 9 as well as landscaping across the site more generally; the particular materiality and design to be employed in the west and north walls of House 9; and the design of the proposed car port.
73. The restoration of the farmstead and the return of some of the former farmyard hardstanding to pasture land would further enhance the setting of the farm group beyond the straightforward removal of the modern farm buildings. Attention also needs to be given in the design of all of these houses to their form, scale and perceived massing and to the solid to void ratios in those elevations that can be seen in views out from the listed farmhouse. These details would be controlled by the Reserved Matters application.
74. However, in evaluating the impact of this outline development proposal it is considered that the suggested new use and layout for part of the site would have a slightly adverse effect, while the consequent transformation of the farmstead and its setting would deliver some significant enhancement benefits to the both setting of the listed building and the adaptive reuse of the listed building.
75. Policy CS8.6 of the Local Development Framework Core Strategy requires the "the safeguarding and, where possible, enhancing of historic environment assets, including their characteristic settings and any attributes that contribute to a sense of local distinctiveness. In accordance with the statutory duties set out in sections 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard must be paid to the

desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess.

76. The NPPF advises 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 (NPPF, para 132); and that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (para 132). The issue of harmful impacts arising from development proposals is dealt with in paragraphs 132-134 and these must be weighed against any public benefits, including securing the optimum viable use for the building.
77. In applying the statutory duties of the 1990 Planning (LBCA) Act, it is considered overall, the proposed development is likely to have a neutral to beneficial impact on the special interest of the listed building, and it so would preserve its heritage asset significance – preservation in this context meaning keeping safe from harm rather than completely unchanged whilst in relation to its setting there would be a neutral impact but there are also a number of benefits associated with the demolition of the existing agricultural sheds and the restoration of the farmstead's traditional setting.

Landscape and Settlement Character

78. Policy CS8.2 requires that all development proposals should demonstrate that their location, scale, design and materials will protect conserve and, where possible, enhance the special qualities and local distinctiveness of the area and the distinctive settlement character. The existing site is well contained within the existing landscape with the existing buildings screened by trees, topography and other built form both in the immediate vicinity and wider views. There are limited public views to the west apart from the higher silo towers and silage clamps which whilst appropriate in a modern rural setting do cause some limited harm to wider views and the removal and reduction in the quantum of development are likely to result in an improved landscaped setting.
79. The highway works required to the access lane to the west of the development would change the character of the lane but the change is considered to be limited and appropriate with the reuse of the stone wall materials likely to limit the wider effects.
80. It is considered subject to a suitable design and materials being achieved at Reserved Matters that the proposed development would be in accordance with CS Policy 8.2.

Other Matters

81. The site has had a contaminated land survey carried out which concludes that are limited amount of hazards on farm which are likely to be managed remediated or removed and subject to the recommendations of the report (limited phase 2 (intrusive investigation), further soil and groundwater sampling and asbestos survey) which can be secured by condition.
82. Concern has been raised by neighbours whose property is adjacent to the access road about the increase in traffic to the site and the potential for conflict. The existing farm buildings and access until recently had traffic using the road including large agricultural machinery. It is proposed as part of this application

to widen the road and improve the junction and the Highway Authority have no objection subject to these works being secured by condition. It considered that subject to the highway works being secured by condition that the proposed access would be acceptable in relation to all users of the road.

83. A Protected Species Survey was submitted as part of the application and whilst a maternity roost for bats was found in the farmhouse it was considered that the proposal was unlikely to harm protected species subject to the mitigated recommendations outlined in the Report which can be secured by condition.
84. It is proposed to connect the foul drainage to the public sewer and the surface water would be drained separately to individual soakaways and rainwater harvesting tanks. It is considered that given the extensive built form and extensive hardstanding on the site that the limited surface water information can be secured by condition given the likely improvements that could be secured by condition.
85. It is considered because of the existing or recently curtailed neighbouring amenity relationships and the farming activity that, whilst recognising the scheme would lead to an increase in domestic traffic to the site, the proposed development would be acceptable to neighbouring amenity subject to secure widening to the road and junction improvements prior to the occupation of houses covered by the Reserved Matters.

Financial benefits to Local Authorities from the whole development

86. In accordance with the requirements introduced by Section 115 of the Housing and Planning Act 2016. The financial benefits of the proposed development are estimated below.

Source	Benefit
Community Infrastructure Levy	£52,787.70. Of this the 3 affordable houses have an area of 217m ² which gives a liability of £12,121.62. This would be eligible for exemption leaving liability on the 6 market houses which have an area of 728m ² and a liability of £40,666.08.
Council Tax Income	£ 20,320 SLDC element - £2200 (estimate based on 10 Band D equivalents).
New Homes Bonus	£17,220. SLDC element - £13778 (estimate based on 10 Band D equivalents).

87. It is considered limited weight should be attached to the financial benefits arising from the proposed development.
88. Council Tax is an ongoing annual income, new home bonus for four years (currently).
89. Any financial considerations would add to the overall benefits in delivering the five year housing land supply and identified housing need on this allocated site.

CONCLUSION

90. It is considered that the proposed development is sustainably located, has the potential to be considered as an exceptional circumstance as it delivers the enhancement both to the setting and the fabric of a Listed Building, making the re-use of land and affordable housing and therefore is considered to be acceptable in principle in accordance with CS Policies 1.1 and 1.2, 6.3, 6.6 and NPPF Paragraph 55.
91. Matters such as design, scale, layout, landscaping are both reserved to Reserved Matters but given the indicative plan it is considered that appropriate Conservation benefits could be achieved whilst finer details of works to the listed building can be secured by condition with the timings secured by a Section 106.

RECOMMENDATIONS

The Director (People and Places):-

92. **SL/2017/0087** Be given delegated authority to grant Full Planning Permission subject to the signing of a section 106 agreement securing the management of open space, surface water drainage, affordable housing and securing the enhancement works to the listed buildings and agreeing the layout, indicative scale and materials schedule and in accordance with conditions relating to the following:-
 1. Time
 2. As per approved Plans
 3. In relation to house 1 details of turning area and surfacing to be secured prior to works and to be implemented prior to occupation
 4. In relation House 2 garaging details submitted and approved prior to works commencing on site and completed prior to occupation
 5. Details of new windows and doors prior to works commencing and installation prior to occupation or other submitted repair or payment schedule.
 6. Details of hard and soft landscaping works prior to works commencing and implemented within first planting season after occupation
 7. As per Ecology report.
 8. Other repair works further details required prior to works commencing and works to be carried out subject to phased repair or payment schedule
93. **SL/2017/0088** Be given delegated authority to grant Listed Building Consents subject to the signing of section 106 agreement securing the management of open space, surface water drainage, affordable housing and securing the enhancement works to the listed buildings and agreeing the layout, indicative scale and materials schedule and in accordance with conditions relating to the following:-

1. Time
2. as per approved Plans
3. In relation to house 1 details of turning area and surfacing to be secured prior to works and to be implemented prior to occupation
4. In relation House 2 garaging details submitted and approved prior to works commencing on site and completed prior to occupation
5. Details of new windows and doors prior to works commencing and installation prior to occupation or other submitted repair or payment schedule.
6. Details of hard and soft landscaping works prior to works commencing and implemented within first planting season after occupation
7. As per Ecology report.
8. Other repair works further details required prior to works commencing and works to be carried out subject to phased repair or payment schedule

94. **SL/2015/0695** Be given delegated authority to grant Outline Planning Permission subject to the signing of section 106 agreement securing the management of open space, surface water drainage, affordable housing and securing the enhancement works to the listed buildings and agreeing the layout, indicative scale and materials schedule and in accordance with conditions relating to the following:-

1. Time
2. Further details in relation to access, appearance, landscape, layout, and scale (the reserved matters)
3. Surface water drainage details and to be drained separately to foul. Connection to foul prior to occupation of dwelling.
4. Further contaminated land survey work
5. As per Ecology Report
6. Construction hours
7. Completion of access and parking work prior to first occupation of new build houses.
8. External lighting scheme

P & P
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.