



**Lake District
National Park**

8

**Report from the Head of Development Management to the
Development Control Committee**

Application number:	7/2021/3133
Application type:	Full Planning application
Applicant:	Lowther Estate Ltd
Location:	Barn south of Bryham Croft Barn, Knipe, Askham, Penrith, Cumbria, CA10 2PU
Grid reference:	351780, 519950
Proposal:	Change of use of barn to a dwelling including associated operations
Report prepared by:	Kate Bellwood, Planner
Report agreed by:	Andrew Smith, Assistant Head of Development Management
Recommendation:	APPROVE with conditions

1. About this report

- 1.1 The case planner has prepared this report, assessment and recommendation taking into account our policies (known as the Development Plan), written representations we have received, and any other material considerations.
- 1.2 Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or Government planning policy (the National Planning Policy Framework) and Government planning guidance (the National Planning Practice Guidance).
- 1.3 The Development Control Committee will determine the application at its meeting having regard to the provisions of the Development Plan, representations we have received, and all other material considerations,

following a verbal and visual summary of the application by the case planner and, where applicable, after hearing any verbal representations made in accordance with our Policy for Public Speaking at Meetings.

- 1.4 Most applications are decided under powers delegated to the Head of Development Management. A small number of significant or more contentious applications are considered by our Development Control Committee as set out in our Scheme of Delegation

2 Background and proposal

- 2.1 This application is being reported to committee as we have had five objections from members of the public on substantive matters.
- 2.2 The site, being land and a traditional stone barn, is located between Knipe and Whale, on the side of the public road, which is an unclassified road. The barn is a field barn of stone construction with a slate roof. It is built directly on the road side, with the side and rear elevations facing into the large open field which surrounds it. This is a rural location with open space a dominant part of the character. There is a peaceful, tranquil atmosphere and extensive views over the Bampton Valley and towards the hills opposite. The site is visible from the Bampton-Askham Road.
- 2.3 The application seeks to convert the barn to a single dwelling with three bedrooms and an open plan living/dining/kitchen space. An existing access would lead into a new parking and turning space. A garden area would also be created by enclosing a strip of land along the building's length and a larger area to the north. Existing openings would be altered to install new windows and other existing doors would be reused. No new openings in the walls or roof are proposed. A new surface water drainage system including gutters and downpipes, as well as ground level drainage, would be required, which along with the outflow from a new package treatment plant, would connect to an outfall pipe running through farmland to the river to the west. Percolation tests have shown infiltration to be an unsuitable solution in this location.

3 Representations

- 3.1 Bampton Parish Council ‘...have no objections to this application provided the application includes a local occupancy clause.’
- 3.2 Eden District Council Environmental Health recommend conditions to require details of foul and surface water drainage.
- 3.3 Cumbria County Council as Local Highway Authority and Lead local Flood Authority ‘has no objection to the proposal subject to the conditions’. Conditions on surfacing of the access and boundary walls are requested.
- 3.3 We have received five objections from local households. Their objections can be summarised as follows:
- The road is unclassified, and not gritted during bad weather. It is gated in many places.

- The verges and hedges are not maintained where they border land owned by the estate. This reduces visibility on the road.
- The road is well used by walkers, cyclists, delivery vans, farm vehicles and emergency services
- Road speeds vary from over cautious to excessive and there are few passing places.
- The road floods in front of this barn and in other places.
- The road is unsuitable for access for any new households.
- Disturbance to owls, bats and other wildlife
- There is no mains drainage and any run off affects the river Lowther.
- Getting mains water will be tricky due to distance from the main and the change in ground levels uphill.
- Unstable internet connections and no mobile phone signal
- Cumulative impact of a number of conversions (there are five planning applications under consideration in the area) which increase population of Knipe, placing pressure on all the services and changing the community.
- The barns are in use by local farmers, storing stock and feed. Where will that farmer find alternative provision now or in the future?
- The barns are in close proximity to fields being re-wilded as part of a government funded programme.
- The barns will not be affordable to local people.
- Loss of traditional barns and farming in general
- Local residents have not been consulted either by the applicant or the LDNPA.
- Damage to roads, walls, fence, gates during construction.
- The cumulative impact of the conversion of all the barns will urbanise the valley and detract from its character.

4 Policy and guidance

4.1 The relevant Development Plan comprises:

- The Lake District National Park Local Plan 2020-2035

4.2 The following Lake District National Park Local Plan policies are relevant to this application:

- Policy 01: National and International Significance of the Lake District
- Policy 02: Spatial strategy
- Policy 03: Development and flooding
- Policy 04: Biodiversity and geodiversity
- Policy 05: Protecting the spectacular landscape
- Policy 06: Design and development
- Policy 07: Historic environment
- Policy 08: Infrastructure
- Policy 15: Housing
- Policy 19: Agricultural and land-based rural business diversification
- Policy 20: Renewable and low carbon energy

- 4.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of planning applications.

5 Assessment

- 5.1 The main issues are:

- whether the principle of development is acceptable
- whether the proposal is acceptable with respect to its impact on the character of the building and its surroundings
- impact on the local road network
- amenity of neighbours

Is the proposal acceptable in principle?

- 5.2 Policy 02 states that we will support the reuse of buildings for business or residential use where the building:

- contributes to the landscape character or historic environment, and
- is structurally sound and capable of conversion, and
- the development would not result in an unacceptable change to its character, and
- is large enough to accommodate the use proposed without the necessity of major alteration, extension or reconstruction, and
- is easily accessible to the existing road network and suitable access arrangements can be secured.

- 5.3 Policy 15 aims to deliver at least 1200 new permanent homes that contribute towards helping communities remain vibrant and resilient, achieve a better balance in the housing market, and are secured in perpetuity for permanent occupation with eligibility restricted to a geography that is tailored to local circumstances. Subject to a local occupancy condition the proposals would accord with Policy 15.

- 5.4 The building is identified as a conversion opportunity in the Lowther Whole Estate Plan endorsed by the Authority May 2021. Development which is consistent with the estate plan finds favour in principle with Policy 19.

- 5.5 Overall, I consider that the principle of conversion, subject to the site specific tests of Policy 02 which will be explored further below, is allowed by the Development Plan.

Is the proposal acceptable with respect to its impact on the character of the building and its surroundings?

- 5.6 Local Plan Policy 01 seeks to protect the internationally acclaimed historic environment of the Lake District National Park. Policies 05 and 07 seek to protect the internationally acclaimed landscape and historic environment of the Lake District National Park. Therefore development proposals should seek to conserve and enhance the character, integrity and setting of the historic environment and landscape.

- 5.7 The site is within the English Lake District World Heritage Site. World Heritage Sites are identified within the NPPF as designated heritage assets. A “landscape of exceptional beauty, shaped by persistent and distinctive agro-pastoral traditions” (including its barns) is one of the Outstanding Universal Values (OUV) of the World Heritage Site. The NPPF requires local planning authorities in exercising their functions to consider the desirability of sustaining and enhancing the significance of heritage assets. Local planning authorities should give great weight to the asset’s conservation. The more important the asset the greater the weight should be (paragraph 193).
- 5.8 Proposals may enhance, have a neutral impact or cause harm to a heritage asset. The level of harm may be less than substantial or substantial. Where less than substantial harm is likely to be caused, the harm has to be balanced against the public benefits (paragraph 196).
- 5.9 This barn is a traditional stone built field barn. It has traditional openings in the form of a large access door on the road side, and smaller doors on the south gable and rear elevation. The openings are, by and large, modern with concrete flat lintels. The windows are horizontally aligned. Amended plans have been submitted which change the size of these windows to something more traditional and acceptable, but in the same place. Thus the appearance of the barn will improve as a result of this conversion. In the Bampton Valley such buildings are reasonably common and contribute to the agricultural character of the area. The building contributes positively to landscape character by reason of its appearance, materials and location. Thus preserving the barn in this location, and preserving and enhancing its outward character is important to the character of the area.
- 5.10 The small scale alterations to the building limit visual change, with differences only particularly visible at close quarters.
- 5.11 Externally change would result from the creation of the garden and parking areas. This would result in the enclosure of part of the field, and hard surfacing areas to create parking. However the parking area is to be close to the building in an area already partly enclosed by walling. The garden is modest.
- 5.13 Conversion would see the loss of agricultural activity – a component of perceptual character that is visible at close quarters. Loss of agricultural activity does cause limited harm to perceptual character in the immediate area, and the agro-pastoral attributes of the world heritage site. However this harm is localised to the building itself. Careful conversion meanwhile ensures that the form, scale and character of the barn which comes from its appearance and position, is retained. The benefits derived from maintaining this building and the delivery of a new local needs house outweigh the limited harm from the loss of original use.
- 5.14 This conversion is also one of several currently proposed locally. The cumulative impact of several conversions on the character of the area is a material consideration. I am satisfied however that, whilst individually the developments would result in some change to the character of the area

(and this would be amplified by several conversions in close proximity), cumulative impacts on the character of the area would not be unacceptable.

- 5.15 Overall the barn contributes to the character of the local landscape. The development would maintain and enhance the character of the barn even though the use would change. The proposal is acceptable with respect to the impact on the building's character and the wider landscape.

Is the proposal acceptable with respect to highway impacts?

- 5.22 A new dwelling could add additional vehicles to the local road network. However, the route is for the most part not conducive to high speeds, and whilst there are blind bends and hills, visibility is fair for a road of this nature. The amount of traffic generated by this dwelling is not likely to be significantly disruptive to users of the highway.
- 5.23 I also take on board the cumulative impact of potential other conversions using the same road network, but consider that the level of traffic associated with all proposed dwellings can be suitably accommodated on this section of road.

Amenity

- 5.24 The barn is sufficiently distant from other properties that the alterations would have no impact on the amenity of any other residential properties.

Other matters

Is the proposal acceptable with respect to protected species?

- 5.25 Under Article 12 of the EC Habitats Directive and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 we have had regard to the requirements of the Habitats Directive. The applicant commissioned a survey for bats, owls and breeding birds. Only pigeons were identified in the building, although bats were present locally. A mitigation strategy is proposed including owl nest boxes and a bat loft within the building, and leaving some open stonework externally for bat use. Given this strategy proposed, the development can be considered of low risk in respect of protected species, satisfying the requirements of the NPPF and Local Plan Policy 04. An appropriate condition is accordingly recommended.

Is the building structurally sound and capable of conversion, and large enough to accommodate the proposed use?

- 5.26 Policy 02 expects buildings proposed for conversion to be structurally sound and large enough to accommodate the proposed use. The building appears structurally sound with no obvious cracks, bulges or deterioration of wall or roof shape. The building is large enough to accommodate a three-bed home without any extension.

Are acceptable foul drainage arrangements achievable?

- 5.27 It is a well-established principle of the planning system that it should operate on the basis that related regulatory controls operate effectively and should not be duplicated (NPPF paragraph 183). In this case it is reasonable to conclude that the discharge from the proposed treatment plant will be satisfactorily regulated by the pollution control regime. However it is appropriate to attach a condition requiring the specific details of the foul and surface water drainage scheme prior to commencement of works to ensure that all water is contained properly on site and then directed to an outfall pipe to the river, which will require licenses and permits from other bodies who will ensure that the flows from this site into the river cause no harm to ecological matters or flood control.

Surface water

- 5.28 The surface water drainage strategy will collect and drain surface water from the building and hard surfaces. This is acceptable.

Impact on agricultural practice

- 5.29 The agent for the applicant has confirmed that there is tenant and he uses it to store hay/stock. He advises that the applicant has other buildings available for hay/stock which will be offered to be applicant before any new buildings would be considered.

Renewable energy

- 5.30 No details are provided regarding renewable energy, which is necessary to accord with Policy 20. A condition to require this information is therefore necessary, and it is reasonably expected in this location that the requirements of the policy can be met through a suitable design.

Private matters

- 5.31 The provisions of other services to the barn, and not affecting other properties in terms of their supply would be a matter for those private undertakers. Also the risk of damage to roads, walls etc. during construction would a private matter between the relevant parties.

6. Conclusion

- 6.1 The proposed barn conversion provides a local occupancy dwelling in accordance with development plan policy and the detailed proposals maintain the character of the barn and the sensitive surrounding landscape.
- 6.2 Having regard to the development plan in particular policies 01, 02, 03, 04, 05, 06, 07, 08, 15, 19 and 20, the relevant policies of the NPPF, and the benefits of development (in particular safeguarding the building for the future) the scheme is considered acceptable subject to the conditions recommended.

RECOMMENDATION: APPROVE with conditions
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Conditions/Reasons

1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2 The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details:

- Drawing no. A01a and A03b received by the Local Planning Authority
- Existing Plans and Application forms received by the Local Planning Authority
- Heritage, Design and Access Statement received by the Local Planning Authority
- Bat Survey received by the Local Planning Authority

REASON: For the avoidance of doubt.

3 The dwellinghouse hereby permitted shall not be occupied otherwise than by a Person with a Local Connection as his or her Only or Principal Home, or the widow or widower of such a person, and any dependents of such a person living with him or her.

The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request so to do) such information as the Authority may reasonably require in order to determine whether this condition is being observed.

In this condition the following definitions apply:

'Person with a Local Connection' means an individual who immediately prior to occupation of the dwelling satisfies one of the following conditions:

(1) The person has been in continuous employment in the Locality defined for at least the last nine months and for a minimum of 16 hours per week; or

(2) The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or

(3) The person has been continuously resident in the locality defined for three years immediately prior to:

- a) Needing another dwelling resulting from changes to their household, (including circumstances such as getting married/divorced, having children, or downsizing)
- b) Undertaking full-time post-secondary education or skills training and is returning to the locality defined within 12 months of its completion, or

c) being admitted to hospital, residential care or sentenced to prison, and are returning to the locality defined within 12 months of their discharge/release, or

(4) The person is a former resident who lived in the Locality defined for three years and then lived outside the Locality defined for social and/or economic reasons and is returning to live in the Locality defined within three years of the date of their departure, or

(5) The person is a person who –

a) Is serving in the regular forces or who has served in the regular forces within five years prior to occupation;

b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where -

i. The spouse or civil partner has served in the regular forces; and

ii. Their death was attributable (wholly or partly) to that service; or

c) Is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service

'Locality' shall mean the administrative areas of: Bampton; Barton and Pooley Bridge; Martindale; Matterdale; Patterdale; and those parts of the Parishes of: Askham; Dacre; Hutton; Little Strickland; Lowther; Mungrisdale; Orton; Shap Rural; and Tebay which lie within the administrative area of the Lake District National Park.

An 'Only or Principal Home' is a dwellinghouse which is occupied continuously for a minimum period of six months in every twelve month period. For the avoidance of doubt the dwelling shall not be occupied as a second home or for holiday letting accommodation.

The obligations contained in this condition shall not be binding or enforceable against any mortgagee or any receiver appointed by such a mortgagee, or any person deriving title through such a mortgagee or receiver provided always that a successor in title of such a person will be bound by the obligations contained in this condition.

REASON: To ensure that the resulting accommodation is occupied by persons with a defined local need in order to comply with Lake District National Park Local Plan Policy 15 and the accompanying Housing Provisions: Supplementary Planning Document. The provisions relating to armed forces personnel are in accordance with the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012.

4 Prior to the first use of the development hereby permitted, at least a 30% reduction of the predicted CO2 emissions of the development shall be secured from decentralised and renewable or low carbon energy sources. Details and a timetable of how this is to be achieved, including details of any physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of increasing the proportion of energy generated through renewable and low carbon sources in accordance with Policy 20 (Renewable and Low Carbon Energy) of the Lake District National Park Local Plan.

5 The development hereby permitted shall not be undertaken other than strictly in accordance with the mitigation and compensation strategy detailed in the submitted bat survey received by the Local Planning Authority.

REASON: To ensure a satisfactory standard of development and to minimise the risk of unacceptable harm or disturbance to protected species in accordance with Lake District National Park Core Strategy Local Plan 2020-2035 Policy 04 (Biodiversity).

6 Prior to the commencement of development a drainage scheme detailing how foul drainage and surface water drainage, including run off from the parking area, is to be dealt with shall be submitted to and agreed in writing by the Local Planning Authority. The dwelling shall not be occupied until the details approved above have been fully implemented.

REASON: To ensure satisfactory drainage on the site in accordance with Lake District National Park Core Strategy Local Plan 2020-2035 Policy 03 (Development and Flood Risk) and Policy 04 (Biodiversity).

7 All doors, windows and associated framework and all external joinery shall be of timber construction and coloured, painted or stained in a colour, or colours, to be first approved, alongside the details of the construction and appearance of the windows and doors, in writing by the Local Planning Authority. Such painting or staining shall be undertaken not later than three months from the substantial completion of the development or not later than three months from the building hereby permitted being first brought into use, whichever is the sooner.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

8 The first five metres of the access drive, measured from the carriageway edge, shall be hard surfaced with bound material before the access is brought into use in connection with the development hereby permitted.

REASON: To prevent the spread of loose material onto the county road in the interests of highway safety.

NPPF decision notice requirements

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement

The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application by negotiating design matters and resolving concerns

regarding drainage.

Background papers

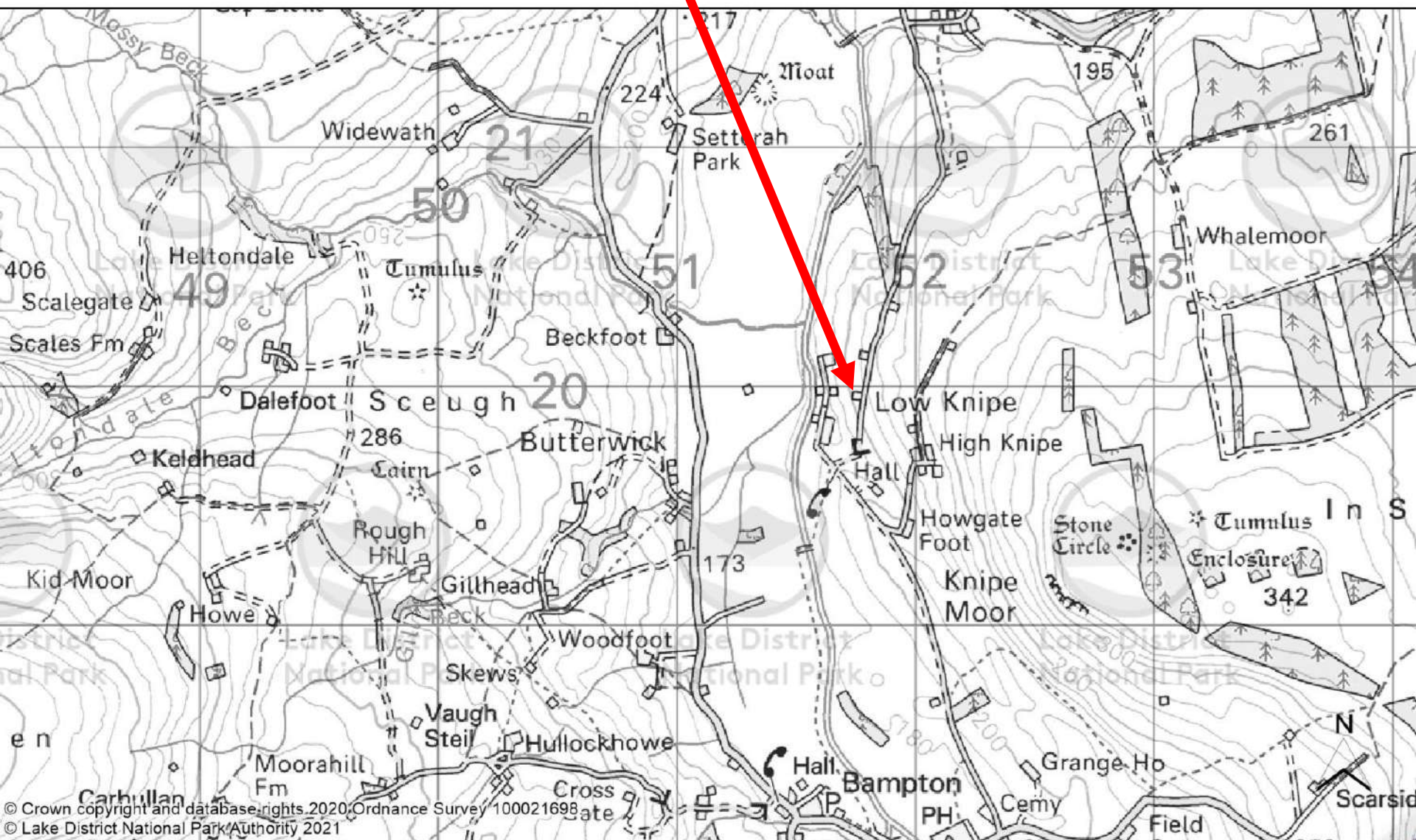
Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2021/3133

Barn South of Bryham Croft Barn, Low
Knipe, Askham, Penrith, CA10 2PU

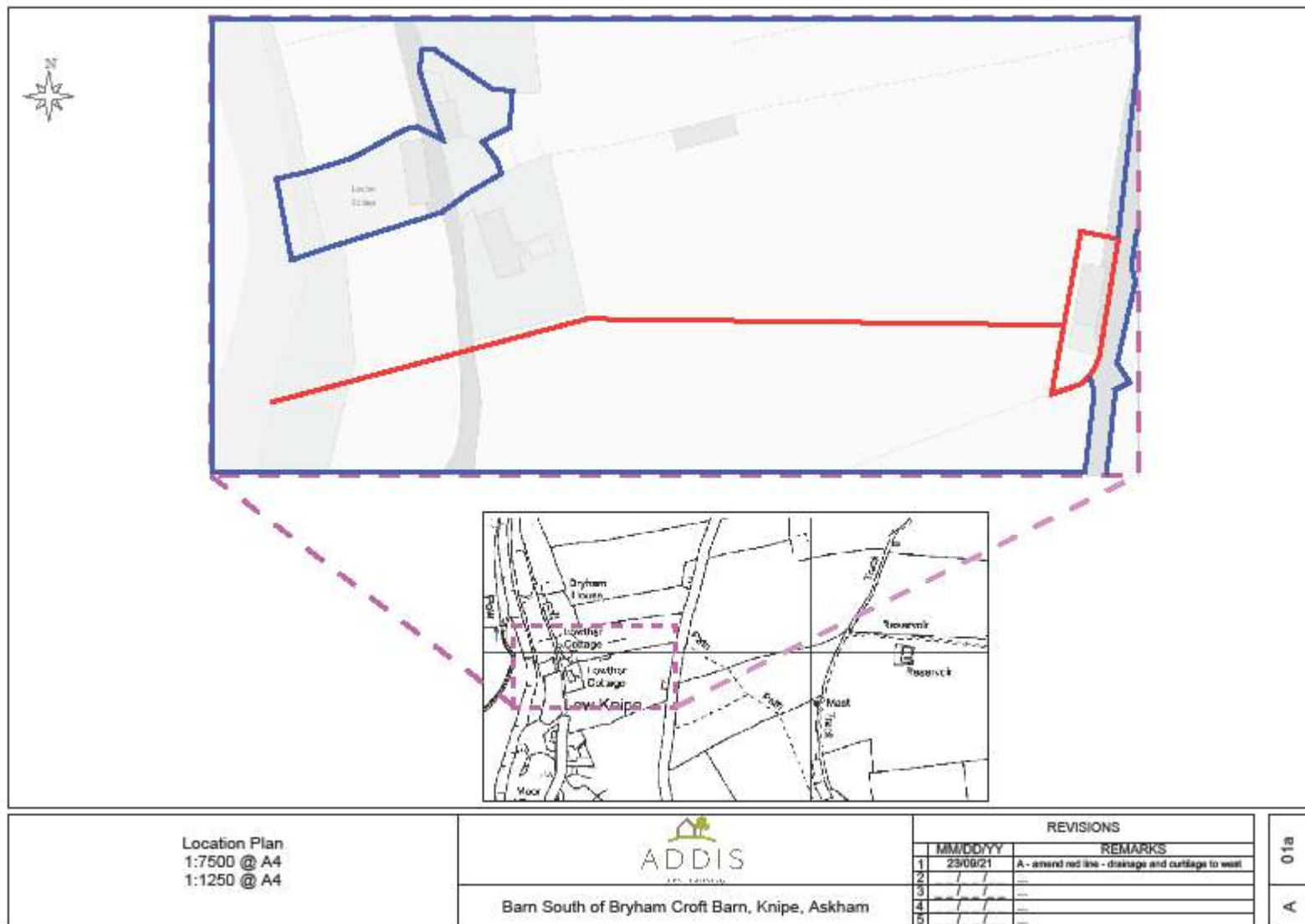
Change of use of barn to dwelling including
associated operations

Site



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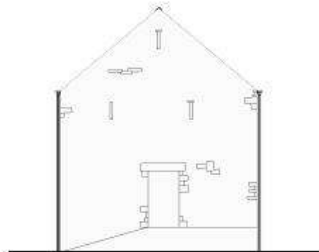
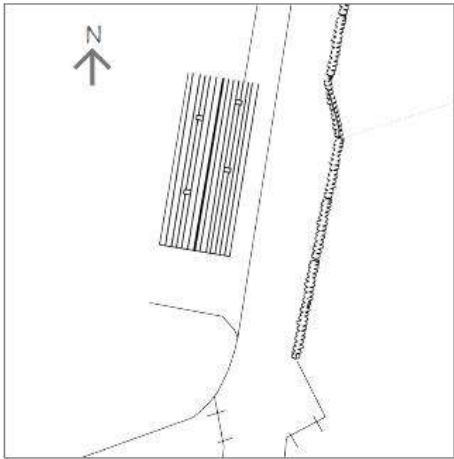


Application Site, taken from
Bampton/Helton road

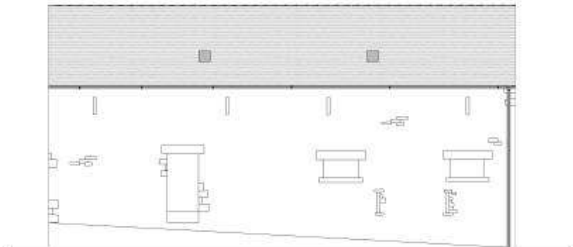
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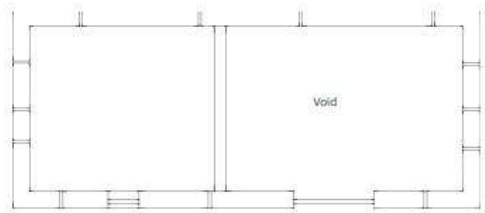




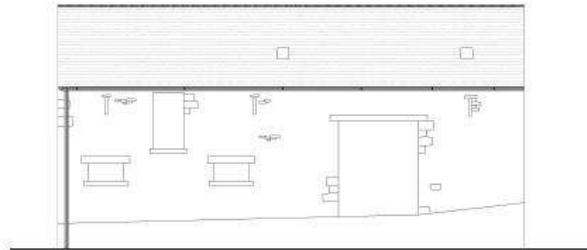
South Elevation



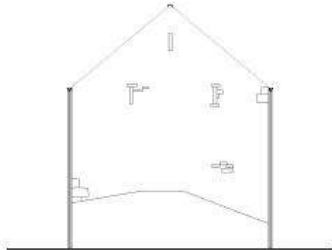
West Elevation



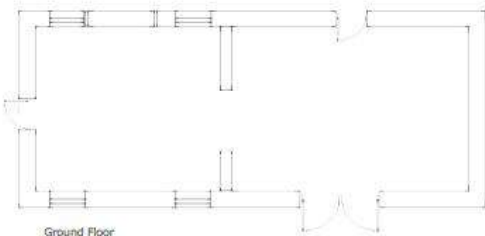
First Floor



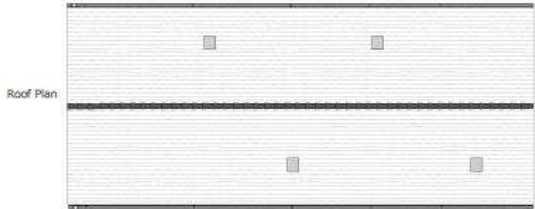
East Elevation



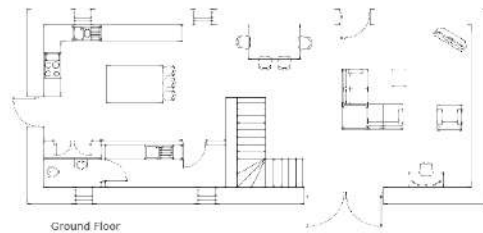
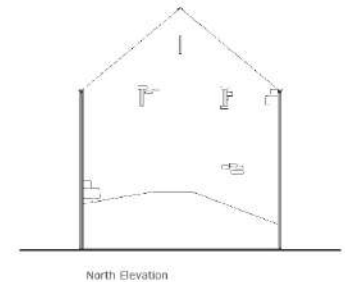
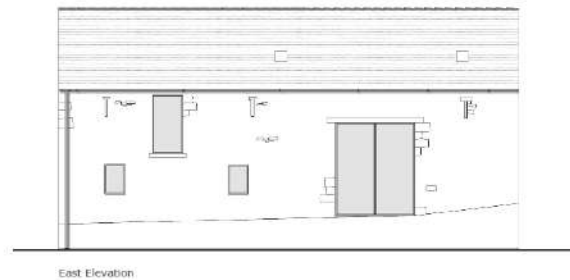
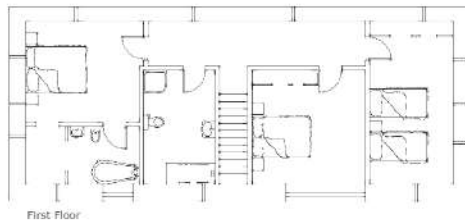
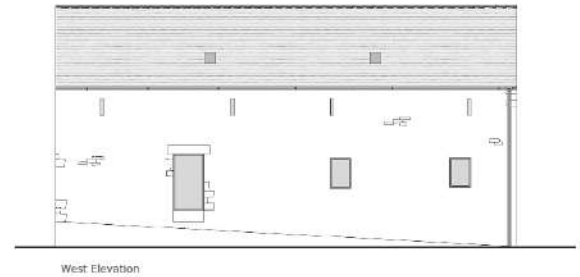
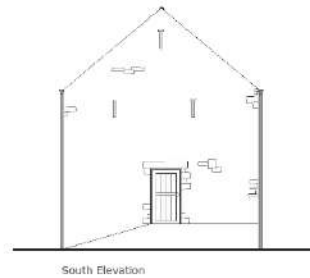
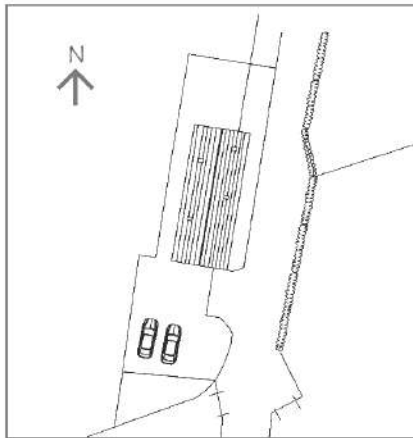
North Elevation



Ground Floor



Roof Plan



Proposed Drawing Sheet
Proposed Elevations, Floor Plan and Roof Plan 1:75 @ A1
Block Plan 1:250 @ A1
FOR PLANNING PURPOSES ONLY



Barn South of Brylans Craft Barn, Knappe, Askham

REVISIONS	
NO.	DESCRIPTION
1	1. Initial proposed structure and building form
2	2. Finalise structure and building form and building form
3	3. Finalise structure and building form and building form and building form
4	4. Finalise structure and building form and building form and building form
5	5. Finalise structure and building form and building form and building form
6	6. Finalise structure and building form and building form and building form

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