

**Item Number:** 11  
**Application No:** 15/01435/FUL  
**Parish:** Barton-le-Willows Parish  
**Appn. Type:** Full Application  
**Applicant:** The Ryedale Methodist Church Circuit  
**Proposal:** Change of use and alteration of chapel to form a 3no. bedroom dwelling to include parking/turning area, amenity area and formation of vehicular access  
**Location:** The Methodist Church And Garden Steelmoor Lane Barton Le Willows

**Registration Date:**  
**8/13 Wk Expiry Date:** 27 January 2016  
**Overall Expiry Date:** 13 January 2016  
**Case Officer:** Helen Bloomer **Ext:** 328

#### CONSULTATIONS:

<b>Building Conservation Officer</b>	No objection
<b>Countryside Officer</b>	Recommend condition
<b>Environmental Health Officer</b>	No views received to date
<b>Highways North Yorkshire</b>	Conditions recommended
<b>Parish Council</b>	No views received to date
<b>Land Use Planning</b>	No comments required

**Neighbour responses:** Mr Graham Gabriel

---

#### SITE:

The Arts and Crafts Chapel is situated on the village green within the Conservation Area of Barton Le Willows. Currently the sites' only amenity space is a path way round the periphery of the building, which is boarded by a mature hedge. The adjacent plot of land has been included in the application site to provide a small area of curtilage. There are residential properties located adjacent to the west and east elevations within approximately six metres of the boundary. However Jaspers Barn to the east is separated by the highway which is the main through road in the village, which leads to Stamford Bridge and Malton Road.

#### PROPOSAL:

The application is seeking permission for the change of use and alteration of a Chapel into a three bedroom detached dwelling without the requirement of the Local Occupancy Condition. It also includes the removal of part of the existing hedgerow to provide a vehicle access and to enable the site to benefit from an amenity and parking area

The external appearance of the chapel would remain unchanged with the exception of the south elevation where an existing door would be replaced by a smaller window to replicate those existing windows on the west elevation.

#### HISTORY:

14/00524/FUL. Change of use and alteration of chapel to a five-bedroom dwelling with parking and amenity area. Refused due to the impact the external and internal alterations would have on the Conservation Area.

15/01020/FUL. Change of use and alteration of chapel to form a 3no. bedroom dwelling and associated parking area. Withdrawn to resolve parking / access issues.

### **POLICY:**

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy  
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing  
Local Plan Strategy -Policy SP11 Community Facilities and Services  
Local Plan Strategy - Policy SP12 Heritage  
Local Plan Strategy - Policy SP14 Biodiversity  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development  
Local Plan Strategy - Policy SP20 Generic Development Management Issues  
Local Plan Strategy - Policy SP21 Occupancy Restrictions  
Local Plan Strategy - Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy  
National Planning Policy Framework  
National Planning Policy Guidance

### **APPRAISAL:**

The main considerations in accessing this application are:-

- i) Policy
- ii) Impact on the Conservation Area
- iii) Impact on Residential Amenity
- iv) Impact on the Safe Functioning of the Highway
- v) Impact on a European Protected Species
- vi) Other Issues

#### **i) Policy**

In accordance with S38(6) of the Planning Compulsory Purchase Act 2004 planning applications must be considered against the adopted Development Plan unless material planning considerations indicate otherwise. The adopted Development Plan is the Ryedale Local Plan - Local Plan Strategy, adopted 5 September 2013 and the 'saved' development limits shown on the proposals map of the Ryedale Local Plan adopted 2002. Whilst the Local Plan Strategy should be read as a whole, Policy SP1 sets (General Location of Development and Settlement Hierarchy)and is concerned with the distribution of development. The settlement hierarchy, directs the majority of development to the Market Towns, then to Service Villages. Development in other villages such as Barton le Willows will only be supported where it can be demonstrated it is necessary to support a sustainable, vibrant and healthy rural economy. The principle of housing in this location is therefore supported by SP1 (General Location of Development and Settlement Hierarchy).

The application site is an existing chapel. Policy SP2 (Delivery and Distribution of New Housing) states that the conversion of existing buildings for residential uses is normally supported providing that it is subject to a Local Need Condition in line with Policy SP21 (Occupancy Restrictions). The purpose of the Local Needs Occupancy Condition is to ensure that the relatively limited number of new houses coming forward in 'Other Villages' and the open countryside reflect the housing requirements for the locality. However as Members will note this application is seeking planning permission for the alterations and change of use from a Chapel to a dwellinghouse without the Local Needs Occupancy condition.

In line with S38(6) of the Planning Compulsory Purchase Act 2004 planning applications must be determined in accordance with the adopted Development Plan unless material planning considerations indicate otherwise. The applicant in this case has put forward a viability argument as part of the application. Members will appreciate that the financial information submitted to the LPA is

confidential. Whilst it is not possible to fully disclose the supporting information a summary has been provided below;

The Church Circuit has at present four closed chapels on the market for sale at (Barton le-Willows, Marton, Wrelton and Rillington.) These have all been on the market for in excess of 18 months. Barton le Willows is the only chapel in which any significant market interest has been shown, and all interest shown has been for residential use.

Another two chapels have recently been closed (at Lockton and Cropton ) and these will be put on the market this month. Four other village chapels are under serious threat because of falling numbers.

Chapels are closed when the congregations are too small and they become unviable. At this point responsibility for maintaining the buildings falls back to the Church Circuit until they are sold, which explains the need to dispose of them as quickly as possible. Inevitably this can only take place if a prospective purchaser is able to obtain permission for a viable alternative use.

Where redundant chapels are sold, 60% to 80% (on a sliding scale) of the proceeds, net of professional fees and other associated costs, are put into a Trust Fund for the benefit of the Local Circuit. (The remaining 20% to 40% net proceeds are retained by the Central Methodist Church to address the deficit in the clergy pension scheme). Money in the Circuit Trust Fund is available to support the general work of the Church Circuit and to support specific property related projects. In recent years the Circuit has been supplementing its income from Assessments with money from this Trust in order to support the level of work being undertaken by local clergy

All the vacant and underused buildings in the Circuit area are a serious maintenance burden. As they become disused they are open to vandalism and damage through water penetration i.e. if roof tiles become loose.

In addition to the chapels discussed above, Saville Street Methodist chapel, a large grade II\* listed building in central Malton is also under threat of permanent closure. It is closed at present because of serious structural problems in the roof which make the building unsafe to use. Whilst there may be some grant funding available for repair, this will still have to be matched with funds which are to be raised locally. The Malton Chapel is a very large and underused building with a small, and relatively elderly congregation. Major efforts to regenerate it over the last 20 years have not managed to stem declining congregation numbers. It is therefore a significant burden on the wider circuit funds. It is located on a narrow town centre street with no on-street or off-street parking immediately nearby. Sale of this building for another use is expected to be difficult due to its location and size. There are also other chapels in Norton which require support and maintenance, and which serve the market town.

In general, rural Circuits struggle to cope with the burden of supporting chapels in villages with very small congregations. Here in Ryedale these buildings are old, all dating from the mid to late 19th Century. They need a lot of maintenance and are costly to heat because of high ceilings. They are often a key visual component of the centre village scene and in conservation areas, where there are additional controls over demolition, conversion is more difficult and expensive, even if services are available, because their character has to be retained.

Officers have considered the information submitted and consider that in this instance the benefits to be derived from converting the existing Methodist chapel out weigh the conflict with SP2 in so far as it relates to the imposition of the L.N.O. Condition.

## **ii) Impact on the Conservation Area**

The former Methodist Church at Barton Le Willows makes an important and significant contribution to the character and special interest of the Conservation Area. The building is a fine example of the Arts & Crafts style and has been designed in a very competent way with some particularly fine detailing.

The setting of the building is also important due to its prominence and open views of it in the village. The building should be considered a non-designated heritage asset as defined in the National Planning Policy Framework.

The scheme previously considered by the LPA which was subsequently refused (ref 14/00524/FUL) was considered to be of detriment to the character of the Chapel and failed to preserve or enhance the Barton le Willows Conservation Area. This was predominantly due to the removal of the stain glass windows, insertion of a first floor and the installation of roof lights.

The current scheme (with the exception of the south elevation, where an existing door would be replaced by a smaller window to replicate those existing windows on the west elevation) shows a building which could remain unaltered. The proposed scheme proposes to retain all of the windows including the large stain class window on the north elevation which overlooks the village green and the stain glass windows on the east elevation. The proposed development would therefore preserve the character and appearance of the Conservation Area.

The previous application was withdrawn whilst the issues over the access were resolved. The consequences of those discussions are that the existing hedgerow along the eastern elevation would need to be removed to allow adequate visibility. A section of the hedgerow is proposed to be reinstated albeit set back from the highway to maintain the required visibility splays. Whilst it is acknowledged that the hedgerow is attractive, it could be removed without the requirement of an application. The trees proposed to be removed are not considered to be significant in the wider setting of the Conservation Area. Furthermore in relation to the planning balance, greater weight is given to the preservation of the Chapel, which officers are satisfied this application would do. It is likely given the constraints of the site (regardless what the change of use proposed may be) that it would likely require some on site parking. It is however recommended that a condition is attached to approval requiring full details of all planting to be retained and introduced.

The Building Conservation Officer has raised no objection to the proposed development.

### **iii) Impact on Residential Amenity**

As the stained glass windows are to be retained on the north and east elevation any future occupier would not be able to look over the amenity space of Jasper Barn. It is not considered that the change of use would be of detriment to current or future occupiers.

On the western elevation the proposal is to replace the exiting timber frosted glazed windows with timber painted clear glazed windows. Due to the topography of the site the Chapel is set down from No.1 & No.2 Chapel Cottage to the west, with an existing mature boundary hedge separating the two properties from the western elevation of the Chapel. As Members will note it is this side of the Chapel where the bedrooms and bathrooms would be sited. The orientation of the Chapel is such that it is sited in closer proximity to No. 1. The existing windows which overlook this property are proposed to be bathrooms. Having been inside No.1, it is considered that because of the difference in floor levels it is unlikely that any future occupier would be able to overlook No.1. However to reduce any potential feeling of being overlooked it is proposed that these two windows be conditioned to be obscure glazed to a level to be agreed by the LPA. Whilst the other existing three windows on the boundary of No. 2 are to be bedroom windows there is an increase in separation from the west elevation of the Chapel. This coupled with the difference in floor levels and the existing hedge row would not result in a loss of privacy which would have an adverse impact on either current or future occupiers of either property.

### **iv) Impact on the Safe Functioning of the Highway**

As previously stated there have been ongoing discussions with the Highway Authority. The applicant has revised the scheme addressing those concerns. Subject to the recommended conditions North Yorkshire County Council Highway Authority has raised no objection to the proposed development.

**v) Impact on a European Protected Species**

The bat survey submitted to support this application found evidence of a Brown Long Eared maternity roost and summer roosts for Pipistrelles present in the roof of the building. However as no works are being proposed to the roof or any of the likely access points , the potential impact on these roosts would be negligible. It is not considered therefore that there would be any net loss to biodiversity. Subject to the recommended conditions the proposal is considered to be compliant with Policy SP14 of the Ryedale Plan - Local Plan Strategy and the NPPF.

**vi) Other Issues**

The application form proposes that foul water would be discharged to the main sewers. Yorkshire Water have been consulted and have raised no objection to the proposal. They however request that inline with the details submitted surface water should be dealt with via a soakaway as not to overload the existing system. It is recommended that a condition is attached to any approval requiring details of the soakaway to be submitted.

At the time of writing no written representations has been received from the Parish Council

One letter of objection has been received from the occupiers of Jaspers Barn. Whilst the full version can be seen on the public access a summary has been provided below:-

- Object on highway safety grounds
- Removal of the local occupancy, consider the reasons behind the creation of the condition still valid
- Removal of trees and hedging

All of these matters have been considered earlier in the report.

In light of the above comments, the principal of the development is considered to be acceptable. On balance the granting of planning permission (without the Local Needs Occupancy Condition) is considered to be acceptable. The recommendation to Members is therefore one of approval.

**RECOMMENDATION: Approval**

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 The two windows proposed to serve the WC and Bathroom as shown on Drawing No. AR2 of the proposed dwelling shall be permanently glazed with frosted or opaque glass of a type to be submitted and approved in writing by the Local Planning Authority prior to the occupation of the building.

Reason:- To protect the privacy of adjoining properties and in compliance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and the NPPF.

3 The stain glass windows on the north and east elevation shall be retained and repaired where necessary. They should not be removed unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of preserving the character and appearance of a non designated heritage asset and Conservation Area, as well as protecting the amenity of neighbouring properties.

- 4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

Class G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating

Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).

- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order revoking, re-enacting or amending that Order), no windows, other than those shown on the plans hereby approved, shall be formed in the walls or roof of the dwelling(s) hereby permitted without the prior written consent of the Local Planning Authority following a specific application in that respect.

Reason:- To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s).

- 6 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved.

- 7 Prior to the commencement of the development hereby approved full details of the soakaway and siting of it, including percolation tests should first be agreed in writing with the Local Planning Authority.

Reason:- In the interest of satisfactory drainage.

- 8 All works shall be carried out in accordance with the details contained in the Bat, Breeding Bird and Barn Owls Survey Report Section 9 (MAB 2015) for the Old Methodist Chapel, Barton le Willows, as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason:- In line with Policy SP14 of the Ryedale Plan - Local Plan Strategy and the NPPF.

- 9 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(ii)(c) The crossing of the highway verge and/or footway shall be laid out as shown on the approved drawing number 4353 AR10 Rev C and constructed in accordance with Standard Detail number DC/E9A

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted, and agreed in advance, of the commencement of the development and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 10 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 36m measured in a northerly direction and 22m in a southerly direction measured along the adjacent channel line of major road Steelmoor from a point measured 2m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of road safety.

- 11 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no. 4353 AR10 01 REV A Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 12 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 13 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

- 14 Proposed Plan The development hereby permitted shall be carried out in accordance with the following approved plans;

- Drawing Number AR30 Proposed elevations received by the LPA on the 2 December 2016
- Drawing Number AR20 Proposed plan received by the LPA on the 2 December 2016
- Drawing Number AR10 Proposed site plan received by the LPA on the 2 December 2016

Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers:

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties