

Parish: Brandsby-cum-Stearsby

Ward: Huby

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Committee date: 13 December 2018

Officer dealing: Mrs Caroline Strudwick

Target date: 21 December 2018

18/01800/FUL

Retrospective change of use of agricultural land for the siting of a Shepherd's Hut to be used as an office

At Brandsby Hall Brandsby

For Mr & Mrs Michael & Emily Gould

This application is referred to Planning Committee as the recommendation is contrary to policy CP4 of the LDF.

1.0 SITE, CONTEXT AND PROPOSAL

1.1 Brandsby Hall is a grade II* listed three storey stone/slate building which is currently occupied as a single dwelling. It is located approximately one kilometre south east of Brandsby village within open countryside that forms part of the Howardian Hills AONB.

1.2 This application seeks retrospective planning permission for the change of use of agricultural land for the siting of a shepherd's hut. Dimension of the hut are 5.5m long 2.2m wide 3.3m high from ground level. This location is on the southern side of the wildlife pond. The intended use of the shepherd's hut is for use as an office space away from the main house; there is no intention to use the hut as overnight guest accommodation and it will only be used in association with the main dwelling.

1.3 There is a WC in the hut, which is to be connected to a 'trench arch' drainage system. Trench arch drainage systems are normally used in churchyard to provide rural, isolated churches a mains of foul water drainage without the requirement for a septic tank or where there is no practical connection to a mains sewer.. Waste is infiltrated into the soil in the trench (the 'secondary zone') where biological, physical and chemical processes are able to provide high levels of treatment because of low loading and long retention time. As the water is free to drain away, aerobic decomposition can occur at a much faster rate than in a septic tank.

1.4 Due to the shepherd's hut being on wheels it is exempt from being required to comply with building regulations, this extends to the drainage system. The land levels fall from approximately 90m AOD at the road to 70m AOD, where the shepherd's hut is located. The pond is to the north of the hut. Due to the topography of the land the contents of the cess pit associated to the trench arch system will dissipate southwards, ensuring the pond is not contaminated by foul water. The applicant's property boundary is 70m to the south of the shepherd's hut.

1.5 The shepherd's hut is a bow topped timber clad structure, mounted on a four-wheel platform. Internally the hut consists of two rooms, one which is labelled office with a sink, and the smaller room contains a sink and WC.

2.0 RELEVANT PLANNING AND ENFORCMENT HISTORY

2.1 17/01507/FUL Creation of a wildlife pond; permission granted 21st November 2018

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP28 - Conservation
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Council - wish to see the application approved.

4.2 Site notice and neighbour consultation – one letter of support has been received.

5.0 OBSERVATIONS

5.1 The main issues to be considered is a) the principle of development, b) the impact of the proposed works on the visual amenity of the surrounding open countryside, c) any impact on the setting of the listed structures on site. There are no near neighbours whose amenity would be affected by the proposed development.

5.2 The site is not within a defined development limits or within domestic land. It is stated by the applicant that the large open area to the south of the hall is shown as park and ornamental grounds on a map dated 1924, and through further research earlier Ordnance Survey maps dated 1856 and 1912 show this area shaded in a light green which demotes park and ornamental grounds.

5.3 The application site lies outside the Development Limits and therefore development should only be granted if an exceptional case can be made in terms of Policies CP1 and CP2 and in respect of the criteria within Policy CP4. The applicants live at Brandsby Hall and the application site is within the land owned by the applicant.

5.4 Development in the countryside will only be supported when an exceptional case can be made for the proposals. Those exceptional circumstances are:

- i. It is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to location in a smaller village or the countryside and will help to support a sustainable rural economy; or
- ii. It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
- iii. It would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or
- iv. It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
- v. It would make provision for renewable energy generation, of a scale and design appropriate to its location; or
- vi. It would support the social and economic regeneration of rural areas.

5.5 It is considered that the change of use of the land for the siting of the shepherd's hut development does not meet any of the tests of CP4, and there are no exceptional circumstances which would allow support for the proposal. In conclusion on the matter of the principle of allowing a change of use and the siting of the shepherd's

hut in this location the proposal does not comply with policy CP4 of the Hambleton Local Development Framework.

- 5.6 The site of the shepherd's hut is adjacent to the recently approved wildlife pond and 400m to the south of Brandsby Hall. The shepherd's hut is intended as a quiet place for the applicant to work as well as a shelter with toilet facilities for anyone studying the wildlife within the recently approved pond. There is no intention of any overnight use of the hut by the applicant or family, or commercial use, such as a holiday let.
- 5.7 The shepherd's hut is a traditional structure that would have typically been seen in the open countryside, albeit, not on a permanent basis as this one will be. It is positioned close to the side of pond and will be read in association with the pond as a leisure structure or shelter. Given the topography of the land and the small physical form of the hut it is considered that it will have a very limited impact on the open countryside appearance, and will not detract from the openness. It is considered that whilst not compliant with CP4 the change of use and siting of the shepherd's hut is not harmful by virtue of adding a traditional structure back into the landscape, and will result in a low level of visual impact.
- 5.8 The hut is constructed of materials which would usually be associated with this type of structure, and the treated timber finish will mellow to a silver shade with weathering and age. It is considered that this scheme meets the tests of CP17 and DP32, which seek high quality design and materials. Therefore it is considered that there will not be harmful impact on the visual amenity of the wider area.
- 5.9 The proposal will not have any significant impact upon the setting of the Listed Building mainly due to the small size of the structure, the materials used and the separation distance and is therefore in accordance with the provisions of the Act and the NPPF as well as the LDF.
- 5.10 The works are compliant with the policies of the Hambleton Local Development Framework and are recommended for approval.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Gould/2/PL/501 REV B, 502 REV B and 500 Rev C received by Hambleton District Council on 24th August and 14th September 2018 unless otherwise approved in writing by the Local Planning Authority.
 3. The shepherd's hut shall not be used as overnight accommodation or used as holiday or guest accommodation.
 4. The colour of external elevations of the shepherd's hut hereby approved shall not be altered or changed without prior approval from the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
3. The Local Planning Authority would wish to carefully examine any independent use of the shepherd's hut to assess whether the development would be acceptable in terms of policy, access and amenity.
4. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.