

Parish: Sandhutton
Ward: Thirsk
13

Committee Date : 9 January 2020
Officer dealing : Ann Scott
Target Date: 13 November 2019
Date of extension of time (if agreed):

19/01980/FUL

**Conversion of barn to create two dwellings.
at Church Farm Sandhutton North Yorkshire YO7 4RW
for Mr Bosomworth.**

1.0 SITE CONTEXT AND PROPOSAL

- 1.1 The application proposes the conversion of an existing brick barn to create two dwellings at Church Farm, Sandhutton. The site is situated on the north side of Sandhutton Lane, between existing residential properties and opposite the church in the village. The site lies within the Sandhutton Conservation Area. The barn was last used for agricultural purposes.
- 1.2 The two units both have bedrooms at ground floor level, the eastern unit 1 is shown to have 4 bedrooms (2 at ground floor and 2 at first floor), the western unit 2 is a single storey unit of 3 bedrooms. No extensions are proposed to the building and gardens for both units are to be formed within the footprint of the part of the barn which is to be removed, boundary walling is to be retained to form garden walls.
- 1.3 The application site is well screened from the main road through the village; glimpses can be seen from the public highway through the current access that is to be used for the proposed development. The site is also behind the existing dwelling known as Church House. Sandhutton is a secondary village as defined in the 2014 updated settlement hierarchy of Core Strategy CP4.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 19/00237/MBN Notification for prior approval for a proposed change of use of agricultural building to 3 dwellinghouses (Class C3) and for associated operational development as amended by details received 6th June 2019 Approved July 2019. This barn is outside the Conservation Area and lies to the north of the barn the subject of this current application, but shares the same proposed access.

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP10 - Form and character of settlements
- Development Policies DP13 - Achieving and maintaining the right mix of housing
- Development Policies DP28 - Conservation

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design

Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Parish Council - Parish Council are happy to support this application, although would like it noting there are infrastructure /sewerage problems that still remain within the village.
- 4.2 Highways - No objections subject to a condition in relation to the improvement of the existing access.
- 4.3 Yorkshire Water - No response received.
- 4.4 Environmental Health - No objections
- 4.5 The application was advertised by a site notice and direct notification. No responses have been received.

5.0 ANALYSIS

Policy framework

- 5.1 Section 70 of the Town and Country Planning Act 1990 requires that applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise and in accordance with the provisions of Sections 91 and 92.
- 5.2 Section 38 of the National Planning Policy Framework relates to decision making and Local Planning Authorities should approach decisions in a positive and creative way, using the planning tools available and work with applications to secure development that will improve the economic, social and environmental conditions of the area, and seek to approve applications for sustainable development where possible. Policy CP1 of the Hambleton Core Strategy relates to sustainable development and seeks to ensure that the use and development of land will be assessed against the community's housing, economic and social requirements, protection of the natural and built environment and adverse traffic impact.
- 5.3 The village of Sandhutton does not have any Development Limits as defined within the Core Strategy. Policy DP9 states that development will only be granted for sites beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.

- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.6 As Sandhutton has been designated a Secondary Village in the Settlement Hierarchy 2014 it is therefore considered to be a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must be located where it will support local services including services in a village or villages nearby.
- 5.7 The development for two units is considered small in scale and by reusing an existing building will respect the built form and character of the settlement and thereby meets criterion 2. Similarly through the avoidance of change to the built form it minimises the potential impact on the natural, built and historic environment. This is considered further as the site is within the Sandhutton Conservation Area and there are Listed Buildings in the vicinity.
- 5.8 The conversion of the building within a location that includes residential properties (both existing and approved) ensures that the proposal would not result in a significant change to the character of the settlement, its surroundings or the countryside beyond. The proposal will not lead to the coalescence of settlements. The proposal meets criterion 4 of the IPG.
- 5.9 The adequacy of the infrastructure within the village to meet the additional loads are a matter raised by the Parish Council and will be addressed later in this report.

Heritage

- 5.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.11 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Sandhutton Conservation Area.
- 5.12 The barn to be converted lies within the Sandhutton Conservation Area, other parts of the site to be used for parking fall outside but have the potential to impact upon the setting of the Conservation Area. St Leonards Church lies opposite the site but is hidden from views of the application site by the dwelling Church House facing the church itself which is a grade II listed building. The design of the conversion is in keeping with the existing character and appearance of the former agricultural building and the proposed materials are considered to be sympathetic to the character and

appearance of the Conservation Area, the locality and do not adversely affect the setting of the listed church. The setting of the Listed church is considered not to be affected by the development.

- 5.13 On assessment of the application it is considered that it would lead to no harm to the heritage asset, as such the provisions of the NPPF regarding the need for public benefits to outweigh harm are not engaged. The proposal is in accordance with DP28 of the Hambleton Local Development Framework; which seeks to ensure that the conservation of historic heritage. The proposal therefore accords with the criterion 3 of the IPG in respect of the built heritage.

Residential amenity

- 5.14 The proposed design of the dwellings in terms of residential amenity is not considered to give rise to any undue sense of overlooking or overshadowing to adjacent dwellings and the dwellings appear to meet the minimum standards in the Nationally Described Space Standards. The proposal is therefore considered to be in accordance with Policies DP1 regarding the protection of amenity to neighbours and of future occupiers. The proposal for ground floor bedrooms in both units and the constraint of working within the footprint of the existing dwelling is considered to be adequate to meet the tests of CP8 and DP13 of the Hambleton Local Development Framework in respect of the size and type of new dwellings.

Drainage/flood risk

- 5.15 Policy DP6 Utilities and infrastructure relates to new development must be capable of being accommodated by existing or planned services whether supplied by utility providers or the development itself, and must not have a harmful impact on existing systems, worsening the services enjoyed by the existing community. The site is situated in flood zone 1 at the lowest risk of flooding as defined on the Environment Agency Flood Map, and the site is not at risk of surface water flooding.
- 5.16 The drainage for the site is proposed to discharge both surface water and foul to the main sewer. There are no details regarding the current arrangements of disposal of surface water within the site. As the land being covered by a building is to be reduced, an increase in area of permeable land through the creation of garden space will occur, so there is no realistic prospect of the proposal worsening conditions relating to surface water drainage. The Parish Council have raised comments in regard to the existing systems within the village being a problem in terms of sewage disposal. Yorkshire Water have a duty to provide a connection for the disposal of foul water for domestic properties, there is no reason to conclude that the domestic flows from two dwellings would result in a significant increase on the load of a main sewer. It is considered that a condition would be appropriate to ensure that details of the method of and disposal of foul and surface water are submitted and approved in accordance with Policies CP1 and DP6 of the Hambleton Local Development Framework.

Visual impact and cumulative impact

- 5.17 It is noted that the gables of the barn are visible behind greenery, from the village street. The building is not prominent and the degree of change resulting from the proposal is small. The application creates domestic curtilage by the provision of outdoor amenity space and low boundary brick built walls and five associated parking spaces to the east of the barn. It is considered that all these works would not cause visual intrusion. Taking this together with the conversion of the barn to the north of the application site to 3 dwellings, the subject of proposal under 19/00237/MBN,

there is considered to still be no significant cumulative impact when viewed from the village street. There are no other public vantage points of the site.

Ecology

- 5.18 A bat, breeding bird and barn owl scoping survey and subsequent emergence survey has been carried out. This notes that bats have been found to use the building for a day roost, low numbers were found and the activity is not suggesting maternity roosts are present. A European Protected Species Licence will be required. The applicant's ecology consultant report notes that a further emergence survey will be required to inform a licence application. Mitigation is proposed by the applicant's consultant, installing bat boxes and undertaking works outside of the bird nesting season. It is considered that this approach is in accordance with Policies DP31.

Affordable housing

- 5.19 The total number of new dwellings that would be formed by the current proposals and the previous proposal for three dwelling under the Prior Notification procedures is 5, the threshold for the provision of affordable housing is 6 or more dwellings. There is no requirement for affordable housing arising from this proposal as it remains below the threshold.

Planning balance

- 5.20 The scheme will result in two new dwellings that will provide some social and economic benefit, it is considered that no harm will be caused to the significance of heritage assets and any impact on ecology can be properly mitigated by the use of planning conditions. Similarly matters of drainage and highway safety can be managed by the use of planning conditions. There are no other material planning considerations put forward which would outweigh the application being determined in accordance with the policies of the Development Plan.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED**

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 S432 PL- 003, 006 and 007 received by Hambleton District Council on 18th September 2019 unless otherwise approved in writing by the Local Planning Authority.

3. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority. These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

4. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

5. No dwelling shall be occupied until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements that the existing access shall be improved by reconstructing in accordance with Standard Detail number E50.

6. The parking spaces hereby approved on drawing S432 PL 03 shall be provided prior to the occupation of a dwelling.

7. The development hereby approved shall be carried out in accordance with the mitigation measures put forward in the Ecology Assessment dated September 2019 from MAB Environment and Ecology Limited and thereafter those measures shall be retained.

The reasons 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 Policy(ies) CP1, DP1, DP28, DP32.

3. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

4. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.

5. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

6. This condition is imposed in the interests of highway safety and residential amenity in accordance with Policy DP1 of the Hambleton Local Development Framework.

7. This condition is imposed for the avoidance of doubt and in accordance with Policy DP31 of the Hambleton Local Development Framework.