

Parish: Crakehall

Ward: Bedale

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Committee Date : 3 March 2016

Officer dealing : Mrs H M Laws

Target Date: 11 March 2016

15/01524/FUL & 15/01525/LBC

Applications for retrospective planning permission and listed building consent for change of use of paddock to domestic garden, partial removal of garden wall, widening of permeable hard standing access track, and replacement timber fence. at Hill Top Cottage The Green Crakehall North Yorkshire for Mr J Kent.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 Hill Top Cottage is a Grade II listed building located in Crakehall Conservation Area. A detached outbuilding lies to the rear of the property on the boundary with the neighbouring property known as Grey Riggs. The rear of the property is accessed through an archway.

1.2 The application is for retrospective consent for the removal of a section of wall that formed the rear boundary of the domestic plot. The length of the stone wall was approximately 4.5m and the height approximately 1.8m.

1.3 Work has also been undertaken to widen the hardstanding area to the rear of the dwelling by incorporating land from within the adjoining paddock to create a parking and amenity area. A fence has also been installed along the proposed rear boundary of the domestic plot. The timber post and rail fence (with gate into paddock) covers a length of approximately 30m.

1.4 The reason given for the removal of the wall is due to its poor structural stability. The supporting information states that it was dismantled as it was deemed to be a hazard. The wall was not supported by any foundations and was not tied to the adjacent boundary wall.

1.5 The application is brought to Committee at the request of a Ward Member due to this being one of a series of retrospective applications submitted by the applicant.

2.0 RELEVANT PLANNING HISTORY

2.1 2/00/032/0144E - Alterations to existing outbuildings for use as ancillary living accommodation. Permission granted 27/4/2000.

2.2 2/00/032/0144F - Application for Listed Building Consent for alterations to existing outbuildings as amended by letter and plans received by Hambleton District Council on 23rd February 2000. Granted 26/04/2000

2.3 15/00473/MRC - Variation of condition 6 of application reference number: 2/00/032/0144E - to allow the use of the building for holiday accommodation. Permission granted 30/4/2015.

2.4 15/02272/LBC - Retrospective Listed Building Consent for new roof timber structure to holiday cottage barn, including 2no. conservation roof lights and stove flue pipe. Consent granted 2/12/2015.

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 CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP28 - Conservation

Development Policies DP32 - General design

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - no reply received (expiry date for representations 11/1/2016)

4.2 Historic England - this application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

4.3 HDC Conservation Officer - I have no objection to make to this retrospective work. The wall is thought to have been a boundary to the garden of the principal listed building; however it was only a small section of wall and not thought to be of any particular special interest. Having not been to the site I would take your advice on whether the extension of the garden/parking area is harmful to the setting of the listed building or Conservation Area, I think this is unlikely.

4.4 Site notice/advert/local residents - objections to the development have been received from and on behalf of 3 local residents, whose comments are summarised as follows:

1. Harmful effect on the character and appearance of a designated heritage asset
2. The character and appearance of the conservation area and open countryside
3. The amenity of neighbouring residents
4. Insufficient justification for the works
5. Inadequate heritage statement
6. Wall played an important historical role with regard to the setting of the main dwelling and the form and character of the settlement
7. The dangerous condition of the wall is disputed
8. Photographic evidence clearly shows the wall was stable and not dangerously leaning
9. The gravelled surface is not in-keeping and looks incongruous adjacent to the old stone buildings
10. The original yard surface material and stone walls are deemed to be important features that contribute to the character and appearance of a designated heritage asset, therefore contrary to LDF policies
11. Change of use is unsustainable and is a practice that could be repeated by other landowners that back onto the open countryside, thereby setting a dangerous precedent
12. The encroachment has a materially harmful effect on both the setting of the village and the character and appearance of the countryside
13. The additional curtilage would provide an external social area for the holidaymakers occupying the outbuilding and generate a noise nuisance, particularly to those existing residents that adjoin this area
14. Proposed alterations are contrary to LDF Policy DP1
15. The removal of a strip of agricultural land is blatant property development by stealth
16. The field should be immediately restored to its previous condition
17. It opens up the possibility for further development
18. Application 2/00/032/0144E with drawing 99/1058/1D was approved on 27.04.2000 for single storey ancillary living accommodation in the barns. There was no change to the status of the agricultural field and the wall was clearly shown on the approved plans with strict conditions applied in the approval to the walls. The amenities of the residential property nearby were also considered.

5.0 OBSERVATIONS

5.1 The main issues to be considered relate to the effect of the alterations on the character and appearance of the Crakehall Conservation Area and the effect of the alterations on the character and appearance of the grade II listed building and the setting of the listed building.

5.2 NPPF, para 131 states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and to the desirability of new development making a positive contribution to local character and distinctiveness. Para 132 goes on to state 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

5.3 The most important heritage asset is the dwelling; the wall is not listed in its own right and although clearly of historic importance, is not of the same significance. The wall was a relatively small section that formed the boundary of the property between the yard and the paddock beyond. A gate connected the wall to the edge of the outbuilding to enclose the yard.

5.4 An inset area remains within the adjacent boundary wall to indicate where the wall was originally positioned and this allows a record to remain to indicate the evolution of the property.

5.5 It is disputed by local residents that the wall was in a poor condition. There is no evidence to suggest whether or not the wall was dangerous or structurally unsound. The Planning Authority must now consider whether consent should be granted retrospectively for its removal on the basis of the harm caused to the character and appearance of the listed building. It is not considered that the wall was of any special importance in its own right and it is not considered that its removal to provide a larger domestic curtilage causes harm to the character and appearance of the listed building.

5.6 Where a proposal leads to less than substantial harm to the significance of the heritage asset (NPPF para 134) this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The removal of the wall allows a larger area to be provided for parking and turning in connection with the domestic use of the dwelling and the holiday accommodation unit within the outbuilding. Although adequate space was available prior to the removal of the wall the work does allow for a greater area and improves the viability of the holiday accommodation and therefore the use of the listed building.

5.7 The removal of the wall and widening of the gravel access track has altered the setting of the listed building, which is now more open and covers a greater area. Historically the area to the rear of the dwelling was the secondary area providing the amenity space and parking for the dwelling with ancillary outbuildings and storage. The role of the area remains unchanged and is characteristic of a courtyard. It is not considered that the removal of the wall and widening of the gravel access detracts from the setting of the principal building.

5.8 Where a proposal leads to less than substantial harm to the significance of the heritage asset (NPPF para 134) this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The removal of the wall allows a larger area to be provided for parking and turning in connection with the domestic use of the dwelling and the holiday accommodation within the outbuilding. Although adequate space was available prior to the removal of the wall the work does allow for a greater area and improves the viability of the holiday accommodation.

5.9 The proposed fencing that has been erected on the edge of the paddock area does not detract from the appearance of the setting of the listed building and is considered to be acceptable.

5.10 A strip of land with dimensions of approximately 28m x 7m has been enclosed within the curtilage of Hill Top Cottage to create additional parking and amenity space for use by the holiday accommodation unit. This land previously formed part of the adjacent paddock and lies along the rear boundaries of neighbouring properties. The area of paddock is not considered as open countryside as it is bound on three sides by existing domestic curtilages; its use as domestic amenity space would not therefore detract from the character and appearance of the rural landscape.

5.11 None of the development is prominent or clearly visible as part of the Conservation Area; it is not considered that the proposed development would detract from the character or appearance of the Crakehall Conservation Area.

5.12 The proposed alterations are acceptable and approval of the applications is recommended.

6.0 RECOMMENDATIONS:

6.1 that subject to any outstanding consultations the application be GRANTED planning permission 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 drawings numbered 247 P001 and 247 L001 received by Hambleton District Council on 10 and 11 December 2015 unless otherwise approved in writing by 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.

6.2 that subject to any outstanding consultations the application be GRANTED listed building consent 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 drawings numbered 247 P001 and 247 L001 received by Hambleton District Council on 10 and 11 December 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by 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.