

Parish: Sutton on the Forest

Ward: Huby

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Committee Date: 31 March 2016

Officer dealing: Mr A Cunningham

Target Date: 25 January 2016

15/02697/FUL

**Conversion of existing building to form new dwelling together with change of use of buildings/land to domestic
at Woods Farm, Main Street, Sutton on the Forest
for Mr & Mrs D Mitchell Innes**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application relates to the conversion of existing domestic ancillary buildings to the north of the dwelling at Woods Farm, Sutton on the Forest, to form a dwelling-house. The buildings are positioned in a horseshoe formation.

1.2 The dwelling would be accessed via a shared driveway from the public highway adjacent the eastern elevation of Woods Farm. The agent has been asked to clarify what rooms the ground and first floor windows to this elevation serve.

1.3 The proposed dwelling would comprise 4 en-suite bedrooms, kitchen/dining area, lounge, tv/snug area, games room/gym, and a guest suite.

1.4 Boundary treatment to a height of 1.8m is proposed between the south of the courtyard between the proposed dwelling, and the parking/turning area for Wood Farm house to the south.

1.5 Parking for the proposed dwelling would be adjacent the north-eastern corner of the proposed dwelling-house.

1.6 The structural report submitted in support of the application concludes: "the barns and outbuildings are generally in a reasonable structural condition to be converted into a residential property, with obvious localised repairs as noted above and new roof coverings".

1.7 A protected species survey submitted in support of the application concludes: "the survey found evidence of roosting Natterer's and Common Pipistrelle bats in the North Building. No evidence of roosting bats was found in the other two buildings. The North Building was also used by nesting Swallows. Without mitigation the proposals would result in the loss of bat roosts and nesting sites for Swallows. Should planning consent be granted it will be necessary to also obtain a European Protected Species licence for bats before any work commences on the North Building. A draft mitigation method statement has been included."

1.8 The site is located within the Sutton on the Forest Conservation Area but outside Development Limits of the village.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/74/144/0007 - Outline Application For The Construction Of A Bungalow On An Approved Site For Two Storey Dwellinghouse; Granted 1974.

2.2 2/74/144/0007A - Details Of The Construction Of One Detached Bungalow And Garage; Granted 1975.

2.3 2/77/144/0043A - Alterations To Existing Agricultural Building For Use As Child Minding

Premises; Granted 1977.

2.4 2/77/144/0043 - Use Of Part Of Ground Floor Of Existing Dwellinghouse For Childminding Purposes; Granted 1977.

2.5 2/96/144/0043C - Extension to existing dwelling; Granted 1996.

2.6 2/00/144/0043D - Ground floor extension to existing dwelling; Granted 2000.

2.7 2/04/144/0043E - Alterations and single storey extension to existing dwelling; Granted 2004.

2.8 CAT2/05/144/0043F - Proposed felling of 1 Sycamore tree; Granted 2005.

2.9 11/01805/FUL - Installation of Photovoltaic Panels to roof of Pole Barn for use in a domestic dwelling; Withdrawn 2011.

2.10 11/02167/FUL - Revised application for the installation of Photovoltaic Panels for use in a domestic property; Granted 2011.

2.11 12/00042/CAT - Proposed felling of one Horse Chestnut tree; Granted 2012.

2.12 13/02596/CAT - Proposed removal of ash tree; Granted 2014.

2.13 There is no planning enforcement history.

3.0 NATIONAL AND LOCAL POLICY:

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
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP6 - Utilities and infrastructure
- Development Policies DP10 - Form and character of settlements
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP37 - Open space, sport and recreation
- Development Policies DP43 - Flooding and floodplains
- Interim Guidance Note - adopted by Council on 7th April 2015
- National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - Subject to the Highway Authority's usual concerns over the safety of access across the footway so close to the primary school being satisfied the Parish Council

has no objection to the proposal.

4.2 NYCC Highways - recommend conditions relating to: provision of approved access, turning and parking areas, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during development.

4.3 MOD - no objections.

4.4 Yorkshire Water; expired 23.12.2015 - no responses received as at 15.03.16

4.5 Neighbours notified and site notice posted; expired 29.12.2015 - no responses received as at 15.03.16.

4.6 Press Advert (departure from development plan) - publication awaited.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of allowing the dwelling proposed in this location, outside development limits, together with an assessment of the likely impact upon the character and appearance of the village conservation area, highway safety and neighbour amenity.

The site falls outside the Development Limits for the village of Sutton on the Forest as defined within policy CP4 of the Core Strategy where Policy DP9 states that development will only be granted for development "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) published in March 2012. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.

5.3 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. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

5.4 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."

5.5 Sutton on the Forest is defined as a Secondary Village and is therefore classed as a sustainable settlement and within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". This goes on to state that "Proposals which are small in scale and which provide a natural infill or extension to an existing settlement will be considered favourably where they also conform with other relevant LDF Policies". In terms of the built form of Sutton it is noted that this development would re-use the existing built form and would not detract from the character, appearance and settlement pattern in the locality.

5.6 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwelling would be within a field that forms an important open space within the village and which contributes to its rural character. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside.

5.7 The buildings subject of this scheme are agricultural in appearance but have been used for ancillary domestic purposes in recent years. The proposed conversion would retain the agricultural character of the buildings and would not have a detrimental impact on the setting of the Conservation Area.

5.8 As such it is considered that the development proposed will appropriately respect the general built form of the village. It is also considered that the development is capable of being accommodated within the existing infrastructure (both social and utilities). In principle therefore this proposal satisfactorily complies with paragraph 55 of the NPPF and is consistent with the approach set out in the IPG.

5.9 No objections have been received from the local highway authority regarding the intensification of the existing access or the crossing of the footway. It is considered that the proposed development would not adversely impact highway safety.

5.10 The internal layout of the proposed dwelling and the separation distances and relationship to adjacent property is such that there would not be an adverse impact on residential amenity. The window openings to the ground and first floor of the eastern elevation of the existing dwelling are noted. Whilst the access track is relatively narrow at this point, the vehicle movements associated with the dwelling would not erode neighbour amenity to a harmful level.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **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 drawings received by Hambleton District Council on 30 November 2015 and 1 February 2016 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
5. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 4 above.
6. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
7. No dwelling shall be occupied until the boundary walls, fences or other means of enclosure have been constructed in accordance with the details submitted to Hambleton District Council on 30 November 2015 as part of drawing number 2052/05A unless otherwise agreed in writing by the Local Planning Authority. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 2052/05 Rev A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. 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. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning 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 agrees in writing to their withdrawal.

10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway b. on-site materials storage area capable of accommodating all materials required for the operation of the site. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

11. 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.

12. Prior to the first use of the development hereby approved all measures detailed within the method statement of the Bat Survey Report produced by John Drewett Ecology received by Hambleton District Council on 30 November 2015 shall be carried out in full to the satisfaction of the Local Planning Authority and thereafter be maintained in accordance with the approved details.

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 CP1, CP16, CP17, DP1, DP28 and DP32.

3. 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.

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

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

6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP32.

7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
11. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the character and appearance of the building and its contribution towards the visual amenity of the locality in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
12. To ensure that the local bat and bird population is not adversely affected by the proposal.