

Parish: Kirkby
Ward: Stokesley
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Committee Date: 18 August 2016
Officer dealing: Mrs B Robinson
Target Date: 16 June 2016
Date of extension of time (if agreed): 19 August 2016

16/00872/FUL

**Change of use from annexe to separate dwelling
at Moo Lodge, The Meadows, Kirkby Lane, Kirkby in Cleveland
for Mr & Mrs Peter & Claire Emmerson**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site includes a single building with conservatory used as a residential annexe. The location is at the entrance to The Meadows, where there is a house and riding establishment.
- 1.2 The site is at the northern edge of Kirkby village, approximately 34m beyond the Village Hall, from which it is separated by a small paddock. The application has been amended to show the extent of the proposed extension, show two parking spaces, and show how visibility can be ensured at the south side of the vehicular access. Additional information supplied states that the house will continue to be occupied by a family member but is to facilitate funding of approved extensions.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/02/082/0019A - Alterations to stable building for use as a holiday unit; Granted 30 December 2002.
- 2.1 07/00179/COU – Holiday accommodation occupied by family member; Planning application submitted, case closed 26 August 2008.
- 2.2 08/01734/FUL - Retrospective change of use from holiday cottage to ancillary accommodation; Granted 26 August 2008.
- 2.3 15/02614/FUL - Single storey extensions to side and demolition of existing conservatory; Granted 8 January 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – Asks for this application to be refused as it would result in what was initially approved as a holiday unit (a diversification of farming activity) - which the Parish Council was not happy about but could not argue against in planning terms -, becoming a separate domestic dwelling, which would set a precedent for domestic development of other agricultural land outside the village development limits.

Therefore the Parish Council think that the above condition should continue to be applied to this property.

4.2 Public comment - No observations received.

4.3 Highway Authority - No objection, conditions requested.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) whether the proposed formation of a separate dwelling is sustainable in this location; (ii) whether the development would have any detrimental impact on the character of the settlement; and (iii) whether it would impact on road safety

Principle

5.2 The site is outside development limits of Kirkby, a village with a well-established link to the Service Village of Great Broughton. Kirkby is a Secondary Village within the hierarchy set out in CP4 of the adopted Hambleton Local Development Framework. Under policy CP4, dwellings in rural areas outside development limits can be allowed in order to meet the needs of an enterprise with an essential requirement to locate in a rural area, or for affordable housing, in particular circumstances. In this case no special need is claimed, although the current occupier is stated to be engaged in the business on the site.

5.3 In response to the NPPF the Council has adopted a more flexible approach to development in villages in the form of Interim Policy Guidance (IPG) and there is scope therefore to proceed to consider the proposal on its merits within the terms of the Interim Guidance and the NPPF, and thereafter whether it is in accordance with any other relevant policies of the local plan including the amenity of nearby occupiers, design and any highway safety issues.

5.4 The IPG criteria are: "Small scale housing development will be supported 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 Kirkby is re-categorised as an Other Settlement in the updated settlement hierarchy contained in the IPG. It has facilities including a church hall, church and a public house. The IPG recognises that development in one village can support services in another, and closely connected villages can form a cluster. In this case Kirkby is well connected with Great Broughton with a roadside footpath and within the Interim Guidance the two are a recognised example of cluster villages. While the site is

slightly further out than existing houses, occupiers would be able to access services as readily as other properties nearby.

Character

- 5.6 As a single dwelling, the development would be small in scale. The building is a short distance from the existing village development but not contiguous. Its change of use to a separate dwelling would have little effect on the physical form of the village, and overall is acceptable in terms of maintaining the form and character of the village.
- 5.7 As an existing building, the new dwelling would not harm the natural or built environment nor affect the setting of the Listed Parish Church, nor would there be any additional harm to the open character of the surroundings or setting of the village.
- 5.8 The occupation of the building as a separate dwelling would not affect the capacity of the existing infrastructure any more than the existing occupation of the building as an annexe.

Highway safety

- 5.9 The Highway Authority does not object to the proposal, and particularly taking into account the existing use of the building, a refusal on this basis would not be justified.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application 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. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing number 02 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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 accordance with policy CP2 and DP4 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.