

Parish: Kirkby Fleetham with Fencote

Ward: Morton on Swale

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Committee Date: 15 September 2016

Officer dealing: Mrs A Sunley

Target Date: 12 September 2016

Date of extension of time (if agreed): 19 September 2016

16/01387/FUL

**Change of use of annexe to dwelling house
At Annexe at Glebe Farm, Low Street, Kirkby Fleetham
For Mrs Lynn Ryder**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a two storey brick and stone farm house with a single storey converted brick and stone agricultural building. The single storey converted agricultural building forms an annexe to the main dwelling. The dwelling and the farm are in a rural position off Low Street, approximately 1.85km west of the village of Kirkby Fleetham, approximately 2.2km by road.
- 1.2 There are agricultural buildings to the north of the site, one of which is located in very close proximity to the front elevation of the annexe.
- 1.3 Planning permission was granted in 2013 (13/00770/FUL) for the conversion of agricultural buildings to form ancillary residential accommodation. A planning condition stated that the annexe shall not be occupied as a separate independent dwelling.
- 1.4 This application seeks planning consent for the change of use of the ancillary accommodation to form a separate residential dwelling.
- 1.5 The submitted site location plan identifies a tight residential curtilage around the annexe building that will form the proposed residential curtilage. This does not include any on-site car parking as confirmed by the submitted planning application form.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 76/0158/FUL - Alterations and extension to dwellinghouse and construction of a private garage with store: Granted 27 January 1977.
- 2.2 13/00770/FUL - Alterations to agricultural building to form ancillary residential accommodation: Granted 11 June 2013.
- 2.3 13/01350/APN - Application for prior notification for the construction of a steel portal framed agricultural storage building: Granted 23 July 2013.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Development Policy DP1 – Protecting Amenity

Development Policy DP3 - Site accessibility

Development Policy DP9 - Development outside Development Limits

Development Policy DP30 – Protecting the Character and Appearance of the Countryside

Development Policy DP32 – General Design

Interim Guidance Note - adopted by Council on 7th April 2015
Core Policy CP1 - Sustainable development
Core Policy CP2 – Access
Core Policy CP4 - Settlement hierarchy
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Ministry of Defence - No safeguarding objections.
- 4.2 Parish Council - No observations.
- 4.3 Public comment – None received.

5.0 OBSERVATIONS

- 5.1 The main planning issues raised by this application are (i) the principal of permitting a change of use outside Development Limits; (ii) highway safety; (iii) residential amenity; and (iv) whether the proposed change of use would have a detrimental impact on the existing dwelling.

Principle

- 5.2 The ancillary structure and dwelling is located 2.2km (by road) beyond the development limits of Kirkby Fleetham, which is a Secondary Village within the hierarchy set out in CP4 of the adopted Hambleton Local Development Framework. This distance is considered to be too great for the proposal to be considered under the Interim Policy Guidance (IPG). This is addressed in paragraphs 5.6 - 5.7 below.
- 5.3 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.
- 5.4 Policy CP4 also supports the re-use of existing buildings in the countryside where it would help to support a sustainable rural economy, subject to also meeting the requirements of policies CP1 and CP2. In this instance the proposal involves the change of use of an existing building, which will not help to support the rural economy. Therefore the proposal does not comply with the requirements of policy CP4.
- 5.5 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.
- 5.6 The IPG states that: "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."

Kirkby Fleetham is also re-categorised as a Service Village in the updated settlement hierarchy contained in the IPG. Service villages are considered to be sustainable settlements.

- 5.7 The annexe and its host dwelling is considered to be an isolated form of development. It lies approximately 2.2 kilometres by road from the Development Limits of Kirkby Fleetham and has no footpaths or adequate infrastructure that links this area to the main village of Kirkby Fleetham. This site does not conform with Criterion 1 of the IPG which states; 'Development should be located where it will support local services including services in a village nearby'. The supporting text refers to a village nearby as being within 2 km. It should also be stressed that this is referring to the distance between villages, and not the distance between a village and more isolated development. Therefore the proposal cannot be considered favourably under the IPG, irrespective of its compliance with other IPG criteria.

Highway matters

- 5.8 The existing access to the main dwelling and annexe is acceptable in terms of manoeuvring and the parking of cars and the design and location of the annexe is such that there will be no adverse impact on neighbouring properties and their amenities. However, the submitted site location plan and application form indicates that the proposed dwelling will not be served by the existing on-site car parking, which raises concern as to the future car parking and access arrangements.

Residential amenity

- 5.9 The rear amenity space would be segregated to allow a garden area to the host dwelling and the annexe. The submitted site location plan identifies this as a relatively tight area around the existing annexe building. This would mainly comprise a patio area to the rear and a passageway to the front and side. Hambleton District Council's Local Development Framework, Development Policy DP1 states: 'Developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants'.
- 5.10 It is considered that the limited amount of amenity space proposed is representative of the site's unsuitability to be used as an independent dwelling. The outlook to the front is also somewhat compromised by the relationship with the existing agricultural buildings. It is also probably that the close proximity to the agricultural use would result in a loss of amenity to the occupiers of the proposed new dwelling. When combined with the concerns over parking arrangements, it is considered that the proposal would not make provision for the basic amenity needs of the occupants of the proposed dwelling.

Character and appearance of the dwelling

- 5.11 The visual appearance of the host dwelling and the proposed new dwelling will not change significantly and are considered to be acceptable in that they would maintain

the character and appearance of the site and visual amenity of the surrounding area.

- 5.12 In making this assessment, consideration has been given to the Planning Statement submitted during the consideration of the application. This makes further reference to paragraph 55 of the NPPF, which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as when the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. However, in this instance the building is already in use and its immediate setting has already been improved when it was converted to an annexe.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:

1. The proposal represents unsustainable development on a site outside of the Development Limits of the Hambleton Settlement Hierarchy without a clear and exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework, which (amongst other things) seeks to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The development would result in a new isolated home in the countryside, contrary to National Planning Policy Framework paragraph 55 concerning residential development in rural areas.
2. The residential amenity provided for the occupants of the proposed dwelling is compromised by its size and relationship with adjoining agricultural buildings. When combined with the concerns over parking arrangements, this is considered to be representative of the site's unsuitability to be used as an independent dwelling. Therefore the proposal is considered to be contrary to policies DP1 and DP32, which requires development to make provision for the basic amenity needs of occupants and provide well designed private open space.