

Parish: Kirklington-cum-Upsland
Ward: Tanfield
13

Committee Date: 5 January 2017
Officer dealing: Mrs H M Laws
Target date: 13 January 2017

16/02242/FUL and 16/02243/LBC

Demolition of buildings, conversion of agricultural building to dwellinghouse, construction of two dwellinghouses and replacement building for parking/storage, construction of replacement garage and alterations to the access drive

And:

Listed Building Consent for demolition of buildings, construction of replacement garage and alterations to the access drive as amended by email received by Hambleton District Council on 14 December 2016

**At Goldswang Farm, The Green, Kirklington
For Kirklington (Yorks) Estates**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies centrally within the village of Kirklington, on the eastern side of the village green. Goldswang Farm buildings lie to the rear of Goldswang Farmhouse, which is a detached grade II listed building that fronts onto the village street. To the south of the dwelling is the access to the farmyard and on the other side of the access lies the dwelling known as The Old Academy, a semi-detached dwelling with an attached lean-to garage abutting the access, which is also a grade II listed building.
- 1.2 The majority of the application site lies within the Kirklington Conservation Area; the boundary excludes the rear part of the site on which lies brick and pantile outbuildings, a dutch barn and a cattle shed.
- 1.3 The farmyard towards the front of the site is occupied by a large traditional L-shaped brick and slate agricultural building; smaller brick and pantile outbuildings lie along the northern boundary; modern cattle sheds along the southern boundary; a dutch barn, and blockwork outbuildings close to the entrance into the site. Most of the buildings are in agricultural use by a tenant whose main farmstead is elsewhere.
- 1.4 The northern boundary of the site is a 2m high wall which forms the boundary of a large garden to the adjacent property; the eastern boundary abuts agricultural land whilst the southern boundary is contiguous with curtilages of other dwellings fronting the village green.
- 1.5 It is proposed to retain and convert the large brick and slate building to provide a four bedroom L-shaped dwelling. An extension to the building is proposed to replace an existing single storey section of the building to provide a ground floor bedroom and a first floor ensuite (within the eaves) at first floor.
- 1.6 It is proposed to construct two dwellings, detached but with a connecting archway at single storey height to provide pedestrian access to the side and rear of each of the dwellings. The dwellings are almost identical in form and design but are set at 90° to each other. Each dwelling has four bedrooms. The existing brick and pantile outbuildings along the northern boundary would be demolished. A new building would be constructed in a similar position on a larger footprint for use as car ports for all three dwellings.

- 1.7 A larger rear garden and a rear parking area are proposed to be used in association with Goldswang Farmhouse.
- 1.8 It is also proposed to remove the existing lean-to garage, which is attached to The Old Academy, and construct a replacement garage on a smaller footprint with a new 1m high wall along the new boundary. This would increase the width of the area within the site and provide additional manoeuvring space within the site. Listed Building Consent is required for this element of the scheme.
- 1.9 The application includes a planning statement, a Design, Access and Heritage Statement, a Bat, Breeding Bird Survey and Method Statement and a Preliminary Assessment of Land Contamination.
- 1.10 Goldswang Farm buildings lie to the rear of Goldswang Farmhouse, which is a detached grade II listed building that fronts onto the village street. To the south of the dwelling and on the other side of the access lies the dwelling known as The Old Academy, a semi-detached dwelling with an attached lean-to garage abutting the access, which is also a grade II listed building.
- 1.11 The alterations to the listed buildings include the removal of the existing stone, blockwork and fibre cement sheet roof lean-to garage, which is attached to The Old Academy, and construct a replacement garage on a smaller footprint with a new 1m high wall along the new boundary. This would increase the width of the area within the site and provide additional manoeuvring space within the site.
- 1.12 The replacement garage would be finished in brickwork and pantiles.
- 1.13 The agricultural buildings to the rear do not form part of the listed buildings' curtilages and therefore the proposed works within the farmyard do not require listed building consent.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 06/00170/FUL - Alterations and extensions to agricultural buildings to form three dwellings, two flats and one shop; Refused 24 May 2006 for the following reasons:
 1. The proposal is contrary to policies L1 and H23 of the Hambleton District-Wide Local Plan which states that new development, particularly new residential development should be provided within the defined development limits, as identified in the inset maps within the Hambleton District-Wide Local Plan, other than that which is required for the social or economic needs of rural communities. No evidence has been put forward in the application to prove that the development proposed needs to take place on this site outside such development limits.
 2. In the opinion of the Local Planning Authority the proposal is contrary to the Council's Interim Policy on the release of Housing Land. It is considered that sufficient sites have been granted planning permission for residential development to meet the housing requirement set out in Policy H1 of the Hambleton District Wide Local Plan and in the North Yorkshire Structure Plan for the period to 2006 and that the grant of planning permission would prejudice the aims of the Development Plan's housing policies by adding to the over-provision of housing in the District.

Appeal dismissed 29 January 2007.

- 2.2 07/03174/FUL - Alterations and extensions to agricultural buildings to form four houses, two ancillary office/workshop units and a shop; improvement works to vehicular access; Withdrawn 13 November 2007.
- 2.3 11/02336/FUL - Alterations to form ancillary garage; Granted 19 December 2011.
- 2.4 16/02243/LBC - Listed Building Consent for demolition of buildings, construction of replacement garage and alterations to the access drive; Pending consideration.

2.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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 CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP28 - Conservation
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - Parish Council - unanimously agreed to support the application and expressed the following comments:
The proposed development would be an environmental benefit to Kirklington village. The current farm buildings are in a dilapidated condition and, without development, would continue to deteriorate.
Kirklington village is in need of extra housing to help sustain current facilities - the local Church, public house, Village Hall and to ensure that the village continues to be a viable and thriving community.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Natural England - No comment; the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 4.4 Yorkshire Water - No comment.
- 4.5 Yorkshire Wildlife Trust - The very thorough Bat, Breeding Bird Survey and Method Statement shows considerable use of the buildings by a number of species of bats and birds. However the consultant is confident that a European Protected Species Licence (EPSL) can be applied for and mitigation provided for the loss of bat roosts. Further surveys will be required before the EPSL can be applied for, and no building work can start until a licence is obtained. The method statement to prevent impacts on birds using the barns should be conditioned.

- 4.6 Historic England - this application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.
- 4.7 HDC Conservation Officer - no objections.
- 4.8 Public comments - Comments in support have been submitted from a local resident, subject to at least a 1m access being allowed for maintenance purposes and an appropriate wall being constructed for privacy purposes.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of residential development in this location; (ii) the design, form and layout of the scheme and its impact on the character and appearance of the Kirklington Conservation Area; (iii) the effect on the amenity of local residents; (iv) highway safety; (v) protected species and impact on the character, appearance and setting of the listed buildings.

Principle

- 5.2 The site falls outside of Development Limits, as Kirklington does not feature within the Settlement Hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that permission will only be granted for development in such locations in exceptional circumstances. One of the criteria of Policy CP4 requires development to be "(ii) necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance". The applicant in submitting the application states that the application is submitted on this basis and sets out to show that the removal of the use as a farm, the conversion of the brick building and the removal of the modern agricultural buildings would result in a significant environmental improvement.
- 5.3 The site still forms part of a working farmyard with agricultural vehicles using the access and livestock resident on the site. The supporting evidence submitted with the application suggests that a significant improvement to the environment would arise if the agricultural use was replaced with a residential use, which could reduce noise and odour and other disturbances at unsocial hours.
- 5.4 The exceptions allowed by Policy CP4 can only, by definition, arise in exceptional cases. Whilst it is acknowledged that an active farm can have a greater impact on neighbour amenity than a residential use, it is not unusual to find farms within or close to villages and therefore, if this aspect of the applicant's case were accepted, redevelopment such as this would not be an exceptional case but would be a common form of development. It is therefore not accepted that the amenity gain suggested by the applicant forms an exceptional case as intended by Policy CP4. Furthermore, considering the importance of local character in the quality of the environment, a policy approach that allowed all farms to be removed from villages could lead to a significant and potentially harmful change in the character of many rural settlements.
- 5.5 The applicant also suggests that the development would result in an improvement in the appearance of the site, which is within the boundary of the Kirklington Conservation Area. In this case the environmental improvements would be relatively minor in that the buildings are not of a scale or form such as to have a detrimental impact on the amenity of the area. The operation of a farm of this form within a village environment is not unusual and again is not considered to be significantly harmful. As such the proposed development is not considered to result in a significant improvement to the environment in this case.

- 5.6 The proposed extension to the brick built building is minor and respects the scale and character of the building. The barn has been assessed against the Council's published criteria for assessing Non Designated Heritage Assets. The building is considered to meet the following criteria: (1) age (usually more than 30 years old); (2) rarity (not many examples locally); (4) aesthetic value/appeal (distinctive local characteristics); and (6) townscape or landscape value (key landmark buildings).
- 5.7 The building is of historic and architectural merit; is considered to be a non-designated heritage asset and is therefore a feature of acknowledged importance. The NPPF in paragraph 126 requires Local Planning Authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 135 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.8 The proposed alterations would re-use existing openings and retain traditional features. It is considered that the proposed works would retain and respect the agricultural characteristics of the building and would improve its appearance allowing an acceptable alternative use in a location, which is adjacent to other residential properties. The proposed conversion of this building is considered to meet the requirements of criterion ii of Policy CP4 by conserving a feature of acknowledged importance within the village.
- 5.9 The two additional dwellings would replace agricultural buildings but again, for the reasons set out above, are not considered to result in a significant improvement to the environment as intended by Policy CP4.
- 5.10 Notwithstanding the absence of policy support for the new build element of the scheme under Policy CP4, the scheme can also be considered in the light of the Interim Policy Guidance Note.
- 5.11 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.
- 5.12 In the settlement hierarchy contained within the IPG, Kirklington is defined as an Other Settlement. 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". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Kirklington and lies 2.5km along the B6285 from the edge of Carthorpe, which has a pub. This route is via a country road which is unlit and without footpaths. Facilities in the village itself include a pub, a village hall and a church.
- 5.13 In order for development to be sustainable in smaller settlements, the IPG introduces the concept of cluster villages, which can provide a collective level of services and facilities sufficient to achieve sustainable communities. To be sustainable, a cluster must either include a Service Village or Secondary Village, or comprise smaller settlements that "have a good collective level of shared service provision" and are sufficiently close to function together. The IPG indicates that villages should be approximately 2km apart to allow this and the 2.5 km distance to Carthorpe is close to that, although the route adjoining the two villages is relatively poor as the road is

unlit and has no footways. The closest Secondary Village is Burneston, which is more than 3.5km away, too far from Kirklington to form a sustainable cluster.

- 5.14 However, it is important to note that in a recent appeal against refusal of planning permission for a new dwelling in Kirklington, the Planning Inspector stated:

"Whilst the village itself lacks the capacity to form a sustainable community, the distances to nearby villages are not significantly outside the general guidelines. In rural locations with limited public transport, there will inevitably be more reliance placed on private cars. The distances involved should in my view be balanced by the evidence as to their connectivity through mutual use of services and facilities. I consider that IPG criterion 1 would be met as the proposal would be located where it will support local services including services in a village nearby".

- 5.15 In summary, and taking into account all available evidence and the precedent of the appeal decision, development of housing in Kirklington is considered to meet the requirements of criteria 1 of the IPG in principle.

Character and appearance of the village and the rural landscape.

- 5.16 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.

- 5.17 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". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG.

- 5.18 The design of the new-build dwellings reflects 'barn conversions' with steeply pitched roof, large window openings and slit windows, which reflect features of the main building. There is adequate space for gardens and parking for each of the dwellings and amenity between the three properties and existing dwellings would not be compromised. A hedgerow boundary is proposed to form the rear boundary of the dwellings with the existing neighbouring property at Woodpecker. The latter dwelling is set back from the village street frontage and privacy is currently provided by the livestock buildings that abut the boundary. Adequate separation distances would be provided to ensure that the proposed dwellings would not adversely affect amenity as a result of overshadowing or overlooking.

- 5.19 The application site is currently an operational farm within the village and the site is contained within the operational area and as such is considered to contribute to the character of the settlement form as opposed to the rural character of the countryside beyond the site.

Amenity

- 5.20 There would be adequate space for gardens and parking for each of the dwellings and amenity between the three properties and existing dwellings would not be compromised. A hedgerow boundary is proposed to form the rear boundary of the dwellings with the existing neighbouring property at Woodpecker. The latter dwelling is set back from the village street frontage and privacy is currently provided by the livestock buildings that abut the boundary. Adequate separation distances would be provided to ensure that the proposed dwellings would not adversely affect amenity as a result of overshadowing or overlooking.

Highway safety

- 5.21 The Highway Authority has no objections to the existing access (as altered) being used to serve three dwellings in addition to the existing dwelling, as it would replace a busy farmyard use, subject to appropriate conditions.

Protected species

- 5.22 The bat and bird survey has identified bat roosts and the potential for roosts in some of the buildings and confirms that breeding birds are using the buildings. Additional surveys are recommended prior to work commencing and the report details appropriate mitigation and compensation measures.

Listed Buildings

- 5.23 S66 of the 1990 Planning Act requires us to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.24 The existing garage is an extension added to the dwelling following the grant of permission in 2011. The garage is relatively small in scale but the width appears out of proportion with the frontage width of the dwelling. The garage is of little merit and there are no objections to its removal.
- 5.25 The scale of the proposed replacement garage relates better to the proportions of the existing dwelling and the steeper roof pitch repeats the steep pitch of the main house.
- 5.26 The proposed materials of brick and pantile are in-keeping with the existing dwelling and other buildings in the vicinity.
- 5.27 The proposed works would not result in harm to the significance of the listed building and is not in conflict with the advice within the NPPF and is in accordance with the LDF policies.
- 5.28 The proposed works are in keeping with the original character and appearance of the listed building and approval of the application is recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the Planning application is **GRANTED** subject to the conditions set out below:
- 6.2 That subject to any outstanding consultations the Listed Building Consent application is **GRANTED** subject to the conditions set out below:

16/02242/FUL

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The

development shall be constructed of the approved materials in accordance with the approved method.

3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the new dwellings. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
5. Prior to the commencement of the development hereby approved a written statement of works and annotated plan shall be submitted to and approved in writing by the Local Planning Authority. The written statement shall identify the extent and sequence of works of conversion and the annotated plan shall show all areas of underpinning, demolition, refacing, replacement and reconstruction of foundations, walls and roofs that are necessary to implement the details of drawing no 15-1389-20A received by Hambleton District Council on 7 October 2016. Thereafter the scheme shall be implemented in complete accordance with the approved statement and plan.
6. The package of mitigation measures as detailed within the Bat, Breeding Bird Survey and Method Statement produced by Lobo Ecology, received by Hambleton District Council on 7 October 2012, shall be carried out in full.
7. 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 15-1389-22 Rev. A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. 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.
9. 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; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

10. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 15-1389 20 Rev A; 21; 22 Rev.00; 22 Rev. A received by Hambleton District Council on 7 October 2016 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. 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.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
5. To ensure that the works are undertaken as a conversion in accordance with LDF Policies.
6. To minimise risk or disturbance to bats and breeding birds and their future use of the site in accordance with LDF Policies CP16 and DP31.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety and in accordance with LDF Policies CP2 and DP4.
9. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
10. 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.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

Conditions proposed for Listed Building Consent Application 16/02243/LBC

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 15-1389 22 Rev. 00; 23 Rev. 00 received by Hambleton District Council on 7 October 2016 and email received on 14 December 2016 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. 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.
3. 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.