

**Parish: Carthorpe**  
**Ward: Tanfield**  
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Committee Date: 2 February 2017  
Officer dealing: Mrs H M Laws  
Target Date: 10 February 2017

**16/02467/FUL**

**Retrospective application to use an existing annexe as a dwellinghouse (for residential renting or for holiday accommodation)**  
**At The Annexe at Carthorpe Barn, Carthorpe**  
**For Mr Andrew Parker**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies on the northern side of the main village street, approximately 30m to the west of the junction with the B6285. The unit lies approximately 12m back from the frontage of the village street and is currently authorised as an annexe to the adjacent dwelling.
- 1.2 Permission was granted in December 2006 for the construction of the building, to be used as a garage and workshop with first floor ancillary accommodation, on the footprint of a former stable building within the curtilage of the house (a former barn conversion). The original intention was for occupation of the building by an elderly relative.
- 1.3 Planning permission was granted in 2010 for the occupation of the unit as an independent dwelling unit but with restrictions requiring local occupation in accordance with Housing Association legislation, in effect allowing housing development as a rural exception.
- 1.4 It is understood that the unit, which is currently unoccupied, has been let as holiday accommodation, which is in breach of the conditions.
- 1.5 It is now proposed to change the use of the building to an unrestricted dwelling to allow it to be occupied independently of the main dwelling or otherwise by holidaymakers.

## **2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 06/01552/FUL - Construction of a garage/workshop/ancillary accommodation unit; Refused 12 September 2006.
- 2.2 06/02547/FUL - Revised application for the construction of a detached domestic garage, workshop and ancillary accommodation; Granted 14 December 2006.
- 2.3 10/00203/FUL - Change of use of domestic annexe to a dwelling; Granted 17 May 2010 subject to conditions that it be occupied as affordable housing as a rural exception development.

## **3.0 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  
Development Policies DP1 - Protecting amenity

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - Previous granted planning application 10/00203/FUL had conditions relating to use as affordable housing. Changing the use from affordable housing to general housing goes against previous views and comments provided by the Parish Council on several occasions about the need for affordable housing in the village. Given that HDC applied affordable housing stipulations to the property in the past, the Parish Council feel very strongly that any change would be a retrograde step.
- 4.2 The Parish Council feel that due attention should be made to stipulate on site rather than on road parking given the close proximity to a junction and the existing volume of on road parking.
- 4.3 Highway Authority - No objection.
- 4.4 Public comment - An objection has been received from a neighbouring resident whose concerns are as follows:
- All previous planning decisions have been ignored and the dwelling has been used as a holiday let since March 2016. This application is for financial gain as Carthorpe Barn is up for sale;
  - When application 06/02547/FUL was approved in 2006, it was on the terms that the accommodation would be at all times for private domestic use ancillary to Carthorpe Barn and would not be used for commercial purposes or occupied as a separate dwelling or as holiday accommodation without the Council's prior approval; and
  - Conditions of planning permission 10/00203/FUL relating to affordable housing have not been kept to.

#### **5.0 OBSERVATIONS**

- 5.1 The issues to be considered include (i) whether the principle of an unrestricted (i.e. not affordable) dwelling is acceptable in this location; (ii) the impact on the character and appearance of the village and the rural landscape; (iii) residential amenity; and (iv) highway matters.

##### The principle of an unrestricted dwelling

- 5.2 The site falls outside of Development Limits as Carthorpe does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development "in exceptional circumstances". These policies were in place in 2010; the exceptional circumstances highlighted at that time were a local need for affordable housing, as allowed by policy CP4 criterion iii. Planning permission 10/00203/FUL was therefore subject to an occupancy condition to ensure the dwelling would be affordable as permission would not otherwise have been granted.
- 5.3 Granting planning permission without such a condition, as now proposed, would place the development in conflict with policy CP4 and, as such, the proposal would be a departure from the Development Plan. As the Parish Council and a member of the public have noted, the proposal is to use the building for purposes not allowed under previous consents; however, the issue must now be examined in the context of

current policy and this must include more recent national policy in the form of the National Planning Policy Framework (NPPF). 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".

- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has 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.
- 5.5 In the 2014 settlement hierarchy contained within the IPG, Carthorpe is defined as an Other Settlement. To satisfy criterion 1 of the IPG the proposed development must provide support to local services and, in Other Settlements, this must include services in a village or villages nearby. However, the villages in question must be sufficiently close together to be able to cluster and have a good collective level of shared service provision in order to be a sustainable community.
- 5.6 The IPG includes some examples of cluster villages that form sustainable communities and one is Burneston and Carthorpe. These two villages have long been linked economically and socially and collectively have churches, a primary school, two pubs and a shop. Each village is readily accessible from the other on foot or bicycle as well as by car on the local road network. Carthorpe is less than a kilometre from Burneston with a footway for almost all its length. IPG criterion 1 would be satisfied and an unrestricted dwelling is acceptable in this location within the current policy framework. On that basis there is therefore no longer a need for the occupancy condition that applied under the policy framework that pre-dated the NPPF.

#### Character and appearance

- 5.7 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". The building is an existing structure and would not therefore cause a significant alteration to the built form and character of the village and would not harm the surrounding rural landscape.

#### Amenity of local residents

- 5.8 It has been previously accepted, as a result of the planning permission in 2010, that the unit is acceptable as an independent unit of accommodation and would not give rise to amenity concerns. The building is already in domestic use and therefore approving this application would not have a significant impact on amenity.

#### Highway matters

- 5.9 It has been previously accepted, as a result of the planning permission in 2010, that use of the building as an independent unit of accommodation would not give rise to highway concerns. There is parking provision available within the site and the Highway Authority has no objection to the proposal.

## 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. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing received by Hambleton District Council on 19 December 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. 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.