

Parish: Kirkby Fleetham With Fencote Committee date: 20 July 2017
Ward: Morton on Swale Officer dealing: Laura Chambers
3 Target date: 27 July 2017

17/00786/FUL

Demolition and reconstruction of domestic outbuildings to form new dwelling and associated access.

**At Fencote Hall, Hergill Lane, Little Fencote
For Mr & Mrs Booth**

This application is referred to Planning Committee as the proposal is a departure from the Development Plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Fencote Hall is a substantial dwelling set within generous gardens, with a range of associated outbuildings. The hall is located to the south of Hergill Lane at the eastern edge of the village. The part of the site to which the application relates is the walled garden area and outbuildings to the south east of the hall itself.
- 1.2 Little Fencote is a small village principally centred on a green off which most properties take access. Fencote Hall is not a listed building; however the site has been identified as a non-designated heritage asset.
- 1.3 Planning permission was previously granted to convert outbuildings within the grounds to form a separate dwelling with an access taken from a private drive to the south of Hergill Lane. This application seeks permission to demolish the outbuildings and instead erect a dwelling of a similar footprint and scale in their place.
- 1.4 The same access arrangements as previously approved are proposed as part of the application. The proposed dwelling would have three bedrooms, an attached car port to accommodate two parking spaces. An existing stable building is to remain on site in its current use and without being altered externally.
- 1.5 Improvements have been secured as follows: Improvements have not been secured because the proposal is considered acceptable.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/02600/FUL – Conversion and extension of domestic outbuildings to form new dwelling and associated access; Granted 7 April 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 – Sustainable development
Core Policy CP2 – Access
Core Policy CP4 – Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Development Policy DP1 – Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 – Access for all
Development Policy DP8 – Development Limits

Development Policy DP9 – Development outside Development Limits
Development Policy DP10 – Form and character of settlements
Development Policy DP28 – Conservation
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Development Policy DP33 - Landscaping
Interim Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance (NPPG)

4.0 CONSULTATIONS

- 4.1 Parish Council – No observations.
- 4.2 Highway Authority – No objection subject to confirmation of access to the adopted highway.
- 4.3 Environmental Health Officer – No objection.
- 4.4 Yorkshire Water – No comments received.
- 4.5 Environment Agency – No comments received.
- 4.6 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; and (ii) design and the impact on a heritage asset.

Principle

- 5.2 The site falls outside of Development Limits and Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be allowed in locations beyond Development Limits "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. This is in contrast with the situation of the previous application, where exception was found under CP4 ii for the conversion of the buildings now proposed to be redeveloped on the basis that it would preserve the setting of adjacent non-designated heritage assets (Fencote Hall and its walled garden). However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 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 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 In the settlement hierarchy contained within the IPG, Little Fencote is defined as an Other Settlement; however it is also identified as part of a cluster of villages with Kirkby Fleetham and Great Fencote and is therefore considered a sustainable location for development. As such, the proposal satisfies criterion 1 of the IPG that

development must provide support to local services including services in a village or villages nearby.

- 5.5 The previous approval of a dwelling on the site was predicated on the intention to convert the existing buildings and drew support from CP4, criterion ii in that it would have maintained the setting of a feature of acknowledged importance, namely Fencote Hall and its walled garden.
- 5.6 The current application would not retain the original structures, however they are considered to have limited architectural significance in their own right; their value lies in the contribution they make to the setting of the main house. On this basis, and provided the replacement buildings are of an appropriate quality to contribute equally to the setting of the Hall and its walled garden, the principle of redevelopment can be considered positively.

Design and heritage

- 5.7 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.8 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.9 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.10 The Statement describes the character of the surrounding area as a modest village that has developed to the west of the Hall, which itself is situated within a parkland style setting and described as a typical country gentleman's residence. The supporting statement accurately reflects Little Fencote as a small settlement of principally residential properties, Fencote Hall being the most substantial of which.
- 5.11 It is noted that the coach house and stables on the site are to be retained in their current form and would be used for ancillary domestic purposes as existing.
- 5.12 The other development options considered were the previously approved scheme for conversion of the existing buildings, however it has been identified that substantial alteration and re-building would be required resulting in limited original fabric being retained and there would be accommodation on varying levels making access impractical.
- 5.13 The built form as existing includes a two-storey central coach house flanked by single storey wings to each side, a brick boundary wall links this building to the associated hen houses to the south, forming an internal courtyard area. The new dwelling would sit on broadly the same footprint as the existing buildings, but range of buildings would be subsumed to form a single property, albeit the area of the existing hen houses would become the location for a carport and boot room. The previously proposed scheme proposed to introduce a glazed extension to the building but this has now been omitted.

- 5.14 The proposed single storey elements of the scheme would be higher than existing in order to facilitate usable room heights; this was also true of the previously approved scheme for conversion and does not detract from the overall design of the property. Good quality materials, including some to be reclaimed, are proposed and would be appropriate to the setting.
- 5.15 While the structures themselves are no longer proposed to be conserved, the proposed development would reflect a similar built form and appearance. The proposed redevelopment would therefore offer an enhancement to the environment of a feature of acknowledged importance.
- 5.16 Access is to be taken from a private drive in the ownership of a neighbouring property that connects into the adopted highway to the west, as previously approved. The Highway Authority has confirmed it has no objection in principle, but has asked for clarification as to whether access to the adopted highway is achievable. The applicant confirms that the requisite notice has been served on the third party landowner, who has granted access to the private drive, and as such appropriate access would be achieved.
- 5.17 On assessment of the application it is considered that it would lead to less than substantial harm to heritage assets. That harm would be the loss of outbuildings that complement the Hall and its walled garden. However, as noted earlier, the proposed replacement building is of comparable quality and would be subservient to the main hall. Conversion of the buildings has been determined to require substantial further alteration and removal/rebuilding and as such only limited original fabric would remain should the previous permission be implemented.
- 5.18 The significance of the buildings is considered to be their relationship with Fencote Hall in terms of layout and scale, the built form as presently exists would be sustained and the historic link and land uses of the buildings would be remain apparent.
- 5.19 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The proposal would result in an enhancement of the setting of Fencote Hall, making sustainable use of the site without detracting from the character of the Hall or wider village.
- 5.21 The proposal would also allow small scale residential development within the village in support of existing services in the nearby villages of Kirkby Fleetham and Great Fencote, as identified as appropriate in terms of the Council's Interim Policy Guidance and the NPPF.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission 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 drawing(s) numbered 16/1510/10 and 16/1510/11 received by Hambleton District Council on 06/04/17 unless otherwise approved in writing by the Local Planning Authority.

3. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
4. All buildings within the red line boundary shown on plan number 16/1510/10 shall be used as a single residential unit and shall not be subdivided to form an additional dwelling.

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 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, CP2, CP4, CP16 and CP17.
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 the interests of an appropriate form of development and for the avoidance of doubt.

Informatives

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 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 Hambleton District Council - Waste and Streetscene.

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.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.