

Parish: Romanby
Ward: Romanby
10

Committee date: 9 November 2017
Officer dealing: Mrs H Laws
Target date: 17 November 2017

16/02168/FUL

**Formation of two additional dwellings by conversion, alterations and extensions to the existing buildings including construction of hard-standings and three garages
At Crow Tree farm, Yafforth Road, Romanby
For Mr & Mrs Craven**

This application is referred to Planning Committee at the request of Councillor Hardisty

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies approximately 1.5km to the west of Northallerton and 700m to the south east of Yafforth. The application site is surrounded by the Romanby Golf Course.
- 1.2 The golf club opened in 1993 and comprises an 18-hole course, golf driving range, associated pro shop, office and a country club used for functions. The business currently employs 11 full time and 15 part-time staff. The existing, adjacent dwellinghouse, although owned and occupied by the applicants, is separate from and does not form part of the business. The dwelling is a substantial four-bedroom, two-storey property, linked by outbuildings to the rear elevation of the country club. A two-storey building comprising domestic garage with storage above lies detached from the dwelling and is physically linked to the pro-shop and office building.
- 1.3 It is proposed to construct a two-storey extension to the west elevation of the dwelling and then sub-divide the accommodation to create two dwelling units, each with three bedrooms. A detached double garage would be constructed adjacent to each dwelling. An extension to the existing driveway would provide access to the new dwelling at the western end.
- 1.4 It is also proposed to alter and extend the garage/store linked to the pro shop to create a two-bedroom dwelling. A conservatory extension would also be added.
- 1.5 The proposed development is to provide an independent dwelling for each of the two sons of the applicants, one of whom is employed within the business. The applicants wish to reduce their input in the business and allow their sons to continue and potentially expand the golf course business (although no business plan has been provided), allowing all to live on site to provide flexibility and security. The proposed dwellings are proposed as a way of providing finance by mortgaging these two new homes, in order to repay investors in the business. Between them the three investors own 50% of the company shares and wish to realise the value of their shareholding. The applicants state that in order to raise the necessary capital, the dwellings would need to remain separate from the business. They consider that any planning conditions or restrictions would reduce the likelihood of securing mortgages and future investment in the business as this would result in reduced values and the chance of obtaining any meaningful mortgage and could create a VAT liability on the build, reducing any chance of surpluses to support the business. The proposal therefore is for the creation of two unrestricted dwelling units.
- 1.6 Should the existing investors seek immediate return of their investment there is a risk that the business would be broken up. The applicant has suggested that an agreement be drawn up with the investors to secure a buy-out and that permission is granted subject to such an agreement. This would not, however, achieve any direct

planning gain to ensure the retention of an existing business and no evidence has been submitted to support this.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 92/0098/FUL - Layout of land & conversion of buildings to clubhouse, and shop with offices, driving range, vehicular access and road, siting of water tank & re-siting of farm buildings for use as store; Granted 16 April 1992.
- 2.2 94/51074/P - Change of use of agricultural land to a golf course extension and construction of a vehicle access bridge and a footbridge; Granted 4 March 1994.
- 2.3 97/51241/P – Clubhouse; Granted 6 February 1998.
- 2.4 98/51141/P – Greenkeeper's building with associated facilities; Granted 28 April 1998.
- 2.5 99/51232/P – Beer cellar; Granted 19 May 1999.

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
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 – Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 – Landscaping
Development Policies DP37 – Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection; conditions recommended
- 4.3 Environment Agency – No objection.
- 4.4 Environmental Health Officer - No objection.
- 4.5 Public comments - None received.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of additional residential development in this location; (ii) the potential loss of the sports facility and employment generator; (iii) design and siting; (iv) ecology; and (v) highway issues.

Principle of additional residential development

5.2 Policy CP4 requires new development to be restricted to within Development Limits but does identify six possible exceptions. Proposed development must comply with at least one of these exceptions:

- i. it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in this position and will help to support a sustainable rural economy;
- ii. is necessary to secure an improvement in a feature of acknowledged importance;
- iii. it would provide affordable housing or a community facility;
- iv. it would re-use an existing building and help to support a sustainable rural economy;
- v. it would make provision for renewable energy generation;
- vi. it would support the social and economic regeneration of a rural area.

5.3 The applicants' justification for the proposed development is that it would help to support the golf course business. The applicants would not however be willing to accept a condition or legal agreement to ensure that the proposed dwellings would remain available either for workers associated with the business or that the financial gain resulting from the development would be reinvested into the business. It should be noted that no operational need for an additional on-site residential presence in order to run the golf course has been presented.

5.4 There is no guarantee therefore, (notwithstanding the assertions of the applicant) that the development would benefit and ensure the long term retention of the business and therefore it is not possible for the proposed development to comply with the criteria set out in Policy CP4.

5.5 The NPPF, in paragraph 55, states that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- i. The essential need for a rural worker to live permanently at or near their place of work in the countryside;
- ii. Where the development would be the optimal viable use of a heritage asset or would be appropriate enable development to secure the future of a heritage asset;
- iii. Where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting; or
- iv. The exceptional quality or innovative nature of the design of the dwelling.

5.6 None of the above criteria are considered to apply in this instance.

5.7 The Council's Interim Guidance on development in villages focusses on the scope for development within and at the edge of villages and does not make specific reference

to new development in the wider countryside or near a Service centre (Northallerton and Romanby in this case). The application site does not relate to a settlement and therefore the Interim Policy Guidance is not relevant.

The potential loss of a sports facility and employment generator

- 5.8 The justification submitted with the application suggests that there is a risk to the business and the provision of the two dwellings as proposed is the only means of allowing the minority shareholders to realise the value of their shareholding and ensure the long term future for the golf course and associated activities. The applicants state that none of the shareholders have received any dividends from the business since it was formed and that this would put off any future shareholders, such that attempts to find replacement investors over the past five years have proved impossible.
- 5.9 The applicants also state that whilst the company's articles of association prevent the minority shareholders from forcing a sale of the company, a disputes resolution clause would "almost force" the family to join forces with minority shareholders and agree to an outright sale. The applicants state that the business would most likely be asset stripped with the land returning to agriculture and the existing buildings being given over to some other use.
- 5.10 Outdoor sports facilities provide social benefits that help to improve people's quality of life and their provision and retention is supported by LDF Policies CP19 and DP37. The NPPF in paragraph 73 states that opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. It is considered therefore that the loss of the facility would be contrary to these aims.
- 5.11 The golf course and country club also provide employment for several workers and therefore consideration should be given to whether the proposed development would help to support a sustainable rural economy by allowing the retention of existing jobs.
- 5.12 No information has been received to suggest that without the proposed development the business would close and jobs would be lost, for example a statement from the minority shareholders confirming their intention to force the business to be sold or wound-up. There is no definitive evidence that the business would close and jobs would be lost and therefore no direct connection to the proposed development enabling the retention of the sports facility and employment generator.

Design and siting

- 5.13 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."
- 5.14 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 setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.15 The National Planning Policy Framework 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.

- 5.16 It is proposed to create one of the two new dwellings by extending the existing dwelling and subdividing the accommodation to create two, three bedroom units. The second new dwelling would be created by converting and extending the existing garage/store.
- 5.17 The submitted Design & Access Statement considers that the proposed extension to the existing house continues the existing form and design of the dwelling, following the visual hierarchy of the different sections of the development. The proposed building would retain the characteristics of a single dwelling with secondary additions rather than of two independent dwellings and this therefore reflects the existing character of the property without detracting from its appearance.
- 5.18 The existing garage building is of minimal visual merit and the proposed alterations and extensions do not detract from its appearance. The building forms part of the group of buildings associated with the existing dwelling and golf course and the proposed works would not have an adverse visual impact on the character and appearance of the surrounding rural landscape.
- 5.19 The proposed work is considered to be in accordance with LDF Policies CP16, CP17, DP30 and DP32.

Ecology

- 5.20 A submitted bat survey concludes that there is potential for bat roosts within the buildings and landscape within the application site boundary and further surveys should be undertaken.

Highway issues

- 5.21 The Highway Authority has no objections to the use of the existing driveway to serve the additional dwellings.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The site is outside Development Limits and fails to meet any of the exceptional circumstances set out in LDF Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore be contrary to Policies CP1, CP2, and CP4 of the Local Development Framework.