

## **Parish: Brompton**

Ward: Northallerton North & Brompton  
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Committee date: 8 February 2018  
Officer dealing: Mrs H Laws  
Target date: 16 February 2018

17/01498/FUL

## **Conversion of agricultural barns into two dwellings At Street House Farm, Deighton Lane, Brompton For Mr & Mrs Wittrick**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site lies approximately 2km to the south of the village of Deighton but lies within the Parish of Brompton. It is currently occupied by a detached, previously extended, two storey dwelling and adjacent farm buildings which comprise both traditional brick and modern sheet clad structures.
  - 1.2 Planning permission was granted in June 2016 to remove the existing dwelling, which lies at the front of the farmstead, and construct a replacement dwelling within the paddock that lies to the south of the farm buildings, set back almost 100m from the road along the farm access track. The site of the existing dwelling would be cleared and retained as landscaped amenity space.
  - 1.3 Following the submission of a prior notification for the conversion of the agricultural buildings to two three-bedroomed dwellings, it was agreed that the works would be permitted development. This work has not been implemented at the time of writing.
  - 1.4 It is now proposed to convert a larger section of the farm buildings to form two four-bedroom dwellings of single-storey form, but with a small area of mezzanine each. The existing buildings are red brick and mostly pantile roofed structures of varying heights last used for agricultural purposes. The buildings, which are mostly disused, lie adjacent to farm buildings.
  - 1.5 It is proposed to use the existing access that currently serves the farmhouse to serve a parking area at the front; garden areas would be provided at the front and rear of the dwellings. A public right of way follows the farm track to the south of the site and then turns southwards to follow the existing hedgerow boundary. The route would not be affected by the proposed development.
  - 1.6 The floor area of the dwellings agreed under permitted development is 444sqm; the proposed scheme would extend the floor space of the dwellings into a greater area of the barns and includes the provision of an upper floor above part of the previously permitted accommodation. As a result of these changes the proposed dwellings would each have one more bedroom than the permitted development conversion. It is noted that permitted development restrictions allow for the formation of up to three residential units and the use of up to 450sqm of floor space. The proposed development would result in the formation of 2 units and approximately 700sqm of floor space.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/00603/FUL - Demolition of dwellinghouse and construction of replacement dwelling; Withdrawn 4 March 2016.
  - 2.2 16/00811/FUL - Replacement dwelling and all ancillary works; Granted 10 June 2016.

- 2.3 17/01555/MBN - Application for Prior Notification for proposed change of use of Agricultural Building to two dwellinghouses and associated operational development; No objection 17 October 2017.

### **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 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 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 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, and an informative to ensure the route of the public right of way is protected.
- 4.3 Environmental Health Officer - No objection.
- 4.4 Ramblers Association - No objection; it is assumed the public footpath adjacent to the farmstead will retain its parameters and characteristics.
- 4.4 Public comments - None received.

### **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration in this case relate to (i) the principle of two additional dwellings in this location; (ii) the effect on the character and appearance of the rural landscape; (iii) the siting, scale and appearance of the dwellings; (iv) the impact on residential amenity; (v) ecology; and (vi) highway safety.

#### Principle

- 5.2 The site is in a rural location where new residential development would not normally be allowed, in accordance with the principles of CP1 and CP2 and in the absence of special justification under the criteria set out in CP4.
- 5.3 It has previously been agreed that the conversion of the buildings to form two dwellings is permitted development under Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (17/01555/MBN) although this has not been implemented. The planning application proposes to convert the buildings into two larger dwellings with larger areas of domestic curtilage, which would effectively

fall outside the permitted development criteria owing to the size of units proposed along with the area of residential curtilage proposed.

- 5.4 The barns could therefore already be converted to dwellings under permitted development rights and, although this does not accord with planning policy, the barns are entitled to be used for residential purposes and therefore the principle of the use is established. Accordingly, the only issues to be considered relate to the changes to the scheme over and above those agreed as permitted development. This would relate to the impact of greater floor space and increased curtilage on the character and appearance of the locality; on residential amenity and on highway safety.

#### Character and appearance

- 5.5 The alterations to the buildings are minimal and therefore their appearance would not alter significantly compared with the permitted development conversion. The character of the site would alter from an agricultural setting to a domestic setting with the addition of domestic paraphernalia such as washing lines and greenhouses and this would be more pronounced than the permitted development conversion because the curtilages now proposed are larger. The permitted development regime limits the curtilage of a dwelling formed by barn conversion to be no greater than the floor space of the building, i.e. 444sqm. The proposed scheme would have garden areas for the two dwellings of more than twice that size.
- 5.6 The garden of one of the plots would include the area currently occupied by the farmhouse and would not therefore have a greater impact on the rural landscape. The garden for the second plot would extend the domestic curtilage into the adjacent field. A proposed new hedge around the boundary of the proposed garden, including some hedgerow trees, would limit the impact on the rural landscape.

#### Design

- 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 setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.9 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.
- 5.10 The proposed alterations are minimal and are sympathetic to the original character and appearance of the buildings. The increased floor space would be within existing buildings and therefore the amendments to the scheme, in addition to the permitted development scheme, would have no greater impact on the appearance of the buildings or the rural setting. The proposal is considered to present a high standard of design and to comply with policies CP17 and DP32.

#### Residential amenity

- 5.11 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution

(including light pollution), vibration and daylight. The proposed dwellings would share an access but have individual areas of amenity space. There would be adequate separation to ensure the protection of the amenity of the proposed residents. The application site lies far enough from the approved position of the replacement farmhouse for it not to have an impact on neighbouring amenity.

- 5.12 The existing working farm would have a separate entrance with access into the buildings from the south and eastern side of the site and would be set well away from the habitable areas of the proposed dwellings.
- 5.13 The proposed development would be in accordance with LDF Policy DP1.

#### Ecology

- 5.14 Several bat surveys have been undertaken, which confirm the presence of bats within the buildings. Further work would be required in order to formulate a mitigation strategy. A bat licence from Natural England would be required.

#### Highway safety

- 5.15 The Highway Authority has no objections to the use of the existing access to serve the two new dwellings and recommends an informative to ensure the public rights of way through the site are protected. The route lies adjacent to the application site and would not be affected by the proposed development. The route would remain available adjacent to the proposed dwellings.

#### Conclusion

- 5.16 The principle of residential development has been established by the permitted development regulations. The amended scheme, which includes additional floorspace and domestic curtilage, would not harm the character and appearance of the surrounding rural landscape, the amenity of local residents or highway safety. Approval of the application is therefore recommended.

## **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. 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. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the Site Plan

(drawing number 10A) received by Hambleton District Council on 28 September 2017 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

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 W073-02 drawing numbers 05A; 06A; 07; 08; and 10A received by Hambleton District Council on 5 July and 28 September 2017. Thereafter the scheme shall be implemented in complete accordance with the approved statement and plan.
6. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwellings or buildings nor shall any structure be erected within or on the boundary of the curtilage of the dwellings hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
7. Prior to the commencement of development a detailed method statement of works as recommended within the Bat Risk Assessment and Emergence Survey Report produced by EcoSurv Ltd, (received by Hambleton District Council on 13 July 2017), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in full.
8. 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 Drawing number 10A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered W073-02 05A; 06A; 07; 08; and 10A received by Hambleton District Council on 5 July and 28 September 2017 unless otherwise approved in writing by the Local Planning Authority.

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. 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. In order to soften the visual appearance of the development and protect the character and appearance of the surrounding rural landscape in accordance with LDF Policies CP16 and DP30.

5. To ensure that the works are undertaken as a conversion and to protect the character and appearance of the rural landscape in accordance with LDF Policies CP16 and DP30.
6. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with LDF Policies CP1 and DP1.
7. To minimise risk or disturbance to bats in accordance with LDF Policies CP16 and DP31.
8. 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.
9. 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.

#### Informatics

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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

2. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
3. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.