

**Parish: Romanby**  
Ward: Romanby  
**8**

Committee date: 8 February 2018  
Officer dealing: Mrs H Laws  
Target date: 16 February 2018

**16/02168/FUL**

**Proposed development to form 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**

**Consideration of this application was deferred at the meeting of 9 November 2017 in order to allow the applicant to submit additional details**

## **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 Romanby Golf Course, which originally opened in 1993, comprises of the 18 hole course, golf driving range, associated pro-shop, office and a country club, used for functions. The business is owned and operated by the applicant and currently employs 11 full-time and 12 part-time staff. The existing adjacent dwellinghouse although owned and occupied by the applicant is separate from, and does not form part of, the business. The dwelling is a substantial five bedroom, two storey property, linked by outbuildings to the rear elevation of the country club. A two storey domestic garage with first floor storage lies detached from the dwelling and is 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 existing dwelling and then subdivide 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 domestic existing garage/store 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 applicant, one of whom is employed within the business. The applicant wishes to reduce their input in the business and allow their sons to continue and potentially expand the golf course business, allowing all to live on site to provide flexibility and security. The proposed dwellings were initially proposed as a way of providing finance by raising three individual mortgages on the properties to make the alterations and 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. This is not now as urgent as the need is to ensure the future profitability of the business, the day to day operation and cash flow. The applicants state that in order to implement the changes, 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.
- 1.7 Additional information has been received from the applicant in the form of a detailed appraisal of development costs and a five year business plan detailing the future development of the business. It is anticipated that the future development would secure the jobs of the existing employees and result in the employment of a further six full-time employees. None of the future development proposals have yet been subject to the planning process.
- 1.8 The main benefit of the provision of two additional dwellings appears to be the creation of a flexible working arrangement allowing their sons to live on site and be available to work in any area of the business as required at short notice, including the green-keeping, pro-shop or the clubhouse. It is this element of the business that the applicant considers essential to make the existing business viable; the business plan shows that this would negate the requirement to employ three staff members and save the business up to £50,000 per annum. The viability of the existing business (notwithstanding future development proposals) hinges on this provision and the business profitability would no longer be able to maintain the level required by loan covenants.
- 1.9 It would appear from the information submitted that the costs incurred in creating the two dwelling units would not allow the release of a significant amount of money and would be similar to the finished value of the new properties. The aim of the development is not the release of funds but the provision of the flexible working arrangement, which would retain funds within the business and allow it to maintain its current levels of profitability in order to move forward in the next few years to develop the business further.

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

- 2.1 92/0098/FUL - Layout of land & conversion of farm building to a golf clubhouse, conversion of garage/workshop to shop with offices, construction of 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 – Construction of a golf clubhouse; Granted 6 February 1998.
- 2.4 98/51141/P – Construction of a greenkeeper's building with associated facilities; Granted 28 April 1998.
- 2.5 99/51232/P – Construction of an underground 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  
Open space, sport, recreation Supplementary Planning Document  
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 – 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

- 5.2 Policy CP4 requires new development to be restricted to within Development Limits but does identify six possible exceptions. The development must comply with at least one of the following:
  - 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 existing 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. There is no guarantee therefore, (notwithstanding the assertions of the applicants) 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 above criteria of Policy CP4.
- 5.4 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.
- 5.5 None of the above criteria are considered to apply in this instance.
- 5.6 The Council's Interim Policy Guidance on development in villages focusses on the scope for development within and at the edge of villages and does not apply to new development in the wider countryside or near a Service centre (Northallerton and Romanby in this case). The Interim Policy Guidance is therefore not relevant in this case.

#### The potential loss of a sports facility and employment generator

- 5.7 The justification submitted with the application suggests that there is a risk to the existing business and the provision of the two dwellings as proposed is the only means of providing finance to pay back existing investors 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.
- 5.8 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.
- 5.9 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.

- 5.10 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.
- 5.11 Information in the form of five year EBITDA (earnings before Interest, taxes, depreciation and amortisation) valuation predictions has been received to suggest that without the proposed development the business would be in danger of closing and jobs would be lost. The aim of the proposed development is to allow the flexible working arrangement detailed within paragraph 1.8 above, which would secure the future of the business for the next three years, following which the five year business plan would be implemented to secure the longer term future and the release of funds in order to repay current investors; the applicants consider that without this it is possible that the business would be broken up and could be sold off separately. However, it is only possible to give limited weight to this in the absence of definitive evidence that the business would otherwise close and jobs would be lost and therefore of a direct connection between the proposed development and the retention of the sports facility and employment at the site.
- 5.12 As noted in paragraph 1.5, the applicants are unwilling accept a planning condition that would tie the proposed dwellings to the operation of the business and the dwellings would therefore be unrestricted housing in the countryside. Whilst the applicants state that the occupation of these new dwellings by their sons is essential to the realisation of their business plan, that plan does not provide any evidence that the business could not operate if their sons lived off site. In this regard it is of note that no case has ever been made to suggest that the three members of staff that would no longer need to be employed would have needed to reside on site.
- 5.13 The hours during which green keeping can be carried out are limited by daylight and it is reasonable to expect a pro shop to operate during fixed times. Whilst wedding receptions and other functions operate outside normal working hours, those events are booked well in advance and there is therefore ample opportunity to plan for them. It would undoubtedly be easier for the family to run the business without needing to travel to work but that is not considered to justify new dwellings in the countryside as an exception of policy CP4. None of the activities identified on site at present and expected to occur in future are considered to require a 24-hour presence.
- 5.14 It is acknowledged that the holiday lodge development identified in the business plan could provide some justification for on-site accommodation to support overnight guests. However, that case should be made as and when a planning application for the lodges is submitted.
- 5.15 For these reasons an essential requirement for a person employed in the business to live on the site has not yet been demonstrated. Consequently the dwellings would be contrary to Core Policy CP4.
- 5.16 NPPF paragraph 55 states that new isolated homes in the countryside should be avoided unless there are special circumstances and identifies “the essential need for a rural worker to live permanently at or near their place of work in the countryside”. This is consistent with the Development Plan position set by CP4 and as above the requisite need has not been identified.

#### Design and siting

- 5.17 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.”

- 5.18 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.
- 5.19 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.
- 5.20 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.
- 5.21 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. 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.
- 5.22 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.
- 5.23 The proposed work is considered to be in accordance with LDF Policies CP16, CP17, DP30 and DP32, although this does not outweigh the earlier conclusion that an essential requirement for a person employed in the business to live on the site has not yet been demonstrated or the harm of further unrestricted dwellings in the countryside.

#### Ecology

- 5.24 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

- 5.25 The Highway Authority has no objection 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. A functional need for a person to live on site in order for the business to operate has not been demonstrated and therefore the proposal is also contrary to the requirement in paragraph 55 of the National Planning Policy Framework to avoid new isolated homes in the countryside.