

Parish: Stillington

Ward: Huby

11

Committee date: 8 March 2018

Officer dealing: Miss Charlotte Cornforth

17/02730/MRC

Removal of condition attached to planning permission 2/02/141/0271 to allow permanent residential occupation of two properties previously approved for use as holiday units

At White Bear Cottage and Barn, Stillington

For Mr and Mrs Smithson

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located at the southern edge of Stillington. The village is located approximately 6km to the south-east of Easingwold and 18km to the north of York. Stillington is a linear settlement bisected by the B1363 (Main Street), which links Stillington with Brandsby in the north and Sutton on the Forest to the south.
- 1.2 The application site lies just outside the southern boundary of the designated Stillington Conservation Area which is marked locally by South Back Lane.
- 1.3 White Bear Barn and White Bear Cottage are detached, brick and pantile buildings that are currently used as holiday accommodation. Informal car parking and garden space areas are positioned immediately to the south of these properties.
- 1.4 Permission is sought under S73 of the Town & Country Planning Act 1990 to remove condition 8 of planning permission 2/02/141/0271 in order to allow for permanent residential occupation of the two units.
- 1.5 The buildings would remain unaltered both internally and externally, although the existing curtilage would be subdivided into separate gardens. Four permeable parking spaces (two per dwelling) would be created whilst close-boarded fencing would be erected along the site boundaries.

Procedural issue

- 1.6 The application site boundary includes all the land shown in the application 2/02/141/0271 and an additional area to the south that forms the access to the retained land. The application seeks to amend a planning condition and as such the change to the extent of the application site does not prevent full consideration of the impact of the proposal.
- 1.7 It is not clear whether the approved under reference 14/01332/FUL to change the occupation of the two holiday units to one dwelling has been implemented however it is open to the applicant to seek to amend the approval from 2002 and thereby seek approval for the use of the buildings as two dwellings.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/02/141/0271 (new format reference number is 02/00131/FUL) - Alterations to agricultural buildings for use as two holiday units; Granted 10 May 2002 subject to conditions including condition 8:

The accommodation hereby approved shall not be occupied as a permanent dwelling.

- 2.2 14/00479/FUL - Change of use of two holiday letting units into two detached self-contained dwellings; Withdrawn 30 June 2014.
- 2.3 14/01332/FUL - Use of two holiday letting units as one dwelling house with ancillary facilities; Granted 25 June 2015.

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 DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 – Conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
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 objection.
- 4.2 Highway Authority – No objection.
- 4.3 Public comments – None received to date.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development (ii) impact upon the conservation area (iii) impact upon the amenities of nearby neighbours and (iv) highway safety

Principle

- 5.2 Policy CP4 requires new development to be restricted to within Development Limits but, to ensure appropriate consistent interpretation of the NPPF alongside Policy CP4, 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.
- 5.3 The IPG states that the Council will support small-scale housing development in villages "where it contributes towards achieving sustainable development by

maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies."
- 5.4 The two buildings lie within the built up part of this Service Village within easy walking distance of the facilities that include a school, pubs, shop and a church and within easy reach of the bus stops from where there is a regular and frequent bus service to Easingwold and York. The village is also within cycling distance of Easingwold, which is the defined Service Centre.
- 5.5 One of the units is a bungalow and the Council's Supplementary Planning Document on the Size, Type and Tenure of New Homes identifies the pressing need for bungalows. The proposal represents an opportunity to deliver a bungalow in a location with high demand for such accommodation.
- 5.6 The application site lies between a housing development site to the west and an approved housing development to the south and therefore relates well to the village. As the site is accessed from South Back Lane, it has a clearer relationship with the domestic, developed parts of the village rather than the adjacent countryside beyond.
- 5.7 Furthermore, the application 14/01332/FUL that allowed the use of two holiday properties as one dwelling with ancillary facilities has been accepted and is therefore material to this application.

Impact upon the Stillington Conservation Area

- 5.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Stillington Conservation Area.
- 5.9 The buildings would remain unaltered both internally and externally, although the existing curtilage would be subdivided into separate gardens. In order to guard against potential adverse impacts of alterations to the dwellings or new outbuildings permitted development rights can be restricted as set out in condition 2 of this recommendation. Four permeable parking spaces (two per dwelling) would be created; this is considered to be sufficient to meet the reasonable needs of the development.
- 5.10 The proposal would therefore preserve and enhance the character and appearance of the Stillington Conservation Area.

Neighbour amenity

- 5.11 There are no alterations proposed to the buildings and therefore the use of the buildings as dwellings is unlikely to have a detrimental impact on the amenity of adjacent residents. As noted above it is recommended that permitted development

rights be removed to allow the planning issues relating to the impact on residential amenity and also on the character and appearance of the Conservation Area to be considered by the Planning Authority should any external alterations be proposed.

Highway safety

- 5.12 The proposed development would be served by a single vehicular access point onto Back Lane. Minimum visibility splays would be provided and four permeable parking spaces (two per dwelling) are proposed. The Local Highway Authority has raised no objection to the proposal.
- 5.13 It is considered that the development meets the policies of the LDF and would create additional bungalow accommodation in a sustainable location.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) Site Location Plan 1641/2, Proposed Site Layout 1641/9 unless otherwise agreed in writing by the Local Planning Authority.
 2. Notwithstanding the provisions of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect: Class A: Enlargement, improvement or other alteration of a dwellinghouse; Class B: Additions etc to the roof of a dwellinghouse; Class C: Other alterations to the roof of a dwellinghouse; Class D: Porches; and Class E: Buildings etc. incidental to the enjoyment of dwellinghouse.
 3. No dwelling shall be occupied on a permanent basis until the related parking facilities have been constructed in accordance with the approved drawing reference 1641/19. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

The reasons are:

1. 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 Hambleton Local Development Framework Policies CP1, CP17, DP1 and DP32 and National Planning Policy Framework.
2. To ensure that the appearance of the areas and amenity of neighbours is not prejudiced by the introduction of unacceptable materials and/or structure(s), and to satisfy the requirements of Policies CP1, DP1, CP16, DP28, CP17 and DP32.
3. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.