

Parish: Easby
Ward: Great Ayton
11

Committee Date : 6 February 2020
Officer dealing : Mr Nathan Puckering
Target Date: 24 December 2019
Date of extension of time (if agreed): 17 January 2020

19/02298/FUL

Internal alterations to sub-divide existing dwelling to create two dwellings and retrospective change of use of agricultural land to form domestic gardens.

At: Pilly Hall Farm Easby North Yorkshire TS9 6JQ

For: Mr & Mrs Cutler.

- 1.1 Pilly Hall Farm is a farmstead located to the south of Easby. It is accessed via a short track off Kildale Road. It operates as a sheep farm, with grazing land surrounding the wider farmstead on three sides. It is comprised of Pilly Hall Farmhouse, which is sited on the eastern edge of the farmstead, as well as several agricultural buildings located west of this. One of these buildings has permission to be converted to a dwelling under separate permission (ref: 15/02726/MBN). The Wheelhouse is also sited at the northern-most extent of the site, which is under separate ownership to the farm operation and the applicant.
- 1.2 The surrounding area is rural in nature, with surrounding open countryside only interrupted by sporadic farming units. The land immediately surrounding the site is fairly uneven, sloping from west to east at quite a steep gradient, with the land to the east of the site falling away quite drastically. However, due to fairly extensive landscaping to the east of the site, the site isn't very visible from this viewpoint despite its elevated position.
- 1.3 This application is seeking permission for the subdivision of Pilly Hall Farmhouse to create two open market dwellings. This will be done through internal alterations only. In addition it is seeking retrospective permission for the change of use of the land directly abutting the east of the farmhouse from agricultural to domestic - forming the domestic curtilage for the second dwelling.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/02726/MBN - Prior Notification for change of use of agricultural building to a dwelling and associated operational development - Permitted 31.05.2016
- 2.2 11/02738/FUL - Proposed side extension to existing dwelling - Permitted 08.02.2012

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
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
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design

4.0 REPRESENTATIONS

- 4.1 Easby Parish Council - no objections
- 4.2 Street Naming & Numbering - yes an application would be required
- 4.3 Northumbrian Water - no comments to make
- 4.4 The Ramblers Association - no comments received
- 4.5 Environmental Health - no objection
- 4.6 Highways - no objections subject to condition regarding parking provision for new dwelling being constructed prior to occupation

5.0 ANALYSIS

- 5.1 The main issues to consider are; i) The principle of the development in this location; ii) The impact on the surrounding area; iii) Residential amenity; iv) Highway safety and; v) Drainage

The principle of the development

- 5.2 Policy DP8 states that development must be within the defined development limits. Policy DP9 states that any proposed development outside of the development limits must be in line with one of the exceptional circumstances set out in Policy CP4, as well as compliant with all other relevant Local Development Framework policies, for it to be supported. The applicant is not claiming any of the exceptional circumstances for the proposed development and thus the development is classed as a departure from the Development Plan.
- 5.3 Also relevant to the principle of development is the Interim Policy Guidance (IPG) adopted by the Council in 2015 which is designed to be more lenient with development outside of development limits in order to bring local policy more in line with the National Planning Policy Framework, published in 2012, with subsequent revisions. The IPG contains a six point criteria which development must meet in order to gain support from the Guidance, as well as an updated Settlement Hierarchy.
- 5.4 Criterion 1 of the IPG requires development to be located where it will support services in a nearby village. The site is located approximately 0.5km south of Easby which is classed as an Other Settlement - the lowest tier with regards to the hierarchy due to the fact it provides no local services. The IPG does allow scope in such a situation for two villages to accumulate to a create 'cluster settlement', however, this requires the two settlements to be less than 2km apart, with good transport links, and where the combined settlements provide a range of services so it can be considered a sustainable location. Given there are no nearby villages that would allow a 'cluster settlement' to be formed, this is not relevant in this case.
- 5.5 As a consequence of the above it is considered that the principle of the development also cannot gain support from the IPG and therefore when measured against local policy on the whole, the principle of the development does not comply.
- 5.6 However, also a material consideration is the NPPF which provides the most up-to-date guidance on rural housing which post-dates the Local Development Framework. Paragraph 79 d) therein states that the development of isolated homes in the countryside should be avoided unless the development would involve the sub-

division of an existing residential dwelling. The overarching aim of the NPPF is the presumption in favour of sustainable development, with paras 11d) dictating that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 5.7 Given the NPPF post-dates the relevant local policy, the conclusion must be drawn that the NPPF takes precedence in the decision making process in this instance and as the principle of the development is in line with the NPPF, it is considered an acceptable form of development in principle.

The impact on the surrounding open countryside

- 5.8 Policy DP30 is concerned with protecting the open countryside and states that the open nature and intrinsic character of the countryside must be respected. Furthermore, Policy DP32 states that all development must take into account local character and context.
- 5.9 In terms of the sub-division of the dwelling, this will have neutral impact on the surrounding area as there are no external alterations proposed. Whilst it is noted that the introduction of another dwelling on the site will lead to an intensification in the domestic nature of what is a rural area, this will be a negligible intensification when it is considered there are two existing dwellings on the wider site.
- 5.10 With regards to the retrospective change of use of the land to a domestic garden, this also has potential to impact on the character of the open countryside both in terms of visual amenity and the character. Given it is a relatively small parcel of land and the fact that there is quite extensive landscape screening in the form of large trees on two sides and the farmhouse screening the development on a third side, it is considered that the impact of the change of use of the land on the character and appearance of the surrounding countryside will be neutral.
- 5.11 The proposal therefore is considered to have a neutral impact on the character and appearance of the open countryside and therefore is in line with Policy DP30 and DP32.

Residential amenity

- 5.12 Policy DP1 states that all development must adequately protect amenity. This relates to privacy, security, noise and disturbance, pollution, odour and daylight. This must be considered in terms of the neighbouring properties and the future occupants of the site.
- 5.13 Due to the fact that there is an operational farmstead adjacent the site, there is potential for adverse impact resulting from farm operations.
- 5.14 In terms of the impact on any future occupants of the dwelling, Environmental Health were consulted and had no objection to the introduction of a further dwelling on the farmstead given the precedent on the site for dwellings which are not associated with the farming operation.

- 5.15 In terms of the impact on the residential amenity of the occupants of the existing dwelling, due to layout of the site and position of the other properties, it is considered that there will be no harmful impact in terms of loss of privacy/overlooking.
- 5.16 Given the above it is considered that there will be acceptable residential amenity for the existing residents and future residents of the proposed dwelling. Consequently, the proposal is in line with Policy DP1.

Highway Safety

- 5.17 The proposal in this instance is to make use of the existing access to the dwelling and will split car parking provision between the two dwellings, with two spaces available each.
- 5.18 Highways were consulted on the proposal and identified that the access that will be used for the new dwelling was improved as part of a previous permission for the conversion of an agricultural building to a dwelling on the site (ref: 15/02726/MBN). This improvement has been implemented and subsequently there are no objections on highways grounds provided a condition be attached which requires parking provision to be constructed prior to occupation of the new dwelling. It is considered that the proposed development will have no significant detrimental impact on highway safety.

Drainage & Flood Risk

- 5.19 Policy CP21 states that proposals must ensure protection from, and not worsen the potential for, flooding. Furthermore, DP43 states that development will not be permitted where it would increase the risk of flooding elsewhere.
- 5.20 The site is in Flood Zone 1 and thus flood risk is minimal and not considered an issue in this instance. With regard to drainage the dwelling which is to be sub-divided is already connected to the mains and therefore there are no concerns with regards to this issue either. The relevant consultee body was consulted on both issues and subsequently offered no objection and consequently it is considered the development is in line with policies CP21 and DP43.

Planning Balance

- 5.21 The principle of development is not supported by Policy CP4 and given the location of the property the Interim Policy Guidance Note is not considered to apply. However, the proposed sub-division is in line with the relevant section of the NPPF which offers the most up-to-date policy guidance and therefore must be given significant weight in this instance.
- 5.22 Given the proposal is to sub-divide an existing dwelling with no external works proposed the impact of the development is considered to have a neutral impact on the character and appearance of the open countryside - in line with Policy DP30.
- 5.23 With regard to the change of use of the agricultural land to domestic; given the relatively small parcel of land concerned and the nearby surrounding screening, this aspect of the proposal is also considered acceptable when assessed against Policy DP30. The development also presents no issues with regards to highway safety, drainage and flood risk or residential amenity - in line with policies CP3, CP21, DP1 and DP43. Consequently, the application is recommended for approval.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations, the application be **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 1637/8A received by Hambleton District Council on 29.10.2020 unless otherwise approved in writing by the Local Planning Authority.
3. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. 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. 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 Policy(ies) CP1, CP16, CP17, DP1, DP30 & DP32.
3. In accordance with policy CP3 and 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.