

**Parish: Ellerbeck**  
Ward: Osmotherley & Swainby  
**5**

Committee Date : 21 October 2021  
Officer dealing : Ms Helen Ledger  
Target Date: 14 July 2021  
Date of extension of time (if agreed): 22 October 2021

**21/01374/FUL**

**Sub-division of the existing dwellinghouse to form 2no dwellings with associated parking.**

**At: Village Farm Ellerbeck Northallerton North Yorkshire**  
**For: Cowesby Estate Ventures.**

**This matter is brought to Planning Committee as the proposals represent a Departure from the Development Plan.**

#### 1.0 Site, Context and Proposal

- 1.1 The site is an unoccupied stone-built farmhouse located to the south of Ellerbeck, a small hamlet north east of Northallerton on the A684. The nearest settlement is Osmotherley to the east by 1.5kms. The red line includes separate road and foot access across Cod Beck and part of the site is located in Flood Zone 2. The site directly adjoins two large agricultural sheds outside the red line boundary, but inside the blue line boundary, showing the area to be in the control of the applicant.
- 1.2 The site is located outside any development limit and the hamlet has no facilities, save a bus stop. Two bus services (nos 80 and 89) run along the main road nearby the site between Stokesley/Osmotherly and Northallerton/Leeming Bar providing 7-8 buses a day in each direction.
- 1.3 The proposal is to sub-divide the detached farmhouse into two separate residential units. The planning statement says this would allow the owner, who recently purchased the farmstead and has no need to live on site, the ease of renting out two more marketable smaller dwellings. It is considered the existing house is too large to rent as one and two modest properties which more closely meet local demand will contribute further to the income of the farmstead. It is understood the new owner farms the land associated with this site, alongside their existing estate.

#### 2.0 Relevant Planning History

2.1 None

#### 3.0 Relevant Planning Policies

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP2 - Access  
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 DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP10 - Form and character of settlements  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP43 - Flooding and floodplains  
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009  
Hambleton Emerging Local Plan  
The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at <https://www.hambleton.gov.uk/homepage/60/new-local-plan-examination>.  
The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

#### 4.0 Consultations

- 4.1 Ellerbeck Parish Council - support the application to sub divide the existing house to make two dwellings.
- 4.2 NYCC Highways - No objections subject to a condition on parking.
- 4.3 Environmental Health - Concern expressed on the location of large agricultural buildings adjacent the site, and the potential for these to have an amenity impact. These are within the ownership and control of the applicant. The agent has confirmed that the only amenity impact would be in spring during lambing time. This can be controlled by suitably worded condition to safeguard amenity. No objections subject to a condition on this matter.
- 4.4 Contaminated Land - Based on information submitted the development is considered to be low risk. No objections.
- 4.5 Environment Agency - Environment Agency - No objections, details provided sufficient given the site is in flood zone 2. Recommend flood resilience measures and sign up to the flood warning system.
- 4.6 Cross Country Pipelines - Please note the planning application referenced will not affect SABIC/INEOS high pressure ethylene pipeline apparatus.

4.7 Site notice posted and neighbours notified. No representations received.

5.0 Analysis

5.1 The main considerations are considered to be: i) the principle of the sub-division; ii) impact on the countryside including long distance views, including the character of the local area; iii) highway safety and; iv) amenity.

The principle

5.2 Development in the countryside must be in-line with one of the exceptional circumstances set out in Policy CP4, as well as compliance 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 The NPPF paragraphs 79 states that rural housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 80 continues and states that isolated homes in the countryside should be avoided unless one or more of the following circumstances apply, part d) states , 'the development would involve the sub-division of an existing residential dwelling'.

5.4 Following the national guidance in the NPPF, the Interim Policy Guidance (IPG) adopted by the Council in 2015 which is designed to reflect the approach and allow development outside of development limits alongside established villages. The IPG contains a six point criteria list which development must meet in order to gain support from the Guidance, as well as an updated Settlement Hierarchy.

5.5 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.

5.6 Criterion 1 of the IPG requires development to be located where it will support services in a nearby village, up to 2 kms away. Ellerbeck is identified as an Other Settlement in the hierarchy that accompanies the IPG, this being the lowest tier. It is some distance away from a Service Centre and set within a rolling landscape dotted with farmsteads. However, it is noted that

Osmotherley is 1.5Kms to the east, which includes several pubs, school, village hall, car garage and shop. It is considered this arrangement makes the settlement of Ellerbeck supportive of the wider facilities available in Osmotherley and as such compliant with Criterion 1.

#### Impact on character

- 5.7 IPG criterion 2 requires development to be small scale. In this instance only one additional dwelling is proposed, which is considered to be an acceptable scale.
- 5.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form, including the historic environment. LDF policies CP16, CP17 and DP30 and DP32, require high quality design that respects the historic environment, openness of the countryside, local form and character.
- 5.9 The property is a traditional farm house of stone construction of some age, and attractive in its own right and within the setting of the, now more modern farmstead, but within a landscape dip adjacent a tree lined stream, Cod Beck. This building is worthy of retention in this context. Internal and external works are required to make two smaller properties but the scheme retains existing openings with minimal intervention. The external area would need sub-dividing for privacy but given the orientation of the existing house the proposed changes can be done without harming the setting. The site is hidden from public view by the landscape and tree line, the building would be not be extended and would not affect the open countryside.
- 5.10 The site, whilst clearly being part of the wider village form, is not reflective of the linear character of the village. Had this application been for a new building rather than a conversion of an existing dwelling, officers would not be minded to support the proposals in terms of the form of the settlement. However, limited support in terms of the generally sustainable nature of the location can be identified through the Interim Policy Guidance.
- 5.11 There is no evidence the proposal would not be able to be accommodated within existing infrastructure.

#### Flood Risk

- 5.12 The details submitted acknowledge that the development is in flood zone 2 with no history of flooding. It is noted that measures can be retrofitted that will increase resilience as well as signing up to flood alerts. The Environment Agency has not objected but recommends such measures and an informative has been added to assist the applicant in this regard. On this basis it is found the proposal can be adequately safeguarded in times of flood in compliance of policy DP43 and NPPF para 159 and that the sub-division will have no impact of itself in terms of flooding elsewhere.

#### Amenity

- 5.13 Policy DP1 protects existing and proposed residential amenity from matters such as loss of privacy, noise, security and disturbance. The adopted SPD on domestic extensions further elaborates through 5 design principles and includes over shadowing.

- 5.14 It has been explained through the course of the application that the agricultural buildings immediately adjacent are used for storage, and the smaller agricultural buildings, 55m away to the east, would be used for lambing in spring time. These are all in the control of the applicant and in consultation with the Environmental Health Officer, a condition has been developed to control the use of these buildings to their satisfaction.
- 5.15 The proposed floor plan of the two units is well planned and orientated in that there would be no adverse amenity impacts on the two households from one another. There are no other nearby dwellings that could affect or be impacted in terms of residential amenity.

#### Planning Balance

- 5.16 The site is in the lowest tier in the settlement hierarchy but combined with a nearby settlement forms a cluster considered to be generally sustainable. It has good public transport links to a Service Centre. The proposed development would have no impact on landscape character with minimal physical intervention on this stone built traditional farmhouse. The site is considered acceptable under flood risk policies and impact on residential amenity can be adequately controlled. The proposed development is considered compliant with the requirements of the NPPF in terms of the subdivision of an existing dwelling. On this basis 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 condition(s)

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 010, 011, 012 rev A, received by Hambleton District Council on 19.05.21, 30.09.2021 unless otherwise approved in writing by the Local Planning Authority.
3. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details contained in Drawing 4037-014 and approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
4. The buildings surrounding the site shall not be used other than in accordance with plan no. 012 REV B 01.10.21 received by Hambleton District Council on 30.09.2021

The reasons for the above conditions 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) CP17 and DP32
3. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
4. To protect and maintain residential amenity and comply with policy DP1