

Parish: Borrowby
Ward: Bagby & Thorntons
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Committee Date : 18 November 2021
Officer dealing : Mr Nathan Puckering
Target Date: 4 November 2021
Date of extension of time (if agreed):

21/01867/FUL

Change of use of land to domestic and the construction of a new two storey dwelling and double garage to replace an existing dwelling

At: Oakdene, Woundales Lane, Knayton Thirsk

For: Mr Cramp.

This application is referred to the Planning Committee on the request of the Ward Member.

1.0 Site Context and Proposal

- 1.1 Oakdene is a two bed detached dwelling located in the open countryside approximately 1.2km north east of Knayton and 1km west of Borrowby. It sits directly north of Woundales Lane which leads eastwards from Borrowby where it is met by Cleveland Rein, a road which heads southwards towards Knayton. The surrounding area is mostly open countryside, although there are several rural dwellings and agricultural units dotted around the locality; with Rectory House 60m to the east and Grimstone Farm 90m to the north. Broad Beck runs east-west past the site 23m to south, with the boundary of Flood Zone 2 effectively lining up with the southern boundary of the site.
- 1.2 The site itself comprises the main dwelling which fronts the aforementioned road but actually sits considerably higher due to land rising quite sharply northwards across the site. The building itself is brick built with a grey slate roof and the main section being a typical simple design that one tends to find on such rural farmhouse-like dwellings. A rather unattractive early 20th century upvc conservatory has been added to the western elevation rather detracts from the principle elevation. To the rear there is a small mono-pitched porch alongside a larger extension of a similar design. Surrounding the dwelling itself are several ancillary structures such as a large greenhouse, several timber shed-like buildings and what appears to be a chicken pen. A more substantial open sided garage is in situ on the eastern edge of the site.
- 1.3 This application is seeking permission for the full clearance of the site and the subsequent construction of a replacement five bed dwelling. The proposed dwelling will be on a larger scale than the existing, both in terms of footprint and design. It will effectively comprise two sections - the first fronting the highway in the same way the existing dwelling does but increasing the frontage to just over 14m wide and an eaves height of approximately 8.4m (in comparison to 11.5m and 7.3m respectively). Behind this there will be a second element comprising a similar, but larger, rectangular element which will be offset from the main section, with a second frontage measuring 6.4m in length visible to the east of the principal elevation. These two elements will be joined by a glazed section between the two. To the rear there will also be a sunroom/conservatory. It should also be noted that the proposal includes a reconfiguration of the surrounding land and a change of use some of the land to domestic to allow alterations and landscaping in the curtilage of the property.

2.0 Relevant Planning History

- 2.1 99/50156/P - Construction of a greenhouse - Granted July 1999
- 2.2 99/50157/P - Construction of 2 polytunnels and a shed for use in connection with the sale of produce - Temporary permission granted January 2000 for a period of two years

3.0 Relevant Planning Policies

- 3.1 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 CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP8 - Development Limits
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
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.

4.0 Consultations

- 4.1 Parish Council - Borrowby Parish Council has no objections.
- 4.2 NYCC Highways - no objections subject to standard conditions.
- 4.3 Yorkshire Water - no objection subject to condition.
- 4.4 Environmental Health - no objection.
- 4.5 Environmental Health (Contaminated Land) - no objection in light of submitted PALC form but recommend condition relating to if unexpected contamination is discovered during construction.
- 4.6 SABIC - the development will not impact the SABIC pipeline.

- 4.7 RAF Linton on Ouse - no safeguarding objections.
- 4.8 Environment Agency - no comments received.
- 4.9 Yorkshire Wildlife Trust - no comments received.
- 4.10 Site Notice & Neighbour Notification - two letters of support received with the following comments:
- The proposed construction of this family home is well considered and in keeping with the local vernacular and materials.
 - The re-use of buildings, previously developed land, and the greater use of sustainable construction techniques is, quite rightly, part of the District's commitments to reduce CO2 and other greenhouse gas emissions.
 - Homes of this type and size are an important part of the required housing mix in order to meet the demands of modern families who work, live, and attend schools within the community.
 - Families who are prepared to invest in the local economy to deliver something of quality and to modern performance standards should be commended for their ambition and drive.
 - The current building is totally unsuitable as a family home due to its size, construction and fabric and a new house will stand well on the site to provide modern, sustainable accommodation whilst enhancing the rural location.

5.0 Analysis

- 5.1 The main issues to consider are i) the principle of a replacement dwelling in this location, ii) design & landscape impact, iii) amenity, iv) highway safety, v) ecology and vi) flood risk.

The Principle

- 5.2 The site is outside of development limits and as a result policy DP9 becomes the most relevant policy in terms of the principle of the development. This states the following: "Permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Core Policy CP4, or where it constitutes replacement of a building, where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion." In this instance, none of the exceptional circumstances outlined in policy CP4 are relevant and nor are they being claimed by the applicant.
- 5.3 That said, given the residential use of this site has been established for a long period of time, the principle of this use is, in this instance, accepted. The acceptability of the principle of the development therefore boils down to the specifics of the proposal, i.e. a replacement dwelling in the open countryside which is on a much larger scale than the one currently in situ and whether there is sufficient justification for this wholesale replacement.
- 5.4 In this respect, the latter part of policy DP9 is relevant in that it supports replacement buildings outside of development limits where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion. In order to fully assess this issue and demonstrate that the conversion of the building is not a feasible alternative, the agent was asked to provide commentary of the level of sustainability of the proposed dwelling in

contrast with if the existing was to be kept and extended and redeveloped. Their comments on this point can be summarised as follows:

- The existing two bedroom house has masonry load-bearing walls throughout, including the construction of the kitchen area at the rear of the property. To adjust and extend the existing property to provide the 5 bedrooms would require significant alterations to the property posing the question of how worthwhile the keeping the existing property is.
- The re-use of the brown-field site and keeping a similar facade-line to the existing house in relation to the street-scene was an important factor in considering the redevelopment of this site.
- The current house would require significant works to improve its efficiency in energy usage and making good these alterations become costly when working around an existing structure. Therefore, in line with P.152 of the NPPF the scheme works towards the transition to a low carbon future. Contrary to P152, the conversion of this building would have detail difficulties in achieving the low-carbon and well insulated home.
- The proposal would seek to re-use the existing bricks and slates on-site in a continued effort to reduce the environmental impact of the build. The fact that the build overall would require energy and new materials to construct is noted, however being able to build a more air-tight and higher insulated property will have reduced energy usage in the long-run.
- The building will be heated using an air-source heat pump (ASHP) which will be run via mains electrics, with input also from a Photovoltaic array. To enable the best efficiency from the ASHP high levels of insulation work best with a thermal envelope consistent throughout the building in terms of its connections between floor, walls and roof. Similarly, the double-glazed timber windows will provide good thermal insulation to help run these systems efficiently.

- 5.5 The above points are all noted, and the sustainability of the proposed replacement dwelling is by no means questioned by Officer's. However, the issue is that it has not been demonstrated that these benefits cannot be achieved through working with the existing structure. The first point outlined above from the agent's comments relates specifically to whether the existing structure could be altered to achieve a 5 bed house, as is being proposed. However, this is not the issue at hand as the crux of policy DP9 simply requires a judgement on whether an equally acceptable and sustainable dwelling could be achieved by conversion. The applicants aim of a five bed dwelling and if that could be achieved is irrelevant in this respect and it is the existing building's ability to provide a sustainable dwelling that must be assessed.
- 5.6 The Planning History does not shed light on the age of the existing dwelling, but historic mapping indicates it was constructed in the mid-20th century. As such, the building is not of such a great age that would lead one to the logical conclusion that it is simply beyond repair or improvement. Indeed, through observations on site visits, the dwelling appears in a habitable state and with work could meet the sustainability and living standards of a modern day dwelling. The agent's comments relating to the cost and impracticality of working with the existing structure is noted but these are simply offhand comments and provide no evidence of any substance to back up the claim.

- 5.7 Policy DP9 specifically requires the benefits achieved by rebuild to not be possible by conversion and no evidence has been provided to demonstrate this is definitely the case. One must also consider that this justification becomes even more important when the proposed replacement dwelling is so much larger than the one which is currently in situ, with the proposal now to introduce a building over twice the footprint into the open countryside and outside of development limits.
- 5.8 Paragraphs 48a) of the National Planning Policy Framework states local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given). Hambleton District Council are in the process of adopting a new Local Plan, which is now at an advanced stage having been through examination in public in November 2020 and the public consultation period on the main modifications on the back of this having expired on 9th November 2021. Given this advanced stage, it is considered that the policies therein must be given considerable weight in the decision making process.
- 5.9 Policy S5 of the Emerging Local Plan concerns development in the open countryside, including replacement dwellings. The Publication Draft version of policy S5 stated that such development would be supported when i) the building was redundant or disused and ii) of permanent and substantial construction. It also stated that "A modest increase in floorspace would be supported." The main modifications version of this policy has now been altered to state "Only limited increases in floorspace will be supported and development proposals must be proportionate to the building(s) that they replace."
- 5.10 Both versions of this policy clearly place importance on any replacement dwelling only representing a "modest" and "proportionate" increase in size. If one was to use the measurement of internal floor space, this development would increase Oakdene from 219sqm to 419sqm - an increase of 91%. In no terms can this be construed as a modest or proportionate increase.
- 5.11 To summarise, there has been no justification provided as to why a replacement dwelling on such a bigger scale is required to achieve the perceived sustainability benefits and also that the existing dwelling is not suitable for conversion to gain equal benefit. This is in direct conflict with policy DP9 of the Local Development Framework. Furthermore, emerging policy which is at an advanced stage and thus must be given considerable weight, is also not supportive of the development proposed in this instance due to the scale of the replacement. As a result, the principle of this proposal is unacceptable.
- Design & Landscape Impact
- 5.12 Policies CP17 and DP32 concern the design of development. They require development to have a high quality design which provides an attractive, functional, accessible, safe and low maintenance development; respect and enhance the local context and its special qualities, including its urban design and landscape and optimise the potential of the site. Furthermore, proposals must respect local character and distinctiveness and in terms of scale, volume and massing, development should result in built forms that contribute positively to the townscape.

- 5.13 Policy DP30 seeks to protect the open countryside and states that the design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape.
- 5.14 It is accepted that the design of the development is high quality in that in isolation the appearance of the dwelling cannot be said to conflict with policies CP17 and DP32. That said, in the context of the site in this instance, concern must be expressed as to the overall scale of the building and how overbearing it would appear as one arrived at the junction on which the site sits.
- 5.15 It is in a very prominent location in this respect due to how close it sits to the main road and this is further underlined by the fact it is raised above the road due to land levels. This is going to make the overbearing and oppressive nature of the scale of the building even more obvious and will be in direct conflict with the existing understated character of the existing frontage which sits rather congruously within the surrounding landscape on this road frontage as one arrives at the junction.
- 5.16 In the applicants Design and Access Statement, it is explained that inspiration has been taken from looking at the scale and massing of various agricultural units and farmhouses in the surrounding area in order to demonstrate how the design fits in with the local character. This point is noted but one must consider the fact that this site is in a relatively prominent location and as such has a much greater scope for having a harmful landscape impact by being overtly large in scale. For example, with the other dwelling in the immediate locality, Rectory House, which sits to the east; whilst being large in scale, this sinks much further back from the road frontage and is on the same level as the road. Intervening boundary treatments such as a fairly high wall further weaken the relationship between, and in turn the impact on, the main views as one travel's passed this site. In turn one is much less aware of there being a dwelling than in the case of Oakdene.
- 5.17 To conclude the assessment of design and landscape impact; it is considered that the proposal equates to a dwelling which is too big in scale for such a prominent location and as a result causes harm to the surrounding landscape and as such cannot be said to take into account the local context. It is therefore in conflict with policies CP17, DP30 and DP32.

Amenity

- 5.18 Policy DP1 states that all development proposals have to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. It also requires adequate outdoor amenity space to be provided for any users of the proposed development when relevant.
- 5.19 Overall, given the surrounding context of the site, the development gives way to no concerns regarding the amenity of either the existing neighbours or the future occupants of the development. Adequate amenity space has been incorporated into the overall design of the site. As a result, notwithstanding the issues discussed above, the proposal complies with policy DP1.

Highway Safety

- 5.20 Presently there is no formal vehicular access to the wider site, although a gate is in situ to the south east of the dwelling which leads off the adjacent C road. The proposal is to utilise this gate as an access point to create a driveway. To ensure this would not compromise highway safety, the Local Highways Authority were consulted on the proposal. They subsequently offered no objection subject to standard conditions. As a result, the development is considered acceptable on highway safety grounds.

Ecology

- 5.21 Policy DP31 precludes any development which would cause significant harm to sites and habitats of nature conservation. The applicant submitted a Preliminary Ecological Appraisal as part of the application. This found that there is a day roost present in the roof of the main dwelling, but no evidence has been found to indicate the presence of a more significant roost such as a maternity roost and as such the impact on bats will be negligible. Similarly, no barn owls were present in the outbuildings and the impact on nesting birds will also be negligible. This is accepted and ecological impact is not a reason for refusal in this instance.

Planning Balance

- 5.22 The proposal in this instance has not been fully justified in the context of policy DP9 as it fails to demonstrate how the existing dwelling is not fit for conversion and to achieve a habitable and sustainable dwelling requires a full scale demolition of said dwelling and the subsequent construction of a much larger dwelling on the site. Furthermore, it also fails to meet the requirements of emerging policy S5 which relates to the rebuild of dwellings in the open countryside and only supports such proposals when there is a modest increase in size. As such, the principle of the development is in conflict with local policy.
- 5.23 Furthermore, the design of the proposal has been assessed as being inappropriately large and as a result of the prominent location of the site, this will lead to a harmful impact on the character and appearance of the locality. This is in direct conflict with policies CP17, DP30 and DP32.
- 5.24 So, whilst in terms of other material considerations - i.e. impact on amenity, highway safety and ecology - the development is acceptable, on the whole this does not outweigh the harm resulting from the above conflict with policy and consequently refusal is recommended on that basis.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

The reasons are:-

1. The proposal in this instance has not demonstrated that the wholesale demolition of the existing dwelling and its subsequent rebuild with a dwelling so much bigger is required to achieve the perceived sustainability dwelling in line with modern standards. Furthermore, it fails to meet the requirements of the emerging Hambleton Local Plan policy S5 which concerns the rebuild of dwellings in the open countryside by not representing a proportionate

replacement building which is, at most, a modest increase in size. The development is therefore in direct conflict with policy DP9 of the LDF and policy S5 of the Emerging Local Plan.

2. The design of the proposed replacement dwelling equates to a dwelling which is too big in scale for such a prominent location and as a result causes harm to the surrounding landscape and cannot be said to take into account the local context. It is therefore in conflict with policies CP17, DP30 and DP32.