

Parish: Warlaby
Ward: Morton on Swale

Committee Date: 10th February 2022
Officer dealing: Mrs H Laws
Target date: 31st December 2021

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Date of extension of time: 11th February 2022

21/02650/FUL

Change of use from residential unit, occupied in connection with the main house (Low Sober Farm) as housekeeper accommodation, to unrestricted residential unit for general residential occupation, including side extension and external alterations to layout of domestic curtilage and erection of boundary fences, (part retrospective)

At: Low Sober Farm, Whin Lane, Warlaby
For: Mr Tim Wilson

The application is referred to Committee as the proposal is a Departure from the Development Plan.

1.0 Site context and proposal

- 1.1 The application site lies in a remote location, south west of Warlaby. The existing dwelling known as Low Sober Farm is a large brick and pantile property within an extensive garden; the agricultural buildings previously associated with the farm lie to the east of the house. One of the original agricultural buildings, a former granary on the edge of the farmyard, is the subject of the planning application.
- 1.2 In September 2015 planning permission was granted to change the use of the granary building to a two storey, three-bedroom dwelling for occupation in connection with the main dwellinghouse by housekeeping staff. External alterations included the construction of a side extension to incorporate the staircase within the dwelling.
- 1.3 The scheme included the creation of a separate garden and parking area to be used by the new dwelling, which incorporated part of the existing driveway leading to the house. A new access road has been provided to the north of the building to serve the farmhouse, with the boundary hedgerow retained.
- 1.4 It is now proposed that the occupancy of the dwelling be unrestricted as there is no longer a need for a housekeeper.
- 1.5 The development approved in 2015 to extend the building was not undertaken in accordance with the approved plans and therefore retrospective permission is requested to extend the dwelling. The schemes differ as follows:
 - The first floor section of the extension is repositioned and reduced in size
 - The glazed element is removed and replaced with timber cladding
 - Main entrance repositioned on the west elevation rather than the south elevation
 - Additional window on north elevation
 - Change to window design

- 1.6 The proposed retrospective changes to the curtilage layout includes a repositioned driveway and parking area and the erection of fencing around the curtilage boundary shared with the adjacent agricultural building that is currently being converted to a dwelling.

2.0 Planning and enforcement history

- 2.1 14/01524/FUL - Alterations to access route and driveway and alterations to an existing domestic outbuilding. Permission granted 16/10/2014.
- 2.2 15/01617/FUL - Change of use of agricultural building to single residential unit to be occupied in connection with the main house (Low Sober Farm) as housekeeper accommodation. Permission granted 24/9/2015 subject to the following condition: The dwelling hereby approved shall not be occupied other than as staff accommodation in connection with Low Sober Farm, Warlaby.
For the following reason:
To ensure that the use of the accommodation is acceptable in terms of Policy CP4 of the Hambleton Local Development Framework.
- 2.3 17/01484/MRC - Variation of Condition 4 (approved plans) of planning permission 15/01617/FUL (Change of use of agricultural building to single residential unit to be occupied in connection with the main house (Low Sober Farm) as housekeeper accommodation) to externally clad the building in vertical boarded timber. Permission granted 30/8/2017.
- 2.4 19/02698/MBN - Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development. Permission granted 11/2/2020.

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 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
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 DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design

Interim Guidance Note - adopted by Council on 7th April 2015

National Planning Policy Framework

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Main Modification consultation was completed in November 2021. It is anticipated that the Local Plan will be adopted following the

Council meeting on 22 February 2022.

Further details are available at

[https://www.hambleton.gov.uk/homepage/60/newlocal-](https://www.hambleton.gov.uk/homepage/60/newlocal-plan-examination)

plan-examination. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council – no comments received
- 4.2 Public comments - no comments have been received.

5.0 Analysis

- 5.1 The issues to be considered include: i) the principle of an unrestricted dwelling in this location and; ii) the effect that the external changes to the extension will have on the appearance of the surrounding rural landscape and on the character and appearance of the existing building.

The principle of development

- 5.2 Prior to the grant of permission in 2015 for the conversion of the building, there was an alternative option to convert the building to a dwelling under Class Q permitted development rights. As the applicant wished to add a small extension it was not possible to follow this process, but it was acknowledged that the size of the agricultural building was sufficient to be converted without extension and therefore the Class Q permitted development rights were a viable fallback position.
- 5.3 The NPPF in paragraph 80 states that Local Planning Authorities should avoid the development of isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 5.4 As the site lies outside the defined Development Limits any development needs to be justified as an exception under Policy CP4. Criteria iv) states that an exception can be made if: - "it would re-use existing buildings without substantial alteration or reconstruction and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing".
- 5.5 Originally, restricting the occupation of the accommodation to a staff member addressed the sustainability aspect of LDF Policy CP1. An exceptional case was made for the development to be sited in this location outside the Development Limits as it was demonstrated that the proposal would not significantly increase the need to travel and would support the aims of the NPPF.

- 5.6 The exceptional case would no longer apply if the occupation of the dwelling is unrestricted and therefore would no longer comply with Policy CP4. In addition, the principle of the scheme is not compliant with the Interim Planning Policy Guidance due to its isolated location well away from Development Limits.
- 5.7 It is generally accepted however, that where an occupancy restriction has outlived its usefulness, it should be removed but it is important to assess whether there would be scope for an alternative 'essential' need for the dwelling, for example, an alternative occupancy that would also comply with Policy CP4 such as a farmworker or other occupant requiring a rural location. Clearly, this would not comply with the condition as currently worded, but it would be possible to widen the scope of the wording to allow alternative occupancy. This would avoid the need to grant planning permission for an additional dwelling in the locality in the near future.
- 5.8 There is no longer an agricultural operation at Low Sober Farm and additional information has been received to suggest that there would be no other exceptional need for a dwelling in this location, for example, from nearby farms. The area surrounding the site is used for arable farming where there is limited need for on site occupation, whilst the site is located only 2 miles from the edge of Romanby where existing housing could adequately cater for any needs for rural employment that might arise.
- 5.9 It is concluded that there is no longer a need for a restricted occupancy dwelling in this location and therefore there are no objections to the principle of the proposed development.

Character and appearance of the rural landscape and existing building

- 5.10 Policies CP16 and DP30 of the Hambleton Local Development Framework require development to preserve and enhance the District's natural assets and to respect the openness of the countryside.
- 5.11 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.
- 5.12 Paragraph 130 c) of the NPPF suggests that development should be sympathetic to local character and history including the surrounding built environment, whilst not preventing or discouraging appropriate innovation.
- 5.13 The proposed alterations to the approved scheme are minimal; the altered design of the extension, including the removal of the frameless glazed section is more in keeping with the agricultural character of the building. The changes to the scheme are therefore acceptable.

Highway safety

- 5.14 There are no objections to the altered driveway to serve the dwelling.

Planning balance

5.15 The scheme is found to result in social gains through the provision of an unrestricted dwelling, albeit in an unsustainable location, without causing harm to the appearance of the surrounding rural landscape and without harm in terms of highway safety. No other material considerations would preclude a grant of planning permission. Overall, the scheme is found on balance to be acceptable.

6.0 Recommendation:

6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement shall be carried out to the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 7610-02D; 7610-04A; and 7610 -10D received by Hambleton District Council on 15 November 2021 unless otherwise approved in writing by the Local Planning Authority.

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. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
3. 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 Policies.