

**Parish:** Scruton  
**Ward:** Morton-On-Swale

**Committee date:** 12 May 2022  
**Officer dealing:** Andrew Cotton  
**Target date:** 24<sup>th</sup> December 2020

**5**

**20/02448/FUL**

**Erection of a detached dwelling, extension to and alteration of existing outbuilding amended plans received**

**At Land adjacent to Old Manor House, Scruton**

**For Mr & Mrs Exelby**

**This application is referred to Planning Committee following deferral of the application to allow a review of the proposed materials.**

## **1.0 Update**

- 1.1 The application was considered by Members at the February Planning Committee and resolved to defer the matter for the applicant to consider alternative materials.
- 1.2 The applicant has submitted a revised scheme which essentially changes the contemporary cladding materials originally proposed, for traditional brick and pantile.
- 1.3 An additional period of consultation has been undertaken. Historic England has reiterated their earlier comments on the proposals. The Parish Council has maintained their objections to the proposals.
- 1.4 The report has been amended to take into account the adoption of the Local Plan, which has taken place since the Committee resolution.

## **2.0 Site, context and proposal**

- 2.1 The site is in the village of Scruton, located on the south side of Common Lane which runs east to west through the village. The site comprises a redundant outbuilding and open land associated with the adjacent Old Manor House.
- 2.2 A group of mature trees lies along the front boundary behind the stone boundary wall. Hedgerows bound the site to the rear (south) and side (west). The site lies partly within the Scruton Conservation Area. The Church of St Radegund and The Old Rectory, to the north of the application site, are grade II listed buildings.
- 2.3 The surrounding area to the north is occupied by the Village Green and beyond this the Grade II listed Church of St Radegund and The Old Rectory. The area to the east and west is mainly residential in nature, with dwellings ranging in size and design, built out across a period of time, lining Common Lane. To the south of the site is an area of open countryside, broken only by the Meadow Drive estate to the southern end of the village.
- 2.4 This application seeks permission for conversion and extension of the outbuilding to form a new three bed residential dwelling.

2.5 The existing field access from Common Lane will be improved and utilised as the main vehicular and pedestrian access into the site. A Public Right of Way (PROW) runs along the eastern boundary of the site. No alteration to the PROW is proposed other than a slight relocation of the existing kissing gate slightly further to the south.

### **3.0 Relevant planning history**

17/01026/FUL - Construction of a detached dwelling and private access drive. Application withdrawn 14/9/2017.

Tree Preservation Order No: 1972/86 confirmed 19/7/1972.

### **4.0 Relevant policies**

S1 – Sustainable development principles

S2 – Strategic priorities and urban requirements

S3 – Spatial distribution

S5 – Development in the countryside

HG2 - Delivering the right type of homes

HG5 – Windfall housing development

E1 - Design

E2 - Amenity

E3 - The natural environment

E5 – Development affecting Heritage Assets

IC2 – Transport and accessibility

RM1 – Water quality, supply, and foul drainage

RM2 – Flood risk

RM3 – Surface water and drainage management

Supplementary Planning Document - Size, type and tenure of new homes – adopted September 2015

National Planning Policy Framework

### **5.0 Consultations**

#### **5.1 Parish Council**

23/11/20 – Objection, wish to see application refused. Scruton Parish Council consider this development totally out of character and obtrusive within the Scruton Conservation Area and within the historic heart of the village and would create a dangerous precedent for future development within the conservation area.

07/07/21 – Objection. Scruton Parish Council wish to see this application refused. The reasons are as previously noted. This application is in the historic heart of the village and within the conservation area. The materials fail to match any existing structures. Would stand out within this open green space.

20/01/22 – Objection. Scruton Parish Council wish to see this application refused. Previous comments still apply. The site is within the Scruton Conservation Area and the design is alien to this location. The screening of the public footpath would destroy the open aspect of this area. The open views across the Conservation Area would be totally destroyed.

Following the change to the proposed materials the Parish Council maintain their original objections to the proposals.

- 5.2 Yorkshire wildlife trust - No objection raised. Further survey works to inform requirement for European Protected Species Licence.
- 5.3 NYCC Footpaths – No objection.
- 5.4 Highways – No objection subject to conditions
- 5.5 Ministry of Defence – No safeguarding objections. Informative recommended.
- 5.6 Street naming and number – Yes an application would be required.
- 5.7 Ramblers Association – Concern over loss of view to the east as a result of the proposed boundary treatment.
- 5.8 Historic England  
26/11/20 – Objection and serious concern based on submitted proposals impact upon heritage assets

12/07/21 – Acknowledge applicants’ commitment to addressing previous concerns. Historic England (HE) remains unconvinced the application site can support this substantial extension. HE preference is for sensitive conversion of the existing outbuilding without extension. The authority should take these representations into account and seek amendments safeguards or further information as set out.

20/01/22 – Once again as per previous comment acknowledge applicants’ commitment to addressing previous concerns. Historic England (HE) remains unconvinced the application site can support this substantial extension. Nonetheless, should your authority be satisfied that clear and convincing justification has been provided for an extension, we do not wish to offer further guidance on the matter. Whilst we retain some concerns over the less than substantial harm to the conservation area on account of the scale and footprint of the development, we withdraw our initial objections to the scheme.

Following the change to the proposed materials, Historic England have not changed their stance.

- 5.9 Natural England - No objections
- 5.10 Public Comments – Two letters of support for the original proposal received raising the following summarised points:
  - Arguments against the development are particularly weak;
  - Benefits of re-use of redundant building/high standard property to the village;
  - Retains old building/improves frontage onto village green;
  - Applicant has excellent reputation for high quality maintenance and improvement of old properties in the Conservation Area;

Consultation following revised submission July 2021 – Three letters of support raising the following summarised points:

- Creative and imaginative combination of old with new;

- Amendments enhance an already extremely attractive proposal;
- Very attractive/innovative way of using traditional material

Consultation following revised submission January 2022 – One letter of support raising the following summarised points:

- reinforce our previous comments that we support fully this project and believe it will contribute significantly to the village both socially and architecturally.

## 6.0 Analysis

Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, applying all relevant Development Plan policies, and considering all other policy and guidance (including the NPPF and PPG) and all other material planning considerations, including representations received, it is considered that the main planning considerations raised in relation to the determination of this application are as follows: (i) principle of a development; (ii) impact of the development on heritage assets; (iii) impact upon the open countryside; (iv) design; (v) residential amenity; (vi) ecology; and (vii) highways.

### Principle of development

- 6.1 The site lies partly within, partly outside of Development Limits. Scruton is defined as a Secondary Village under policy S3. Policy HG5 provides support for windfall housing development adjacent to the boundary of a defined settlement.
- 6.2 The site lies partly within partly outside the former LDF development limits for the village of Scruton which remains defined as a secondary village and therefore a sustainable settlement. Other economic benefits of the scheme include the short-term boost to the rural economy during construction.
- 6.3 The proposal would be small in scale and provide a natural infill or extension to an existing settlement.
- 6.4 Scruton has a non-uniform development pattern insofar as it contains several smaller road/cul de sacs which run parallel (both north and south) to the main street through the village, Common Lane. In addition, there is also the small estate, Meadow Drive, to the south.
- 6.5 Given that the application is for the conversion of an existing building and extension/new build elements on the site roughly in the centre of the village and the southern extent of the new development will not extend past the existing building line of the Old Manor to the east; it is considered that the proposed development can be said reflect the character and appearance of the built form of the village. The proposal is considered to accord with policy HG5.

### Impact on heritage assets

- 6.6 The site lies partly within the Scruton Conservation Area. The Church of St Radegund and The Old Rectory, to the north of the application site, are grade II listed buildings. The application site lies close enough to require the positioning to

be considered within the Heritage Statement to address paragraph 194 of the NPPF.

- 6.7 The existing building on the site is considered to be a Non-Designated Heritage Asset (NDHA) in addition to the Old Manor House. The building is considered to meet the following criteria:
- i. Age (usually more than 30 years old); and
  - iii. Representativeness (an example of an agricultural building belonging to a farmstead in the locality)
  - iv. Aesthetic value/appeal (has a positive impact on the streetscene)
  - v. Townscape or Landscape Value (it is a key building within the streetscene)
  - vi. Group value (together with the Old Manor House)
- 6.8 The building is of some historic and architectural merit; is considered to be a non-designated heritage asset and is therefore a feature of acknowledged importance. The NPPF in paragraph 189 requires Local Planning Authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 203 states that a balanced judgement will be required having regard to the scale of any harm or loss of significance of the heritage asset.
- 6.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 6.10 The National Planning Policy Framework at paragraphs 201 and 202 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 6.11 Any harm to the significance of a designated heritage asset must be given great weight and importance in the determination of an application and the development only approved, where that harm is offset by public benefit.
- 6.12 Also relevant is Policy E5 which seeks to ensure the preservation of historic heritage by, amongst other things, preserving and enhancing Listed Buildings and Conservation Areas. Furthermore, development within or affecting the feature or its setting should preserve all aspects that contribute to its character and appearance.
- 6.13 As mentioned above the development has the potential to impact the setting of the grade II listed Church of St Radegund and The Old Rectory, opposite the application site and the special interest of the Scruton Conservation Area. As part of the application a heritage statement (and subsequent addendum following the revisions to the scheme) was submitted which sets out the significance of the heritage assets, the impact of the proposed development on the heritage assets and finally design/mitigation measures that have been taken which ultimately reached a conclusion that there is no harm to the significance of the heritage asset.

- 6.14 The heritage statement identifies that the impacts of the proposed development upon Grade II listed St Radegunds and the Old Rectory to the north, along with Grade II listed Beech Cottage and The Hollies much further to the west and the NDHA Old Manor House immediately to the east will result in a neutral effect. The impacts of the proposed development upon special interest of the Scruton Conservation Area are concluded to be both minor beneficial as a result of the reinstatement of historic boundaries and minor adverse from siting a new dwelling in currently vacant land. The heritage statement highlights that in the judgement *Palmer v Herefordshire Council & Anor* (Court of Appeal – Civil Division, November 04, 2016,[2016] EWCA Civ 1061 (Case No: C1/2015/3383) found “that where proposed development would affect a Listed Building or its settings in different ways some positive and some negative, the decision maker may legitimately conclude that although each of the effects has an impact, taken together there is no overall adverse effect on the Listed Building or its setting”. As such given the minor beneficial and minor adverse impact upon the special interest of the Scruton Conservation Area, the overall impact when balanced against each other would be neutral, resulting in no harm to the significance and setting of the heritage assets.
- 6.15 Historic England has provided detailed comments on the original, July 2021 amendments and the latest iteration of the proposal which is the result of discussion with planning officers. In their most recent comments, whilst acknowledging the applicant’s commitment to addressing the issues raised with the first iteration of the scheme, Historic England continue to express concern with the proposal. Historic England would ideally wish to see the existing outbuilding adapted sensitively into a modest residential dwelling. Historic England note however, should the LPA consider that clear and convincing justification has been provided for an extension, they do not wish to offer further guidance on the matter and whilst retaining some concern over the less than substantial harm to the conservation area on account of the scale and footprint of the development, Historic England withdraw their initial objections to the scheme.
- 6.16 There are two elements to the proposal to consider, firstly the proposed demolition and secondly the proposed conversion of the buildings including the rebuilding and renovation to facilitate the proposed residential use.
- 6.17 Careful consideration will be needed with regard to the hard and soft landscaping schemes particularly for any boundary treatments/hedge and hard surfacing materials. Materials and design of these elements must be appropriate to the character of the area and therefore it is recommended that this detail be the subject of a condition. The heritage statement concludes that while there is no harm to the significance or setting of the heritage assets, there would be some public benefit to the scheme which sees investment into the fabric of the NDHA ensuring its longevity.
- 6.18 Officers consider that the development results in a small but harmful impact on heritage assets, through an erosion of the setting of those assets (in particular the Conservation Area), which amounts to less than substantial harm. The proposals do result in a public benefit through the retention and re-use of a building which constitutes a non-designated heritage asset and the formation of a new dwelling in a sustainable location.

## Impact on the open countryside

- 6.19 It is considered that given the fact the development is located between the existing built form of Old Manor House to the east and Woodbine and Glebe Cottages to the west it will not lead to an urbanisation of the countryside and therefore is considered not to have a detrimental impact on the character of the open countryside.
- 6.20 As a consequence of the above it is considered that the development is in-line with policies E3 and E7 and is therefore acceptable with regards to the impact on the surrounding area and the adjacent open countryside.

## Design

- 6.21 Policy E1 seeks to ensure that the design of all development must be of the highest quality and must seek to achieve creative, innovative, and sustainable designs that take into account local character and setting.
- 6.22 Significant amendments have been made to the design, scale, materials and massing of the proposal as well as a rationalisation and simplification of the materials palette, as a result of negotiations with planning officers throughout the life of the application. The materials palette has also been amended following Committee and a more traditional brick and pantile mix is now proposed. It is considered that the revised design of the proposal now manages to strike a balance between the existing and new build elements which allows each element to be read as individual elements being brought together to form a whole. Thus, the legibility and historic character of the outbuilding remains, while the extension and new build elements will stand out and be read as additions. The new build element by virtue of its scale retains a subordinate characteristic reinforcing the hierarchy of built form.
- 6.23 In this instance the quality and type of the materials are vital to ensuring the proposal is acceptable and as such while some details of the proposed materials are shown on the plans and within the visuals submitted, it is considered necessary to secure full details including samples through an appropriately worded condition.
- 6.24 Overall, it is considered that the layout and quality of design proposed is in line with Policy E1 and is acceptable.

## Residential Amenity

- 6.25 Policy E2 requires all development to adequately protect amenity. This relates to privacy, security, noise and disturbance, pollution, odours, and daylight provision.
- 6.26 An assessment must be made with regards to privacy for both the future occupiers of the proposed dwellings and the occupiers of any adjacent existing dwelling. With regard to the amenity of future occupiers the dwelling would be provided with its own outdoor garden space, principle windows would not directly face principle windows in other dwellings in close proximity.

- 6.27 With regards to the amenity of existing residents, the only properties which could be impacted are sited to the east and west. However, given the distance between the proposed dwelling and properties adjacent, the intersecting boundary treatments with no directly facing principle windows hence there are no issues regarding loss of privacy.
- 6.28 As a result of the above it is considered that the proposal adequately protects amenity and it is therefore in line with Policy E2.

#### Ecology

- 6.29 A bat, breeding bird and barn owl survey carried out by MAB Ecology has been submitted in support of the application. The survey identified a very low number of scattered bat droppings, given the condition of the building it is considered likely to be a solitary day roost which could be adequately mitigated through bat boxes. Further bat activity surveys are required in order to determine the level of usage of the building, these results would also be used to inform the requirement for a European Protected Species Licence (EPSL) which would be obtained before works begin but following a grant of planning permission.
- 6.30 Yorkshire Wildlife Trust have reviewed the proposal and raised no objection subject to further survey works to inform requirement for European Protected Species Licence.

#### Highways

- 6.31 Policy IC2 requires that all development has safe and sustainable means of access for all. The Highway Authority has been consulted and raised no objections to the proposed development. It is considered that the proposed development will have no significant impact on road safety and is in accordance with Policy IC2.
- 6.32 A Public Right of Way (PROW) runs along the eastern boundary of the site. No alteration to the PROW is proposed other than a slight relocation of the existing kissing gate slightly further south. The councils PROW team have reviewed the proposal raising no objections and make no comments other than recommending the inclusion of an informative on any grant of permission.

#### Planning Balance

- 6.33 Due to its size and location the site is capable of accommodating the proposed dwellings without unacceptable harm to the surroundings or the amenities of neighbours or road safety and is able to comply with the above policies.
- 6.34 Officers consider that the development results in a small but harmful impact on heritage assets, through an erosion of the setting of those assets (in particular the Conservation Area), which amounts to less than substantial harm. The proposals do result in a public benefit through the retention and re-use of a building which constitutes a non-designated heritage asset and the formation of a new dwelling in a sustainable location. It is considered that the less than substantial harm is sufficiently off-set by public benefit.

## 7.0 Recommendation

7.1 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 D101 Rev F and D102 Rev G as received by Hambleton District Council on 8<sup>th</sup> April 2022 unless otherwise approved in writing by the Local Planning Authority.
3. Notwithstanding the approved plans no above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces, including the driveway, of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements.
  - Any gates or barriers must be erected a minimum distance of 4.50 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
  - Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
  - The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works must accord with the approved details.

5. 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 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.
6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for

their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

7. Prior to the commencement of development, other than the formation of the access, full details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.
8. The development shall be carried out in complete accordance with the strategy, as described in the MAB Ecology dated October 2020.

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.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
4. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
5. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. In the interests of highway safety.
7. In order that the site is suitably drained.
8. To provide adequate safeguards for the protection of any protected species or habitats existing on the site.

Informative

1. The application site is located close to a military airfield. Future occupants should be made aware that military aircraft may be seen and heard operating in the area and that aircraft may overfly the site. The mitigation of noise in external areas may not be possible. Future occupants should also be made aware that aircraft types, flight paths and ground-based activity can vary over time and this may cause disturbance.
2. i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary – please see the attached plan.

- ii) If the proposed development will physically affect the Public Right of Way **permanently** in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
- iii) If the proposed development will physically affect a Public Right of Way **temporarily** during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.
- iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
- v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
- vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
- vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via [CATO@northyorks.gov.uk](mailto:CATO@northyorks.gov.uk) to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

3. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:  
[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification for housing and industrial estate roads and private street works 2nd edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20and%20industrial%20estate%20roads%20and%20private%20street%20works%202nd%20edition.pdf)

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.