

Parish: Newby
Ward: Hutton Rudby

Committee Date : 07 July 2022
Officer dealing : Mr Nathan Puckering
Target Date: 22 June 2022
Date of extension of time (if agreed):

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22/00927/FUL

Construction of replacement dwelling and demolition of existing dwelling and outbuildings.

At: High Tunstall Farm Tunstall Lane Nunthorpe Middlesbrough

For: Mr Mark Barrett.

This application has been called to Planning Committee by a Member of the Council.

1.0 Site context and proposal

- 1.1 High Tunstall Farm is a disused rural dwelling with associated outbuildings, located approximately 3km north of Stokesley. The medieval settlement of Tunstall, a Scheduled Ancient Monument, is located 400m to the south-west, although this is now partly occupied by a small collection of cottages and an agricultural unit. The northern boundary of the District runs along the north eastern edge of the wider site, with Middlesbrough to the north.
- 1.2 The site itself now comprises the former dwelling, an adjoining former gin-gang, and the remnants of a range of single storey outbuildings which have on the most part collapsed, with the structure now having no roof and the former roof timbers exposed. All the windows and doors have been removed from the former dwelling and adjoining drying room, as well as a large section of brickwork on the principal facade. The adjoining gin-gang is in a similar state to the aforementioned outbuildings, now comprising only the external walls, with the roof structure completely lost. Finally, there is a Dutch barn on the northern edge of the site, which at the time of Officers visiting the site, was also disused.
- 1.3 Whilst the site is set off Tunstall Lane to the south by some 325m, views are still available as one travels along the road. This is mainly due to the fact that the site sits on the brow of a hill, with land rising quite sharply from Tunstall Lane up to the site. Notwithstanding the fact that Tunstall Lane is by no means a busy main road, the road offers a public vantage point and it is considered that, due to the prominence and condition of the site, it is presently having a detrimental landscape impact.
- 1.4 This application is seeking permission for the demolition of the existing buildings on the site and the subsequent replacement with a single 'L' plan dwelling. This would be comprised of a large, five bay, two storey section facing south eastwards, flanked by two smaller two storey elements. The north-eastern, smaller two storey section will then be linked to the rear wing which itself would comprise a two-storey section which adjoins a triple garage with a guest room above. Finally, a single storey flat roofed section will be attached to the rear elevation of the main part of the dwelling which will be mainly glazed on all sides. Materials are proposed to be different throughout the site. The largest, principal two storey section will be reclaimed red brick from the existing dwelling, as will the smaller two storey section to the north-east of this. The other elements are proposed to be herring bone

sandstone. The roof on the red brick sections will be natural slate, with red clay pantiles used on the sandstone part of the building.

2.0 Relevant planning history

2.1 None relevant to the application

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.

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S5: Development in the Countryside
Local Plan Policy HG4: Housing Exceptions
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy E4: Green Infrastructure
Local Plan Policy E7: Hambleton's Landscapes
Local Plan Policy IC2: Transport and Accessibility
National Planning Policy Framework

4.0 Observations

4.1 Newby Parish Council - Newby Parish Council have looked at this application and feel that the plans and associated documents are comprehensive and well considered. The property is on a stand-alone piece of land with existing access, and the new design will fit well within the area of the existing derelict buildings. The Parish Council have had no concerns brought to them by any other residents and therefore would raise no objections to this application.

4.2 NYCC Highways Dept. - No objections subject to standard condition relating to parking for the proposed dwelling.

4.3 SABIC - Please note the planning application referenced 22/00927FUL will not affect SABIC/INEOS high pressure ethylene pipeline apparatus.

4.4 Northumbrian Water & The Ancient Monuments Society were consulted but submitted no comments.

4.5 Site Notice - No comments received.

5.0 Analysis

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

The Principle

- 5.2 Policy S1 of the Local Plan is the overarching policy which sets out the Council's approach to ensuring development is sustainable. This requires development to, amongst other things, support existing communities, make effective and efficient use of land, support social cohesion, minimise the need to travel and promote sustainable modes of travel.
- 5.3 The site in this instance is isolated in open countryside. The nearest settlements of note are Great Ayton and Stokesley, which both offer a good range of services and amenities but are both over 3km away from the site and due to this distance and the nature of the roads linking the site to these settlements, would not be accessible by foot. There are also no public bus services which one could use. Overall, the site is not in a sustainable location and thus would not ordinarily be desirable for housing.
- 5.4 However, one must also consider the fact that there is already an open market dwelling in situ on the site that establishes the residential use. Policy S5 of the Local Plan concerns development in the countryside. The latter part of this policy governs replacement dwellings in the open countryside. The relevant section states such a proposal will only be supported "where it is of permanent and substantial construction and the proposal is of a high-quality design, being sympathetic with its surroundings and takes opportunities to enhance the immediate surroundings. Only limited increases in floorspace will be supported and development proposals must be proportionate to the building(s) that they replace."
- 5.5 A Structural Survey was submitted as part of this application. Clearly, visiting the site reveals the dilapidated state of the building but the report sets out in further detail the work that would be required to rectify the issues with the site. The conclusion of this is that it is recommended that the dwelling is demolished. That said, based on the survey of the main dwelling, there are recommendations that could be used to work with the existing structure and 'rescue' it so to speak but clearly cost implications may mean this is unviable. Nevertheless, Officer's would accept that based on the fact that whole scale demolition is not a complete necessity, it would meet the requirement of being of "permanent and substantial construction" in the context of policy S5.
- 5.6 The design specifics of the proposed dwelling will be assessed in greater detail in the following section of this report. Generally speaking, there are concerns with the scale and massing of the building and its subsequent prominence within the landscape.
- 5.7 As noted above, policy S5 is explicit in that only "limited" increase in floorspaces will be supported and buildings must be "proportionate" to that they replace. The development put forward in this case is considered to fall foul of this requirement. The GIA of the existing dwelling is only 150sqm. On top of this there are the outbuildings and a gin-gang which are not in residential use and therefore cannot contribute to the overall size of the buildings for the purpose of policy S5. Nevertheless, for the sake of clarity, the GIA of these buildings is approximately 162sqm. The GIA of the proposed dwelling is approximately 640sqm. This is a 426% increase on the residential space currently on the site and even a 205% increase if one was to also to consider the outbuildings as part of this assessment. This is clearly not a "limited" increase, nor is it proportionate to what is presently on the site. In this respect, the proposal fails to meet the requirements of policy S5.

- 5.8 As a result of this, the proposal does not gain support in principle as a replacement dwelling under policy S5.

Design & Landscape Impact

- 5.9 Policy E1 concerns the design of development and requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. It lists several principles which will help to achieve this overall aim including responding positively to the context and drawing inspiration from the key characteristics of the surroundings, as well as respecting and contributing positively to local character, identity, and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, the use of materials, native tree planting and landscaping.
- 5.10 Also relevant given the location of the site is policy E7 which states that the Council must ensure that development will protect and enhance the distinctive landscapes of the district.
- 5.11 As set out in the introductory section of this report, the present state of the existing building and its prominence on the brow of a hill is leading to harm to the surrounding landscape. Its removal would undoubtedly address this issue which would be welcomed. However, the replacement dwelling still needs to be of a high quality and appropriate design to ensure that it does not equate to harm in and of itself.
- 5.12 Within the proposal it appears that the symmetrical nature of the element in the centre of the larger south west facing frontage has been inspired by a traditional rural farmhouse design which is considered appropriate. However, the sheer scale of this principal facade across the three separate elements will be very large when viewed from Tunstall Lane. The massing of these two flanking elements do not work alongside the main central section and gives the impression they have been designed independently rather than as a whole. The appropriateness of the two different styles proposed insofar as the use of a standard two storey element to the north east of the main section of the dwelling but a dormer style design to the other side must also be questioned. The contrasting use of stone and red brick is not harmful per se, but it would be more appropriate to ensure at least the front of the building, that would be readily visible to the public, is uniform in this respect.
- 5.13 All in all, the design of the dwelling is considered too large and when the intricacies are assessed it fails to meet the bar of high-quality design which would contribute positively to the surroundings. As a result, it fails to meet the requirements of policy E1 and E7 of the Local Plan.

Amenity

- 5.14 Policy E2 of the Local Plan relates to amenity. This states "All proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use."

5.15 The site sits separate to any other neighbouring dwellings or any land uses that could represent potential harm when it comes to amenity - the nearest being a dwelling 260m to the north and an agricultural unit 500m to the south west. As a result, there are no concerns relating to noise and disturbance, odour, or loss of privacy. Notwithstanding the wider concerns with the design of the proposed dwelling, the development will benefit from adequate daylight provision and outdoor amenity space and thus complies with policy E2.

Ecology

5.16 Policy E3 of the Local Plan concerns the natural environment and first and foremost states that all development will be expected to demonstrate the delivery of a net gain for biodiversity. Given the age and nature of the buildings that are to be lost, an Ecological Appraisal has also been submitted which assesses the potential impact on protected species.

5.17 This appraisal concludes that the ecological value of the site is high. This is due to notable high risk for nesting birds due to historical nesting of Swallows, an actively nesting Kestrel in the Dutch barn, and high risk of potential presence of roosting bats within the outbuildings. In addition to the significant presence of suitable habitat for a variety of valuable species within the locale. As a result, additional bat activity surveys are recommended. These, along with the other recommendations such as demolition work being carried out outside of the nesting season, could be dealt with as conditions and therefore it is considered that as the ecological impact of the development could be addressed, it does not form a reason for refusal on this occasion.

5.18 The Ecological Appraisal calculates the biodiversity baseline calculation as 9.65. Whilst this application does not have an accompanying landscaping scheme, given the nature of the existing site, it is considered an appropriate condition requiring a plan and a management plan to achieve biodiversity net gain would be possible. Consequently, this also does not form a reason for refusal.

Highway Safety

5.19 Policy IC2 of the Local Plan concerns transport and accessibility. The overarching requirement of this policy is for the Council to work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all.

5.20 The proposed access in this case is an established one that would have formally served High Tunstall Farm. This leads onto Tunstall Lane, a fairly narrow country lane. The Highway Authority were consulted on this application to ensure that this arrangement would not be to the detriment of highway safety, and they subsequently offered no objection. On that basis, the proposal is considered acceptable on highway safety grounds.

Planning Balance

5.21 The proposal has been assessed as failing to meet the requirements of policy S5 in terms of a replacement dwelling in the open countryside by way of the increase in residential space going way over and above the "limited" increase that is allowed by policy and nor could it be said to be proportionate to the dwelling that it is replacing. The matter of the removal of the existing structures, considered to have a harmful impact, must be given weight in the planning balance. However, the lack of

compliance with policy S5 coupled with specific issues around design also means that it fails to meet the requirements of policy E1. As a result, notwithstanding the fact it has been demonstrated as having an acceptable impact on amenity, ecology and highway safety, the application is recommended for refusal.

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 design of the proposed dwelling is of an inappropriate size and scale for the location. As a result, it will lead to a harmful landscape impact and is considered to fail to respect and contribute positively to local character in terms of scale and thus fails to meet the requirements of policy E1 and E7.

Furthermore, this increase in size from the existing dwelling to what is proposed also goes beyond "limited" and cannot be said to be "proportionate" as required for replacement dwellings under policy S5 of the Local Plan.