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21/02957/FUL

**Construction of 2no. replacement dwellings
At: Village Farm Ellerbeck Northallerton North Yorkshire
For: Cowesby Estate Ventures.**

1.0 Site, context and proposal

- 1.1 Village Farm is an agricultural unit located in Ellerbeck, approximately 1km west of the A19. Presently the wider site comprises several large, steel-clad agricultural buildings and the dwelling which sits just to the west of these. An access track runs directly off the A684 which runs east-west just to the north of the site. The access track also runs over Cod Beck that runs parallel to the highway and bounds the northern edge of the site. Flood Zone 3 covers some of the site, with the existing dwelling ever so slightly straying into FZ3 along with some of the adjacent agricultural buildings.
- 1.2 In October 2021, permission was granted for the subdivision of the existing dwelling on the site. This was to be achieved through minor internal and external works but effectively retaining the existing buildings appearance. Upon works beginning, it was discovered that the structural integrity of the building was a lot more compromised than first thought. A subsequent structural survey has set out that the building is suffering from severe water ingress and prolonged exposure to moisture has led to both the internal and external walls becoming unfit for purpose.
- 1.3 This application is seeking permission for the full-scale demolition of the existing building and the subsequent construction of two replacement dwellings. The replacement building will be similar to the existing in that it will be a T plan layout, with the two sections of the T plan being the two dwellings. These will both be two storeys, with 1 x 3 bed and 1 x 4 bed. The 4-bed dwelling will replicate the appearance of a traditional farmhouse, with the smaller dwelling located to the rear being timber clad at first floor level. The rest of the building will be constructed using natural coarsed stone matching the existing. Separate parking areas and amenity space will also be provided for both dwellings.
- 1.4 Alterations were secured to improve the scheme which can be summarised as follows:
 - The rotation of the building by 180° so that the principal elevation as seen from the highway and adjacent PROW will be the frontage of the larger dwelling which will appear as a typical farmhouse as opposed to the slightly more contemporary rear elevation.
 - The relocation of the dwelling slightly further south so it is fully within FZ1.
 - The removal of a column-like structure from the principal elevation so it had a simple, symmetrical appearance.

2.0 Relevant planning history

- 2.1 21/01374/FUL - Sub-division of the existing dwellinghouse to form 2no dwellings with associated parking – Granted

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 S3: Spatial Distribution
Local Plan Policy HG2: Delivering the Right Type of Homes
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E7: Hambleton's Landscapes
Local Plan Policy IC2: Transport and Accessibility
Local Plan Policy RM2: Flood Risk
National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council - Support the application with the following comments:
- Question the need for an increase in floor space
- Would like to see the units kept for local people
- 4.2 NYCC Highways - No objections subject to standard condition relating to parking and turning areas within the site.
- 4.3 Environment Agency - Initially objected to the proposal due to a lack of Flood Risk Assessment. However, once the site layout was amended, their objection was removed.
- 4.4 Environmental Health - No objection.
- 4.5 Environmental Health (Contaminated Land) - No objection subject to condition covering the discovery of unexpected land contamination.
- 4.6 Yorkshire Water - No objection subject to conditions.
- 4.7 SABIC - No objection.
- 4.8 NYCC Footpaths - Include informative covering the applicant's duties should the PROW on the site be impacted.
- 4.9 Site Notice & Neighbour Notification - No comments received.

5.0 Analysis

- 5.1 The main issues in this instance are i) the principle of two replacement dwellings in this location, ii) design and the impact on the countryside, iii) amenity, iv) flood risk and v) highway safety.

The Principle

- 5.2 The site in this instance is on a farmstead located adjacent to the small village of Ellerbeck. In policy terms the site is considered to be in the open countryside. Policy S5 of the Local Plan concerns development in the countryside and more specifically replacement buildings in the open countryside, which states:

"A proposal for the replacement of an existing building (including a dwelling) in the countryside 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."

- 5.3 Firstly, it is noted that as it stands the building in situ is only one dwelling. However, one must also consider that there is extant permission in place for the sub-division of this dwelling that has been granted by the Council. Indeed, both national and local policy still supports the sub-division of rural dwellings. This is a justified fall-back position given the applicant was in the process of implementing this permission when they decided to go down the route of replacement dwellings for the sake of cost and quality of the development. As such, it is considered that the provision of two dwellings on the site has been established as acceptable and the Local Plan clearly supports the replacement of these dwelling without additional justification subject to a set of criteria being met.
- 5.4 Upon conducting a site visit, it is clear that the dwelling is still of a permanent and substantial construction. The Structural Survey outlining the issues with damp and water ingress is noted but at this moment in time the building is still standing as a whole and these issues are not having such an effect that would lead one to believe the building is not of substantial construction.
- 5.5 The design specifics of the replacement dwellings will be assessed in greater detail in subsequent sections of this report, but the design is considered to meet the bar of 'high quality'. It takes inspiration from the existing dwelling which itself is on the most part an attractive stone-built building, although it suffers from unsympathetic additions. The rotation of the replacement dwellings so that the higher quality principal facade which appears as a traditional farmhouse is facing the highway and PROW, and the general tidying up of the surrounding land so that it can become a private driveway and amenity space, will undoubtedly enhance the area adjacent to the building. As a result, the second requirement of policy S5 is achieved.
- 5.6 The final requirement for replacement dwellings is for any increase in floorspace to be 'limited' and the new building to be proportionate to that it will replace. In this case, following the revisions, the GIA of the dwellings will be increased by approximately 30%. This is probably at the top end of what one could see as limited, but it still equates to less than a third and therefore on balance is acceptable. The overall scale of the building will be very similar. The principal facade will measure 11.5m x 4.8m (to eaves) in comparison to the existing 11.1m x

4.8m and thus will only increase by 400mm in width. Furthermore, the rear off-shoot element will be 11.1m x 4.6m as opposed to the existing 10.7m x 3.2m. This is clearly a larger increase in height, but one must consider that this is to be a two-storey section and with modern space standards an increase in height from the modest existing dwelling is to be expected. All in all, the size and scale of the replacement building is proportionate to the existing building.

- 5.7 As the above assessment demonstrates, the proposal complies fully with policy S5 as far as replacement dwellings are concerned and therefore is considered to gain support in principle from the Local Plan.

Design & Impact on the Countryside

- 5.8 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 inspirations 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.

- 5.9 The proposed development is considered to meet all these requirements. As demonstrated above, it will be of a suitable size and scale for the site. It will appear similar to the existing dwelling in terms of materials and thus is in-keeping with the rural surroundings. The use of timber cladding on the smaller dwelling is noted but this is not considered to be harmful in and of itself. The use of features such as this on small sections of dwellings is a normal approach to breaking up the external appearance of the building. It should also be noted that given the reorientation of the new building, this rear off shoot will be largely hidden. A final requirement insofar as the design of the dwellings are concerned is compliance with the National Described Space Standards, as required by policy HG2 of the Local Plan. An assessment of the room sizes demonstrates these requirements are met.

- 5.10 Overall, the wider site is also well screened by the tree line that lines Cod Beck, to the north of the site. Indeed, views as one travels along the A684 are very limited as a result. A PROW does run through the unit to the east of the site, but the agricultural outbuildings sit between the dwellings and this PROW which screens them from view. The development will not change the visibility of the dwellings or massively change the character of the site, which is already in residential use, and therefore will have an acceptable impact on the countryside.

- 5.11 Based on the above assessment, it is Officer's view that the development complies with policies E1 and S5.

Amenity

- 5.12 Policy E2 of the Local Plan relates to amenity and requires all proposals 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.

- 5.13 It is noted that the dwellings are going to be located directly adjacent to a set of buildings that could lawfully be brought back into use as an agricultural unit without the Local Planning Authority being able to control it. This was an issue that was raised under the previous application for subdivision. To address this concern, a condition was included which precluded the nearest set of buildings from being used for the housing of livestock and the other buildings to use for lambing only and at certain times of the year. The same condition is recommended again and it is worth noting that Environmental Health did not raise any objections.
- 5.14 The second issue at hand is whether the layout of the two dwellings will ensure mutual privacy and daylight provision for the occupiers of the two dwellings. In this case they will be sited side-by-side and as such there will be no issue in terms of overlooking. Both dwellings have an adequate number of windows serving them, as well as a provision of outdoor amenity space.
- 5.15 On the whole, the proposal is considered to comply with policy E2.

Flood Risk

- 5.16 Policy RM2 of the Local Plan concerns flood risk. This primarily requires the Council to avoid development in flood risk areas, where possible, by applying the sequential test and where necessary applying the exception test in accordance with national policy.
- 5.17 Initially, the proposal was to site the replacement dwellings in the exact position of the existing. However, due to this ever so slightly straying into Flood Zone 3 and there being no FRA, the Environment Agency objected, and the proposal would've conflicted with policy RM2. To address this, the applicant relocated the dwellings slightly further south so it will sit wholly in Flood Zone 1. By definition FZ1 has the lowest probability of flooding and therefore the dwellings are considered safe from flood risk and the proposal now complies with policy RM2.

Highway Safety

- 5.18 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.
- 5.19 The proposed dwellings will be served by the existing access. The Local Highways Authority were consulted to ensure this was appropriate and subsequently offered no objection. It is important to note that this access has lawfully served the agricultural unit and the large vehicles this will involve so to refuse the application on highway safety grounds would be difficult to justify.

Planning Balance

- 5.20 The proposed replacement dwellings have been demonstrated to meet the requirements of policy S5 which governs replacement dwellings in the open countryside. The overall design of the replacement dwellings is high quality and in keeping with the surrounding context, as per the requirements of policy E1. It has also been assessed as suitably maintaining a high level of amenity and not compromising highway safety. Approval is recommended on that basis.

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 020 Rev E & 021 Rev D received by Hambleton District Council on 18.05.2022 unless otherwise approved in writing by the Local Planning Authority.
3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces 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. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
5. Above ground construction of dwellings shall not be commenced until a detailed landscaping scheme indicating the type height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situated within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
7. 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 Drawing 021 Rev D and 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.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
9. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
10. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
11. Prior to the dwellings hereby approved being brought into use, the use of the surrounding buildings shall cease other than in strict accordance with the plan numbered 012 Rev A, received by Hambleton District Council on 18.01.2022.
12. Prior to the occupation of the dwelling hereby approved, a scheme for re-surfacing of the first 10m of the access road, at the junction with the main road, shall be submitted to and approved by the Local Planning Authority. The access surfacing shall be undertaken in accordance with the approved details, prior to the occupation of the dwelling hereby approved.
13. The footbridge to the north of the site over the watercourse shall be retained and maintained as a safe crossing point in case of flooding, in perpetuity.

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 and in accordance with the Local Plan Policies S1 and E1.
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 Local Plan Policies S1 and E1.
4. To ensure the development sits comfortably within the landscape and does not have a harmful landscape impact, as required by policies E1 and E7 of the Local Plan.

5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
8. In the interest of satisfactory and sustainable drainage.
9. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
10. To ensure that no foul water discharges take place until proper provision has been made for their disposal.
11. In the interests of amenity, as required by policy E2 of the Local Plan.
12. In the interest of road safety.
13. In order to maintain a safe access in case of flooding.