

Parish: Danby Wiske With Lazenby

Ward: Morton-On-Swale

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Committee Date : 1 September 2022

Officer dealing : Mr Nathan Puckering

Target Date: 22 September 2022

Date of extension of time (if agreed):

22/01740/FUL

Application for change of use of land to domestic and the construction of replacement farmhouse.

At: Park Hills Farm Danby Wiske Northallerton North Yorkshire

For: Mr & Mrs Wilson.

The application is brought to Planning Committee owing to a lack of compliance with the Council's policy on replacement dwellings.

1.0 Site, Context and Proposal

- 1.1 Park Hills Farm is a rural dwelling, agricultural and equestrian unit located around 0.4km west of Danby Wiske, just off the road which leads to Streetlam. The agricultural side of the operation extends to approximately 100 acres and is a mixed-use farm with the grazing of sheep and the production of hay and haylage. There is also a group of stables on the site, along with a large outdoor menage.
- 1.2 The buildings on the wider site are mainly limited to the northern-most section, with some backing onto the road to the north. The farmhouse is sited just to the south of this range of buildings. It is a pebble dashed, two storey building with an internal floor space of approximately 160sqm. The existing dwelling is of a considerable age and due to its very narrow design (5.2m wide) and penetrating damp, does not meet modern living standards in terms of both space standards and energy efficiency.
- 1.3 This application is seeking permission for the demolition of this dwelling and the construction of a replacement. The replacement will be a more typical modern dwelling. It will be north facing, with a garage protruding from the north-east corner, which along with the boundary wall will create an enclosed driveway to the front of the property. The main two storey section of the dwelling will be adjoined by a lower two storey section, with a gable end protruding from the rear. This effectively creates a T plan layout. As part of this application, a larger garden would be created to the rear by the change of use of part of the existing paddock. Internally, the dwelling's layout has been designed to be fully accessible for a wheelchair user due to a recent change in circumstances for the applicant and this now being a requirement for them that the existing dwelling cannot accommodate.
- 1.4 The building will be constructed in brick, although the exact specification has not been provided. It will have a slate roof. There are other details within the design worthy of note, such as the brick quoin detail, the stone heads and cills and the stone watertables on the roof. All windows are to be upvc.

2.0 Relevant planning & enforcement history

- 2.1 None relevant

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 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 Consultations

4.1 Parish Council - No objections.

4.2 NYCC Highways - No objections subject to standard condition relating to parking provision.

4.3 Northern Gas Networks - Please contact National Grid for comments on this application.

4.4 National Grid - There are no National Grid assets affected in this area.

4.5 RAF Safeguarding - No objections.

4.6 The Environment Agency, Natural England, Yorkshire Wildlife Trust, Yorkshire Water and Street Naming & Numbering were consulted but submitted no comments.

4.7 Site Notice & Neighbour Notification - 1 letter of support from neighbour.

5.0 Analysis

5.1 The main issues to consider in this instance are:

- the principle of a replacement dwelling in this location
- design & the impact on the character and appearance of the countryside
- the impact on protected species and biodiversity
- residential amenity
- highway safety

The Principle

5.2 Policy S5 of the Hambleton Local Plan relates to development in the countryside and more specifically sets out the requirements for replacement dwellings in such locations. It is supportive of replacement dwellings when the following requirements are met:

- the building is of permanent and substantial construction
- the replacement is a high quality design which enhances the immediate setting
- any increase in floorspace is 'limited' and the proposal must be 'proportionate' to the building it replaces

- 5.3 The dwelling that stands at the moment suffers from damp issues and is not up to modern standards in terms of energy efficiency, although it is considered to be of a permanent construction. Therefore, policy S5 would support its replacement subject to the proposal meeting the other requirements of Local Plan policy.
- 5.4 The development proposed would incorporate improvements to both the area to the front of the dwelling and to the rear. At present, the front of the existing dwelling is an area of concrete hardstanding which allows for access to the stables and other buildings to the east. Some of this area would be walled off and would become part of the domestic curtilage of the dwelling. This would provide more of a delineation between the dwelling and the agricultural unit, undoubtedly improving the setting of the building to the front.
- 5.5 Similarly, to the rear an area of the paddock will be incorporated into the domestic garden. A landscaping scheme has not been submitted as part of this application, but discussions have taken place between Officer's and the agent, and it has been agreed that a suitable pre-commencement condition covering this matter be included, mainly relating to biodiversity, which will be discussed in greater detail in a subsequent section. Nevertheless, the incorporation of a section of standard paddock into the domestic garden with an appropriate landscaping scheme will also help to ensure the development leads to an enhancement to the setting of the building.
- 5.6 The design of the replacement dwelling will be discussed in greater detail in the next section but for the purposes of the requirements of policy S5, Officers are content that the design is of a high quality. On the whole, the development is in line with point 2.
- 5.7 With regards to point 3, as already mentioned, the internal floorspace of the existing dwelling is approximately 160sqm. The GIA of the replacement dwelling is 339sqm (excluding the garage). This is an increase of 179sqm. It would not be possible for one to reasonably argue that this is a "limited" increase in floorspace and therefore the development falls foul of point 3 and would not fully comply with policy S5.
- 5.8 In this instance, the Planning Statement argues that one must consider the potential to extend the dwelling under permitted development rights. It is noted that this could be a reasonable fallback position and the applicant could feasibly extend the dwelling and construct several outbuildings outside the control of the Local Planning Authority and that this should be given weight in this assessment. Given the present state of the existing building, the sustainability issues in terms of energy consumption, and its overall unattractive appearance, it is considered to be in the best interest of all parties to replace the building with something that is up to modern standards rather than work with what is there. This would also help to achieve the aims of policy S1 in terms of ensuring development works towards tackling the issue of climate change, albeit to a minor extent.

- 5.9 Furthermore, due to the inconspicuous location and the extensive screening from the other buildings, a larger dwelling can be incorporated without equating to harm in terms of design, landscape impact or on the character of the countryside surrounding the site. As a result, when all things are considered with this proposal, i.e. the background context and the potential fallback position, whilst the increase in floorspace is beyond "limited" and it does not therefore fully comply with policy S5, with the benefits of the development by way of an improvement in the sustainability and appearance of the replacement dwelling relative to the existing, on balance Officer's would assert that the development is acceptable in principle.

Design & Impact on the Countryside

- 5.10 Policy E1 of the Local Plan concerns design. This requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place. It goes on to list a number of design principles that help to achieve this overarching aim. These include 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.
- 5.11 As already discussed, policy S5 relates to development in the open countryside. Generally, this seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment, contributes to the identity of the district, provides an attractive recreational and tourism resource and is a valued biodiversity resource.
- 5.12 Overall, the design of the new dwelling is considered to be acceptable. Whilst it is slightly unusual in that it does not have a clear principal facade with the traditional appearance of a rural dwelling that one would expect, it is still a proposal which works well within the constraints of the site and equates to a high quality dwelling. The materials that have been proposed are generally acceptable. A suitable condition so the specifics can be agreed at a later date is recommended. Subject to that, Officers are content that the design complies with policy E1.
- 5.13 The siting of the dwelling behind the existing buildings to the north means that it will effectively be invisible from the road frontage. Whilst views are more open to the south, the nearest public vantage point in this direction is a PROW some 400m away. Therefore, views are not readily available, and the landscape impact of the development will be negligible. In any event, this is an established site and the increase in the size and scale of the new dwelling is not such that it would materially increase its visibility and it would still be seen against the backdrop of the rest of the unit. On this basis, the character and appearance of the countryside will be preserved.

Protected Species and Biodiversity

- 5.14 Policy E3 of the Local Plan now requires all development to demonstrate a net gain in biodiversity. As part of this application, an Ecological Impact Assessment which includes an assessment of the likely impact on protected species and a baseline calculation for biodiversity has been provided. This concludes that the impact on most protected species, namely badgers, nesting birds, great crested newts and other reptiles will be negligible/low. The initial assessment identified a bat roost and

a high likelihood of bats being present. Two bat activity surveys were subsequently carried out, the results of which being that common pipistrelle were confirmed to be roosting on site within the rotting wooden fascia to the north western gable and under the soffit board to the western gable end. As well as roosting within the building, a number of other species were found to be using the site for foraging. Thus, the potential impact on bats is considered to be high.

- 5.15 Due to the confirmed presence of these bats, prior to works being carried out, a European Protected Species (EPS) mitigation licence will need to be obtained from Natural England. This process will require the applicant to employ a suitably qualified ecologist to prepare a Method Statement. Overall, it has been demonstrated that the impact on bats has been fully considered as part of this application and through this licensing process it will be ensured no harm arises as the scheme moves forward.
- 5.16 Other general mitigation measures to completely ensure all other species are protected both during construction and moving forward are set out in section 5 of the report and a condition ensuring these are fully implemented is recommended.
- 5.17 The Ecological Impact Assessment also sets out a biodiversity net gain calculation. This shows that the development will currently lead to a net loss in biodiversity. That said, there has been no professionally prepared landscaping scheme submitted to accompany this application. Given the change of use of the paddock and the amount of land available to work with, Officers are content that subject to a condition requiring a landscaping scheme and management plan to be submitted that demonstrates a biodiversity net gain, it can be ensured that the requirements of policy E3 are met.

Residential Amenity

- 5.18 Policy E2 of the Hambleton Local Plan requires all development 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. In this instance, there are no neighbours who will be impacted by the redevelopment of the site. Whilst it is noted that the dwelling will be in the centre of the agricultural unit which is by no means desirable from an amenity perspective, it is simply replacing an existing dwelling and thus will not lead to a net increase in units nor introduce a new dwelling in proximity to the farm operations. On that basis, refusal on the grounds of amenity would be difficult to justify.

Highway Safety

- 5.19 Policy IC2 of the Local Plan concerns transport and accessibility. A lot of this policy is not relevant to this relatively small-scale development, however, it still dictates that an assessment is carried out to show the highway network can safely accommodate the proposal. The existing access that serves both the wider agricultural unit and the existing dwelling will be utilised. The Local Highways Authority has assessed this as being acceptable. The proposal is acceptable on highway safety grounds and is considered to meet the requirements of Policy IC2.

Planning Balance

- 5.20 The Hambleton Local Plan is generally supportive of replacement dwellings in the open countryside subject to meeting several requirements which are set out in policy S5. The proposal in this case has been shown to meet most of these requirements in that it will be a high quality replacement dwelling that takes the opportunity to enhance the setting of the building. That said, due to the increase in the size of the proposed dwelling, the development falls foul of the final requirement of policy S5 in that it is not a 'limited' increase in floor space.
- 5.21 Notwithstanding, there is the fallback position of the applicant being able to extend the dwelling to quite a large extent under permitted development which would be completely outside of the control of the Council. This will lead to the applicant having to work with the existing building, which is unattractive, impractical, unsustainable and inefficient. This would not be a desirable situation for all parties. When it is considered that the granting of this permission would lead to the applicant constructing a high quality replacement dwelling incorporating modern sustainability measures, the harm arising from the conflict with policy S5, which would be small in any event due to the increase in floorspace not creating any concerns in terms of design or landscape impact, is outweighed.
- 5.22 Given there are no other issues in terms of amenity, highway safety or the ecological impact, on balance Officer's recommend this application is granted.

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 S573(PL):003, 005, 006, 007 and 008 received by Hambleton District Council on 28.07.2022 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 the demolition of the existing dwelling, a Landscaping Scheme and Management Plan which demonstrates the deliverability of biodiversity net gain must be submitted to the Local Planning Authority for approval. This must then be implemented in full.

5. 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.

6. The mitigation and enhancement measures outlined in section 5.0 of the Ecological Impact Assessment submitted to Hambleton District Council on 12.08.2022 must be implemented in full. Where relevant, this also means before and throughout the construction phase.

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 scheme leads to a biodiversity net gain, as per the requirements of policy E3.

5. To ensure the development sits comfortably within the site and does not lead to any harm to the character and appearance of the countryside; as required by policies E1 and S5 of the Local Plan.

6. To ensure the natural environment is protected, as required by policy E3 of the Local Plan.