

Parish: West Rounton
Ward: Appleton Wiske & Smeatons
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Committee Date: 22 December 2022
Officer dealing: Mr Nathan Puckering
Target Date: 26 April 2022
Date of extension of time (if agreed): 23 December 2022

22/00287/FUL

Construction of a dwelling for accommodation of adult with disabilities and comprising additional accommodation for a carer when required.

At: Stamford Farm West Rounton Northallerton North Yorkshire
For: Mr & Mrs Gaudie.

This application is referred to Planning Committee as it is a departure from the adopted development plan.

1.0 Site, Context and Proposal

- 1.1 Stamford Farm is an agricultural unit located approximately 0.4km south east of the village of West Rounton. It is set back from the adjacent highway to the west by around 220m, accessed via a private track running perpendicular to the highway. The built unit itself is large, comprising a number of relatively typical agricultural buildings, along with two dwellings - the main farmhouse on the southern edge of the built complex and Stamford Granary 45m to the north west of this, both of which it is understood are under the ownership of the applicant. Both of these properties are understood to be occupied by other family members.
- 1.2 The surrounding land is generally comprised of agricultural land, used for both grazing and arable farming. The River Wiske, which is lined with intermittent trees and other landscaping, runs past the farm to the north. The topography of the surrounding area is fairly flat but due to the distance from the adjacent road and the tree belt which covers the majority of the western edge of Stamford Farm, any meaningful views of the buildings from nearby public vantage points are limited.
- 1.3 This application concerns a parcel of land around 25m to the south west of the main farmhouse. Permission is sought for the construction of a detached dwelling which is to provide separate independent living for the applicant's disabled son.
- 1.4 The proposed dwelling will have an asymmetric slate roof, with it being one and a half storey at the front and two storeys at the rear. A two-storey oak framed glazed gable will protrude from the front, maximising natural light reaching the inside of the dwelling. The rear elevation will also be heavily glazed, with four sets of sliding doors. A balcony will be situated on the first floor. Externally, it is to be clad with horizontal timber boarding. The dwelling itself will have an internal floor-space of 240sqm plus the balcony and has been designed to allow for ample space for a wheelchair to manoeuvre. It will have two bedrooms in order to provide accommodation for a carer as and when needed.
- 1.5 Initially, the application was for a separate open market dwelling. After discussions with Officer's it was agreed that the applicant would enter into a Unilateral Undertaking (UU) which prevents the proposed dwelling from being sold separately to the main farmhouse; effectively maintaining a single planning unit. A UU has

been reviewed by the Council's Legal Team and signed by the applicant ahead of the Committee meeting.

2.0 Relevant Planning & Enforcement History

- 2.1 92/0885/FUL - Alterations and extension to existing disused agricultural building to form a dwelling - Granted
- 2.2 06/00880/CLE - Application for a Certificate of Lawfulness for a change of use of a stable/store to a dwelling - Refused

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 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 E7: Hambleton's Landscapes
Local Plan Policy IC2: Transport and Accessibility

National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council - No comments received - expired 22.03.2022
- 4.2 NYCC Highways - In the absence of any speed data, the visibility to the at the existing access has been assessed as falling slightly below the standards set out in the Deign Manual for Roads and Bridges. This is due to the alignment of the C158 in this location. However, given the level of use associated with the existing access, a refusal on highways grounds would be difficult to sustain on this occasion. Subsequently, the Local Highways Authority offer no objections subject to standard conditions relating to parking for the new dwelling.
- 4.3 Environmental Health (Contaminated Land) - No objection subject to a condition requiring the applicant to halt works and make the Local Planning Authority aware should there be any unexpected contamination discovered during construction.
- 4.4 Natural England - No comments to make on this application.
- 4.5 SABIC - The planning application will not affect SABIC/INEOS high pressure ethylene pipeline apparatus.

- 4.6 Environmental Health, Yorkshire Wildlife Trust, Yorkshire Water and The Safety Regulation Group were all consulted but submitted no representations.
- 4.7 Site Notice & Neighbour Notification - 3 letters of support received stating that the application should be viewed in a positive light and benefits all parties involved.

5.0 Analysis

- 5.1 The main issues for consideration in this instance are i) the principle of a dwelling in this location, ii) design and landscape impact, iii) amenity, iv) biodiversity net gain and v) highway safety.

The Principle

- 5.2 Policy S1 of the Local Plan sets out the overarching sustainable development aims which development must strive to meet. These include things such as meeting development needs through sustainable development that supports existing communities, making effective and efficient use of land, supporting social cohesion and minimising the need to travel and promoting sustainable modes of travel.
- 5.3 The site in this instance is in a rural location that is approximately 0.5km south of the nearest settlement, West Rounton. It is therefore not a sustainable location for residential development, paying heed to the requirements of policy S1. Furthermore, it is not part of, nor adjacent to, the built form of a defined settlement and therefore does not meet the requirements of policy HG5 of the Local Plan that governs windfall housing development.
- 5.4 The Hambleton Local Plan in policy HG4 does offer support where rural housing development can be considered acceptable to meet identified housing need that may otherwise go unmet. It lists things such as homes for rural workers, replacement houses in the open countryside, development which would secure the optimum use of a heritage asset or a dwelling which was of exceptional design. The proposal in this case does not meet any of these exceptions and therefore cannot gain support from policy HG4.
- 5.5 The above assessment establishes that the Hambleton Local Plan does not support the construction of a dwelling on the site in this case.
- 5.6 Notwithstanding, S70(2) of the Town and Country Planning Act 1990 states that the Local Planning Authority when dealing with a planning application shall have regard to the provisions of the development plan, so far as material to the application, and any other material considerations. The applicant has provided several letters from medical professionals, alongside a statement from a QC, which outline the nature of the applicant's son's medical condition and the knock-on effect this has on day-to-day life. It has major implications in terms of movement, coordination and in turn can often cause mental stress.
- 5.7 Ordinarily, the personal circumstances of an applicant and their family cannot be considered a material consideration in the determination of a planning application. However, the Local Planning Authority under The Equality Act 2010 has a requirement to consider how their decisions effect people with protected characteristics. In this case, it reasonable to expect that the applicant's son would anticipate a degree of independence and like any adult would reasonably expect

this to include a home of their own. It is accepted that circumstances dictate that he requires to be close to his family and carers which could prevent this from happening. Whilst one could argue that it may be possible for the family to move to a location suitable for residential development in policy terms, the applicant and their family have owned and operated the farm in question since the 1960s and it would be unreasonable to expect them to vacate their successful and profitable operation, in order to provide suitable accommodation for their son.

- 5.8 The option of an annex which would be policy compliant has been explored but is not suitable due to the site constraints and a suitably sized building not being able to be accommodated within the site adjacent to the farmhouse. Indeed, one must also consider that an annex would probably not provide full independence that an adult should be able to expect.
- 5.9 It is therefore accepted that in this case the decision maker must give weight to the personal circumstances of the applicant and their family. Nevertheless, it is considered that this still would not in and of itself outweigh the harm caused by a new dwelling in an inherently unsustainable location and the subsequent conflict with both national and local planning policy. To try to address this shortcoming, through discussions with Officer's, it was suggested that the applicant would be willing to enter into a Unilateral Undertaking which would tie the new dwelling to Stamford Farm farmhouse and for all intents and purposes operate as an annex, albeit not in the traditional sense of the word insofar as scale, siting and design are concerned. The Local Planning Authority could then ensure a single planning unit would remain and control of the new dwelling becoming open market in the future would lie with the Council.
- 5.10 A Unilateral Undertaking which put this into place was subsequently prepared by the applicant and their solicitor and has since been accepted as fulfilling its intended purpose by the Council's Legal Team and signed by the applicant. The consequence being that on balance the principle of this proposed dwelling is now considered acceptable.

Design & Landscape Impact

- 5.11 Policy E1 of the Local Plan concerns design and states "All development should 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 then goes on to list a number of design principles that should be followed to meet this overarching aim. These include things such as responding positively to context and drawing inspiration from the key characteristics of the surroundings and; 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.
- 5.12 Also relevant given the location of the site within the open countryside is policy S5 of the Local Plan. This states "The Council will seek 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."

- 5.13 The overall design of the dwelling is considered to be acceptable. The use of timber cladding and an oak frame for the gable on the front will ensure it blends into the rural surroundings. Whilst the heavy use of glazing and the fact this may ordinarily increase the impact the wider development would have on the landscape is noted, due to the location of the site being away from any nearby public vantage point and the landscape screening from which it benefits, the overall landscape impact will be negligible and certainly not harmful.
- 5.14 On the whole, the proposal constitutes a development that is of a high quality design that will be compatible with its surroundings. As such, it complies with policies E1 and S5 and is acceptable on landscape impact and design grounds.

Amenity

- 5.15 Policy E2 of the Local Plan relates to amenity. It 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." It goes on to state that this relates to issues such as daylight provision, noise and disturbance, air pollution, odour and contamination.
- 5.16 In this instance, the dwelling that is proposed is going to be sited within the grounds of a large working farm. Clearly, this carries with it issues of noise and disturbance and odour and a dwelling in such circumstances would not ordinarily be seen as acceptable due to the subsequent issues with the impact on the living conditions of future residents. However, given in this case the new dwelling is to be linked to the farmhouse and cannot be occupied separately to the wider operation, it will only ever be occupied by someone who would otherwise reside on the farm in any event. Therefore, the issue of harm to amenity is overcome in the same way an agricultural workers dwelling would be seen as acceptable on these grounds. As a result, whilst ultimately the living conditions of the occupants of the dwelling may be lesser than one would normally accept, this is not a reason for refusal on this occasion.
- 5.17 There are no independent neighbouring dwellings that can be impacted by way of loss of privacy or overshadowing and therefore the second requirement of policy E2 is met.

Biodiversity Net Gain

- 5.18 Policy E3 of the Local Plan now requires all development to demonstrate the deliverability of a net gain in biodiversity. No Landscape Plan or information relating to BNG has been submitted as part of this application. Notwithstanding, the applicant owns a large amount of land that could be used to deliver BNG and as a result, Officers are content that this should be easily achievable. As such, it can be dealt with through a pre-commencement condition.

Highway Safety

- 5.19 Policy IC2 of the Local Plan aims to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments.
- 5.20 The development in this is to be served by an existing access which serves the wider farming operation and could routinely be used by large agricultural vehicles. The Local Highways Authority have assessed the access as falling below the required standards but due to the existing situation, the introduction of an additional

dwelling and the associated vehicular traffic will be somewhat inconsequential in terms of highway safety. On that basis no objection was offered. As such, the development is considered acceptable on highway safety grounds.

Planning Balance

- 5.21 It has been demonstrated that the Local Plan does not support the principle of a dwelling in this location due to unsustainable location. However, The Equality Act 2010 dictates that the Local Planning Authority must consider the impact of their decisions on people with protected characteristics. The applicant's son has a reasonable expectation to have a level of independence that any adult would need. The applicant's family have run a large, successful operation on this site for 60 years and therefore it is unreasonable to expect them to vacate that to provide suitable accommodation for their son's needs. The applicant has entered into a Unilateral Undertaking which, whilst appearing as a completely separate dwelling, dictates that the development will remain as a single planning unit alongside the farmhouse, effectively like an annex. These facts are considered to outweigh the conflict with policy in terms of the principle of the development and ensure the Local Planning Authority retain control over the future use of the unit.
- 5.22 The design and landscape impact of the development have been shown to meet the requirements of the relevant policy, as has the impact the development will have on highway safety. Whilst the issue of amenity given the location of the development within a working farm has been noted, it has been demonstrated this is not a reason for refusal when all facts are considered.
- 5.23 On the whole, it is recommended that this application be approved.

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 G038-01-05 Revision A & 04 Revision C received by Hambleton District Council on 07.02.2022 unless otherwise approved in writing by the Local Planning Authority.
 3. Prior to the commencement of development a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

4. No dwelling must be occupied until the related parking facilities 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.
5. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of 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. 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. To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1, E3 and E7.
4. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
5. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.