

**Parish: Little Ayton**  
**Ward: Great Ayton**

**4**

Committee Date: 16 February 2023  
Officer dealing: Mr Nathan Puckering  
Target Date: 27 July 2022  
Date of extension of time (if agreed):  
17 February 2023

**22/01354/FUL**

**Proposed conversion of redundant building to a residential dwellinghouse.**

**At: Ayton Firs Manor, Ayton Firs, Green Lane, Great Ayton**  
**For: Mr N Flintoft.**

## **1.0 Site, Context and Proposal**

- 1.1 The site in this instance is a building associated with Ayton Firs Manor, one of the dwellings located on the former Ayton Firs estate approximately 1km south of Great Ayton. Ayton Firs Manor now adjoins Ayton Firs Hall, and these operate as two separate dwellings. However, at one point they were an impressive manor house. The wider site extends to the south and east of this and now also comprises several separate dwellings which have arisen from conversions of various outbuildings that would presumably, at one stage, been associated with the original manor house.
- 1.2 Approximately 45m to the south of Ayton Firs Manor is a single storey detached building measuring around 400sqm in size which is a gym, indoor swimming pool and garage associated with Ayton Firs Manor. Permission for the building was originally granted at appeal in 2007 but the planning history shows that as of 2014 the building was only partly finished. A revised application was then submitted (14/00478/FUL) which effectively included the completion of the building but with an integral garage which was not part of the original permission from 7 years earlier. The building is now fully complete.
- 1.3 Permission is sought for the conversion of the building to an independent dwelling. It will be a two-bed, single storey bungalow. External alterations are limited to works to the fenestration by way of the insertion of several windows on the front and rear of the building, as well as the side (eastern) elevation. There is presently a triple garage within the building that will be reduced in size and incorporated as residential space and therefore one of the three garage doors will be bricked up. A Landscape Plan has been submitted which identifies that a new hedgerow and trees will be planted to the south of the building, as well as additional underplanting in the area of trees to the south-west.
- 1.4 This application is a resubmission of two previous applications, one of which was for more substantial alterations to the building to create a one and a half storey dwelling which was refused in November 2021. The second was closer to this current proposal but was withdrawn in March 2022.

## **2.0 Relevant Planning History**

- 2.1 06/02401/FUL - Construction of a building to be used as a swimming pool and gym - Refused but allowed on appeal.
- 2.2 14/00478/FUL - Revised scheme for approved outbuilding to include domestic garage - Granted
- 2.3 21/01918/FUL - Application for approval for the proposed change of use of an outbuilding to form a dwelling. - Refused for the following reasons:
  - 1. Whilst the proposal is acknowledged as a re-use of an existing building, it will not fulfil any demonstrable local need for affordable housing and nor will it help to support a sustainable rural economy. It therefore fails to meet the requirements of policies DP9 and CP4. Furthermore, the building cannot be considered to be disused/derelict and the development will not enhance the immediate setting and as such it also fails to gain support from the NPPF. Consequently, the principle of the development is in direct conflict with both national and local policy.
  - 2. The proposal will give way to a loss of privacy for both the future occupiers of the proposed dwelling and the residents of the existing terraced dwellings immediately to the east of the building. As a result, it is in direct conflict with policy DP1 of the Local Development Framework.
- 2.4 21/03044/FUL - Proposed conversion of domestic swimming pool building to a residential dwelling house - Withdrawn

## **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 HG2: Delivering the Right Type of Homes  
Local Plan Policy E1: Design  
Local Plan Policy E2: Amenity  
Local Plan Policy E3: The Natural Environment  
Local Plan Policy IC2: Transport and Accessibility  
Local Plan Policy RM1: Water Quality, Supply and Foul Drainage

National Planning Policy Framework

## **4.0 Consultations**

- 4.1 Parish Council - No comments received.

- 4.2 NYCC Highways - The speed limit on Easby Lane is derestricted however the driven speeds are approximately 40 mph which accords to the visibility that is available at the access. The access already serves a number of properties with no apparent issues on Easby Lane and as such a refusal, on highway grounds would be difficult to sustain. As a result, no objections are raised but a condition requiring details of parking and turning areas is requested.
- 4.3 Natural England - This proposal potentially affects European Sites vulnerable to nutrient impacts. Please refer to Natural England's overarching advice dated 16th March 2022 and sent to all relevant Local Planning Authorities. When consulting Natural England on proposals with the potential to affect water quality resulting in nutrient impacts on European Sites, please ensure that a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality Methodology (provided within our overarching advice letter). Without this information Natural England will not be in a position to comment on the significance of the impacts.
- 4.4 Environmental Health (Contaminated Land) - No objections.
- 4.5 Environmental Health, Yorkshire Wildlife Trust, Northumbrian Water and Street Naming & Numbering were consulted but submitted no comments.
- 4.6 Site Notice & Neighbour Notification - Initially 3 letters of objection, 4 letters of support and 1 neutral letter were received. The comments can be summarised as follows:  
Object
- The building was initially granted on the premise that it would not be converted to a dwelling.
  - No enhancement to the setting of the building will be achieved and it therefore fails the test set out for conversions in Policy S5.
  - The building is not truly redundant or disused, with "swimming parties" being held as late as May 2022 and the garages being used until June 2022. The pool was emptied only to aid this application. This also conflicts with Policy S5.
  - The existing sewage treatment plant does not meet the regulations and with the increase in use resulting from the conversion, this will pose a risk to the surrounding environment. The drainage pipe that serves the adjacent cottages and runs into the adjacent field does not have capacity to deal with any additional strain and the applicant has no legal right to use it. The existing package treatment plant is presently piped into a culvert on this nearby field which does not meet regulations.
  - Concerns with right of access of the existing driveway and the adequacy of visibility splays at this access, especially given the increase in use that will arise from the conversion. Furthermore, any delivery vehicles would not be able to come up this access and thus would have to park up and may block the access.
  - The loss of garage space serving the existing Ayton Firs Manor will create parking issues for them.
  - The overshadowing from the adjacent trees will harm the living conditions of future occupants and lead to pressure to fell these trees.
  - The increase in the number of dwellings using the private water supply that serves the wider area will further diminish the water pressure, which is already an issue.

Support:

- Whilst 4 letters of support were received, these letters contained no specific comments other than citing support for the proposals.

Neutral:

- There is an opportunity to reinstate the 'lost' PROW adjacent to the site that has been lost owing to electric gates, along with the reinstatement of signage showing the footpath.

Following the submission of a rebuttal letter in response to the objections above, a further 5 letters of objection from 3 residents were received. The majority of these were restating previous points set out above, new points can be summarised as follows:

- The draining of the pool is not enough to claim the building is disused. There remains a heating supply to the building and the garages are retained.
- The proposed enhancement of the installation of a hedgerow is misleading as this hedge was required by the previous application. The claim that there will be a biodiversity enhancement has not been backed up.
- The issue of nutrient neutrality has not been addressed.
- The issue of water pressure has not been addressed.
- It is still not clear where the overflow pipe from the package treatment plant leads. Furthermore, this treatment plant still does not comply with building regulations.
- Planting of new trees in the area adjacent to the site as shown on the Landscape Plan is not possible due to the package treatment plant.
- The delivery of a net gain in biodiversity is reliant on improving ground water and with the current package treatment plant this will not be possible.
- The neighbour has a pond which is an important part of the "biodiversity chain" and protected species, including newts, use this.

## **5.0 Analysis**

- 5.1 The main determining issues in this instance are i) the principle of the change of use, ii) design and the impact on the locality, iii) amenity, iv) landscaping and biodiversity, v) nutrient neutrality, vi) drainage and water supply and vii) access and highway safety.

The Principle

- 5.2 The site is in the open countryside in policy terms, although for clarity is not considered to be an isolated location. Policy S5 of the Local Plan concerns development in such locations but more specifically the conversion of existing rural buildings. The policy sets out a list of criteria that such development must meet. This is as follows:

- f. the building is:
- i. redundant or disused;

- ii. of permanent and substantial construction;
- iii. not in such a state of dereliction or disrepair that significant reconstruction would be required; and
- iv. structurally capable of being converted for the proposed use; **and**

g. the proposal:

- i. would enhance the immediate setting; and
- ii. any extension or alteration would not adversely affect the form, scale, massing or proportion of the building.

- 5.3 The building in question has until recently been used as a swimming pool and garage associated with another dwelling on the Ayton Firs complex (Ayton Firs Manor). The building is a substantial, detached building located some distance from the host building. There have previously been discussions between the agent and Officers regarding the exact status of the building. Upon Officers conducting a site visit it was clear that the pool had been drained and the agent has provided photographs confirming this to be the case. Objections have been raised claiming that the pool had been drained and the contents of the garage moved to another building just prior to this application being submitted. Furthermore, it is claimed that the heating system serving Ayton Firs Manor, as well as the pool building, is within the site and has continued to be used. Both of these facts have called into question the 'redundancy' of the building and thus compliance with policy S5. In terms of this issue, the starting point has to be the dictionary definition of the word 'redundant' which is as follows: "not or no longer needed or useful". The pool having been drained and lying dormant and the contents of the garage being removed, is considered by definition to demonstrate that they are no longer needed. The policy does not seek to establish a length of time that the building must be in a state of disuse and therefore the fact that it was taken out of use just before the submission of the application is not considered to be a determining issue. Clarification on the heating set up has been sought from the applicant who has informed Officers that the heating system actually sits outside of the building. The relevance of this is that the fact the heating system continues to be used has no impact on the consideration of the redundancy of the pool building as the system can be used to heat Ayton Firs Manor without the need for the pool building. On balance, Officers are content it has been demonstrated the building is redundant and therefore meets the requirements of policy S5 paragraph f.i.
- 5.4 It is clear upon visiting the site that the building in question is of a permanent and substantial construction, that it is in very good condition and no reconstruction/rebuild will be required. Indeed, the building itself is less than 10 years old. There are to be no physical alterations to the building except for internal works and the insertion of several windows. As a result, requirements f. ii. - iv. are met.
- 5.5 On submission concerns were expressed to the applicant that the development did not secure an 'enhancement' of the immediate setting, which would then result in a failure to meet the full requirements of Policy S5. Following discussions with the agent, a Landscape Plan and biodiversity assessment was submitted. This includes the planting of an additional hedgerow to the south, tree planting within the proposed hedgerow and finally additional underplanting within the area of trees to

the south west. Biodiversity net gain will be assessed in greater detail in a later section but ultimately this would secure a 58.88% increase in habitat units.

5.6 The 'enhancement' secured is considered to be two-fold: the visual enhancement by way of the additional screening from the hedgerow and tree line and secondly the biodiversity value of such a substantial gain in habitat units. The visual improvement will be fairly localised as there are a lack of public vantage points in the immediate locality, with a PROW to the north that does not offer substantial views of the site. That said, the enhancement will still be secured nonetheless and thus the proposal is considered to meet the requirements of policy S5 para g. i. The second requirement of para g. relates to extensions during conversions but none are proposed on this occasion so that element can be discounted.

5.7 On the whole, the above assessment demonstrates that this conversion scheme meets all relevant requirements set out in policy S5 and on that basis Officers are content that the principle of the change of use is acceptable.

#### Design & Impact on the Locality

5.8 Policy E1 of the Local Plan relates to design 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 goes on to list a number of design principles that help to achieve this overarching aim, including responding positively to a sites context and drawing inspiration from the key characteristics of its surroundings.

5.9 As set out in the introductory section, the physical changes to the building are very limited. Standard windows will be inserted on the side elevations and these are considered acceptable in terms of number and positioning and will not significantly change the appearance of the building. No extensions are proposed that will alter the size and scale of the building or make it any more visible and therefore the impact on the locality will be minimal. Overall, the design of the building is suitable for a two-bedroom dwelling and complies with the requirements of policy E1.

#### Amenity

5.10 Policy E2 of the Local Plan 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.

5.11 One of the reasons for the refusal of the previous application related to the impact on the privacy of the terraced cottages directly to the east of the site. To address this issue, the number of windows on the eastern elevation of the proposed dwelling have been reduced significantly. There are now only two windows facing eastwards, with the one serving the would-be master bedroom actually facing the gable end of the terrace as opposed to the rear garden owing to the layout of the two buildings. This latest scheme has also removed the first floor and the rooflights which will address overlooking. The other dwellings on the wider complex are separated to the extent that there will be no issues with regards to loss of privacy.

- 5.12 One of the public objections refer to the living conditions of the future occupants of the proposed dwelling and concern with overshadowing owing to the trees to the west and the proposed planting. These concerns are noted but the south facing principal elevation is to be very heavily glazed which will maximise the amount of natural light serving the dwelling. The additional tree planting will not be so substantial that means it'll be overbearing or overshadow the house to any great extent.
- 5.13 All in all it is considered that the amenity of both existing neighbours and future occupants of the proposed development will be of a high standard and not adversely impacted by this development. The proposal therefore complies with policy E2.

#### Landscaping, Biodiversity & Ecology

- 5.14 Policy E3 of the Local Plan requires all development to demonstrate the deliverability of a net gain in biodiversity. A biodiversity assessment in the context of the proposed landscaping has been submitted as part of this application. This proposed landscaping includes additional hedgerow planting along the southern boundary of the site, which will be reinforced by additional tree planting. Furthermore, the existing mixed woodland directly to the west will be enhanced by underplanting.
- 5.15 The biodiversity enhancement equates to a total of 58.28% increase in habitat units and 15.82% increase in hedgerow units. Clearly this is way above the 10 percent benchmark which will soon form part of national policy. One of the public objections refers to the fact that the hedgerow along the southern boundary was actually conditioned as part of the original permission and has only been implemented recently on the back of an enforcement case. Whilst this is noted, the hedgerow and tree planting now proposed is in addition to this existing hedgerow. On balance, Officers are content that the proposal meets the requirements of policy E3.
- 5.16 One of the public objections refers to the presence of protected species, including great crested newts, in the neighbour's ornamental pond that they are concerned will be adversely impacted by this development. Whilst it may be that newts do frequent the nearby pond, owing to the nature of the site and the fact there will be minimal physical works required, Officers are content that the risk is very low in terms of the impacts on these protected species. Should they be discovered during the construction phase, a licence may need to be obtained from Natural England.

#### Nutrient Neutrality

- 5.17 In March 2022 Natural England announced that the Teesmouth and Cleveland Coast Special Protection Area (SPA) was being adversely impacted due to the level of nitrogen being discharged into the River Tees catchment. This effects all proposals for additional overnight accommodation, i.e. dwellings, within the Tees catchment. The Conservation of Habitats and Species Regulations 2017 (as amended) require any development that may have an adverse impact on the SPA to be subject to a Habitat Regulations Assessment.

- 5.18 To address this issue and provide the Council with sufficient information to carry out a Habitats Assessment, the applicant commissioned a 'Nutrient Neutrality Review' through WSP Golder, a consultancy offering services linked to development and environmental impacts. This review uses the Natural England document entitled "Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites." from March 2022 and specifically the decision tree in Annex E of this document, which effectively allows one to answer several questions to come to a decision on whether an HRA is required or the development can be screened from the requirement for HRA.
- 5.19 Q1 of this decision tree states:  
"Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND  
Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?"
- 5.20 WSP Golder has carried out an assessment using industry standard quantitative modelling (ConSim) to assess the likelihood of a pathway between the development (i.e. the source) and the SPA (i.e. the receptor). The potential pathways are two-fold, direct groundwater migration and indirect pathway migration via lateral shallow groundwater migration/surface water runoff through local ditches to the River Leven (which is the nearest surface water feature), then surface water migration to River Tees and then to the SPA as receptor. The result of the modelling is that there would be no breakthrough of nitrogen from the development within the first 9,000 years post-development and even at 20,000 years there will be no discernible concentration of nitrogen. As a result of this, the conclusion is that there is no pathway between the source and receptor on this occasion.
- 5.21 On this basis, paying heed to the Natural England advice outlined above, as the answer to both questions is not "Yes", the decision tree dictates no Habitat Regulations Assessment is required and, on that basis, Officers are content no harm will arise to the SPA and the issue should not prevent the granting of permission on this occasion.
- Drainage and Water Supply
- 5.22 Policy RM1 sets out the Council's policy on water supply and states that A proposal will only be supported where it can be demonstrated that:
- a. there is no adverse impact on, or unacceptable risk to, the quantity or quality of water resources, both surface water or groundwater, or on meeting the objectives of the Water Framework Directive and the Habitats Directive, or the abstraction of water; and
  - b. there is or will be adequate water supply and treatment capacity in place to serve the development.
- 5.23 The issue of water pressure was another that was presented in the neighbour objections. The site and neighbouring houses are served by a private water supply. The owners of the dwelling at the end of the supply have raised concerns that the conversion of this dwelling will further exacerbate the issue of them having a low water pressure. This is an issue that was subject of discussions between Officers

and the agent under the previously withdrawn scheme. Through these discussions the agent responded to this claim with in-depth information on water usage associated with the previous pool relative to the average water use across the applicant's main dwelling, which is also situated on the wider complex, to give an idea as to how the present use may compare with a dwelling. Effectively the conclusion of this assessment was that there'd be a negligible difference between the water used in a dwelling occupied by three people and the existing pool building. As such, nothing would change that would materially impact the existing water usage or pressure in the water supply. Whilst Officers acknowledge there may be low pressure, it is not for the applicant to fix that issue through this development and as it has been demonstrated no further harm will arise, Officers are content the proposal meets the requirements of policy RM1.

- 5.24 An issue that has been raised on several occasions by two neighbours is that of how foul water will be dealt with. Policy RM1 also requires development to be served by a waste disposal system will be safe over the lifetime of the development. The main concerns have been the fact the applicant uses a package treatment plant to serve the pool building that, according to the objections, has an outflow pipe discharging into a culvert in a nearby field that they do not have a legal right to use. Furthermore, a neighbour is also claiming this PTP is harming his ornamental pond and has submitted a report from a water quality test from his pond.
- 5.25 The applicant has clarified that a package sewage treatment plant was installed when the building was constructed and has been sufficiently operational since without any issue. Details of the specification of this were provided and it is specified as a six-person occupancy system. The agent has stated the pipe to the culvert is in fact a surface water drain. In any event, the matter of ownership and right to use the culvert is not a material planning consideration and Officers must just be content there is a suitable system in place, which it is considered has been demonstrated. Whilst it is acknowledged the neighbour may well have issues with contamination in his pond as per the water quality test, there is nothing to suggest it is coming from a problem with the package sewage treatment plant.
- 5.26 All in all, Officers are content that it has been demonstrated that the development will be served by adequate foul water systems and will not harm the water supply or pressure in the surrounding area. It therefore complies with policy RM1.

#### Access and Highway Safety

- 5.27 Policy IC2 of the Local Plan concerns transport and accessibility and requires 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.
- 5.28 The wider Ayton Firs complex is served by two accesses, one off Easby Lane to the east and one off the Easby-Stokesley road to the south. The access that is intended to serve this dwelling is the former. The Local Highway Authority were consulted on this aspect of the proposal and did not object to the proposal subject to a standard condition requiring the submission of details relating to parking and turning provision.

- 5.29 The increase in traffic using the access and also potentially other vehicles such as deliveries has been cited as a concern in the objections. It is also claimed there is a lack of turning places in the access off Easby Lane and parking spaces when one reaches the proposed dwelling, which could lead to the track becoming blocked. This is noted but the addition of one two-bedroom dwelling will not lead to an increase in the number of cars using this access over and above the existing situation to the extent that would compromise highway safety.
- 5.30 Officers are content highway safety will not be compromised by this development and therefore the proposal complies with policy IC2.

#### Planning Balance

- 5.31 The proposal has been demonstrated as meeting the requirements of the policy S5 which governs the conversion of rural buildings. It will secure an enhancement to the setting of the building through a landscape scheme that will improve the visual amenity of the immediate locality whilst also securing a significant uplift in the biodiversity value of the site. The design and impact on amenity have been assessed as acceptable and there are no technical issues with the proposal that render it unacceptable. Approval is recommended on that basis.
- 5.32 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including Local Plan Policies and the representations made and has subsequently determined that it is appropriate to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### 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 21061-ZZ-GA-A-002 and Landscape Plan received by Hambleton District Council on 01.06.2022 and 25.01.2023 unless otherwise approved in writing by the Local Planning Authority.
  3. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 25.01.2023 has been carried out. 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.

4. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority: - vehicular parking and turning areas. No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas 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.

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 to soften the visual appearance of the development and secure a net gain in biodiversity.
4. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.