

**Parish: Huby**

Ward: Huby

**5**

Committee Date: 16<sup>th</sup> February 2023

Officer dealing: Mr Marc Pearson

Target Date: 22<sup>nd</sup> December 2022

Date of extension of time (if agreed):  
2<sup>nd</sup> March 2023

**22/02397/FUL**

**Application for the demolition of existing detached house, erection of new detached house, including landscape and driveway improvements. Installation of renewable technology and site habitat enhancements.**

**At: Alcar Farm, Brownmoor Lane, Huby**

**For: Mr & Mrs A Whitwam**

**This application is referred to the Planning Committee at the request of a member of the Council.**

## **1.0 Site, Context & Proposal**

- 1.1 The application site is located at a former farm complex known as Alcar Farm that is located in an isolated location off the west side of Brownmoor Lane, south of Huby. The complex comprises a much altered two storey farmhouse set in generous grounds that is constructed in brick under a pitched slate roof. The principal elevation of the farmhouse faces south and to the north-west are a series of outbuildings that are also constructed in brick with pitched pantile roofs. These buildings provide ancillary accommodation to the farmhouse. To the south of the outbuildings is a large pond. Access to the complex is via two entrance points off Brownmoor Lane. The boundary to the complex is defined by a variety of fencing/hedgerows together with belts of trees that screen views towards the farmhouse from Brownmoor Lane and the surrounding public footpath network. Whilst the farmhouse is an historic building it has been substantially altered through recently approved alterations and extensions and not considered to meet the attributes of a non-designated heritage asset.
- 1.2 The surrounding context is defined by agricultural land that forms part of the rural setting to Huby. To the north, a public footpath traverses close to the northern boundary before turning northwards towards Huby. Overhead power lines also cross close to the application site in east/west direction.
- 1.3 The proposal involves the demolition of the existing two storey farmhouse and construction of a five-bedroom, three storey replacement dwelling in a different location. The design approach blends the classical and the vernacular. The formal symmetrical composition is repeated on all facades with a long rear wing extending close to the existing outbuildings. The new dwelling would be constructed in brick with stone detailing and would provide a gabled slate covered roof that also includes roof dormers to accommodate second floor accommodation. The proposal also includes alterations to the access drive, provision of ground mounted solar panels and new hedgerows on land to the west together with landscape planting to the south.

- 1.4 The footprint of the existing farmhouse is 233 sqm on footprint with a total floor space of 337 sqm, whilst the replacement building would have a footprint 500 sqm and a total floorspace of 885 sqm. The applicants have also submitted a series of larger home prior notification and certificate of lawful proposed development applications to demonstrate a legal fall-back position for the how the existing house could be extended under existing residential permitted development rights.
- 1.5 In addition, the applicants have also prepared a draft Unilateral Undertaking to secure the demolition of the existing dwelling once the replacement dwelling is built and capable of occupation.

## **2.0 Relevant Planning History**

- 2.1 10/01970/FUL - Proposed alterations and extensions to existing dwelling. Approved.
- 2.2 13/00431/FUL - Alterations to existing barn to form games room and gym plus alterations to existing stable block to form 2 annexes. Approved.
- 2.3 21/01868/FUL - Demolition of existing dwellinghouse and construction of a new dwelling with alterations to the existing driveway. Refused on the following grounds;
1. The proposed development has not demonstrated how the replacement dwelling would achieve a more acceptable and sustainable development form of development located outside development limits having regard to the provisions of Local Development Framework Core Policy CP4 or Development Policy DP9.
  2. The proposed scale, mass and appearance of the proposed development would result in a disproportionality larger dwelling that is considered to be incongruous to the character of the site and the surrounding rural context and therefore does not accord with Local Development Framework Core Policy CP17 or Development Policy DP32 and paragraph 134 of the NPPF (July 2021).
- 2.4 22/02938/CLP - Erection of outbuilding (swimming pool). Pending determination.
- 2.5 22/02939/CLP - Erection of side and rear extensions. Pending determination.
- 2.6 22/02940/CLP - Erection of dormer windows. Pending determination.
- 2.7 23/00001/RPN - Application to determine if prior approval is required for a single storey rear extension, extending beyond the rear wall of the original dwelling 8.00m; maximum height of the extension 4.00m; maximum height at the eaves measured from natural ground level 2.50m. Pending determination.
- 2.8 23/00002/RPN - Application to determine if prior approval is required for a single storey rear extension, extending beyond the rear wall of the original dwelling 8.00m; maximum height of the extension 4.00m; maximum height at the eaves measured from natural ground level 2.30m. Pending determination.

### **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 E1: Design  
Local Plan Policy E2: Amenity  
Local Plan Policy E3: The Natural Environment  
Local Plan Policy E7: Hambleton's Landscapes  
Local Plan Policy RM3 – Surface Water and Drainage Management  
Local Plan Policy IC2: Transport and Accessibility

### **4.0 Consultations**

4.1 Huby Parish Council - No objection.

4.2 NYCC Highways - No objection.

4.3 Environmental Health - No objection.

4.4 Contaminated Land - No objection based on the information received.

4.5 Yorkshire Water - No response received (expired 22.11.2022).

4.6 MOD (RAF Linton on Ouse) - No safeguarding concerns.

4.7 NYCC Footpaths – Note the need to protect the adjacent public footpath.

4.8 KUOIDB - Kyle & Upper Ouse IDB - No objection subject to a surface water condition.

4.9 Yorkshire Wildlife Trust – No comments.

4.10 Site Notice and Neighbour Consultation – 17 observations in support of the proposal as summarised below:

- Suitable location that is well screened from views with no negative effects on the surrounding area.
- Impressive design quality, proportionate to the site and ties in nicely with the existing outbuildings. The proposal will therefore enhance the area
- Demolition of existing building and replacement with stringent sustainable design is welcomed.

## 5.0 Analysis

5.1 The main issues to consider relate to the i) principle, ii) design and appearance of the proposal, iii) landscape impact and iv) Protected species and biodiversity net gain.

i) Principle

5.2 The proposal for a replacement dwelling needs to comply with Local Plan Policy S5. The policy 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.

The position of the replacement buildings within the site should be considered comprehensively so that it is located where it would have the least possible adverse impact on the immediate surroundings, the wider landscape and the amenity of the users of existing buildings nearby.”

5.3 The existing dwelling at Alcar Farm is occupied and well maintained and is of permanent and substantial construction. On this basis the proposal satisfies the first part of the policy test.

5.4 The proposed design approach is discussed in more detail in Section ii) below. In summary, whilst the proposal is architecturally well handled through a high-quality design approach officers consider that due to the size, scale, form and massing of the replacement dwelling it would not be sympathetic to its surroundings and thus fails the second part of the policy test.

5.5 With regard to enhancement the existing farmhouse including its outbuildings and wider landownership is a well-maintained property of similar characteristics to many former farm complexes within the district. Following the historic research provided by the applicant it is acknowledged that the original farmhouse has been demolished and replaced with the current dwelling on the site. The submission suggests that the dwelling was constructed as a speculative “country house” and was segregated from the farm operation and thus is not a typical Yorkshire farmhouse and is abnormally orientated in relation to the nearby farmyard and not characteristic of the local/rural vernacular with respect to farm buildings/stead development. The historic research summarises that the siting and orientation of the house clearly indicates a distinct evolutionary change from its original farming use to a country home, with a planned domestic form. Whilst the case presented is plausible, the resultant dwelling constructed in the nineteenth century was still a modest two storey 3-bay cottage at the time of construction, with a typical symmetrical south facing principal façade and informal off-shoots to the rear. It was constructed utilising brick under a pitched slate roof with decorative timber barge boards. Whilst it is acknowledged that decorative barge boards add a little more interest to the building, such an approach is simply considered to reflect a design approach at the time of construction. It is also acknowledged that the rear of the house (facing north) is less attractive than the formal principal façade; it is not

considered to a negative feature of the complex. Despite its numerous extensions, the existing farmhouse is considered to be an attractive building, set in well-maintained gardens and lawned area that also includes the former agricultural buildings. It is also noted the applicants have already planted a significant number of trees at the southern end of the complex and this adds to visual interest of the wider curtilage.

- 5.6 On this basis the existing complex is considered to be very attractive in appearance and thus it is considered difficult to identify any enhancement opportunity from the baseline position identified above. The submission contends that the combination of the design quality of the replacement dwelling, the sustainability credentials (including ground mounted solar panels) together with landscape and biodiversity net-gain the proposal would provide enhancement.
- 5.7 Whilst no specific assessment has been provided the existing house is noted to be energy intensive to run, it is oil heated, with solid brick walls leading to significant energy use and carbon emissions. It is generally acknowledged that older buildings are not as sustainable as current modern design, but nevertheless can be retrofitted to improve sustainability credentials. As noted above the Local Plan guidance at HG4 paragraph 5.65 acknowledges that there may be circumstances where the property is in an unsatisfactory state of repair and replacement would be more economically viable than refurbishment. The demolition of well-maintained house and replacement with a building of the very substantial scale proposed, with the loss of the embodied carbon of the existing dwelling and carbon footprint in manufacture of new materials is itself somewhat of negative position in terms of sustainability credentials. Policy S1 seeks to support development... that takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and makes prudent and efficient use of natural resources. Policy E1 supports design where it “achieves climate change mitigation measure through location, orientation and design and takes account of land form, massing and landscaping to minimise energy consumption”.
- 5.8 With regard to the landscape and biodiversity proposals it is noted that Local Plan policy E3 requires such an enhancement of biodiversity. The proposals do not demonstrate any additional benefit to landscape and biodiversity above the requirement of the policy test. Given this assessment it is considered that hedgerow or tree planting will not result in a scheme that is an enhancement of the immediate setting as required by Policy S5 it is simply compliant with the policy requirement for appropriate landscaping/biodiversity net gain.
- 5.9 In terms of the quantum of floorspace proposed, the footprint of the new dwelling would be 500sqm and with total floorspace of 885sqm. The existing dwelling has footprint of 233sqm and a floorspace of 337sqm and on this basis the proposed dwelling would represent a 153% increase in floorspace. Clearly this is not a “limited increase in floorspace” or “proportionate to the building(s)”, the farmhouse, to be replaced as required by Local Plan policy S5.
- 5.8 The applicants contend that through residential permitted development rights the farmhouse could be extended to provide additional floorspace and therefore the baseline position of existing floorspace could be increased to reduce the percentage increase from the existing to the replacement dwelling. The applicant has submitted applications to confirm the lawfulness of the extensions.

- 22/02938/CLP - Erection of outbuilding (swimming pool).
  - 22/02939/CLP - Erection of side and rear extensions.
  - 22/02940/CLP - Erection of dormer windows.
  - 23/00001/RPN - Application to determine if prior approval is required for a single storey rear extension, extending beyond the rear wall of the original dwelling 8.00m; maximum height of the extension 4.00m; maximum height at the eaves measured from natural ground level 2.50m.
  - 23/00002/RPN - Application to determine if prior approval is required for a single storey rear extension, extending beyond the rear wall of the original dwelling 8.00m; maximum height of the extension 4.00m; maximum height at the eaves measured from natural ground level 2.30m.
- 5.9 It is for the decision taker to decide the weight to be afforded to the fallback position. If there is a “real prospect of the development coming forward” greater weight can be afforded than there being just a “possibility of the development”. Less weight can be afforded if the fallback position is “notional”, such as a scheme that is not supported by a certificate of lawfulness or approval of permitted development as a larger home extension. At the time of writing the various applications are pending determination.
- 5.10 The application details show that it is not likely that all the extensions would have a realistic prospect of being built out due to the awkward floorplan arrangements including an unusual narrow double wall arrangement on the dwelling between a proposed side and rear extension.
- 5.11 Furthermore, whilst the detached outbuilding is a possibility under permitted development, the likelihood of such a building to be constructed for use as a swimming pool in the location illustrated is considered to be remote. As a consequence, it is considered that only limited weight can be afforded to the fallback position.

	Footprint	Floorspace	% change in floorspace
Existing	233 sqm	337 sqm	N/A
Proposed replacement	500 sqm	885 sqm	162% bigger floorspace than existing
Existing + PD extensions and detached swimming pool	233 + 380 = 613 sqm	717 sqm	23% bigger than the existing + PD extensions
Existing + PD extensions to dwelling (excluding detached swimming pool of 149sqm)	233 + 231 = 464 sqm	568 sqm	55% bigger than the existing+ PD extensions to dwelling only

- 5.12 The best case scenario fallback position (should all the pending applications be approved) would create 380 sqm of additional floorspace that would provide 613 sqm of footprint to take the total floorspace to 717 sqm. This would result in the proposed dwelling representing a 23% increase. However, officers consider the best-case scenario cannot include a detached building because this is clearly not an extension to the dwelling. On this basis it is considered that the best scenario represents a 55% increase. Clearly, this is a significant increase above a substantial fallback position. The replacement is not considered to be limited or proportionate to the dwelling to be replaced as required by Local Plan policy S5.
- 5.13 The siting and landscape impact of the dwelling is discussed in section iii) below but in summary the proposal does not raise any landscape or visual concerns and given the isolated nature of the complex it does not impact upon any neighbouring properties.
- 5.14 In view of the above, the proposal is not considered to comply with all the required elements of Local Plan policy S5 relating to the provision of replacement dwellings.

ii) Design and appearance of the proposal

- 5.15 The alterations to the scale, form, massing and appearance to the current proposals following the refusal of the application ref. no 21/01868/FUL are noted and to a degree are welcomed. However, and in light of the additional historical research, it is not considered the approach to provide a “country house” approach to be appropriate on the site of a former farm complex. Given the established character of the site, the extent of ownership, together with its isolated location (accessed off a shared access route) it is not considered a proposal that follows a “country house” design approach of such a grand scale is appropriate. Whilst the elevational design is well handled, the provision of a 9 bay principle façade, overall scale and massing of the proposals, particularly with the treatment to the second floor and resultant roof form results in an incongruous feature within the context. The proposed rear courtyard, landscape gardens and grounds together with the wider tree planting proposals are considered to be appropriate within the context.
- 5.16 Whilst it is noted that all buildings are designed to a function and to be used by occupiers, it is considered that the proposals for a five-bedroom dwelling are substantial. It is appreciated that on this occasion ground floor spaces are design to be multi-functional, but it is noted that all five bedroom are provided with ensembles and dressing rooms and that large areas of floorspace are dedicated to ancillary functions.

iii) Landscape impact.

- 5.17 It is noted that the application submission includes a landscape impact assessment that demonstrates the application site is relatively well screened within the landscape and officers concur with the assessment. It is noted that the replacement dwelling would be slightly greater in height than the existing dwelling but given the isolated location and limited views to the site, this raises no landscape impact concerns. Furthermore, provision of ground mounted solar panels on land to the west does not raise any visual impact concerns. The site is relatively well screened from public vantage points. Whilst the building does not respect the local character, identity, distinctiveness or form, scale, layout or height the existing landscaping through trees and hedgerows on this occasions is not harmful to the landscape. The

proposal is not considered to satisfy the requirements of Local Plan Policy E1 but does not result in direct harm to the openness or special characteristics of Hambleton's landscape and does not breach Policy E7: Hambleton's Landscapes due to the trees that screen the site.

iv) Protected species and biodiversity net gain.

- 5.16 It is noted that an ecology survey submitted with the application considers there will be no impact on the bats or great crested newts. Furthermore, the onus is on the applicant to comply with the relevant legislation should any protected species be discovered on the site in due course. On this basis the proposal raises no concerns and is considered to satisfy the requirements of Local Plan policy E3.
- 5.17 The submitted Biodiversity net gain report concludes that the proposals will result in a 12.76% biodiversity net gain for the site, achieving the improvements required to meet Local Plan policy E3.
- 5.18 A draft legal agreement (Unilateral Undertaking) to secure the demolition of the existing dwelling once the replacement dwelling is built and capable of occupation has been agreed in principle with officers and the applicant.

Planning Balance

- 5.19 The proposed development is not considered to be acceptable in principle and the proposed design, scale and massing is not considered appropriate on this occasion. The proposed development does not comply with the relevant Local Plan in terms of principle and design and is therefore not in accordance with local and national policy requirements pertaining to such matters.

## **6.0 Recommendation**

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s):
1. The proposed development has not demonstrated how the replacement dwelling would provide enhancement to the site and provide a limited increase in floorspace and therefore does not accord with the provisions of Local Plan Policy S5.
  2. The proposed scale, mass and appearance of the proposed development would result in a disproportionality larger dwelling that is considered to be incongruous to the character of the site and therefore does not accord with Local Plan Policy E1 and paragraph 134 of the NPPF (July 2021).