

Item Number: 14
Application No: 17/01531/FUL
Parish: Sand Hutton Parish Council
Appn. Type: Full Application
Applicant: Mr and Mrs Miers
Proposal: Change of use, alteration and extension of existing detached outbuilding to form a two bedroom residential dwelling together with alterations to the driveway layout.
Location: Outbuilding At Water Meadows Hall Drive Sand Hutton Malton
Registration Date: 21 December 2017
8/13 Wk Expiry Date: 15 February 2018
Overall Expiry Date: 5 February 2018
Case Officer: Niamh Bonner **Ext:** Ext 325

CONSULTATIONS:

Parish Council	No objections
Highways North Yorkshire	Recommend refusal
Neighbour responses:	Mr & Mrs Hamilton, Mr Hamilton

SITE:

Water Meadows is a detached property, located within the site of the former Sand Hutton Hall. It is accessed from an unadopted drive, Hall Drive, serving the application site and thirteen other properties. The application site is approximately 2.3 hectares of garden land and along Hall Drive. The wider area is characterised by detached residential development in a broadly linear layout, until the application site is reached. At that point it is noted that Water Meadows occupies a significant area of land, where the former Sand Hutton Hall was located, until its demolition in the 1960s.

POLICIES:

Local Plan Strategy - Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP21 Occupancy Restrictions
National Planning Policy Framework
National Planning Practice Guidance
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

PROPOSAL:

The proposal seeks planning permission for the change of use, alteration and extension of existing detached outbuilding to form a two bedroom residential dwelling together with alterations to the driveway layout.

PLANNING HISTORY:

No planning history is considered directly relevant to the current proposal.

APPRAISAL:

The main considerations in the determination of this application are:

- i) Principle of development
- ii) Design
- iii) Impact upon Neighbouring Amenity
- iv) Access and Highway Safety
- v) Other Matters, including consultation responses

- i) Policy

The Ryedale Local Plan Strategy is the Development Plan and includes a settlements hierarchy, which directs the majority of development to the Market Towns and then to Service Villages. New dwellings will only be supported in villages, such as Sand Hutton, when they are needed to support a sustainable, vibrant and healthy rural economy and communities, as per Policy SP1 (General Location of Development and Settlement Hierarchy).

The principle of housing in this location is guided by SP2 (Delivery and Distribution of New Housing). Policy SP2 notes that the sources of new housing within the Wider Open Countryside which could be supported in principle will be the following:

- New build dwellings necessary to support the land based economy where an essential need for residential development in that location can be justified
- Conversion of redundant or disused traditional rural buildings and where this would lead to an enhancement to the immediate setting for Local Needs Occupancy.
- Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and restricted to Local Needs Occupancy
- Replacement Dwellings

Therefore to ensure that development of new dwellings meet the needs of the local communities, any new dwellings will be subject to a Local Needs Occupancy Assessment and Condition.

It is noted that a letter of objection has been received in respect of this application from a Planning Agent on behalf of the occupiers of the property adjoining the site, High Field. This letter of objection will be fully summarised below in Section 4. However pertinent points has been raised in relation to the principle of this dwelling.

This letter notes that ‘the applicant has failed to identify that the subject building is a redundant disused traditional rural building.’ This response continues *“The building is in use as a garage and domestic store and therefore is not redundant or disused. ‘Traditional’ is commonly understood to be a pre-1919 building. Historic England in their ‘Adapting Traditional Farm Buildings: best Practice Guidelines for Adaptive Reuse’ (September 2017) also provide examples of what a traditional building comprises. In this instance the subject building, albeit in brick, is clearly not traditional or rural. To allow the conversion of a domestic curtilage building to a dwelling under Policy SP2 would set a precedent allowing contrived situations for anyone to apply to covert a shed or garage to a dwelling and therefore it is clear this is an important test that must be satisfied.”*

With regard to this response, it is noted that the structure is currently for garaging and for storage by the applicants and as such is not strictly ‘disused.’ However it is considered that the host property could continue to function acceptably without this outbuilding.

This existing outbuilding is functional in nature and lies within the domestic curtilage of Water Meadows. It is considered that the conversion of this building for further residential purposes, with a limited increase in footprint would not materially change the site activity, nor it would harmfully enhance the level of domesticity. It is noted the area that would be the curtilage of the proposed

dwelling already appears domestic in nature, with closely mown lawns and the garage serving Water Meadows. The application site does not fall under any special area of landscape value, conservation area or within the curtilage of a listed building. It is considered that there would be no harmful loss of rural character. It is further noted that permitted development rights could be removed to prevent alterations to the submitted layout and to prevent the proliferation of domestic type development.

In regard to whether the proposed building for conversion forms a 'traditional or rural' building, Officers within the Specialist Place team who originally drafted this policy have confirmed that they do not believe that to be considered 'traditional' a building must be constructed prior to 1919, which is too restrictive a criterion and a more subjective appraisal must be undertaken. This building has been constructed in traditional brick with timber elements, incorporating a corrugated pitched roof and traditional timber posts along the open southern elevation. This outbuilding, with its attached greenhouse and timber store is reflective of a building which has evolved over time to meet the functional needs of the occupants. As such, the Local Planning Authority and the Specialist Place Team Officers consider the outbuilding to form a traditional building, due to its appearance and significant brick/timber construction. Policy SP2 takes a broader view on building types to include non-rural outbuildings. Whilst it is noted that this site does fall within the 'Wider Open Countryside' and outside village development limits, as required by the Ryedale Plan Local Plan Strategy, it is acknowledged that this section of the site has a domesticated character. It was noted by the Specialist Place Officers that this policy was originally written to prevent the conversion of modern, poorly constructed low quality farm buildings for residential purposes and to ensure the retention of more traditional buildings in Ryedale.

Furthermore, whilst not a material planning consideration, it is noted that Water Meadows occupies the site of the former Sand Hutton Hall, which from old aerial photographs and Historic OS Maps, included a significant proliferation of outbuildings, including stables and stores. However since the demolition of the Hall and these outbuildings in the 1960s, the current site has experienced limited development, aside from the erection of Water Meadows and the outbuilding in consideration. Since the 1960s the erection of a broadly linear row of residential dwellings has occurred along the lane.

Therefore it is Officer's view that this building as proposed maintains a traditional appearance with a largely brick built and timber form and can in principle (subject to wider design considerations and the identified local need occupancy test appropriately accord with Policies SP1, SP2 of the Ryedale Plan, Local Plan Strategy.) Furthermore, it is noted that with regard to the point around 'precedence' that this would not form a material planning consideration in the determination of any future proposals. The Local Planning Authority would determine every proposal on its own individual merit.

Further within the letter of objection, the agent notes that the Local Needs Occupancy Criteria as per Policy SP2 and SP20 *"should only be imposed for developments where their purposes has been justified."*

The letter of objection continues to note that *"This evidence is clearly anecdotal and is supported by no definitive evidence i.e. that the applicant has lived in the locality for 40 years, that other properties have been considered and found to be unsuitable, that single storey development is required due to the nature of any health conditions, evidence of property search exercise to that if there is a need for single storey accommodation that it can't be met by the existing housing provision. To assume that approval and imposition of a standing including the SP21 caveats is poor Planning as ultimately it would lead to the unnecessary conversion of a building to a dwelling in an unsuitable location."* For this reason it is requested that the application be refused on the basis that the applicant has failed to address the requirements of Policy SP2 and SP21.

The Design and Access Statement to which the objector refers confirms that the applicants currently reside in the neighbouring property, Water Meadows and have lived in Sand Hutton for 40 years. This D&A Statement notes they wish to move into a more accessible, single storey building and that these types of properties are limited in their availability in Sand Hutton.

This information was noted and as part of the assessment undertaken by the Case Officer as to the justification for the requirement of a dwelling to be subject to the Local Needs Occupancy Condition.

The agent was contacted for further information in relation to the available properties within Sand Hutton and have noted the following:

“In terms of the local needs occupancy criteria, I would like to clarify that the Applicants, Mr and Mrs Miers, have lived at Water Meadows for the last 34 years. They would like to provide a lifetime home for themselves to live in as they grow older. A more accessible, single storey property is therefore considered appropriate.

They wish to stay in Sand Hutton village as they are part of the local community and the local church. Their son also lives within the village.

There is currently only 1 single storey property for sale within Sand Hutton – signifying the lack of such properties within the village. It seems likely therefore, that if/when the Applicants wish to sell their property there would be very limited, if any, choice available within Sand Hutton. Furthermore, any property which may be available may not necessarily suitable for any needs/requirements that they may have.”

A search has also been undertaken by the Case Officer and it was noted that one bungalow was also found available within Sand Hutton, with more available in the adjoining areas, according with the Agent’s statement. It is however noted that this appears to indicate that there is a limited supply of bungalows within Sand Hutton so that this development would provide in the future, a property type which appears to be in limited supply in Sand Hutton. Furthermore it is also noted that the applicants would accord with the local needs occupancy criteria. It is therefore considered that this proposal accords with the Policies in relation to Local Needs contained within Policies SP1, SP2 and SP21 of the Ryedale Plan, Local Plan Strategy.

It is noted that the letter of objection also believes the proposal would not “*lead to an enhancement to the immediate setting*” and therefore remains discordant with policy for that reason. The letter also makes reference to the proposed size of extensions, design and external materials, being discordant in this countryside location. This will be reviewed in the following design section.

It was also noted within this letter of representation that this proposal discords with Policy SP19 – Presumption in Favour of Sustainable Development given that it fails to meet the requirements of Policy SP2 and would result in landscape harm. It was also noted that there were no material planning considerations sufficient to overcome to “*fundamental breach of the Development Plan.*”

As noted, it is Officer’s opinion that this accord with Policy SP1, SP2 and SP21 of the Ryedale Plan, Local Plan Strategy and would result in limited impacts upon the wider landscape, given the limited addition to an existing building. For those reasons, it is not considered that this is discordant with Policy SP19.

ii) Design

This proposal relates to an existing outbuilding and its proposed conversion to a single storey, two bedroom development. This would also incorporate a side extension, following the removal of the existing greenhouse structure, which would span c3.8m from and span 6.4m metres along the existing western elevation, maintaining the pitched roof design of the original outbuilding.

A timber framed rear extension with a monopitch roof, spanning c4.6m from and c12.6m along the northern elevation is proposed following the demolition of the existing wooden storage area, it is noted that the highest part of this roof form would be set down from the ridge height of the original outbuilding by c0.75m given the land levels at the site. The principle southern elevation, which is currently open in nature would be enclosed using brick panel, with the existing timber supports retained. A small porch is proposed to adjoin this elevation.

The original building and extensions would be roofed with zinc panels, as would the rear and side extensions and primarily glazed porch. A monopitch car port area would adjoin the property to the western elevation, rising from 2.8m to 3.65m. This would be constructed of zinc sheeting, with timber

supports to accord with the appearance of the dwelling.

It is noted that during the determination of the proposal, a revised plan was sought to correct the appearance of the western elevation on the submitted elevation plan (Drawing no. 303) This alteration is minor and was not considered to require re-advertisement given the northern and southern elevations on the plan were correct and tallied with the submitted roof plan and sectional drawings.

The letter of objection also notes that the proposal *“involves significant extension and alterations to a fairly small and low key building which at present reads as an unimposing domestic outbuilding which is not visible in the wider landscape. The proposed size, design and external materials of the proposed dwelling is overly domestic in character and of a scale that would be discordant in this countryside location, visibly pushing the built character out further into countryside, eroding its special quality. The ability to provide landscaping to ‘hide’ the development does not make an unacceptable development then acceptable. There is also no guarantee that any landscaping would be maintained and managed in perpetuity.”*

It is noted that a further letter of objection was received personally from the occupier of High Field, who confirmed his concern with the proposal and noted that *“In addition to the information contained within Ms Grunnill's objection letter, it is important to note that the footprint of the proposed dwelling has been considerably enlarged by including in the curtilage two latterly appended, temporary wooden structures. Namely a greenhouse, together with a large, open-fronted, "lean-to" shed. These two additions, significantly, and artificially, increase the size of the potential development.”*

This proposed design, summarised above would incorporate a footprint of approximately 221.5 square metres, an increase of approximately 35 square metres upon the original outbuilding, (calculated including the timber store to rear and greenhouse) which has a footprint of c195 square metres. Without the greenhouse and timber store the footprint would be c133 square metres. It is however noted that Google Earth indicates that the lean to element to rear has been present since 2002. The graphics are not clear enough to allow for comment on the greenhouse.

The proposed design would retain the traditional pitched roof form in the main section of the building and the traditional timber posts along the southern elevation. In Officer's opinion, the proposed extensions introduce an acceptable modern contrast to the outbuilding, by virtue of the proposed materials.

In terms of the potential impact upon the wider landscape, it is again noted that this is an existing structure, which would require limited extensions to form a habitable dwelling. The extensions to this structure are not disproportionate to its original footprint and it remains single storey in nature. Therefore it is not considered that the proposed design would result in harm to the open countryside nor erode its special quality.

It is however recommended that notwithstanding the submitted details a condition is attached requiring the submission of material samples for approval prior to the commencement of the development. The purpose of which is to ensure that the dwelling would not be harmful to the character and appearance of the outbuilding. No new landscaping is proposed and one tree would be removed to facilitate the proposal. This is considered acceptable due to the existing landscaping and the single storey nature of the proposal. There is no statutory protection afforded to the tree which will be removed.

iii) Impact upon Neighbouring Amenity.

It is considered that the relationship between the proposed dwelling and neighbouring properties are such that the proposed development would not impact on the privacy of either the future occupiers or neighbours, would result in loss of light or would appear overbearing.

It is noted that the rear elevation of High Field is orientated to the north east, towards the application site. However it is noted that between the two properties is a large brick wall at c1.8m -2m in height and the proposed outbuilding for conversion offset from High Field.

The proposed dwelling, at its closest point would be c16m from the property to the west, High Field, which is closer than at present due to the proposed side extension, but at a significant distance that it would not lead to overshadowing or loss of light. The proposed car port would be situated at a distance of c8.15m from this property and this is a mostly open structure. The nearest window in the proposed converted outbuilding would be at a distance of 26.4m from High Field which is a distance that would prevent any overlooking being experienced.

It is noted that there would be no increase upon the present roof height of the single storey structure and it would remain single storey in nature, limiting any impact.

Some views of the proposed dwelling may be realised from the rear of High Field, however it is considered that these would be not be so significant in comparison to what is currently present by virtue of the low profile of the building together with the existing boundary treatment present between the two sites. Additionally, the loss of a view cannot form a material planning consideration.

It is not considered that the proposal would have any impact upon the existing Water Meadows dwelling.

iv) Access and Highway Safety

The proposed residential dwelling would utilise the existing access along Hall Drive and a new access to Water Meadows would be created, with the existing access removed and reseeded. Three parking spaces would be provided for the new property.

The Highway Authority noted within their consultation response that they recommended refusal of the application on the basis that there is insufficient visibility along the northerly and southerly outlook from the bottom of Hall Drive onto the public Highway.

However the Highways Officer has also in their response added some further detail. They have noted that in applications concerning additional residential development proposed to be accessed upon Hall Drive they have been consistent in recommendations for refusal. They refer to applications 08/00359/FUL and 12/00042/FUL, which relate to the same site, Land at Warren Drive.

In these decision, the Local Planning Authority recommended approval of additional residential development along Hall Drive. In an excerpt from the Officer's report 08/00359/FUL the following rationale was highlighted.

"The Highways Authority has objected to the proposed development in terms of the level of visibility at the junction of Hall Drive to the public highway in an easterly direction. There are already a number of properties (12) being served by the existing access from Hall Drive to the public highway. In view of this and the fact the proposal relates to one additional dwelling only, it is considered that the additional movements at this junction will not be materially different to the existing situation. In view of this it is not considered to be reasonable to include this as a reason for refusal in this case."

The Design and Access Statement made reference to the Highway Authority's likely concerns in relation to the proposal, however highlighted case law to support that this should not apply to cases where a new single dwelling is proposed to be served by an existing access.

The letter of objection on behalf of the occupiers of High Field highlights that the North Yorkshire Highway Officer's response recommends a refusal based on the access not meeting the visibility requirements and highlight that this forms a material planning consideration. Paragraph 32 of the NPPF is also quoted *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe."* The letter of objection notes *"Since the HA's original response (2008) advising that no additional traffic should be served from Hall Drive, the LPA has approved one additional dwelling. It is considered that any further development would be cumulatively harmful to highway safety."*

Following review of the access to the site and the response from the Highways Officer, it is considered that one further residential dwelling along Hall Drive would not result in significantly increased

levels/cumulative impacts, in terms of the increased use of the access, beyond the current levels. Whilst access and highway safety is a material planning consideration, weight is given to the site specific situation and in this instance, it is Officer's opinion (consistent with the previous decisions made by the Local Planning Authority) that this issue could not justify refusal of this scheme.

In recognition of this, the North Yorkshire Highway Officer had attached a recommended condition, as they noted in their response, they were mindful of the decisions taken by the Local Planning Authority on the two decisions quoted above and the officer reports contained therein.

v) Other Matters, including Consultation Responses

The Parish Council have confirmed no objection to the proposal

The Highway Officers concerns and the Council's previous approach upon new dwellings along this lane have been detailed within the previous section.

The details contained within the letters of objection have been mostly noted highlighted and dealt with above. However in the interests of clarity, they will be further summarised below and are available to view within the annex to this report:

Letter received from the planning agent on behalf of the occupiers of High Field dated 05.02.2018

- Discords with Policy SP2 for the following reasons:
 - Not a redundant or disused traditional rural building
 - Would not result in an enhancement to the immediate setting
 - Development not justifiable for Local Needs Occupancy.
- Unacceptable in terms of Highway Safety, as per consultation response from Highways
- Discords with Policy SP19 – Presumption in favour of sustainable development for the following reasons:
 - Fails to satisfy the requirements of SP2.
 - Landscape Harm
 - No other materials considerations put forward to justify the proposal

Email received from the occupier of High Field dated 02.03.2018

- In additional to information within letter from planning agent referenced above, it was noted that the footprint of the proposed dwelling was enlarged by erection of a greenhouse and a large, open-fronted shed. These two additions, significantly, and artificially, increase the size of the potential development.

It is considered that the point raised within these representation have been addressed within the above report.

A bat informative will be added to any permission granted.

Therefore having paid regard to and assessed the concerns contained within the two letters, by and on behalf of the occupier of High Field Officer's are satisfied that this proposal conforms with Policies SP1 General Location of Development and Settlement Hierarchy, SP2 Delivery and Distribution of New Housing, SP16 Design, SP17 Managing Air Quality, Land and Water Resources, SP19 Presumption in Favour of Sustainable Development and SP20 Generic Development Management Issues of the Ryedale Local Plan, Local Plan Strategy and the National Planning Policy Framework. This application is therefore recommended for conditional approval.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Location Plan (Drawing no. 300)
Existing Site Layout Plan (Drawing no. 003A)
Proposed Site Layout Plan (Drawing no. 301)
Existing Floor Plans and Sections (Drawing no. 001A)
Proposed Floor Plans (Drawing no. 302)
Proposed Elevations (Drawing no. 303A)
Proposed Sections (Drawing no. 304)
Proposed Roof Plan (Drawing no. 305)

Reason: For the avoidance of doubt and in the interests of proper planning.

3 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number 170 912 03. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with policy SP20 Generic Development Management Issues and 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.

4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

Class G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).

5 Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 The dwelling house hereby approved shall be occupied by a person(s) together with his/ hers spouse and dependants, or a widow/widower of such a persons who;
Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving for military service; or
Are taking up full time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years
Reason: To meet local housing need in non-service villages and to satisfy the requirement of Policy SP2 and Policy SP21 of the Ryedale Plan - Local Plan Strategy

INFORMATIVE(S)

- 1 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under section 41/42 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as Amended) and applied to whoever carried out the work.
Contact details: Natural England, 4th Floor, Foss House, Kings Pool, 1 - 2 Peasholme Green, York, YO1 7PX Tel: 0300 060 1911