

Item Number: 10
Application No: 18/00005/HOUSE
Parish: Cropton Parish Council
Appn. Type: Householder Application
Applicant: Mr David Winterbottom
Proposal: Erection of a detached outbuilding following demolition of existing Dutch barn and chicken hut
Location: Moorlands High Street Cropton Pickering YO18 8HH

Registration Date: 3 January 2018
8/13 Wk Expiry Date: 28 February 2018 (Extension of time agreed until 6 June 2018)
Overall Expiry Date: 6 April 2018
Case Officer: Alan Goforth **Ext:** 332

CONSULTATIONS:

Parish Council	No objection
Parish Council	No response to re-consultation received
Countryside Officer	Recommends condition

Neighbour responses: Mr and Mrs Ellerington,

SITE:

Moorlands occupies a narrow triangular 0.08ha site on the western side of Cropton. The village of Cropton is located 8km north west of Pickering and abuts the southern boundary of the North York Moors National Park. Moorlands stands on the southern side of the High Street and vehicular access is in the northern boundary which opens into a parking and turning area. Neighbouring properties are Haven House to the east and Allerdale and White Cottage to the west. The rear gardens of Moorlands and White Cottage historically formed part of an old limestone quarry and the topography is generally 'bowl-shaped' with sections of exposed/partially vegetated stone faces on the boundary.

Moorlands is a detached converted barn that was previously associated with White Cottage to the west. The garden area to the rear contains a dilapidated open sided Dutch barn with concrete base and a single storey former chicken shed that provide undercover storage space. The boundary with White Cottage comprises a part drystone wall and part post and wire fence.

The new building would be partly within the Development Limits and partly within the Fringe of the Moors Area of High Landscape Value.

PROPOSAL:

Planning permission is sought for the erection of a detached outbuilding following demolition of an existing Dutch barn and chicken hut.

The proposed outbuilding would be rectangular shaped, orientated north-south adjacent to the boundary and would have a covered outdoor area off the east facing elevation. The outbuilding would be positioned to the south of the end of the existing dry-stone wall that forms the western boundary of the site. The proposed outbuilding would measure 8m in length by 4m in width with a pitched roof that would stand 3.25m to the ridge. The eaves height to the rear, western side would be 2m and 2.2m at the front, eastern side. The ridgeline would run parallel to the site boundary.

The outer walls of the outbuilding would comprise Scandinavian redwood timber boards and the roof covering would comprise new and reclaimed red pantiles. The south and west facing elevations would be blank whereas there would be windows and a door in the east facing elevation and a single door in the north elevation.

The Applicant states that the proposed outbuilding would store a bicycle, canoe, tools, equipment and other materials such as wood for the stove in the house. The outdoor covered area would be used for hanging out and drying washing and sitting out in a shaded area. A native species hedge would be planted along the western boundary to the rear of the proposed outbuilding following the line of the existing post and wire fence.

It should be noted that the planning application initially proposed an outbuilding with dimensions of 9m by 4m standing to a ridge height of 4.5m with a pitched roof ridgeline perpendicular to the site boundary. The outdoor covered area was proposed on the end of the building allowing views onto the adjacent garden of White Cottage. It was considered that the scale and design as originally proposed would result in an overbearing impact on the neighbouring land with the potential for a loss privacy. In light of concerns raised by the occupants of White Cottage the proposed development was amended to that described above.

HISTORY:

09/00714/FUL- Change of use and alteration of barn to form a two bedroom dwelling with attached garage to include erection of single storey lean-to extension to west elevation. Approved 15.09.2009.

07/00615/73-Variation of Condition 07 of approval 04/01455/73 dated 17.01.2005 to allow the detached outbuildings to be converted into a separate residential dwelling and not tied to White Cottage and the outbuilding attached to White Cottage to be an annex of White Cottage. Approved 30.08.2007.

04/01455/73- Renewal of approval 99/00515/FUL dated 08.02.2000 for change of use of barn and outbuilding to form two-storey dwelling and cottage. Approved 17.01.2005.

99/00515/FUL-Change of use of barn and outbuilding to form two-storey dwelling and cottage. Approved 08.02.2000.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy - Policy SP13 Landscapes

Local Plan Strategy - Policy SP14 Biodiversity

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

National Planning Policy Framework 2012 (NPPF)

National Planning Practice Guidance 2014 (PPG)

APPRAISAL:

The main considerations in the determination of this application are considered to be:

- i) Principle of the development;
- ii) Design and impact upon the Area of High Landscape Value (AHLV);
- iii) Impact upon residential amenity;
- iv) Ecology; and
- v) Other matters- Third party comments.

i) Principle of the development

The proposed building would be used for storage and to provide an outdoor covered area and would be ancillary to the main dwelling. The covered and secure space to be provided by the outbuilding would replace that currently used for storage in the Dutch Barn and former chicken shed which would be demolished. It is considered that the principle of the development is acceptable.

ii) Design and impact upon the Area of High Landscape Value (AHLV)

The proposed location of the outbuilding is dictated by the existing patio area at the rear of the dwelling, drive and turning area to the side, the underground package sewage treatment plant and the former quarry face that slopes into the garden on the eastern boundary. The Applicant highlights that the demolition of the existing buildings/structures and the positioning of the outbuilding on the western boundary would open up views southward down the garden from inside the house and external patio area. The dwelling has a narrow curtilage (approx. 500m² of outdoor space) and there are limited positional options for an outbuilding to serve the property. The amended design has reduced the mass of the rear, west elevation and the outbuilding would be orientated to face away from the garden of the neighbouring property (White Cottage).

The outbuilding would also be set back from the public highway at the rear of the site. It would not be visible from passing vehicles or pedestrians on the High Street. The north facing elevation would only be visible when viewed directly from the access into the site.

It is considered that due to the narrow confined garden associated with Moorlands any additional built development has the potential to visually dominate the limited outdoor areas, particularly when viewed from the lower ground to the west. The proposed outbuilding, as amended, is considered to be of a more appropriate scale than the existing Dutch Barn, the original use of which was not associated with a residential property unlike its adapted use in recent years. The Parish Council have raised no objections and have stated that the removal of the old structure may enhance the property.

The design also incorporates surface water drainage arrangements that involves a soakaway to be created to the east of the Dutch Barn (to be demolished) to take rainwater from the proposed outbuilding. Once the frame of the Dutch Barn has been removed the existing concrete base would be broken up to improve surface water drainage and the rubble used to create the soakaway.

It is considered that the proposed outbuilding would be appropriate in terms of scale, design and orientation. The outbuilding would be ancillary to the residential use and would not significantly detract from the character and form of the main dwelling (barn conversion). The proposed outbuilding, whilst of a reasonable size, would be subordinate in scale and appearance to the main dwelling and not visually intrusive. The final external construction materials and colour finishes for the outbuilding will be secured by condition on any permission granted.

If permission is granted the applicant has agreed to plant a hedgerow along the existing western boundary which is currently demarcated by a post and wire fence. The hedgerow planting shall be secured by condition and required to be grown to a minimum of 1 metre tall. The native species planting would be an improvement on the existing boundary treatment and would soften the appearance of the rear elevation of the outbuilding whilst being in keeping with the landscape character.

The part of the site that falls within the Area of High Landscape Value (AHLV) lies towards the south of the plot and incorporates most of the garden area where the outbuilding would be constructed. It is considered that the size and external appearance would be sympathetic to the character of the area and would not detract from the special landscape quality of the AHLV and the open fields which extend to the south.

The scale, siting and design of the proposed outbuilding is considered acceptable and there would be minimal impact upon the open countryside and rural character of the area and the development is considered to be in compliance with policies SP13, SP16 and SP20 of the Local Plan.

iii) Impact upon residential amenity

The proposed outbuilding would be visible from the outside area to the rear of the adjacent property (White Cottage) and also from within the garden/orchard. White Cottage has a substantial garden/orchard (approximately 0.16ha) which occupies a lower level in relation to Moorlands to the east.

The front of the outbuilding which comprises an outdoor covered area would face east away from the White Cottage and would not result in any overlooking or loss of privacy for the occupants of White Cottage and, due to its position, the building is likely to improve the levels of privacy currently experienced by occupants of both properties.

The land to the east, at the rear of Haven House, is elevated in relation to the application site and the proposed outbuilding would face towards part of the former quarry face and would not have views onto the land. It is considered that there would be no overlooking privacy issues in relation to Haven House.

It is acknowledged that the outbuilding, which has a rear wall 2m high rising to 3.25m at the ridge of the roof, could cause a degree of shadowing over the immediate garden area on the eastern side of the White Cottage garden in the morning. However, it would not affect the main dwelling which is approximately 20m to the north west. Given the proposed size and position any loss of natural daylight would be negligible. In considering this matter it is also relevant to note that a boundary fence of no higher than 2m in height could be erected along the property boundary as 'permitted development' and could result in a similar level of shadowing and visual presence. This potential 'fall back' position is a relevant matter for consideration by the Local Planning Authority.

The potential impact upon amenity has been taken into account and it is considered that the proposed outbuilding would not result in a material impact upon the levels of amenity currently experienced by the adjacent property. The proposed outbuilding would not have overbearing presence, cause unacceptable loss of light or loss of privacy and complies with the relevant parts of Policy SP20 of the Ryedale Plan.

iv) Ecology

In late April 2018 the occupants of the neighbouring White Cottage contacted the Authority to highlight that newts (appearing to be Great Crested Newts) had been found in their garden pond within 5 metres of the proposed development site. Great Crested Newt (GCN) are a European protected species and are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation (Natural Habitats etc) Regulations 1994. Guidance from Natural England indicates that consideration should be given to the possible impact of any development within 500m of a GCN location. The Authority requested that the Applicant completed a Great Crested Newt Assessment and the document was submitted in May 2018. The Assessment includes results of a search of the existing records held by the North and East Yorkshire Ecological Data Centre which indicates no existing records for GCN within the search radius of 2km from the Applicant's property. However, a precautionary approach was adopted which assumed that a GCN population could be present.

The site assessment noted that the adjacent pond could provide suitable breeding habitat for newts and the surrounding garden associated with White Cottage, which is heavily treed, would provide moderately suitable terrestrial habitat. In addition, the drystone wall, which stands between the pond

and the boundary of the two properties, would also provide terrestrial and potentially hibernation habitat.

The garden belonging to Moorlands also contains some moderately suitable foraging habitat but no suitable breeding habitat. The proposed location of the proposed outbuilding is, however, mown grassland and this is sub-optimal foraging habitat for any amphibians. The Dutch barn and chicken shed belonging to Moorlands could also provide some suitable foraging and hibernation habitat but the occasional disturbance and, in particular, the dry nature of the structures will limit this value and so would again be classed as sub-optimal. Elsewhere, however, there is some suitable hibernacula in the form of coarse grassland and shrubs etc.

The Assessment states that the proposed development would have no impact on the GCN breeding habitat (pond on neighbouring land). The assessment also highlights that suitable habitat is already close to the existing pond and is separated from the proposed development site by a post and wire fence and dry-stone wall. This wall would provide further suitable foraging and hibernacula. The mown garden of Moorlands is not considered to be optimal foraging habitat.

However, a potential impact could arise from the removal of the Dutch barn and chicken shed. These could provide suitable hibernacula beneath any materials stored in the buildings, although their potential value is reduced by its dry nature which is less suitable for amphibians and the need for GCN to first migrate across sub optimal habitat. The Assessment concludes that *“Some very small loss of sub-optimal forage habitat is possible and some limited loss of sub-optimal hibernacula is possible from non licensable operations like moving log piles. These losses however, in relation to the continued presence of more suitable habitat in the vicinity of the pond, which will not be affected, are not considered to pose a threat to any possible Great Crested Newt population. A protected species licence from Natural England is therefore not considered necessary”*.

The Assessment includes a working method statement for construction/demolition setting out mitigation measures to ensure that there is no impact on GCN. This includes the planting of a boundary hedgerow and creation of two hibernacula (from stone, brick and brash) prior to the commencement of construction/demolition work. It also requires that construction work is undertaken between October and March during the hibernation season.

The Council’s Countryside Specialist has considered the Assessment and has raised no objections subject to a condition requiring that works are undertaken in accordance with the proposed method statement and mitigation measures. Due to the age of the Dutch Barn and the proposed demolition work there is also potential for impact upon bats. Previous bat surveys found no evidence of a bat roost or bat activity within the adjacent barn building prior to conversion but noted that bats were active in the area. It is, therefore, considered appropriate to attach an informative to ensure the Applicant complies with the relevant legalisation.

In light of the above it is considered that the proposed development would not have an adverse effect on any site or species protected under international or national legislation and is in accordance with national policy contained in paragraph 118 of the NPPF and Policy SP13 of the Local Plan.

v) Other matters- Third Party comments

The occupants of White Cottage raised objections/concerns in relation the proposed development (as amended). The representation received contains a summary of their objections as follows:-

- *The outbuilding is disproportionate and out of scale with the location;*
- *The proposed location is inappropriate, impractical and avoidable. It is very close to the property boundary and, in part, will disrupt soakaways that are there;*
- *The reduction of light and shade cast that would result from the proposed location and size of the outbuilding would prove detrimental to its surroundings and our amenity;*
- *It would exacerbate drainage in the area of rainwater and run off in an already compromised area;*

- *The materials that it would be made from are not in keeping with the area and this building will be highly visible;*
- *It will have a negative impact on the ecology of the area;*
- *It is a potential fire hazard;*
- *Despite numerous requests, the statement of use has not been forthcoming; and*
- *It will have negative effects on the character of the landscape area, an Area of High Landscape Value.*

It is considered that the material planning issues raised have been addressed in the report above. The remaining concern that identifies the proposed outbuilding as a potential fire hazard is noted. However, planning control does not include powers to assess the fire safety of building materials nor most elements of building design. Fire safety is a matter for Building Control and the Fire and Rescue Service and fire precautions covered by building regulations are not part of material planning considerations on which planning decisions must be based.

Conclusion

The proposed development as amended would not have an unacceptable impact on the locally valued open countryside, local amenity or protected species and is considered to meet the relevant policy criteria outlined within Policies SP13, SP14, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and the NPPF. The proposal is therefore recommended for 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 plans:

Proposed Outbuilding at Moorlands, dated 20.03.18
Proposed Garden Shed Location, dated 20.03.18

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

- 3 Before the development hereby permitted is commenced, 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 Policy SP16 of the Local Plan Strategy.

- 4 A scheme of hedgerow planting alongside the existing post and wire fence on the western boundary of the site consisting of plants capable of growth to a minimum height of 1 metre; shall be carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The planting shall be carried out prior to any construction/demolition work and thereafter be maintained for a period of 5 years to the reasonable satisfaction of the Local Planning Authority. The maintenance shall include the replacement of any plants that die, are removed or become seriously damaged or diseased in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality.

- 5 All ecological measures and/or works shall be carried out in accordance with the details contained within Sections 13-16 of the Great Crested Newt Assessment produced by Robert Missin and received on 23 May 2018.

Reason: To ensure the development does not impact upon protected species.

INFORMATIVE

During demolition work special care must be taken to ensure that any bats present are not injured or killed. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended). 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 applies to whoever carries out the work.