

Item Number: 10
Application No: 18/00532/FUL
Parish: Scrayingham Parish Council
Appn. Type: Full Application
Applicant: Mr & Mrs Brian King
Proposal: Change of use of paddock to form extension to the domestic curtilage, to include erection of a summer house (retrospective).
Location: River View Main Street Scrayingham Malton YO41 1JD

Registration Date: 25 May 2018
8/13 Wk Expiry Date: 20 July 2018
Overall Expiry Date: 13 August 2018
Case Officer: Niamh Bonner **Ext:** Ext 325

CONSULTATIONS:

Parish Council	Object
Countryside Officer	No objection
Principle Environment Specialist	No objection

Neighbour responses: Mr Nigel Prewett, Mr Paul Hanson, Mrs Angela Wright, Mrs Victoria Gill, Christine Frame, Mrs Angela Wright, Mr Ian Wilkie,

SITE:

The application site relates to a small parcel of agricultural land adjoining the residential curtilage of River View to the west, in the village of Scrayingham. The application site falls outside of the Village Development Limits.

The River Derwent is located circa 150 metres from the Summer House. The site falls within the Wolds Area of High Landscape Value and within 80m of a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI).

PROPOSAL:

The proposal seeks retrospective permission for the change of use of paddock to form extension to the domestic curtilage, to include erection of a summer house (retrospective).

POLICIES:

Local Plan Strategy - Policy SP13 Landscapes
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
National Planning Policy Framework
National Planning Practice Guidance

HISTORY:

The following applications are the most relevant planning history associated with the site:

17/00584/HOUSE: Erection of conservatory to rear. Approved

APPRAISAL:

The key considerations in assessing this application are;

- i. Principle of the Development
- ii. Character, Form and Impact upon Area of High Landscape Value
- iii. Impact upon Amenity
- iv. Landscaping
- v. Other Matters Including Consultation Responses.

The proposal relates to the retrospective erection of a summerhouse within part of an agricultural field to the rear of the residential curtilage associated with River View and the change of use of part of the paddock to form domestic curtilage associated with this property.

Originally, the proposal included the change of use of the entire paddock (circa 765 square metres) to form domestic curtilage. This was considered by Officers to be an unacceptable extension of the domestic curtilage. During the determination period, this was amended to form a much reduced proposed area extending to circa 163.6 square metres.

The Summer House building incorporates a traditional wooden construction, with a pitched roof design incorporating a ridge height of 3.2 metres. This building spans 9.3 metres in length with a width of 4.1 metres. It incorporates openings within the western, southern and northern elevation. During the determination of the application the plans were updated to show that the single opening along the northern elevation was obscure glazed to limit any impacts upon the privacy of the adjoining neighbour to the north, Rectory Farm. A condition is considered necessary to ensure that this window remains obscure glazed for the lifetime of the development. A separate condition, ensuring that no further openings shall be created within the northern elevation is also recommended and together, these will secure the privacy of the adjoining property to the north.

The building is positioned along the northern boundary of a paddock, in close proximity to the existing domestic curtilage associated with the dwelling and as such, does not appear isolated in the wider paddock. New landscaping is proposed to enclose the proposed domestic curtilage to the west and south. This was carefully considered following review of the consultation responses (detailed below) and will incorporate a Hornbeam hedge, which is suggested to be limited by condition to grow no higher than 2 metres, to limit potentially harmful impacts upon neighbouring amenity.

Additionally, the applicant has agreed that a section of existing hedgerow within the blue line, to the rear of Buttercup Cottage and Honeysuckle Cottage can be controlled by condition to grow no higher than the existing post and rail fence, in light of neighbour comments. The applicant has also agreed to the removal of householder "permitted development" rights within the newly extended domestic curtilage, to prevent the erection of additional structures, that could otherwise result in harm to the character of the area.

Several detailed letters of representation were received during the determination period of this application, which are summarised below. These responses are however available in full to review on the associated planning file.

7 letters of support were received from the occupiers of Honeysuckle Cottage, Buttercup Cottage and Meadow House were received. Within some of these responses, assurances were sought that no further structures would be erected. This has been controlled by planning condition.

Second responses were received from the occupiers of Buttercup Cottage and Honeysuckle Cottage to seek confirmation of whether there could be controls on the height of the hedge to the rear of these properties. As noted, a condition to ensure this section of hedge would grow no higher than the post and rail fence has been agreed with the applicant and recommended.

Third responses were received from the occupiers of Buttercup Cottage and Honeysuckle Cottage to

raise concerns with revised plans which noted the use of Hawthorne hedging internally at the site. They welcomed the use of Hornbeam hedge on the basis that the height would be conditioned. The issue of removal of “permitted development” rights was also highlighted, which will be controlled by an appropriate condition as detailed previously.

4 letters of objection were received from the occupiers of Primrose Cottage, Bluebell Cottage and Rectory Farm in which the following summarised concerns were raised:

- Privacy; given the siting and positioning of garden accessories and buildings facing private rear amenity space.
- Noise and light pollution in regard to lighting and music systems installed in the building which is believed to have no soundproofing and due to issues experienced during social gatherings in this area. It was noted that noise can occur until well after 10.30pm, creating pollution which is detrimental to the peaceful village environment, particularly given the low level of background noise and open windows in summer. It was noted that this also impacts upon the wildlife that would otherwise frequent paddock land. Additionally, noise in relation to lawnmowers and trimmers is experienced.
- The proximity to the river to the site and frequency of flooding of the river on the land up to the edge of the paddock creates concern over the use of chemicals, given the amount of ornamental planting undertaken, leading to chemicals within the land and fresh water system, creating a wider detrimental impact to animals. Concerns were raised that if this application is approved, would the safeguards against the use of herbicides and pesticides be monitored?
- It was noted that there are concerning losses of British countryside, more than 2000 sq km has been developed in the last 6 years, including farmland and wetland. Concern was again raised over the conservation of nature and wildlife, including flora and fauna which would be harmed by the loss of the meadow. The challenges of demand for new development were acknowledged and it was noted that whilst this might be a small development in national terms, it is the constant ‘drip drip’ erosion of the natural landscape that could have a ‘snowball’ effect. Other land owners in the vicinity could also build on agricultural land and this development could open the floodgates.
- The occupier of the dwelling to the north was originally assured by the applicant that they had the appropriate permissions to build the summerhouse and there would be no windows facing their property. They believed the window within the northern elevation did overlook their garden (prior to the obscure glazing undertaken) in contradiction to SP20 of the Ryedale Plan Local Plan Strategy. An updated point was made by this resident to note that whilst the obscure glazing was noted that it could be reversed or more windows installed.
- Considers that the principle of a summerhouse is not compatible with the requirements of Policy SP20 of the Ryedale Plan Local Plan Strategy in relation to the ambience of the immediate locality and surrounding land uses.
- The design of the building is incongruous to its agricultural surroundings and beyond the village development limits. It impacts detrimentally on aspects protected by Policy SP13 Landscapes of the Ryedale Plan Local Plan Strategy as it violates and in no way enhances the character of the Area of High Landscape Value and the change of use of the paddock could fundamentally alter this part of the village of Scrayingham.
- Concern was raised over existing hedging around boundary of the site directly behind two dwellings which could block their views in the future.
- Concern about the use of covenants to enforce restrictions being outside of the remit of planning and being left to the residents to pursue.
- It was noted that no supporting justification for the building being required for agricultural purposes, motive for applying for planning permission needs to be clarified.

The Parish Council made the following comments on the 17th July 2018:

- It is another example of people taking development into their own hands without regard for planning law or the impact upon neighbouring properties
- It is appropriation of agricultural land for domestic purposes, and also the placement of a building on the land. The allocation of domestic garden area for the overall development was

placed under intense scrutiny before permission was granted and clearly did not include the land in question

- The building and land are being used for social and domestic purposes which has an impact on the amenity of the surrounding properties

Procedurally, as Members will be aware it is possible to retrospectively apply for permission and as in the determination of any retrospective application, this will be assessed in the same manner as other proposals in terms of material planning considerations and in relation to adopted planning policy. The consideration of this proposal would not prejudice future similar applications, which would be considered on their own merit.

As previously noted, revised plans have been received during the determination of this application and it is considered that the reduced area proposed to form additional domestic curtilage is on balance, acceptable. This relatively small scale additional section of land directly adjoins the existing domestic curtilage of River View and subject to the conditions ensuring that appropriate landscaping is introduced and removing permitted development rights to erect any further structures or hardstanding, it is not considered that the inclusion of this relatively small area within the domestic curtilage of the property would fundamentally discord with Local Planning Policy or result in harm to the character of this Area of High Landscape Value.

Consequently, a summerhouse on land which would legitimately form additional domestic curtilage would not be in principle an unacceptable type of development, subject to the additional key considerations referenced above. It is considered that the obscure glazing of the window within the northern elevation would limit any impacts upon privacy and as noted this will be controlled by condition. However it is furthermore considered pragmatic that in addition to the removal of permitted development rights within this area, to attach a separate condition to prevent any further openings being created within the northern elevation of the summerhouse to protect neighbouring amenity in the future. It is not considered that this proposal would result in any other harmful loss of privacy to any further neighbouring properties, due to the distances and other existing buildings, including garages obscuring direct views.

It is considered that the use of the summerhouse for domestic purposes would not be fundamentally more harmful in terms of noise and disturbance than what could be lawfully experienced through the private enjoyment of the original rear amenity space associated with the dwelling. Planning policy cannot reasonably limit the usage of lawnmower/strimming machinery or chemicals in this location. The Principle Environment Specialist verbally confirmed that they had no objections to the proposal and any issues should be dealt with through normal investigative channels.

The Council's Senior Specialist Countryside has been consulted in regard to this application, given the proximity of the site to the SSSI and SAC, together with the introduction of new hedging and has provided the following response:

"I am happy with the hedge proposals – to plant the boundaries with hornbeam hedges to the standard condition as we discussed earlier.

The site is close to the River Derwent SAC/SSSI but does not warrant a Habitats Regulations Screening Assessment due to its location inside the existing settlement and its low impact on the SAC qualifying features."

It is therefore considered that this will not harmfully impact upon the SAC/SSSI and that the use of Hornbeam hedging is acceptable in this location, which was requested as a preferred option by the directly adjoining properties to the east of the paddock. As noted, a condition in relation to seeking further details of the new hedge planting is recommended. A second condition ensuring that this new hedge as indicated on the Proposed Block Plan (YTA4 Rev A) grows no further than 2m in height is also recommended in light of the neighbouring comments. A third condition to control the height of the existing hedgerow to the rear of Buttercup Cottage and Honeysuckle Cottage has also been agreed with the applicant and this condition, will result in wider benefits for the occupiers of Buttercup Cottage and Honeysuckle Cottage.

In the light of the above and subject to the highlighted conditions, the proposal is considered to be acceptable in terms of its character, form and design, its position within the Area of High Landscape Value, landscaping and neighbouring amenity. It is not considered that this proposal fundamentally discords with the relevant policy criteria outlined within Policies SP13, SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be carried out in accordance with the following approved documents/plan(s):

Location and Site Layout (Drawing no. YTA1 Rev A)
North Elevation of Summer House (Drawing no. YTA2)
Floor Plan of Summer House (Drawing no. YTA3)
Block Plan (Drawing no. YTA4 Rev A)

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

- 2 Within two months of the date of the decision notice, details of proposed planting to provide additional screening to the development, and supplement existing landscape features, shall be submitted to the Local Planning Authority for approval in writing. The submitted scheme shall consist of locally native species only specified in a planting schedule providing details of species, planting sizes and numbers of each species. The approved scheme shall be implemented within the first available planting season (Nov - March) following completion of the development. In the event of any plant material dying, or become seriously diseased or damaged within a 5 year period following planting, it shall be replaced with similar species to a specification that shall be first agreed in writing with the Local Planning Authority unless the Local Planning authority give written consent to any variation.

Reason: To comply with Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 3 Notwithstanding the details to be submitted in relation to condition 2, the new hedgerow as indicated on the Proposed Block Plan (YTA4 Rev A) shall be maintained at a height no greater than 2 metres above ground level.

Reason: In the interests of visual amenity in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 4 Unless otherwise agreed in writing with the Local Planning Authority, the existing section of landscaping to the east of the site adjoining the rear boundaries of Buttercup Cottage and Honeysuckle Cottage shall be maintained at a height no higher than the existing post and rail fence.

Reason: In the interests of visual amenity in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 5 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 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 F: Hard surfaces incidental to the enjoyment of a dwellinghouse

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

Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s), and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no further doors, windows or any other openings shall be created at within the north (side) elevation of the Summer House hereby approved.

Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 The obscure glazing undertaken to the window within the northern elevation of the summerhouse shall be retained and maintained for the life of the development.

Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.