



## **DISTRICT DEVELOPMENT SUB-COMMITTEE**

### **AGENDA ITEM 6**

#### **PLANNING APPLICATIONS REFERRED TO THE SUB-COMMITTEE FOR DETERMINATION**

**To determine applications made under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.**

#### **IMPORTANT INFORMATION**

1. Members of the public are entitled to inspect and to obtain a copy for a fee of Background Papers to published reports as well as the reports themselves. The reports are available as soon as the agenda for a Committee meeting has been printed. This is normally one week before the date of the meeting. They can be viewed at Planning Enquiries or at [www.harrogate.gov.uk/planning](http://www.harrogate.gov.uk/planning). A list of Background Papers (if any) is set out at the end of each report. This list does not include letters received in response to consultations and publicity given to the application; these are also normally Background Papers which the public are entitled to see. Published documents such as the Harrogate District Local Plan, the Structure Plan, Planning Policy Guidance Statements, Government Circulars and the Council's published Design Guidance are not regarded as Background Papers. However, all this material is available to view at [www.harrogate.gov.uk/planning](http://www.harrogate.gov.uk/planning) or for inspection by the public at "Planning Enquiries", Department of Development Services, Knapping Mount, West Grove Road, Harrogate, North Yorkshire, HG1 2AE. Tel: (01423) 500600, Fax: (01423) 556510. Opening hours: Monday to Friday 8.30am – 4.30pm.
2. The information contained in the reports is a summary of the relevant information available at the time the report is prepared. Any further relevant information received subsequently will be reported at the meeting. This may include correspondence, amended plans and other relevant information.

3. With each report is an A4 size extract from the latest edition of the Ordnance Survey showing the application site. Application plans, drawings and illustration materials will be displayed at the meeting and together with the application reports and other published documents may be viewed on [www.harrogate.gov.uk/planning](http://www.harrogate.gov.uk/planning). USE THE SHORT CODE at the head of each report to get quick access to the plans.

## KEY TO APPLICATION TYPE CODES

### APPLICATION TYPE CODES



(6.12.90.P.FUL)

| <b>CODE</b> | <b>TYPE OF APPLICATION</b>  |
|-------------|---|
| ADV         | APPLICATION TO DISPLAY ADVERTISEMENTS   |
| * CCA       | APPLICATION BY NYCC TO SEC. OF STATE FOR CONSERVATION AREA CONSENT  |
| * CLB       | APPLICATION BY NYCC TO SEC. OF STATE FOR LISTED BUILDING CONSENT  |
| * CMA       | APPLICATION ON WHICH COUNTY COUNCIL WILL MAKE DECISION  |
| CON         | APPLICATION FOR CONSERVATION AREA CONSENT   |
| COU         | APPLICATION FOR PLANNING PERMISSION FOR CHANGE OF USE   |
| * CROWND    | NOTIFICATION OF PROPOSED CROWN DEVELOPMENT FOR HBC<br>OBS. ONLY   |
| DVCON       | APPLICATION TO DELETE OR VARY CONDITION   |
| EXTP        | APPLICATION TO EXTEND A TEMPORARY PERMISSION  |
| FUL         | APPLICATION FOR FULL PLANNING PERMISSION  |
| HEDGE       | HEDGEROW REMOVAL NOTICE   |
| HSC         | APPLICATION FOR HAZARDOUS SUBSTANCES CONSENT  |
| LB          | APPLICATION FOR LISTED BUILDING CONSENT   |
| LBDEM       | APPLICATION FOR LISTED BUILDING CONSENT INCLUDING DEMOLITION  |
| * OHL       | NOTIFICATION OF PROPOSAL TO ERECT OVERHEAD ELECTRICITY<br>LINE  |
| OUT         | APPLICATION FOR OUTLINE PLANNING PERMISSION   |
| PDUCO       | APPLICATION FOR PLANNING PERMISSION BECAUSE PERMITTED DEVELOPMENT C<br>USE CLASS RIGHTS HAVE BEEN REMOVED |
| * PROW      | APPLICATION TO DIVERT OR STOP-UP A PUBLIC RIGHT OF WAY  |
| REM         | APPLICATION FOR APPROVAL OF RESERVED MATTERS  |
| RENEW       | APPLICATION FOR RENEWAL OF AN UNIMPLEMENTED PERMISSION  |
| RG3         | APPLICATION BY HBC FOR ITS OWN DEVELOPMENT  |
| RG4         | APPLICATION BY HBC OR NYCC FOR DEVELOPMENT BY OTHERS  |
| S106        | APPLICATION TO MODIFY/DISCHARGE A SECTION 106 AGREEMENT   |
| S17         | APPLICATION FOR A CERTIFICATE OF ALTERNATIVE DEVELOPMENT  |
| * SOSADV    | APPLICATION BY HPC TO SEC.OF STATE FOR ADVERTISEMENT CONSENT  |
| * SOSCON    | APPLICATION BY HBC TO SEC.OF STATE FOR CONSERVATION AREA CONSENT  |
| * SOSLB     | APPLICATION BY HBC TO SEC. OF STATE FOR LISTED BUILDING CONSENT   |
| * SOSLBD    | APPLICATION BY HBC TO SEC.OF STATE FOR LISTED BUILDING CONSENT INCLUDI<br>DEMOLITION                      |
| * SOSTPO    | APPLICATION BY HBC TO SEC.OF STATE FOR TREE PRESERVATION ORDER CONSENT                                    |
| TPO         | APPLICATION FOR TREE PRESERVATION ORDER CONSENT   |

*\*Denotes applications on which the Borough Council is not making a determination – see Part B of List of Plans*

**HARROGATE BOROUGH COUNCIL  
DISTRICT DEVELOPMENT SUB –COMMITTEE – AGENDA ITEM 6  
DATE: 9 August 2007**

|                                       |  |
|---------------------------------------|--|
| <b>PLAN:</b> 01                       | <b>CASE NUMBER:</b> 07/03067/FUL                 |
| <b>APPLICATION NO.</b> 6.19.138.F.FUL | <b>GRID REF: EAST</b> 426094 <b>NORTH</b> 476127 |
| <b>CASE OFFICER:</b> Mr M A Warden    | <b>DATE MADE VALID:</b> 15.06.2007               |
|                                       | <b>TARGET DATE:</b> 10.08.2007                   |
|                                       | <b>WARD:</b> Kirkby Malzeard                     |

**VIEW PLANS AT:** <http://tinyurl.com/29hyl8>

**APPLICANT:** Mr And Mrs R Staveley

**AGENT:** Malcolm Tempest Ltd

**PROPOSAL:** Erection of detached dwelling (site area 0.1ha).

**LOCATION:** Carr House Farm Mickley Ripon North Yorkshire HG4 3JG

## **REPORT**

### **SITE AND PROPOSAL**

The application was referred to the District Development Sub-Committee from the Planning Committee of the 31st July 2007 since Members were minded to approve the application conditionally. Members considered that the proposed dwelling, whilst larger than the existing, was not unduly large and that the associated curtilage, roadways and landscaping works would not harm the character of the landscape and natural beauty of the area. In addition the eco-friendly design was considered to be a special justification for the dwelling. Members felt, therefore, that local plan policies were not compromised.

The Council's Solicitor considered that the proposal was contrary to two objective policies H7 and H20 and thus referred the application to the District Development Sub-Committee.

The report is as presented to Planning Committee but revised to take account of the updates given at the meeting.

The proposal involves the erection of an new two storey dwelling with a footprint of approximately 17 metres x 15.5 metres on the site of a former dairy and cow house which were granted planning permission to be converted into a single dwelling in February 2007. The plans and information accompanying the application advise that the proposal involves:-

1. Demolition of the existing farmhouse;
2. Demolition of a number of farm buildings;
3. Taking up and removing hard-standings and roadways;
4. Erecting a new house;
5. Alterations to existing farm building;
6. Formation of new internal roadways to serve the farm buildings and the house including provision of parking area for a house;
7. Providing a new curtilage for the dwelling;

The proposed dwelling is square in form with the rooms on two floors around a central circular staircase under a central light well. The design is of tripartite windows on the principal north and south elevations; 5-bays with sliding sash style windows on the 'side' elevations and copies features from two different houses, one in North Stainley and the other, Sleningford Hall nearby.

The design of the house is to take up 'ECO' principles. The central roof area, which is concealed behind a traditional roof on the facing elevations, will contain solar and photovoltaic energy collecting panels to supplement the heat pump heating system taking heat from nearby lakes.

The house provides on the ground floor: 3 entrance halls/lobbies, 1 with a lift; 2 sitting rooms; a kitchen; study/office; circular staircase; and on the 1st floor: four bedrooms and three bathrooms. Included within the accommodation is a carer's sitting room, bedroom and bathroom.

This application amends slightly a previous application that was withdrawn in July 2006. Although not included with this application, the applicant has advised in pre application correspondence, that the proposed dwelling is specifically designed to accommodate his wife who has a degenerative disease and who will soon need the live-in services of a carer, hence the proposal for carer's accommodation within the dwelling.

## **MAIN ISSUES**

1. AONB
2. Siting and Design
3. Landscape Character
4. Open Space

## **RELEVANT SITE HISTORY**

02/04177/FUL - Conversion of existing barns to form 6 no holiday accommodation units & 1 staff cottage, car parking in separate barn, and formation of 3 lakes with landscaping and new footpaths, including new package treatment plant (site area 20.17ha): WDN 27.02.2003

03/01979/FUL - Formation of 3 no lakes with associated landscaping, and new access tracks within the site: WDN 27.06.2003

03/03597/FULMAJ - Formation of 2 no lakes with associated landscaping and formation of new access tracks within site (revised scheme): PER 21.11.2003

05/05395/FUL - Erection of replacement dwelling, relocation of lean-to structures, creation of access and new package treatment plant.(Site Area 0.6 ha): WDN 12.01.2006

06/02764/FUL - Erection of replacement dwelling, relocation of lean-to structures, creation of access and package treatment plant. (Site Area 0.6 ha) (Revised Scheme): WDN 14.07.2006

06/05736/FUL - Conversion of agricultural building to form dwelling. (Site Area 0.33 ha): PER 05.02.2007

## **CONSULTATIONS/NOTIFICATIONS**

### **AONB - Joint Advisory Committee**

Acknowledge that cessation of the dairy farm has resulted in changes in land management which has resulted in relatively significant alterations to the character of the landscape. They consider that the design and scale of the proposed dwelling will consolidate the change in landscape character and this needs careful consideration. They advise that they have been trying to secure reinforcement of the landscape character rather than features which go against the grain of the landscape in the vicinity. The new house, whilst displaying admirable features is not consistent with the character of the landscape and urge rejection or a new design that follows more closely farmsteads in the area.

### **Conservation and Design Section**

See Assessment of Main Issues

### **Parish Council**

Azerley

### **Environment Agency**

Reply awaited

### **NYCC Highway Authority**

Recommends works at the access prior to occupation

### **DCS - Open Space (Brandreth)**

See Assessment of Main Issues

### **Environmental Health (Springfield)**

Has no comments to make

### **Yorkshire Water**

Has no comments to make

## **RELEVANT PLANNING POLICY**

|       |   |
|-------|---|
| PPS1  | Planning Policy Statement 1: Delivering Sustainable Development     |
| PPS07 | Planning Policy Statement 7, Sustainable Development in Rural Areas |
| SPE1  | North Yorkshire County Structure Plan Policy E1                     |
| SPH7  | North Yorkshire County Structure Plan Policy H7                     |

|        |  |
|--------|--|
| LPC01  | Harrogate District Local Plan (2001, as altered 2004) Policy C1, Conservation of Nidderdale A.O.N.B                        |
| LPC02  | Harrogate District Local Plan (2001, as altered 2004) Policy C2, Landscape Character                                       |
| LPC11  | Harrogate District Local Plan (2001, as altered 2004) Policy C11, Landscaping of Development Sites                         |
| LPC13  | Harrogate District Local Plan (2001, as altered 2004) Policy C13, Agricultural and Forestry Development                    |
| LPC15  | Harrogate District Local Plan (2001, as altered 2004) Policy C15, Conservation of Rural Areas not in Green Belt            |
| LPC18  | Harrogate District Local Plan (2001, as altered 2004) Policy C18, Extension of curtilages into Countryside                 |
| LPHD20 | Harrogate District Local Plan (2001, as altered 2004) Policy HD20, Design of New Development and Redevelopment             |
| LPR04  | Harrogate District Local Plan (2001, as altered 2004) Policy R4, Open Space Requirements for New Residential Development   |
| LPA01  | Harrogate District Local Plan (2001, as altered 2004) Policy A1, Impact on the Environment and Amenity                     |
| LPH06  | Harrogate District Local Plan (2001, as altered 2004) Policy H6, Housing developments in the main settlements and villages |
| LPH07  | Harrogate District Local Plan (2001, as altered 2004) Policy H7, Housing development in the countryside                    |
| LPH18  | Harrogate District Local Plan (2001, as altered 2004) Policy H18, Siting and design of dwellings in the countryside        |
| LPH20  | Harrogate District Local Plan (2001, as altered 2004) Policy H20, Replacement Dwellings in the Countryside                 |

#### APPLICATION PUBLICITY

**SITE NOTICE EXPIRY:** 20.07.2007  
**PRESS NOTICE EXPIRY:** 20.07.2007

#### REPRESENTATIONS

**AZERLEY PARISH COUNCIL** - Comment received from the Chairman of the Parish Council on behalf of local residents:

"We have had more than one meeting in the village of Mickley regarding this new house; also the "design and access statement" has been circulated to every house so everyone could comment. The consensus of opinion was this is right for Carr House Farm.

Let us not forget the other things that could be allowed with very little planning - holiday cottages, self pick fruit and the associated traffic, intensive farming of pigs, hens and cows and the associated smells.

No thank you. Let us see this mishmash of unattractive farm buildings demolished and the area of outstanding natural beauty enhanced with a fine eco-friendly residence and built in local stone with Mr. Staveley and his family living on site."

**OTHER REPRESENTATIONS** - 6 letters of support have been received which raise the following points:

- well balanced house
- harmonises with the landscape
- no increase in traffic
- no disturbance to neighbours
- improvement on dilapidated farm buildings
- eco friendly design is good and will set the standard for such properties in the countryside

**VOLUNTARY NEIGHBOUR NOTIFICATION** - None.

### **ASSESSMENT OF MAIN ISSUES**

**1. AONB** - The site is within the Nidderdale AONB which Government advises should have the highest status of protection in relation to landscape and scenic beauty, the conservation of which should be given great weight in development control decisions. Government guidance is repeated in Structure and Local Plan Policies which seek to protect the natural beauty of the AONB.

**2. SITING AND DESIGN OF PROPOSED DWELLING** - Local Plan Policy H20 does permit proposals to replace existing dwellings in the countryside provided:-

- a)the new dwelling is on the site of, or close to the existing dwelling;
- b)the new dwelling is no larger than the existing dwelling;
- c)the new dwelling has satisfactory access arrangements;
- d)the new dwelling is of a design which in terms of scale, mass, materials and architectural detail is sympathetic to the local vernacular character;
- e)the new dwelling is sited to preclude retention of the existing dwelling or there is a condition or legal obligation to ensure its demolition on completion of the new dwelling;
- f)the existing dwelling is not a listed building.

The proposed dwelling is on a completely different site from the existing dwelling but a suitable condition (or legal agreement) could ensure that the existing dwelling is demolished once the new house is completed, and ensure the whole of the former curtilage reverts to agricultural pasture land.

The existing dwelling is a small house with an unsympathetic conservatory style extension at the front and rather awkward two storey extension at the rear. Even with the extension, the existing dwelling is neither large nor of any special character and consequently there would be no objection in principle to its demolition and replacement with a suitable alternative house. The proposed dwelling is significantly larger than the existing house and would not accord with policy H20.

The existing house gives the appearance of a rather small, vernacular rectangular farmhouse, albeit with some rather unsympathetic extensions. Currently obscured by trees, it is sited in a commanding position in relation to the farm access drive. On the other hand, the proposed dwelling portrays the character of a substantial, square "hall-like" dwelling relocated to provide commanding views over an area which the applicant has recently landscaped with the construction of two ponds and parkland style individual tree planting. The proposed dwelling together with associated landscaping, driveways and



associated works will convey very much the style of a substantial residence with commanding views, whereas the existing farm house and buildings are discrete and much more in the style of a Dales farm steading with a collection of some traditional and some more modern, rather unattractive farm buildings.

The Conservation Officer commented on the proposal prior to submission that the use of rubble in houses of this status was unusual, were it not for the local examples of Slenningford Grange and Slenningford Park which are both eighteenth century small country houses built of coursed rubble or cobble.

He considered there was no single principle elevation, which is unusual historically in a house of such status and that, from an aesthetic point of view, it would be preferable to have a single principle elevation, that should be the south facing one, looking over parkland with a ha-ha rather than railings to give the illusion of a house without a boundary fence. He was concerned about the close proximity of the retained steel and cladding shed which would detract from the setting of the new house and he did not consider the quality and nature of the design provided a special justification for the proposed dwelling.

The Council's Rural Strategy Officer, again commenting on a pre-application inquiry, considered a bat survey should be carried out and work should be carried out outside of wild bird nesting season.

The Landscape Officer considers the protection of the vernacular buildings and their setting is a key consideration in preserving and maintaining the landscape character in this part of the district. She considers there are several issues surrounding the design of the new house:-

- \* Its prominent position sited on the edge of woodland area where the land starts to fall away towards the lakes;
- \* Its design - the bold strong symmetry and formal design of the new house is alien to the traditional barn and farm architecture currently occupying the current site;
- \* Its scale - the proposed dwelling competes with the existing stone out buildings in terms of proportion and scale;
- \* Its location - the house is sited quite far away from the out buildings providing reason to extend the domestic curtilage which is not favoured;
- \* Its vernacular impact which will result in the loss of a traditional farm steading.

She concludes that new house is harmful to character of the Nidderdale AONB.

While the proposed dwelling does pick up elements of two local houses and has included some ECO friendly features in its design, it is not considered of an exceptional quality or innovative nature of design for there to be a special justification for granting planning permission, a criteria set out in PPS7.

Policy H20 requires that a replacement dwelling should be no larger than the existing dwelling. The personal circumstances for additional accommodation should be given very limited weight. The size of the proposed dwelling is very significantly larger than the existing dwelling and therefore does not accord with the criteria of Policy H20. However, sympathetic Members may be to the circumstances of this case, Members are advised to be consistent with the Policy.

The extent of the development with its large new house and extended curtilage introduces a completely new style and character of farmhouse and steading into this former small and intimate landscape. The changes are significant, are counter to the protection of natural beauty of the AONB and, notwithstanding the personal circumstances of the applicant, do not comply with planning policies for replacement dwellings in the countryside. Structure Plan Policy E1 states that in an AONB there will be a presumption against new development or major extensions to existing development except where it can be shown to be necessary in that location. Consequently the development does not comply with Local Planning Policies.

**3. LANDSCAPE** - Policy C2 seeks to protect existing landscape character. The introduction of a "hall" like house in a position unrelated to the farm access road, and almost inevitable parkland landscaping that is likely to be carried out to complement the landscaping around the two new lakes nearby, will all contribute to a material change in the character of the landscape from one of a dales farm steading to that of a large and substantial house with little apparent link to the agricultural needs of the area. The combination of all these elements of the development will change the character of the area in a way which is considered to conflict with Policy C2.

**4. OPEN SPACE** - The proposed dwelling is to be a replacement for the existing farmhouse. Consequently there is no net gaining in the number of dwellings and if permission were to be granted, there will be no requirement to provide for either open space or contribution to the village halls. Nevertheless the applicant has signed and returned a unilateral obligation.

### ***CONCLUSION***

The proposals do not satisfy the criteria of exceptional quality and innovative nature of design expressed in PPS7. The proposed dwelling, because of its large size and imposing nature, while noting the personal circumstances of the applicant's family, is exceptionally large and together with the associated curtilage roadways and planting would significantly change the character of the steading, would be harmful to the character of the area and would be harmful to the natural beauty of the AONB and conflict with local and structure plan policies seeking to protect that special character of local and national importance. In the opinion of the Local Planning Authority there are no exceptional circumstances which warrant the building of a new dwelling to this size and in this position so that, as well as conflict with policy H20, there is conflict with Policy H7. Consequently the development is contrary to the Development Plan and therefore it is strongly recommended that planning permission is refused.

**CASE OFFICER:**

Mr M A Warden

### **RECOMMENDATION**

That the application be REFUSED. Reason(s) for refusal:-

- 1 The proposed dwelling is considered to be exceptionally large, larger than the existing dwelling and with the associated curtilage, roadways and landscaping works would harm the character of the landscape and natural beauty of the area, consequently the development would be contrary to North Yorkshire County Structure Plan Policies E1 and H5 and Harrogate District Local Plan Policies C1, C2, C13, C15, C18, HD20, H7, H18 and H20.