

North Yorkshire Council
Community Development Services
Skipton and Ripon Area Constituency Committee
4TH JULY 2023

**2023/24786/FUL - ERECTION OF DETACHED DWELLING ON SITE OF EXISTING
GARAGE; REPLACEMENT GARAGE AT DETACHED DWELLING AND GARAGE
AT, NORWOOD HOUSE, LOW LANE, COWLING, KEIGHLEY, BD22 0LE ON
BEHALF OF MR J WOOD**

Report of the Corporate Director – Community Development Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the erection of a detached dwelling on land at Norwood House, Cowling.
- 1.2 This application is brought to the Area Planning Committee as a Member of the Council has made representations in writing to the Head of Planning (HoP) within the publicity period and the HoP in consultation with the Chair is satisfied that it has been demonstrated that the application raises significant material planning issues.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION:

- 2.1 That planning permission be refused due to the reasons listed below.
- 2.2. This application seeks full planning permission to demolish the existing garage serving the Grade II Listed Norwood House and construct a detached dwelling with associated curtilage, access and parking.
- 2.3. The application site is located outside of any main built-up area and lies in open countryside for planning purposes
- 2.4. There is an objection to the proposal from the Heritage Consultant, who considered the proposal will cause a low level of harm to the setting of the listed building due to inappropriate size, design, location and inadequate specification.
- 2.5. There are no other objections.
- 2.6. The proposal is not considered to meet the requirements of Local Plan Policy SP4 and paragraph 80(e) of the NPPF as the design is not considered to be truly outstanding. In addition, the proposal is considered to cause harm to the

setting of the Grade II Listed Norwood House, and does not meet the requirements of LP Policy SP3 as the housing density is significantly below the requirements of that policy.

3.0 Preliminary Matters

3.1 Access to the case file on Public Access can be found here

<https://publicaccess.cravendc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RPVDSXFKH8L00>

3.2 The following relevant planning history has been identified for the application site:

- 5/22/111 - Erection of one detached dwelling in part O.S. 52 at Low Lane, Cowling (Outline application). Refused 27th January 1978 for the following reasons:

"1. It is considered that proposals for new residential development outside the limits of a village can only be accepted when it can be shown that there is a proven need for such development essential to the needs of a rural area. Without such proven needs, residential development in this location is of a sporadic nature, which the D.P.A. wish to avoid.

2. Additionally, Low Lane has a restricted width, and it is considered to be unsuitable for accommodating any new residential development, for which this proposal would set a precedent. "

- 05/22/111/A - Erection of one dwelling on land north-west of Norwood House Farm, Norwood, Low Lane, Cowling (Outline application). Refused 13th March 1981 for the following reasons:

"1. In accordance with Policy H5 of the North Yorkshire County Structure Plan, isolated residential development which is not related to an existing settlement is not normally permitted unless it can be shown either that it is essential for the needs of agriculture or forestry or that there are other exceptional circumstances which would warrant the granting of planning permission. The D.P.A. is not satisfied that an overriding need for a new dwelling on this site has been proven.

2. Additionally, Low Lane has a restricted width, and it is considered to be unsuitable for accommodating any new residential development, for which this proposal would set a precedent "

3.3. The following relevant planning history has been identified for the dwelling, Norwood House:

- 22/2002/2433 - Alterations and extension to existing dwellinghouse (Listing Building Consent). Approved 11th October 2002.
- 22/2002/2434 - Demolition of existing east gable wall and flat roof extension; erection of new 2 storey extension to match existing details. Approved 11th October 2002

4.0 Site and Surroundings

4.1. The application comprises a parcel of land in an isolated location, approximately 1.5km to the north of Cowling. Low Lane runs along the south western boundary, and to the south western corner of the site is the garage of Norwood House, a Grade II listed building to the south west.

4.2. Part of the site (the south western corner) is currently occupied by the garage and part of the garden of Norwood House. The rest is part of an open field in the ownership of the applicant, the north eastern part of which is used to keep pigs.

4.3. The Historic England listing description for Norwood House is as follows:

"SD 94 SE COWLING LOW LANE 1131804 (5/53) Norwood Farmhouse

II

Former farmhouse, now a house, probably later C17 with alterations. Rendered with stone slate roof, hipped towards the lane. The main front is of 2 storeys and 3 bays. The windows are double chamfered stone mullioned, with hoodmoulds to the ground floor, where one of the windows is of 5-lights. Above they are of 3, 2 and 3 lights. The return wall to the lane has 2 similar windows to the ground floor (botched with square mullions) but those above have been modernised. Three chimneys. A long range runs back along the lane which has been modernised and is not included in the item."

4.4. The site is located outside of any main built-up area, in an area defined as open countryside under the terms of policies in the adopted Local Plan.

4.5. The site falls within land with a Grade 3/4 Agricultural Land Classification and is identified as "Pasture with Wooded Gills and Woodland" in the Craven Landscape Appraisal (2008).

4.6. As per the Environment Agency's Flood Map for Planning, the entire site is located within Flood Zone 1, the area at lowest risk of flooding from rivers and sea.

5.0 Description of Proposal

5.1. This application seeks full planning permission to demolish the existing garage serving Norwood House and construct a detached dwelling with associated curtilage, access and parking.

5.2. Access would be from Low Lane, at the site of an existing gate into the pasture to the west of the garage.

5.3. The proposal also includes the construction of a new garage to serve Norwood House.

6.0 Planning Policy and Guidance

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2 The Adopted Development Plan for this site is the Craven Local Plan 2012 to 2032 adopted November 2019.

Emerging Development Plan - Material Consideration

6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Consideration

6.4 Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide
- Good Design in Craven SPD
- Technical Housing Standards - Nationally Described Space Standard, March 2015 (NDSS)
- NYCC Interim Parking Standards, 2015
- Planning (Listed Buildings and Conservation Areas) Act 1990.

7.0 Consultation Responses

7.1 The following consultation responses have been received and have been summarised below

Consultees

7.2 **Cowling Parish Council:** "No objections"

7.3. **Ward Member:** *"Whilst as the divisional councillor I will keep an open mind until I have seen all evidence my first impression is that this is a reasonable development. Efforts seem to have been made to achieve a highly sustainable design and to use a palette of materials that respects the local style. It seems close enough to the existing building to avoid falling into the category of development in open countryside. I would therefore formally request as the local councillor that if the recommendation is for rejection that it should go before the planning committee for consideration. I don't currently believe that would be necessary if the recommendation is for approval but remain open to changing my mind if I see new information."*

7.4. **Heritage Advisor, Hinchliffe Heritage** - recommendations made as follows:

"I recommend that the application should be refused because:

- A) the proposed new house would be contrary to the aims of Section 16. Conserving and enhancing the historic environment of the NPPF (2021) and Policy ENV 2 Heritage and Policy ENV3 Design of the Craven Local Plan, by reason of its inappropriate size, design and location and inadequate specification, which would harm the setting of Norwood.
- B) the proposed new house fails to comply with Criterion d) of the Policy SP4: Spatial Strategy & Housing Growth and Policy ENV3 Design of the Craven Local Plan and Para 80e of the NPPF due to its inadequate design and inadequate specification."

7.5. **North Yorkshire Council Environmental Health:** "In respect to the above mentioned application, there are no known contaminated land implications regarding the proposed development. Having considered this application, I have not identified any Environmental Protection issues that give me cause for concern."

7.6. **North Yorkshire Council Highways:** No objections to the application, so long as the wall at the access point is no higher than 1.1m as per the submitted site plan. There is also a recommendation that conditions are attached to any approval dealing with the construction of the access and ensuring the required visibility splays are achieved.

7.7. **Tree Officer** - no objections subject to a tree protection plan and specification for tree planting, which can be secured by condition.

Local Representations

7.8. No local representations have been received.

8.0 Environment Impact Assessment (EIA)

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

9.1 The key considerations in the assessment of this application are:

- Principle of development
- Design and visual impact
- Heritage
- Housing Density
- Protected species and biodiversity
- Other Matters

10.0 ASSESSMENT

Principle of Development

10.1 The first consideration in respect of this application is that the site is located outside of any main built-up area and lies in open countryside for planning purposes. In compliance with NPPF policy, as set out in paragraph 80 of the NPPF, Local Plan (LP) Policy SP4: Spatial Strategy and Housing Growth at part K limits residential development in areas of open countryside to specific exceptions as follows:

- a) the proposal would meet an essential need for a rural worker to live permanently at or near their place of work in the countryside;
- b) the proposal is required in order to secure significant improvements to the environment or conservation of a designated heritage asset, and such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the proposal is for the re-use of one or more redundant or disused buildings and would enhance the immediate setting; or
- d) the design is of exceptional quality and in accordance with the National Planning Policy Framework.

10.2. In this instance, the proposal does not meet with (a),(b) or (c), and therefore is to be considered under (d), that the design is of exceptional quality and in accordance with the National Planning Policy Framework (NPPF).

10.3. Paragraph 80(e) of the NPPF starts that for such development to be acceptable, the design should be of exceptional quality, in that it:

"-is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

The requirements of these policies will be considered below, and if the design of the proposal is assessed as meeting the standards outlined in LP Policy SP4 part K(d) and NPPF Paragraph 80(e) then the principle of development will be considered acceptable.

10.4 The requirements of these policies will be considered below, and if the design of the proposal is assessed as meeting the standards outlined in LP Policy SP4 part K(d) and NPPF Paragraph 80(e) then the principle of development will be considered acceptable.

Design and visual impact

10.5 LP Policy ENV1 seeks to ensure that Craven's countryside and landscape is conserved and opportunities to restore and enhance the landscape are taken wherever possible. Development proposals should have regard to relevant landscape evidence and respond to the particular character area and type they are located within.

- 10.6 LP policy ENV3 requires that development should respond to context, should respect the form of existing and surrounding buildings and maintain the sense of place. Furthermore, development should seek to enhance local distinctiveness.
- 10.7 The NPPF encourages early pre-application engagement and discussion, and in order to provide clarity about design expectations, states at paragraph 128 that all local planning authorities should "prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences." The Supplementary Planning Document "Good Design in Craven" was adopted by the former Craven District Council in December 2022. The applicant has not engaged in pre-application discussions, nor has referred to the "Good Design" SPD in their submission.
- 10.8 The bar set in the NPPF is a high one - the design should be "of exceptional quality" and over and above what would be considered acceptable under LP design policy ENV3. While the proposal may be acceptable as a contemporary, environmentally friendly dwelling and could be considered to comply with LP Policy ENV3 in a location where paragraph SP4 K(e) was not a policy requirement, in this specific location the stringent requirements of NPPF paragraph 80(e) need to be met. These requirements can be broken down as follows:

The design should be all of the following:

- truly outstanding, reflecting the highest standards in architecture
- would help to raise standards of design more generally in rural areas
- would significantly enhance its immediate setting
- be sensitive to the defining characteristics of the local area.

- 10.9 The NPPF does not define these test further, therefore it is a matter of planning judgment to determine if they are met.
- 10.10 The design proposal is accompanied by a Design and Access Statement, Planning Statement and Heritage Statement, all three of which touch on the design of the dwelling but fail to offer any in-depth analysis of the design rationale; justification of the specific aspects of the design or history of its development in context with the site and its surroundings. This is considered to be essential in order to gain a deeper understanding of the design and fully assess its quality.
- 10.11 Paragraph 5.16 to 5.18 of the submitted planning statement sets out the following:

"5.16 The Design & Access Statement demonstrates the proposed dwelling is both innovative and of exceptional quality, and of a very high design standard.

5.17 In particular, the dwelling would incorporate a low carbon energy strategy. This would be aimed at reducing the building's reliance on imported

energy, minimising the impacts of its operations and addressing the demands of occupants in addition to regulated energy consumption. It is intended to create a highly efficient building envelope using, a Mechanical Heat Recovery System and integrated renewable technologies.

5.18 This blend of high design standard and the high environmental standards proposed, combine to create a dwelling which can be considered to be 'innovative'."

- 10.12 This does not sufficiently set out any justification as to the "truly outstanding" nature of the design, and the submitted Design and Access Statement does not set out the design thought processes. While the low carbon strategy is commendable, this alone is not sufficient to qualify as truly outstanding, as while environmental innovation can contribute to an outstanding design. It needs to be integrated with a holistic design strategy which is not apparent in this submission.
- 10.13 The submitted plans are adequate to assess the overall general design of the proposal, but fail to give sufficient depth and detail that would be expected in a submission of this nature, which demands the highest standards in architecture. The proposed elevations, for example, do not show the roof design in any great detail, with no indication of rainwater goods or indication of how the wall structure meets with the roof. The chimney is a prominent design feature, but there is little specific information given, and there is a lack of detailing regarding windows, doors and materials. The application therefore in this instance is not considered to reflect the highest standards in architecture, due to the lack of detail provided in the proposed plans and the unclear design rationale.
- 10.14 Further, the NPPF requires that the submitted scheme "would help to raise standards of design more generally in rural areas". The design is of a contemporary nature, and it is accepted that in the LP area there are few examples of new, contemporary designed dwellings and the approval of such a dwelling may encourage more diverse design in an area dominated by more traditional forms.
- 10.15 The proposal is in an isolated rural area, on a quiet lane where Norwood House, the listed building and converted barn, is the only visible property. The garage to Norwood house, which is to be replaced by this property, sits back slightly from Low Lane and the overall impression of the lane is of a narrow rural lane edged by mature hedgerows and trees. The creation of the new access to the proposed property will require the removal of small trees and hedgerow, the construction of a wall and the introduction of further built form adjacent to the roadside. While it is acknowledged that the built form of the proposed house follows the line of Norwood house and reflects the massing on a smaller scale, the frontage of the proposal offers a relatively blank wall to the roadside with limited openings. This contrasts with the existing property and detracts from the feeling of a rural lane enclosed with hedgerow and tree cover. Overall it is not considered that the proposal would enhance the immediate setting.

10.16 It is considered that the design of the proposal fails to meet the tests in paragraph 80(e) of the NPPF, and therefore does not accord with LP Policy SP4 K(d) and is not therefore acceptable in principle.

Heritage

10.17. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.

10.18. The proposal will replace the current garage serving Norwood House, and therefore will have an impact upon the setting of the listed building. Policy ENV2 of the LP states that proposals affecting a designated heritage asset should conserve those elements which contribute to its significance.

10.19. The proposal is on a larger scale than the garage which it is to replace, and the construction of a new dwellinghouse in this location changes the nature of the built form from an outbuilding serving the host listed property to a more significant independent construction, with its associated independent access and curtilage. Any construction would need to ensure that the significance of the listed building is not impacted.

10.20. The heritage consultant in his report concludes that the proposals would cause a low level of harm to the setting of Norwood House, which would not be outweighed by any public benefits. The report considers that the presence of the proposed dwelling will have a greater impact than the existing garage, and draw attention away from Norwood by virtue of its inappropriate design, materials and siting. In addition, the report considers that the submission is not of a suitable high quality design and "...will visually jar incongruously with the traditional form of Norwood."

10.21. While it is considered that the low carbon nature of the property offers some public benefits that offset the harm, these benefits are not considered sufficient to tip the balance to a neutral level of impact upon the setting of the listed building.

10.22. It is therefore considered that the impact upon the setting of the listed building is not at an acceptable level and does not comply with LP Policy ENV2.

Housing Density and mix

10.23 LP Policy SP3 requires new housing to provide an appropriate mix of housing in accordance with the most up to date evidence and for housing to be provided at an appropriate density that makes effective and efficient use of land.

10.24 The policy allows a flexible approach to mix and density where it is necessary. The most up to date evidence for housing need is contained within the 2017 Update Strategic Housing Market Assessment ('SHMA'), With respect to market housing, the SHMA recommends a mix of 18.9% one and two bed, 57.3% three bed and 23.8% four or more bed houses.

- 10.25 The Local Planning Authority monitoring of housing delivery is contained within the Annual Monitoring Report ('AMR'), the most recent version published December 2022. Table 23 of AMR shows the provision of three bed market dwellings is falling well short of the SHMA target with 32.7% of total market dwellings consented this year being properties of this size.) This scheme therefore reflects the size of dwelling most needed by the District and would assist alleviate an ongoing shortfall.
- 10.26 The proposal equates to a density of approximately 7/ha. This is well below the indicative typical suggested density of 32 d/pa and while this is to be expected in a submission of this nature and some flexibility is allowed, is considered that this is significantly below the suggested density and does not represent an efficient use of land. The proposal is therefore not in compliance with LP policy SP3

Protected Species and Biodiversity.

- 10.27 LP Policy ENV4: Biodiversity states that growth will be accompanied by improvements in biodiversity and, wherever possible, development will make a positive contribution to achieving net gains in biodiversity. This includes protecting international and national designations; avoiding harm to and encouraging enhancement of sites, networks, habitats and species; increasing tree and woodland cover; safeguarding surface and ground water bodies; enabling wildlife to move freely through the natural and built environment; and ensuring that net gains are delivered on specific allocated sites.
- 10.28 A preliminary ecological appraisal submitted with the application does not identify any protected species that may be impacted, and recommends that in order to achieve net gain, the remaining grassland on site is managed in a way to increase value of this habitat, and recommends that any vegetation is cleared outside of the bird nesting season.
- 10.29 The proposal involves the removal of four trees, and some works within the roots protection area of retained trees. However to offset this loss, significant tree planting is proposed to the west of the site The tree officer has been consulted and has no objections to the scheme, subject to conditions regarding tree protection and specifications regarding the replacement planting.
- 10.30 Along with the proposed tree planting and green roof, it is considered that the development is assessed to meet the relevant requirements of Policy ENV4, the NPPF, The Conservation of Habitats and Species Regulations (2017) and the Wildlife and Countryside Act (1981) (as amended).

Other matters

- 10.31 LP Policy INF4 requires new development to minimise congestion and encourage sustainable transport modes. LP Policy INF4(a) seeks provision of safe, secure and convenient parking for motor vehicles and bicycles. LP Policy INF4(b) clarifies that the provision of parking spaces for motor vehicles will have regard to the nature of the proposal and will be determined on a flexible basis 'determined on its own merits, enabling good design solutions to

be achieved.' 9.46NPPF Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.32 The Local Highway Authority do not object to the proposals on highways grounds. It is considered that the proposal will not result in unacceptable impact on highway safety subject to the inclusion of the recommended conditions by the Local Highway Authority.

10.33 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. Policy ENV3 of the Craven Local Plan states that development should protect the amenity of existing residents and occupiers as well as create acceptable amenity conditions for future occupiers.

10.34 The proposals, given the location of the building and the location of the window openings on the elevation facing the grounds of Norwood House, is not considered to have a detrimental impact upon the privacy and amenity of neighbouring occupiers.

11.0 PLANNING BALANCE AND CONCLUSION

11.1 This application site is located outside of any main built-up area and lies in open countryside for planning purposes. In compliance with NPPF policy, as set out in paragraph 80 of the NPPF, Local Plan (LP) Policy SP4: Spatial Strategy and Housing Growth at part K limits residential development in areas of open countryside. The application does not accord with any of the criteria at part K, and specifically the design of the proposal fails to meet the tests in paragraph 80(e) of the NPPF, and therefore does not accord with LP Policy SP4 K(d) and is not therefore acceptable in principle.

11.2. In addition, the proposal is considered to cause a low level of harm to the setting of the Grade II Listed Norwood House, which would not be outweighed by any public benefits, and is therefore not in compliance with LP Policy ENV2.

11.3. The proposal does not accord with LP Policy SP3, in that the proposal is significantly below the suggested housing density and therefore does not represent an efficient use of land

11.4. While the proposal is considered to be in compliance with all other LP Policies, the material circumstances identified above are not considered sufficient to warrant a departure from the up-to-date development plan and the application is recommended for refusal accordingly.

12.0 RECOMMENDATION

12.1 That planning permission be REFUSED for the following reasons:

Reason1 : The proposal consists of housing development within the open countryside contrary to the criteria of Craven Local Plan 2012 to 2032 (November 2019) Policy SP4K and paragraph 80(e) of the NPPF.

Reason 2: The proposal would be contrary to the aims of Section 16 of the NPPF (2021) and Policy ENV 2 of the Craven Local Plan, by reason of its inappropriate size, design, location and inadequate specification, which would harm the setting of the Grade II Listed Norwood House.

Reason 3: The proposal does not accord with LP Policy SP3, in that the proposal is significantly below the suggested housing density and therefore does not represent an efficient use of land.

Target Determination Date: 30 June 2023

Case Officer: Jo Starr
Jo.Starr@northyorks.gov.uk



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