

10. FULL APPLICATION – NEW DEPENDANT RELATIVE DWELLING AT CARR BOTTOM FARM, CARR LANE, THORNHILL (NP/HPK/1115/1097, P576, 420033/374258, 23/03/2016/SPW)

APPLICANT: MR JOHN BENNETT

Site and Surroundings

Carr Bottom Farm is a relatively isolated farmstead located in the open countryside close to the River Derwent, in the valley bottom. The site is approximately 300m to the north east of Thornhill and 700m to the west of Bamford. The site is not within a designated conservation area and there are no listed buildings on the site.

There is a large detached farm worker's dwelling on the site, and a range of agricultural buildings including both modern and traditional buildings. Next to the house there is some stonework remaining from the remains of the original farm house. There are two traditional agricultural buildings that appear that they could lend themselves to conversion to a dwelling, but currently these are both in use for the agricultural enterprise.

The site is accessed via a farm track which runs for approximately 250m from the nearest road (Thornhill to Yorkshire Bridge).

Proposal

The proposal is described in the development description as a new dependant relative dwelling. It would provide 77m² of habitable accommodation. It is approximately 8m x 5.5m, with an eaves height of 5m and a ridge height of approximately 7m. It would be constructed of random gritstone with sawn gritstone heads and sills to the openings, the roof would be clad with natural blue slate.

Although the site adjoins the existing dwelling, the proposed dwelling would have its own distinct curtilage.

RECOMMENDATION:

That the application be REFUSED for the following reasons-

- 1. The proposal is contrary to the provisions of the development plan because of its scale and nature it would amount to the creation of a separate dwelling or annexe that could be used as a separate dwelling and it is not achieved via conversion. This is contrary to Local Plan Policies LH4 and LH6.**
- 2. Creation of a new dwelling in the isolated open countryside location is contrary to the provisions of the housing policies of the development plan including Core Strategy Policy HC1, Local Plan Policy LH1 and also the NPPF.**

Key Issues

- Is the scale and nature of the proposal one which would normally be acceptable under LH4 as an extension or an outbuilding or is it one which amounts to the creation of a separate dwelling or an annexe that could be used as a separate dwelling?
- Are the intended occupants capable of occupying the premises as an ancillary dwelling?
- Is the proposal contrary to the Housing policies of the development plan?

History

In 1961 planning permission was granted to extend the farm house at Carr Bottom Farm. Following grant of the two permissions below the residential use of the original farm house ceased (as required by planning conditions) and fell into disrepair.

1970 Outline planning permission was granted for a farmhouse to replace the existing farmhouse at Carr Bottom Farm. The occupation of the dwelling was limited by planning condition to a person employed or last employed in agriculture and a planning condition required the residential use of the existing farmhouse to be discontinued within 3 months of completion of the proposed dwelling. The reasons for the occupancy restriction were because the site is away from an established settlement and because the site would not be acceptable for residential development in the absence of an essential agricultural need. The reason for ceasing the use of the existing dwelling was because the then Board appreciated the need of the applicant to move into more satisfactory accommodation but the establishment of a further residential unit would be contrary to the policies about residential development which is to encourage all new residential development to be located within existing villages.

1971 Detailed planning permission was granted for the replacement dwelling. The approved plans show the property as permitted had 4 bedrooms. It was granted subject to the same agricultural occupancy restrictions and same requirement to cease the use of the existing dwelling within three months.

1985 There is a photograph on the file showing the group of buildings at Carr Bottom Farm. At this time there still appeared to be a structure where the former farmhouse stood. That structure is much smaller than the existing house and barns.

2015 – PE/2015/ENQ/22699 Pre application advice was sought by the applicant in relation to siting a Pinelog lodge to live on the farm so that the applicant and his partner are on site with the animals. This was proposed to be sited in the farm yard on the site where an old building is being demolished. The advice given has led to this submission for an ancillary dwelling.

Consultations

Highway Authority – Given the scale of the proposed development the proposal has been assessed in highways terms as a separate residential unit. The existing access does not meet current design criteria. Given that the access already serves the Carr Farm Complex it is considered unlikely that there would be any significant increase in traffic movements. Parking and turning should have been shown on the plans and this would need to be sufficient for all service vehicles visiting the site. A bin dwell area should also be shown on the plans. Subject to resolving these matters, no further objection subject to conditions relating to agreeing parking and turning and bin dwell areas and site compound for storage of plant and materials and parking and manoeuvring for site operatives, visitors and loading.

Borough Council – No response to date.

Parish Council – Proposal would utilise the former footprint of a previous building. The proposal is felt to be uncontentious, and is therefore supported.

Representations

Three representations have been received in support of the proposal they raises the following points:

- Needed by the Bennet family
- Good design in character with surroundings and rest of the farm holding
- A real need for local needs housing in the Hope Valley.
- The applicant has a valid reason for the proposed development.

- No impact on any neighbours.
- Uncontentious
- Applicant needs to live on the site not only for the care and wellbeing of the livestock but to care for his elderly father as well.
- This would free up a much needed property in the Hope Valley for local needs.

Officers consider that the above points are dealt with in the body of the report, but it should be stated that no local need affordable housing or agricultural worker's dwelling case has been put forward in this application.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, HC1, T7.

Relevant Local Plan policies: LC3, LC4, LH4, LH6, LH1, LT18.

The key Core Strategy policies that relates to the general principle of the proposal are DS1, GSP1, GSP2, GSP3, GSP4, and HC1. DS1 sets out the development strategy for the National Park. It has provision for new build housing, as Local Needs Affordable Housing, in named settlements or for housing via change of use of existing buildings. GSP2 seeks enhancement, explaining that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. GSP3 requires high design and amenity standards and design in accordance with the 'Design Guide'. The housing policies of the Core Strategy do not provide for housing solely to meet unrestricted open market demand. HC1 has some exceptions for new build housing, this is for local needs affordable housing (HC1a), or agricultural workers dwellings (HC1b and HC2) and there is provision for conversion to a dwelling where it is required in order to achieve conservation or enhancement of a valued vernacular or listed building (HC1c).

Local Plan Policy (LPP) LC4 requires a high standard of design that is in keeping with the local building traditions. Whilst there is no specific provision in the development plan for new build ancillary dwellings, officers consider that a combination of the provisions in LPP LH4 and LH6 can allow for new build ancillary dwellings provided it is either scaled and designed as a house extension or an outbuilding that would normally be permissible under LH4.

LPP LH4 requires that extensions and outbuildings do not detract from the character, appearance or amenity of the original dwelling or its setting and do not allow an extension or outbuilding that amounts to the creation of a separate dwelling or an annexe that could be used as a separate dwelling. LH6 deals with the conversion of outbuildings within the curtilages of existing dwellings. It permits the conversion to ancillary residential use provided that: it would not harm the character of the building, the dwelling and the surrounding area; it would not result in an over-intensive use of the property, an inadequate standard of accommodation or amenity space, or the need to replace outbuildings at a later date; the site is large enough to meet the parking and access requirements of the proposed development; the new accommodation provided would remain under the control of the occupier of the main dwelling. Local Plan Policy LH1 exceptionally permits Local Needs Affordable Housing.

The Authority's SPDs the 'Design Guide' and the 'Detailed design guide for alterations and extensions' provide further guidance on the design of housing including extensions and outbuildings.

National Planning Policy Framework

The relationship between the Core Strategy and the National Planning Framework (NPPF) has also been considered and it is concluded that they are consistent because the NPPF recognises the special status of National Parks and promotes sustainable development sensitive to the locally distinctive character of its setting.

Paragraph 54 of the NPPF says local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Paragraph 55 explains that Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for an agricultural worker's dwelling; or where development would represent the optimum viable use of a heritage asset; or through re-use of redundant or disused building and lead to an enhancement to the immediate setting. In general these provisions are consistent with the provisions of Core Strategy policy HC1.

Assessment

As set out in the policy section there is no direct provision in the development plan for new build ancillary dwellings. However, there is a route to achieve these where they are of a scale that is compliant with Local Plan policy LH4 if it is a clearly subordinate outbuilding or house extension and if they can also comply with LH6.

The principal issue raised by the proposal is one of scale. The proposal at 77m² of habitable accommodation is comparable to the size of a 4-5 person affordable dwelling, and it would sit within its own curtilage. Indeed the footprint of the existing farm house and the proposed dwelling are very similar as shown on the submitted block plan. Visually it will also clearly read as a separate dwelling and not appear as a subordinate structure to the original dwelling. Therefore the proposed dwelling is clearly beyond the scale and nature which could normally be acceptable under Local Plan Policy LH4 as an outbuilding or house extension. The scale and design is tantamount to the creation of an independent dwelling and for these reasons it is contrary to policy LH4 as there is no provision in the development plan for this scale of new build ancillary dwelling. Whilst the site is within the curtilage of the wider farm, it is not within the curtilage of the existing dwelling nor does it include conversion of an outbuilding so it is also contrary to the provisions of Local Plan policy LH6.

Officers have provided some advice to the applicant and agent during the application process in relation to the scale, advising that for a new build ancillary accommodation/dwelling it would need to be the same as either a house extension or outbuilding that could be permissible under LH4. However if the scale of accommodation being sought is for family accommodation, as proposed here, this would need to be via conversion of an existing traditional building on the site, or a case would need to be made for a second agricultural worker's dwelling on the site. Nevertheless the applicant has asked that the application be determined as submitted.

The proposed occupants of the dwelling are not as suggested in the development description. It is understood that the dependant relative is the father of the applicant who currently lives in the existing house with one adult son. This son shares caring for the father with another adult son (the applicant) who currently lives in Hathersage. The father (the dependant relative) is intended to remain in their current dwelling with one son. The proposed accommodation is therefore for the son (and his family) who currently live in Hathersage, to make it easier for them to share the care of the father, so that they do not have to travel from Hathersage, which is approximately 4km (2.5 miles) away.

The proposed dwelling is therefore related to carer's accommodation. There is a Doctor's letter on the file which explains that a separate residence for the applicant and his partner, enabling them to be onsite to help with caring for the needs of the dependant, would benefit the family. Officers consider that the intention of aiming to house a second carer on the site is understandable, but as set out above there is no provision for this scale of new build ancillary accommodation in the development plan.

Officers have also looked at the emerging policies in the Development management DPD to ascertain if there is any support for the proposal in the October 2015 draft version. These are at an early stage so do not yet form part of the development plan, but if a decision is finely balanced they can help to steer decision making as a material consideration. However, Officers consider that the planning issues in this case are not finely balanced.

The emerging policy DMH5 would allow new build ancillary accommodation where no buildings are suitable for conversion, provided it is within the existing building group, is subsidiary in physical size to the main house and of an appropriate design. There are other criteria but these are the most relevant to this proposal. Officers consider that the proposal is also clearly contrary to this emerging policy as there are buildings on the site that are suitable for conversion, and the proposed new building is not subsidiary in physical size to the main house, instead in design terms and visually it would appear as a separate dwelling.

Whilst the design and siting of the proposed dwelling will not harm the character or appearance of the site or its setting, there are policy issues with the scale of the proposal. The design is of a relatively standard housing type that would normally be acceptable if the proposal was acceptable in principle. The site is close to the existing farmhouse at approximately 7m. It is offset (not directly behind the existing house) but because of its proximity, it is likely that there could be intervisibility issues between the two properties. Whilst this is a problem for an independent dwelling because of residential amenity, it would not be an issue for an ancillary dwelling.

Whilst it has been established that the proposal does not meet the provisions of the development plan for ancillary dwellings, officers have also considered whether it would meet any of the other provisions for housing. However, the proposal does not meet any of the exceptional circumstances in which new housing is allowed in the National Park. For example where it is required for conversion of a valued vernacular building or where there is an essential functional need for an additional agricultural worker on the site (as no such case has been put forward). A newly built dwelling in this isolated open countryside location, outside the confines of any named settlement is contrary to the housing policies as set out in Core Strategy Policy HC1, Local Plan Policy LH1, and also the National Planning Policy Framework.

Conclusion

The proposal is contrary to the provisions of the development plan because of its scale and nature it would amount to the creation of a separate building or annexe that could be used as a separate dwelling and it is not achieved via conversion. This is contrary to Local Plan policies LH4 and LH6 and to the housing policies of the development plan including Core Strategy Policy HC1, Local Plan Policy LH1 and the NPPF. There are no material considerations that suggest that a decision should be made that is not in accordance with the development plan.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil