

<u>Application Number</u>	WND/2022/0906
Location Description	PLOT 1 TYTHE FARM, HOLDENBY ROAD, EAST HADDON, NORTHAMPTONSHIRE
Site Details	REVISED DESIGN AND REMEDIAL WORK FOLLOWING BREACH OF PLANNING OF DA/2018/0157 AND SUBSEQUENT APPEALS APP/W2845/C/21/3279492 AND APP/W2845/C/21/3279517.
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Applicant	MR E NIXON
Agent	L RANDALL, LMR DESIGNS
Case Officer	E BUCHANAN
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Ward	LONG BUCKBY WARD
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Reason for Referral	CALL IN BY WARD MEMBER
Committee Date	5 APRIL 2023
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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application has been submitted for remediation work to the current dwelling that has been constructed not in accordance with the approved plans. The proposal is to reduce the height to bring it to the same height as the original approval, other alterations proposed are amendments to the existing porch to be as the approved application and to lower the dormer windows.

Other alterations that the applicants wish to retain not in accordance with the approved plans are:-

Increased size of the depth of the dwelling which also includes the rear two storey projection, increased size in the length and increased size in the garage.

Consultations

The following consultees have raised objections to the application:

East Haddon Parish Council
Ravensthorpe Parish Council
Councillor Bignell

The following consultees have raised no objections to the application:

Ecology

Highways

Environmental Health

4 letters of objection have been received and 0 letters of support have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Development Plan and other relevant guidance as listed in detail below in the report.

The key issues arising from the application details are impact on:

Principle of Development

Character and Appearance, including Effect on the Special Landscape Area
Residential and Local Amenity

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1 APPLICATION SITE AND LOCALITY:

1.1 The property is among a cluster of buildings that occupy a relatively isolated position within the open countryside with access via a long private drive from Holdenby Road to the south.

1.2 The village of East Haddon is approximately 1km to the southwest, Holdenby village is some 1.3km to the southeast and Ravensthorpe village lies approximately 1.6km to the north of the site. The property is located within the Special Landscape Area (SLA).

1.3 The property sits within a group of former agricultural buildings, including the former farmhouse. The property faces east towards East Barn,

which is a converted red brick barn, and to its rear the garden land drops away steeply towards adjoining fields.

1.4 Directly to the south in an elevated position is a large, detached dwelling within a substantial plot. To the north is a further large detached new build, which is the subject of a separate application.

1.5 The small enclave of five houses is encircled by undulating open countryside. The surrounding agricultural landscape is characterised by large fields whose boundaries are defined by hedgerows and interspersed with trees. Public footpaths run some 40–70 metres to the west of the site through the adjacent field and the footpath extends some 890 metres further out to the southwest side onto Holdenby Road. Another public footpath lies further to the west, approximately 500 metres away from the site and this runs to the north towards Ravensthorpe village.

2 CONSTRAINTS:

2.1 The site lies within the Special Landscape Area (SLA). A public footpath runs approximately 40 – 70 metres to the west of the site via the adjacent field and the footpath extends some 890 metres further out to the southwest side onto Holdenby Road. Another public footpath lies further to the west, approximately 500 metres away from the site and this runs to the north towards Ravensthorpe village.

3 DESCRIPTION OF PROPOSED DEVELOPMENT:

3.1 The application proposal seeks remedial alterations to the existing dwelling having been constructed not in accordance with the approved plans granted under DA/2018/0157.

3.2 Currently the as built dwelling is much larger in height and massing and has been the subject of a dismissed appeal.

3.3 The Inspector concluded that the as built development should either be demolished or to bring back in line with the approved plans. However there was no remediation scheme submitted at the time for consideration.

3.4 It should also be noted that the as built scheme is subject to change and therefore consideration of this application is against the approved scheme.

3.5 The dwelling approved by DA/2018/0157 measures:

34.5 metres in length by 6.2 metres in depth along majority of the dwelling with a maximum depth of 9.5 metres along the lounge area. The maximum height to the ridge of the roof along the main body of the dwelling was

8.5metres and 6.5 metres over the garage element.

3.6 The alteration proposed should be considered as an extension to an approved dwelling. Key aspect of the scheme which differs from the "as built" is that the height of the main building is proposed to be reduced to the same height as approved under application DA/2018/0157. However, the garage element would have the increase in height but still subservient to the main dwelling.

3.7 The proposed scheme measurements in comparison to the approved scheme measures:

34.5m in length by 7m in depth along the majority of the dwelling with a maximum depth of 11.5 along the lounge/games area. The maximum height to the ridge would be reduced from the current 9.5m to 8.5m - in accordance with the approved height by DA/2018/0157. The garage height would be 7m in height. The scheme removes the garage element.

3.8 Therefore, the alterations for consideration are the increase in depth of the overall dwelling and the increased height of the garage element.

4 RELEVANT PLANNING HISTORY

4.1 The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
PD/2014/0024	Class Q prior approval was granted for the change of use and conversion of a bricked and corrugated agricultural barn into two dwelling houses, with accommodation at the first floor.	Approved
DA/2015/0459	Planning permission was approved for the demolition of the agricultural barn and construction of two, detached two-storey four bedroomed dwellings with attached garages on the site.	Approved
NMA/2016/0060	Non-material amendment was approved to application DA/2015/0459 to slightly amend the position of the two dwellings and to swap around the position of the house and garage of both plots.	Approved

NMA/2016/0085	A further non-material amendment was submitted to application DA/2015/0459 to slightly amend the position of the two dwellings, to swap around the position of the house and garage of both plots and to extend the first floor of plot 1 to change the property from a four bedroomed property to five bedroom property.	Approved
DA/2017/0065	<p>A further non-material amendment was submitted to extend the first floor of Plot 1 across the full length of the building and to the ridge of the main house, to create six bedrooms at the first floor. The changes were not considered to be acceptable as a non-material amendment and thus was refused for the following reason:</p> <p>"This alteration as currently proposed is not considered to be minor in the context of the previous planning approval (as amended) and would materially affect the character and appearance of both plot 1 and of the surrounding ensemble of buildings. The further lengthening of the first floor of plot 1 will not retain the overall character of the</p>	Refused

	<p>original design, and the resultant building would compete with the converted brick barn facing it to the east which should remain as the dominant element within the group.</p> <p>The site sits within an Area of Special Landscape (SLA) and the original approval (DA/2015/0459) was accepted as an exception to prevailing policy against newbuild dwellings within the open countryside as it was considered that two properties with traditional proportions and appearance, designed to reflect the adjacent pre-existing nineteenth century barn but to be subservient thereto, would represent an overall environmental improvement. Subsequent incremental enlargements to plot 1 however have moved away from this position and it is considered that this current proposal, which will significantly alter the appearance and visual build of plot 1, would not be acceptable as a minor non-material amendment."</p>	
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DA/2018/0157	<p>Following the refusal of a full height first floor element to Plot 1 under ref: NMA/2017/0065, where the changes were not considered to be minor in the context of the original planning approval, an application for full planning permission was submitted (in the form of a revised scheme) for Plot 1. This application sought permission for a 1.5 storey element on the northern end of the dwelling, as opposed to the full height extension, and planning permission was approved on 25 May 2018.</p> <p>In reaching the decision to approve the 2018 planning application, the Case Officer took into consideration that the changes follow-on from the previous NMA's but includes "the further extension of the upper storey to plot 1 effectively contained within the roofspace above the garage wing, and thus represent an alternative development scenario from the previous NMA" and "These are all sizeable dwellings sited within generous plots which are in an isolated location which is not readily visible from the public vantage points, the nearest being a public footpath which passes some 50 m away to the west at the closest point."</p> <p>"Previously the applicant was informed that it was unlikely that any further such extensions to the approved scheme would be looked upon favourably as continued incremental extensions would result in a property significantly larger than that originally approved, which would probably not have been granted approval if submitted as such from the outset. The further attempt to do just</p>	Approved
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	that was therefore refused. – (NMA/2017/0065)	
DA/2020/1148	Variation of Condition 2 (approved plans) of planning permission DA/2018/0157 (Erection of two storey detached dwelling utilising existing private access, Plot 1 Tythe Farm (revised scheme)) - To alter the scale and appearance of the dwelling, including raising the height of the building by 1 metre to provide living accommodation in the roof at second floor, construction of first floor balcony platform on rear elevation and to increase the footprint of the dwelling (Retrospective).	Refused
APP/W2845/C/21/3279492 APP/W2845/C/21/3279517 (Land at Plot 1)	The breach of planning control in the enforcement notice is: Without planning permission the erection of a residential dwelling larger and different in appearance to that	Appeal Dismissed.

	<p>consented by the original planning permission ref: DA/2018/0157. Requirements of the notice are:</p> <p>a) Complete the necessary remedial works to the unauthorised building so that it is built in accordance with the plans and details as approved under planning permission DA/2018/0157 as detailed by condition two, Drawing no 015-012-SK02 Revision A Plot One Overlay Sketch, Drawing no 015-012-003 Revision P Proposed Site & Block Plan, Drawing no 015-012-004 Revision G Proposed Plan – Plot 1 and Drawing no 015-012- 005 Revision J Proposed Elevation – Plot One; or</p> <p>b) demolish the unauthorised building in the entirety ensuring that all materials resulting in the demolition are removed from the land and disposed of in an authorised waste transfer station.</p>	
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5 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 5.2 The Development Plan comprises: the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029; and the adopted Settlements and Countryside Local Plan (Part 2) (2020). The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (2014) (Part 1)
(LPP1)

5.3 The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- R1 – Spatial Strategy for Rural Areas
- R2 – Rural Economy
- BN2 – Biodiversity
- BN5 – Historic Environment and Landscape
- BN7 – Flood Risk
- BN9 – Planning for Pollution Control

Daventry District Settlements and Countryside (Part 2) Local Plan (2019)
(LPP2)

5.4 The relevant policies of the LPP2 are:

- SP1 – Daventry District Spatial Strategy
- RA6 – Open Countryside
- ENV2 – Special Landscape Areas
- ENV7 – Historic Environment
- ENV10 – Design
- HO8 – Housing Mix & House Type

Material Considerations

5.5 Below is a list of the relevant Material Planning Considerations

National Planning Policy Framework (NPPF) (2021)

Presumption in favour of sustainable development

Para 9 Take local circumstances into account

Para 11 Approve proposals that accord with the dev plan without delay.

Where plan is absent, silent or out of date, grant permission unless adverse impacts significantly and demonstrably outweigh the benefits

Chapter 5 Delivering a sufficient supply choice of homes

Para 68 Need to maintain a 5 year land supply plus 5%

Chapter 9 Promoting sustainable transport

Chapter 12 Achieving well designed places

Planning Practice Guidance
Supplementary Planning Guidance – Designing House Extensions
Northamptonshire Parking Standards Supplementary Planning Documents

6 RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report.

Consultee Name	Position	Comment
East Haddon Parish Council	Object	East Haddon PC have considered this application. The Council continues to agree with the decision made by the planning inspectorate and therefore object to any alterations that deviate from this decision. They are of the view that the planning inspectorate's decision should be enforced
Ravensthorpe Parish Council	Object	Ravensthorpe Parish Council strongly supports the Planning Inspector's grounds for dismissing the appeal against the

		<p>refusal of retrospective consent for Plot 1, Tythe Farm. The Council consider that the proposed minor modifications to the building do not adequately address any of the points raised by the Inspector or our previously voiced objections to the development. The building being of an extremely intrusive nature in such a rural landscape. The Council feels the present application should be refused and the developer should implement the Enforcement Notice without delay.</p>
WNC Ecology	No comments	<p>"I've reviewed the application documents and have no comments to make at this time".</p>
WNC Highways	No comments	<p>Does not have any comments or requests to make.</p>
WNC Environmental Protection Team	No objection	<p>Has no objection or comments to make.</p>

7 RESPONSE TO PUBLICITY:

Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.1 There have been 4 letters of objections raising the following comments:

Huge Unapproved Extension has negative impact on the village/environment
Structure was built intentionally 25% larger
70% increase internally
Current proposal is still 20% larger
Appeal decision should be upheld

8 APPRAISAL:

8.1 The determining considerations of the application are the principle of the proposal, the impact on the character and appearance, including effect on the special landscape area, impact on the amenity of the neighbouring properties and the impact on highways.

Principle of Development

8.2 The principle of residential development on the site was initially established by the 2015 prior approval (PD/2014/0024). While this approval originally sought to convert a former 1.5 storey bricked and corrugated agricultural barn into two dwellings, with living accommodation at the first floor, the prior approval was not implemented and planning permission was subsequently granted for demolition of the building and for the construction of two, two-storey detached four bedroomed dwellings with single-storey attached garages under planning permission reference number DA/2015/0459 and the subsequently approved amended application DA/2018/0157.

8.3 Therefore, the principle of residential development has previously been established on the site and all the Council can consider in this application submitted for the alterations to the built form, is the effect of the proposed changes on the character and appearance of the area, Special Landscape Area, public footpaths, residential amenity and highway safety.

8.4 Each of these matters are considered in turn below:

Character and Appearance of the Area (Including Special Landscape Area)

8.5 Policy RA6 of the Part 2 Local Plan recognises the intrinsic character, beauty and tranquillity of the open countryside and sets out the forms of development which will be supported in the open countryside. Criterion vi) gives support to existing buildings that respect their form and character. Policy ENV2 offers protection to Special Landscape Areas and states that "The Council will consider the impact of proposals on the special qualities of the Special Landscape Areas, including cumulative impacts, and will resist proposals that

would have a harmful effect on their special qualities that cannot be successfully mitigated”.

8.6 In comparison with the dwelling approved under DA/2018/0157, the final constructed dwelling has been built approximately 1m taller in height to the ridge of the roof on main body of the dwelling and 500mm taller for the garage element, 800mm in depth for the main body and 2m increase in the two storey rear projection forming the lounge/games room.

8.7 The proposal therefore seeks to reduce the overall height of the dwelling in line with the approved application reference DA/2018/0157 retain the as built depth of the dwelling and the as built 2 storey garage. Alterations to the porch to reduce its size to that approved under DA/2018/0157

8.8 It is considered that the following the reduction in height the amended proposal would not alter the character of the previously approved application and whilst there is an increase in width from the previously approved plans it is considered that the proposal would have a detrimental impact on the rural landscape and Special Landscape Area than the dwelling approved under DA/2018/0157.

8.9 Therefore the amended application is considered that the differences between the approved dwelling and the current application would not amount to a degree of harm which would justify a refusal of the application. The impact on the character and appearance of the area including the Special Landscape Area are therefore considered to be acceptable in this instance.

8.10 Primarily the proposed extensions and alterations do not materially change the appearance of the building.

Residential Amenity

8.11 Policy R1 (D) and ENV10 viii) seek to protect the amenity of occupiers of new and existing dwellings. The existing neighbouring properties that form this enclave of buildings are not considered to have any further impact on the amended scheme than the original application. There are no new windows proposed and the overall height is being reduced it is therefore considered that the residential amenities of the neighbours are not harmed by the scheme.

8.12 Overall, it is considered that the proposal conforms with policy ENV10 with regards to the protection of residential amenity.

Highway safety and parking:

8.13 The proposal utilises the existing access and there is sufficient space to the front of the dwelling for parking and it is therefore considered that the number of off-road parking spaces provided are sufficient for the development

and furthermore the WNC Highways Authority commented on the proposal and have raised no objections to the proposal on highway safety grounds.

Biodiversity

8.14 The WNC Ecologist was consulted on the proposal in relation to any adverse impact on the site and has raised no objection.

9 Financial Considerations

9.1 This development is not liable to pay the Community Infrastructure Levy (CIL).

10 Planning Balance and Conclusion

10.1 The principle of residential development on the site has been established by the previous planning permissions. Owing to the scale, height and design of the original approved scheme, it is considered that the changes proposed in this application would not have significantly more impact on the character and appearance of the site, surrounding rural area and Special Landscape Area than the dwelling previously approved. The proposed changes would not result in any more impact on neighbour residential amenity and no significant highway issues or other issues have been identified that would justify refusal of the application.

11 RECOMMENDATION / CONDITIONS AND REASONS:

11.1 It is recommended that the application be **APPROVED** subject to the following conditions:-

CONDITIONS

- 1. Except where expressly stated by other conditions on this planning permission, the development shall be carried out strictly in accordance with the details shown on the following amended drawings deposited with the Local Planning Authority:**

(amended plans are being submitted with some design changes
- 2. The alterations under the proposal hereby approved shall commence within 12 months from the date of this permission and shall be completed no later than 3 years from the date of this decision.**
- 3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order with or without modification) no development shall be carried out**

which falls within Classes A to E inclusive of Part 1 of Schedule 2 to the Order without the prior express consent of the Local Planning Authority

- 4. The development hereby approved shall proceed in accordance with the recommendations of the contaminated land report previously submitted in accordance with planning application DA/2015/0459, reference: 'Stage 1: Desktop Study and Risk Assessment Report at Tythe Farm, Holdenby Road, East Haddon, Northamptonshire, NN6 8DW', report no: YE2764 (Revision 1) dated November 2016, by Your Environment, Chilgrove Business Centre, Chichester. This shall include any further works or measures as subsequently identified by Local Planning Authority with respect to identified on-site sources of potential contamination. The site shall be remediated in accordance with the approved measures before development begins.**
- 5. If during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the Local Planning Authority, and the implementation of any necessary remediation works has taken place and a verification report has been approved in writing by the Local Planning Authority.**

REASONS

- 1. To clarify the terms of this planning permission, to ensure that the development is carried out in accordance with the submitted details and to allow the Local Planning Authority to consider the effect of any changes.**
- 2. In the interests of the visual amenity of the area and SLA in which the site lies and to ensure the works are completed in accordance with the approved plans having regard to the previous appeal decision and confirmed enforcement notice.**
- 3. To ensure that the appearance of the approved development within a Special Landscape Area and within the open countryside is not harmed by subsequent unsympathetic permitted alterations and in the interest of residential amenity**
- 4. In the interests of the health and wellbeing of future occupants that any contamination is satisfactorily addressed and dealt in accordance with Paragraph 179 of the NPPF and Policy BN9 of the West Northamptonshire Joint Core Strategy.**
- 5. In the interests of the health and wellbeing of future occupants that any contamination is satisfactorily addressed and dealt with in accordance with Paragraph 179 of the NPPF**

and Policy BN9 of the West Northamptonshire Joint Core Strategy.

NOTES

- 1. In making this decision, the Local Planning Authority has had regard to the requirements of Paragraph 38 of the National Planning Policy Framework and Article 35 (2) of the Town and Country (Development Management Procedure)(England) Order 2015 (as Amended).**
- 2. The applicant is advised that Northamptonshire has varying levels of radon due to its underlying geology. Radon can enter buildings and affect the health of the occupants living in affected areas. Advice should be sought from local authority building control officers or from approved inspectors to establish if radon protection is necessary and if this is the case radon protection measures will need to be installed in accordance with BRE Report (BR 211 Radon: guidance on protective measures for new dwellings).**