

**Application Number:** WNS/2021/0686/FUL

**Location:** Land West of Whitfield Road, Radstone, NN13 5PZ

**Proposal:** Erection of outbuildings to be ancillary to dwelling approved under permission S/2020/1890/FUL.

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**Applicant:** Mr & Mrs A.M. and R.J. Herring

**Agent:** None

**Case Officer:** Samuel Dix

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**Ward:** Silverstone

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**Reason for Referral:** The application is made on behalf of an elected member

**Committee Date:** 09/09/2021

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION:** GRANT PERMISSION SUBJECT TO CONDITIONS

### **Proposal**

The proposed development is the erection of 3no. outbuildings that are to be ancillary to a self-build dwelling granted within the last year, which is under construction. The outbuildings comprise a car shelter, garden store, and greenhouse located in various locations within the dwelling's curtilage.

### **Consultations**

The following consultees have raised **objections** to the application:

- Radstone Parish Meeting.

The following consultees have raised **no objections** to the application:

- County archaeologist
- Conservation

3 letters of objection have been received and no letters of support have been received.

### **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of development;

- Impact on character and appearance of the area;
- Impact on neighbouring amenity;
- Impact on heritage.

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 application site is an area of land located at the centre of Radstone that previously had no defined use but is currently being developed for a single self-build dwelling granted permission by committee in January this year.
- 1.2 The site directly fronts Whitfield Road, the only thoroughfare through Radstone. A right of way runs along the sites southern extent, beyond which lies a dwelling known as the Old Schoolhouse. To the north lies another dwelling known as Timbers. To the west beyond more extensive vegetation and trees lies the Grade I listed St Lawrence's Church and associated churchyard.

### **2. CONSTRAINTS**

- 2.1. The application site is within open countryside for planning policy purposes but is adjoined on three sides by the adopted village confines for Radstone.
- 2.2. The site lies within 2km of 3no. Local Wildlife Sites.
- 2.3. The Grade I listed St Lawrence's Church lies around 75m west of the site.
- 2.4. The approved route of HS2 runs around 350m south-west of the application site, with the safeguarding area starting just over 200m from the site.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The proposed development comprises the erection of 3no. outbuildings that will each be ancillary to the dwelling approved under application S/2020/1890/FUL. The buildings each serve a different purpose, with two located to the side/rear of the approved dwelling and being for gardening purposes (namely a greenhouse and store) and the remaining building located to the front/side of the dwelling and being a car shelter.
- 3.2. The greenhouse will measure approximately 2.4m by 3m and be just under 3m in height. It will be finished in timber cladding, glass, and mineral felt roof. The garden store will measure approximately 4.8m by 3.6m and will be 3m tall. It will be finished in timber cladding with a corrugated sheet roof. The car shelter is 5.5m by 5.2m and just under 4m tall. It will be an oak-framed structure, finished in timber cladding with a slate roof.

## 4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
S/2020/1890/FUL	Construction of self-build dwelling	Approved
S/2012/1450/FUL	New two storey eco house, car shelter, timber boundary fencing and gate	Refused (Appeal dismissed)
S/1993/0823/PO	Erection of 1 Detached House (Outline)	Refused

4.2 The current application is effectively a householder application that is being made prior to the completion of the dwelling granted under application S/2020/1890/FUL. The outbuildings will be expressly ancillary to this dwelling and it should be noted that they could have been partially constructed under permitted development rights had these not been removed by a condition attached to the decision granting permission for the dwelling. This matter is considered in further detail below.

## 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 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted South Northamptonshire Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

#### West Northamptonshire Joint Core Strategy Local Plan (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
- BN5 – Historic Environment

#### South Northamptonshire Local Plan (Part 2) (LPP2)

5.4. The relevant policies of the LPP2 are:

- SDP1 – Residential Extensions
- SS2 – General Development and Design Principles
- HE5 – Listed Buildings

### Material Considerations

5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- District Design Guide.

## 6. RESPONSE TO CONSULTATION

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

Consultee Name	Position	Comment
Radstone Parish Meeting	Object	Object on the grounds of the intensity of development, design and appearance (height, visually overpowering, light pollution, maintenance difficulties, absence of vehicle charging infrastructure), highway safety, obscuring views of church
County Archaeologist	No comments	n/a
Conservation	No objections	The proposed outbuildings lie to the east of a Grade I listed church within the curtilage of a recently approved dwelling; the setting of the listed building has already been considered in the determination of this application. The proposed outbuildings are of a modest scale and form and are not considered to further impact the setting of the church.

## 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 3 number of objections/letters of support raising the following comments:

- Buildings are too large for purpose;
- No details of surface water drainage;
- Out-of-keeping with surrounding area;
- No details of foundations/potential for damage to adjoining properties;
- Alleged manipulation of planning process;
- Impact on trees;
- Buildings could be converted to dwellings.

## 8. APPRAISAL

### Principle of development

8.1. The acceptability in principle of ancillary residential development is established by Policy SDP1 of the Part 2 Local Plan, which explains that in open countryside locations extensions to dwellings should be appropriate to their context. The policy has no other

stipulations other than this and similarly the Design Guide does not advocate any particular approach for outbuildings (other than annexed accommodation, which is not applicable for this application).

- 8.2. In this instance the context is a large residential plot that is under development for a commensurately large self-build dwelling. The garden to the rear of the dwelling is particularly extensive and therefore it is considered that the erection of a greenhouse and garden store (which to all intents and purposes has the appearance of a basic garden shed) would be entirely unremarkable and not out-of-keeping with the surrounding area/context.
- 8.3. It is therefore considered that the acceptability in principle of development relies upon a consideration of whether the proposed car shelter in particular is in keeping with the character of the area, a matter which is assessed separately below.
- 8.4. The committee may note that various comments have been received in respect of the proposed outbuildings being too large or larger than are necessary, as well as the potential to convert them to dwellings in the future. The latter would require planning permission in its own right and is nevertheless considered to be highly unlikely given the greenhouse is just 6 square metres, the garden store less than 20 square metres, and the car shelter around 25 square metres, all of which would represent a somewhat small dwelling if used for this purpose. In terms of the necessity of the outbuildings including their size, there is no policy justification requiring applicants to demonstrate why outbuildings are necessary. The only relevant planning consideration is whether or not they have an acceptable impact physically, bearing in mind the character of the site and host dwelling. This matter notwithstanding, as established above, the application site is a very large residential plot with permission for a large dwelling. The potential for the applicants to seek outbuildings is therefore not especially surprising and the removal of permitted development rights merely affords the Local Planning Authority the opportunity to consider their impacts more closely rather than implying no outbuildings are necessary.

#### Impact on character and appearance of the area

- 8.5. As outlined above, the proposed greenhouse and garden store are considered to be unremarkable buildings that whilst potentially subject to glimpses from the public right of way to the south of the site, are part and parcel of the inevitable domestication that results from any permission for residential development. Indeed, in this respect, it is considered by Officers to be a better outcome for residents to have opportunities to store domestic paraphernalia in modest-sized structures rather than for items to be left out or covered under, for example, tarpaulin, which would not require permission. Therefore the reason for removing permitted development rights on the original permission ("*to enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the character and appearance of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan*") is not prejudiced by either of these garden structures.
- 8.6. The third proposed outbuilding is larger than either garden structure and will be a double car shelter located partially to the side and partially in front of the proposed dwelling where it will be immediately apparent within the streetscene. Therefore this element of the proposal does have a greater potential to adversely impact on the character of the area. However, it should be noted that permission would always have been required for a car shelter in this location, given it is forward of the principal elevation of the dwelling, and therefore the fact that permitted development rights were removed as part of the dwelling's original permission is of no relevance to this element of the proposals.

- 8.7. Whilst acknowledging that there are no comparable examples of a car shelter located towards the front of the dwelling in this manner in the immediate area, Officers do not consider that a reason for refusal on visual grounds could be sustained at appeal. A direct comparison is available in this instance as in 2013 a planning inspector concluded the opposite when a dwelling and car shelter on the site were previously considered. At that time though a larger structure was proposed, which was also proposed to be located directly in front of a dwelling that was laid out so as to occupy the whole width of the site. The current circumstances are different in that the dwelling is not only already approved but is also laid out so as to extend deeper into the site, with the result that the car shelter now proposed will not obscure its principal elevation and will instead occupy its own part of the streetscene to the side of the dwelling. Given it will sit significantly lower than the proposed dwelling and be finished in materials that can be conditioned to be sympathetic to the dwelling, it is considered to represent a subservient addition that will not appear out-of-place despite the fact it is located partially forward of the dwelling's frontage. This relationship is shown in a streetscene drawing prepared by the applicant that will be presented to the committee.
- 8.8. The trees in and around the dwelling and its curtilage form part of its character and as such are to be protected during construction as part of a Tree Protection Plan (TPP) approved and secured by condition attached to the original permission. The car shelter and garden store extend into the root protection areas of certain trees retained under the TPP. The buildings are unlikely to require significant foundations but nevertheless a condition is recommended be attached to ensure appropriate construction methods to ensure the trees are not adversely affect by the new outbuildings.

#### Impact on neighbouring amenity

- 8.9. The proposed outbuildings are all single-storey and located either to the side elevations of neighbouring properties or, in the case of the car shelter, 13m away from the nearest dwelling. They are therefore not considered to have any visual effect on neighbouring amenity in terms of outlook or blocking light.
- 8.10. Comments have been received regarding 'light pollution' and potential damage to neighbouring property due to the proximity of development to the boundary. The latter is a civil matter that is not a material planning concern. In terms of 'light pollution', it is not considered that either a greenhouse or two small windows located on a garden shed would realistically result in a nuisance in light terms. Even if the garden store was at some stage put to an alternative ancillary use, internal lighting would need to be extremely highly powered to be appreciable let alone constitute a disturbance to anywhere other than its immediate vicinity, particularly as the dwelling itself is a full two-storeys and is likely to benefit from a far more comprehensive form of internal lighting. An external lighting condition was not attached to the original permission other than a restriction on this in the 'habitat buffer' area to the west for ecological reasons. Therefore it is not considered reasonable to attach a similar condition for the outbuildings proposed now.

#### Heritage Impact

##### *Legislative and policy context*

- 8.11. The site lies around 75m to the east of the Grade I listed St Lawrence's Church and therefore has the potential to impact on the setting of the Listed Building. It is also within an area of archaeological interest associated with the medieval village of Upper Radstone

- 8.12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.13. Likewise Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local *planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 8.14. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy BN5 of the JCS 2014 echoes this guidance.
- 8.15. Policies HE1, HE5 and HE6 of the Part 2 LP guide development affecting designated and non-designated heritage assets and their settings including conservation areas and listed buildings. Policy HE2 covers Scheduled Ancient Monuments and Archaeology, Policy HE3 Historic Parks and Gardens, and Policy HE7 Non-Designated Heritage Assets.

#### *Assessment*

- 8.16. The proposed buildings are all significantly beneath the height of the approved dwelling, which was itself considered by committee to have an acceptable impact on the setting of the nearby listed building subject to details of landscaping and a longer period of maintenance for any planting approved. They will each clearly also be ancillary to the dwelling. Comments have been received regarding the potential for the garden store and car shelter to block views of the Church from Whitfield Road. However, the purpose of the landscaping condition attached to the original permission was to ensure an effective screen remains between the application site and the church. Therefore the lack of intervisibility between the application site and the Church was in fact a key reason in granting permission rather than something that it is intended to reverse.
- 8.17. Both the garden store and car shelter are in relatively close proximity to the footpath that offers access to the Church to the immediate west of the site. This footpath is part of the setting of the Church although this is largely a result of function and therefore provided the path itself is not impeded, any impacts will be minimal. Each of the buildings could potentially be viewed from the footpath although they will clearly be seen in the context of the dwelling and therefore there is not considered to be any heritage harm from the proposals and certainly none amounting to a level that would need to be outweighed by public benefits (i.e. less than substantial harm).
- 8.18. In this context the proposed buildings are not considered to harm the significance of the listed building's setting in any way. This assessment also mirrors the opinion of the Council's Conservation Officer.

## **9. FINANCIAL CONSIDERATIONS**

- 9.1. The development is not CIL liable as no new dwelling is proposed and it includes less than 100sqm of additional floorspace.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposed development is considered acceptable when considered against the relevant policies outlined above and other material considerations.

## **11. RECOMMENDATION / CONDITIONS AND REASONS**

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

### CONDITIONS

#### **Time limit**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Approved plans**

2. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

Site Location Plan (drawing ref: 377.01), received on 3rd June 2021

Proposed Site Layout (drawing ref: 516.05C), received on 17th June 2021

Proposed Outbuildings Plans, Elevations, and Sections (drawing ref: 516.126A), received on 25th March 2021

Indicative Site Profile (drawing ref: 516.106D), received on 16th July 2021

Reason: To clarify the permission and for the avoidance of doubt.

#### **Materials**

3. A schedule of materials and finishes to be used in the external walls and roof(s) of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason : To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy SS2 and HE5 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework.

#### **Ancillary use**

4. The buildings hereby permitted shall be used solely as ancillary accommodation to the dwellinghouse approved under application S/2020/1890/FUL and as such shall not be sold, leased, let, sub-let or used as an independent dwelling unit nor used for any other purpose whatsoever. In addition the car shelter hereby approved shall be used solely for the garaging of motor vehicles.

Reason : The site is unsuitable to accommodate a separate dwelling without it being cramped or causing harm to the amenities of the occupants of the adjoining dwelling(s) and in order to comply with Policy SS2 of the South Northamptonshire Local Plan.

### **Drainage**

5. Surface water for each of the outbuildings hereby approved shall be directed to a soakaway or otherwise directed to a domestic water butt.

Reason : To ensure that the development/site is served by sustainable arrangements for the disposal of surface water and to minimise the risk of flooding to comply with Policy SS2 of the South Northamptonshire Local Plan and Government advice in the National Planning Policy Framework.

### **Tree protection**

6. No beneath ground works that are necessary to construct either the car shelter or garden store hereby approved shall commence unless and until a revised method of tree protection is submitted to and approved in writing by the Local Planning Authority. Any revised tree protection method shall be put in place prior to any beneath ground works taking place.

Reason : The car shelter and garden store are located within the Root Protection Areas of trees that are to be protected and retained as part of the Tree Report (reference SB/JS/712, incorporating protection plan [drawing ref: SB/JS/712/TS] and root protection plan [drawing ref: SB/JS/CW]) that was approved in granting permission for the host dwelling (S/2020/1890/FUL). Revised methods of protection may therefore be required if new below-ground works are necessary to construct either building.