

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19 NOVEMBER 2014

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APPLICATION REF. NO:	14/00590/FUL
STATUTORY DECISION DATE:	5 September 2014
WARD/PARISH:	HEIGHTINGTON AND CONISCLIFFE
LOCATION:	Castle Farm, Walworth
DESCRIPTION:	Change of use and alterations to existing agricultural building to domestic use and erection of timber cattery buildings to rear, together with erection of two storey side extension and single storey rear extension to dwelling and detached triple garage
APPLICANT:	MR GRAHAM EMMERSON

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the change of use and alteration to an existing former agricultural building located to the south west of the main dwelling, to be used for domestic storage purposes. The alterations, which have already been undertaken, have involved the demolition of approximately half of the building to the rear, and the blocking up of a pair of doors in the west, end elevation. In its reduced form, the building now measures approximately 17.45 metres wide by 8.8 metres deep. A range of timber cattery buildings, which are to be used to accommodate the applicant's own cats, have also been erected to the rear of the altered building. The building measures approximately 13 metres wide by 4.5 metres deep, under a shallow mono-pitched roof, 2.4 metres in height at its greatest point. The building has been constructed of horizontally boarded timber with a felt roof.

It is also proposed to erect a two storey side extension, following demolition of an existing single storey lean-to addition to the west side of the property, and single storey rear extension to the existing dwelling and also to erect a detached triple garage on land to the west of the vehicular access to the property. Existing post and rail fencing enclosing the area to the west of the site is to be replaced with a dry stone wall.

The proposed side extension is to measure approximately 6.5 metres wide by 10 metres deep, under a pitched roof 7.6 metres in height at ridge level. A single storey garden room is to be built across the rear of the property, measuring approximately 10.85 metres wide by 2.8 metres deep. Both extensions are to be constructed of matching stone and tiles with the proposed garden room having a glazed roof, 3.3 metres in height at ridge level.

The detached garage and store is to be built on land to the west of the existing vehicular access. The plans have been amended since they were first submitted, to address concerns regarding its

design. In its amended form the proposed garage is to measure approximately 11.6 metres wide by 6.1 metres deep, under a pitched tiled roof 4.9 metres in height, reducing to 4.5 metres in height at its eastern end where an open timber bay is proposed. A workshop is proposed in the roofspace, accessed from an external flight of steps at the eastern end. An existing post and rail timber fence which encloses this part of the site is to be replaced with a dry stone wall.

The application site is a former working farm, comprising the main dwelling and a range of former farm buildings located on the north side of the C39, Walworth Road, approximately 0.5 kilometres to the south west of Walworth village. Paddocks to the north and west of the application site, together with an area of woodland to the north-east known as Tomtit Wood, are in the ownership of the applicant. Two public rights of way, footpath nos. 2 and 3 respectively, pass through the application site. A group of former farm buildings now in residential use, some of which are Grade II listed, are located on the opposite side of the road. A Heritage Statement, assessing the impact of the proposed development upon the significance of these listed buildings has been submitted with the application.

PLANNING HISTORY

No relevant planning history

PLANNING POLICY BACKGROUND

The following policies are relevant to consideration of the application:

Saved Policies of the Darlington Local Plan 1997

E2 – Development Limits

E4 – New Buildings in the Countryside

H7 – Areas of Housing Development Restraint

Darlington Core Strategy Development Plan Document 2011

CS14 – Promoting Local Character and Distinctiveness

National Planning Policy Framework

RESULTS OF CONSULTATION AND PUBLICITY

Highway Engineer – The plan has been amended to reflect the existing site layout and it shows that the proposals do not change the existing vehicular access from the highway. There is sufficient space within the site to manoeuvre to/from the garage and exit in a forwards gear onto Walworth Road for safety reasons. It has been confirmed by the applicant that the cattery will not be used on a commercial basis and is for their own private use; therefore there should be no significant increase in traffic at this access point. Notwithstanding this however, in order to ensure that no loose material is pulled onto the highway a condition should be included with an approval requiring that the first 2m of the drive is constructed in a sealed material.

Conservation Officer – The significance of the listed buildings on the site opposite lies in their agricultural character; their immediate setting which is found within the site and also when viewed from the road and from the open countryside, contributes to this significance. This means development within its setting may have a fairly large impact on the listed building's significance and needs careful consideration. The greatest impact is likely to come from the

proposed detached triple garage because not only is this a new building but it is also nearest to the listed buildings and less screened than existing development on the farm site. Advised that relocation of the garage to the rear of the site would be preferable but understand there are topography restrictions with land levels that make the proposed site more suitable. Do not anticipate the proposed garage having much impact on the listed buildings opposite because of the distance between the two sites and because the listed buildings on the site opposite are located towards the rear of the site. The proposed garage is rather large, however there have been some alterations which have improved its design. The proposed extension to the house should have no impact on the nearby listed buildings because of the built development between them and because it is a residential extension to an existing residential building. In conclusion consider that the proposed detached garage should have no negative impact on the setting of these listed buildings in accordance with paragraph 132 of the National Planning Policy Framework.

Countryside Access Officer – There needs to be access through the roadside gates at all times for the public i.e. these gates can never be locked as this would prevent public access. The gate(s) in the proposed new wall should be a minimum of three feet in width and should also be open for use at all times by the public and should never be locked.

Walworth Parish Meeting - Recommend approval but subject to issues and complaints already raised by objectors. There are many concerns, see separate documents re issues. Aware that other e-mails may already have been sent.

Four letters of objection have been received which raise the following issues:

- *The farmhouse is recognised as part of the Parkside Farm site, which encompassed the adjacent farm buildings which were converted into dwelling 3 years ago. Since then there have been applications for garages to be erected by some of the residents of the Parkside site (Castle Farm Barns) which were rejected for conservation reasons. These garages were not on the size/scale of that proposed in this application;*
- *Since the barns were converted the Council has been extremely robust in their challenge against further external buildings being erected in this area, and in our view a precedent has already been set by the Council;*
- *The applicant has undertaken landscaping, removed two wooden single storey barns and felled a substantial tree and an adjacent hedge. The tree that was felled was next to the site of the proposed garage;*
- *The proposed plans, in particular the siting of the garages, will in our view spoil the conservation of the area and not be in keeping with the rural area. The garage will be an eye sore and not in keeping with the rural view and the Parkside site;*
- *Why build garages 30 – 40 metres from the main dwelling when there is sufficient land behind the farmhouse to accommodate this building, close to the house, and out of sight of residents opposite and from the public eye?;*
- *What are the intentions of the use of the barn at the roadside which has been refurbished and are currently having some wooden structure added to it? Is it going to be of a commercial use?*
- *Concerned that much of the work carried out to date, including the installation of UPVc replacement windows, may have already breached planning conditions;*
- *The development proposals for the triple garage and workshop should be considered very carefully. The initial flattening of this area and felling of a tree has already ruined*

the environment/habitat of a number of small creatures. The character of the area has already changed by flattening the area and dumping waste materials from elsewhere on the site. Gone are the views from the road, across open fields, due to the 'spoil heap'. The erection of a double storey structure could in future be converted to a dwelling, is not in keeping with local properties and does have an impact on neighbouring properties;

- *The inappropriately designed triple garage and workshop could be positioned elsewhere on this larger site to maintain the rural environment. It must be noted that a similar two storey garage development at The Arches was reject by the Council and this application should not therefore be granted;*
- *The siting of the garage is ill-considered, it is on a greenfield site blocking views across open countryside in an area used for recreation by cyclists, runners and walkers;*
- *Actions in connection with the planning application have already been undertaken by the application which includes the starting of work without planning permission, works to the vehicular access and the removal of trees. There is no mention in the application form to the use of UPVc windows;*
- *The warning sign 'Keep Out, Private Land' on a public right of way should be removed as everyone has a right to enjoy the countryside;*
- *The cattery is mentioned as a hobby. How many cats would this be for and when does a hobby become a business?*
- *Do not object to the extension to the farmhouse;*

Four further letters of objection have been received following re-consultation on amended plans which raise the following additional issues:

- *The proposed building to house cats is a large building to house the applicant's own cats looks designed to be a future commercial development. As such it should be put through planning which my understanding would be more costly;*
- *If the owners are insisting it is for personal use how will this be monitored in the future to stop it becoming a business venture or for them applying for change of use once it is built;*
- *Suggest if it is passed a condition should be applied that no change of use for a commercial venture would be granted;*
- *Object strongly to the triple garage with workshop, timber cattery and access arrangements. Note the existing barn remaining has been annotated with store room/workshop/wash utility ad there is considerable space left within the wooden 'cat cabins' which have already been erected to the rear of this barn;*
- *The applicant states that he requires a workshop in the garage loft. The plans show a workshop within the existing barn. It is therefore questionable as to why a second workshop is required for domestic use. Why the need for an additional workshop area which has been requested in the proposed garage;*
- *The Conservation Officer's response does not consider that the barns opposite the application property cannot be drawn as a comparison in respect to the 'setting' of the listed buildings. It is our opinion that this is difficult to agree with bearing in mind the applicant's property is within 20 metres of the residential barns. The conservation view has been robustly supported in the past and we would expect this to continue;*
- *The existing barn has ample room for garaging cars, store room, workshop etc. therefore negating the need for an additional garage and workshop;*

- *We assume the static caravan and touring caravan are to be removed once the house is habitable and are only there while work is being carried out. Can some reassurance be given?*
- *Note the correspondence that the applicant has been advised to consider re-siting the proposed garage/workshop to the rear of the farmhouse and changing the design. The amended plans have not taken the advice of the Planning Officer in relation to the re-siting of the garage/workshop;*
- *The letter from the applicant states that the cattery is a 'hobby'. Whether a hobby or commercial use the number of animals has not been declared which is of concern.*

Two letters of representation have been received which raise the following issues:

- *Support the application and be dismayed to hear that the new owners have experienced problems with planning permission;*
- *The majority of houses in the village have had improvement works completed in the past so I can see no reason why they should not be allowed at Castle Farm;*
- *Until recently the farm had become very run down and there was undoubtedly a lot of renovation work that needed completing to make it a comfortable family home;*
- *The property is a working farm and as such it is to be expected that building usage will change over time and that there will be animals present;*
- *Do not feel that the complaints about works to a wildflower meadow to be legitimate;*
- *The largest amount of disruptive construction to have occurred in the village is the conversion of the former piggery opposite Castle Farm into houses. This project took years and several different contractors to complete and would undoubtedly have caused more environmental damage than the proposed changes at Castle Farm;*
- *The new owner has dedicated her life to rescuing cats and kittens. If there is sufficient space available for the cats then I have no objection to the barns being used for this purpose;*
- *There have been objections to the concept of the farm being run as a cattery in the future. In these times of austerity any business brought into the village is good. The last service bus ran through Walworth several years ago and this is a sign of possible stagnation of the village if we are not able to attract new residents;*
- *The buildings were originally for farm animals use, the change to smaller animals can have no appreciable adverse effect on any nearby homes;*
- *The buildings themselves are of modern type agricultural construction and are considerably smarter than before the current occupier moved in;*
- *The proposal for a cattery is not greatly different to what could be expected in a farm, just different animals.*

PLANNING ISSUES

Saved Local Plan Policy H7 (Areas of Housing Development Restraint) states that in the countryside, outside of development limits, new residential development will be permitted where it extends an existing residential building without materially detracting from its character or that of its setting. The supporting text to the policy indicates that large extensions to dwellings, for example by more than 50% or more of the floorspace of the original dwelling, can potentially have an unacceptable impact on the landscape. Saved Local Plan Policy E4 (New Buildings in the Countryside) is also relevant to the application and states that new buildings in the

countryside should wherever possible be located with and be visually related to existing buildings.

Core Strategy Policy CS14 (Promoting Local Character and Distinctiveness) says that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected. Paragraph 132 of the National Planning Policy Framework (NPPF) states that the significance of a listed building can be harmed or lost through the alteration or destruction of the heritage asset or by development within its setting. The application site is within the setting of a number of listed buildings within the group of converted former agricultural buildings opposite and the impact of the proposed development upon the setting of these buildings must also be taken into consideration.

The proposed two storey side and single storey rear extension to the existing dwelling would result in an increase in the floorspace of the original dwelling by approximately 70%. While the proposed extensions represent a significant increase in the floorspace of the property, in excess of the 50% limit set out in the supporting text to Saved Policy H7, this is to an extent an arbitrary figure and the key test is whether or not the proposed extensions will materially detract from the character of the original dwelling or that of its setting.

In this instance the proposed side extension has been designed so as to appear suitably subservient to the main dwelling, incorporating a set back from the front face of the dwelling and a step down in the ridge. From the roadside aspect, the proposed side extension would be seen to infill a gap between the farmhouse and former agricultural building and as such would not be an unduly prominent feature from this aspect. Furthermore, this building will also screen much of the bulk of the extension as it projects beyond the rear of the main dwelling. Although larger, the proposed extension will also facilitate the removal a poorly designed single storey addition to the property which projects forward of the main dwelling towards the roadside. The single storey rear extension will not be readily visible from views outside of the site, although in any event is considered to be acceptable in the context of the application property in terms of its scale, design and use of matching materials. The proposed side extension will be sufficiently distant from the nearest properties opposite, separated by Walworth Road, such that it will not give rise to any issues of residential amenity in respect of these properties. A number of objectors have expressed concern regarding the installation of UPVc windows in the property. As the property is not a listed building the Council does not have any control over this matter.

The design of the proposed triple garage and workshop building to be located to the west of the existing vehicular access at the end of the group of buildings has been amended since it was first submitted. The profile of the roof has been changed to a pitched roof and dormer windows and a weather vane have been omitted to give the building a more traditional, functional appearance more in keeping with the scale and character of other traditional farm buildings within the vicinity of the site. Concern has been expressed however regarding the principle of erecting a garage building in this location, on the edge of the group of buildings associated with Castle Farm, encroaching into surrounding open countryside and impacting upon the character and appearance of this part of the site.

The principle of erecting a garage and workshop in association with the existing dwelling is considered to be acceptable. In acknowledging the concerns expressed regarding the siting of the garage in this location, the applicant has been requested to consider re-siting the garage to the rear of the existing dwelling in a less prominent location. He has advised however that ground conditions to the rear of the dwelling would require significant groundworks to be

undertaken to enable this to occur. Nevertheless, the design of the garage and workshop has been amended resulting in a more traditional form of development both in terms of its scale and design, thereby minimising its impact. Its location at the western end of the group would continue the linear form of development at the application site, along the north west side of Walworth Road and be seen in association with the existing house and group of buildings. As such the siting of the garage in this location is considered to comply with the requirements of Saved Local Plan Policy E4 (New Buildings in the Open Countryside) and is therefore considered to be acceptable.

Paragraph 132 of the NPPF requires that the proposed development be considered in terms of its impact on the significance of the listed buildings on the opposite side of the road, a complex of recently converted former farm buildings also formerly known as Castle Farm and Parkside House. The application site is in the setting of the former Parkside House, its garden wall and gate piers (now known as 'The Farmhouse') and associated buildings (now known as 'The Arches', 'The Dovecote' and 'Field View' respectively) all of which are Grade II listed buildings. The two properties on the north-west side of the site, known as Castle Barn and Wood View which face Walworth Road and are directly opposite the application site, are not listed. In accordance with the requirements of the NPPF a Heritage Statement has been submitted with the application.

Due to the distance of the proposed house extension and the cattery buildings to the rear of the modern farm listed buildings opposite, neither element of the proposal is considered to have an impact upon the significance of these listed buildings, being located towards the rear of the site opposite. Similarly the Conservation Officer concludes that although large, the proposed garage should have no negative impact on the settings of these buildings in accordance with the requirements of paragraph 132 of the NPPF for the same reasons.

It is acknowledged that planning permission has been refused for the erection of detached garages to serve some of the properties opposite, on the grounds that the proposed garages would adversely affect the setting of the adjacent listed buildings by encroaching into the adjacent open countryside. This decision has also been upheld on appeal on two occasions. While some similarities could be drawn between these proposals in terms of the siting of the proposed garage, in the case of the properties opposite the Inspector concluded that adjacent open countryside was a key element in the setting of the listed buildings and the proposed development would affect the setting of these buildings. In this instance the principle of a domestic building serving an existing dwelling is acceptable and the location of the garage is considered to comply with Saved Policy E4 (New Buildings in the Open Countryside). The Conservation Officer is also satisfied that there will be no unacceptable impact upon the setting of these listed buildings due to the distance between the proposed garage and the listed buildings.

The change of use and alterations to the former agricultural building to the west of the farmhouse and the cattery buildings which have been erected to the rear have been built without the benefit of planning permission. The application has however been amended to include these aspects of the development. The former farm building has been reduced in size and subdivided internally to provide a workshop, store and wash/utility room which the applicant has explained will be used for the washing and drying of bedding and equipment for the cats and personal protective equipment and clothing used on the farm and for the storage of feed, bedding and other equipment for the cats. The workshop will also be used for the secure storage of DIY tools and equipment used for general maintenance around the house and on the farm. The applicant

has also confirmed that the cat cabins will be used to house their own pets and will not be used for business purposes.

The building in its reduced form retains the appearance of a modern farm building albeit that it is to be used for agricultural and domestic storage purposes. The cat buildings and enclosure that have been erected to the rear of this building are not particularly in keeping with the former agricultural character of the site and surroundings, having a more domestic appearance. However they are to be sited to the rear of the former farm building and will be largely seen in the context of this building in the wider distance such that they are also considered to comply with Saved Local Plan Policy E4 (New Buildings in the Countryside).

The Highway Engineer has advised that on the basis the cattery will not be used on a commercial basis and is for the applicant's own private use, there should be no significant increase in traffic at the access point. A condition requiring that they be used only for the applicant's own use and not on a commercial basis is attached to protect the amenities of nearby properties and to limit the impact on the local highway network. Any proposals to change the use of the cattery to a commercial enterprise in the future would need to be the subject of a separate application.

The Highway Engineer has also advised that the submitted plans reflect the existing site layout and shows that there will be no change to the existing vehicular access. There is sufficient space within the site to manoeuvre to/from the garage and exit in a forwards gear onto Walworth Road for safety reasons. Subject to a condition requiring the first 2 metres of the drive to be constructed in a sealed material, no highway objection is raised.

Public Footpath No. 3 passes through the application site at its western end, close to the proposed garage. The submitted plans show that the existing post and rail fence which encloses this area is to be replaced with a dry stone wall, although existing openings within the fence are to be maintained in the newly constructed wall to enable users of the right of way to pass through the site. New roadside gates are to be installed to replace existing gates at the entrance to the site. The Council's Countryside Access Officer has advised that there needs to be access through the roadside gates at all times for the public and these gates cannot be locked as this would prevent public access. The gates in the new wall should be a minimum of 3 feet in width and should also be open for use at all times by the public. An informative reminding the applicant of these requirements is attached.

The applicant's agent has explained that the static caravan which is currently present on the site is a temporary measure for the family to live in during works to the farmhouse. Once the works are complete the applicant will remove the caravan from the site. There is also a touring caravan present on the site however this can be stored within the curtilage of the property without the need for planning permission.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

The proposed house extension, cat cabins and detached garage and workshop are considered to be acceptable in terms of their scale, siting, design and materials in the context of the application site and wider surroundings and will not have any unacceptable impact upon the significance of the Grade II listed buildings opposite the site. The proposed development will not give rise to any issues of residential amenity or highway safety. The proposal is therefore considered to comply with Saved Policies E2 (Development Limits), E4 (New Buildings in the Open Countryside) and H7 (Areas of Housing Development Restraint) of the Borough of Darlington Local Plan 1997, Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document and the requirements of the National Planning Policy Framework (NPPF).

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3 year time limit)
2. B4 (Details of external materials to be submitted)
3. Notwithstanding any details of the vehicular access submitted as part of the application the first 2 metres of the drive shall be constructed in a sealed material, details of which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the improvements to the existing vehicular access shall be carried out in accordance with the details as approved.

REASON – In the interest of highway safety.

4. The cat cabins hereby permitted shall be used only for purposes incidental to the enjoyment of the main dwelling known for the time being as Castle Farm for the keeping of cats and shall not at any time be used as a commercial cattery.

REASON – In the interests of highway safety and residential amenity.

5. B5 (Development in accordance with the approved plans)

INFORMATIVE

The applicant is advised that works are required within the public highway, to improve the vehicle crossing and contact must be made with the Assistant Director – Highways, Design and Projects (contact Mr S Pryke 01325 406664) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

The applicant is advised that the gates to be installed within the new dry stone wall should be a minimum of 3 feet in width. These gates and the roadside gates should remain unlocked to allow access through the site on Public Footpath No. 3 at all times.

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

E2 (Development Limits)

E4 (New Buildings in the Countryside)

H7 (Areas of Housing Development Restraint)

Darlington Core Strategy Development Plan Document 2011

CS14 (Promoting Local Character and Distinctiveness)