

Delegated Planning Report

LOCATION: Thirkleby House, Mill Lane, Thirkleby, Thirsk, North Yorkshire, YO7 2AY

PROPOSAL: Conversion of an existing cart shed to ancillary residential amenity and creation of walled garden and greenhouse in connection with main house

REFERENCE: ZB25/00310/FUL

DIVISION: Hillside & Raskelf

RECOMMENDATION: Permission be granted subject to conditions

Target Determination Date: 19 May 2025	Conservation Area:
TPO:	Listed Building: Grade II Listed Building

1.0 Site and Surroundings

1.1 The site is located to the north of Great Thirkleby and can be accessed from the southeast of Mill Lane.

1.2 The site comprises a large dwelling which is believed to originate from mid-19th century. The property is Grade II Listed and the listing describes that the building was constructed using orange-red brick in English garden wall bond with ashlar dressings with a grey slate roof. The property comprises of two storeys with a large garden to the rear and east elevation of the property. A Grade II listed outbuilding is sited approximately 5m to the north of Thirkleby House, the listing describes the property was constructed using mottled pink brick and a Welsh slate roof. To the north of the Grade II Listed property and outbuilding is a cart shed.

2.0 Description of Development

2.1 This application seeks planning permission for the conversion of the cart shed located to the north of Thirkelby House to provide additional ancillary accommodation.

2.2 In addition, this application seeks permission for the construction of a walled garden, potting shed and glass house to the northeast of Thirkleby House.

3.0 Relevant Planning History

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

3.2 ZB23/01460/APN - Application for prior approval for the construction of a Farm Shed. Prior Approval Not Required 14.08.2023.

3.3 ZB24/00830/FUL - Change of use of secondary buildings to habitable use, and general improvements to the existing buildings. Consultation Period Ongoing.

3.4 ZB24/00831/LBC - Listed building consent for the change of use of secondary buildings to habitable use, and general improvements to the existing buildings. Consultation Period Ongoing.

4.0 Planning Policy and Guidance

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

Adopted Development Plan

4.2 The Adopted Development Plan for this site is The Hambleton Local Plan.

Emerging Development Plan - Material Consideration

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

Guidance - Material Considerations 4.4 Relevant Guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide

5.0 Consultation Response

5.1 The following consultation responses have been received and have been summarised below.

Local Representations

Parish Council - No response received. Expired 15.04.2025.

Site notice - No response received. Expired 25.04.2025.

Principal Conservation Officer - As part of the listed building application the erection of the walled garden and lean to has been submitted. As this structure is not attached to any listed building then no listed building consent is required. The assessment should be made on the full planning permission which accompanies this listed building consent. The assessment of

setting should be observed using the Planning (Listed Building and Conservation Area) Act 1990 and the relevant paragraphs and policies set out in this report.

The walled garden would be erected around a former tennis court which appears to be of some small heritage significance as it has been identified on old photographs submitted within the heritage statement. Although there may be a legacy of a tennis court the tennis court itself has no historical significance and the wall garden would continue the theme of creating an ancillary space for the enjoyment of the occupiers of the host dwelling, so on balance the loss of the tennis court is acceptable. In terms of setting more information is required to fully satisfy the local planning authority test of setting. There has been a drawing submitted but no information has been provided in terms of the type of brick and method of construction. It would appear on the drawing that the wall would be erected in a stretcher bond pattern, to create some heritage benefit and for the wall to blend into the setting of the host dwelling the wall should be erected in an English Garden bond design. Further clarification should be gained regarding the mortar if the wall is to be of a solid wall construction then a lime mortar should be used. If the wall is to be erected with a cavity wall then a cement mortar would be acceptable although not a conservation lead approach.

6.0 Environmental Impact Assessment

6.1 Not applicable.

7.0 Main Issues

7.1 The main issues are:

- Principle of development
- Impact on the setting of the Listed Building
- Amenity
- The Natural Environment

8.0 ASSESSMENT

Principle of development

8.1 Local Plan Policy E1 (Design) states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.

8.2 Annexe accommodation is defined in the Local Plan as accommodation ancillary or incidental to the main dwellinghouse. An annexe must be designed to provide additional facilities and not become a self-contained dwelling, that could be separate from the original dwellinghouse, particularly in open countryside. In the case of a detached residential annex, the following is set out in Policy E1 (Design) of the Hambleton Local Plan:

- I. The annex is within the curtilage of the main dwelling,
- II. Visually subordinate to the main dwelling,
- III. Sited to ensure a clear functional link between the annexe and main dwelling,
- IV. Shares the same access, parking and garden areas.

8.3 The Domestic Extensions Supplementary Planning Document (SPD) was adopted in October 2022 and sets out basic principles for the design of domestic extensions and alterations to dwellings. The document provides advice on five design principles, namely maintaining character, subservience, form, maintaining privacy and daylight. The SPD states that the relationship of an annexe to the main building is one of the most important aspects of designing a successful scheme.

8.4 The SPD states that annexes and other outbuildings within the curtilage should:

- I. Respect the scale, massing and materials of the original dwelling and not cause unacceptable harm to its character,
- II. Ensure that there is no unacceptable harm caused to the character or appearance of the surrounding area or to the amenity of other homes and buildings nearby,
- III. Ensure that there is no unacceptable loss of parking or garden or amenity areas,
- IV. Be visually subordinate to the main dwelling, sited to ensure a clear functional link between the annexe and main dwelling and share the same access, parking and garden areas.

8.5 The cart shed is located to the north of Thirkleby House and is currently used as a shed and log store. The cart shed is constructed from solid English Garden bond construction in a T-shape design and is constructed of brick with a clay pantile roof. The building measures approximately 10.45m by 6.35m with a ridge and eaves height of 5.7m and 2.7m respectively.

8.6 The conversion of the cart shed to provide ancillary annexe accommodation would be sited within the curtilage of the main dwelling, is visually subordinate to the main dwelling and maintains the functional link to the main dwellinghouse. The design of the annexe respects the scale, massing and materials of the host dwelling. There would be no unacceptable loss of parking, garden or amenity areas as a result of the proposal. The cart shed is considered acceptable in terms of design, scale and appearance. The principle of development is established and the proposal is considered to comply with Policy E1 of the Local Plan.

8.7 Local Plan Policy S5 (Development in the Countryside) states that development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance, and environmental qualities of the area in which it is located.

8.8 The walled garden is to be located to the northeast of Thirkelby House, where tennis courts were previously located. The walled garden is proposed to measure approximately 32.7m by 21.3m and will measure 3m high. The proposal also includes the construction of a potting shed and glass house. This part of the proposal is considered acceptable in terms of design, scale and appearance and would not harm the character of the host dwelling or the character and appearance of the surrounding countryside. The proposal is considered to comply with Policy E1 and S5 of the Local Plan.

Impact on the setting of the Listed Building

8.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application 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.

8.10 The National Planning Policy Framework (NPPF) requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

8.11 Local Plan Policy E5 (Development Affecting Heritage Assets) states a proposal will only be supported where it ensures:

- i. those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.
- j. those elements that have been identified as making a positive contribution to the special architectural or historic interest of a conservation area and its setting are preserved and, where appropriate, enhanced, having regard to settlement character assessments and conservation area appraisals.

8.12 The impact of the construction of the walled garden, potting shed and glass house have been reviewed in line with the setting of the host dwelling. Comments were raised by the Conservation Officer relating to proposed stretcher bond pattern of the walled garden. To establish a heritage benefit of the walled garden and to harmonise with the setting of the host dwelling, the walled garden was advised to be constructed of English Garden bond design. The use of English Garden bond design was confirmed with the Agent of the application and will be conditioned as part of this application.

8.13 Furthermore, it was recommended that lime mortar should be used in the construction of the walled garden, to follow a conservation led approach. The use of lime mortar was confirmed by the Agent and will be secured through planning condition.

8.14 Overall, in line with the above amendments made to the construction of the walled garden, the proposal would not harm the setting of the host dwelling. The proposal therefore complies with Policy E5 of the Local Plan, Section 66 of the Planning Act 1990 and the NPPF.

Amenity

8.15 Local Plan Policy E2 (Amenity) states all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.

8.16 Taking into consideration the location of the site and the separation distance to nearby residential dwellings, the proposal does not raise any amenity concerns regarding loss of outlook, daylight or privacy. Overall, the proposed development would have no significant adverse impact on neighbouring amenity and therefore complies with Policy E2 of the Local Plan.

The Natural Environment

8.17 Policy E3 of the Local Plan expects all development to demonstrate the delivery of a net gain for biodiversity and requires the latest DEFRA guidance and relevant tool to demonstrate compliance with the Policy.

8.18 The application seeks the BNG householder exemption and therefore a BNG metric has not been provided as part of the application.

8.19 A Bat Survey Report including a dawn and dusk emergence survey prepared by Vale Ecology Ltd, dated August 2024 has been submitted as part of the application. In summary, the report identified that the Cart Shed contains one roost location for bats. The survey confirmed that the proposed works are not believed to impact Great Crested Newts, Otters, Water Voles, Hedgehogs, Badgers or reptile species.

8.20 In order to permit the works which would ultimately impact bats, the Survey advises that a European Protected Species Mitigation (EPSM) licence is required. It then goes on to set out a list of mitigation and compensation measures which would be applied. Subject to conditions, the proposal is not believed to result in harm to protected species in accordance with Policy E3.

9.0 PLANNING BALANCE AND CONCLUSION

9.1 The proposed development is not considered to harm the character of the surrounding countryside or the setting of the host dwelling. Following amendments received, the design, scale and appearance of the proposed development is considered appropriate. The proposed development will not have a significant adverse impact on neighbouring amenity. Overall, the proposals will be in accordance with the requirements and expectations of the policies of the Hambleton Local Plan and the NPPF.

That PERMISSION BE GRANTED subject to the following condition(s)

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered TH2022/25 and TH2022/34 received by the Local Planning Authority on 14.02.2025 unless otherwise approved in writing by the Local Planning Authority.

Reason In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

- 3 The walled garden hereby approved shall be constructed of English Garden bond design.

Reason In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies E1, S7 and E5.

- 4 The walled garden hereby approved shall be constructed using lime mortar.

Reason In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies E1, S7 and E5.

- 5 No above ground construction work shall be undertaken until details of the materials to be used in the construction of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

Reason In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies E1, S7 and E5.

- 6 Development shall take place strictly in accordance with the recommendations on paragraphs 4.2.1, 4.2.2, 4.2.3.2 and 4.2.3.7 of the Bat Survey Report (including the Natural England Protected Species Licence) prepared by Vale Ecology Ltd dated August 2024 received by the Local Planning Authority on 16 May 2025. Details of the access slates/ridge tiles and their position on the roof shall be submitted to and approved in writing prior to their installation.

Reason In the interests of protected species and diversity in accordance with Policy E3.

- 7 No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

Reason In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Plan Policies S1 and E2.

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