



01423 313353

info@elgplanning.co.uk

www.elgplanning.co.uk

Emma Howson
Senior Development Management Officer (Harrogate Office)

By email - emma.howson@northyorks.gov.uk

21 September 2023

Dear Ms Howson,

PLANNING OBJECTION: ERECTION OF SELF BUILD DWELLING, LANDSCAPING AND ASSOCIATED WORKS,
MANOR COTTAGE, SHAW LANE, FARNHAM, HG5 9LE – LPA REF ZC23/02895/FUL

We act on behalf of Mr & Mrs Theakston who reside at Field House, 1 Manor Court, Farnham HG5 9JE and have been instructed to submit a letter of objection in response to the above application. Our clients property immediately abuts the application site, along its southern boundary, and will be the most affected by the proposed development.

The concerns raised relate to issues of principle as well as the detail of the proposed dwelling and consequent impact upon both the village and the degree of residential amenity presently enjoyed by our clients. This objection refers and responds to the supporting documentation which accompany the planning application.

Principle of Development

The proposal seeks permission upon a purported 'infill plot' within the development limit boundaries of the village as identified in the Harrogate Local Plan. Farnham is identified a '*smaller village*' in this respect under Policy GS2. While the parcel of land does lie within development limits as defined under Policy GS3, the acceptance of such as a legitimate infill plot for development is predicated by such being '*in accordance with other relevant policies of the Local Plan*' – it is not a wholly permissive policy approach in this respect with checks and balances beyond the mere inclusion within development limits.

Indeed paragraph 3.24 specifically highlights this point:

3.24 The inclusion of land within a development limit does not indicate that it is suitable for development. There may be areas of open space, woodland, areas at risk of flooding, areas that contribute to a settlement's local distinctiveness and other protected sites that would be inappropriate for development. Additionally, other material considerations may influence whether development within development limits is acceptable or not.

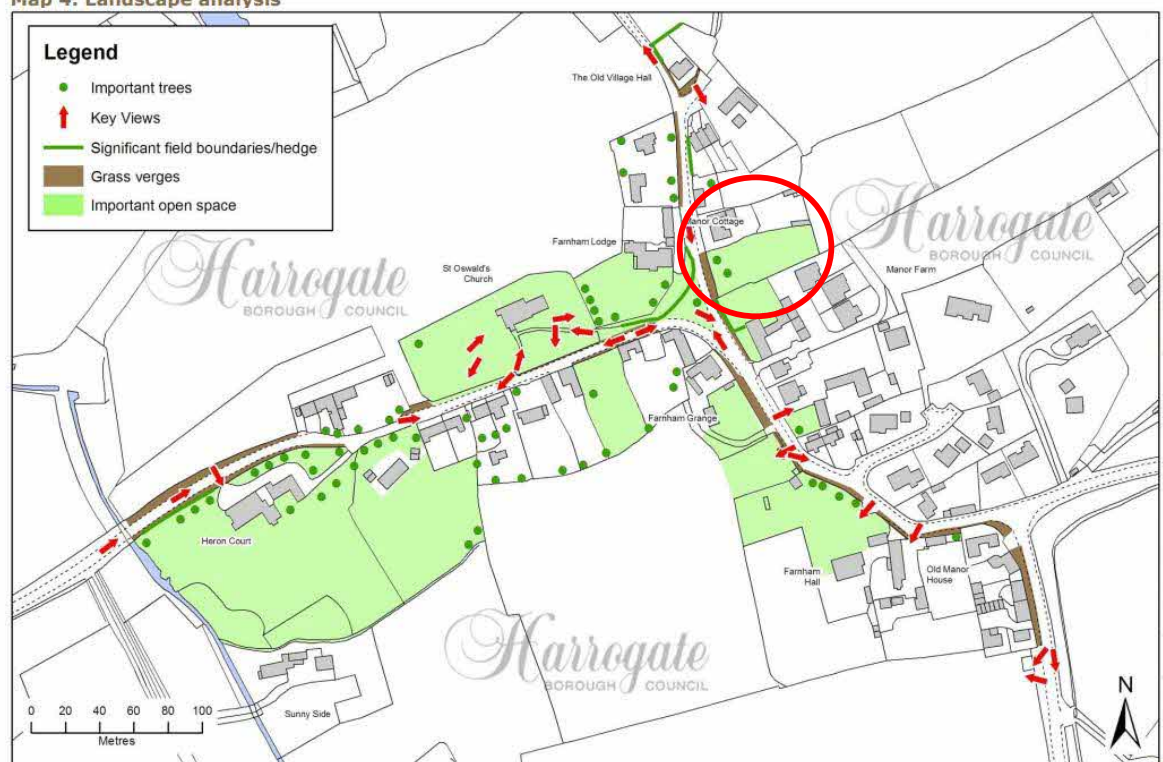
It is contended, as will be stated later, that the site is not suitable for development for a number of reasons and would be clearly in conflict with Policy GS3 in this regard.

Impact on the Conservation Area

The site lies within the Farnham Conservation Area – a designated heritage asset. Therefore, under Local Plan Policy HP2, the application needs to clearly demonstrate that the proposals ‘*protect or enhance those features which contribute to its special character or historic interest*’ (criterion A). With specific reference to development in conservation areas, proposals are required to ‘*protect and, where appropriate, enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area and its setting*’ (criterion C – our emphasis).

If harm is identified to elements which contribute to the significance of a designated heritage asset, then support will only be forthcoming where this is clearly justified and is convincingly outweighed by the public benefits of the proposal.

Map 4: Landscape analysis



p. 24 Farnham Conservation Area Character Appraisal - 9th February 2010

The site lies within an area identified as ‘*Important Open Space*’ in the Farnham Conservation Area Character Appraisal (2010) as shown circled in red above due to the historic use of the site as an orchard – a notable characteristic of the village as expressed in paragraph 5.5 of the Appraisal (as extracted above). The importance of such to the significance of the conservation area is clearly identified in terms of retention of tree cover and also the mere openness of such within the built form of the village. The appraisal states:

‘although bereft of fruit trees, the former orchard spaces, particularly those with a street frontage, are important open spaces which soften the street scene and provide important visual links between the village and its pastoral setting. They also act as ‘breathing spaces’ which separate different parts of the village. Infill

development such as Beech Close and Manor Farm, has reduced the openness of the village making these remaining open spaces of greater value to the Conservation Area.’ (our emphasis)

As a consequence, it is a basic objection that the proposed development would undermine a key element which makes a positive contribution to the significance, interest and underlying nature of the conservation area and so be contrary to Policy HP2 of the Local Plan, and consequently Policy GS3.

The submission, through the accompanying Built Heritage Statement, seeks to downplay the importance of this identified characteristic/feature and the character of such parcels of land on the overall significance of the Conservation Area with an emphasis upon retention of some openness to the site given the building position to the rear of the land parcel. This is a complete misnomer on a number of grounds in that the importance of this open space as a historic orchard is the inherent lack of built development per se.

Indeed, the assessment and positive identification of the land parcel as ‘Important Open Space’ within the Conservation Area was made by the local authority while the degree of vegetation now referenced in the submission as hindering openness and any notable view was in place - in fact with a further mature tree in situ to the front of the site.

The erection of a dwelling and associated intensified domestic activity would dilute the appreciation of the inherent openness of this land parcel when viewed from the green (a public vantage point), providing an enclosed backdrop, and loss of the historical reference to such in basic built form terms as an open/orchard area – a ‘breathing space’ as the Appraisal refers. The importance is the openness as a whole, not in part in this respect.

Indeed, the Heritage Statement fails to state that harm will arise as a result of the proposals relying upon the perceived limited ability to see any new dwelling from public vantage points as the basis for the proposal not giving rise to any negative impact upon significance. This is fundamentally incorrect. The mere inability to see a development is not in itself demonstration of no impact upon significance or the underlying characteristics which have given rise to the inclusion of the land parcel within the conservation area – compounded in this case by the further designation as an area of important open space.

The site can readily be appreciated from the village green (a higher vantage point than the images attached to the submission), on approach from the west and when travelling south past the site/Manor Cottage given the openness to the property access. The lack of built development is also appreciated from Manor Court to the south. The seasonal variation in the visual prominence and openness of the site must also be appreciated as shown in the image below with the small building within the site and roofscape to the dwellings upon Manor Court evident – set a good storey below the height of the proposed dwelling as the submission drawings themselves illustrate. Clearly the site is not screened by trees or the boundary wall as inferred (para 4.16) with views into and across the site possible, nor is this the determining basis in assessing impact. Clearly any new development will be evident and visually enclose the open space losing its inherent quality, and recognition that only the *‘openness to the east of the site will be diminished’* (para 4.20) is perverse as it will be evident that substantive built form would contain the land parcel and foreshorten views and the underlying essence of such a presently open site lost. Indeed, the Conservation Area Character Appraisal recognises such as a threat to the designation as referenced previously (para 5.5 and page 30 – checklist to manage change).



View across the site with no leaf cover Source: Google

There are no *'other material considerations'* which are *'powerful enough'* (as the submission references/ seeks to infer) that outweigh the presumption embodied within the statutory duty of the local authority to pay *'special attention...to the desirability of preserving or enhancing the character or appearance of that area'* (section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990). Indeed, this high threshold is reinforced in the NPPF (2023) at paragraph 199 which states that *'great weight'* should be given to the conservation of designated heritage assets with any harm requiring *'clear and convincing justification'*; (NPPF para 200). The submission does neither in this respect.

The Heritage Statement (section 2.0) references the need to provide public benefits as a result of the proposal and proposes such in the report in an attempt to mitigate impact.

The PPG sets out that public benefits may follow from many developments *"and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit."*

The suggested benefits simply amount to the planting of a 8 'orchard' trees (against removal of 5) which clearly could arise regardless of the development progressing as opposed to the development being able to *'secure these benefits'* (para 4.19) and is of no substance in this respect. Indeed, it is contended by our clients that remaining fruit trees have been removed from the proximity to the building footprint recently, and so not recognised in the Arboricultural Survey or Assessment, contrary to assertion in Heritage Assessment (para 4.16).

The Built Heritage Statement also fails to review the nature of the proposed dwelling sufficiently, with little regard to the resultant height, scale and plan form/footprint of such on this site, relative to the adjacent properties at lower level for example. The dwelling itself is overly large and out of scale relative to neighbouring dwellings and of poor proportions with an overly deep plan form (and hence visible gable and

resultant ridge and eaves height) which is not reflective of the local vernacular and wholly out of context. This contravenes the listed criteria in Policy HP3 of the Local Plan.

Whilst any resulting harm may be considered less than substantial for the purposes of paragraph 201 and 202 of the NPPF, with substantial harm being a high test, the courts have held (Ref South Lakeland DC v Secretary of State for the Environment [1992]2AC 141) that 'preserving means doing no harm'. They have further established that where a proposal would cause some harm, the desirability of preserving a listed building or its setting, or character of a conservation area, should not simply be given careful consideration, but should be given 'considerable importance and weight' when the decision maker carries out the planning balance (Ref. Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council, English Heritage, the National Trust and Secretary of state for Communities and Local Government [2014] EWCA Civ 137)

Fundamentally, the proposal would diminish one of the key characteristics of the village conservation area by the mere provision of built development on this open land parcel with no substantive public benefits arising as a consequence to outweigh this harm. The proposed dwelling due to its scale, bulk and relationship to neighbouring built development would also not reflect the local vernacular, spatial qualities of the area and is clearly contrary to Local Plan Policy HP2, GS3, HP3 and paras 130, 197, 199, 200 and 202 of the NPPF and would fail to preserve the character of the conservation area.

Impact on Trees/Access Arrangements

The proposal involves the use of an approved (yet to be completed) enhanced vehicle and pedestrian access onto the highway, shared with the existing dwelling. This was, fortuitously, pursued and approved prior to the pursuit of the new build dwelling application now before the local authority. It is appreciated that the highway officer has not objected to the proposal provided this access is implemented as approved.

Nevertheless, the use of this access does require the provision of a new surfaced private driveway directly under the canopy of a substantial tree at the site entrance. This tree is emphasised for its importance in the Built Heritage Statement as providing visual cover to the development beyond when viewed from the west.

The provision of enhanced access arrangements will, in our view, put the retention of this tree at risk. The conclusions and recommendations of the Arboricultural Assessment are noted, however, this is predicated on the presence of hard surfacing already on site already within the root protection area helping to mitigate any impact. The historical existence and extent of such surfacing is questioned and it is requested that further information be sought from the applicant in this respect and the nature/extent of such – depth, material and robustness as a surface. The imposition of an above surface access drive is noted as the design solution and it is contended that it is not clear that such would be sufficient nor would it prove robust to enable use by private cars to the likely degree required without possible sub soil compaction within the root protection area and damage to roots. This is especially so in terms of this being the sole means of access for the construction of the dwelling, delivery of materials and equipment etc and so heavy loading in this regard. There is also possible danger to the tree itself, accepting the raised canopy, through likely mishap during the construction phase.

Retention of trees within the wider site are noted and the need for construction service/delivery vehicles to turn etc as well as a working compound to be defined are all important considerations which give rise to a very

tight development site wherein risks to tree damage in the short term and over time need to be fully considered.

The loss of any trees would be harmful to the conservation area and landscape character and a direct result of the proposed development as opposed to any present threat to their retention. The proposals need to be duly considered under Policy NE7 of the Local Plan with the stated objective being to '*protect and enhance existing trees*' with removal only appropriate where such would '*aid delivery of a better development*'. In this instance, it has been already demonstrated that the development is not appropriate and any tree loss (as proposed within the wider site) would exacerbate this negative impact.

The use of the retained open space to the front of the proposed dwelling would be notably intensified compared to present usage and give rise to demands for pruning etc and management of the area which would be out of keeping with the sites present character. The siting of cars etc would be a notable change in this respect. This area, while domestic, is not part of the domestic curtilage of Manor Cottage given the clear separation and delineation by a clear (historic) boundary wall.

The loss of certain trees as proposed, a direct consequence of the development as the submission clearly identifies, gives rise to a requirement to replace such on site under Policy NE7 – this brings the derived 'public benefit' of the minor tree planting proposed to offset conservation area impact into focus and questions whether such is in fact an obligation in any event. The final requirement of this policy is to design a scheme to ensure longevity and minimise conflict in terms of amenity (requests to prune/fell etc) and this is questioned given the contrived access arrangements in this respect.

It is contended that the proposal would conflict with Local Plan Policy NE7 in this respect.

Residential Amenity

The plot sits at an elevated level relative to the dwellings to the south (Manor Court) with the proposed dwelling sitting over a floor level higher than the adjacent 1 Manor Court – this is illustrated in the submitted plans (section BB on Drg No 10 and Drg No 13). The proposed dwelling would be wholly overbearing upon this dwelling, its outlook and privacy associated with the associated garden space.

The occupants of 1 Manor Court have the benefit of a first floor bedroom window to the side elevation of the dwelling which directly looks to the north and onto the application site (see Site Plan notation on Drg No 10). The proposed dwelling totally disregards this relationship and present outlook and fails to meet the required guideline standards in this regard in the adopted Residential Design Guide and House Extensions and Garages Design Guide.

It is requested that the officer view the site from this habitable room (and garden area) to fully appreciate the impact of the proposals upon the enjoyment of this existing dwelling.

The proposed dwelling would have a building depth that would be wholly oppressive to the adjacent occupiers and amplified by the change in levels and resultant height of the new building in close proximity to the mutual property boundary (See Drg No 10).

As for the occupants of the proposed dwelling, the siting of the dwelling would provide limited and insufficient amenity space to the rear for a dwelling of this size and give rise to an intensity of use of that area which would undermine the present quiet enjoyment of our clients garden area. There would also be the possibility of direct overview from this area into our clients bedroom window. This would be compounded by the elevated position and likely propensity to provide a means of enclosure to create a buffer that would exacerbate this poor relationship.

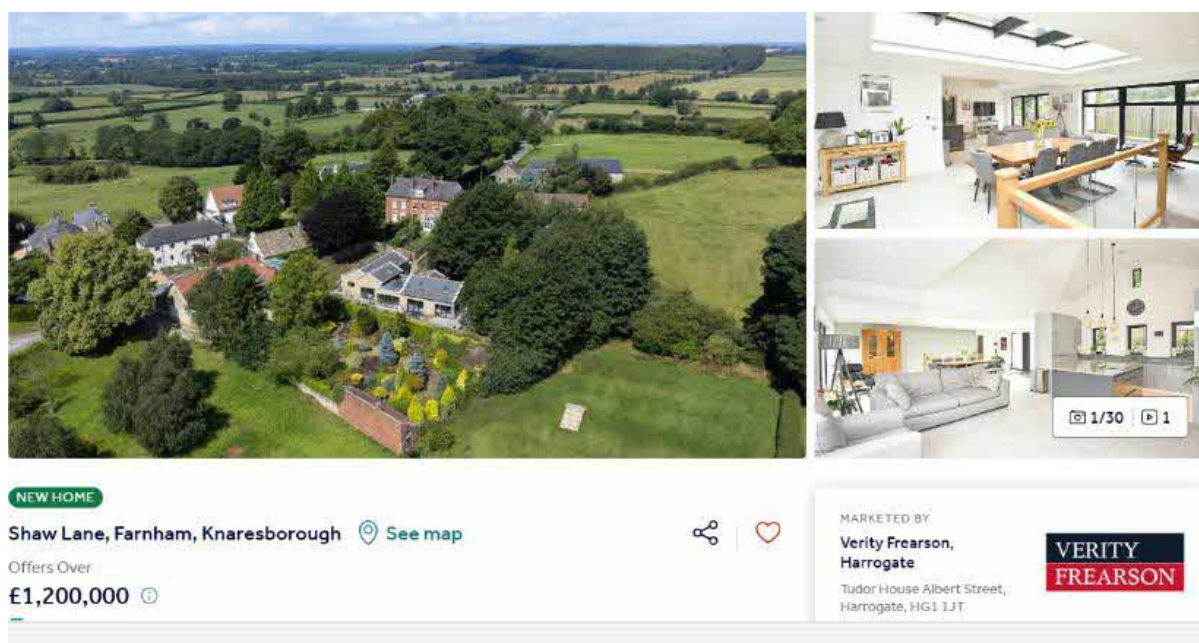
The proposal would be contrary to Local Plan Policy HP4 and paragraph 130 of the NPPF in this regard as clearly detrimental to the amenity of the adjacent occupants.

Self - Build Dwelling

The proposal is submitted on the clear stated basis that this is a self- build dwelling to meet the needs/aspirations of the applicants family with no other opportunity to achieve such in the area.

The proximity to the dwelling to the immediate north of the site, which is presently being marketed for sale (as below extract), should be highlighted for context in this regard given the proposed nature, scale and likely development cost of the proposed dwelling illustrating what may be available in the locality without the need to build upon/diminish an identified heritage asset and stated land parcel which makes an identified positive contribution to the conservation area due to the openness and undeveloped nature of the property.

https://www.rightmove.co.uk/properties/137810531#/?channel=RES_NEW



NEW HOME

Shaw Lane, Farnham, Knaresborough [See map](#)

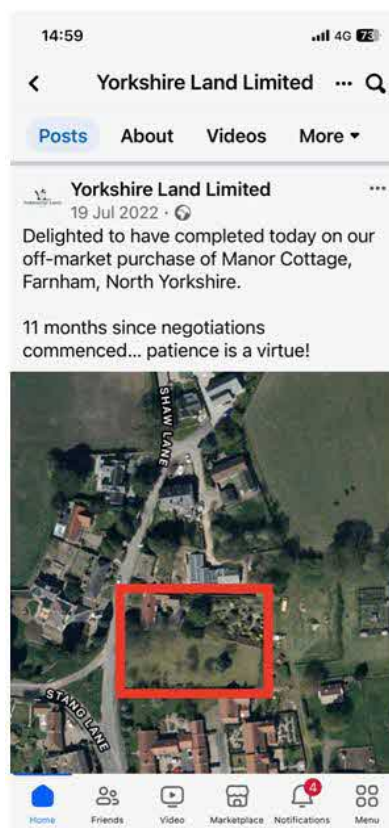
Offers Over **£1,200,000**

MARKETED BY
Verity Frearson, Harrogate
Tudor House Albert Street,
Harrogate, HG1 1JT.

VERITY FREARSON

Notwithstanding the above, the application offers no clear means or ability to ensure that this will be a genuine self-build dwelling for the applicant (or others) with no legal undertaking or heads of terms prescribed to this end. Indeed, the ability of the applicants (Mr & Mrs Green) to enter into such needs to be clarified and the ownership of the property given the social media post below which clearly references the

purchase of the property by the applicants development company (Yorkshire Land Ltd). It is requested that this be clarified with the applicant as appropriate declarations of ownership/serving notice may be required to this end at the very least if not the sole owner.



It is contested that the application has not demonstrated that it is a legitimate and deliverable self-build proposal under Local Plan Policy HS3 and this does not in any event over ride the fundamental concerns with regards to the harmful impacts upon the conservation area and residential amenity expressed elsewhere in this objection.

I trust that the above considerations and legitimate concerns may be duly considered as part of the determination process and we reserve the right to make further comments in due course should such be necessary.

Our clients look forward to the application being refused and the clear position established by the local planning authority that this site is not appropriate for development in principle, regardless of the nature of any scheme given the inherent impact upon the conservation area and unjustified harm in heritage terms, notwithstanding wider issues which contravene adopted policies and guidance.

Your sincerely

David Boulton, MRTPI
Director



SITE PHOTOGRAPHS



Rear of 1 Manor Court looking west showing change in levels to the site



Change in levels looking south onto 1 Manor Court (bedroom window in view)



Rear elevation to 1 Manor Court showing change in levels



Change in levels between site and 1 Manor Court



View north from Manor Court development access driveway