

Public Document Pack

HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 31 January 2018

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 8 February 2018**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To:

Councillors	Councillors
P Bardon (Chairman)	K G Hardisty
J Noone (Vice-Chairman)	C Patmore
M A Barningham	B Phillips
D M Blades	C Rooke
S P Dickins	A Wake
Mrs B S Fortune	D A Webster

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am INCLUDING AN UPDATE ON THE LOCAL PLAN; APPEALS Q4 2017; AN UPDATE ON THE EAST COAST MAIN LINE FOOTPATH CROSSING AND WHO'S WHO IN DEVELOPMENT MANAGEMENT

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 11 January 2018 (P.19 - P.20), attached. 1 - 4
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS 5 - 60
Report of the Deputy Chief Executive.

Please note that plans are available to view on the Council's website through the Public Access facility.
4. MATTERS OF URGENCY
Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 11th January, 2018 in the Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

Councillor	J Noone	Councillor	C Patmore
	M A Barningham		B Phillips
	D M Blades		C Rooke
	Mrs B S Fortune		A Wake
	K G Hardisty		D A Webster

Also in Attendance

Councillor Mrs J Watson

An apology for absence was received from Councillor S P Dickins

P.19 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 7 December 2017 (P.17 - P.18), previously circulated, be signed as a correct record.

P.20 PLANNING APPLICATIONS

The Committee considered reports of the Deputy Chief Executive relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

THE DECISION:

That the applications be determined in accordance with the recommendation in the report of the Deputy Chief Executive, unless shown otherwise:-

- (1) 17/02422/OUT - Outline application for the construction of 3 dwellings with some matters reserved (access included) at Land adjacent to Peace Haven, 93 Bedale Road, Aiskew for Mr G E Harrison

PERMISSION GRANTED because the Committee considered the development was in a sustainable location and would not cause harm to the openness of the countryside

The decision was contrary to the recommendation of the Deputy Chief Executive.

(The applicant's agent, Zoe Harrison, spoke in support of the application).

- (2) 17/02086/FUL - Construction of a replacement dwelling and construction of a detached dwelling at Rosedene, Carthorpe for Mr T Shipman

PERMISSION GRANTED

- (3) 17/02464/S106 - Application under Section 106A(1) of Town and Country Planning Act 1990 for variation of S106 agreement dated 6 June 2013 at Land to the north of The Willows, Willow Bridge Lane, Dalton for Whitfield Homes

AGREED THAT:-

- (a) the developer be invited to enter a Deed of Variation to reduce the open space, sport and recreation contribution to £57,409.77, proportionate to the nine dwellings built and occupied under planning permissions 12/01348/OUT and 13/02560/REM, to be paid on completion of the Deed of Variation; and
- (b) officers be authorised to commence proceedings to recover the open space, sport and recreation sum due under the S106 agreement dated 6 June 2013 if the Deed of Variation specified in (a) is not completed by 23 February 2018.

(Ken Croft spoke on behalf of Dalton Parish Council objecting to the application.)

Disclosure of Interest

Councillor C Patmore disclosed a personal non-pecuniary interest as a family member worked for the applicant and left the meeting prior to discussion and voting on this item.

- (4) 17/02331/FUL - Single storey extension and alteration to the roof at 12 Apple Garth, Easingwold for Mr & Mrs James Kay

PERMISSION GRANTED

(Paul Radford spoke objecting to the application.)

- (5) 17/02409/OUT - Outline application for the construction of an attached dwelling with an integral garage and two vehicular access points at Wayside, 1 Oulston Road, Easingwold for Mr Andrew Tooze

PERMISSION GRANTED

(John Faid spoke objecting to the application.)

- (6) 17/02334/OUT - Outline application with all matters reserved for the construction of two dwellings at The Old Forge, Exelby for Mr Gerald Price

PERMISSION GRANTED

- (7) 17/00941/FUL - 26 residential units including associated access, parking and landscaping at Land north of Broughton Grange Farm, High Street, Great Broughton for Mulgrave Properties & Lordstones Developments Limited

PERMISSION GRANTED

(The applicant's agent, Phil Brock, spoke in support of the application).

(Michael O'Neil spoke on behalf of Great and Little Broughton Parish Council objecting to the application.)

(Charles Waterfield spoke objecting to the application.)

- (8) 17/02131/OUT - Outline application for five dwellings with all matters reserved at OS Field 5368, Hambleton Court, Great Smeaton for Mr G Tuer

PERMISSION REFUSED

(The applicant's agent, Steve Hesmondhalgh, spoke in support of the application).

- (9) 17/01514/OUT - Outline application (all matters reserved) for the demolition of dwelling and construction of three detached dwellings at Chilton House, Low Worsall for Mr Adil Ditta

PERMISSION GRANTED subject to an additional condition relating to reserved matters and a limit to a maximum of 3 dwellings

- (10) 17/02252/FUL - Formation of 4 air intake louvres into the gable cladding of building three and the construction of a link corridor between the two main buildings at Stanley House, Thurston Road, Northallerton for Mr Paul Blades

PERMISSION GRANTED

Disclosure of Interest

Councillor D Blades disclosed a personal non-pecuniary interest as the applicant was a family member and left the meeting prior to discussion and voting on this item.

- (11) 17/02240/OUT - Outline planning application (with all matters reserved) for residential development, to include associated parking and amenity space at Land north east of The Cottage, The Green, Raskelf for The Church Commissioners for England

PERMISSION GRANTED because the Committee considered the development would not have a significant detrimental impact on the character and setting of the area

The decision was contrary to the recommendation of the Deputy Chief Executive.

(The applicant's agent, Jennifer Longstaff, spoke in support of the application).

- (12) 17/02358/OUT - Outline application for the construction of five dwellings with all matters reserved at Land adjacent to Dove Cote, The Green, Raskelf for Mr P Kilvington

PERMISSION GRANTED because the Committee considered the development would not have a significant detrimental impact on the character and setting of the area

The decision was contrary to the recommendation of the Deputy Chief Executive.

(Andrew Cunningham spoke in support of the application).

- (13) 17/01477/OUT - Outline planning application for the construction of up to 110 dwellings with all matters except access reserved at OS Field 9664, Stokesley for Gladman Developments Ltd

PERMISSION REFUSED

(Mike Canavan spoke on behalf of Stokesley Town Council objecting to the application.)

- (14) 17/02237/FUL - Revised application for alterations to garage to form additional living accommodation with first floor extension to form bedroom and bathroom at 1 Bridge Farm, York Road, Thirkleby for Mrs Jennifer Midgley

PERMISSION GRANTED

The meeting closed at 4.55 pm

Chairman of the Committee

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 8 February 2018. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Democratic Services Officer, Louise Hancock, by telephoning Northallerton (01609) 767015 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre. Documents are available to view at www.planning.hambleton.gov.uk. Background papers can include the application form with relevant certificates and plan, responses from statutory bodies, other interested parties and any other relevant documents. Any late submission relating to an application to be presented to the Committee may result in a deferral decision

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Deputy Chief Executive has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Mick Jewitt
Deputy Chief Executive

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

PLANNING COMMITTEE

Thursday 8 February 2018

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	17/01498/FUL Mrs H Laws Brompton Page no: 9	Conversion of barns into two dwellings For: Mr & Mrs Wittrick At: Street House Farm, Deighton Lane, Brompton RECOMMENDATION: GRANT
2	17/02534/FUL Mr K Ayrton Great Ayton Page no: 15	Construction of a new dwelling For: Daniel Thompson At: OS Fields 7956 and 6734, Yarm Lane, Great Ayton RECOMMENDATION: REFUSE
3	17/02207/OUT Miss C Cornforth Great Broughton Page no: 19	Outline application (access to be considered) for the construction of one dwelling For: Mr Ray Byron At: Annaclay Farm, Great Broughton RECOMMENDATION : GRANT
4	17/02190/FUL Mrs C Strudwick Helperby Page no: 25	Application for demolition of barn and bungalow and redevelopment with five dwellings For: J G Swiers (Helperby) Ltd At: Land and buildings north east of Old Star Cottage, Back Lane, Helperby RECOMMENDATION: GRANT
5	17/01656/FUL Mrs C Strudwick Huby Page no: 35	Removal of bungalow, double garage, outbuildings, stables, foundations of new dwelling permitted under 14/01379/FUL and construction of one circular dwelling For: Mr Richard Oaks At: Oaklands, Sutton Road, Huby RECOMMENDATION: REFUSE
6	17/02591/ADV Mr P Jones Northallerton Page no: 41	Advertisement consent for a mesh banner fixed to existing boarding For: Central Northallerton Development Company At: HM Prison, Northallerton RECOMMENDATION: GRANT
7	17/02320/FUL Mr K Ayrton Skutterskelfe Page no: 45	Construction of a stable block For: Mr Adams At: Oakwood Farm, Tame Bridge, Stokesley RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
8	17/02436/FUL Mr K Ayrton Skutterskelfe Page no: 49	Construction of an amenity building for private gypsy site For: Mr R Adams At: Oakwood Farm, Tame Bridge, Stokesley RECOMMENDATION: GRANT
9	17/02720/OUT Mr K Ayrton West Rounton Page no: 55	Outline application for the construction of a detached dwelling and double garage For: Mr & Mrs T.G. & S.M. Elstob At: White House Farm Bungalow, West Rounton RECOMMENDATION: GRANT

Parish: Brompton
Ward: Northallerton North & Brompton
1

Committee date: 8 February 2018
Officer dealing: Mrs H Laws
Target date: 16 February 2018

17/01498/FUL

**Conversion of agricultural barns into two dwellings
At Street House Farm, Deighton Lane, Brompton
For Mr & Mrs Wittrick**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies approximately 2km to the south of the village of Deighton but lies within the Parish of Brompton. It is currently occupied by a detached, previously extended, two storey dwelling and adjacent farm buildings which comprise both traditional brick and modern sheet clad structures.
- 1.2 Planning permission was granted in June 2016 to remove the existing dwelling, which lies at the front of the farmstead, and construct a replacement dwelling within the paddock that lies to the south of the farm buildings, set back almost 100m from the road along the farm access track. The site of the existing dwelling would be cleared and retained as landscaped amenity space.
- 1.3 Following the submission of a prior notification for the conversion of the agricultural buildings to two three-bedroomed dwellings, it was agreed that the works would be permitted development. This work has not been implemented at the time of writing.
- 1.4 It is now proposed to convert a larger section of the farm buildings to form two four-bedroom dwellings of single-storey form, but with a small area of mezzanine each. The existing buildings are red brick and mostly pantile roofed structures of varying heights last used for agricultural purposes. The buildings, which are mostly disused, lie adjacent to farm buildings.
- 1.5 It is proposed to use the existing access that currently serves the farmhouse to serve a parking area at the front; garden areas would be provided at the front and rear of the dwellings. A public right of way follows the farm track to the south of the site and then turns southwards to follow the existing hedgerow boundary. The route would not be affected by the proposed development.
- 1.6 The floor area of the dwellings agreed under permitted development is 444sqm; the proposed scheme would extend the floor space of the dwellings into a greater area of the barns and includes the provision of an upper floor above part of the previously permitted accommodation. As a result of these changes the proposed dwellings would each have one more bedroom than the permitted development conversion. It is noted that permitted development restrictions allow for the formation of up to three residential units and the use of up to 450sqm of floor space. The proposed development would result in the formation of 2 units and approximately 700sqm of floor space.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00603/FUL - Demolition of dwellinghouse and construction of replacement dwelling; Withdrawn 4 March 2016.
- 2.2 16/00811/FUL - Replacement dwelling and all ancillary works; Granted 10 June 2016.

- 2.3 17/01555/MBN - Application for Prior Notification for proposed change of use of Agricultural Building to two dwellinghouses and associated operational development; No objection 17 October 2017.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection; conditions recommended, and an informative to ensure the route of the public right of way is protected.
- 4.3 Environmental Health Officer - No objection.
- 4.4 Ramblers Association - No objection; it is assumed the public footpath adjacent to the farmstead will retain its parameters and characteristics.
- 4.4 Public comments - None received.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to (i) the principle of two additional dwellings in this location; (ii) the effect on the character and appearance of the rural landscape; (iii) the siting, scale and appearance of the dwellings; (iv) the impact on residential amenity; (v) ecology; and (vi) highway safety.

Principle

- 5.2 The site is in a rural location where new residential development would not normally be allowed, in accordance with the principles of CP1 and CP2 and in the absence of special justification under the criteria set out in CP4.
- 5.3 It has previously been agreed that the conversion of the buildings to form two dwellings is permitted development under Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (17/01555/MBN) although this has not been implemented. The planning application proposes to convert the buildings into two larger dwellings with larger areas of domestic curtilage, which would effectively

fall outside the permitted development criteria owing to the size of units proposed along with the area of residential curtilage proposed.

- 5.4 The barns could therefore already be converted to dwellings under permitted development rights and, although this does not accord with planning policy, the barns are entitled to be used for residential purposes and therefore the principle of the use is established. Accordingly, the only issues to be considered relate to the changes to the scheme over and above those agreed as permitted development. This would relate to the impact of greater floor space and increased curtilage on the character and appearance of the locality; on residential amenity and on highway safety.

Character and appearance

- 5.5 The alterations to the buildings are minimal and therefore their appearance would not alter significantly compared with the permitted development conversion. The character of the site would alter from an agricultural setting to a domestic setting with the addition of domestic paraphernalia such as washing lines and greenhouses and this would be more pronounced than the permitted development conversion because the curtilages now proposed are larger. The permitted development regime limits the curtilage of a dwelling formed by barn conversion to be no greater than the floor space of the building, i.e. 444sqm. The proposed scheme would have garden areas for the two dwellings of more than twice that size.
- 5.6 The garden of one of the plots would include the area currently occupied by the farmhouse and would not therefore have a greater impact on the rural landscape. The garden for the second plot would extend the domestic curtilage into the adjacent field. A proposed new hedge around the boundary of the proposed garden, including some hedgerow trees, would limit the impact on the rural landscape.

Design

- 5.7 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.8 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.9 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.10 The proposed alterations are minimal and are sympathetic to the original character and appearance of the buildings. The increased floor space would be within existing buildings and therefore the amendments to the scheme, in addition to the permitted development scheme, would have no greater impact on the appearance of the buildings or the rural setting. The proposal is considered to present a high standard of design and to comply with policies CP17 and DP32.

Residential amenity

- 5.11 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution

(including light pollution), vibration and daylight. The proposed dwellings would share an access but have individual areas of amenity space. There would be adequate separation to ensure the protection of the amenity of the proposed residents. The application site lies far enough from the approved position of the replacement farmhouse for it not to have an impact on neighbouring amenity.

5.12 The existing working farm would have a separate entrance with access into the buildings from the south and eastern side of the site and would be set well away from the habitable areas of the proposed dwellings.

5.13 The proposed development would be in accordance with LDF Policy DP1.

Ecology

5.14 Several bat surveys have been undertaken, which confirm the presence of bats within the buildings. Further work would be required in order to formulate a mitigation strategy. A bat licence from Natural England would be required.

Highway safety

5.15 The Highway Authority has no objections to the use of the existing access to serve the two new dwellings and recommends an informative to ensure the public rights of way through the site are protected. The route lies adjacent to the application site and would not be affected by the proposed development. The route would remain available adjacent to the proposed dwellings.

Conclusion

5.16 The principle of residential development has been established by the permitted development regulations. The amended scheme, which includes additional floorspace and domestic curtilage, would not harm the character and appearance of the surrounding rural landscape, the amenity of local residents or highway safety. Approval of the application is therefore recommended.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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.
3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the Site Plan

(drawing number 10A) received by Hambleton District Council on 28 September 2017 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

5. Prior to the commencement of the development hereby approved a written statement of works and annotated plan shall be submitted to and approved in writing by the Local Planning Authority. The written statement shall identify the extent and sequence of works of conversion and the annotated plan shall show all areas of underpinning, demolition, refacing, replacement and reconstruction of foundations, walls and roofs that are necessary to implement the details of W073-02 drawing numbers 05A; 06A; 07; 08; and 10A received by Hambleton District Council on 5 July and 28 September 2017. Thereafter the scheme shall be implemented in complete accordance with the approved statement and plan.
6. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwellings or buildings nor shall any structure be erected within or on the boundary of the curtilage of the dwellings hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
7. Prior to the commencement of development a detailed method statement of works as recommended within the Bat Risk Assessment and Emergence Survey Report produced by EcoSurv Ltd, (received by Hambleton District Council on 13 July 2017), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in full.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference Drawing number 10A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered W073-02 05A; 06A; 07; 08; and 10A received by Hambleton District Council on 5 July and 28 September 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. 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. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and protect the character and appearance of the surrounding rural landscape in accordance with LDF Policies CP16 and DP30.

5. To ensure that the works are undertaken as a conversion and to protect the character and appearance of the rural landscape in accordance with LDF Policies CP16 and DP30.
6. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with LDF Policies CP1 and DP1.
7. To minimise risk or disturbance to bats in accordance with LDF Policies CP16 and DP31.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
9. 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 Development Plan Policies.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

2. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
3. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

Parish: Great Ayton
Ward: Great Ayton
2

Committee date: 8 February 2018
Officer dealing: Mr K Ayrton
Target date: 15 February 2018

17/02534/FUL

**Construction of a new dwelling
At OS Field 7956 and 6734, Yarm Lane, Great Ayton
For Mr Daniel Thompson**

This application is referred to Planning Committee at the request of Councillor Hudson and as it would be a departure from the development plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located in the open countryside, approximately 2 km from the built up edge of Great Ayton. There is some limited, isolated residential development within the vicinity, focused around the junction of Yarm Lane with the A172.
- 1.2 The application site is located behind a large detached property, Oak Manor, in an isolated location in open countryside. It is accessed off Yarm Lane and comprises a parcel of woodland and some former piggery buildings located within a field.
- 1.3 The proposal is to construct a large detached dwelling and detached garage. The siting of the dwelling would partly be over the footprint of the piggery buildings. The extent of the proposed residential curtilage is significant, including the entirety of the field, being approximately 0.84 hectares in size.
- 1.4 The design of the dwelling resembles a dormer bungalow, albeit with the use of some areas of glazing that are larger than would be typically found in such a building.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP9 – Development Outside Development Limits
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Policy Guidance Note - Development in Rural Settlements
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Northumbrian Water - No comments.

- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Parish Council - Objects on the grounds that (i) the land falls outside the Development Limits; (ii) there is no associated agriculture and no such justification; and (iii) access to the site is poor/dangerous.
- 4.4 Public Comments - Four objections making the following comments:
- There has already been a number of planning applications. The reasons for refusal remain valid. (Officer Note: This has been checked and the application referred to relates to land to the south east of the current application site);
 - Outside the Development Limits;
 - No exceptional facilities;
 - The piggery buildings have deteriorated;
 - There has never been a residential building on site;
 - This is a speculative application by a property developer;
 - The proposal conflicts with policy DP8;
 - It would have a harmful effect on the countryside and intrinsic character and quality of the landscape;
 - The site is not suitable; and
 - The proposal does not promote high quality design.
 - Would expect any residential development on the site to have an agricultural occupancy clause.
 - Development on this site would open the floodgates.

One letter of support making the following comments:

- The land has been left derelict and does not blend in with the surrounding fields and woodland. The proposed development would be more in keeping.

One neutral letter suggesting a reduced speed limit on the surrounding road network.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location; (ii) the impact of the development on the surrounding character and appearance; (iii) the impact on residential amenity and; (iv) highway safety.

Principle

- 5.2 The site is located well beyond any Development Limits and is located in an isolated position in open countryside. The application does not claim any of the exceptional circumstances identified in policy CP4 that might justify a new dwelling in such a location. The proposal would therefore be in conflict with policy CP1, which encourages sustainable development; and policy CP2, which supports development that minimises the need to travel and encourages alternative forms of transport and reducing the need to travel by private car.
- 5.3 Collectively these policies seek to ensure that development is assessed against the community's housing needs and the Settlement Hierarchy, utilising land that is in a sustainable location, whilst minimising the need to travel and protecting the natural environment and countryside. As such, the proposal would be a Departure from the Development Plan and the principle of development is not supported in this location.
- 5.4 Due to the isolated location of the proposed development, the application is not considered to be offered any support in terms of the Council's Interim Policy Guidance note on Development in Rural Settlements, which only applies to

development within villages. Whilst the development is considered unacceptable on this point of principle, it is appropriate to consider its detail against other policies.

Design, character and appearance

- 5.5 The proposed dwelling is significant in size and would be introduced into a largely undeveloped field. The application is not accompanied by a Design and Access Statement, however officers are of the view that the design and position of the building fail to respond to the local character or reflect local distinctness. Whilst large dwellings can be found in the countryside, these generally address the road frontage rather than standing behind other dwellings (in this case Oak Manor). Furthermore, the introduction of a substantial residential curtilage would result in a significant encroachment into the countryside which, when considered along with associated domestic paraphernalia, would result in an adverse impact on the rural character of the countryside.
- 5.6 As a consequence the scheme fails to comply with policies DP17 and DP32, which require the design of development to be of the highest quality, taking into account local character and setting and local distinctiveness; and policies CP16 and DP30, which require development to respect the openness, intrinsic character and quality of the District's landscape.

Residential amenity

- 5.7 Policy DP1 requests that all development proposals adequately respect amenity, particularly with regard to privacy. Due to the large size of the site and the separation distances that could be achieved to the nearest residential property, the proposal would not result in harm to residential amenity.

Highway safety

- 5.8 The Highway Authority has commented on the application and raised no objection. It is noted that the Parish Council has raised concerns about the highway access. However, the access point onto Yarm Lane is considered to provide suitable visibility in both directions, with car speeds approaching from the left, from the A172 likely to be low, due to the proximity of the junction. The junction onto the A172 itself, is very open and provides good visibility in both directions. As such officers agree with the position taken by the Highway Authority and do not consider that the proposal would result in any detrimental impacts in terms of road safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposal represents unsustainable development in an isolated location outside of the Development Limits of a settlement within the Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework and the National Planning Policy Framework.
 2. Due to its location and design, the proposed development would have an obtrusive and urbanising effect on the rural surroundings harmful to its openness and intrinsic character contrary to Local Development Framework Policies CP16, CP17, DP30 and DP32.

This page is intentionally left blank

Parish: Great and Little Broughton
Ward: Stokesley
3

Committee date: 8 February 2018
Officer dealing: Miss Charlotte Cornforth
Target date:

17/02207/OUT

Outline application for the construction of one dwelling with details of access (all other matters reserved)

**At Annaclay Farm, The Holme, Great Broughton
For Mr Ray Byron**

This application is referred to Planning Committee as it is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site currently accommodates outbuildings and a glasshouse associated with Annaclay Farm, the domestic dwelling to the east of the site. The buildings were historically used for horticulture, but in more recent times have been used for domestic purposes.
- 1.2 The site is located on the western fringe of the village of Great Broughton outside the Development Limits of the village. Access to the site is via the ford off The Holme that currently serves Annaclay Farm, The Stables to the south of the site and the woodland to the west of the site. A track that runs to the south of Annaclay Farm would be used for the proposed dwelling.
- 1.3 Approximately 50 metres to the east of the application site is the boundary of the Great Broughton Conservation Area. To the north of the site is the road that serves The Stables and the woodland, adjacent to a hedgerow with trees and to the south are open fields separating the site from The Stables approximately 130 metres away.
- 1.4 The proposal seeks outline planning permission for the construction of one detached dwelling. Whilst this application is in outline form with details of scale, appearance and layout to be considered at the reserved matters stage, the agent has suggested that the site is capable of accommodating a single storey dwelling or a cottage style property, reflecting the local vernacular of the settlement of Great Broughton.
- 1.5 The proposed dwelling would utilise part of the curtilage of Annaclay Farm to the immediate south of the existing outbuildings. Annaclay Farm would retain its domestic curtilage to the immediate south and west of the house.
- 1.6 The only matter for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this application is approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/77/057/0053B - Agricultural workers bungalow; Granted 29 September 1977.
- 2.2 09/00093/MRC – Removal of agricultural occupancy condition of 2/77/057/0053B; Granted 3 May 2011.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 – Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP43 - Flooding and floodplains
 Interim Guidance Note - adopted by Council on 7th April 2015
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – Not happy to support this application as it is outside Development Limits, access onto the public footpath is unsuitable and access onto the Holme is unsuitable and on a dangerous bend.
- 4.2 Highway Authority – No objection subject to conditions regarding access, turning and parking and an informative to ensure that the adjacent public right of way is not obstructed.
- 4.3 Environmental Health Officer – No objection; the applicant has not identified any potential sources of contamination, therefore the risk to end users is considered to be low.
- 4.4 Ramblers Association – No objection.
- 4.5 Northumbrian Water – No comments given the proposed disposal of foul and surface water.
- 4.6 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area, including the character and appearance of the village (iii) residential amenity; (iv) highway safety; and (v) drainage.

Principle

- 5.2 The site falls outside the Development Limits of Great Broughton. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development beyond Development Limits in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7th April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG includes an updated Settlement Hierarchy.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the Settlement Hierarchy reproduced in the IPG, Great Broughton is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it would be located to support local services.

Character and appearance

- 5.6 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for one dwelling and it is therefore considered small in scale. The proposal would involve the replacement of a building currently used for domestic storage purposes, on a similar footprint with no alterations to the existing domestic curtilage. There is a range of detached dwellings within the immediate locality off The Holme and the rear of the frontage properties on the High Street. Several of these properties are set behind others, in a dispersed pattern
- 5.7 It is therefore considered that the proposal would maintain the existing form and character of this part of the village and would not introduce an incongruous feature or use into the locality. The development is also small in scale and meets the requirements of criterion 2 of the IPG.
- 5.8 Criterion 3 states that development must not have a detrimental impact on the natural, built and historic environment. By virtue of its scale and involving the redevelopment of a site that currently contains a building, the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment.
- 5.9 Approximately 50 metres to the east of the application site is the boundary of the Great Broughton Conservation Area. The Conservation Area is largely characterised by residential properties along with the stream and associated trees and landscaping close to the application site. It is considered that due to the distance from the

Conservation Area boundary the proposed development will have no detrimental impact on the character or setting of the Conservation Area in this instance.

- 5.10 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. The proposal involves the redevelopment of an existing site and there would be no extension to the domestic curtilage. It is therefore considered that the proposal would not have detrimental impact upon the open character and appearance of the surrounding countryside, particularly to the south and west.

Residential amenity

- 5.11 It is considered that the plot is capable of accommodating a single dwelling without prejudicing residential amenity, particularly that of Annaclay Farm, by being overbearing in presence, causing loss of light or loss of privacy. Whilst a single storey dwelling has been suggested, it is considered that the plot also has the potential to accommodate a two-storey dwelling without detriment to residential amenity.
- 5.12 With adequate boundary treatments (it is noted that the hedge between the site and Annaclay Farm could be retained) and positioning of windows, the issue of residential amenity can be addressed as part of a reserved matters application. The site is considered capable of providing adequate private amenity space for the proposed dwelling.

Highway safety

- 5.13 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.14 Access to the site is via the existing ford off The Holme that currently serves Annaclay Farm, The Stables to the south of the site and the woodland to the west of the site. A track that runs to the south of Annaclay Farm would be used for the proposed dwelling. Whilst this track is not currently used by vehicular traffic, through condition it is possible for the access to be brought up to the standards required by the Local Highway Authority without prejudicing the character of the area.
- 5.15 The Highway Authority has raised no objection to the proposal and has suggested conditions. The Public Right of Way that runs to the north of the site would not be adversely affected by granting outline permission.
- 5.16 The Parish Council has raised concerns about road safety in the vicinity of the application site. In this instance, due to the form and character of the road network in the vicinity, road speeds are likely to be low. For that reason, and in the absence of any objection from the Highway Authority, it is considered that an additional dwelling would not have a detrimental impact on road safety.

Drainage

- 5.17 Foul drainage would be disposed of via a septic tank and surface water via a soakaway, the exact details of which can be agreed by planning condition.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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.
4. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.
5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the vehicular access, parking and turning arrangements have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 5 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

The reasons are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

4. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies C3 and DP6.
5. In accordance with Hambleton Local Development Framework Policies CP2 and DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
6. In accordance with Hambleton Local Development Framework Policies CP2 and DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
3. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way Team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
4. The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development – A Guide' available at www.northyorks.gov.uk

Parish: Helperby
Ward: Raskelf and White Horse
4

Committee date: 8 February 2018
Officer dealing: Mrs C Strudwick
Target date: 16 February 2018

17/02190/FUL

Application for demolition of barn and bungalow and redevelopment with five dwellings

**At land and buildings north east of Old Star Cottage, Back Lane, Helperby
For J G Swiers (Helperby) Ltd**

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 This site is an area of 0.40 hectares, extending 100m to the north east of the Developments Limits of Helperby, off Back Lane. The land has been in agricultural use, with a redundant timber and sheet metal agricultural building outside the site red line boundary, to the north east. There is an occupied residential bungalow in the northern portion of the site, a red brick and sheet metal two-storey agricultural building, with single storey elements to the north west of the site. A large portion of the site is laid to hard standing.
- 1.2 The site is accessed off Back Lane, which, in turn, is accessed off Raskelf Road to the north and Main Street to the south. The southern third (from Pheasant Cottage onwards) of Back Lane is predominately agricultural buildings on either side, with residential use largely confined to the western side of Back Lane. On the northern side of the application site is arable land, and to the south, beyond Old Star Cottage, is paddock land, and allotments.
- 1.3 The site is outside the Brafferton and Helperby Conservation Area, although a portion of the site's south western boundary runs alongside the Conservation Area boundary. Outside the application site and adjacent to the southwest boundary and Back Lane is a dwelling, Old Star Cottage, and its gardens. This is a Grade II Listed Building. Further east is a series of allotments adjacent to the south west boundary, to the rear of the site. There are no trees or soft landscaping to the front of the site, but there a small number of trees are found further into the site, particularly to the side and rear of the bungalow. Positioned between Old Star Cottage and the site is a redundant agricultural building. Permission was granted in 2016 for the conversion of this barn to a dwellinghouse with double domestic garage, associated parking and revised access.
- 1.4 The application seeks permission for the demolition of the brick agricultural building and bungalow at the north of the site, and their replacement with five dwellings. This would include two three-bedroom semi-detached dwellings on the Back Lane frontage, a three-bedroom and a four-bedroom detached dwelling at the north of the site, and a five-bedroom detached dwelling at the east of the site. The access road would follow its current route through the site; this provides access to the sewage works to the north east. Additionally Yorkshire Water pipes run under the sewage works access road. The site is not within Flood Zone 2 or 3.
- 1.5 A large number of dwellings within the main settlement of Helperby and at the outlying farmsteads were built as part of the Helperby Estate. The proposed dwellings are a mixture of architectural styles, with inspiration taken from buildings in and around the Helperby estate. The intention is not to provide five identically styled dwellings, but provide five dwellings which are distinctly different, but united through

some common features. The applicant has provided examples of dwellings in the area which feature the architectural characteristics which have inspired the design of these dwellings.

- 1.6 The dwellings feature hipped gabled roofs, cat slide roofs, arched window and door headers, string courses, eyebrow dormers, bay windows and timber frames with brick infill. All dwellings are to be brick finish, with slate or pantile roofs to be agreed. Window and door frames are to be timber.
- 1.7 The dwellings are all proposed to have air source heat pumps. All dwellings are shown with detached garages, except plots 1 and 3, where it is integral.
- 1.8 This is a resubmission of a previously refused scheme. Significant work has been carried out by the agent and applicant with officers to improve the scheme, and address the previous concerns which resulted in a refusal.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/02162/MBN - Prior notification for change of use of agricultural building to dwellinghouse and associated operational development; Prior approval expires 12 November 2018.
- 2.2 16/00166/FUL - Conversion of barn to dwellinghouse with double domestic garage, associated parking and revised access; Granted 6 April 2016.
- 2.3 16/02270/FUL - Demolition of building and construction of five dwellings and associated garages; Refused 23 February 2017. The reason for refusal was:

The design of the scheme and development in this location fails to respect the existing built form and local character of the village of Helperby, due to the fact that the development is located outside development limits and beyond any existing residential development. The proposed scheme would take the built form of the village closer to the open countryside, resulting in a loss of the development form that contributes to the existing quality of the residential environment. The proposed siting of development and scale and design of the scheme would cause significant harm contrary to the Hambleton Local Development Framework Policies CP4 and CP17 and DP30 and DP32.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP17 Prudent use of natural resources
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP34 – Sustainable energy
Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – Wishes to see the application approved.
- 4.2 Highway Authority – No objection; recommends conditions.
- 4.3 Natural England – No comments.
- 4.4 Yorkshire Water – Original comments objected to the site layout due to the proposed trees to be planted over the line of existing sewers on site, and the tree roots would likely damage the pipes. The site layout has now been amended, and is considered acceptable by Yorkshire Water. Additional comments have also been made regarding the serious inconvenience which may be caused to future residents by 8 wheeler tankers accessing the treatment works via the road through the site. Yorkshire Water has identified the frequency of tanker access may be about one vehicle per month.
- 4.5 Public comments – Concern has been raised by residents on Back Lane regarding the capacity of the sewage system in the locality. A comment has been received in support of the application, citing the conditions of the barns as an eyesore.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the area, including on heritage assets (the Helperby Conservation Area and Old Star Cottage); (iii) the impact on residential amenity; (iv) surface water; (v) access; and (vi) biodiversity.

Principle

- 5.2 Brafferton/Helperby is a Service Village within the Settlement Hierarchy set out in policy CP4 and updated by the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements.
- 5.3 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
 - 1. Development should be located where it will support local services including services in a village nearby.
 - 2. Development must be small in scale, reflecting the existing built form and character of the village.
 - 3. Development must not have a detrimental impact on the natural, built and historic environment.
 - 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 - 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 - 6. Development must conform with all other relevant LDF policies."

- 5.4 The National Planning Policy Framework (NPPF) states, in paragraph 55, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.5 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the fringe of the main village facilities of Brafferton/Helperby. The proposal would therefore be capable of supporting local services and would be in accordance with the aims of sustainable development and would comply with the first criterion of the IPG.

Impact on character and heritage assets

- 5.6 The development is at the upper end of what is normally considered small in scale, in terms of the IPG, at five dwellings, although the net increase would be four, as the bungalow is to be demolished to make room for the development. The layout of the scheme would push residential development out beyond the Development Limits, however the new dwellings would not go further east than the domestic curtilage of the existing bungalow.
- 5.7 The layout of the scheme is a cul-de-sac, (albeit with a vehicular access through the site to the Waste Water Treatment Works) of which there are a number of examples in Helperby and Brafferton, including The Leas, a short distance from the application site which is accessed off Back Lane, Balk Avenue to the north, Dunroyal Close on the opposite side of the village street and The Orchards, Brafferton Hall Gardens, Holly Garth and St Peter's Close to the north, in Brafferton. The layout proposed would reflect the existing these modern forms of development that have become a part of the relatively complex form of the villages of Brafferton and Helperby. For this reason the scheme does broadly comply with criterion 2 of the IPG (see caveat at 5.12). However, this issue requires further consideration in the context of design policy DP32.
- 5.8 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space. DP32 sets out that the form of development must respect the local character and distinctiveness by enhancing its positive attributes whilst mitigating its negative aspects. Effectively, this requires that new development does not repeat the mistakes of the past. The five dwellings would broadly be laid out as a cul-de-sac. As noted earlier, there are examples of culs-de-sac in Helperby and Brafferton and they are therefore a component of local character. However, they are C20th additions to the village that do not follow the traditional form of development and should therefore be considered a negative aspect of character that requires mitigation in order to achieve compliance with policy DP32.
- 5.9 Land which is in or was last in agricultural use is not defined as previously developed land by the NPPF. However, in views along Back Lane the site appears to be developed, with an extensively concreted yard, in contrast to the fields which flank either side of the site. Whilst the site is not densely occupied by development in the form of buildings, they and the concreted yard create a sense of enclosure, detracting from the sense of openness that the surrounding fields provide and which is more characteristic of the land on the eastern side of Back Lane and the transition to the countryside.

- 5.10 Overall, the site shows signs of decline, with redundant and under-used agricultural buildings. The negative aspects of the site are the visual characteristics of a developed and surplus agricultural unit, which in turn impact on the countryside either side, and beyond, the Conservation Area and the setting of Old Star Cottage.
- 5.11 A previous application was refused in February 2017 because it was considered the design of the scheme and development in this location failed to respect the built form and local character of the village because the site is located outside Development Limits and beyond any existing residential development, factors that remain the case now. In refusing permission, it was noted that the proposal would have taken the built form of the village closer to the open countryside, resulting in a loss of the development form that contributes to the quality of the residential environment. The reason for refusal concluded that this and the scale and design of the scheme would cause significant harm, contrary to policies CP4, CP17, DP30 and DP32.
- 5.12 The red line boundary of that application was approximately 45m further to the north east of the current application site. The current application has been designed to respond to concern expressed at that time regarding the built form of the village encroaching on the countryside, and the red line boundary of the current proposal is amended to ensure development would be restricted to the land either concreted or occupied by agricultural buildings and the bungalow. However, the fact that the site is located outside Development Limits and beyond any existing residential development, which was stated in the reason for refusal, has not changed. In this sense there is some conflict with criterion 2 of the IPG.
- 5.13 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.14 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.15 The overall design is proposed to represent a scheme built out in one single phase, but with a clear order to the buildings demonstrated through size, orientation and architectural detailing. All of the dwellings have been restricted to two-storey. Plot 5 was orientated differently to the other four plots, however this has now been amended to line up with the barn to the south west and in keeping with the development as a whole. Plot 5 features architectural details not included on the other dwellings to set it apart as, what the agent describes as "the most superior dwelling". Plot 4 is orientated so that the principle rooms face east onto the garden area. It is reasoned that this orientation allows an end stop to development, as well as ensuring that the plainer front facing elevation does not compete with plot 5. This design also draws inspiration from the bungalow, where the Back Lane elevation is reasonably plain, and the garden facing elevation has a projecting semi-circular glazed element and pitch roofed gable. This design is also reminiscent of the front elevation of Wilshome, opposite the site.
- 5.16 The other dwellings, whilst very different from one another, would all include detailing to unite them, including hipped roofs, arched alternate coloured brick window and door headers. This is particularly evident in plots 1, 2 and 3. The agent has provided many examples of the different detailing from within the main settlement of Brafferton and Helperby, and from the farmsteads of the Helperby estate. The style of architecture within the estate properties is predominately Queen Anne, and the

scheme seeks to replicate this as well as other prominent dwellings in the village; the hipped roofs a reflection of the bungalow currently onsite as well being featured elsewhere in the village, including The Chestnuts at the northern end of Back Lane. Careful consideration has been given to the design of these dwellings to ensure that they reflect the local and distinctive vernacular. This is one of the positive attributes of the scheme.

- 5.17 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.18 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Brafferton and Helperby Conservation Area.
- 5.19 Drury Lane, which is accessed opposite the site, directly connects Back Lane and Main Street and frames the view from Back Lane into the Conservation Area. The site, in its current state, presents a negative impact on the Conservation Area and the listed asset in the form of the appearance of the expanse of concrete and redundant agricultural buildings that do not respect the status of the Listed Building, Old Star Cottage. The proposed scheme would introduce soft landscaping to the front of the site which would provide an improvement by reducing the expanse of hard landscaping, and enhance the setting of the Listed Building, and also the Conservation Area; a positive attribute of the scheme.
- 5.20 The effect of these design features is such that the scheme represents a high quality, visually interesting residential development which would not slavishly recreate the standard design form of the village but would draw inspiration from the layout and the architectural styles of the two settlements. This positive attribute can be weighed against the impact of further new residential development beyond Back Lane and the adoption of a cul-de-sac layout.
- 5.21 On assessment of the application it is considered that it would lead to less than substantial harm to the Brafferton and Helperby Conservation Area and to the listed Old Star Cottage. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. A bat survey at the site has been carried out (of which there is further detail later in this report), and mitigation measure and conditions recommended. Subject to compliance with these conditions the scheme is considered to comply with criterion 3 of the IPG.
- 5.22 As noted earlier, the development would not extend the village further in to the countryside than the current concreted area or the curtilage of the bungalow. For this reason, and despite the conflict with policy DP32 and IPG criterion 2 identified above, it is considered that the proposal would not have a significant adverse impact on the open character and appearance of the surrounding countryside. It is considered that the positive attributes of the proposed scheme and the manner in which it would enhance the setting of the heritage assets would outweigh any harm and as such the scheme would comply with criteria 4 of the IPG.
- 5.23 There is no evidence available to suggested that the dwellings cannot be accommodated within the capacity of the existing village infrastructure (IPG criterion 5), with more detail regarding the drainage considered below.

Residential amenity

- 5.24 Other than Old Star Cottage, there is very limited potential for the development to impact on the privacy or amenity of neighbouring residents. It is considered that there would be sufficient separation distances from the proposed dwellings to ensure that there would be no overlooking, overshadowing or overbearing upon Old Star Cottage. It is considered that the positioning and fenestration of the dwellings adequately would protect the amenity of future residents of each plot. The repositioning of plot 5 during the application process took into account future residents of both plot 5 and the barn to the south east to protect residential amenity.
- 5.25 It is acknowledged that Back Lane does not have any dedicated footpaths or cycle paths for residents, however Main Street is accessible via Drury Lane, opposite the site, which is a pedestrian lane. Whilst the site is not in agricultural use currently there is no reason why it could not be brought back into use, and presumably the accessing of the site by large agricultural vehicles. To remove the agricultural use of the site would remove the possibility of the site being accessed frequently by large agricultural vehicles, therefore making Back Lane a more pleasant lane to walk or cycle along.
- 5.26 A point has been raised by Yorkshire Water regarding the potential serious inconvenience which may be caused to future residents by the tankers accessing the sewage treatment works. Due to the small size of the treatment works the tanker visits are once a month, under normal operating conditions. If Yorkshire Water were undertaking major maintenance or repair works a tanker would be accessing the site more often but it is understood that would be a rare occurrence. Additionally a site operative visits once or twice a week, however this is in a car or small van.
- 5.27 The road to the sewage treatment works is not through road, and so it the only traffic which would be using the access, other than in association with the dwellings, would be Yorkshire Water vehicles. It is considered that a tanker routinely every month will not cause serious inconvenience to future residents.

Surface water and drainage

- 5.28 The scheme would result in an increase in built development on site of approximately 160 m².
- 5.29 Detailed discussion has been had between the agent and Yorkshire Water to agree an acceptable scheme for the surface water and drainage. There was significant concern from neighbours about the refused scheme regarding the surface water flooding to Back Lane, and to neighbouring properties, in particular Old Star Cottage.
- 5.30 As part of the application a drainage scheme has been submitted. In the area where plots 1 to 3 would be located, the surface water would be discharged into the Yorkshire Water sewer, and surface water around plots 4 and 5 would drain into a soakaway to the north east of plot 5.

Access

- 5.31 There is no objection to the scheme from the Highway Authority. It is noted that the development would take the place of agricultural uses which although not currently active could re-start and place traffic on Back Lane. Overall it is considered that there would be no significant or material harm to the highway network, subject to the implementation of the recommended conditions. It is considered that Back Lane has the capacity to accommodate the additional traffic associated with the development.

Biodiversity

- 5.32 The site contains a redundant agricultural building and an occupied bungalow. A bat survey and report has been submitted in support of the application. Two emergence and activity surveys were undertaken during August and September 2017. The emergence and activity surveys identified a roost comprising of up to four common pipistrelles roosting associated with the junction of the dormer window and the roof covering on the bungalow, concluding that the bungalow supports a bat roost of common pipistrelle. The bat roost has the potential to be a maternity colony. A survey of the barn was also undertaken, there were no bats observed emerging from out of the barn but significant activity of bats flying into and out of the canopy at the eastern end. There was no evidence of any bat roosting associated with this building.
- 5.33 The report concluded that there is a presence of an established roost of pipistrelle bats within the roof covering of the bungalow. The redevelopment will therefore be constrained by the requirement for a European Protected Species Derogation Licence under the Conservation Natural Habitats Regulations (2010). A mitigation strategy is recommended in the report, and its implementation could be conditioned as part of any consent.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered S74-2-app2-PLG1, 2, 3, 4, 5, 6, 7 rev A received by Hambleton District Council on 6th October and 5th December 2017 unless otherwise approved in writing by the Local Planning Authority.
 3. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on S74-1-APP2-PLG7 REV A has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 4. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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.
 5. All works on site shall be carried out in accordance with the Bat Scoping and Emergence Surveys Report produced by BJ Collins, Protected Species Surveyors. Prior to occupation of the development hereby approved a plan will be submitted to, and approved in writing by Hambleton District Council showing the locations of the two permanent bat tubes (either Ibstock ecohomes version or the Habibat bat tube). The development shall thereafter be completed and maintained wholly in accordance with the approved details.
 6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing

of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The access shall be formed to give a minimum carriageway width of 6.5metres, and that part of the access road extending 14 metres into the site shall be constructed in accordance with Standard Detail number A1; (b) The access shall tie into the existing carriageway in accordance with Standard Tie-in Detail provided; and (c) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.

7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road (Back Lane) from a point measured 2 metres down the centre line of the access road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No part of the development shall be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference S74-1-APP2-PLG7). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) wheel washing facilities; (e) measures to control the emission of dust and dirt during construction; (f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and (g) HGV routing.
10. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

The reasons are:

1. 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. 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 Development Plan Policies DP1, CP16, DP28, CP17, DP32.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP28.

4. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
5. For the future use of the site by bats in accordance with LDF Policies CP16 and DP31.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
7. In the interest of the safety of highway users.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
10. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015
3. Pursuant to Section 80 of the Building Act 1984, anyone wishing to carry out notifiable demolition works over 50 m³, must give notice to the Local Authority. A demolition notice form (Section 80), for completion, can be obtained from North Yorkshire Building Control Partnership, Suite 2, Coxwold House, Easingwold Business Park, Easingwold, YORK, YO61 3FB who administer this function on behalf of the Local Authority.
4. All contractors should be made aware that bats are present in the area and made to be vigilant when removing tiles. All removal of roof tiles should be done by hand taking care to lift tiles vertically to avoid crushing injuries if bats are present. Should any bats be found during the removal of the roof, work must cease immediately in that area and advice sought from a licenced bat surveyor or Natural England.

Parish: Huby
Ward: Huby
5

Committee date: 8 February 2018
Officer dealing: Mrs C Strudwick
Target date: 9 February 2018

17/01656/FUL

**Removal of bungalow, double garage, outbuildings, stables, foundations of new dwelling permitted under 14/01379/FUL and construction of one circular dwelling
At Oaklands, Sutton Road, Huby
For Mr Richard Oakes**

This application is referred to Planning Committee at the request of Councillor Cookman

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies at the end of a 0.5km unadopted un-metalled road off the south side of Sutton Road, on the bend where it then becomes Bell Lane, in Huby. This access is shared with several other properties. The site is currently occupied by a modest bungalow, and associated outbuilding to the west and a timber stable building to the east.
- 1.2 A previous permission, gave consent for the construction of a traditional two-storey dwelling, and use of the bungalow as a holiday let. Had that permission been implemented the total amount of development on site would amount to 363m².
- 1.3 The site is flat, as is the surrounding land and predominantly in use for equestrian and sheep grazing. There is a public right of way (footpath) from Sutton Lane along the access track, passing the existing dwelling on the eastern side and continuing south to Alcar Farm. This then turns east to connect with Brownmoor Lane. There is an additional link to Brownmoor Lane which passes in front of the stable block. A public footpath crosses the site in a north-south direction, with a spur leading off eastward. A diversion order is currently in progress at the site which, when implemented, will create space for the proposed dwelling.
- 1.4 The boundaries of the site and Brownmoor Lane have extensive mature trees which provide a rural secluded environment.
- 1.5 The application seeks approval for the demolition of the bungalow and the associated outhouses, and to replace them with a circular dwelling incorporating an open inner area, i.e. forming a ring. This dwelling is proposed to be finished in brick and slate. The dwelling is shown as single storey height with four triangular dormer windows on the external roof slope. The roof slope which faces inwards, to the open middle is to have roof lights.
- 1.6 The eaves would overhang the continuous elevation, extending to an overhanging porch supported either end by stone projecting walls. The dwelling is shown with a series of full height windows throughout the external and internal elevations. Triangular dormers and roof lights are proposed to the roof slopes to allow light to the first floor.
- 1.7 The dwelling radius measures 13m from the centre to the outer wall. The total footprint of the dwelling would cover an area of 531m², including the open inner area, which measures 50m². Included with the domestic accommodation is a triple garage. The ridge height of the building is shown as 6 metres, and the eaves height 2.75m.

- 1.8 Improvements have been sought to the scheme. Throughout the application process discussions have been had with the applicant and the agent, with suggestions made from Officer's as to how the scheme may be improved. These include reducing the ridge height and the overhang of the eaves. This has reduced the expanse of the roof slopes, additionally the triangle dormers have been increased to provide more balance between the roof slope and dormers. A timber front door has been added, for a domestic appearance. These amendments have been made, however, despite this it has not been possible to overcome officer concerns regarding the circular form of the dwelling.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/90/070/0188 - Alterations and extensions to bungalow; Granted 20 June 1990.
- 2.2 2/91/070/0188A - Extension to bungalow, construction of a domestic double garage and change of use of agricultural land to domestic use; Granted 19 December 1991.
- 2.3 12/02446/OUT - Outline application for the demolition of dwelling and construction of a replacement dwelling; Granted 16 January 2013.
- 2.4 14/01379/FUL - Construction of new dwelling and retention of existing dwelling as holiday let and workshop; Granted 22 August 2014.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection.
- 4.3 Ramblers Association - A minimum usable footpath width of two metres should be provided at all times, allowing for annual growth of the north east boundary vegetation and any other vegetation.
- 4.4 NYCC Public Rights of Way - the new path alignment (diversion) is open and available for use, however the original path alignment remains the legal line of the right of way as the diversion order is not yet confirmed.
- 4.5 Public comments – Five comments have been received relating to this application

One objects to the scheme on the basis that the form does not reflect the character of the area; there are no other circular dwellings in Huby. A circular dwelling is wholly out of character and would have a significant detrimental impact on the area visually and environmentally.

Two observations support the scheme, noting that the choice of materials and layout are complimentary to the wider area.

A further two neutral observations are made. One points out that the renewable energy details have not been submitted, expressing concern that solar panels may be detrimental to neighbouring views. The other seeks clarification on the removal of all of the buildings currently on site, the continued public rights of way, sewage disposal and how surface water will be drained off the land.

5.0 OBSERVATIONS

- 5.1 The application site is currently has a dwelling on it. In accordance with DP9 development outside Development Limits, new buildings will only be granted where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion. The application would then be subject to compliance with other relevant policy requirements of the Local Development Framework. The main issues to consider are therefore: (i) the principle; (ii) design, (iii) the impact on the open countryside; (vi) access and highway safety; (v) any impact on residential amenity.

Principle

- 5.2 The site is beyond the Development Limits of Huby and approximately 300 metres from the main road, Bell Lane/Sutton Road, which is an un-metalled, uneven and unlit road. Once at the junction with the Main Road it is then 300m to the development limit boundary of Huby. This route does have a dedicated footway and is lit. At 600m from the main settlement of Huby despite the availability of some services and amenities within the village of Huby it is considered that the site is not in a sustainable location for additional housing development (this is consistent with the findings of the appeal 16/00579/FUL, application refused and appeal dismissed and 15/01063/OUT where a permission was granted in conjunction with a tourism development supported by LDF Policy CP4). However the provisions of DP9 can still allow for a replacement dwelling.
- 5.3 The dwelling proposed for demolition is purported to be a prefabricated structure, with brick cladding. The applicant has not put forward an argument that the dwelling performs badly in terms of heating loss or damp and that a replacement dwelling would overcome these inefficiencies and make a new dwelling more 'sustainable' than the current dwelling. The detailed energy performance scheme has yet to be finalised, it may be subject to a further application but energy efficient methods but will be likely to include photovoltaic cells, solar water heating systems, an air source heat pump and log burning stove.
- 5.4 The sole reason for wishing to replace the dwelling however is to construct one of a circular design, is to meet the applicants' aspirations. The provision of a circular dwelling here would be no less sustainable than the dwelling already present on site, and could be acceptable under the provisions of DP9. However DP has two tests, to be a) "more acceptable" and b) "sustainable", "than would be achieved by conversion". The "acceptability" of the dwelling therefore needs to be considered informed by the LDF design policies, principally CP17 and DP32 which require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.

DP32 sets out that the form of development must respect the local character and distinctiveness by enhancing its positive attribute whilst mitigating its negative aspects.

Design

5.5 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."

5.6 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.

5.7 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.8 The Design and Access Statement describes the character of the surrounding area as:

The site is a level well screened area with mature trees on the north, west and south boundaries. The eastern boundary being open to the adjacent field that is in my client's ownership. The approach to the site down the private drive is well wooded on both sides and mature trees and hedges shield the site from view until the final approach to the gate into the site is reached. The side field is itself enclosed with mature woodland on all boundaries.

5.9 This assessment of the surrounding area is considered to be an accurate portrayal of the environment.

5.10 The applicant's reasons for choosing this particular design options were that the couple has long dreamt of a circular house and has looked at examples abroad. They have an interest that started with the pureness of a circular form in both buildings and art. Given this explicit desire from the client for a circular building on the site the design team set out to achieve their aspirations through a considered approach to the site and design for a circular building.

5.11 The applicant sets out the justification for the unique design as:

Whilst the shape of the circular house is quite unique, the design detail contains traditional elements, such as the use of red brick, grey tile, timber windows, sandstone cills and conservation rooflights. Examples of traditional, circular buildings would include windmills and gin-gangs; however, this design is not an attempt to imitate the standard, local building type, but to show how contemporary design can sit comfortably within its natural landscape, which itself contains curved, natural features, whilst incorporating elements of local distinctiveness in its materials and detailing.

5.12 LDF policy CP1 supports development where it promotes, encourages, protects or enhances the character and quality of local landscapes and the wider countryside. CP17 calls for proposals to respect and enhance the local context and its special qualities, including its urban design, landscape, social activities and historic environment. LDF policy DP30 states that the design of buildings, and the

acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape. DP32 does recognise that development proposals must seek to achieve creative, innovative and sustainable designs but they should promote and local character, identity and distinctiveness.

- 5.13 Paragraph 55 of the National Planning Policy Framework (NPPF) sets out that Local Planning Authorities should avoid new isolated homes in the countryside unless the design is of exceptional quality or innovative nature. Such a design should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
- 5.14 Paragraph 60 goes on to state that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
- 5.15 Whilst it is acknowledged that the circular form of the dwelling is innovative there is no reference to local context of the rural landscape. Huby and the surrounding countryside does not feature circular or round buildings, the inspiration has not been drawn from built design in the local area. The applicant states that the curved design of the dwelling has been linked to the curves within the landscape, the access lane and the curved canopies of the trees. A curved lane and circular tree canopies are not considered locally distinctive features of Huby and this justification lacks weight to support the design.
- 5.16 There are limited negative aspects in the landscape of the current site, which includes the modest bungalow and outbuildings, and it is considered that these negative aspects would not be mitigated by the construction of this proposal. The scheme would not significantly enhance the immediate setting; indeed there is no need to enhance it.
- 5.17 The use of traditional materials is not creative or innovative but does reflect the local vernacular. However cladding a circular form of building which has no link to the local character in traditional materials does not result in an acceptable development.
- 5.18 The use of traditional brick, stone and particularly the slate roof tiles actually works against the acceptability of the proposal. The dwelling does not have the appearance of a home, but of a public building and as such the form does not follow function. This is enhanced through the wide span of the front entrance and stone walls, which guide people in much like a visitors centre or library. Given the high visibility from the public rights of ways it is considered that some confusion will arise from what the building's purpose is. To use innovative materials in place of traditional has the potential to distance the scheme from the municipal appearance it currently projects.
- 5.19 The size of the proposed dwelling is significantly larger (170m²) than the existing and previously approved dwelling. This increase in size coupled with the form and design results in a scheme that does not meet the requirements of CP1, CP17 and DP32 or the requirements of the NPPF and for that reason is recommended for refusal.

The impact on the open countryside

- 5.20 DP30 seeks to ensure that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced.
- 5.21 The site has a public right of way along the access road, which is proposed to be diverted from the eastern side of the current bungalow to run to the rear of the stable

and along the field boundary to the east of the site. There is also a public right of way along Brown Moor Lane some 140m to the east of the site.

- 5.22 Brownmoor Lane is flanked on the western side by numerous trees, covered by a TPO. During summer months, when the trees are in full leaf these trees will provide some screening of views of the proposed dwelling however in winter months the dwelling will be viewed very clearly in the landscape.
- 5.23 The other public right of way will allow walkers to clearly view the dwelling, in its setting as they walk towards and then walk along the public right of way 500m to the east.
- 5.24 The dwelling will site relatively low in the landscape, at 6m. The expanse of elevation which will be view is extensive, at approximately 25m at any point.
- 5.25 The ridge height is considered to be unobtrusive in the countryside, but the massing of the scheme is significant, emphasised by the use of brick cladding, overhanging eaves and slate roof tiles. The scale of this development is considered to have an unacceptable impact on the open countryside. This scheme does not respect the local landscape, through introducing softer materials in the finishing of the building may have helped assimilate the building into its green surroundings.
- 5.26 Other than remarking on the reduced height of the scheme in comparison to the extant permission and likening the curves of the circular building to the curved road and tree canopies, the Siting and Design Policy Statement does not demonstrate that the scheme has respected the intrinsic character of the landscape and does not meet the tests of CP16 and DP30.

Access and highway safety

- 5.27 The access from Sutton Road would remain much as it is for the current dwelling. The Highway Authority has no objection to the scheme and the access arrangements are considered satisfactory.

The impact on residential amenity

- 5.28 Given the remote nature of the site, the closest neighbours at Hollin Hill Farm are 200m to the west of the site. It is considered that the proposal will not unacceptably impact on the neighbour's residential amenity.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
- 6.2 The circular form of the dwelling, which has no design connection to the locality, is unacceptable. The form fails to respect the local character and distinctiveness of Huby, and does not promote local identity. The proposed development is contrary to Local Development Framework Policies CP17 and DP32 and the National Planning Policy Framework. The proposed development would have a significant detrimental impact on the views of the landscape due to its form, scale, and external appearance and would harm the openness of the open countryside contrary to Policies CP16 and DP30.

Parish: Northallerton
Ward: Northallerton South
6

Committee date: 8 February 2018
Officer dealing: Peter Jones
Target date: 28 February 2018

17/02591/ADV

Advertisement consent for a mesh banner fixed to existing boarding

At: Former H M Prison Northallerton, East Road, Northallerton

For: Central Northallerton Development Company

This application is referred to Planning Committee as the Council is a shareholder in the applicant company and the Deputy Leader and Chief Executive are Directors of the company

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application relates to part of the temporary boundary hoarding currently around the Northallerton Prison site. A number of buildings along with the boundary wall of the prison have been demolished and a temporary hoarding constructed along the line of the former boundary wall.
- 1.2 The majority of the remaining buildings on the site are Grade II listed structures.
- 1.3 The area as a whole is dominated in terms of character by the prison site, Tesco supermarket to the west and the New Police Headquarters to the east. There are a limited number of residential properties in the vicinity on East Road.
- 1.4 The application seeks advertisement consent for a series of photographic images known as "Paul Berriff's Rock Legends", comprising black and white photographs of musicians including The Beatles and The Rolling Stones taken in the 1960s. The display would also include information related to the photographs, currently on display in a gallery in Northallerton, and the project sponsors, Wykleland Developments and Hambleton District Council. The images and information would be printed on mesh, to be attached to the existing hoarding. Each image would measure 2.4m by 2.4m and the images would extend along the majority of the East Road frontage, south of the listed accommodation block, and a short section of The Link.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There were numerous notifications for Crown development covering various works at the Prison, including the construction of the current walls, but these are not considered to be relevant to this application now that the site is no longer in use as a prison.
- 2.2 15/02538/PND - Prior Notification for the demolition for the unlisted parts of former prison and boundary wall; Approved 5 January 2016.
- 2.3 The site lies within the area of Northallerton affected by the closure of the prison and the nearby Rural Payments Agency in 2013 and 2014. In response the Council adopted a Central Northallerton Development & Design Framework in July 2014. Within this document, the Council seeks to encourage and guide regeneration of the former prison as an edge of centre site for town centre uses.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP28 - Conservation
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Town Council – Once Town Councillor raised an objection to the proposal although no reasons have been cited.
- 4.2 Highway Authority – No objection.
- 4.3 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 Under Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 this application must be determined taking account of amenity and public safety with regard to relevant development plan policies. The main issues to consider are therefore whether the proposal would have any harmful impact on: (i) the character or appearance of the area; (ii) heritage assets; (iii) road safety; and (iv) residential amenity

Character and appearance of the area

- 5.2 One of Hambleton’s strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is “To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character.”
- 5.3 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.4 The proposed advertising hoarding would comprise a series of photographic images printed on a mesh material which would be attached to the existing temporary hoarding along part of the East Road frontage and onto the first section of The Link. The installation would be located here during the course of the redevelopment of the site, until the hoarding is replaced with a permanent boundary. As such any impact is considered to be transient.
- 5.5 At the present time the hoardings are painted white and the proposed advertisement would introduce a degree of interest into what is currently a blank frontage. The images, whilst not directly relevant to the site, are not considered to be harmful to the character of the area in the context of the redevelopment of the site and would create interest and variety within the urban environment of East Road.

Impact on heritage assets

- 5.6 Where the heritage asset is a statutorily listed building, including nearby listed buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any

listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.

- 5.7 In this case the significance of the listed former prison buildings is considered to fall principally within the design, form, detailing and layout of the group of buildings, along with the historic significance of the long term use of the site as a prison.
- 5.8 Given the character of the site and former use as a prison, the boundary treatment is important in terms of the significance of the heritage asset and as such works, such as this advertising hoarding, need to be designed with consideration for the impact that they have on the significance of the buildings and the setting of those buildings.
- 5.9 In this instance the development is of a temporary nature, effectively during the build period for the redevelopment of the site and as such the impacts are considered to be transient and not long term.
- 5.10 The proposed advertising is considered to have no detrimental impact on the listed prison buildings or the setting of the buildings.

Road safety

- 5.11 The Highway Authority has raised no objection to the proposed installation. Taking this advice into account the hoarding is not considered to have any detrimental impact on road safety.

Residential amenity

- 5.12 The proposed advertisement is not illuminated and is not considered to have any detrimental impacts on the amenity of the occupiers of any nearby residential or non-residential properties in this instance.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. (i) The consent hereby granted is valid only for five years;
- (ii) Any advertisements displayed and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority;
- (iii) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition;
- (iv) Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority;
- (v) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission;
- (vi) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of the highway, railway, waterway (including any coastal waters or aerodrome (civil or military)).

2. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawing(s) received by Hambleton District Council unless otherwise agreed in writing by the Local Planning Authority: Site Plan, received on 11 December 2017 and Additional Details, received on 15 January 2018.

The reasons for the above conditions are:

1. Standard conditions are imposed by Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
2. 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 Development Plan Policies CP1, CP16, CP17, DP1, DP28 and DP32.

Parish: Skutterskelfe
Ward: Hutton Rudby
7

Committee date: 8 February 2018
Officer dealing: Mr K Ayrton
Target date: 15 February 2018

17/02320/FUL

**Construction of a stable block
At Oakwood Farm, Tame Bridge
For Mr Adams**

This application is referred to Planning Committee at the request of Councillor Fortune

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a rectangular plot of land approximately 155 x 50 metres, on the southern side of the Stokesley to Hutton Rudby Road, west of the small settlement of Tame Bridge. The site comprises a recently formed, single family traveller plot, with an access off the main road through an established tree belt. The use of the land as a traveller site, including static and touring caravans, was recently allowed on appeal.
- 1.2 The site is viewed in the context of the wider open countryside, being an isolated feature. In assessing the recent appeal, the Planning Inspector noted that the site is "set apart from Tame Bridge and other nearby development and the land on the south side of the road on either side of it is open unspoiled countryside that is free from development".
- 1.3 In allowing the appeal for the traveller site, the Inspector restricted the hardstanding and siting of the static caravan and touring caravan to what had been identified on the submitted site plan, at the north western corner of the site close to a tree belt.
- 1.4 The current proposal is to site a stable building at the north eastern corner of the site. The structure would be 15 metres in length and 5 metres in depth, comprising two stables and a tack room. The walls would be constructed of blockwork for the lower parts and timber cladding for the upper parts. The roof would be dark brown cladding, with a shallow roof pitch.
- 1.5 The supporting planning statement confirms that there are currently three mares and one foal on the site. The applicant also owns additional horses on land rented locally. The statement advises that the stables would be used as stables/foaling boxes for breeding mares.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00320/CAT3 – Enforcement Notice relating to unauthorised clearing and excavation of the land, the formation of an access track and associated works; Appeal Allowed 25 July 2016.
- 2.2 16/00522/FUL - Change of use of land to a private gypsy site and new access and the siting of a caravan and tourer; Refused 24 June 2016, Appeal Allowed 1 August 2017.
- 2.3 17/02436/FUL - Construction of an amenity building for private gypsy site – Report elsewhere on this agenda.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP9 - Development outside Development Limits
Development Policies DP14 - Gypsies and travellers' sites
National Planning Policy Framework
Planning Policy for Traveller Sites (2015)

4.0 CONSULTATIONS

4.1 Parish Council – No comments received.

4.2 Public comments – None received.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of development; and (ii) the impact on the character and appearance of the area.

Principle

5.2 Policy CP4 sets out the exceptions to where development may be permitted in the countryside. Criterion i is where the development is necessary to meet the needs of recreation with an essential requirement to be located in a smaller village or the countryside and will help to support a sustainable rural economy. In this instance the proposed development is to be used by the occupant of the traveller site and is of a domestic scale, albeit there may also be a private business element (e.g. breeding mares). As such it is more appropriate to assess the proposal by reference to policy DP30, on protecting the character and appearance of the countryside, which is the main Development Plan policy for the assessment of domestic outbuildings such as stables in the countryside when permitted development rights do not apply.

5.3 Policy DP30 states that “The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape” and also that “Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features, particularly to landscapes which otherwise lack interest”.

5.4 Equestrian uses are typically found in the countryside and small scale stables and paddocks are often associated with residential properties. The appropriate siting of domestic stables in a countryside location is therefore considered to be consistent with this policy, subject to any necessary mitigation through landscape planting, which is considered below.

5.5 The stables are intended to accommodate two horses with an associated tack room. This scale of development is considered to be proportionate to the permitted domestic occupation of the site. Therefore the principle of the development can be

supported. However policy CP4 goes on to highlight the requirement to comply with the environmental protection policies of the Development Plan.

Character and appearance

- 5.6 The development would have an impact on the character and appearance of the area by introducing additional built form into an isolated position in the countryside. This would cause a degree of harm to the open character of the countryside and potential for conflict with policies CP16 and DP30. However, consideration has to be given to the recent appeal decision and the comments of the Planning Inspector. In considering the impact of the proposed traveller site the subject of that appeal, the Planning Inspector stated that it would “lead to the introduction of an urbanising feature that would be at odds with the rural character of the surrounding area and detract from the open nature of the wider countryside”. She went on to add that “It would also contribute to some limited degree to the cumulative impact of the other existing pockets of sporadic development along the main road”. This led to the conclusion that the proposal would cause some limited harm to the character and appearance of the area, contrary to policy. However, the Inspector found that the benefits of the scheme substantially outweighed this harm.
- 5.7 In assessing the current application, it has to be acknowledged that the context has now changed owing to the Planning Inspector’s approval of the traveller site. The proposed stables would be viewed in the context of the traveller site in the same way as stables may be seen in the curtilage of a rural dwelling. The proposed building is of a form commonly found in the countryside and its impact would be less than that of the static caravan, touring caravan and hardstanding allowed by the Inspector.
- 5.8 Landscaping in the form of a new hedge has already been secured along the eastern boundary under a condition of the appeal decision. However, the original plans showed the proposed stables on the eastern boundary and this was considered too close to allow the approved landscaping, plus any additional planting that may be required to mitigate the impact of the stables, to flourish. The applicant has submitted a revised plan showing the stables approximately 1.5 metre off the boundary. On that basis, the siting and design of the stable block are such that it would be in the least prominent part of the site and allow for appropriate mitigation by landscape planting. Therefore, subject to additional landscaping to address the impact of the introduction of the building close to the eastern boundary, the limited level of harm that would be caused by the development is not considered to warrant refusal.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Floor Plans and Elevations received by Hambleton District Council on 2 November 2017; and Proposed Site Plan received by Hambleton District Council on 30 January 2018 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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.

4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of new trees and shrubs on the eastern boundary, to supplement that approved under 16/00522/DCN, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. No part of the building hereby permitted shall be within 1.5 metres of the eastern boundary of the site.

The reasons for the above conditions are:

1. 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. 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 Development Plan Policies CP16, DP30 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to help assimilate the development within the rural landscape in accordance with Hambleton Local Development Framework policies CP16 and DP30.
5. In order to ensure that adequate space is available for the landscaping approved under reference 16/00522/DCN and as required by condition 4 of this permission and the development can therefore be assimilated within the rural landscape in accordance with Hambleton Local Development Framework policies CP16 and DP30.

Parish: Skutterskelfe
Ward: Hutton Rudby
8

Committee date: 8 February 2018
Officer dealing: Mr K Ayrton
Target date: 15 February 2018

17/02436/FUL

**Construction of an amenity building for private gypsy site
At Oakwood Farm, Tame Bridge
For Mr R Adams**

This application is referred to Planning Committee at the request of Councillor Fortune

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is a rectangular plot of land approximately 155 x 50 metres, on the southern side of the Stokesley to Hutton Rudby Road, west of the small settlement of Tame Bridge. The site comprises a recently formed single family traveller plot, with an access off the road through an established tree belt. Planning permission was recently granted at appeal for the traveller site, including the access and the siting of two caravans, one static and one tourer.
- 1.2 The site is viewed in the context of the wider open countryside, being an isolated feature. In assessing the recent appeal, the Planning Inspector noted that the site is "set apart from Tame Bridge and other nearby development and the land on the south side of the road on either side of it is open unspoiled countryside that is free from development".
- 1.3 In approving the scheme, the approved hardstanding and siting of the caravan and tourer was restricted to that identified on the approved site plan, at the north western corner of the site, close to the tree belt.
- 1.4 The supporting planning statement indicates that the facilities that were allowed on appeal are not sufficient to meet the family's domestic needs. It is stated that the proposed amenity building would fulfil this need.
- 1.5 The proposal is for the construction of an amenity building to be used by the occupiers of the traveller site. It would be five metres wide and eight metres in length with a shallow roof pitch and would be sited towards the bottom end of the hardstanding along the western boundary of the site. The proposed floor plans show a utility and store room, bathroom and a kitchen/day room.
- 1.6 The size of the proposed building was reduced during the consideration of the application, having originally been six metres wide and 10.6 metres in length. Materials would be secured through planning condition, should the application be approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00320/CAT3 – Enforcement Notice relating to unauthorised clearing and excavation of the land, the formation of an access track and associated works; Appeal Allowed 25 July 2016.
- 2.2 16/00522/FUL - Change of use of land to a private gypsy site and new access and the siting of a caravan and tourer; Refused 24 June 2016, Appeal Allowed 1 August 2017.

2.3 17/02320/FUL - Construction of a stable block – Report elsewhere on this agenda.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP9 - Development outside Development Limits
Development Policies DP14 - Gypsies and travellers' sites
National Planning Policy Framework
Planning Policy for Traveller Sites (2015)

4.0 CONSULTATIONS

4.1 Parish Council – Recommends refusal based on the following concerns:

- The original planning application was for grazing animals;
- The Planning Inspector approved a site for a static caravan and a touring caravan; the permission was not for a gypsy site (Officer Note: The description of development allowed on appeal and condition three of the appeal decision specifically refer to a private gypsy site);
- The caravan and tourer are not there and are therefore not existing;
- There is no septic tank or soakaway;
- Historically the ground floods;
- It is development in open countryside;
- There is no requirement for further facilities; they are already provided in the caravan and tourer; and
- The appeal decision at Millie's Paddock should be followed.

4.2 Highway Authority – No objection

4.3 Northumbrian Water – No comments.

4.4 Public comments – None received

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of development; (ii) the impact of the development on the character and appearance of the area; and (iii) drainage. The Parish Council's concerns are understood; however, many of them relate to matters of principle that were considered at the time of the previous application and appeal and cannot be revisited now.

5.2 Policy DP14 relates to the delivery of gypsy and traveller sites. In assessing the previous appeal, the Planning Inspector concluded that the need for the site had been demonstrated and outweighed the harm that had been identified as arising from the development. She therefore allowed the appeal, summarising her conclusion thus:

“Overall the benefits of the proposal would substantially outweigh the limited harm to the character and appearance of the area and the conflict with the development plan that would result”.

- 5.3 In considering the appeal, the Inspector based her decision on the scheme as presented. This included a static caravan, a touring caravan and an area of hardstanding. There were no plans for an amenity building and the agent has advised that was because they felt the principle of the use needed to be established before any further development could be considered.
- 5.4 Irrespective of the history, the Council needs to make a decision on the application as presented. It is generally accepted that sites for gypsies and travellers include amenity buildings to meet the occupiers’ needs, particularly for rooms requiring fixed drainage, such as kitchens, utility rooms and bathrooms. This was set out in a Government publication, “Designing Gypsy and Traveller Sites - Good Practice Guidance” but was withdrawn in September 2015, when Planning Policy for Traveller Sites (PPTS) was updated, although PPTS contains no specific guidance on amenity buildings.
- 5.5 Therefore, whilst the Good Practice Guidance has been withdrawn it is the only available source of guidance on amenity buildings for travellers. It states:
- “It is essential for an amenity building to be provided on each pitch, although this can be provided across two pitches as two separate and entirely self contained semi-detached units. The amenity building must include, as a minimum: hot and cold water supply; electricity supply; a separate toilet and hand wash basin; a bath/ shower room; a kitchen and dining area. The access to the toilet should be through a lobbied area or by separate access direct from the pitch.
- The amenity building must include: secure storage space for harmful substances/ medicines; enclosed storage for food, brooms, washing, cleaning items etc; and space for connection of cooker, fridge/freezer and washing machine. The provision of a gas hob could be considered.
- The inclusion of a day/living room in the amenity building for family meals is recommended. The day/living room could be combined with the kitchen area to provide a kitchen/dining/lounge area. It is desirable that the day/living room should not be part of essential circulation space, nor contain essential storage. Many existing amenity buildings do not of course contain this facility but inclusion in new sites would replicate the provision of a living room as enjoyed as standard by other sectors of the community.”
- 5.6 The withdrawn guidance clearly recognised that amenity buildings such as now proposed are necessary for traveller families to have access to facilities similar to those normally found within dwellings occupied by the settled community. As noted above, PPTS is silent on the same issue, therefore it does not appear that the withdrawal of the guidance signified a change in Government policy; it may instead be seen as an example of deregulation.
- 5.7 Consistent with the assessment of the appeal proposal, the introduction of this additional building into an isolated rural location would have a harmful impact on the character and appearance of the area. However, this harm needs to be balanced against the reasonable amenity needs of the occupiers of the site.
- 5.8 The size of the amenity building originally appeared large considering it is only serving one plot. As a result it was considered that there would be undue harm caused to the character and appearance of the countryside. Indeed it is noted that

the Inspector for the recent appeal concluded that the siting of the static and touring caravans, which are both smaller than the amenity building, would conflict with policy DP30 (Protecting the Character and Appearance of the Countryside). These concerns were raised with the agent and the amenity building has been reduced in size as a result.

- 5.9 Having regard to the planning balance, it is accepted that there is a case for an amenity building on the site. In forming this view it is disappointing that the amenity building was not included as part of the original application in order that the full impact of the use could be identified and assessed. Nevertheless, the Inspector's decision has introduced a new starting point for the assessment of domestic development on the site.
- 5.10 Whilst the traveller site has been established, there is still a clear policy requirement to protect the character and appearance of the countryside, with policy DP30 stating that the openness, intrinsic character and quality of the District's landscape needs be respected and where possible enhanced.
- 5.11 In this instance it is considered that the size of the amenity building is proportionate to that required to meet the occupiers' reasonable amenity needs and therefore outweighs the limited harm caused to the surrounding rural landscape. In forming this conclusion, consideration has been given to the general acceptance of amenity buildings on gypsy and traveller sites and the Inspector's conclusions in determining the previous appeal.

Drainage

- 5.12 The amenity building would be sited on the approved area of hardstanding. It is unlikely that the amenity block drainage would require an unusual drainage solution or cause harm to land drainage in the area; however, the Parish Council's concerns are noted and it is considered reasonable to secure the submission of surface and foul water drainage details to ensure the development does not result in harm.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 002/A and 003/B received by Hambleton District Council on 24 January 2018 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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.
 4. The accommodation hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).

5. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.

The reasons for the above conditions are:

1. 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. 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 Development Plan Policy DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To ensure the building is occupied in association with the use of the site as a gypsy caravan site, in accordance with Hambleton LDF Policy DP14.
5. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6.

This page is intentionally left blank

Parish: West Rounton
Ward: Appleton Wiske & Smeatons
9

Committee date: 8 February 2018
Officer dealing: Mr K Ayrton
Target date: 9 February 2018

17/02720/OUT

Outline application for the construction of a detached dwelling and double garage (all matters except access reserved)

**At White House Farm Bungalow, West Rounton
For Mr & Mrs T.G. & S.M. Elstob**

This application is referred to Planning Committee as it is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located within the settlement of West Rounton, which is a Secondary Village in the settlement hierarchy. Historically the settlement would have been linear in form. However, a relatively large amount of development has taken place to the west of the main road, creating an established block of development behind the main road frontage.
- 1.2 The site area forms part of the wider domestic curtilage of the property known as White House Farm Bungalow, located to the west. The site is relatively flat with a line of trees along the northern boundary. It is located behind a relatively new housing development of approximately 15 dwellings. These were developed on a former pig farm associated with White House Farm Bungalow and White House Farm House located a short distance to the east.
- 1.3 The application is in outline form for one dwelling. The only matter for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and would be for a later application if this development is approved in principle.
- 1.4 The site would use the existing access that serves the bungalow. Access is gained through the adjoining housing estate, White House Wynd, from the main road passing through the village.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 02/01771/FUL - Construction of a domestic double garage – Approved 04/11/2002
95/51701/M - Removal of an agricultural occupancy condition – Approved 09/06/1999

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 – Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP8 – Type, size and tenure of housing
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP9 – Development outside Development Limits

Development Policy DP10 – Form and character of settlements
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No response received.
- 4.2 Highway Authority – No objections, subject to conditions.
- 4.3 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on residential amenity; and (iv) highway safety.

Principle

- 5.2 West Rounton does not have any Development Limits as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4.
- 5.3 Although the proposal is considered to be a Departure from the Development Plan, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.4 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to new housing in villages.
- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
 - 1. Development should be located where it will support local services including services in a village nearby.
 - 2. Development must be small in scale, reflecting the existing built form and character of the village.
 - 3. Development must not have a detrimental impact on the natural, built and historic environment.

4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.6 In the Settlement Hierarchy reproduced in the IPG West Rounton is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.
- 5.7 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. In this instance the proposal for one dwelling is considered to be an acceptable scale in terms of the IPG.

Character and appearance

- 5.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with other policies in the Local Development Framework. In making this assessment it is noted that the application is in outline form only with all matters reserved other than access.
- 5.9 The site is sandwiched between the host bungalow and the housing estate, specifically number 17 White House Wynd. The space between these buildings is consistent with plot sizes within the vicinity and the siting of a dwelling would be viewed as a logical infill.
- 5.10 As the site is already in residential use (i.e. domestic curtilage) and viewed within the context of residential development, the proposed development of a dwelling would not result in harm to the wider countryside to the west of the site.
- 5.11 It is therefore considered that, at this outline stage, one dwelling can be supported without causing harm to the character and appearance of the area.

Residential amenity

- 5.12 There is scope within the site to deliver suitable separation distances to achieve an acceptable level of amenity for current and future occupiers. As such the proposed development, subject to the submission of a detailed scheme at Reserved Matters stage, will not impact detrimentally on residential amenity.

Highway safety

- 5.13 The proposed access will make use of the existing drive, which serves the bungalow. There is scope within the site to provide parking and manoeuvring space. The local highway authority has raised no objection. It is considered that the proposed development will have no detrimental impact on highway safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; (c) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (d) the scale (including the number) of buildings overall.
 3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the vehicular parking and turning arrangements have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 4. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 3 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
4. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
3. The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development – A Guide' available at www.northyorks.gov.uk

This page is intentionally left blank