

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 12 September 2018

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 20 September 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)	R W Hudson
	M A Barningham	C Patmore
	D M Blades	B Phillips
	S P Dickins	C Rooke
	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
REGARDING ENFORCEMENT IMPROVEMENTS; CALL-IN PROCEDURES;
AFFORDABLE HOUSING POLICY THRESHOLDS AND JUDICIAL REVIEW OF APPEAL DECISION,
LAND ADJACENT TO RANCH HOUSE, HUTTON RUDBY ROAD, SKUTTERSKELFE**

AGENDA

Page No

1. MINUTES 1 - 4
To confirm the minutes of the meeting held on 23 August 2018 (P.10 - P.11), attached.
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS 5 - 82
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, 23rd August, 2018 in the Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor D Hugill

Apologies for absence were received from Councillors M A Barningham, D M Blades, S P Dickins and R W Hudson

P.10 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 26 July 2018 (P.7 - P.9), previously circulated, be signed as a correct record.

P.11 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) 18/00995/FUL - Demolition of existing storage sheds and construction of five detached houses, with associated garages and access road at The Old Station Yard, Station Road, Alne Station for Mr and Mrs Adamson

DEFER to allow the applicant to amend the application to accord with the advice of the noise consultant, consider safety regarding the railway line and to provide further evidence of marketing of the site for continued commercial use.

- (2) 18/01362/OUT - Outline planning permission with some matters reserved (access and layout to be considered) for the construction of 5 dwellings with associated access at Rose Villa, East Harlsey for Mr Victor Wood

PERMISSION GRANTED subject to a discussion between officers and the applicant as to whether a shorter timescale for commencement of the development is feasible.

(The applicant's agent, Richard Stevenson, spoke in support of the application).

(Councillor David Hugill spoke in support of the application).

- (3) 18/00003/TPO2 - Tree Preservation Order 2018 No. 3 at Hutton Rudby CP School, Doctors Lane, Hutton Rudby for Matthew Kelly (Headmaster)

THAT TREE PRESERVATION ORDER 2018 NO. 3 NOT BE CONFIRMED

(Paul Hayton spoke on behalf of Miss Mitchell objecting to the Tree Preservation Order.)

- (4) 18/01052/MRC - Variation of Planning 16/02333/FUL- Construction of 3 farm buildings comprising a cattle shed, machinery shed and silage/manure shed at Dromonby Bridge Farm, Kirby in Cleveland for Mr R Jones

PERMISSION GRANTED

- (5) 18/00528/FUL - Construction of a new weaner pig building together with access road and turning area at Brenk Farm, Mill Lane, Nether Silton for A D Guthe (Estate)

PERMISSION GRANTED

(The applicant's agent, Gareth Glennon, spoke in support of the application).

- (6) 18/01394/FUL - Car park extensions to include 33 new spaces at Civic Centre, Stone Cross, Northallerton for Hambleton District Council

PERMISSION GRANTED

- (7) 18/00875/FUL - Construction of a detached dwellinghouse and creation of a driveway, new access and verge crossing at Land to the rear of 60 Boroughbridge Road, Romanby for Mr and Mrs D Hartley

PERMISSION REFUSED

- (8) 18/01298/CLE - Application for Lawful Development Certificate for an existing use of part of the workshop building and land adjoining as B2 use for vehicle repair workshop and associated parking at Tanton Grange Farm, Tanton Grange Track, Stokesley for Messrs H and DR Bainbridge

CERTIFICATE GRANTED

The meeting closed at 2.50 pm

Chairman of the Committee

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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 20 September 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 normally be agreed prior to Planning Committee in consultation with the Chairman or Vice-Chairman of the Planning Committee. Additional site visits may be selected following consideration of a report by the Planning Committee.

PLANNING COMMITTEE

Thursday 20 September 2018

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	18/01545/OUT Mrs H Laws Burneston Page no: 9	Outline application with some matters reserved (access included) for the construction of one dwelling For: Richard Barker At: The Myer, Burneston RECOMMENDATION: REFUSE
2	18/00423/FUL Miss C Cornforth Dalton Page no: 15	Construction of one dwelling For: Mr Wood At: Ivy House, Dalton RECOMMENDATION: REFUSE
3	18/01273/FUL Mrs C Strudwick Husthwaite Page no: 23	Change of use from a holiday cottage to a dwelling For: Mr Robin Houlston At: The Annex, Highthorne Farm, Highthorne Lane, Husthwaite RECOMMENDATION: GRANT
4	18/01300/FUL Miss C Cornforth Knayton with Brawith Page no: 29	Change of use of land to holiday park with provision of 35 pitches, internal access road, improved access to Allerton Wath Road, packaged treatment plant and construction of facilities block For Mr and Mrs Malcolm Holder At: Land north of Beckstead Grange, Allerton Wath Road, Knayton RECOMMENDATION: GRANT
5	18/01602/OUT Mr I Lunn Rudby Page no: 41	Application for Outline Planning Permission with some matters reserved (to consider access and layout) for the construction of 5no dwelling houses For: Mr D Bainbridge At: OS Field 2719, Stokesley Road, Hutton Rudby RECOMMENDATION: GRANT
6	18/01112/OUT Mr S Rawling Seamer Page no: 53	Outline application (some matters reserved) for a bungalow For: Prism Planning Limited At: Hawthorns, Tame Bridge, Stokesley RECOMMENDATION: GRANT

<p>7</p>	<p>18/01449/OUT Miss C Cornforth Stillington</p> <p>Page no: 61</p>	<p>Application for outline planning permission with all matters reserved for the construction of a single bungalow and garage</p> <p>For: Mr Alan Hetherington At: Field House, Stillington</p> <p>RECOMMENDATION: GRANT</p>
<p>8</p>	<p>18/01322/FUL Miss C Cornforth Thornton Hill</p> <p>Page no: 69</p>	<p>Change of use of agricultural land and the construction of three modular, earth sheltered eco pods and change of use of hardstanding for associated guest parking</p> <p>For: Mr and Mrs Parker-Nicholls At: The Baggins, Thornton Hill</p> <p>RECOMMENDATION: GRANT</p>
<p>9</p>	<p>18/01627/MRC Mrs A Sunley Whorlton</p> <p>Page no: 79</p>	<p>Application for variation/removal of condition relating to Planning Application 17/02326/FUL - Alterations and extension to dwelling to form a sun lounge, entrance hall, office & utility room</p> <p>For: Mr & Mrs S Dickins At: Wellington Farm, Ingleby Arncliffe</p> <p>RECOMMENDATION: GRANT</p>

Parish: Burneston
Ward: Bedale
1

Committee date: 20 September 2018
Officer dealing: Mrs H Laws
Target date: 28 September 2018

18/01545/OUT

Outline application with some matters reserved (access included) for the construction of one dwelling

At: The Myer, Burneston
For: Richard Barker

This application is reported to the Committee at the request of a Member of the Council.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies on the western side of the village to the rear of the dwellings fronting onto the main village street with the rear area of Burneston School to the south and agricultural land to the west. Access to the farm lies between the applicant's dwelling, The Myer, and the properties at Lime Grove. The access track currently bounds the application site to the north of the site.
- 1.2 An agricultural building for the storage of farm machinery, vehicles and implements lies in the north western corner of the site adjacent to the farm access.
- 1.3 The application site covers an area of approximately 0.16 hectares. The site is bounded on the trackside (northern boundary) by a timber post and rail fence. The boundary with the school to the south is a 1800mm close boarded fence, a hedgerow and several trees lie along the western boundary with the adjacent field.
- 1.4 It is proposed to construct one detached dwelling on the site. The application is in outline with only details of access for approval at this stage. The remaining matters of layout, appearance, landscaping and scale would be for later consideration if this application is approved.
- 1.5 The existing access would be used with an opening created from the shared track into the site. The existing implement store would be incorporated into the domestic curtilage; an access already exists from the track to serve this building.
- 1.6 The application site lies outside of the Burneston Conservation Area although the access point directly adjoins the Conservation Area.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00726/APN - Prior notification for agricultural building; No objections 5 May 2015.

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 DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Policy Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received to date.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Yorkshire Water – No conditions recommended but it should be noted that a public surface water sewer crosses the site. It is advised that, as surface water is proposed to be discharged to soakaways, comments are sought from other drainage bodies as further restrictions may be imposed.
- 4.4 Yorkshire Wildlife Trust - Cannot provide comments due to the lack of a suitable ecological survey of the site. Determination of the application should therefore, not be considered until an ecological appraisal has been conducted of the site, including survey for foraging and roosting bats of the current building and surrounding trees/hedgerows.
- 4.5 Environmental Health Officer – No objection; the risk of contamination affecting the development or end users is considered to be low.
- 4.4 Public comments – None received to date.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location; (ii) the impact on the character of the surrounding area, including the character and appearance of the village and the rural landscape; (iii) the impact on the amenity of neighbouring occupiers; (iv) ecology; and (v) highway safety.

Principle

- 5.2 The site falls outside and immediately adjacent to the Development Limits of Burneston, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted for development "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 NPPF. Paragraph 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has 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.

- 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 2014 Settlement Hierarchy contained within the IPG, Burneston is still defined as a Secondary Village and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within walking distance of the centre of Burneston which has facilities including a school, shop and public house. Criterion 1 would be satisfied and the principle of development in and adjoining the village is acceptable.

Character of the village and the surrounding countryside

- 5.6 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The scheme is for a single dwelling, which is considered to be a small scale development within the village of Burneston. The cumulative impact of a single dwelling in a part of the village where there has been no previous IPG approvals would not be harmful.
- 5.7 The proposed dwelling would be on undeveloped agricultural land that lies to the rear of the existing dwelling known as The Myer, which appears to have been in use in connection with the domestic occupation of that dwelling but has the character and appearance of a paddock. The following detailed advice within the IPG is considered to be relevant:

Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this.

Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside.

- 5.8 This part of Burneston traditionally has all its properties fronting onto the village street and with very few examples of backland development. This specific part of the village to the north of the school on the western side of the street is a clearly defined line of frontage dwellings. This line is continued to the south of the school as far as The Square. The proposed development would produce a second row of

development behind the existing frontage properties, which would be completely out of context with its surroundings.

- 5.9 The eastern side of the village street has a different form and is characterised with in depth cul-de-sac developments. Examples of backland development are few as most of the properties have a road frontage.
- 5.10 The proposal is not considered to respect the character of the local area and would result in a form of development that would have a detrimental impact on its surroundings contrary to the requirements of the IPG.
- 5.11 The site is agricultural land but, in appearance, is not considered to be part of the open rural landscape. Due to its use and the domestic-like structures that are stored on site, its appearance is more in keeping with the village rather than the adjacent countryside. This is reinforced by the landscaping, which provides a definitive edge to the southern and western boundaries and screens much of the view of the rural landscape beyond. It is considered that the development of this site would not have an adverse impact on the openness of the surrounding rural landscape and would not therefore be contrary to LDF Policy DP30.

Amenity of neighbouring occupiers

- 5.12 LDF Policy DP1 requires development to adequately protect amenity particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Albeit an outline application with no details of siting provided it is likely that there would be adequate separation between the existing and proposed dwellings for there to be no harmful impact as a result of overlooking or overshadowing and would be in accordance with Policy DP1. Any additional vehicle movements to serve a single dwelling would not be excessive and would not detract from the amenity of the existing residents.

Ecology

- 5.13 An ecological survey has not been provided or requested for this site, as suggested by the Yorkshire Wildlife Trust. The existing building is a modern construction and would not be suitable for bats. Any works to trees and hedgerows would need to comply with legislation relating to protected species.

Highway safety

- 5.14 The Highway Authority has no objections to the use of the existing shared access and driveway to serve an additional dwelling subject to appropriate conditions.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, the proposed development does not reflect the existing built form and character of the village as required by the Council's Interim Policy Guidance. The proposal also fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, CP2, CP4 and DP9, the Council's Interim Planning Guidance (2015) and the advice within the NPPF.

2. All new development should be of a scale appropriate to the size and form of its setting. It is considered that the proposal, by reasons of the backland site location, is out of context and character with the surroundings. The proposal therefore fails to respect the character of the local area and would result in a form of development that would have a detrimental impact on the surroundings, contrary to the high quality design principles of LDF Policies CP17 and DP32.

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Parish: Dalton
Ward: Sowerby and Topcliffe
2

Committee date: 20 September 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 21 September 2018

18/00423/FUL

**Construction of one dwelling
At Ivy House, Dalton
For Mr J Wood**

This application is referred to Planning Committee at the request of a member of the Council and was deferred at the meeting of 28 June 2018 for a flood risk assessment and further consideration of the proposed access.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located to the south west of the dwelling of Ivy House, within an open paddock (0.32 hectares) that is currently used as grazing land, within the village of Dalton. The land is elevated from the main road and is bounded by a timber post and rail fence to the front, with some trees. To the north of the site is the housing development of The Willows and to the west is open space before the road that runs north out of the village in a northerly direction.
- 1.2 Within the settlement hierarchy contained within the Interim Policy Guidance, Dalton defined as a Secondary Village. The application site is located outside of the development limits for Dalton.
- 1.3 The application site itself, with the dwelling and domestic curtilage measures approximately 386 square metres. The proposal seeks the construction of one dwelling. This dwelling is proposed to be single storey. The dwelling will have a hipped roof, with an attached garage and will be constructed from bricks and red clay pantiles, with grey UPVC windows and doors.
- 1.4 There will be a vehicular access directly off the main road that runs through the village, with parking and turning space to the front of the dwelling. The access to the site is located within flood zone 3.
- 1.5 An amended site location plan has been received, showing the access within the red line and certificate B has been signed, with notice given to North Yorkshire County Council.
- 1.6 A Flood Risk Assessment (Level 2) by FRC Ltd dated 31 July 2018 has been submitted since the deferral of the application in June 2018.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant planning or enforcement history regarding the application site.

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 force
 Development Policy DP1 - Protecting amenity
 Development Policy DP3 - Site accessibility
 Development Policy DP4 - Access for all
 Development Policy DP8 - Development Limits
 Development Policy DP9 - Development outside Development Limits
 Development Policy DP10 - Form and character of settlements
 Development Policy DP30 - Protecting the character and appearance of the countryside
 Development Policy DP32 - General design
 Development Policy DP33 – Landscaping
 Development Policy DP43 - Flooding and floodplains
 Interim Guidance Note - adopted by Council on 7th April 2015
 Size, Type and Tenure of New Homes SPD - adopted September 2015
 National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – Wishes to see the application approved.
- 4.2 Public comment – one comment has been received. It raises no objection to the principle of development but asks that the hedges at the side are not removed they are very well established.
- 4.3 Highway Authority – Following receipt of an amended site location plan and ownership certification, the Authority has no objection subject to conditions regarding the discharge of surface water, construction requirements for the private access and verge crossing, provision of approved access, turning and parking areas, precautions to prevent mud on the highway and on-site parking, on site storage and construction traffic during development.
- 4.4 Yorkshire Water – No response to date.
- 4.5 Environment Agency – It is necessary to apply Sequential Test evidence. The site lies within Flood Zone 2/3, which has a medium/high flood risk. The National Planning Policy Framework (NPPF) requires decision-makers to steer new development to areas at the lowest risk of flooding by applying a Sequential Test.

Development should not be permitted if there are reasonably available sites, appropriate for the proposed development, in areas with a lower probability of flooding. The development will only meet the requirements of the NPPF if measures as detailed in the Flood Risk Assessment are implemented and secured by way of recommended planning conditions.

- 4.6 Swale and Ure Drainage Board – No objection in principle to disposal of surface water via a soakaway system but advises that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

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; (v) flood risk; and (vi) drainage

Principle

- 5.2 The site falls outside the Development Limits of Dalton. Policy CP4 states that all development should normally be within the Development Limits of settlements.
- 5.3 Policy DP9 states that development will only be granted for development 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).
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 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.
- 5.5 The Interim Policy Guidance 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 Within the settlement hierarchy contained within the IPG, Dalton is defined as a Secondary Village and is therefore considered a sustainable location for development; satisfying criterion one of the IPG that proposed development must provide support to local services including services in a village or villages nearby.

The character of the village

- 5.7 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. IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The development is small in scale, being one single storey dwelling. However, consideration needs to be given to whether the development reflects the existing built form and character of the village.
- 5.8 The application site is on land that was defined in the 1999 Hambleton District-Wide Local Plan as a space of townscape importance. These spaces included paddocks, orchards, large gardens and village greens, which, if infilled, would lead to erosion of the character of settlements. Open spaces within villages enhance the character of village and are important in contributing to the quality of life of residents within a settlement. It is only development that would not adversely affect the contribution of

such spaces make to the character, setting or historic form and layout of the settlement would be permitted.

- 5.9 As noted in the consideration of the principle of development, the LDF only provides support for development on land beyond Development Limits such as this in exceptional circumstances, none of which are considered to apply. It is considered to still meet the criteria of the 1999 Policy BD5 – Spaces of Townscape Importance. This criteria identifies that:

- Make a significant contribution to the character setting of the settlement
- Provide an attractive setting for buildings within it
- Are important to the historic form and layout of the settlement

LDF Policy DP10 (form and character of settlements) states that permission for development will only be granted where it respects the intrinsic qualities of open areas that have particular importance in contributing to the identity or character of settlements. 5.10 This paddock is undeveloped, set back from the road and is central to an open area that creates a sense of place and is of great significance to the form and character of Dalton and which provides a buffer between the built form of the main village and the recent housing at The Willows and Willow Grove to the north. To the south of the paddock is the main village road and a further area of open land in front of Garth House, on the opposite side of the road.

- 5.10 Together, these areas of land make a significant contribution towards the character and setting of the village. It is considered that the siting of the bungalow or any other development on this paddock would not only fail to respect the intrinsic quality of this area (as required by policy DP10) but would also harm the open character setting of this part of the village and be detrimental to the built environment. The dwelling would not be read in the context of any other dwellings in the locality. It would be viewed as an isolated feature within the otherwise open area within the village and which, by virtue of its central position, would devalue the contribution this area makes to the form and character of Dalton. Furthermore, it would set a clear precedent for further development that would reduce and eventually eliminate the open character of this part of the village.
- 5.11 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.”
- 5.12 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. Since the consideration of the application at Planning Committee on the 28th June 2018, the revised NPPF has been published. Paragraph 130 states that 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.
- 5.13 It is considered that the design of the dwelling is not well suited to the historic core of the village and fails to comply with Policies CP17 and DP32.

Residential amenity

- 5.14 It is considered that due to positioning of the dwelling, it being single storey and the positioning of the openings, there would not be a material adverse impact upon the amenity of the neighbouring occupiers.

Highway safety and access

- 5.15 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.16 The Highway Authority has no objection in principle to the proposal; however the access would cross an area of grassed land between the development site and the footway on the site's frontage. This grassed land is not shown within the applicant's control and the Highway Authority advise that it is not part of the publicly maintained highway. The Council advised the agent on 15 June 2018 of the requirement to provide additional certification of ownership to include all the land in the application. In the circumstances that an applicant does not own or control land in an application site they are required to serve notice on the other owner(s). The applicant has given notice to the County Council but (at the time of writing) has not confirmed the ownership of the remaining land between the site and the highway. The agent has not published a public notice or provided certificate of how 'all reasonable steps' have been taken to discover the name and address of the landowner of all of the land included in the proposal. The proposal has therefore failed to meet the procedural requirements of the Planning Act and the Town and Country Planning (Development Management Procedure)(England) Order 2010, Article 12.

Flood risk

- 5.17 The site is located within Flood Zone 3. Land and property located within Flood Zone 3 have a high probability of flooding and any development must be accompanied by a Flood Risk Assessment. A dwelling is regarded as a more vulnerable use in terms of flood risk. The NPPF at paragraph 155 states that 'inappropriate development' in area at risk of flooding should be avoided by directing development away from areas at highest risk. The site as it is in Flood Zone 3 is at 'highest risk', a residential use has a high level of vulnerability. The proposal is therefore contrary to the NPPF.
- 5.18 This general approach to the Sequential Test is to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding and to steer it towards areas at lower risk of flooding where possible. In this regard, paragraph 158 of the NPPF is unequivocal in stating that:

Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

This is reflected in Development Plan policies CP21, which requires proposals to ensure protection from flooding, and DP43, which states:

To be considered for approval, development proposals advanced on land that has any risk of flooding will need to demonstrate that the sequential and exceptions tests required by national guidance have been undertaken, i.e. that all sites with less potential for flooding have been examined first, and if necessary a Flood Risk Assessment has been undertaken.

It is considered that there are reasonably available sites suitable for a single dwelling outside of Flood Zones 2 and 3 within Hambleton and there is no evidence that the applicant has considered sites with a lesser risk of flooding. Therefore the development fails the Sequential Test. 5.18 Paragraph 159 of the NPPF indicates that the Exception Test may need to be carried out "if it is not possible for development to be located in zones with a lower risk of flooding". As already noted, it is considered that there are reasonably available sites for a single dwelling in areas of lower flood risk, so it is questionable whether the Exception Test is appropriate in this instance. Paragraph 160 of the NPPF indicates that the Exception Test is a

method to determine whether flood risk to people and property can be managed satisfactorily.

- 5.19 The two parts to the Test require an applicant to demonstrate that the development (a) will provide wider sustainability benefits to the community that outweigh the flood risk; and (b) will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reduce flood risk overall. The applicant has sought to justify the development under the Exception Test by carrying out a Flood Risk Assessment.
- 5.20 The Flood Risk Assessment indicates that the primary flood risk to the proposed development is fluvial flooding from Old Beck, located approximately 6 metres south of the application site and which flows west within an open channel and is considered to be an Ordinary Watercourse.
- 5.21 The topographical survey provided identifies that the site slopes in a southerly direction ranging from approximately 23.60 metres AOD (above ordnance datum) to 23.00 metres AOD. The level on which the footprint of the dwelling would be located is approximately 23.50 metres AOD.
- 5.22 It is further stated that The Environment Agency has not provided any flood levels associated with Old Beck, therefore a search of local planning applications was undertaken to determine what levels relatively new developments within the area had used to base floor levels and flood mitigation on.
- 5.23 A search of Hambleton District Council's planning records found application 09/01777/FUL, for the construction of four dwellings 50m south west of the application site, now forming part of The Rowans. A Flood Risk Assessment was provided for that development, which identified the following flood levels associated with Old Beck.

100 Year Event - The flood level associated with the 100-year event is identified to be 21.53 metres AOD.

The ground level where the footprint on which the property will be located is approximately 23.50 metres AOD. Therefore, during the 100 year event the site for dwelling is elevated 1.97 metres above the modelled flood level.

100 Year + Climate Change Event - The flood level associated with the 100-year event, plus an allowance for climate change as set out in the FRA is estimated to be 21.76m AOD.

The ground level where the footprint on which the property will be located is approximately 23.50m AOD. Therefore, it is anticipated that during the 100 year plus climate change event the site is elevated by 1.74m.

- 5.24 It is concluded in the FRA that the application site is located in excess of 1m above the 100 year and 100 year plus climate change flood levels as identified within the FRA undertaken for the development on The Rowans in 2009.
- 5.25 It is understood that the new application of the new climate change requirements brought in since The Rowans FRA of 2009 has not been incorporated into the figures within the FRA, therefore it is recommended that the proposed finished floor levels of the proposed dwelling are elevated an extra 300mm above existing ground level to provide an extra element of safety.
- 5.26 The applicant has not provided any evidence in respect of the first part of the Exception Test, i.e. whether the development will provide wider sustainability benefits

to the community that would outweigh the flood risk. While it is accepted that additional dwellings can help sustain communities by providing greater support for local services, it is not considered that the gain in this regard to form a single dwelling would outweigh the identified flood risk, particularly when there are alternative sites with lower flood risk that could accommodate the dwelling. Paragraph 160 of the NPPF requires both parts of the test to be met and as the first part is not, the development does not accord with the NPPF and, considered with the failure to meet the Sequential Test, the proposal is contrary to policies CP21 and DP43.

5.27 Regarding the second part of the Exception Test, flood mitigation measures are identified within the Flood Risk Assessment. These include:

- Finished floor levels to be elevated a minimum of 300mm above existing ground levels;
- Incorporation of an undercroft with grilles to prevent the requirement of flood storage compensation;
- Design the development with flood proofing measures to reduce the damage following the onset of flooding;
- Boundary treatments to allow flood water to migrate through the site;
- Residents to sign up to receive EA Flood Warnings;
- Evacuate the site north onto Willows Grove on receipt of EA Flood Warnings;
- Incorporation of a proprietary flood alarm system; and
- A safe place of refuge is provided at a level above ground floor

The measures except the final provision could be secured by planning condition.

5.28 The findings of the Flood Risk Assessment are duly noted. However, as examined above, the proposed development of a residential dwelling located within Flood Zone 3 whereby land has a high probability of flooding is considered to not meet the Sequential or Exception Tests.

5.29 Development should not be permitted where there are reasonably available sites, appropriate for the proposed development, in areas with a lower probability of flooding. In addition to the wider availability of housing land at lower risk of flooding in the District, it is noted that there is other land, within the applicant's ownership' located outside of Flood Zones 2 and 3 that could accommodate a dwelling and therefore meet the Sequential Test.

Drainage

5.30 Foul drainage would be disposed of via the mains and surface water via a soakaway. The exact details of which can be agreed by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. The proposed development of a residential dwelling located within Flood Zone 3 whereby land has a high probability of flooding is considered to not meet the sequential or exception tests as set out in the NPPF. The proposed development does not provide wider sustainability benefits to the community that outweigh flood risk. There are other sites, including land within the applicant's ownership, outside of

Flood Zones 2 and 3 that could accommodate a dwelling. As such, the proposal fails to accord with the requirements of Local Development Policies CP21 and DP43 and the NPPF.

2. The proposed development by virtue of its siting on this undeveloped, elevated paddock will result in harm to the open character setting of the settlement. As such, the proposal fails to accord with the requirements of Local Development Policies CP4, DP10, CP17 and DP32 and the NPPF.
3. The proposed development by virtue of its detailed design would fail to comply with Local Development Policies CP17 and DP32 and the NPPF.
4. The applicant has failed to comply with the requirements of the Town and Country Planning (Development Management Procedure)(England) Order 2010, Article 12 to i) take all reasonable steps to find the name and addresses of the owners of all of the land and ii) has failed to set out the steps that have been taken and ii) failed to give notice in a newspaper circulating in the area where the land is situated.

Parish: Hustwaite
Ward: Raskelf and White Hose
3

Committee date: 20 September 2018
Officer dealing: Mrs C Strudwick
Target date: 28 September 2018

18/01273/FUL

**Change of use from a holiday cottage to a dwelling and single storey front extension
At The Annex, Highthorne Farm, Highthorne Lane, Hustwaite
For Mr Robin Houlston**

This application is referred to Planning Committee at the request of a Member of the Council.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Highthorne Farm is to the south of Hustwaite village, outside the Hustwaite Development Limits and Conservation Area. Within the complex is Highthorne, a grade II listed building; this property is not within the ownership of the applicant and Highthorne Farm which consists of a farmhouse, two holiday cottages and an array of equestrian buildings, including a ménage.
- 1.2 The farm is elevated above Highthorne Lane, surrounded by agricultural land.
- 1.3 This application relates to a building north west of the farm house. The building was formerly used as a granary, it was granted permission in 2012 for a change of use to a holiday cottage, without any extensions to the building.
- 1.4 This application seeks permission for a change of use of the holiday cottage to an independent dwelling. The applicant's son currently lives in the application property and had previously lived in a dwelling within the farm complex. The creation of that dwelling was permitted development under the "prior notification" procedure but it is now being marketed as a holiday cottage. The applicant's son moved into the application property as it is larger, better meeting his needs.
- 1.5 During the course of the application it was noted that a single storey, monopitch extension has been added at some point after July 2015. This unauthorised 8.95m x 3.2m extension has been added to the details of the application for consideration.
- 1.6 This front single storey extension consists of a lounge, domestic office/study and utility room and increases the floor area by about one third. Finished in brick and red clay pantile, with two roof lights to the mono roof slope.
- 1.7 The site is about 650m west from the boundary of the Howardian Hills AONB.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 11/02787/FUL - Alterations to agricultural building to form two holiday cottages; Granted 26 March 2012
- 2.2 12/00970/FUL - Revised application for alterations to agricultural building to form a holiday cottage; Granted 3 July 2012.
- 2.3 15/01049/MBN - Prior notification for change of use of agricultural building to one dwelling and associated operational development; Granted 20 July 2015

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 CP15 - Rural Regeneration
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 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
National Planning Policy Framework July 2018

4.0 CONSULTATIONS

4.1 Parish Council – wishes to see the application approved for the following reasons:

- To support housing that meets the needs of all sections of the local community, promotes sustainable communities and social cohesion and supports the local economy;
- To provide affordable housing for people who have a local connection and, by reason of personal circumstances and employment, are in need of local housing;
- To support small businesses to strengthen the rural economy and minimise unsustainable travel patterns;
- To support the conversion and re-use of existing rural buildings to promote rural employment and sustain rural communities; and
- To support local families, encouraging them to continue to live and work in the area to create a prosperous rural economy.

4.2 Public comments – None received.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of development; (ii) the scale and design of the front extension; (iii) the impact on the countryside; and (iv) highway safety.

5.2 Due to the location of the proposal there would be no opportunity of overlooking, or for the loss of privacy or residential amenity to neighbouring properties.

Principle

5.3 Planning permission was originally granted for the holiday accommodation as it was considered to be an acceptable commercial use in the countryside in a location where dwellings would not normally be acceptable. The development was in accordance with adopted policies at that time and an appropriate condition was imposed ensuring the accommodation was occupied as approved.

5.4 The loss of the tourism business needs to be considered. The NPPF is supportive of rural tourism that contributes to a prosperous rural economy. Furthermore, Policy DP25 supports the conversion of existing rural buildings for employment uses, which includes tourism. Whilst there are no specific policies in the Development Plan or the

NPFF which restricts the loss of tourist facilities, DP17 offers protection for employment uses and as such the loss of the business use needs to be considered.

- 5.5 The farm has another holiday cottage, known as “The Hayloft” which is marketed on the internet. This property can be used as an independent dwelling, and has been in the past, as it benefitted from conversion from an agricultural building to a dwelling through the prior notification scheme. The property has an open plan kitchen/dining/living room, separate single bedroom, and bathroom. There is a double bedroom on a mezzanine bedroom about the main living space. This is where the applicant’s son lived previously but now considers this unit too small, and wishes to live in the bigger unit; the application property. The application property consists of a larger open plan kitchen/dining/living room on the ground floor plus the front extension which provides a separate lounge, domestic office/study and a utility room. To the first floor are two double bedrooms. The application property does offer a more practically sized family home than the modest Hayloft which is more suited to short holiday stays.
- 5.6 Highthorne Farm is in an unsustainable location for a new dwelling, at over 800 metres to the centre of Husthwaite the nearest village via the road. There are public rights of way across the fields which would reduce this distance to approximately 700m but this is via an unlit and unsurfaced right of way, which would not be an attractive option in dark, wet winter months which would mean that there would be a high reliance on private transport. Husthwaite village has a pub, the Plum and Partridge, a primary school, a village hall which hosts quite a wide array of events, including a quarterly market and a film club.
- 5.7 By the applicant’s own admission the principle of development does not comply with any of the six exceptional cases which allows for development in the countryside, as set out in CP4. The farm does not function as a viable agricultural unit, but is operated as a small holding with no requirement for additional agricultural workers to live on site. It is acknowledged that there is equestrian business on site, but the existing farm house provides a dwelling on site which provides accommodation within sight and sound of the stables. The change of use of this building will not secure a significant improvement to the environment or to the conservation of a feature of acknowledged importance.
- 5.8 No justification has been put forward by the applicant that this dwelling is required as a result of there being no opportunity for his son to live in Husthwaite or elsewhere close by. One route to achieve compliance the tests of CP4 criteria iii and iv would be to secured, by legal agreement, that once there was no longer a need by the applicant’s son to live in the dwelling that it would be leased to a registered social housing association as part of their housing stock to help meet locally identified need for affordable housing. This has not been pursued with the applicant as an alternative approach has been put forward to ‘swap’ the holiday use restriction. In conclusion on the matter of the principle of allowing an additional independent dwelling in this location the proposal does not comply with policy CP4 of the Hambleton Local Development Framework.
- 5.9 The applicant has suggested that the use of the properties are simply swapped, so that The Hayloft, which is authorised to be used as a permanent dwelling, has this allowance removed via condition and can only be used as a holiday cottage. The applicant has agreed in writing that he is agreeable to this conditioning. The application property is then allowed to be used as a permanent dwelling, permitted through this application. This would not increase the number of dwellings on site, or intensify the use of the site.

- 5.10 There would be no change to the support the two properties make to the social and economic regeneration of rural areas. The two properties will continue to function as one holiday cottage and one permanent dwelling, albeit, the opposite way round to currently permitted.

Scale and design

- 5.11 The front extension is subservient to the existing building, and is finished in an accepted brick and pantile. The windows are timber to match the existing window frames.
- 5.12 The rear of the property has a very similar scale lean-to extension, which the newer extension mirrors the rear elevation, in form.
- 5.13 The size, scale and design is in keeping with the existing former granary, and visually, is considered acceptable.

Impact on the countryside

- 5.14 The front extension is not visible from Husthwaite Lane. There are no public rights of way which allow views of the extension; therefore it is considered that the extension has no impact on the visual amenity of the countryside.

Highway safety

- 5.15 It is not expected that the change of use of a holiday cottage to an independent dwelling would give rise to any change of vehicle movements. There is no proposed change to the current access point or drive way. It is considered that the proposal is acceptable in terms of highway and access arrangements.

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 proposed floor plans and elevations; received by Hambleton District Council on 29th August 2018; unless otherwise approved in writing by the Local Planning Authority.
3. The property known as "The Hayloft", as shown on the location plan shall only be used as holiday accommodation in association to Highthorne Farm, Husthwaite and must comply with the following requirements that: (i) the property is occupied for the holiday purposes only; (ii) the property shall not be occupied as a person's sole, or main place of residence; and (iii) the owners shall maintain an up-to-date register of the names of all visitors to the property, and of their main home addresses and shall make the information on the register available at all reasonable times to 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. 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 CP17 and DP32.
3. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc., and in accordance with the objectives of the Hambleton Local Development Framework Policies CP15 and DP25.

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Parish: Knayton with Brawith
Ward: Bagby & Thorntons
4

Committee Date: 20 September 2018
Officer dealing: Miss Charlotte Cornforth
Target Date: 21 September 2018

18/01300/FUL

Change of use of land to holiday park with provision of 35 pitches, internal access road, improved access to Allerton Wath Road, packaged treatment plant and construction of facilities block

At land north of Beckstead Grange, Allerton Wath Road, Knayton
For Mr & Mrs Malcolm Holder

This application is referred to Planning Committee at the request of a Member of the Council

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is west of the settlements of Knayton and south west of Borrowby and to the north of the Hillside Rural Activity Park and within 800 metres of the 'all ways' junction with the A19. The village of Knayton and Borrowby are both about 1km from the site.
- 1.2 The site is 1.1 hectares of land that is currently used for grazing by horses. The land falls to the north towards Broad Beck that forms the northern boundary of the site. The eastern boundary is on to a woodland edge. To the west is Allerton Wath Road, a two way minor road, from which a tarmac access is proposed to be taken by widening of a field access to a width of 6m. There is a substantial hedge along the Allerton Wath Road boundary. The area is characterised by small pockets of woodland, hedgerows and trees lining the routes of watercourses.
- 1.3 The proposal is for the change of use of the land to form a holiday park, including the siting of 12 static caravans, 16 seasonal touring caravans and 7 motor homes. Occupation is proposed to be through the spring and summer months (March to October). The scheme has been designed to ensure that there are no pitches or other structures with those areas falling within Flood Zones 2 and 3. This enables to the land towards the Flood Zones to be used for informal recreation by the visitors and will not have any structures on it.
- 1.4 The static caravans would be cut in to the sloping site and the units would remain on site throughout the year, the touring caravans and motorhomes would be removed from the site outside the March to October period. The business model notes that the static caravan pitches would be sold to fund the remainder of the scheme; the business model for the remainder of the scheme has not been confirmed.
- 1.5 An amenity and reception office building is proposed to be constructed to the south east of the entrance to the site. It will contain a reception area, an office, ladies and gents toilets and shower/sinks areas. The building will be a traditional pitched roof design, constructed from low render plinth with timber board cladding above. The roof will be clad with imitation slate.
- 1.6 A packaged treatment plant (with a capacity of 125 people) is to be installed to serve the amenity block and the static caravans with outfall to Broad Beck. A waste storage tank for periodic emptying is proposed to protect the operation of the packaged treatment plant. Internal crushed stone access roads in a circular form are proposed to form a loop around the site, with a tarmac turning head beyond the site entrance.

- 1.7 There is provision of a footpath along the perimeter of a field to the south of the application site that is within the applicants' ownership. The path creates an off road access to the villages along the wide grass verges and footway network the villages and to the Hillside Rural Activities Park. A public right of way passes to the north of Borrowby Beck to the north of the application site. Allerton Wath Road is part of the National Cycle Network.
- 1.8 The application is supported by a topographic survey, an updated Landscape and Visual Impact Assessment (LVIA) and updated Flood Risk Assessment (FRA).

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 18/00046/FUL - Change of use of land to holiday park with provision of 35 pitches, internal access road, improved access to Allerton Wath Road, packaged treatment plant and construction of facilities; Withdrawn 10 May 2018.
- 2.2 This application is a re-submission of the withdrawn proposal with the main difference being that none of the pitches or structures is now proposed within Flood Zones 2 and 3.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP20 - Design and the reduction of crime
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 DP5 - Community facilities
Development Policies DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP18 - Support for small businesses/working from home
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
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 DP34 - Sustainable energy
Development Policies DP39 - Recreational links
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published July 2018

4.0 CONSULTATION

- 4.1 Knayton Parish Council (cum Brawith) - Wishes to see the application approved. However, this was not a unanimous decision because of a fear that the area was oversubscribed with holiday parks.
- 4.2 Highway Authority – No objection subject to conditions, including one to secure larger an appropriate access with larger junction radii. The visibility splays of 2.4 x 120 metres required by the evidence of the applicants’ speed survey are achievable.
- 4.3 Yorkshire Water – No response received to date.
- 4.4 Environment Agency – No objection provided the proposed development is in accordance with the submitted Flood Risk Assessment with the static caravans and facilities block located in Flood Zone 1 and subject to a condition to prevent raising of ground levels in Flood Zone 3 and to ensure all excess spoil is removed from the floodplain.
- 4.5 Environmental Health Officer – No objection; a Caravan Site Licence will be required.
- 4.6 Swale and Ure Drainage Board - If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.
- No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.
- 4.7 Historic England – No comments.
- 4.8 Natural England - No comments. Natural England has not assessed this application for impacts on protected species. Standing Advice on protected species and on ancient woodland and veteran trees can be relied upon.
- 4.9 Yorkshire Wildlife Trust – No ecological survey has been included with the application to assess the likely impact the proposed development will have upon habitats on and off site or protected species. Although it is appreciated the site is predominately arable farmland, it lies immediately adjacent to national inventory woodland and Broad Beck.
- 4.10 Lead Local Flood Authority - The following further information should be submitted and approved:
- The results of infiltration testing conducted to BRE Digest 365 standard;
 - Detailed drainage proposals, including a drainage strategy and drainage layout plan detailing the drainage from the impermeable areas;
 - An exceedance flood flow route plan; and
 - A maintenance plan for drainage and sustainable drainage features.
- A condition restricting the rate of development flow runoff from the site is proposed, which includes storage requirements and maintenance of the drainage.
- 4.11 Public comments – The committee of the Hillside Rural Activities Park (HRAP) does not object but asks that the Council ensures it is satisfied that (a) caravan users will have an acceptable standard of amenity in the context of the established pattern of activities at HRAP; and (b) that the introduction of the caravan site will fit in generally with the use of the HRAP site throughout the year. Subject to this, HRAP is supportive of this application.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration are (i) the principle of the development in this location; (ii) economic benefits; (iii) the landscape and visual impact; (iv) flood risk; (v) highway safety; (vi) residential amenity; (vii) drainage; and (viii) ecology.

Principle

- 5.2 The site is in a rural location beyond Development Limits where, under Policies CP1 and CP2 of the Core Strategy, development will not normally be supported unless an exceptional case can be made.
- 5.3 Policy CP4 of the Core Strategy sets out criteria where an exceptional case may be considered, including where (under criterion i) “it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy”. Tourism accommodation of this type, including static and touring caravans and motorhomes are intended to offer the benefits of rural surroundings and are considered to have an essential requirement for a rural location.
- 5.4 The agent makes the case that the development proposal is dependent upon a countryside location as part of the business. This case has been accepted previously in the District that tourist accommodation will bring benefits to the local economy and can take support from the LDF Policy CP4.
- 5.5 Policy CP4 does not qualify the exception for tourism development by reference to the scale or type of development, which are more appropriately considered in relation to the policies covering the considerations outlined in paragraph 5.1. Any exception under policy CP4 must also rely on an exceptional case being made in terms of policies CP1 and CP2.
- 5.6 As a potential exception to Policies CP1 and CP2, the application is to be considered in terms of the overall sustainability of its location. In this case, the site is close to the villages of both Knayton and Borrowby, which are defined as Secondary Villages within the Settlement Hierarchy and are considered sustainable locations.
- 5.7 The site is less than a mile from the A19 which is principal route through Hambleton and provides good access for visitors. There is good access to Northallerton and Thirsk as well as the North York Moors National Park. Furthermore, access to the site would be taken from Allerton Wath Road.
- 5.8 The site lies close to the Hillside Rural Activities Park which is a sport and recreation area within walking distance of the site. There is provision of a footpath as part of this application along the perimeter of a field to the south of the application site that is within the applicants’ ownership. The path creates an off road access to the villages along the wide grass verges, footway network the villages and to the Hillside Rural Activities Park. A public right of way passes to the north of Borrowby Beck to the north of the application site. Allerton Wath Road is part of the National Cycle Network.
- 5.9 The National Planning Policy Framework (NPPF) offers support to sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors and which respect the character of the countryside. This includes support in appropriate rural locations where identified needs are not met by existing facilities. The degree to which this proposal would respect the character of the countryside is considered later.

Economic benefits

- 5.10 The agent has stated that the tourism industry is a vital part of the economy of Hambleton District and also of major importance to the rural economy with local and national planning policy recognise. The provision of suitable tourist accommodation therefore meets the economic aspect of sustainable development which underpins the social aspect of thriving rural communities.
- 5.11 The 23 pitches for touring caravans and motorhomes is a different type of offer and caters for a different market to holiday cottages and holiday lodges for which there has been a proliferation of applications. The agent has stated that touring caravans and motor homes are an important type of tourist accommodation and offer shorter stays in any one place; this encourages tourists to take advantage of the wider area of Yorkshire.
- 5.12 There is also a more immediate economic benefit of the scheme in that it would provide employment within the park itself (two full time workers and two part time workers during the season).
- 5.13 The business at Beckstead Grange provides a recycling service to the local farming community (and to farms further afield) which helps to ensure their sustainable operation. The business collects plastics from farms including spray containers, fertiliser bags, bale wraps- which need to be disposed of. They are kept and baled separately. Once processed and baled at Beckstead Grange they are transferred to an agent who exports the bales.
- 5.14 Currently both the applicant and his son, work within the business and the income from the proposed tourist site would help secure the future of the business, the jobs of the applicants and would also create additional employment in the tourist site. The proposal would also retain the recycling function of the business with significant benefits in terms of sustainability.
- 5.15 It is therefore considered that the proposal represents a form of diversification which would bring sustainability benefits that would satisfy the requirements of local and national planning policy. The income generated would help to support existing rural businesses.

Landscape and visual impact

- 5.16 The Landscape Character Assessment shows the area to be in the western extremities of the Character Area referred to as Character Area 16 "North York Moors fringe". The area has rolling topography with numerous becks and stells. It is a transitional area between the North York Moors and the lower ground of the Vale of Mowbray. The nearest villages to the site are Knayton and Borrowby are these are considered to be good examples of the conservation villages in the character area.
- 5.17 The Landscape Character assessment describes the site and immediate area. The site is not a strip field but a larger flat albeit a gently sloping field with well-established hedgerows to the frontage along with having a tree lined backcloth towards the rear of the site, a beck known as Broad Beck. The site benefits from a high percentage of evergreen trees to the front and rear of the site. The site has a marked drop in level, the highway being approximately 1.6 metres higher than the rear of the site; the levels are detailed within the existing site plan. This reduces the effect of the proposal on the highway and due to topography of the surrounding area; views of the site were found to be limited to primarily the nearby public footpath.
- 5.18 The site has important landscape characteristics; though long-distance views are presently limited due to existing woodland, boundary hedge and topography of the site. The majority of the receptors will have very limited views of the proposal.

- 5.19 The Landscape and Visual Impact Assessment (LVIA) records the location of heritage assets and notes that lack of inter-visibility between the heritage assets and the site. The LVIA considers the revised layout. It concludes that the revised layout is beneficial with the magnitude of effect both on the landscape and in terms of visual impact being reduced from some viewpoints and notably from the footpath to the rear of the site as well as from Allerton Wath Road.
- 5.20 A reception and amenity block is proposed and would be set back from the boundary hedge whilst still allowing easy access for visitors to the site. A new low-level treatment plant is proposed as well as a screened bin store / recycling area. Planting is also proposed around pitches 6, 7, 15 and 16 which are the most visible from the entrance to the site.
- 5.21 The site plan allows for a significant amount of planting to provide privacy for the visitors and to mitigate the impact of the site from the public footpath during autumn and winter when leaf cover is limited.
- 5.22 The conclusions of the LVIA are considered to be reasonable and together with the mitigation proposed, the development would accord with Policies CP17 and DP30 in such that there would be not significant adverse landscape or visual effects. The exact details of planting can be secured by condition.
- 5.23 Separate from the questions of how the proposal would sit within the landscape, which is primarily a visual matter, it is necessary to consider whether the proposed development, by virtue of its nature, scale and associated activity would have any impact upon the character of the countryside.
- 5.24 The location is relatively well protected from general public view and the wider landscape; the existing agricultural surroundings in this area are relatively quiet and tranquil in character and are considered to be sensitive to development.
- 5.25 The proposal is considered to be relatively large in scale and there would be changes to the character of the countryside by the increase in people at the site and traffic movements, both of which would generate a type and level of activity that is not typical within the countryside and would contribute to some change in the quiet and tranquil surroundings. However, the site is located close to the A19, the villages of Borrowby and Knayton, the HRAP activities centre and therefore the area does see levels of activity that increase the activity and reduces the tranquillity of the area.
- 5.26 The application indicates that the site would operate for eight months of the year; thus four months of the year there will be limited occupancy within the site and only the 12 static caravans will be on the site at this time. Therefore, this extent of change is considered to not result in a detrimental level of harm to the character of countryside in terms of Policy DP30.

Flood risk

- 5.27 The scheme has been designed to ensure that there are no pitches or other structures with those areas falling within Flood Zones 2 and 3. This would allow the land towards the Flood Zones to be used for informal recreation use with no structures being positioned on the land.
- 5.28 The FRA concludes that the sequential test is now satisfied as a result of the changes made and that there is no longer the need for a flood warning or emergency plan. The Environment Agency has reviewed the submission and does not raise an objection and on that basis the proposal is considered to be acceptable in this regard.

Highway safety

- 5.29 A tarmac access is proposed to be taken by widening of a field access to a width of six metres. There would also be space for more than one vehicle and touring caravan to park in front of the reception block to ensure that the access is not impeded and vehicles do not back up onto the road. Each pitch would have its own car parking space.
- 5.30 The applicant has conducted a speed survey which demonstrates that visibility splays of 2.4 x 120 metres are required and these are achievable. A drawing showing vehicular tracking has been submitted but it shows that vehicles will overrun the highway verges and therefore larger junction radii than proposed are required to overcome this. The Highway Authority has requested a condition to ensure this is improved.
- 5.31 There is provision of a footpath along the perimeter of a field to the south of the application site that is within the applicants' ownership. The path would create an off road access to the villages along the wide grass verges and footway network the villages and to the Hillside Rural Activities Park. A public right of way passes to the north of Borrowby Beck to the north of the application site. Allerton Wath Road is part of the National Cycle Network.
- 5.32 It is considered that the footpath would promote walking to nearby services and due to the site being adjacent to the National Cycle Network, sustainable modes of transport are available for visitors when they explore the local area.
- 5.33 There is no evidence to suggest that the development would cause harm to highway safety and the provision of the footpath is highly welcomed to promote walking to the nearby services.

Residential amenity

- 5.34 The site is relatively isolated from residential properties. There would be an increase in activity in the local area in terms of traffic movements and people.
- 5.35 The comments from the Hillside Rural Activities Park (HRAP) are noted. It is considered that the users of the proposed holiday park would have an acceptable standard of amenity in the context of the established pattern of activities at HRAP and that the introduction of the caravan site would fit in generally with the use of the HRAP site throughout the year. The Environmental Health Officer has raised no objection to the proposal and it is considered that the uses will not prejudice one another. Details of any external lighting can be secured through planning condition.
- 5.36 Subject to these considerations it is concluded that the proposal would not result in a material adverse impact upon residential amenity.

Drainage

- 5.37 Foul drainage is proposed to be disposed of via a package treatment plant (with a capacity of 125 people) and would serve the amenity block and the static caravans with outfall to Broad Beck. A waste storage tank for periodic emptying is proposed to protect the operation of the packaged treatment plant.

The site forms part of the natural catchment area for Broad Beck and levels indicate that the run-off will natural drain towards the watercourse.

- 5.38 A system of drains put into the site in 1999 would continue to serve the development and all roads and areas of hardstanding would be of crushed stone or other free-

draining material. The only additional discharge to the beck would be from the facilities block, which would pass through the package treatment plan.

- 5.39 The comments from the Lead Local Flood Authority and Internal Drainage Board have been carefully considered and it is concluded that limiting the flow runoff to 1.4 litres per second for up to the 1 in 100 year event, together with a maintenance and management regime for the storage facility, would mitigate additional flood impact from the development and ensure that flood risk is not increased elsewhere.

Ecology

- 5.40 The comments from the Yorkshire Wildlife Trust have been carefully considered. The site is good quality grassland, from which a hay crop for horses has been taken annually, and the applicant has confirmed there are no invasive plant species.
- 5.41 The agent has confirmed that the only work which would be undertaken close to Broad Beck is fencing, tree and hedge-planting. There would therefore be no need for heavy plant or machinery to operate close to the beck and it is considered on this basis that there is no need to protect the beck from the operation of plant and machinery.
- 5.42 Furthermore, there are no proposals to remove any of the trees which line the beck although additional trees would be planted. There would be limited removal of hedgerow at the access but new replacement hedgerow can also be replanted.
- 5.43 In light of the above, it is considered that the wildlife corridor flanking the beck would not be impacted by the development. Lighting can be subject to approval and would not be needed for much of the year as the site is proposed to operate only during the lighter months.
- 5.44 In view of the foregoing, it is considered that the proposal would not be harmful to the local ecology.

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 drawings Site Location Plan received 22nd June 2018, Office/Shower Block Plan 002 B, Office/Shower Block Elevations 003 C, Revised Site Plan 001 E and Site Plan 004 B received 8th August 2018, Plan showing route of footpath received 22nd June 2018.
 3. The occupation of the 35 pitches hereby approved shall be as follows: (i) the holiday accommodation is occupied for holiday purposes only; (ii) the holiday accommodation shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
 4. No touring caravans or motorhomes shall be admitted to or remain on the site during the period from 15th November to 15th March of the following year.

5. 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.
6. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. This should include measures to ensure the protection of the existing boundary hedges and trees. 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.
7. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 1.4 litres per second for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
8. 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 b. The access shall be formed with 10 metre radius kerbs, to give a minimum carriageway width of 6 metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number A1. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. 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 120 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order

and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

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 Hambleton Local Development Framework Policies CP1, CP17, DP1 and DP32 and National Planning Policy Framework.
3. To ensure that the use of the accommodation is sustainable and supporting the rural economy in accordance with Policy CP4 of the Hambleton Local Development Framework.
4. To limit the potential adverse visual impact of touring caravans and motorhomes within the landscape in accordance with Hambleton Local Development Framework Policies CP16, CP17, DP30 and DP33.
5. 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.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33.
7. To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.
8. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
9. In the interests of road safety.
10. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Informatives

1. No person shall, without the previous consent of the Swale and Ure Drainage Board, for any purpose, by means of any channel, siphon, pipeline or sluice or by any other means whatsoever, introduce any water into the District or, whether directly or indirectly, increase the flow or volume of water in any watercourse in the District.
2. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
3. If planning approval is granted, the occupier of the land will be required to obtain a Caravan Site Licence under the provisions of the Caravan Sites and Control of

Development Act 1960. This will be granted subject to certain conditions being met. Environmental Health Technical support will write to the applicant further, providing the necessary details.

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Parish: Rudby
Ward: Hutton Rudby
5

Committee date: 20 September 2018
Officer dealing: Ian Lunn
Target date: 2 October 2018

18/01602/OUT

**Application for outline planning permission with details of access and layout (all other matters reserved) for the construction of five dwellinghouses
At OS Field 2719, Stokesley Road, Hutton Rudby
For Mr D Bainbridge**

This application is referred to Planning Committee as the proposed development is a Departure from the Development Plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a roughly oblong shaped plot of approximately 0.7 hectares in area which currently forms part of a field. It is located approximately 140 metres north east of the junction of Middleton Road and Stokesley Road on the northern edge of the village.
- 1.2 Outline planning permission is sought to construct five dwellings on this site. Formal approval is sought for the layout of the development and the proposed means of gaining access to the site as part of the application. However all other matters are reserved for consideration at the reserved matters application stage.
- 1.3 Following dismissal of an earlier appeal the application site area has been reduced.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 88/0969/OUT - Outline application for residential development; Refused 1 February 1989.
- 2.2 89/1333/OUT - Outline application for residential development; Refused 4 October 1989.
- 2.3 17/01351/OUT - Outline application with all matters reserved for five dwellings; Refused 16 October 2017 for the following reasons:
 1. The proposed development incorporates five plots which are generally larger in size than those which characterise this part of the village. The resultant plot ratio is not considered to be an efficient use of the land in this location. The proposed development is considered to fail to accord with the requirements of Criterion 1 of the Interim Policy Guidance as the proposed development fails to reflect the existing built form and character of the village and as such also fails to accord with the requirements of policy DP10 and DP32 which seek to support high quality development which respects the character and form of the settlement.
 2. The proposed extension of the village into open countryside is considered to be harmful to both the character and setting of the village of Rudby and to the character of the open countryside which surrounds the village and as such fails to accord with the requirements of the Interim Policy Guidance Note, Criteria 2, 3 and 4 and fails to accord with the requirements of Development Policy DP30 and DP32.

3. The proposed development is in close proximity to a chicken farm which is likely to result in a loss of residential amenity through nuisance from odour, noise and flies contrary to the requirements of Development Policy DP1.

Appeal dismissed 3 May 2018 on the first and second grounds.

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 CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
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 DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 – Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 24 July 2018
Hutton Rudby Village Design Statement
Development Policies DP9 - Development outside Development Limits
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – Objects. The Local Neighbourhood Plan does not identify a need for large houses in the village. Furthermore an approval of this proposal would not be in the best interests of highway safety leading to the creation of five new vehicular accesses onto a busy road. (Officer Note: the Neighbourhood Plan has not been adopted.)
- 4.2 Highway Authority – No observations received. (Officer note: the Highway Authority did not object to the previous application on this site.)
- 4.3 Environmental Health Officer - No objection subject to conditions requiring details of site drainage and requiring the site to be suitably remediated in the event of unexpected contaminants being found.
- 4.4 Northumbrian Water - No objection subject to a condition requiring that details of the proposed means of draining the developed site.
- 4.5 Public comments – Eight objections have been received, summarised as:
 - The proposal is premature pending the outcome of the Neighbourhood Plan, and the site is not currently allocated for housing development;
 - The development would not be sustainable as the site lies outside the village boundary and is remote from the centre of the village and local amenities;
 - The dwellings would still appear as prominent features in the landscape and would therefore detract from the visual amenity of the area;

- The five new access points and increased traffic flows on the highway (where vehicle speeds often exceed the 30mph limit) would increasing the risk of accidents;
- Adverse environmental and health consequences of increased traffic movements;
- Increased flood risk in the area as the land is prone to becoming waterlogged during periods of heavy rainfall meaning that soakaway drainage systems would not work;
- Loss of prime agricultural land,
- The proposal would prejudice the development of a larger land area which could otherwise help meet the housing needs of the village;
- The development proposes executive properties not affordable homes; a site of this size could accommodate more dwellings at a higher density;
- There is no need for further housing here given the recent completion of the Paddocks End development and the recent approval of 25 homes at the Wickets;

Nine representations in support making the following points:

- There is a need for more housing in the village;
- The development would complement existing housing in the locality with the plot sizes being similar in size and scale to others in the locality;
- The land does not lie within designated Green Belt,
- The site is close to all necessary local services;
- The site has satisfactory vehicular access with suitable sight lines;
- The site is well positioned for people wishing to travel to Middlesbrough and the surrounding areas; and
- Approval would benefit the local economy as the building works could be carried out by small local building companies.

5.0 OBSERVATIONS

- 5.1 The main issues are considered to be (i) the principle of locating residential development in this location; (ii) the impact of the development on the character and visual amenity of the surrounding area; (iii) the impact of the development on the amenities of neighbouring properties; (iv) impact on highway safety; (v) impact on trees and local ecology; (vi) land contamination; (vii) drainage and flood risk; and (viii) affordable housing.

Principle

- 5.2 The site adjoins the built-up area of Rudby but lies outside of the Development Limits. In view of this, and given the nature of this proposal, it is considered that the application needs to be considered initially against the requirements of policies CP4 and DP9 of the Local Development Framework.
- 5.3 Policy DP9 states that planning permission will only be granted for development beyond Development Limits "in exceptional circumstances", circumstances that are outlined in Policy CP4. The proposal has not been justified on the basis of any of these and does not therefore satisfy their requirements. However, it is also necessary to consider national policy in the form of the NPPF. This states, in paragraph 78, that:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local villages. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

- 5.4 Paragraph 79 adds, in part, that "Planning policies and decisions should avoid the development of isolated homes in the countryside unless" certain specified criteria can be met.
- 5.5 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has 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.
- 5.6 In the IPG Rudby is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities that it has. In order therefore to satisfy the requirements of the Guidance it would need to be demonstrated that it would form a cluster either with a Secondary or Service Village, or with one or more Other Settlements. Where a cluster comprises only Other Settlements they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.7 The supporting text in the IPG specifically identifies Hutton Rudby and Rudby as a cluster. This is in recognition of the close proximity of the settlements and links between them. With this in mind it is considered that, despite concerns to the contrary, the proposed development can reasonably be viewed in the context of supporting local services and amenities, and as such criterion 1 of the IPG would be satisfied. In view of this the principle of the development is considered to be acceptable in this instance.
- 5.8 Concern has been expressed both that a decision on the proposed development would be premature pending the outcome of the emerging Neighbourhood Plan, and that it would not meet the emerging requirements as set out in that Plan. However, this Plan still remains at a relatively early stage in its development and it is therefore considered that it can currently only be offered relatively limited weight. In addition, local concerns about the loss of agricultural land are acknowledged but this was not a turning issue in the appeal so is not considered to be a reason to resist the development now.

Character and visual amenity

- 5.9 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."
- 5.10 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.
- 5.11 The National Planning Policy Framework supports this approach and, at paragraph 130, 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. Paragraph 128 sets an expectation that applicants engage with the Council and the local community about the design and style of emerging schemes at an early stage.
- 5.12 The previous application was refused planning permission in part because it was felt that the development proposed would be harmful to the character and setting of the village and surrounding countryside, failing to reflect the built form of the former and

detracting from the open character of the latter. In an attempt to address these concerns the agent has amended the proposal with the key differences being:

- The current application now seeks formal approval of the proposed layout of the development and shows the dwellings laid out in linear form. The previous application showed them similarly laid out but did not seek formal approval for their proposed positions reserving this for consideration at a later date;
- Whilst the application still seeks approval for five dwellings the density of the development has been increased from one dwelling per 0.18 hectares to one dwelling per 0.14 hectares. This has been achieved by reducing the application site from 0.9 to 0.7 hectares in overall size;
- The eastern part of the plot, which previously formed part of the development site, has now been deleted. It was this part of the site that was of most concern being the most elevated; and
- A landscaped planting buffer is now proposed along the eastern and northern boundaries of the site and the hedgerow along the site frontage to Stokesley Road would be re-planted.

5.13 Compared with the scheme refused and dismissed on appeal, it is considered that the proposal would be more in keeping with the form and layout of housing in the locality. Furthermore the deletion of the eastern part of the site, and the introduction of more screen planting, should reduce the impact of the open character of the surrounding countryside.

5.14 In a further attempt to overcome previous concerns, the agent has indicated that the development will comprise a range of dwelling sizes. The applicant proposes a two-bedroom bungalow, two detached three-bedroom houses and two four-bedroom houses. On this basis, and given the other points outlined above, it is considered that the development of this site along the lines currently proposed would achieve an acceptable mix of dwelling sizes, subject to a condition to secure this, and should reasonably safeguard the visual amenity of the area.

Amenity

5.15 The previous application was also refused planning permission in part because of concern that the future occupiers of the dwellings would be unduly disturbed by odour, noise and flies from a nearby chicken farm. However, the Inspector did not consider this a reason to dismiss the appeal and the site has since been reduced in size at its eastern end and more substantial planting is now proposed along the eastern boundary. This would have the effect of locating the dwellings slightly further away from the farm than they would have been previously and the planting would also help to provide some sort of additional barrier against odour. In view of this, and as the Environmental Health Officer raises no objection to the proposal it is considered, on balance, that it would not be possible to sustain a further refusal on this ground.

5.16 The site is enclosed to the immediate south and west by housing. However, on the basis of the current proposed layout the new development would stand some 17 metres from the nearest of these (Four Gables, which lies to the immediate west) it is considered that it could reasonably be laid out as proposed without adversely affecting the light, privacy or outlook enjoyed by this or any other of the surrounding properties.

Highway safety

5.17 Whilst the application has been submitted in outline form it seeks formal approval at this stage for the creation of individual vehicular accesses to each dwelling. Concern

has been expressed by some local residents about the ability of Stokesley Road to safely accommodate the increase in vehicular use that this development is likely to generate. However, this was not a ground under which the previous five dwelling scheme was refused and taking the Highway Authority's advice into account, it is not envisaged that the traffic generated by five dwellings would significantly increase the use of this highway, and the road is considered to be capable of satisfactorily and safely accommodating any such increase that may arise. Furthermore, it is considered that, provided these accesses are suitably designed and laid out in the positions shown, they will allow vehicles safe access to and from Stokesley Road. Conditions to secure this are therefore recommended.

- 5.18 It is also considered that if the dwellings were to be sited in the positions proposed sufficient space would be available within each plot for the provision of satisfactory associated parking and turning facilities.

Trees and ecology

- 5.19 The site is open but there are some hedges and trees on the perimeter. It is therefore contended that it could reasonably be developed as proposed without significant tree and hedge loss. In view of this, and as the agent has indicated an intention to carry out landscaping, it is considered that there are no reasonable tree or hedge related grounds for opposing the development.
- 5.20 The site is not known to be the subject of any protected flora and fauna. Consequently it is contended that there are currently no reasonable ecological grounds for opposing the development of the land.

Land contamination

- 5.21 The applicant has undertaken a preliminary assessment of land contamination as part of the application. This, along with information given on the application form, concludes that the land is not the subject of any significant contamination and given the way the land has previously been used it is considered, on the balance of probability, that this is likely to be the case. In view of this, and taking account of the advice from the Environmental Health Officer, it is not envisaged that future occupiers of the dwellings would be at significant risk from contaminants. On this basis it is contended that there are no reasonable land contamination grounds for opposing this proposal.
- 5.22 However, as it is likely that soils will need to be re-used or imported as part of the development, and as there is always the possibility that unexpected contamination may be encountered during the construction works, it is recommended that suitable remediation in the event of unexpected contaminants being found is secured by condition.

Drainage and flood risk

- 5.23 The application form indicates that surface water from the developed site would be discharged either to soakaways or an adjoining watercourse, but gives no details of the proposed means of discharging foul water. The drainage proposals have been considered by Northumbrian Water and the Environmental Health Officer but neither is currently able to comment on their suitability because of the lack of detail. Both accept, however, despite concerns to the contrary, that the site is capable of being suitably drained in some form and recommend that the means of so doing is therefore reserved by condition for consideration at the reserved matters stage. A condition to this end is therefore recommended.

- 5.24 The site is identified as being located wholly within Flood Zone 1 on the Environment Agency's Flood Map. This means that it is at low risk of flooding. In view of this, it is not envisaged that future occupiers of the dwellings would be at significant risk of flooding nor that the development would be likely to exacerbate problems of flooding elsewhere.

Affordable housing

- 5.25 Core policy CP9 requires housing developments of two or more dwellings or on sites of 0.1 hectare or more in rural areas to make provision for an element of affordable housing. This issue was not pursued at the time of the last application because of a conflict between CP9 and Government policy in the form of a November 2014 Written Ministerial Statement, which only allowed affordable housing to be sought in designated rural areas (including the parish of Rudby) in the form of a financial contribution from schemes of six to ten dwellings and on-site provision within schemes of eleven or more dwellings.

- 5.26 The 2018 revision to the NPPF has altered the Government's policy such that it no longer conflicts with the Development Plan in this part of the District. Paragraph 63 of the NPPF states:

Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

The parish of Rudby is a designated rural area and therefore the NPPF provides support for the two-dwelling threshold for affordable housing set by policy CP9. The site is not brownfield land and the proposal does not involve reuse or redevelopment of existing buildings, therefore the reduced affordable housing contribution referred to in the NPPF does not apply.

- 5.27 The agent for the application has been invited to comment on this and any response will be reported to the Committee meeting. However, officers consider that this issue could be adequately addressed by means of an additional condition requiring the submission of an affordable housing scheme in accordance with policies CP9 and DP15. This will be covered in an update to the meeting, including any comments from the applicant.

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) Five 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. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwellings; (b) the design and external appearance of each building, including a schedule of external materials to be used; and (c) the landscaping of the site.

3. The development hereby approved shall comprise no more than 5 dwellings.
4. 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 accesses 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 crossings of the highway verge and/or footway shall be constructed in accordance Standard Detail number E6; (b) any gates or barriers shall not be able to swing over the existing highway; and (c) the final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
5. A detailed mix of housing shall be prepared and submitted for approval by the Local Planning Authority prior to or as part of the submission of the first reserved matters application that takes account of the recommended housing mix within the latest version of the Council's Strategic Housing Market Assessment, at the time of submission of these details, unless evidence to the contrary is provided to and agreed in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved housing mix unless otherwise agreed in writing by the Local Planning Authority.
6. 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 43 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of each access formed. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. 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 until details of (i) the provision of a footway on the site frontage linking the site to the existing footway on Stokesley Road; and (ii) a programme for the completion of the proposed work have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
8. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the footway on the site frontage linking the site to the existing footway on Stokesley Road has been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 7.
9. Unless otherwise approved in writing by the Local Planning Authority, and notwithstanding the submitted details, 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 following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle accesses, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
12. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.
13. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
14. Soils shall not be imported onto the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for placement on the site. A soil sampling and analysis scheme, including the number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. Before importation commences the results of the sampling and analysis shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved soil sampling and analysis scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

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. To ensure that the quotient and density of development is appropriate to this location and to accord with the requirements of Policy CP1 and DP32 or the Local Development Framework along with the Interim Policy Guidance.
4. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
5. To ensure that the proposed housing mix meets the needs of the Hambleton Housing market and in order to accord with Policy DP13 of the Local Development Framework.
6. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
7. In the interests of highway and pedestrian safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
8. In the interests of highway and pedestrian safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
9. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
10. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
11. In the interests of highway safety in accordance with the requirements of Policy CP1 of the Local Development Framework.
12. In the interests of the satisfactory drainage of the development in accordance with the requirements of Policy CP1 of the Local Development Framework.
13. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and to suitably address these risks, in accordance with the requirements of Policies CP21 and DP42 of the Local Development Framework.
14. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and to suitably address these risks, in accordance with the requirements of Policies CP21 and DP42 of the Local Development Framework.

Informatives

1. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 7 April 2015. Details of the charging schedule are available on the Council website. www.hambleton.gov.uk.
2. 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.

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Parish: Seamer
Ward: Hutton Rudby
6

Committee date: 20 September 2018
Officer dealing: Mr Sean Rawling
Target date: 24 September 2018

18/01112/OUT

**Outline application with details of access (all other matters reserved) for a bungalow
At Hawthorns, Tame Bridge, Stokesley
For Prism Planning Ltd**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is approximately 0.14 hectares and is used for garden land in association with the host property of Hawthorns.
- 1.2 The application site is bordered by trees to the north and west of the site, with a pond beyond. Located to the east is a site currently accommodating a vacant car sales office with a line of predominantly single storey dwellings beyond, which are characteristic of the linear form and character of Tame Bridge. Common to all development within the village is the palette of materials, including brown and red brick and tile, and cream render.
- 1.3 Located to the south, on the opposite side of the road is a belt of trees, with open countryside beyond, with pockets of dispersed development.
- 1.4 Consent was granted in May 2018 for alterations and extensions to the host dwelling, including removal of the two westernmost garage bays. This development has been commenced.
- 1.5 This proposal seeks outline planning consent for a dwelling, stated to be a bungalow. Only details of access are provided at this stage. An indicative site layout plan shows the dwelling close to the western boundary of the plot. This plan indicates that part of Hawthorns, comprising a garage and a covered area to the rear, would be demolished to make way for the development.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 98/51460/P - Construction of a conservatory; Granted 27 April 1998.
- 2.2 18/00374/FUL - External and internal alterations to dwelling; Granted 18 May 2018.

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 Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all

Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published July 2018
Size, Type and Tenure of New Homes SPD - adopted September 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – No response received.
- 4.2 Highway Authority – No objections subject to conditions.
- 4.3 Yorkshire Water – No comment.
- 4.4 Public comments – None received to date.

5.0 OBSERVATIONS

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

Principle

- 5.2 The proposed site falls outside of Development Limits. 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 in exceptional circumstances. The proposal 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 7 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 Tame Bridge is identified as an Other Settlement. This status recognises its relatively limited range of services and facilities. Therefore the IPG states that it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements in order to constitute a sustainable community.
- 5.6 Stokesley, which is a Service Centre, is the largest settlement in closest proximity at approximately 1km, albeit the majority of services and facilities are located a little further to the east. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines “significant distance” as approximately 2km. Whilst Stokesley is not a Service Village or Secondary Village, its status as a Service Centre indicates that it is more preferable in terms of its provision of services available to Tame Bridge. It is therefore considered that Tame Bridge can be viewed in a similar manner to a cluster village and that criterion 1 of the IPG would be satisfied and the principle of small scale residential development would be acceptable. This view is consistent with other applications for residential development in Tame Bridge.

Character of the village and the countryside

- 5.7 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 proposed dwelling would be located adjacent to an existing residential property and may therefore be regarded as infill development, within an existing residential area. The supporting statement also indicates a bungalow and the Council's Size, Type and Tenure of New Homes SPD identifies a need for more choice for older people including that of bungalows.
- 5.8 IPG criterion 3 states that development must not have a detrimental impact on the natural, built and historic environment. By virtue of its scale and siting, the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment.
- 5.9 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.
- 5.10 The proposed dwelling would be located between existing residential properties and is therefore regarded as infill development within an existing residential area and is not located on the edge of the settlement.
- 5.11 It is therefore considered that the proposal would not have a detrimental impact upon the open character and appearance of the surrounding countryside.

Residential amenity

- 5.12 It is considered that the plot is capable of accommodating a single dwelling without prejudicing residential amenity (particularly that of Hawthorns), by being overbearing in presence, causing loss of light or loss of privacy. A single storey dwelling has been

suggested and this is considered to be appropriate given that the host dwelling of Hawthorns is of single storey form, albeit with accommodation in the roof space.

- 5.13 With adequate boundary treatments and careful positioning of windows, the issue of residential amenity could be addressed as part of a reserved matters application. The site is considered capable of providing adequate private amenity space for the proposed dwelling and the existing dwelling of Hawthorns would still have private amenity space to the east.

Highway safety

- 5.14 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. The Highway Authority has raised no objection to the proposal in this respect and has suggested conditions. There is no evidence to suggest that the development would cause harm to highway safety.

Drainage and the surface water sewer

- 5.15 The existing dwelling of Hawthorns is served by a dedicated septic tank. The applicant has indicated that they intend to install a package treatment plant to serve both the proposed and host dwellings.
- 5.16 A package treatment plant is a more sophisticated sewage treatment plant which create an environment which facilitates the growth of bacteria which break down sewage into non- polluting end products. Treatment plants differ from septic tanks as not only does primary treatment take place but also secondary treatment. This requires an electricity supply which is used to artificially introduce air to the treatment plant; it is this oxygen transfer through the sewage which enables the growth of aerobic bacteria which are more effective in the breakdown of sewage than the bacteria present in a septic tank. This results in a higher quality effluent being produced, which can (subject to Environment Agency Consent to Discharge) be discharged directly to a watercourse.
- 5.17 The applicant has provided the results of percolation testing which suggests this would be sufficient. The exact details of this could be secured by planning condition. As such, it is considered that the site is capable of accommodating the construction of a dwelling without resulting in harm to the amenity of the village.
- 5.18 It is considered that surface and foul water can be dealt with within this application through the application of an appropriate 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 all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: 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 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 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 (i) The details of the access shall have been approved in writing by the Local Planning Authority (ii) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6. (iii) Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the highway and shall not be able to swing over the proposed highway. (iv) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
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. 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.
6. The development hereby approved shall not be occupied until the development approved under application 18/00374/FUL has been completed in accordance with the approved plans unless otherwise approved in writing by the Local Planning Authority.
7. This decision grants permission for no more than one dwelling. The size of the dwelling in the reserved matters submission shall reflect the mix and size requirements as expressed in the Size, Type and Tenure SPD.
8. 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 following have been submitted to and approved in writing by the Local Planning Authority: (i) vehicular turning and parking arrangements.
9. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under conditions numbered 3 and 8: 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
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and

in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway b. on-site materials storage area capable of accommodating all materials required for the operation of the site. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
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 a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework Policies CP3 and DP6.
5. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
6. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1
7. To ensure that the scope of the decision reflects the proposal made and that the development meets local needs in terms of the size and type of dwellings in accordance with LDF Policy DP13 and the Size, Type and Tenure SPD.
8. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
10. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be

pleased to provide the detailed constructional specification referred to in this condition.

2. 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.
3. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
4. 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.

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Parish: Stillington
Ward: Huby
7

Committee date: 20 September 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 21 September 2018

18/01449/OUT

**Application for outline planning permission with all matters reserved for the construction of one bungalow and garage
At Field House, South Back Lane, Stillington
For Mr Alan Hetherington**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is currently part of the garden area for Field House. The area contains a fruit and vegetable patch and is not set to lawn.
- 1.2 The site is located to the south of the residential dwelling of Field House and to the west are five bungalows that are currently under construction. On the southern and eastern boundaries are mature trees and hedgerows and these natural features will be retained. Furthermore, to the south of the site is Stillington Tennis Club and this area provides a further buffer between the village and open countryside beyond.
- 1.3 The village has over time been extended, significantly with the Parkfield development in the late 1960s and with infill development continuing since then. More recently, a number of new houses have been constructed on the outer edges of the village including a development of 24 homes to the south side of South Back Lane, to the west of the application site.
- 1.4 Outline planning permission is sought to establish in principle the construction of one, single storey dwelling, with an attached domestic garage, together with car parking. The application site is within the domestic curtilage of Field House. There are no matters for approval at this stage and therefore all matters, i.e. access, layout, appearance, landscaping and scale.
- 1.5 The indicative site plan shows how the site could be developed. It shows an 'L' shaped single storey dwelling, with an attached garage to the north. The building lines and domestic curtilages would mirror the bungalows at Woodbyne Way that are being built to the west of the site.
- 1.6 Furthermore, from the indicative drawings, a pitched roof form is proposed, with a ridge height of 6.5 metres that aligns with the proposed ridge heights that would mirror the bungalows at Woodbyne Way that are being built to the west of the site. Materials are suggested to be brick, pan-tiles and timber-framed windows.
- 1.7 The indicative plan, and only viable access route, shows how a drive would be created from South Back Lane using initially the existing vehicular access that serves Field House. The driveway to the dwelling would extend passed the west of Field House to the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

There is no relevant planning history regarding the parcel of land that is the subject of this application. The relevant history of adjacent land is:

Field House

- 2.1 13/00468/OUT - Outline application for the construction of a dwelling and detached domestic garage and store; appeal allowed 11 December 2013.
- 2.2 14/00824/REM - Reserved matters application for the construction of a detached dwelling with landscaping and hard-standing; Granted 9 June 2014.

The site to the west of the application site 'Woodbyne Way'

- 2.3 16/00883/OUT - Outline application (all matters reserved) for five bungalows, car ports, car parking and associated infrastructure; Granted 16 September 2016.
- 2.4 16/02722/REM - Reserved matters application for five bungalows, car ports, car parking and associated infrastructure; Granted 28 April 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 force
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 – Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
Size, Type and Tenure of New Homes SPD - adopted September 2015
National Planning Policy Framework - published July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection. Note the drainage installation would need to be carefully designed due to soil being moved from another site.
- 4.2 Highway Authority – No objection; recommends conditions regarding the details of access, turning and parking and on-site parking, on site storage and construction traffic during development.
- 4.3 Yorkshire Water – No comments received to date.
- 4.4 Foss Internal Drainage Board - No objection but feels it appropriate that the applicant provides a drainage strategy and proves any connectivity that they wish to claim, to enable an evaluation to be undertaken in terms of flood risk.
- 4.5 Public comments – Two objections, summarised as follows:

- Visual impact and height of the dwelling;
- Loss of privacy;
- Noise during construction ;
- Noise from lawnmowers when the dwellings are occupied;
- The site is outside of the settlement boundary and at the bottom of the garden of Field House. This isolates the house from the rest of the village character;
- Impact upon the surrounding woodland and wildlife;
- The scale of the dwelling does not constitute a bungalow with a garage; and
- The development is “garden grabbing”.

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) heritage assets (iv) residential amenity; (v) highway safety (vi) drainage issues; and (vii) land contamination.

Principle

- 5.2 The site falls outside the Development Limits of Stillington Policy CP4 states that all development should normally be within the Development Limits of settlements. The Development Limits are located where the northern boundary of Field House meets South Back Lane.
- 5.3 Policy DP9 states that development will only be granted for development 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).
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 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.
- 5.5 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 contained within the IPG, Stillington is defined as a Service Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.7 The village is served by bus services connecting to the nearby Market Town of Easingwold and York City Centre. It has a range of services within the village itself including a primary school, medical practice, Post Office & shop, two pubs, a restaurant, fish & chip shop, village hall, sports club & facilities and play areas.
- 5.8 It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Character and appearance

- 5.9 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 as the IPG refers to small scale comprising up to five dwellings.
- 5.10 The indicative site layout also shows a bungalow and the Council's Size, Type and Tenure of New Homes SPD identifies a need for more choice for older people including that of bungalows.
- 5.11 The indicative site plan shows how the site could be developed. It shows an 'L' shaped single storey dwelling, with an attached garage to the north. The building lines and domestic curtilages would mirror the bungalows that are being built to the west of the site.
- 5.12 In light of the above, the proposal is considered to reflect the existing built form and character of this part of the village. The concern expressed by a neighbour about the potential for a 3 storey dwelling all documents make reference to a bungalow and the applicant has expressed to the case officer a desire to down-size to a smaller single storey dwelling suited to occupancy by an older person.
- 5.13 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The heritage assets will be considered in the next section of the report.
- 5.14 The application site relates to the development of a paddock to the south of Field House. There is no significant ecological interest associated with the site itself. There is a pond located in the south west corner of the application site and there are no proposals to change this. It is appreciated that the site is bound by trees and hedgerows and these natural features are to be retained. The scheme would have no significant detrimental impact upon local ecology.
- 5.15 By virtue of the siting of the proposed dwelling and the landscape features that are to be retained and the additional planting proposed, the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment.
- 5.16 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.
- 5.17 The site is located to the south of the residential dwelling and to the west are 5 dwellings that are currently under construction. On the southern and western boundaries are mature trees and hedgerows and these natural features will be

retained. Furthermore, to the south of the site is Stillington Tennis Club and this area provides a further 'buffer' between the village and open countryside beyond.

- 5.18 In light of the above, the proposal is considered to not have a detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.

Heritage assets

- 5.19 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 Stillington Conservation Area.
- 5.20 The majority of the application site is located 80 metres to the south of the Stillington Conservation Area. It is considered that given the distance from the site to the Conservation Area, the proposal will not harm the designated asset.

Residential amenity

- 5.21 There is a separation distance of 48 metres from the site boundary to the boundaries of the existing properties 31 and 33 Parkfield. The separation distances are sufficient so that the scheme will not prejudice residential amenity by being overbearing in presence, and would not cause a loss of light or loss of privacy.
- 5.22 The site is considered capable of providing adequate private amenity space for the proposed dwelling, without prejudicing the existing private amenity space of Field House.

Highway safety

- 5.23 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.24 Access to the site would be from South Back Lane and from the existing vehicular access that serves Field House. The Highway Authority has raised no objection to the proposal in this respect and has suggested conditions. There is no evidence to suggest that the development would cause harm to highway safety.

Drainage issues

- 5.25 Foul drainage would be disposed to the mains sewer via an existing manhole adjacent to the site. Surface water will be disposed of via a soakaway. The exact details of which can be agreed by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

Land contamination

- 5.26 The submitted information does not identify any unacceptable risks from land contamination. It states that the site is a private garden with no signs of settlement, subsidence or contamination.

Planning balance

- 5.27 The proposed development will result in an economic activity through the construction of a new home, and the social gains of the creation of an additional dwelling. The gains in both these aspects of 'sustainable development' are small and

would not outweigh environmental harm, however in this instance the scheme is considered to be 'neutral' in respect of environmental impacts. There is no environmental harm and as a consequence the scheme is on balance found to be sustainable development in the terms of the NPPF.

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) Five 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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) Site Location Plan LSA/045/L/101 dated 2nd July 2018.
 3. 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.
 4. This decision grants permission for no more than 1 dwelling. The size of the dwelling in the reserved matters submission shall reflect the requirements as expressed in the Size, Type and Tenure SPD.
 5. 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
 6. 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.
 7. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. This should include measures to ensure the protection of the existing boundary hedges and trees. 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.
 8. 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 following have been submitted to and approved in writing by the Local Planning: (a) vehicular and pedestrian access; (b) vehicular parking; (c) vehicular turning arrangements; and (d) visibility splays. No part of the development shall be brought into use until the approved vehicle access, parking, turning areas and visibility splays have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
10. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified 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 Section 92 of the Town and Country Planning Act, 1990.
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 Hambleton Development Plan Policies DP1, DP28 and CP17.
3. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, prior to the commencement of development.
4. To ensure that the scope of the decision reflects the proposal made and that the development meets local needs in terms of the size and type of dwellings in accordance with LDF Policy DP13 and the Size, Type and Tenure SPD.
5. 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.
6. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. In the interests of road safety.

10. In order to avoid harm to the landscape and safeguard the amenity of neighbours.

Informatives

1. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on 7 April 2015. Details of the charging schedule are available on the Council website. www.hambleton.gov.uk.
2. 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.

Parish: Thornton-on-the-Hill
Ward: Raskelf and White Horse
8

Committee date: 20 September 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 21st September 2018

18/01322/FUL

Description: Change of use of agricultural land and the construction of three modular, earth sheltered eco pods to be used as tourist accommodation and change of use of hardstanding for associated guest parking

At The Baggins, Thornton Hill

For Mr & Mrs Parker-Nicholls

This application is referred to Planning Committee for at the request of a Member of the Council

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The Baggins is a pig farm located on the eastern side of Thornton Lane, north of Easingwold and east of Husthwaite. The farm buildings are located up a farm track and are hidden away from the road by the change in levels and significant trees and hedgerows. The application site is located to the west of the main farmstead on parcel of land that is used for grazing.
- 1.2 The site is located within the Howardian Hills Area of Outstanding Natural Beauty and the applicant has confirmed that their agricultural holding extends to 27.5 acres (11 hectares).
- 1.3 The proposal seeks the change of use of agricultural land and the construction of three modular, earth sheltered eco pods to be used as tourist accommodation and change of use of hardstanding for associated guest parking to the north of the site. The red line site location plan has been tightly drawn to include the car parking area, access to the field, the site for the 3 eco pods and will not permit any change to the remainder of the field for tourist accommodation. The site will be accessed using the existing vehicular access that serves the holding.
- 1.4 Clarity has been sought regarding the internal facilities of each pod. Each will contain a living/kitchen area, one bedroom and one bathroom. They will therefore be self-contained, an amenity block is not required. They will have a floor area of 36 square metres, with a turf roof and maximum height of 2.5 metres. They will be sunken into the southern facing hillside, with one facing east and two facing west to allow for privacy. The applicant has provided photographs of these eco pods in other locations across the country.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

There is no relevant planning history regarding the parcel of land that is the subject of this application. However, there is extensive planning history regarding the site as a whole and this includes:

- 2.1 06/00789/APN - Application for prior notification for the construction of an agricultural building for the storage of agricultural implements, workshop/store and feed store; Refused 5 May 2006.
- 2.2 06/01788/FUL - Revised application for the construction of a free range organic egg production unit and an agricultural building; Refused 3 November 2006.

- 2.3 09/00886/APN - Prior notification for construction of agricultural steel framed portal storage building; Granted 27 April 2009.
- 2.4 10/00106/APN - Prior notification for construction of two feed storage bins and a livestock loading coral; Granted 18 February 2010.
- 2.5 10/00108/FUL - Temporary siting of a log cabin to be used as an agricultural workers dwelling; Granted 1 April 2010.
- 2.6 15/01645/APN - Prior notification for an agricultural building for the storage of straw - Granted 7 September 2015.
- 2.7 15/01555/FUL - Revised application for the construction of an agricultural workers dwelling house and triple garage; Refused 2 September 2015.
- 2.8 16/00430/FUL - Permanent retention of a log cabin for agricultural worker's dwelling; Granted 29 April 2016.

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 CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP25 - Rural employment
 Development Policies DP26 - Agricultural issues
 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 DP34 - Sustainable energy
 Development Policies DP43 - Flooding and floodplains
 National Planning Policy Framework - published July 2018

4.0 CONSULTATION

- 4.1 Parish Meeting – the comments from the Parish Meeting are summarised as follows:

Access

- No problem with the actual access to the site which is open and easily driven.
- The narrow lanes of Thornton Hill are of major concern for residents living and working in the area. The traffic has increased substantially on Thornton Hill over the last few years, many more delivery drivers are using this route, together with

large agricultural vehicles and everyday traffic, and this is causing problems with the cyclists which use it as a listed National Sustrans Route. Three accidents have been recorded on the narrow lane in the past year alone.

- Accessing The Baggins can only be done by winding, narrow and hilly lanes with no formal passing places. In places the bends and hills on these lanes are blind and the edges to the road steep with nowhere to seek safety.

Sustainability

- There is no public transport close to the Baggins. Husthwaite is the nearest village, being approximately 1.5 miles away, and there are no paved footpaths to the village, nor any footway or road lighting, and as already indicated the lanes are hazardous to people on foot or cycles if they are not acquainted with the area. Husthwaite is a Service village, but bus services are infrequent, it has a village pub which is open at present, but has a history of closure, it also has a church and active village hall, but no other public facilities.
- There are other excellent public houses in the area which are only accessible by vehicle and some miles away. Easingwold is the nearest shopping facility as there are no village shops in the surrounding area.
- There are already a number of caravan and camping sites, lodge parks, holiday cottages, bed and breakfast, glamping and camping pod businesses and these still have not reached their full rental capacity; therefore, to add further overnight tourist facilities is only going to dilute the existing businesses and undo the work that their owners are putting into making these a success. (The Applicant says, 'There is a shortage of high quality couple accommodation in the district'. Eco pods are not high quality accommodation, it is camping. Is there any evidence to support this comment? Further, at present there is no shortage of accommodation in this district. (Newburgh Priory just over the hill from the Baggins has seen a decline in their glamping this year.) The tourism businesses within a 2 mile radius are at present the following: 5 Caravan Sites (3 adult only), 7 Bed & Breakfast, 2 Lodge Parks, 2 Glamping Parks, 2 Camping Pods Parks, 6+ Holiday cottages (some of which are now applying to come out of tourism due to lack of business). Airbnbs are increasing in the area also.

Ecology

- This site is mainly rock with a shallow covering of top soil. It is covered with natural springs which feed down into the valley and form the start of the River Kyle. On the Application Form the Applicant has ticked NO to the proposal to managing waste.

Points that are felt to need more clarification:

- The plan accompanying the Application did not show where the toilet block or wash/showering facilities are to be placed?
- No mention of facilities for cooking, washing up etc.?
- How is the sewage and waste to be managed? The excavated areas for the three Eco pods are shown to be just above one of the springs which flows out onto Yeoman's Course.
- There is no main electricity to the application site. Power is at present provided by a generator which can be heard some distance away and causes some concern to neighbours. Will the applicant need to bring in mains power or install a larger generator?
- If power is needed to pump waste/foul water to a treatment plant on site, what happens if the generator fails?
- If a treatment plant is proposed where is it to be sited?

- The land in front of the Eco pods is to be further mounded and graded to remove possible visual impact – will this block out the light going into the pods? Also further tree planting between the pods as stated in the application, but surely this would certainly block the light?
- The size of these Eco pods is large at 6m x 6m – What facilities are there in each of these pods?
- Excavation to this hillside will entail braking into rock, what will this do to the natural springs etc. Will it damage the ecology of the area?

The Applicant originally purchased approximately 80 acres on which to run a smallholding, but has now sold off a substantial amount of this land. It is believed that he now owns only the field on which his house stands which is between 8-10 acres. It is felt, as has been the case with all the different planning applications that HDC have received for this site, that should planning be granted for the 3 Eco Pods it would be opening the door to further developments, totally changing the agricultural use of the site to tourism and making it more saleable property, but very much more dangerous to other road users because of the need for resident tourists accessing all facilities using vehicles or bicycles.

There is no mention of the Applicant's farm shop which is operating from these premises at present – what is to happen to this and where will it be situated?

The meeting concluded with respectfully requesting that this application be refused.

- 4.2 Highway Authority – No objection subject to a condition regarding the routing of construction traffic.
- 4.3 Howardian Hills Area of Outstanding Natural Beauty (AONB) Manager – No objection but comments in detail:
- The site is only really visible in medium-distance views from the public road near High House Farm, but this is as glimpsed views through gaps in the roadside hedge so I would assess the potential visual impact as being intermittent and low.
 - The supporting information indicates that an amount of tree and shrub planting near to the eco pods is planned. If the application is approved then a condition should be included requiring the production of a Landscaping Plan showing details of species and planting areas, to ensure that only an appropriate scheme that enhances the AONB landscape is delivered.
 - Although the design shows an earth-covered overhang in front of each pod, under which its assumed tables, chairs, etc. will be located, a condition may be considered applicable in relation to the curtilage immediately in front of each pod. It is likely to be inevitable that paraphernalia will spread out from the covered area, whilst some separation from grazing sheep may also be considered necessary? As shown in their basic form, the proposals present few issues, but lack of attention to details such as this could quickly mean that the eco pods present more of a visual intrusion into the landscape.
- 4.4 Environmental Health Officer – No objection; there will be no significant noise impact on the local amenity.
- 4.5 Public comments – Seven letters of support have been received and one letter of objection.

Summary of support letters

- These pods will only benefit domestic tourism and the respectful preservation of the Howardian Hills AONB;

- Money will be brought into the local economy, including to Coxwold Tearooms, The Hare Inn Restaurant at Scruton, The Fauconberg Arms, Coxwold;
- The design fits into the area and the proposed eco huts, add a different element for people to visit the area;
- There is a lack of good quality holiday accommodation in this area and this proposal will improve this;
- The environmentally friendly approach to the development is welcomed; and
- It is important to support farmers looking for alternative forms of income and land use.

Summary of objection letter

- This road is narrow with high hedges, uncut verges, blind bends, and deep pot holes;
- The holidaymakers' additional cars would only compound the conditions of this traffic on the Thornton Lane and make it even more dangerous;
- The drainage is bad;
- The location of the pods in the Howardian Hills AONB means they may well be detrimental to the aesthetic look particularly from the Easingwold direction despite promised screening;
- The intended site is immediately above some springs on rock base which will mean it will be expensive and difficult to excavate;
- The pods will be very close to pigs and holidaymakers might not like to sleep so close;
- The pods would be too intrusive; and
- The farm workers dwelling was built with the understanding the property currently has an agricultural only restriction. Whilst diversification may well be a good thing for smaller farmers particular care should be taken not to undermine the agricultural usage restriction and convert into tourism.

With regard to the spring, the applicant has confirmed that this does not flow near to Yeomans Course but down the hill side towards High House.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration are (i) the principle of the development in this location; (ii) economic benefits (iii) the landscape and visual impact; (iv) highway safety; (v) residential amenity; and (vi) drainage.

Principle

- 5.2 The site is in a rural location beyond Development Limits where, under Policies CP1 and CP2 of the Core Strategy, development will not normally be supported unless an exceptional case can be made.
- 5.3 Policy CP4 of the Core Strategy sets out criteria where an exceptional case may be considered, including where (under criterion i) "it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy". Tourism accommodation of this type, including static and touring caravans and motorhomes are intended to offer the benefits of rural surroundings and are considered to have an essential requirement for a rural location.
- 5.4 The applicant makes the case that the development proposal is dependent upon a countryside location as part of the business. This case has been accepted previously

in the District that tourist accommodation will bring benefits to the local economy and can take support from the LDF Policy. The applicant also claims that the proposal is a farm diversification project.

- 5.5 As a potential exception to Policies CP1 and CP2, the application is to be considered in terms of the overall sustainability of its location.
- 5.6 Furthermore, Policy CP15 (Rural regeneration) states that support will be given to the social and economic needs of rural communities by encouraging:
- i. retention or expansion of appropriate businesses outside of the Service Centres and Service Villages;
 - ii. re-use or replacement of suitable rural buildings for employment generating uses; iii. provision of live-work units;
 - iii. diversification of the agricultural economy;
 - iv. appropriate tourism related initiatives, including schemes which improve the accessibility of tourist assets both within and outside the District;
 - v. recreation uses appropriate to a countryside location;
 - vi. small scale renewable energy projects and businesses to serve the industry;
 - vii. arts and crafts based industries;
 - viii. technological developments needed to facilitate employment development in rural areas;
 - ix. improvement of public transport links to Service Centres and employment areas.
- 5.7 In all cases development should be designed to be sustainable, consistent with requirements of Policy CP1 and CP17; should not conflict with the environmental protection and nature conservation policies of the LDF but should seek to enhance the environment; and should provide any necessary mitigating or compensatory measures to address harmful implications.
- 5.8 The National Planning Policy Framework offers support to sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors and which respect the character of the countryside. This includes support in appropriate rural locations where identified needs are not met by existing facilities. The degree to which this proposal would respect the character of the countryside is considered later.
- 5.9 The application has stated that the proposal is farm diversification. With the uncertainty of Brexit and the uncertainty of the weather, the applicant has considered this proposal to help sustain the future of the farm and for all members of the family now and in the future. Diversifying to tourism adds a valuable income stream to the farm.
- 5.10 In terms of the type of accommodation that is proposed, the applicant has stated that demand existing for high quality types of accommodation for couples. This small level, farm based tourist accommodation is suited to AONBs for example due to the attractiveness of the surrounding countryside and villages.
- 5.11 It is noted that there is no public transport close to the Baggins. Husthwaite is the nearest village, being approximately 1.5 miles away, and there are no paved footpaths to the village, nor any footway or road lighting. However, Husthwaite is a Service village, with a village pub and church and active village hall. There are other pubs and services in the area which are likely to be accessed by vehicle. However, these could be accessed via bicycle. The National Route 65 of the National Cycle Network runs past the site and the site may therefore be visited by people who wish

to ride this route. Furthermore, the units do contain a kitchen and therefore there are on-site facilities for people to cook a meal and some visitors may not leave the site.

- 5.12 The proposal seeks three units of accommodation that have the capacity to allow for six people to stay at any one time. It is likely that there would be one car per pod and therefore three cars in total. In this case, there are wider benefits of providing a different type of tourist accommodation and benefits to the local economy and services through tourist spend that outweigh the accessibility to services.
- 5.13 In light of the submitted information, it has been demonstrated that the proposal would help to support a sustainable rural economy, bringing tourists to the area that would use existing local businesses and services. It is considered that the proposal is a sustainable form of development and would support the local economy. The proposal therefore complies with Policies CP4 and CP15.

Landscape and visual impact

- 5.14 The site is only really visible in medium-distance views from the public road near High House Farm, but this is as glimpsed views through gaps in the roadside hedge and it is considered that the potential visual impact on the AONB is intermittent and low.
- 5.15 The supporting information indicates that an amount of tree and shrub planting near to the eco pods is planned. The AONB Manager has suggested that if the application is approved then a condition should be included requiring the production of a Landscaping Plan showing details of species and planting areas, to ensure that only an appropriate scheme that enhances the AONB landscape is delivered. This advice is accepted.
- 5.16 Separate from the questions of how the proposal would sit within the landscape, which is primarily a visual matter, it is necessary to consider whether the proposed development, by virtue of its nature, scale and associated activity would have any impact upon the character of the countryside.
- 5.17 The location is relatively well protected from general public view and the wider landscape; the existing agricultural surroundings in this area are intrinsically quiet and tranquil in character and are considered to be sensitive to development.
- 5.18 The proposal is considered to be relatively small in scale and would not result in a significant change to the character of the countryside by the increase in people at the site and traffic movements.

Highway safety

- 5.19 The site would be accessed using the existing vehicular access that serves the holding. The Highway Authority has raised no objection to the proposal, subject to a condition regarding the routing of construction traffic. Accordingly, there is no evidence to suggest that the development would cause harm to highway safety

Residential amenity

- 5.20 The site is relatively isolated from residential properties. There would not be a significant increase in activity in the local area in terms of traffic movements and people given that the proposal seeks three units of accommodation, each with one bedroom. Consequently it is considered that the proposal would not result in a material adverse impact upon residential amenity.

Drainage

- 5.21 The sewage and foul water drainage from each unit would run, by gravity and underground sewage pipe, to the existing farm treatment plant which is located behind the current farm house located to the north of the proposed units. There would be no pumping of/storages of sewage/foul water on the southern facing hillside. It is considered that the infrastructure would be able to cope with the additional development and cause no harm to the amenity of the area

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 drawings Revised Site Location Plan received 24th August 2018 and Elevations and Section date stamped 28th June 2018,
 3. The occupation of the 3 units hereby approved shall be as follows:
 - (i) the holiday accommodation is occupied for holiday purposes only;
 - (ii) the holiday accommodation shall not be occupied as a person's sole, or main place of residence;
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
 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. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. This should include measures to ensure the protection of the existing boundary hedges and trees. 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.
 6. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

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 Hambleton Local Development Framework Policies CP1, CP17, DP1 and DP32 and National Planning Policy Framework.
3. To ensure that the use of the accommodation is sustainable and supporting the rural economy in accordance with Policy CP4 of the Hambleton Local Development Framework.
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. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33.
6. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.

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Parish: Whorlton
Ward: Osmotherley & Swainby
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Committee date: 20 September 2018
Officer dealing: Mrs A Sunley
Target date: 5 October 2018

18/01627/MRC

Application for variation of condition 2 of planning permission 17/02326/FUL (alterations and extension to dwelling to form a sun lounge, entrance hall, office & utility room) by submitting amended plans

**At: Wellington Farm, Ingleby Arncliffe, North Yorkshire
For: Mr & Mrs S Dickins**

This application is presented to the Planning Committee as one of the applicants is a Member of the Council

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is a two storey semi-detached dwelling which is currently being extended. The property is located within a working farm, along with a kennel and cattery business. The site is otherwise located within the open countryside.
- 1.2 The dwelling is sited within a large plot with a front garden which looks onto an open agricultural landscape. Access to the dwelling is off a slip road on the southbound carriageway of the A19.
- 1.3 This application is for the variation of condition 2 of planning permission 17/02326/FUL. The condition requires that the permission is only undertaken in accordance with drawing 118:17/02 unless otherwise approved in writing and this application seeks to substitute a different drawing and as such a variation to the design of the proposal.
- 1.4 The modification would be to replace the approved single storey extension to the rear of the property with a two storey extension. The extension would form a hall, utility and office on the ground floor and bedroom and WC on the second floor. The remaining parts of the scheme would remain the same as those approved under 17/02326/FUL .

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 80/1408/FUL - Alterations and extensions to dwellinghouse; Granted 28 August 1980.
- 2.2 89/1057/FUL - Extensions to existing dwelling; Granted 5 June 1989.
- 2.3 04/02515/FUL - Two storey extension to dwelling; Granted 11 February 2005.
- 2.4 17/02326/FUL - Alterations and extension to dwelling to form a sun lounge, entrance hall, office & utility room; Granted 8 December 2017.

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 DP30 - Protecting the character and appearance of the countryside

4.0 CONSULTATIONS

- 4.1 Parish Council - No response to date.
- 4.2 Public comments – None received to date.

5.0 OBSERVATIONS

- 5.1 The main planning issues raised by this application are (i) whether the design and form of the proposed upper floor would have a detrimental impact on the character and appearance of the dwelling and the surrounding area; and (ii) whether it would have a detrimental impact on residential amenity.

Design and form

- 5.2 Policy DP30, which protects the character and appearance of the countryside, requires the design and location of new development to take account of landscape character and its surroundings and not have a detrimental effect on the immediate environment or any important long distance views.
- 5.3 The rear extension to the property would be two storey, Taking Hambleton District Councils Supplementary Guidance (SPD) into consideration in regards to domestic extensions, it states “Development of either two or single storey in nature to the rear of properties will, where applicable, be assessed on the 45° rule to establish the impact of the proposal on the amenities of neighbouring properties”. It is considered the extension within this vicinity would create no impact upon the adjoining neighbouring property, due to the size and orientation of the proposed rear extension, the structure would be sympathetically designed to reflect the overall character of the existing dwelling and the construction would not be of a scale or size such as to have a detrimental impact upon the character and appearance of the property or the countryside.
- 5.4 The Council’s Domestic Extensions Supplementary Guidance (SPD) states “single or two storey front extensions would only be supported where they: harmonise with the surrounding street scene, would be modestly sized and sympathetically proportioned, do not affect the amenity of neighbouring properties, and do not harm the character of the host building”. The Orangery extension would not be modestly sized and sympathetically proportioned to harmonise the front elevation, these types of large extensions to the front elevations of dwellings are not usually supported by the planning authority; however on this occasion due to the rural location and the dwelling not being within public view points within the countryside, the proposal is considered acceptable.

Residential amenity

- 5.5 Taking into account the proposed enlarged scale of the extension, the size of the farm and the separation distance to the next neighbouring property, it is considered that the proposed upper floor would not have any significant impact on the amenities of neighbouring residents in terms of the outlook, overlooking, loss of privacy or impact on light.

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 8 December 2017
- 2 The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered: 118:17/02 A and 05 A; received by Hambleton District Council on 3 August 2018; unless otherwise approved in writing by the Local Planning Authority.
- 3 The development hereby approved shall not be formed of materials other than those detailed within the application form received by Hambleton District Council on 26 October 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 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, DP1, CP17, DP32, CP16, DP30, NPPF, the National Planning Policy Framework and the Council's Domestic Extensions Supplementary Planning Document.
- 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.

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