

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 15 June 2016

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 23 June 2016**
Time **10.30 am**
Venue **Yorkshire Suite, Golden Lion Hotel, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To:	Councillors	Councillors
	D A Webster (Chairman)	J Noone
	P Bardon (Vice-Chairman)	C Patmore
	D M Blades	B Phillips
	S P Dickins	C Rooke
	Mrs B S Fortune	Mrs I Sanderson
	K G Hardisty	Mrs J Watson

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE NO MEMBER TRAINING

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 26 May 2016 (P.3 – P.4), attached.
1 - 4
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS
Report of the Executive Director.
Please note that plans are available to view on the Council's website through the Public Access facility.
5 - 94
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, 26th May, 2016 at Yorkshire Suite, Golden Lion Hotel, High Street, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	B Phillips
	Mrs B S Fortune		C Rooke
	K G Hardisty		Mrs I Sanderson
	J Noone		Mrs J Watson
	C Patmore		

Also in Attendance

Councillor	Ms C Palmer	Councillor	A Wake
	M S Robson		S Watson

Apologies for absence were received from Councillors D M Blades and S P Dickins

P.3 **MINUTES**

THE DECISION:

That the minutes of the meetings of the Committee held on 28 April and 17 May 2016 (P.27 - P.28 and P.1 – P.2), previously circulated, be signed as correct records.

P.4 **PLANNING APPLICATIONS**

The Committee considered reports of the Executive Director 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 Executive Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Executive Director 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 Executive Director, unless shown otherwise:-

- (1) 16/00224/OUT - Application for outline planning permission with all matters reserved for the construction of 13 houses at Land south of Northallerton Road, Leeming Bar for Mr David Eyles

PERMISSION GRANTED

(The applicant's agent, George Arrowsmith, spoke in support of the application).

- (2) 16/00266/OUT - Outline Application for the construction of 17 houses with all matters reserved at Land south of Northallerton Road, Leeming Bar for Mr David Eyles

PERMISSION REFUSED

(The applicant's agent, George Arrowsmith, spoke in support of the application).

- (3) 16/00858/FUL - Revised application for the construction of a dwelling at Birdforth House, Main Street, Ane for Mr & Mrs Steve Glendenning

PERMISSION GRANTED

- (4) 16/00463/FUL - Glazed rear extension to kitchen and family room at Heselton, 5 Wycar Terrace, Bedale for Mr Stephen Prince

PERMISSION GRANTED

- (5) 16/00318/FUL - Retrospective change of use of agricultural land and buildings to equestrian use in connection with a riding school, livery and training and construction of an equestrian arena for at Cowling Hill Farm, Cowling Lane, Burrill Emma Chapman Training

PERMISSION GRANTED

(The applicant, Emma Chapman, spoke in support of the application.)

(Adam Barass spoke objecting to the application.)

- (6) 15/01668/FUL - Alterations to store and garage to provide extra garage facility and conversion of barn to a dwellinghouse at Village Farm, The Green, Crakehall for Mrs R Walker

PERMISSION GRANTED

- (7) 14/01472/FUL - Construction of 2 dwellings at Greenbank Farm, Dalton for Mr Steve Bradbury

PERMISSION GRANTED

- (8) 16/00561/OUT - Outline application for a dwelling with access at Woodbine Row Danby Wiske for Mr T Hugill

PERMISSION REFUSED

(The applicant, Thomas Hugill, spoke in support of the application.)

(Joan Norris spoke objecting to the application.)

- (9) 15/02666/FUL - Construction of an agricultural storage building at Longbridge House Farm, Stillington Road, Easingwold for Mrs Jane Grant

DEFER to investigate alternative siting of the proposed building; obtain further information on the agricultural justification for the proposed building; and, investigate and obtain further information and advice on the storage of chemicals and fertilisers on the site.

(The applicant's agent, Mr Beal, spoke in support of the application).

(Simon Nahk spoke objecting to the application.)

- (10) 16/00685/FUL - Retrospective application for the use of land and buildings for the display and servicing of motor vehicles and the retention of an office building at Longbridge House Farm, Stillington Road, Easingwold for Grants Pro AGK LTD

PERMISSION REFUSED on the grounds that the site is unsuitable for the use applied for; and, that there is a risk to public safety due to the site's accessibility and the relationship with other users of the site.

The decision was contrary to the recommendation of the Executive Director.

(The applicant's agent, Mr Beal, spoke in support of the application).

The meeting was adjourned at 3.45pm and reconvened at 3.55pm

- (11) 16/00458/FUL - Single story extension to kitchen, garage & outbuilding and conversion of part of garage to office at The Nook, 80 High Street Great Broughton for Mr Dominic Holloran

DEFER for site visit and the Highway Authority's observations.

(Wendy Moor spoke objecting to the application.)

- (12) 16/00219/OUT - Outline application with some matters reserved (includes access and layout) for the construction of a detached two storey dwelling at Land adjacent to Village Hall, Hackforth for Mr F Iveson

PERMISSION GRANTED

- (13) 16/00556/FUL - Extensions and alterations to garage buildings to form a dwelling at Ship Service Station, Low Worsall for Mr Paul Neasham

DEFER to obtain more information on the site location in relation to services.

(The applicant's agent, Maurice Cann, spoke in support of the application).

- (14) 16/00423/FUL - Alterations and extension to dwelling to create addition bedrooms and dining room at 1 Sladeburn Drive, Northallerton for Mr & Mrs P Schofield

PERMISSION GRANTED

(The applicant's agent, Andrew Lynn, spoke in support of the application).

(Mrs Eileen Tyndall spoke objecting to the application.)

- (15) 15/02817/FUL - Change of use of commercial building to a dwelling at 88B High Street, Northallerton for Mr G Farooq

PERMISSION REFUSED

(The applicant's agent, Andrew Lynn, spoke in support of the application).

- (16) 16/00470/FUL - Proposed extension to create a granny annex and construction of a new house at The Croft, South Back Lane, Tollerton for Mrs M Hardy

APPLICATION WITHDRAWN

- (17) 16/00033/FUL at Land adjacent to Dabs Bank, West Rounton for Mr Gary Cunningham

PERMISSION GRANTED subject to an additional condition to be imposed removing permitted development rights.

(The applicant's agent, Tony Clarke, spoke in support of the application).

Disclosure of Interest

Councillor Mrs B S Fortune disclosed a personal interest and left the meeting during discussion and voting on this item.

- (18) 16/00444/OUT - Outline application for planning permission with some matters reserved (access) to construct a single dwellinghouse at The Paddocks, Swainby for Mr John Swales

PERMISSION REFUSED due to its location and siting the proposed dwelling would be an anomalous and intrusive feature harmful to the rural surroundings, contrary to policy CP16 and DP30. The proposal is also contrary to criteria 2 and 4 of the Interim Policy Guidance Note as the site does not reflect the existing built form and character of the village and would be an incongruous feature within the rural surroundings of the site.

(The applicant's agent, Michael Mealing, spoke in support of the application).

The meeting closed at 5.10 pm

Chairman of the Committee

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Golden Lion Hotel, Northallerton on Thursday 23 June 2016. The meeting will commence at 10.30am.

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 by making an appointment with the Executive Director. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

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 Executive Director 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
Executive Director

SITE VISIT CRITERIA

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

PLANNING COMMITTEE
at Golden Lion Hotel, Northallerton
Thursday 23rd June 2016

MORNING SESSION 10:30am – 12:00noon

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	16/01140/FUL Mrs S Leeming Dalton Page no. 11	Proposed extension to grain storage building For: Mr and Mrs Sanderson At: Westholme Farm, Islebeck RECOMMENDATION: GRANT
2	16/00458/FUL Mrs B Robinson Great and Little Broughton Page no. 15	Single story extension to kitchen, garage & outbuilding and conversion of part of garage to office For: Mr Dominic Holloran At: The Nook, 80 High Street Great Broughton RECOMMENDATION: GRANT
3	16/00387/OUT Mr A Thompson Linton on Ouse Page no. 19	Outline application with all matters reserved for the construction of five dwellings For: Mr William Kirby At: land adjacent to Applegarth Cottages, Main Street, Linton on Ouse RECOMMENDATION: GRANT
4	16/01002/FUL Mrs H Laws Scruton Page no. 27	Construction of detached dwelling and associated outbuilding For: Mrs Janet Crampton At: Land to the north of Springfield, Scruton RECOMMENDATION: REFUSE
5	16/00748/FUL Mrs A Sunley Stokesley Page no. 33	Demolition of garage and construction of a two storey and single storey extension to side of house For: Mr & Mrs P Kemp At: 51 Riversdene, Stokesley RECOMMENDATION: GRANT
6	16/01082/FUL Mrs H Laws Well Page no. 37	Construction of a lean-to extension to an existing livestock building to cover an existing cattle loafing/feeding area For: S Webster, Websters (Farmers) Ltd. At: Mowbray Hill Farm, Well RECOMMENDATION: GRANT
7	15/02270/FUL Mrs H Laws West Tanfield Page no. 41	Change of use of former mill to form 3 dwellings For: North East Development Company Ltd At: Tanfield Mill, West Tanfield RECOMMENDATION: GRANT

AFTERNOON SESSION 13:30pm

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
8	16/00724/OUT Mr A Thompson Dalton Page no. 47	Outline application with all matters reserved for a 2 bedroom detached bungalow For: Mr Alan Kirby At: Little Acre, Dalton RECOMMENDATION: REFUSE
9	16/00612/FUL Mrs B Robinson East Harlsey Page no. 51	Construction of two two-storey detached dwellings and associated parking For Mr John White At: Brindlewood East Harlsey RECOMMENDATION: REFUSE
10	15/02420/FUL Mrs B Robinson Great Ayton Page no. 57	Proposed change of use from agricultural land to holiday lodge park For: Mr Alan Petch At: Angrove Park, Winley Hill, Great Ayton RECOMMENDATION: REFUSE
11	16/00262/FUL Mrs B Robinson Great Busby Page no. 67	Retrospective application for the use of land as a private gypsy site for one family For: Mr Jonathan Stephenson At: Rosie's Ranch, Busby Road, Great Busby RECOMMENDATION: REFUSE
12	16/00556/FUL Mrs B Robinson Low Worsall Page no. 73	Extensions and alterations to garage buildings to form a dwelling. For Mr Paul Neasham At Ship Service Station, Low Worsall RECOMMENDATION: REFUSE
13	15/02859/OUT Mr A Thompson Romanby Page no. 79	Outline application for residential development (considering access only with all other matters reserved) For: Arla Foods UK At: Former Central Depot Cricket Club, Ainderby Road, Romanby RECOMMENDATION: REFUSE
14	15/01652/FUL Mrs B Robinson Skutterskelfe Page no. 87	Use of land and siting of caravan as a private gypsy site for one family For: Mrs Savannah Foster At: Part of former football pitch, Hutton Rudby Road, Skutterskelfe RECOMMENDATION: REFUSE

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
15	16/00522/FUL Mrs B Robinson Skutterskelfe Page no. 91	Change of use of land to a private gypsy site and new access and the siting of a caravan and tourer For: Mr R Adams At: OS Field 1856, Tame Bridge, Stokesley RECOMMENDATION: REFUSE

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Parish: Dalton
Ward: Sowerby & Topcliffe
1

Committee Date: 23 June 2016
Officer dealing: Sally Leeming
Target Date: 13 July 2016

16/01140/FUL

**Proposed extension to grain storage building
at Westholme Farm, Islebeck Lane, Islebeck, Dalton
for Mr & Mrs D Sanderson**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application seeks permission for the construction of an extension to a grain storage building. The site is located immediately south of the C-class road running from Sowerby to the centre of Dalton. It is occupied by a farmhouse and various agricultural buildings.
- 1.2 The existing grain storage building is located to the west of the main farm entrance adjacent to the road. The proposed extension would be to the western end and measure 24m x 30m, with dark green coated box profile sheeting to the walls and fibre cement sheeting to the roof. The extended building would increase the storage of grain used to feed pigs at the farm.
- 1.2 The application is to be considered at Committee as one of the applicants is an elected Member of the District Council. In addition, the agent is a former Council officer.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 93/0996/FUL - Construction of a building for pigs; Granted 5 April 1993.
- 2.2 10/00983/FUL - Construction of an agricultural storage building; Granted 15 June 2010.
- 2.3 10/00985/FUL - Construction of a building for housing of livestock; Granted 15 June 2010.
- 2.4 11/00087/FUL - Construction of a pig finishing unit; Granted 10 March 2011.
- 2.5 11/00088/FUL - Construction of a pig finishing unit: Permission Granted 10 March 2011.
- 2.6 11/00089/FUL - Construction of an agricultural building for the storage of grain; Granted 14 March 2011.
- 2.7 11/02251/FUL - Extension to sow house; Granted 18 November 2011.
- 2.8 11/02260/FUL - Construction of a sow house; Granted 18 November 2011.
- 2.9 12/02032/FUL - Lean to extension to agricultural livestock building; Granted 9 November 2012.
- 2.10 13/01580/FUL - Formation of an anaerobic digestion and combined heat and power plant facility; Granted 30 October 2013.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP26 - Agricultural issues
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - no observations.
- 4.2 Natural England - no comments.
- 4.3 Yorkshire Wildlife Trust - response awaited.
- 4.4 Public comment – none to date.

5.0 OBSERVATIONS

- 5.1 The main issues are (i) the impact of the proposed building on the surrounding countryside in terms of its scale, materials and design and (ii) whether it would have a harmful impact on the amenities of any neighbours.

Impact on the countryside

- 5.2 The proposed extension is of a simple and typically agricultural design which matches that of the existing building. The use of green box profile sheeting and fibre cement roof sheets would satisfactorily respect the overall appearance and materials of the existing agricultural buildings on the site.
- 5.3 The proposed siting of the extension on the western end of the existing agricultural buildings would lessen any visual impact it has upon the appearance of the surrounding area as viewed from approaching along Islebeck Lane. There is a well-established dense and tall hedge running along the main roadside boundary of the site and this would provide a high level of screening to the proposed extension. As such it is considered that the proposed development would not have a significant harmful impact upon the appearance of the countryside.

Neighbour amenity

- 5.4 There are no neighbouring dwellings in close proximity to the holding which would be affected by the development.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered AJC005 and 006 and site plans received

by Hambleton District Council on 17 May 2016 unless otherwise approved in writing by the Local Planning Authority.

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

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 Policy DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

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Parish: Great and Little Broughton
Ward: Stokesley
2

Committee Date: 23 June 2016
Officer dealing: Mrs B Robinson
Target Date: 19 April 2016

16/00458/FUL

Single story extension to kitchen, garage & outbuilding and conversion of part of garage to office
at The Nook, 80 High Street, Great Broughton
for Mr Dominic Holloran

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application was considered by Planning Committee in May and the application was deferred to allow Members to visit the site to enable a better assessment of the impacts of the proposal on neighbour amenity.
- 1.2 The site includes a two storey house with two storey rear extension. There is a stone built garage at the side, with a lean-to stone outbuilding at its rear, backing onto the two storey brick wall of a neighbouring building. The house is stone at the front and rendered and painted white at the side and rear. The side of the neighbouring house, 82 High Street, abuts the existing garage, and has a large conservatory at the rear, built off the garage wall.
- 1.3 The proposal is to make internal alterations to divide the garage to form a habitable room at the rear, to be used as a home office, and a store at the front; to form an enclosed passageway with flat roof at the side of the garage; and to construct a single storey extension (dimensions 2.2 x 2.8 metres) to the side of the current two storey extension. The proposed extension would be rendered and tiled to match the house.
- 1.4 Additional information has been submitted showing details of internal insulation to the proposed home office, updated with a further detail showing additional acoustic insulation.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 2/94/057/0256 - Construction of a detached domestic garage and store; Granted 8 September 1994 subject to a condition requiring the garage to be kept for the housing of motor vehicles only. The reason for the condition was:

“The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and the amenities of residential property nearby.”

- 2.2 04/00136/FUL - Alterations and extension to dwelling; Granted 16 March 2004.
- 2.3 04/02004/FUL - Alterations and extension to existing dwelling to form conservatory (at 82 High Street); Granted 18 November 2004.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP17 - Promoting high quality design

4.0 CONSULTATIONS

- 4.1 Parish Council - Great & Little Broughton Parish Council wish to refuse to recommend for approval this application based on concerns over the immediate neighbours concerns over the noise of this application. She is very concerned about the potential noise this change of use would bring to her property. The Parish Council also want it noted that the original application does not mention the use of the office as part time residential space for a relative, which was outlined to the applicant's neighbour. The Parish Council would request a condition of this space not to be used as residential space and only be used as office as application outlined. The plans are also shown incorrectly and do not show that the two properties 80 and 82 are already joined as result of a previous application proposal being approved and constructed.

Comments on the amended plans showing acoustic insulation details:

Our comments are despite the insulation, in principle the modification still turns the house next door from a detached to a semi-detached against the wishes of the resident, therefore we object. And assurances given now are no confirmation of the future.

- 4.2 Neighbours and site notice

Objections have been raised from one address regarding concerns about noise. It is stated that the existing use of the garage is very audible in the adjacent conservatory, and there is concern that additional use would disturb the peaceful use of the neighbouring house.

Comments on the amended plans showing acoustic insulation details express doubts about whether insulation will be sufficient to change the ambience of the affected house.

An expression of support has been received from one address.

5.0 OBSERVATIONS

- 5.1 The main issues are (i) design, and whether the proposal is appropriate to the existing house and the character and appearance of the Great Broughton Conservation area; (ii) any effects on the amenities of neighbouring occupiers; and (iii) any highway safety concerns arising from the loss of garaging.

Design, character and appearance

- 5.2 The roofing-in of a side passage and rear extension are appropriate to the existing house and particularly due the set back from the front wall of the house, would be inconspicuous when viewed from the street and would have a neutral effect on the character and appearance of the Conservation Area.
- 5.3 The use of the garage as proposed would not have any visual impact.

Amenity

- 5.4 The key issue to be considered is whether the use of the garage as a store and home office would expose the occupiers of the attached property, 82 High Street, to greater noise than the garage use permits. This is particularly relevant to the rear

conservatory of 82 High Street, which was built off the garage wall of number 80 about ten years ago.

- 5.5 The proposed home office would be subject to insulation requirements for habitable areas under the building regulations. North Yorkshire Building Control Partnership has confirmed that the details of the proposed 40dB sound insulation would be more effective than the 43dB required for separating walls under the Building Regulations. They also advise that conservatories are “exempt structures” and are not considered part of the habitable dwelling and therefore do not have the acoustic insulation that is normal for more solid parts of a dwelling. As such, it is to be expected that users of a conservatory might be aware of some sound, e.g. music, to a greater extent than would be the case within other rooms.
- 5.6 Whilst the affected conservatory does not enjoy full protection from noise under the Building Regulations, the higher specification acoustic insulation proposed for the home office would be beneficial in limiting the potential for noise to be heard in the adjacent conservatory. It is likely that the proposed home office would be used more regularly than the garage, but the higher specification acoustic insulation is likely to limit noise impact. The restriction of the use of the garage made in 1994 was partly justified on amenity grounds and it would therefore be consistent to consider the merits of limiting the use of the garage conversion to home office and store, as proposed. This could be achieved by means of a planning condition
- 5.7 The proposed store area of the garage has some overlap with the solid structure of 82 High Street, and some noise arising from ancillary activity there may continue to affect the neighbouring property. The applicant has expressed the intention to infill the small air gap between the properties in this part, which may produce some benefit over the existing position. However, storage should not give rise to noise, certainly not more than garaging, and a suitable planning condition can ensure an acoustic scheme which would be helpful in this respect.
- 5.8 It would not be uncommon for a domestic extension to abut the conservatory of a neighbouring property, and would not normally be considered unacceptable in terms of amenity. Particularly taking into account the benefits of introducing new insulation which would be preferable to the present situation, the proposal is considered acceptable in amenity terms.

Highway safety

- 5.9 The set-back of the garage building allows for off road tandem parking for up to two cars, and would therefore not have a harmful effect on road safety. The views of the Highway Authority have been sought, and will be reported to the Committee.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 3rd May 2016 and 10th May 2016 unless otherwise agreed in writing by the Local Planning Authority.

3. The garage development hereby approved shall not be implemented except in accordance with a scheme of acoustic insulation previously approved in writing by the Local Planning Authority and thereafter maintained as such.
4. The use of the garage development hereby approved shall be restricted to home office and store.

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. In the interests of the amenities of neighbouring occupiers.
4. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.

16/00387/OUT

Outline application with all matters reserved for the construction of five dwellings at land adjacent to Applegarth Cottages, Main Street, Linton on Ouse for Mr William Kirby

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 This application was originally reported to Planning Committee at its meeting of 28 April 2016, where it was resolved that planning permission would be granted subject to conditions. However, the assessment of the application had taken account of the fact that the Ministerial Statement "Small-scale developers" of 28 November 2014, which had prevented an affordable housing contribution being secured in line with Council policy, had been declared unlawful and quashed by the High Court.
- 1.2 On that basis, the Planning Committee's resolution to grant planning permission had been subject to securing 50% affordable housing in line with Development Plan policy. Subsequent to the Committee's resolution, the Court of Appeal overturned the High Court's decision on 11 May 2016, the Planning Practice Guidance has been updated to restore the guidance to accord with the 28 November 2014 Ministerial Statement and its prevention of affordable housing contributions being secured from schemes of this scale.
- 1.3 The matter is presented to Planning Committee again for decision in view of this significant policy change to enable members to decide whether the scheme should still be approved without the affordable housing contribution.
- 1.4 The application site lies to the south side of Main Street and to the east of Applegarth Cottages, outside but abuts the Development Limits of Linton on Ouse. Opposite the site are residential properties with Linton Meadow to the northeast. A public footpath runs outside the site but along the eastern boundary. The River Ouse runs to the south approximately 500m from the application site at the nearest point. The site is in Flood Zone 1, at the lowest risk of flooding.
- 1.5 The application is in outline, with all matters reserved, for the construction of five dwellings on the field. At this stage no detail is submitted but the application is supported by a Design and Access Statement, which states that the development will be of good quality and in keeping with the character and appearance of the village. It indicates that the detailed design will include a landscaping scheme, which will enhance the local natural environment and include the planting of native species and will be developed in accordance with relevant planning policy and standards.
- 1.6 On access the applicant highlights that the site is located directly on Main Street, the principal street of the village. It is stated that access would be gained from Main Street and designed in accordance with relevant planning policies and standards

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 81/0857/OUT - Outline application for residential development; Refused 26 March 1981. This site was larger than that currently applied for.

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 CP3 - Community assets
 - Core Strategy Policy CP4 - Settlement hierarchy
 - Core Strategy Policy CP7 - Phasing of housing
 - Core Strategy Policy CP8 - Type, size and tenure of housing
 - Core Strategy Policy CP9 - Affordable housing
 - Core Strategy Policy CP9A - Affordable housing exceptions
 - 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 DP2 - Securing developer contributions
 - Development Policies DP3 - Site accessibility
 - Development Policies DP4 - Access for all
 - Development Policies DP6 - Utilities and infrastructure
 - Development Policies DP8 - Development Limits
 - Development Policies DP9 - Development outside Development Limits
 - Development Policies DP10 - Form and character of settlements
 - Development Policies DP11 - Phasing of housing
 - Development Policies DP13 - Achieving and maintaining the right mix of housing
 - Development Policies DP30 - Protecting the character and appearance of the countryside
 - Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 - Development Policies DP32 - General design
 - Development Policies DP33 - Landscaping
 - Development Policies DP43 - Flooding and floodplains
 - Interim Guidance Note - adopted by Council on 7th April 2015
 - Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
 - Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
 - Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
 - National Planning Policy Framework - published 27 March 2012
 - National Planning Practice Guidance
 - Ministerial Statement "Small-scale developers" of 28 November 2014

4.0 CONSULTATIONS

- 4.1 Parish Council - considered the above application at their recent Parish Council meeting. At this stage the Parish Council have no objection to the outline application. They did however request that consideration be given to issuing a tree preservation order with respect to the large tree in the corner of the plot subject of this application.
- 4.2 Scientific Officer (contaminated land) - No objection subject to conditions.
- 4.3 Highway Authority - No objection subject to conditions.
- 4.4 Rights of Way Officer - No objection.
- 4.5 Yorkshire Water - No comments.

4.6 Public comment - letters have been received from two local residents raising the following concerns:

- Objections to the size of the properties which are not needed;
- Loss of fields used as grazing land;
- Would not object to affordable houses or starter homes;
- This is Green Belt land and should not be built on unless absolutely necessary;
- Potential flooding issues to the rear from the ditch to the rear of the site;
- Sewerage problems in the area; and
- Blocking driveways.

5.0 OBSERVATIONS

5.1 The key determining issues are (i) the principle of developing the site, taking account of the Council's Interim Policy Guidance; (ii) the impact of the proposal on the character of the area and residential amenity; (iii) flooding and drainage issues; (iv) highway impact and parking provision; and (v) affordable housing.

Principle

5.2 The site as noted is not within Development Limits of a settlement within the Settlement Hierarchy included in policy CP4. Policy CP4 seeks to restrict new development unless it meets the tests of policies CP1 and CP2 and demonstrates an exceptional circumstance under the criteria of CP4. In this case no exceptional circumstance is claimed and the scheme cannot benefit from the provisions of CP4. The NPPF is more permissive and the Interim Policy Guidance (IPG) has been adopted to bridge the gap between the LDF policy and that of the NPPF.

5.3 The IPG notes that small-scale development adjacent to the main built form of a settlement will be supported where it results in incremental and organic growth. As a guide, small scale would normally be considered to comprise up to 5 dwellings. However, each development must be considered on its own merits taking into the account the scale and unique character and appearance of the settlement. The IPG sets out six criteria for the consideration of development, which are discussed below.

5.4 Linton on Ouse is designated as a Service Village in the Hambleton District Council Settlement Hierarchy 2014. Service villages are identified in the Hambleton Core Strategy Policy CP4 as the main location of services to promote those provided by Service Centres (i.e. Market Towns including Easingwold), to help meet the needs of local communities. The scheme would be within 400m of a village shop and post office, the village hall and playing field; a public house and public transport facilities, which include services to York and Easingwold. The proposal is also approximately 800 m from the primary school. As such the proposal would be located close to facilities which future residents could take advantage of without needing to rely on the private car.

5.5 There have been no other housing sites proposed within Linton on Ouse seeking to benefit from the provisions of the IPG.

Character of the area and residential amenity

5.6 As the proposal has all matters reserved, there is no detail to consider the impact on the character of the area in terms of scale and mass of the proposals but the depth of the site would mean that the proposals would reflect the built form and character of the existing settlement, in particular Applegarth Cottages. The applicant has indicated that the detailed design will be developed in accordance with relevant planning policy

and standards and the applicant has been made aware of the types of housing at most need in the District in order to develop their Reserved Matters submission.

- 5.7 Being for 5 houses, and considering the scale of the settlement, the proposal is considered to be small scale and could be designed to reflect the existing built form and character following the established building line to the east and on the opposite side of the road. The proposed site depth would be similar to that of the neighbouring Applegarth Cottages and therefore the proposed site would follow existing established built forms and the settlement character. Taking account of the site size, the proposal could also be designed in a manner that would reflect and retain natural features such as hedgerows and trees with gaps maintained between properties and new planting enabling an enhancement to the local environment.
- 5.8 The precise relationship to neighbouring residents would be formed through the detailed design. There is adequate space to design appropriate separation distances and mitigation to reduce the physical impact of the proposals.
- 5.9 The comments of local residents are noted and have been considered. The site is not within the Green Belt and the policy presumptions relating to Green Belt land do not apply. The comment that more properties could be accommodated on the site is also noted. Whilst the site would be a large site for five dwellings, this could equally allow spacing between properties and a mix of styles and type of properties presented in the Reserved Matters. This, together with the retention of trees and hedges within and adjacent to the site, would also reduce the developable area but would help to achieve a high quality of development that is sought by local and national policy.

Flooding and drainage

- 5.10 Whilst the comments of residents regarding flood risk at the site arising from the poor performance of local watercourses are noted, the site is outside Flood Zones 2 and 3 relating to the River Ouse and associated watercourses. The proposal is below the national criteria for requiring the introduction of sustainable drainage systems. A site inspection undertaken during a very wet period in early March shows no standing water on the site or local flooding. However the proposal could be designed to incorporate natural drainage systems. Yorkshire Water has raised no comments with regard to the proposal.
- 5.11 There is no evidence to demonstrate that the proposal would cause significant harm in relation to flooding and drainage.

Highway impact and parking provision

- 5.12 The comments of the Highway Authority are noted. There would be no objection raised subject to a satisfactory design being brought forward at the Reserved Matters stage. In order to form an entrance to the site some of the hedge on the frontage would have to be removed but a planting scheme could also be required to enhance the natural features of the site.

Affordable housing

- 5.13 As indicated in paragraph 1.2, the restoration of the guidance to have the same effect as the Ministerial Statement of 28 November 2014 means that its prevention of affordable housing contributions being secured from schemes of this scale must be taken into account. As such, it is recommended that permission is not the subject of any requirements for the provision of affordable housing.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations the application 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. 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, (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 of buildings overall.
3. The Reserved Matters details shall include a detailed landscaping scheme for the site, (including any necessary phasing of implementation) to be approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of: (i) existing and proposed ground levels; (ii) dimensions of planting beds; (iii) site preparation; (iv) plant species/densities; (v) tree species/sizes and locations; (vi) arrangements to be made for the disposal of surface water; (vii) hard landscaping works; (viii) associated protective fencing to existing hedges and trees to be retained; and (ix) details of management and maintenance of any none private spaces created within the site. The approved scheme shall be implemented in accordance with the submitted details.
4. As part of the Reserved Matters submission details drainage details, including any sustainable urban drainage systems in the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the dwelling they relate to is occupied, and thereafter retained in good working condition as appropriate.
5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
6. 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 details of the accesses shall have been approved in writing by the Local Planning Authority; and (b) The crossings of the highway verge and/or footway shall be constructed in accordance with the approved details and Standard Detail number E6. All works shall accord with the approved details.
7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of each of the accesses. 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.

8. 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: (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 access, 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.
9. 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.
10. 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; and (b) 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.
11. No development shall be commenced until a schedule of facing materials to be used in external walls and roofs has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the submitted details.
12. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority 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 Local Planning Authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority 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.
13. No soils shall be reused or imported onto site unless they have been certified as suitable for use in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied until a verification report has been submitted to and approved in writing by the local planning authority.

The reasons are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure the success of the landscaping and planting scheme, and the establishment of the plants and to ensure the success and continuation of the landscaping and planting scheme, and the establishment of the plants for the future.
4. To promote the use of such drainage systems and to ensure that the proposals do not result in flooding either to the proposed properties or elsewhere.
5. In the interests of highway safety
6. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
7. In accordance with Local Plan policies CP2, DP3 and DP4 and in the interests of road safety.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
11. To ensure the satisfactory appearance of the development.
12. In the interests of human health and the environment
13. In the interests of human health and the environment

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Parish: Scruton
Ward: Morton on Swale
4

Committee Date: 23 June 2016
Officer dealing: Mrs H M Laws
Target Date: 24 June 2016

16/01002/FUL

**Construction of detached dwelling and associated outbuilding.
at Land To The North Of Springfield Station Road Scruton North Yorkshire
for Mrs Janet Crampton.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a vacant grass paddock with hedgerows to the roadside boundary and to the boundary with Springfield, an adjacent single storey property to the south. Timber fencing forms the remaining two boundaries to the north, adjacent to the Coore Arms car park, and to the west, which abuts agricultural land.
- 1.2 Outline planning permission was granted in May 2015 for the construction of a single storey dwelling on this site. The current application is for full planning permission for the construction of a two storey dwelling. A detached building to provide a double car port, two stores and a log store is proposed to be sited at the northern end of the site, adjacent to the boundary with the pub car park.
- 1.3 The dwelling is of a contemporary style with a low eaves height (in part) and an asymmetric, steeply sloping roof. Large areas of glazing are proposed on the rear elevation. The first floor provides two bedrooms, one with a balcony, which are formed within the roof space. The ground floor accommodation includes an additional bedroom with en-suite, kitchen/dining area, lounge and utility room.
- 1.4 The dwelling would be finished in off-white coloured rendered blockwork and artificial slate with grey coloured, powder coated aluminium doors and window frames.
- 1.5 A row of overhead powerlines bisects the site in an east - west direction. Details have been submitted by the applicant that Northern Powergrid has estimated the cost of the diversion of the lines at approximately £47,000.
- 1.6 The application is presented to the Planning Committee at the request of the Ward Member.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00221/OUT - Outline application for a single storey dwelling. Permission granted 1 May 2015 subject to a condition requiring the dwelling to be single storey. The reason for the condition: "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".
- 2.2 Planning permission has been granted to extend the Coore Arms car park into the same field, to the immediate north west of this application site (reference 14/01729/FUL, granted 22 October 2014).
- 2.3 15/02586/FUL - Construction of dwellinghouse and associated carport and storage building. Application withdrawn 19/2/2016.

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 CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Scruton Parish Council - voted on this planning application:
Two for approval, one for refusal and one 'no observations to make'.
There was also a request for the application to be decided by the planning committee.
- 4.2 NYCC Highways - conditions recommended.
- 4.3 Swale and Ure Drainage Board - The application states surface water drainage to sustainable system but gives no details. Please attach a condition requiring submission and approval of full details prior to commencement.
- 4.4 HDC Senior Scientific Officer - The PALC form submitted in support of the above application does not identify any potential sources of contamination and therefore I do not have any objections to this scheme.
- 4.5 HDC Corporate Facilities Manager - There is no mapped flood risk relating watercourse or surface water susceptibility by the Environment Agency, however information has been provided which shows surface water ponding on the agricultural land to the rear of the proposed development. From a flood risk perspective, the construction of both the bungalow permitted under the outline permission or the proposed development should take into account the risk associated with the surface water accumulating on the agricultural land to the rear of the proposed development. From a flood risk perspective, a two storey building provides a place to evacuate to in the event that the ground floor is flooded, in this instance I feel the risk is low, though understanding will be better informed if the level information is available.
- 4.6 Site notice/local residents - comments have been received from the residents of three nearby properties, which are summarised as follows:
1. The original planning was for one, single-story dwelling - the submitted plans are for a two-story house, which will be more than 42% higher than the adjacent bungalows already in situ.
 2. The plans for the house do not follow the building lines of the village, whereas the rest of the houses in the village, including the 3 bungalows, which are adjacent to the plot, do. As a result, this spoils and compromises the "openness" of the village.
 3. The finish of the building, which will be rendered block-work, with a plastic slate roof is not in keeping with the rest of the houses in the village, which are brick-built with a tiled roof.

4. Although not identified by the Environmental Agency as an area at risk of flooding this photograph illustrates that the land adjacent to the existing bungalows in Station Road Scruton is susceptible to flooding
5. The water was lapping against the rear wall of the Hawthorns and within 10cm of the height of the damp course level. The landowner has persevered to improve the drainage in this field over the last 2 years, however that does not guarantee that floods will not reoccur as it requires adjacent landowners 'downstream' to be equally vigilant with their maintenance of drainage routes to allow water to drain away.
6. Any new building in this vicinity needs to take into account the potential risk of flooding and factor in a suitable safety margin for the damp course level, but this will ultimately increase the height of any proposed building.
7. The application was titled "Outline application for a single storey dwelling". The application was presented for a single story dwelling, which was discussed, considered, recommended and approved. Throughout this document stress was placed on the fact that it was only to be a single story dwelling starting from point 1.1 in the first line.
8. The latest submission does have a detrimental impact on the open character of the area, because the main building is orientated transversally across the plot rather than parallel to the road and is therefore close to the boundaries at both the front and back and ignoring the 'well defined building line' established by the other properties along Station Road. At its closest point to the road the proposed building is a little over 3 metres from the boundary of the plot, whilst the existing neighbouring property, 'Springfield' is over 10 metres away at its closest point; three times as far away, therefore the proposed plan is totally disregarding the well-defined building line.
9. The proposed building would destroy the present open aspect enjoyed throughout the village
10. It will dominate and overlook the single storey properties in that area.
11. The diversion of the powerlines would obviously be expensive but may ultimately be a price worth paying as it removes the major constraining factor on the building's design
12. The application is totally out of keeping with the ambiance and character of its surroundings.
13. We have had a surveyor draw up plans which show that the dimensions of the plot and our bungalow (Springfield) on the submitted drawings are incorrect. This is deceptive and gives the impression that the proposed dwelling is smaller than it is
14. Concerned about the exact placement of the dwelling on the plot and whether the building will be significantly bigger than shown
15. Any proposal to dig down into the site may affect groundwater. Will it affect foundations or increase the risk of subsidence?
16. The proposed building would be 2m higher than Springfield
17. The alignment is in opposition to the neighbouring properties; it will exceed front and rear building lines causing overshadowing. Not compatible with the adjacent buildings
18. Rendered blockwork and artificial slate are out of keeping with the surrounding buildings
19. The site is prominent in the centre of the village and would have a poor visual impact, detrimental to the streetscene
20. It will not blend into the village; it will stand out like a sore thumb.
21. The proposed development is contrary to LDF Policy DP32 and criteria 2, 3, 4 or 6 of the Interim Policy Guidance.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case include the effect of the proposed development on the character and appearance of the streetscene and on the amenity of neighbouring residents.
- 5.2 The principle of a dwelling on this site was established with the grant of outline planning permission in May 2015, although this permission was specifically for a single storey dwelling. The type of dwelling proposed is a matter to be considered separately from the principle of a residential use and each detailed proposal must be considered on its merits in respect of the above issues, namely visual impact and effect on residential amenity.
- 5.3 Consideration of the outline application concluded that the construction of a single storey dwelling would appropriately respect the built form of the village and would not significantly change the character of the village or the countryside. No details of the form and design of the single storey dwelling were submitted and a further assessment of the reserved matters (including the scale and appearance of the dwelling) would be required for future approval. The consideration of the same issues (visual impact and effect on residential amenity) would be given to those details had a reserved matters application been submitted. In principle, a two storey dwelling that respects the scale, design and proportions of the site and the neighbouring dwellings could be acceptable and if a dwelling, which happens to be two storeys, is considered to be in accordance with LDF Policies then an application cannot be refused for the reason that the dwelling has more than one storey.
- 5.4 The village of Scruton is occupied by dwellings of a variety of types, styles and sizes including bungalows, dormer bungalows and full height two storey dwellings. There is no specific uniformity of style or design. The NPPF in paragraph 58 suggests that development should respond to local character and history and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. LDF Policy CP17 requires new development to achieve a high standard of design and respect and enhance the local context.
- 5.5 The group of buildings that lie to the north of the site around the older part of the village are very traditional in character, many being double fronted cottages. There are 3 other buildings (4 dwellings and the village hall) currently within the row of buildings, to the south of the application site. The neighbouring property immediately to the south, Springfield, is a particularly low level detached bungalow with a long ridge, in addition to an attached garage at the northern end of the dwelling. The semi-detached dwellings beyond, The Hawthorns and Witsend, are also bungalows with a low height and hipped roof. The property at the southern end of the row is the School House and village hall, a traditional building made up of different sections with different ridge and eaves heights. It is not considered necessary for the proposed development to repeat the character or appearance of the existing bungalows in this row of properties. The NPPF encourages Local Planning Authorities to consider innovative design, but LDF Policy CP17 requires development to respect and enhance the local context. It is considered that the proposed development does not reflect the form and design of any of the surrounding development and is therefore contrary to Policy CP17. The separation of the proposed dwelling from the neighbouring property is slightly greater than the existing separation between the dwellings and therefore ensures that its increased height would not overwhelm or dominate Springfield.
- 5.6 The proposed materials include painted render and artificial slate. There are several examples of white or off white painted render in the immediate vicinity of the site whilst local examples of roof material include natural slate, artificial slate, pantiles and concrete tiles. It is considered that the proposed materials would not be inappropriate in this location.

- 5.7 As stated above it is considered that there is sufficient separation between the proposed dwelling and Springfield for it not overwhelm and overshadow the adjacent bungalow. The orientation of the dwelling on the plot directly addresses the relationship to the neighbouring property. A balcony is proposed at first floor but this is set within the overhanging roof to the side of the dwelling that lies away from the boundary. The dwelling is orientated so that the balcony faces west so that, even leaning over the edge of the balcony, it would not be possible to view the rear elevation of Springfield. There are no windows in the side elevation facing Springfield; there are four rooflights but these are set high in the roofslope to avoid overlooking. The building line of the proposed dwelling would lie forward of the adjacent bungalow but the separation and orientation is such that it would not detract from the outlook of Springfield. The proposed development would not be contrary to LDF Policy DP1.
- 5.8 The proposed detached carport/store would lie adjacent to the boundary with the pub car park. The proposed building is an ancillary structure that would respect the character of the streetscene in respect of its scale, design and materials
- 5.9 Concern has been expressed regarding the potential for flooding of land adjacent to the application site and photographic evidence has been provided of surface water ponding on the neighbouring agricultural land. Additional information has been provided by the agent to illustrate the level of the flood water in relation to the level of the proposed development. It is understood that the landowner has undertaken works to assist in the drainage within the field, which should reduce the likelihood of flooding in the future.
- 5.10 The applicant has submitted information to explain why the proposed dwelling is sited at the southern end rather than centrally within the plot. The existing power lines cross the site in the middle and it is the preference of the applicant not to build beneath. The applicant has investigated the possible diversion of the power lines with Northern Powergrid but the estimated cost is excessive and would make the development un-viable. This is not directly relevant to the determination of the application and would not be a reason to grant permission unless all other matters are considered to be acceptable.
- 5.11 It is noted that there are no objections in terms of highway safety; conditions are recommended by the Highway Authority.
- 5.12 Prior to the determination of the outline planning application in 2015, consideration was given to the siting of the proposed dwelling in relation to the car park of the village pub. The proposed positioning of the carport/store along the northern boundary and the dwelling to the south is likely to protect the amenity of the future residents from noise and disturbance at unsocial hours.
- 5.13 The proposed dwelling is of a scale and design that does not respect the local context and would therefore detract from the appearance of the streetscene. Refusal of the application is recommended.

6.0 **RECOMMENDATION:**

That subject to any outstanding consultations the application be **REFUSED** for the following reason:

1. The proposed development is contrary to Local Development Framework Policies CP17 and DP32 which require development to be of a high quality of design, respect the local context and contribute positively to the townscape,

whilst respecting the scale of spaces and buildings in the area. The proposed dwelling would be of a form and design that is contrary to the context of its setting, thereby adversely affecting the streetscene. The proposed development fails to accord with criterion 2 of the Interim Policy Guidance which seek development which reflects the built form and character of the village.

Parish: Stokesley
Ward: Stokesley
5

Committee Date : 23 June 2016
Officer dealing : Mrs A Sunley
Target Date: 27 May 2016

16/00748/FUL

**Demolition of garage and construction of a two storey and single storey extension to side of house.
at 51 Riversdene Stokesley North Yorkshire TS9 5DD
for Mr & Mrs P Kemp.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is occupied by a large, two storey dwelling with a detached flat roofed double garage. The dwelling lies in a corner position within a prominently residential area off Riversdene, Stokesley.
- 1.2 The dwelling has an open-plan front garden and faces onto a cul-de-sac, the rear of the property has a generous sized garden which backs onto a parking area and footpath. The curtilage is screened by trees, shrubs and hedging with a combination of a wall with fencing.
- 1.3 The current application is for the demolition of the existing garage and construction of a two storey and a single storey extension to the side of the house.

2.0 PLANNING HISTORY

- 2.1 75/1220/FUL: Construction of a porch - Permitted
- 2.2 84/1136/FUL: Alteration and extension to an existing dwelling house - Permitted
- 2.3 08/00791/FUL: Alterations and extensions to existing dwelling - Permitted

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design
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
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - Response date 27 April 2016: This council object this application and would like to request this application goes before the planning committee. This is an over-development of the site and will impact on the street scene of the cul-de-sac. The width of the house prior to the current application has already been extended by 45%. The new extension excluding the garage would more than double the width of the original house. With the garage as proposed forming a solid elevation block the total width would be over 2.6 times the original house and with the exclusion of the gate (to the right) completely fill the width of this wide plot which forms one full side of the cul-de-sac.

4.2 Neighbours - No response, expiry date 29 April 2016

4.3 Site notice - No response, expiry date 4 May 2016

5.0 OBSERVATIONS

5.1 The main planning issues raised by this application are; i) whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and ii) whether the visual appearance and amenities of the surrounding area are harmed by the proposed development.

5.2 51 Riversdene is situated within a sufficiently large plot and is a sufficient size to accommodate the enlargement of the dwelling as proposed. The extensions would be sited on the southern elevation of the property and all would be linked through to the main dwelling.

5.3 The proposed two storey extension would involve the formation of a new bedroom with an en-suite and a utility room. The upper room would have a dormer window to the front and back.

5.4 The size and siting of these extensions would have little overbearing impact upon neighbouring properties as the separation distances to the adjoining properties are sufficient to avoid any significant overlooking or overshadowing issues.

5.5 Considering the scale of the proposed extensions and the separation distances along with boundary screening, it is anticipated that the proposed extensions would not have any significant effect on the amenities of neighbouring residents in terms of the outlook, overlooking, loss of privacy and impact on light.

5.6 The proposed extensions would be subservient to the main dwelling and in proportion to the form of the existing property, the proposed extensions are considered to be of a suitable scale and proportion and generally in compliance with Local Development Framework Policy and non-statutory guidelines on house extensions.

5.7 The single storey extension would form the replacement garage and would be attached to the two storey construction. Both structures would be completed in facing brickwork, concrete hanging tiles and concrete roof tiles, all materials would match the existing dwelling house.

5.8 The Parish Council has raised a number of concerns with regard to the scale of development and the resultant impact on the character of the cul-de-sac, effectively forming a built form along the entirety of this side of the cul-de-sac. However, there is already a very strong built form on this side of the street due to the existing double garage on the site. Other than the addition of a pitched roof to the flat roofed garage from the proposed development only adds a new 1.5 storey side extension to the existing house, in terms of additional built footprint. The continuation of the built form through to the existing boundary, replacing the existing garage is not considered to be harmful to the character of the area.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application is **GRANTED** planning permission 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 numbered: P101, P102 and P103; received by Hambleton District Council on 1 April 2016; unless otherwise approved in writing by the Local Planning Authority

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

The reasons for the above conditions are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1, CP17, DP32, CP16 and DOMEX - Domestic Extensions SPD Dec 2009

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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Parish: Well
Ward: Tanfield
6

Committee Date: 23 June 2016
Officer dealing: Mrs H M Laws
Target Date: 14 July 2016

16/01082/FUL

**Construction of a lean-to extension to a livestock building to cover an existing cattle loafing/feeding area
at Mowbray Hill Farm, Well
for S Webster, Websters (Farmers) Ltd.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies on the northern side of the B6268 between Nosterfield and Masham, approximately a mile to the south west of Well. The farm is set back from the road at the end of a 200m long driveway. The farmhouse lies in the north eastern corner of the farm complex with buildings extending across the farmyard to the west.
- 1.2 The application is for an extension to an existing livestock building. The footprint of the proposed extension would measure approximately 27.5m x 9m with a maximum height of 5.5m, which is the eaves height of the existing building. It would be open sided with a sheeted anthracite fibre-cement sheet roof with a total of six rooflights.
- 1.3 The application is presented to the Planning Committee as the applicant is a relative of a Council Member.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/97/167/0048B - Agricultural storage building; Granted 7 April 1997.
- 2.2 06/01317/FUL - Agricultural building and associated hardstanding; Granted 31 July 2006.
- 2.3 09/01171/FUL - Three cattle buildings; Granted 5 June 2009.
- 2.4 12/01166/APN - Prior notification for a steel portal framed building for housing cattle; No objection 28 June 2012.
- 2.5 12/01175/APN - Prior notification for a steel portal framed building for housing cattle; No objection 28 June 2012.
- 2.6 14/00808/FUL - Agricultural building; Granted 2 May 2014.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy 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 DP26 - Agricultural issues

Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Well Parish Council - no comments and no objections to the application.
- 4.2 Environmental Health Officer - comments not yet received.
- 4.3 Public comment - no comments received to date.

5.0 OBSERVATIONS

- 5.1 There are no near neighbours whose amenity would be affected by the proposed development. Accordingly, the main issues to be considered are (i) the principle of the proposed development; and (ii) the effect of the scale, design and materials of the building on the character and appearance of the surrounding rural landscape.

Principle

- 5.2 The use of the building is to provide a cover over the feeding area; the proposal is required as part of a Government funded feed trial in which the applicant is participating.

Rural landscape

- 5.3 The proposed extension would be of a simple, functional design for the accommodation of cattle. The design of the extension, being open sided, would help to minimise its visual impact. The overall scale, design and appearance of the proposed extension are considered appropriate and would satisfactorily respect its surroundings.
- 5.4 There is a significant amount of tree screening around the farmstead, which restricts public views through the site. The proposed building would not be visible from outside the site and would not detract therefore from the character of the wider rural landscape.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application 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 location plan and drawings received by Hambleton District Council on 11 and 19 May 2016 unless otherwise 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 Development Plan Policies.

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Parish: West Tanfield
Ward: Tanfield
7

Committee Date : 23 June 2016
Officer dealing : Mrs H M Laws
Target Date: 8 April 2016

15/02270/FUL

**Change of use of former mill to form 3 dwellings
at Tanfield Mill Hydro Tanfield Mill West Tanfield North Yorkshire
for North East Development Company Ltd.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is on the northern bank of the River Ure with access directly from the C-class road between West Tanfield and Wath, 600m east of the built up area of West Tanfield. Tanfield Mill is a former watermill, comprising a group of stone, partly brick and slate buildings one of which is the four storey mill building. The original mill wheel was removed in the late 19th century and replaced with a more modern turbine. Two smaller turbines have additionally been added in 2003 and, altogether, 36kW (peak output) of electricity is now produced by the hydro-electric plant.
- 1.2 Planning permission was granted in 2006 to convert the building into a hotel. Work commenced and restoration is ongoing although it is now proposed to convert the building to form 3 dwellings, which is the subject of the current planning application.
- 1.3 The largest of the proposed dwellings would be within the four storey part of the building. The basement area would be used for the boilers for heating and equipment associated with the hydroelectric plant. A total of five bedrooms would be provided within this dwelling over the three remaining storeys and the first floor of the attached two storey building.
- 1.4 The ground floor section of the attached two storey building would accommodate a single bedroom unit with a bedroom, bathroom and living/dining/kitchen area. The third unit would provide three bedrooms over two floors. Amenity areas for the two smaller properties are proposed adjacent to the mill stream. A garden for the five bedroom unit is proposed at the western end of the site adjacent to the shared parking area, bin store and cycle parking area.
- 1.5 The site lies within flood zone 3, which is the area of the highest risk. A flood risk assessment has been submitted. Flood resilient measures would be incorporated into the design of the buildings.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 2/94/170/0114 - Alterations and extensions to former mill building for use as a hotel with restaurant and ancillary leisure and equestrian facilities. Permission granted April 1995.
- 2.2 05/00663/FUL - Alterations and extensions to existing disused mill buildings to form 18 bedroom hotel. Permission granted 15/3/2006. Work commenced and therefore the permission remains extant.
- 2.3 11/00368/DIS - Proposed discharge of conditions 1-11 - attached to planning application 05/00663/FUL. Permission granted 9/3/2011.

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 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 DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - no objections
- 4.2 NYCC Highways - no objections subject to conditions.
- 4.3 MOD - no safeguarding objections
- 4.4 Environment Agency - The proposed development should be carried out in accordance with the submitted FRA.
- 4.5 HDC Conservation Officer - I agree this would be a NDHA and would meet criterion 1 age, 2 rarity, 4 aesthetic value and 5 landscape value. Para 135 of NPPF states that the effect of an application on the significance of a NDHA should be taken into account in determining the application.
- 4.6 HDC Environmental Health - no objections
- 4.7 Site notice/local residents - no comments received (expiry date for representations 10/11/2015)

5.0 OBSERVATIONS

- 5.1 The issues to be considered relate to the principle of residential development in this location, the effect of the alterations on the character and appearance of the existing building and surrounding rural landscape, the impact on residential amenity, affordable housing provision and access.
- 5.2 The site lies approximately 0.5km from West Tanfield and is therefore not within the boundary of the Development Limits of that village, which is defined in LDF Policy CP4 as a Service Village. There is no footway between the application site and the village and it is not therefore considered to be a sustainable location. The proposed development is also not considered to fall within the guidelines of the Interim Policy Guidance, which relates to residential development within villages as the application site is too remote from West Tanfield.
- 5.3 One of the criteria of LDF Policy CP4 requires development to be "(ii) necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance".

- 5.4 Tanfield Mill has been assessed against the Council's published criteria for assessing Non Designated Heritage Assets. The building is considered to meet the following criteria:
1. age (usually more than 30 years old);
 2. rarity (not many examples locally);
 4. aesthetic value/appeal (distinctive local characteristics); and
 5. townscape or landscape value (key landmark buildings).
- 5.5 The building is of historic and architectural merit; is considered to be a non-designated heritage asset and is therefore a feature of acknowledged importance. The NPPF in paragraph 126 requires Local Planning Authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 135 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.6 The NPPF in paragraph 55 suggests isolated new homes in the countryside should be avoided but describes certain circumstances where it may be acceptable. These include:
- where such development would represent the optimal viable use of a heritage asset
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 5.7 It is no longer intended to convert the building to a hotel although this remains an extant permission. The applicant has had a detailed viability study undertaken for conversion to a hotel which considers that the conversion to a hotel would not be viable as it would result in a relatively small hotel with disproportionately large conversion costs given the nature and form of the building. The conversion would require external funding in order to undertake the work in a much shorter period of time, with smaller returns due to the local market room rate being particularly low. In short the projected costs of the remaining conversion to form a hotel exceeded the economic value of the project.
- 5.8 The proposed works that have already been undertaken, and those which are proposed, are of a high standard and where completed have been undertaken using skilled craftsmen and materials appropriate for the building. The works would not lead to harm to the character or appearance of the mill buildings or to the significance of the non-designated heritage asset. Although permission is in place for a hotel use, the proposed use as private dwelling houses would have considerably less impact on the occupiers of other residential properties on the site. It is considered that the benefits of bringing the buildings back into use outweigh the relatively unsustainable location of the site.
- 5.9 On balance it is considered that the social and environmental benefits identified in line with national and local policy justify the use of this site outside the Development Limits and the principle of the development is therefore acceptable.
- 5.10 The proposed development does not encroach any further into the adjoining rural landscape than the existing buildings and would have no greater visual impact than the previous use or the alternative hotel use. The proposal is therefore in accordance with LDF Policies CP16 and DP30.

Residential Amenity

- 5.11 There are other existing dwellings within the group of buildings at Tanfield Mill that lie outside the application site boundary. The use of the building as three dwellings

would not harm the residential amenity of these properties and is considered to be a more appropriate use in this respect than as a hotel or other possible alternative uses such as offices or small workshops.

Flood Risk

- 5.12 The site lies within flood zone 3. The proposed development, which is classed as 'minor development', does not increase the size of the buildings. Paragraph 104 of the NPPG states that the Sequential and Exception tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site but should still meet the requirements for site-specific flood risk assessments.
- 5.13 It is not anticipated that the proposed development would increase flood risk or endanger the residents to any greater extent than already exists. A condition is recommended requiring the submission of a flood plan relating to warning and evacuation in the event of flooding in order to protect the proposed residents of the new dwellings. The Environment Agency are satisfied with this approach in this case.

Ecology

- 5.14 A bat and barn owl survey confirms there are no potential habitats within the building.

Access

- 5.15 The Highway Authority has no objections to the proposed use of the existing accesses subject to conditions to improve the northern access.

Affordable Housing

- 5.16 A ministerial statement has removed the burden for developers to make contributions on housing developments of 5 units or less within specially designated rural areas and 10 units elsewhere. The aim of the statement is to increase the number of small housing developments by reducing the financial burden on small housing developers. The overall aim is to increase the number of houses built and help to reduce the cost of such housing. The measures, have introduced a threshold beneath which affordable housing and other tariff style contributions should not be sought. A 40% affordable housing contribution would usually be required by LDF Policy CP9 for developments of 2 or more dwellings. This contribution can no longer be requested and over-rides the requirements of the Council's adopted policies
- 5.17 The proposed development is acceptable and approval of the application is recommended.

- 6.0 RECOMMENDATION:** that subject to any outstanding consultations the application be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement or other alteration shall be carried out to the dwellings hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

3. The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment received by Hambleton District Council on 7 October 2015.

4. The dwellings hereby approved shall not be occupied until warning and evacuation procedures have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved procedures shall be implemented and retained.

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority; b. The northern access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6 var; e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; f. That part of the access(es) extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15; All works shall accord with the approved details 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 160 metres measured along both channel lines of the major road from a point measured 2.5 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.

7. 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.

8. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/1252/01, 04B and 05 received by Hambleton District Council on 7 October 2015 unless otherwise 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. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with LDF Policies CP17, DP1 and DP32.
3. To prevent flooding and to reduce the impact of flooding on the proposed development and future occupants in accordance with LDF Policies CP21 and DP43.
4. To ensure the safety of the occupants in the event of flooding in accordance with LDF Policies CP21 and DP43.
5. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
6. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
7. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. 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.

16/00724/OUT

Outline application with all matters reserved for a 2 bedroom detached bungalow at Little Acre, Dalton for Mr Alan Kirby

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application seeks permission for the construction of a detached bungalow with domestic garage within part of an existing field to the east of The Moor and Pheasant Public House at Dalton Moor. The application site is over 1km from the centre of Dalton and over 800m outside the Development Limits of the village. The Old Beck runs to the west of the application site.
- 1.2 The field is presently accessed by a field gate access to the front, which would be widened as part of the proposal, and is screened by trees and planting which forms part of a copse.
- 1.3 The proposal is for the construction of a two bedroom bungalow stated to be for retirement purposes measuring 11.01m long by 7.91m wide with a total floor area of 76sqm. It would be located within the front part of the site.

2.0 RELEVANT PLANNING HISTORY

- 2.1 2/79/037/0040 – Dwelling; Refused 22 February 1979.
- 2.2 2/84/037/0040A – Dwelling; Refused 29 November 1984.
- 2.3 2/87/037/0040B - Garage for servicing vehicles; Refused 18 December 1987, Appeal dismissed May 1988.
- 2.4 2/88/037/0040C - Garage for servicing vehicles; Refused 30 September 1988.
- 2.5 2/88/037/0040D - Building for agriculture and forestry purposes; Refused 6 April 1989.
- 2.6 2/89/037/0040E - Outline application for the construction of a building for vehicle repairs; Refused 6 September 1989.
- 2.7 2/93/037/0040F - Outline application for a vehicle repair garage; Refused 24 June 1993, Appeal dismissed 20 December 1993.
- 2.8 2/03/037/0040G - Detached bungalow with domestic garage; Refused 19 September 2003.
- 2.9 2/04/037/0040H Revised application for construction of a detached bungalow - refused 10.09.2004 - Appeal dismissed 15.04.2005

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - no response.
- 4.2 North Yorkshire County Council Highways - No objection subject to conditions.
- 4.3 Swale and Ure Drainage Board - The 'flood risk assessment' for this application appears to demonstrate no flood risk to the proposal but given the proximity of the Old Beck I would recommend that a condition be attached to this or the reserved matters application requiring the use of resilient construction. Also the feasibility of drainage by soakaway needs confirmation as the water table may be very high at this location.
- 4.4 Yorkshire Water - no observations.
- 4.5 Neighbours notified/Site Notice displayed. No comments received.

5.0 OBSERVATIONS

- 5.1 The planning issues in this case are (i) the principle of development, with particular regard to the sustainability of the village; and its likely impact on (ii) residential amenity; (iii) the character of the village and countryside; (iv) highways; and (v) drainage.

Principle

- 5.2 As indicated in section 2, the site has a history of planning permission being refused for new dwellings in 1979, 1984, 2003 and 2005. However, the current proposal must be considered under a different policy framework, starting with the Hambleton Local Development Framework and taking other material considerations, including the National planning Policy Framework, into account.
- 5.3 Dalton is a secondary village within the Settlement Hierarchy set out in policy CP4 and in the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements. However, Core Policy CP4 maintains a presumption against development beyond Development Limits, which applies to this site, unless one of six exceptions can be applied. The applicant has not claimed any of the six exceptions and none are considered to apply, therefore the proposal is contrary to the Development Plan and planning permission

should be refused unless other material considerations provide sufficient support for it.

- 5.4 The National Planning Policy Framework (NPPF) states, in paragraph 55, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.5 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies."
- 5.6 The approach of the IPG is that Service and Secondary Villages will be sustainable in their own right. However the site is located over one kilometre from the main village of Dalton and other than the Moor and Pheasant public house there are no other facilities within walking distance. The remoteness from public transport and other facilities and the built form of the village are also negative considerations. It is noted that the bungalow is intended for retirement purposes and whilst there are nearby hatcheries which would be employment related uses as the proposal is for a retirement home, it would not support those businesses.
- 5.7 The site is relatively remote and occupiers of the dwelling would be heavily reliant on the private car and would not directly support local services, contrary to the aims of sustainable development. Refusal would be consistent with the planning history to the site and there has been no significant change in circumstances on the site or in the area to reduce the remoteness of the site or the harm of the development.
- 5.8 In terms of the other criteria of the IPG, the proposal is small in scale and there is potential to retain existing natural features. In addition, it would not lead to the coalescence of settlements and there is no evidence to doubt the capacity of the local infrastructure.

Residential amenity

- 5.9 The site is large enough to accommodate a dwelling, sufficiently separated from neighbouring dwellings to achieve satisfactory levels of amenity with nearby properties to the north and west some distance from the application proposals. Any loss of amenity would not be significant.

Character of the village and countryside

- 5.10 The application site is located remotely from the main settlement. Whilst a small scale development could be designed to reflect the local vernacular, the proposal would harm the otherwise open character of the application site and surrounding rural landscape and as such would be contrary to Core Strategy policies CP4 and CP16 and Development Policy DP30.

Highways

- 5.11 The Highway Authority has considered the proposal and does not raise concerns in terms of highway safety. The presence of the entrance sign to the village and other speed restriction signage are noted but the road in itself is straight and good visibility would be capable from the access point. The proposal however would not be capable of promoting alternative modes of transport and would be heavily reliant on the private car.

Drainage

- 5.12 The comments of the Swale and Ure Drainage Board are noted and the presence of the Old Beck is also noted to the west of the application site. The part of the site extending 18 metres south from the metalled part of the Sessay – Dalton Road lies within the Flood Zone 2. The Flood Zone lies broadly parallel with Old Beck, the beck is at a lower level than the application site. The evidence shows that the proposed dwelling would be outside of the Flood Zone 2 but the access would involve land within Flood Zone 2. The evidence of the applicant in a Flood Risk Assessment states that during the flood events of 2000, 2009, 2012, 2015/16 there is no evidence of flood water entering the boundaries of the field. Subject to appropriate mitigation there is no reason to conclude that the development would cause an increase in flood risk elsewhere. . Advice from the Council's specialist advises that there does not appear to be any evidence to justify the Flood Zone 2 extending into the development plot as shown in the EA's mapping as the land is level with the highway and the view is that the risk of watercourse level rising to the proposed development site is very low. The conclusion is reached that from a flood risk perspective there is no objection though conditions relating to drainage and flood resilience should be applied in the case of approval.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:

1. The application site is in a rural location which is relatively remote and isolated from shops, services and the built form of the village of Dalton. The proposal would therefore be in an unsustainable location, reliant on the private car and would not contribute towards a sustainable pattern of development in the District. The proposal would be contrary to the objectives of national policy, Local Development Framework policies CP1, CP2, CP4, DP1, DP3, DP9, DP10 and DP30, as amplified by the Council's Adopted Interim Planning Guidance, which collectively seek to achieve a distribution of development that is informed by sustainability principles, promote sustainable transport and healthy communities.

Parish: East Harlsey
Ward: Osmotherley & Swainby
9

Committee Date : 23 June 2016
Officer dealing : Mrs B Robinson
Target Date: 8 June 2016

16/00612/FUL

**Construction of two two-storey detached dwellings and associated parking.
at Land Adjacent To Brindlewood East Harlsey North Yorkshire
for Mr John White.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the north side of East Harlsey in a small paddock adjacent to Brindlewood which is a large bungalow.
- 1.2 To the south of the site are private garden grounds to the rear of properties on the street frontage whilst to the east is a paddock and to the west the garden associated with Brindlewood.
- 1.3 The application is for the construction of a pair of 4 bedroom dwellings. The properties would be completed in rendered blockwork with a pantile roof. Accommodation proposed in each dwelling comprises 4 bedrooms, bath room, lounge, dining room, kitchen, utility and attached garage. The external materials are Tyrollean style rendered blockwork and clay tile roof.
- 1.4 Access will be taken from the existing access to Brindlewood.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/01032/MBN Prior approval to change of use from an agricultural building to a dwelling with associated operational development. Granted 19.06.2015

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 CP4 - Settlement hierarchy
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP10 - Form and character of settlements
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping
- Development Policies DP43 - Flooding and floodplains
- National Planning Policy Framework - published 27 March 2012
- Interim Guidance Note - adopted by Council on 7th April 2015

4.0 REPRESENTATIONS AND CONSULTATIONS

- 4.2 Parish Council – Objects to the proposed development for the reasons summarised below:

- East Harlsey is a ribbon village with most houses fronting the road
- Second tier development is very limited in the village
- The site is not within the built form of the village
- 8 applications for new houses have been approved in the village against the wishes of the Parish Council
- The proposed development will result in too great an increase in house numbers in the village
- The development will result in a loss of agricultural land
- Development will have an adverse impact on road safety

4.3 Environmental Health Officer –

The proposed site is within 50metres of a depot which is used for cutting logs to make firewood. The log cutting business has been in existence since 1842 and operates 08.00 – 17.00 Monday to Friday, with occasional weekend work. Deliveries to the depot happen a number of times per year. The activities at the depot and its surrounding area are likely to be noisy and intrusive.

The information that has been submitted by the applicant is insufficient for me to determine the application.

Before a decision is made I would recommend that that the applicant is required to submit an acoustic scheme in writing to the local planning authority, by a competent person, detailing the typical existing 24hour noise environment at the proposed development site.

This will help determine the suitability of the site and what noise mitigation measures, if any, should be considered.

4.4 EHO Contamination - No objections.

4.5 Highway Authority – No objections subject to conditions.

Representations

4.6 One objection has been received, summarised below:

- East Harlsey is a “linear village” with no buildings allowable beyond the existing lines of housing.
- The proposal is behind a line of cottages and would have a major impact on a number of properties including eradicating most if not all of the open aspect of these properties which gives East Harlsey its character.
- Environmental concerns. There are several extremely old horse chestnut trees in very close proximity to the proposed development and the area has a number of bats, owls, birds of prey and other wildlife living in the vicinity.
- Brindlewood is on agricultural land outside the village footprint and was subject to a restrictive agricultural covenant.
- The proposed development is overlooking the boundary with neighbouring properties and would have a considerable negative impact on the privacy of all the properties in the vicinity
- The submission is lacking in detail

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to (i) the principle of a new dwelling in this location outside Development Limits; (ii) residential amenity; (iii) design and (iv) highway safety.

Principle

- 5.2 The site falls outside of Development Limits of East Harlsey, which has no status in Policy CP4 of the Core Strategy. 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 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 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. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

Interim Guidance Policy

- 5.4 In the 2014 settlement hierarchy contained within the IPG, East Harlsey is redefined as a Secondary Village. 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. In this case it is considered that criteria 1 would be satisfied as East Harlsey is considered to be a sustainable location being categorised as a secondary village.
- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criterion 2 (built form and character of the village) criterion 3 (impact on the local environment) and criterion 4 (impact on the surroundings) of the IPG.
- 5.6 In terms of criterion 2, the proposed development would effectively create the beginnings of a new row of development behind the existing street form. Whilst there are examples of tandem and in-depth development in the village it would be wrong to suggest that this development form characterised the village. As such the development of these two substantial properties on land behind the main development form is considered to be harmful to the character and form of the village. The barn conversion to the north of the site was approved as Permitted Development, where there is little scope to carry out an assessment in these terms. An earlier approval at Rose Cottage is also relevant although this was justified as being a conversion with an existing separate access.
- 5.7 In terms of criterion 3, the site is an open field where the development would have little impact on the natural environment and does not affect features of historic importance.

- 5.8 In terms of criterion 4, the site benefits from some screening from existing buildings on the site and the set back from the road and would not be detrimental to the open character of the surrounding countryside.
- 5.9 There is no evidence that the development could not be accommodated within the capacity of the existing infrastructure.

Cumulative impact

- 5.10 Following the adoption of the Interim Policy Guidance in April 2015 permission has been granted for 4 new dwellings within the village. A further three dwellings have been approved within the village under the permitted development rules for the conversion of agricultural buildings to dwellings. A further dwelling has been approved under the permitted development rules outside the village at Deepdale.
- 5.11 The majority of the proposals approved under the IPGN have been for in-fill development forms for single dwellings, which have had little impact on the character or form of the village. In terms of the cumulative impact of development on the character of the village, the additional two new dwellings are not considered to be significant in terms of numbers of new dwellings.

Residential amenity

- 5.12 In terms of neighbour residential amenity, the only property potentially impacted by the proposed development is the applicant's own property of Brindlewood. The garden ground immediately to the south of Brindlewood would be overshadowed by the gable end of Plot 2. However, due to the orientation of the property and the size of the garden associated with Brindlewood this is not considered to have a significant, harmful impact on the residential amenity of the occupiers of Brindlewood.
- 5.13 If the barn conversion approved under permitted development to the north of the site were to go ahead, there is a potential for a loss of privacy and outlook from south facing windows in the barn as approved. However, the distance between the properties would be approximately 20 metres and there is scope to provide appropriate screening without unacceptable harm to the overall amenities of the affected dwelling.

Design

- 5.14 The proposed design utilises blockwork and render and whilst there are rendered properties in the village, in the rural surroundings of this village edge location, the development would have a stark appearance.
- 5.15 The houses are two storey and proportionately large compared with the adjacent bungalow and due to their size in relation to the plot, and the proximity of the bungalow, the group so formed would have a crowded appearance out of keeping with the village edge location. Criterion ii) of CP17, Development Policy DP32 and Criterion ii) of the Interim Policy Guidance all seek development which respects and enhances the local context and its special qualities. The proposed development form and materials used fail to accord with these requirements.

Highway safety

- 5.16 The Highway Authority has no objections regarding the proposed development and as such the proposals are not considered to be harmful to highway safety.

6.0 RECOMMENDATION:

That the application be **REFUSED** for the reasons set out below:

1. Due to their design and location the proposed dwellings would have a crowded and urbanised appearance out of keeping with the village edge location and would not reflect the form and character of the village contrary to Local Development Framework Policy CP17 and DP32 and Interim Policy Guidance criteria 2.
2. In the absence of evidence to the contrary, the proposal would give rise to unacceptable harm to domestic amenity due to noisy activities from an adjacent business premises, contrary to Local Development Framework Policies CP1 and DP1.

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15/02420/FUL

Change of use of agricultural land to holiday lodge park with associated solar farm, landscaping and amenity ponds, formation and alteration of highway access and internal roads, construction of office/hub building and associated car parking at Angrove Park, Winley Hill, Great Ayton for Mr Alan Petch

1.0 SITE DESCRIPTION AND PROPOSAL

Site Description

- 1.1 The site is an area of 29.3 ha of arable land, approximately 1.5 km west of Great Ayton. The boundary with Yarm Lane is approximately 150 metres long. The land extends south-west approx. 600 metres towards woodland at Tile Shed Plantation and approximately 800 metres (maximum) southwards to the River Leven, which forms the main southern boundary. The site is approximately 300 metres from the A173 to the south. Some field boundary hedges are present within the site. There is an informal field track east-west through the site from Yarm Lane to Winley Hill Farm.
- 1.2 The site lies approximately 400 metres west of Low Green dwellings. The nearest residential properties in the surroundings are:
- The Grange, approx. 140 metres east of the site;
 - Field House, approx. 360 metres north east ;
 - East Angrove, approx. 140 metres south east;
 - Angrove Farm, approx. 400 metres north west ;
 - Angrove North Farm approx. 500 north; and
 - Bartle Bridge Farm approx. 460 metres north
- 1.3 The land rises gently from the River Leven towards the north east, with some shorter, steeper rises along the northern bank of the river, particular on the south west side.
- 1.4 A public right of way lies along the north bank of the river, follows the boundary of the site to the south-east corner, and exits the site at the mid-point of the eastern boundary, before exiting approximately 350m further on, on Yarm Lane to the north of the application site.
- 1.5 Great Ayton Sewage Treatment Works is located immediately over the River Leven from the south-west corner of the site.
- 1.6 Within the wider surroundings the site lies approximately 3 km west of the nearest point of the North York Moors National Park.

Proposal

- 1.7 The proposal is a holiday park with 179 residential units in the form of timber clad (or timber appearance) lodge style cabins, meeting the definition of a caravan, each with an attached deck area.
- 1.8 The proposed layout plan shows the caravans arranged in clusters of 20-30 units (average), within a partially restored and partially new field pattern. The proposed layout shows individual field hedge lines restored where necessary, and new planting within the site and as a buffer along Yarm Lane, to the north of the site, and along the

east boundary. The proposed landscape planting includes semi natural woodland, structure planting and native hedgerow with hedgerow trees.

- 1.9 A number of amenity ponds are included within the layout.
- 1.10 The vehicular access to the site is intended to be via a new access road from the A173 to the south, with a new bridge over the River Leven. There would be a further access for emergency use from the north east corner, to Yarm Lane. Internally there would be an east-west spine road across the site.
- 1.11 Also proposed is a central hub with overall dimensions of 22m x 12m. The proposed building is single storey, with an asymmetric roof and timber clad exterior. The interior is laid out with a reception/office area and facilities including a shop, café, and cycling/fishing equipment hire.
- 1.12 The application makes reference to a proposed cycleway between Stokesley and Great Ayton and proposes to ensure a protected strip of land for the cycle route to be constructed in the future.
- 1.13 A Transport note submitted in the later part of the life of the application suggests measures to improve highway safety along Yarm Lane for pedestrians and cycles.
- 1.14 The application as submitted includes:
- Landscape and Visual Impact Assessment;
 - Flood Risk Assessment;
 - Travel Plan;
 - Tourism and Economic Impact Assessment;
 - Drainage Strategy; and
 - Ecology Report
- 1.15 In the course of the application, additional details have been submitted on agricultural land classification quality, and additional ecological surveys.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/02544/FUL Change of use of agricultural land to a camp site consisting of 10 pods and a portable shower block and portable toilet block. Granted 4 February 2011
- 2.2 15/01264/FUL Retrospective application for change of use of agricultural land to a campsite, siting of a steel container, barbeque pod and three camping pods pavilion building and ancillary structures. Granted 2 October 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
Core Strategy Policy CP18 - Prudent use of natural resources
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 DP6 - Utilities and infrastructure

Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP25 - Rural employment
 Development Policies DP26 - Agricultural issues
 Development Policies DP28 - Conservation
 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 DP36 - Waste
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP38 - Major recreation
 Development Policies DP39 - Recreational links
 Development Policies DP43 - Flooding and floodplains
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 Great Ayton Parish Council - Members expressed concerns about the size of the proposed development and the fact that it is not included in the Local Development Framework. They were also concerned about the increase in vehicles and the loss of prime agricultural land.

Further comment – query location of proposed solar farm. (Response sent, explaining location)

- 4.2 Stokesley Town Council - This council supports this application in principle. However a number of issues require resolution/confirmation of acceptability. These include access/egress from the site onto both the A173 and Yarm Lane and pedestrian access to Great Ayton. Wildlife/environmental impact and consistency with the proposed Great Ayton to Stokesley business park cycleway, plus contributions as required to other local infrastructure. The employment opportunities are welcomed but number of full time (jobs) is questionable.

Further comment 5 January 2016 - Stokesley Parish Council have concerns that it starts to form a corridor with Great Ayton with all the associated infrastructure issues plus the following caveats:

- That there is a restrictive covenant regarding the use, to prevent this being a precursor for change of use from holiday to permanent residential;
- That the access to Yarm Lane has a more permanent barrier than cones, but which is suitable for emergency access (gate or similar);
- That the landowner and developer make a clear contractual commitment to actively support the Cycleway project to connect Stokesley and Great Ayton and make it an integrated part of the scheme, and this is part of phase 1;
- That the 'bus stop improvements' are quantified and supported by appropriate improvement in bus services;
- That the position of the neighbouring landowner between Angrove Park and Stokesley is resolved to ensure the cycleway can be completed all the way to Stokesley;
- That a very clear description of all the permanent roles expected to be generated as part of the scheme, both numbers and type of jobs/typical salary, and how many of these are on site and how many are in the supply chain, is supplied; and

- That detail of the style and type of buildings is provided, especially with regard to environmental impact. Having green/low carbon developments of this type could be very beneficial.

4.3 Public Comments – 134 objections have been received, summarised as:

- Effect on natural habitats, rural surroundings and enjoyment of footpaths;
- Loss of buffer between Stokesley and Great Ayton;
- Loss of best quality agricultural land;
- Alternative location preferred (off A19 at Exelby Services);
- Light pollution;
- Effect on local drainage;
- Traffic and highway and pedestrian safety;
- Parking congestion implications in Great Ayton;
- Visitors are unlikely to use public transport;
- Size – justification, and in proportion to Great Ayton;
- Precedent for use as a housing estate;
- Overloaded infrastructure;
- Existing provision of holiday accommodation is sufficient;
- Economic benefit to local business is doubted;
- Harm to existing business, including B&B accommodation, restaurants etc.;
- Jobs will be seasonal and low paid;
- Law and order issues;
- Previous refusals nearby;
- Query whether the bund is feasible.
- Difficulty of monitoring ‘year round’ occupation;
- Fails to deliver the cycle way;
- Challenge to the landscape assessment and economic benefits methodology; and
- Highway alterations (transport note) will not work and would have a negative effect.

65 statements of support have been submitted, summarised as:

- The development is needed by the area;
- Jobs and trade would be beneficial to local economy, including tourist attractions;
- Shortage of holiday lodges locally;
- Tourism should be encouraged;
- The spacious layout would minimise harm;
- The size is justified to enable economic benefit;
- Advantages of the cycle route;
- New planting would be beneficial to wildlife and enhance the natural environment;
- The downsides e.g. pressure on parking, are outweighed by the benefits;
- Preferable to large new housing development in Stokesley; and
- Suggest the footpath/cycle way be upgraded to a multi-use track.

4.4 Environment Agency – No objections, condition requested re: bridge.

4.5 Ramblers –

- Despite several minor palliatives the development will be unpleasant to view and out of scale with its surroundings;
- Danger of alternative uses arising from low usage in winter;
- The footpath is a popular riverside walk, though work is required to walk a definitive line; and

- Presumed that cycleway will be north and separate from the riverbank section of the footpath and a different surface by separate order.
- 4.6 Natural England – Advises that the development is “not likely to result in significant impacts on statutory designated nature conservation sites or landscapes”. Declined to comment on the issue of the agricultural land quality assessment, advising that the Council has the scope to take soils into account as appropriate.
- 4.7 Northumbrian Water – No issues to raise, provided that the works are carried out in strict accordance with the document “Drainage Strategy”. For information, attention is drawn to the nearby sewage treatment facility and that odour and noise can never be truly eliminated, if the facility is to carry out its function on which Great Ayton depends.
- 4.8 Yorkshire Wildlife Trust - Holding objection issued December 2015, identifying areas for further investigation outlined and making suggestions for positive enhancement.
- Further advice on additional submissions is awaited.
- 4.9 NYCC Heritage (Countryside) – refer to potential for screening for impact on protected sites, protected species and suggest biodiversity enhancements.
- 4.10 NYCC Highway Authority – (The authority is currently in discussion with the applicant concerning the proposed measures to improve highway safety for pedestrians and cycles along Yarm Lane and final advice is expected after those discussions have concluded.)
- 4.11 NYCC Rights of Way officer – Informative on public right of way requested.
- 4.12 NYCC Heritage (Archaeology) – Request a survey pre-decision.
- 4.13 Lead Local Flood Authority (NYCC) – No objection, condition requested.
- 4.14 Sustrans - Comments that their feasibility study for Endeavour Way notes that traffic calming facilities are required on Yarm Lane. Requests a 5 metre corridor on the south and eastern boundary is protected from development for the creation of the Endeavour Way. Suggest a condition requiring construction of the Endeavour Way from the entrance to the development to Yarm Lane.
- 4.15 Environmental Health Officer – notes proximity to sewage works and that Northumbrian Water should be consulted.

5.0 OBSERVATIONS

- 5.1 The first consideration is to determine whether, in principle, the proposed development accords with the planning strategy and policies for Hambleton, as set out in the Local Development Framework, particularly in respect of the site’s location beyond the Development Limits of any settlement. Following that, it is necessary to consider the likely impact of the proposal in terms of (i) farm diversification and contribution to the rural economy; (ii) the loss of agricultural land; (iii) flood risk; (iv) landscape impact; (v) the character of the countryside; (vi) wildlife and biodiversity; (vii) residential amenity; (viii) design; and (ix) highway safety.

Policy Principle

- 5.2 The site is a rural location where, under policies CP1 and CP2, development will not normally be supported unless an exceptional case can be made. Policy CP4 sets out criteria where an exception 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 holiday lodges intended to offer the benefits of rural surroundings, is considered to have an essential requirement for a rural location, and accords with the Local Development Framework policy in principle.

- 5.3 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.
- 5.4 As a potential exception to 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 a large village (Great Ayton, designated a Service Village in the Council's Settlement Hierarchy) where there is a good range of services as well as tourist attractions, and to a market town (Stokesley, designated a Service centre in the Settlement Hierarchy). The site is within easy reach of the urban conurbations of Teesside and recreational opportunities within the North York Moors National Park. There are regular bus services (services 28a, 81 and X80-X89) between Great Ayton and Stokesley, and access to onward public transport including Teesside and the coast. A railway station approximately 1 mile from Great Ayton serves the Esk Valley railway between Middlesbrough and Whitby. Overall, and considering the likely extent of private car use by tourists, the site location is considered to be a sufficiently sustainable location to be an exception for tourism accommodation under CP1 and CP2.
- 5.5 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.
- 5.6 The submitted details include a Tourism and Economic Impact report which shows the site to be in a good location relative to the competition and type of tourism offer and notes that demand is strong for high quality operations and properties. The report further shows that lodges, log cabins and barn conversions are effective businesses in the area and also that the holiday rental sector is performing well, with North Yorkshire doing better than other areas. The report refers to the well-established economic benefits of tourism as a whole, and that self-catering accommodation is particularly important in the economies of rural areas. The statement is supported by a note from Hoseasons stating that it is their experience that demand is outstripping supply in the area around the North York Moors. The application does not demonstrate a specific need for a site of this capacity, however the applicant has drawn attention to the economics of scale in providing the site and bearing in mind the focus of the NPPF on economic growth, the large-scale proposal can be considered on its merits. The likely environmental impacts of the proposal are considered later.
- 5.7 For the above reasons, the proposal is considered to be in accordance with the principles of the Local Development Framework (LDF) and the NPPF in relation to tourism development. Whether the proposal would achieve accord with all policies of the LDF or achieve full compliance with the NPPF is dependent on further assessment with particular regard to the scale of the development and its likely impact on the area. The relevant considerations, identified in paragraph 5.1, are examined below.

Farm diversification and contribution to the rural economy

- 5.8 Development Plan policy CP15 supports “appropriate tourism related initiatives” and recreation uses appropriate to a countryside setting. Visitor accommodation utilising the special qualities of a natural setting within the countryside, and which by its nature could not be provided in an urban setting, can be appropriate in this setting, subject to other relevant policies.
- 5.9 Policy DP26 encourages farm diversification that helps to sustain existing agricultural enterprises. The NPPF supports the sustainable growth and expansion of all types of business in rural areas, promotes the development and diversification of agricultural and other land-based businesses, and supports sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors, and which respect the character of the countryside.
- 5.10 Due to its proximity to services and facilities in Great Ayton and Stokesley the location is considered sustainable in principle for a rural tourism use. Tourism is generally accepted as having the potential to make a significant contribution to the rural economy and the development is therefore in accordance with the principles of the NPPF.
- 5.11 In terms of farm diversification, the enterprise would use a small proportion of the farm holding. Specifically, the applicant has confirmed that the applicant owns 129ha and the total holding is 396ha. The proposed holiday park would thus occupy around 7% of the holding, and agriculture would remain the major activity in area terms. However, as noted above, policy CP15’s support is for appropriate tourism development and it must therefore be determined whether this is an appropriate form and scale of tourism development. The scale of the proposal, covering 29.3 ha and comprising 179 lodges, is larger than any equivalent development within the District to date. The largest scheme to date, at Crosslands near Seamer, comprised 100 caravans within a holiday park but was on previously-developed land that had been an egg production and packaging plant (application 11/00813/FUL, not yet implemented). Members will recall that a smaller proposal, comprising 46 holiday lodges and a clubhouse near Sutton on the Forest (application 14/02450/FUL) was refused permission in October 2015. The impact of this scale of development, including the activity associated with it, is considered in terms of loss of agricultural land, flood risk, landscape impact, the character of the countryside, wildlife and biodiversity, residential amenity and highway safety as set out below.

Loss of Agricultural Land

- 5.12 Paragraph 112 of the NPPF requires the Council to take account of the economic and other benefits of the best and most versatile agricultural land (defined as grades 1, 2 and 3a). It also states, “Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.” This is reflected in LDF policy CP16 (protecting and enhancing natural and man-made assets), which states that “development or activities will not be supported which ... has a detrimental impact upon the interests of a natural or man-made asset.” Best and most versatile agricultural land is considered to be such an asset.
- 5.13 The land has been assessed in detail and the submitted report states that the land is in grades 3a (32%), 3b (44%) and 4 (24%). Nearly a third of the site (9.376 hectares) is therefore considered ‘best and most versatile’, albeit at the lower end, and would result in an unacceptable loss of a natural asset contrary to policy CP16 and NPPF paragraph 112.

Flood risk

- 5.14 The site includes an area of flood risk along the south side of the site, associated with the River Leven and the proposed development is sited so as to avoid these areas. The Environment Agency does not object to the proposed development. The proposal includes a drainage strategy with internal swales that satisfies the requirements of Northumbrian Water. Subject to details, which could be controlled by condition, the proposal would not therefore increase the risk of flooding in the vicinity of the application site or elsewhere in the catchment.

Landscape Impact

- 5.15 The proposal introduces extensive new development into an open rural landscape. The issues to consider with regard to landscape impact are the extent to which the development impacts on the wider surroundings and the extent to which it interferes with the experience of users of the countryside, particularly footpath users, and its effect on the openness and intrinsic character and quality of the landscape, as required by policy DP30.
- 5.16 The existing landscape is agricultural in nature, with irregular fields contained in part on the east side by a block of woodland, and on the south by the River Leven and the associated medium height woody growth along its banks. East of the site there are further blocks of woodland on the outskirts of Great Ayton. The immediate surroundings of the site are effectively contained within the neighbouring roads to the north and south beyond which the rural landscape extends south and eastwards to the North York Moors which forms a strong natural feature and northwards towards the flat agricultural land south of the Teesside conurbation.
- 5.17 An independent landscape consultant (Landcare) was engaged to review the proposal. The Landcare report notes the submitted Landscape and Visual Impact Assessment (LVIA) is essentially fair and accurate, and notes that the site benefits from some existing screening. The character of the proposed mitigation planting was considered to fit in with the overall landscape character. In terms of footpath users, Landcare advises that particular care would be needed on the south side of the development. Some visibility of the site is noted from nearby roads and footpaths to the south, and also that this would be at a distance. The report accepts that there are no long distance views of any significance.
- 5.18 In response to issues raised in the report, the applicant has provided a phased plan of implementation with a stated intention to provide all new planting at the outset of development. By these means the most exposed areas to the north would have a measure of benefit from established planting, which would increase over time. The applicant has agreed in principle to appropriate positioning of the screen planting to ensure a continuing feeling of openness for footpath users, and to preserve important viewpoints.

Character of the Countryside

- 5.19 Separate from the question 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 reason of its nature and scale and associated activity, would have any impact on the character of the countryside.
- 5.20 Whilst 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 thus sensitive to development. The site is unusually large for this type of land use within Hambleton, and it is necessary to take into consideration whether the extent of the use would itself be harmful to the character of the countryside, along with the activity it would generate.

- 5.21 The use of 179 holiday lodges for holiday purposes would give rise to a high level of associated activity, equivalent to some villages in terms of the numbers of occupiers, which would be unusual in agricultural surroundings. Despite the relatively good screening noted above, this would result in the development being apparent in the rural surroundings and would significantly alter the character of the countryside. These changes would include outdoor recreational activity and traffic movements, both of which would generate a type and level of noise atypical of the countryside and would contribute to an overall change in the typically quiet and tranquil surroundings, the extent of which is considered to be unacceptably harmful and contrary to Policy DP30. In this respect the proposal would contribute to the further urbanisation of the countryside in this area which is identified as an 'Area of Restraint' in the LDF to protect against the development pressures from the Teesside area. Necessary lighting within the site would also contribute to this effect.
- 5.22 The applicant has advised that the scale of the development arises from the economics of infrastructure costs and cash flows through the development of the scheme, but this cannot justify the harm to the tranquil character of the countryside that would arise from the very large scale of the scheme. No information has been provided whether an alternative location would have lower infrastructure costs, and thereby be viable at a smaller scale.

Wildlife and biodiversity

- 5.23 In general terms, the proposed development is intended to take place within existing arable fields, and it is a declared intention to retain existing hedges and trees. The physical development would be set well back from the river. Disruption of natural habitats is thus likely to be relatively slight.
- 5.24 It is likely that there would be a measure of disruption to wildlife arising from general activity, although it can also be noted that the very extensive planting of woodland and hedgerow planting would, in the long term, give enhanced scope for refuge by wildlife, and is likely to enhance biodiversity in the long term.
- 5.25 Yorkshire Wildlife Trust expressed concerns about some lack of survey evidence and detail in some areas of the biodiversity report submitted and the Trust's further response to additional survey details is awaited.

Residential amenity

- 5.26 The nearest residential properties are well over 100m away from the boundary of the application site, and views of the site would be from upper windows, and relatively distant. The extent of harm to amenities of residents would therefore be minor. The proposal does not include a significant centre for entertainment or leisure purposes and it is likely the largest potential for disturbance would be outdoor socialising, children playing and general activity levels within and around the site. It is normal for caravan sites to impose regulation on noise within the site for the benefit of holidaymakers but it would be impractical for the planning authority to monitor and enforce such controls for the benefit of the general population. However, in view of the separation distance from the nearest dwellings, the likelihood of noise disturbance is limited.
- 5.27 The public right of way path eastward from the site runs along the south boundary of The Grange. There is solid timber fencing and planting on the boundary. Use of the footpath is not likely to be extensive in unsocial hours, although it is not possible for the Council to regulate use of public footpaths.
- 5.28 In terms of the amenity of visitors, and possible concerns arising from the nearby sewage works, there is no history of complaints arising from the sewage works, and taking into account that visits will be for relatively short periods, the possibility of

occasional smell issues would not preclude approval, if the scheme were found to be otherwise acceptable.

Design

- 5.28 The proposed buildings are single storey, and the design details are restrained in character. The details include full height windows and timber cladding exterior and the overall effect is appropriate for the purpose, and the rural surroundings. The design of the hub area makes provision for associated parking. The proposed building would be located within the main body of the site and subject to appropriate materials, which could be ensured by condition, would not be significantly harmful to the rural surroundings.

Highway safety

- 5.29 The final advice of the Highway Authority is awaited. In the interim satisfaction has been expressed with the main junction from the A172, and the Highway Authority is satisfied there are no capacity issues at the junction onto the A173.
- 5.30 The transport note provided aims to encourage pedestrians to use the existing Public Right of Way from the site to Yarm Lane, and other measures to protect pedestrian safety. Discussions between the applicant and the Highway Authority continue and any further advice will be reported to the meeting.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. Due to its scale and extent, the number of users and associated activity, the proposed development would be an inappropriate form of tourism development and would result in an unacceptable level of harm to the existing tranquil agricultural character of the surroundings, and would contribute to the further urbanisation of the countryside in an 'Area of restraint'. The proposal would therefore be contrary to Local Development Framework Spatial Principle 2 and policies CP4, CP15, CP16, DP30, and NPPF paragraph 28 and would not therefore be a justified exception to the policy principles of Local Development Framework Policies CP1 and CP2.
 2. The development would result in the loss of Best and Most Versatile agricultural land and would have a detrimental effect on this natural asset and would not be a sustainable form of tourism development, contrary to Local Development Framework Policies CP1 and CP16 and NPPF paragraphs 109 and 112.

Parish: Great Busby
Ward: Osmotherley & Swainby
11

Committee Date: 23 June 2016
Officer dealing: Mrs B Robinson
Target Date: 1 April 2016

16/00262/FUL

Retrospective application for the use of land as a private Gypsy site for one family at Rosie's Ranch, Busby Lane, Great Busby for Mr Jonathan Stephenson

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a rural location lying close to the east end of the very small settlement of Great Busby, where there is a collection of buildings and two houses around Busby Grange Farm. The site is fenced from the neighbouring field of which it appears to have previously formed part. It is set back from the road, and accessed by a 60 metre track from a pre-existing access from Busby Lane.
- 1.2 The proposal is a single family Gypsy site. A timber-clad static caravan is in situ together with an area of hardstanding to the front and rear of the caravan, which is also shown on the submitted application.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00273/CAT3 – Enforcement investigation into engineering works; pending consideration. The static caravan was brought onto the site while the works were being investigated and therefore the outcome of this application will determine the next steps with this, and whether enforcement action is instigated.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Development Policies DP4 - Access for all
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Development Policies DP14 - Gypsies and Travellers' sites
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework
Planning Policy for Traveller Sites (August 2015)

4.0 CONSULTATIONS

- 4.1 Public comments - Eight objections have been received to the proposed development for the reasons summarised below:

- The applicant has no right of access;
- The applicant cannot demonstrate a suitable or safe vehicular access to the site;
- The application site is not in the ownership of the applicant and as such the application is not valid;

- There are vacancies at the Seamer site and as such there is no need for this development;
- No exceptional case has been made for the development;
- The development has a harmful impact on the character of the countryside;
- The site is not suitable for domestic accommodation being close to dangerous buildings;
- The development will result in harmful impact on road safety;
- Development is not in keeping with the village context;
- No identified need for additional Gypsy or Traveller sites;
- The development is prominent in open countryside;
- The wider site should be redeveloped for housing; and
- There are no significant amenities in the vicinity.

4.2 Great Busby Parish Meeting - Objects for the following reasons:

1. The field entrance which is used by the Gypsy site has poor visibility, being on a bend with high hedges and fencing on either side. Vehicles using the entrance pose a danger to other traffic and the many cyclists, runners and horse riders who pass through Busby. The land on either side is not owned by Mr Stephenson so it is unlikely to be possible to provide visibility splays. The Gypsy site brings mud onto the road and increases the risk of a serious traffic accident on this stretch of Busby Lane which narrows shortly beyond the field entrance to cross the bridge at Grange Beck.
2. The large wooden chalet, touring caravans and vehicles at the site are ugly and very prominent, particularly when seen from the lane leading up to Busby. The development is out of keeping and spoils the character of the village and its surrounding countryside.
3. There is already a proliferation of caravans around the edge of Busby, particularly in the summer months, with the large certificated site at Elhams Market Garden, the smaller one at Southview Farm and individual caravans/statics at Busby Stables and Waterbeck Stables. The nature and character of the village is being spoilt by the number of caravans (not all authorised) which far exceed the number of permanent residential buildings. Additional caravans at the Gypsy site only add to this problem.
4. The Parish Meeting had been told about the Council's Traveller Housing Needs Study (2014 Update) and this says that there is no need for further Gypsy and Traveller sites between 2014 and 2019. The Meeting understands that there are vacancies at the Seamer site which is near to Stokesley.
5. The site is not within 1 mile of shops and services as recommended for Gypsy and Traveller sites in the Council's study. The nearest facilities in Stokesley and Great Broughton are both about 2 miles away.
6. The site is close to run-down and derelict buildings – which include old asbestos sheeting - at Busby Grange. This is not a suitable location for a family with children.
7. Residents object to the fact that this is a retrospective application and that the Stephenson's have set up the Gypsy site without paying any regard to the proper planning procedures. Approving the application will simply encourage more such cases in the area.

4.3 Kirkby Parish Council – Objects for the following reasons.

1. This application requests change of use of agricultural land to domestic for the use of land as a private Gypsy site for one family, and this use has already commenced.
2. This site is not needed as there are 3 pitches available on the site at Seamer, closer to the facilities and family in Stokesley.
3. There is no need for the change of use of good agricultural land for a private Gypsy site until these pitches are occupied.
4. If this application is granted it will encourage other individuals to purchase agricultural land and then commence inappropriate works or use of the land, as is happening almost adjacent to this site in the parish of Kirkby-in-Cleveland, ref. Planning Appn. No. 16/00108/FUL, where hedges have been illegally removed and works commenced prior to planning permission being granted.
5. If Hambleton District Council approves this planning application a precedent will be set and it will be extremely difficult for them to control the development of individual private Gypsy sites and other unauthorised change of use/work on plots of land without planning permission all across their planning jurisdiction.

4.4 Highway Authority – advice awaited.

5.0 OBSERVATIONS

- 5.1 The first issue to be considered is whether the applicant meets the Government's definition of a Gypsy or Traveller for planning purposes. If they do, it would then be necessary to consider whether there is currently a need for additional Gypsy or Traveller pitches within the District.
- 5.2 If the applicant does not meet the Government's definition a second consideration as to whether the proposal can draw support from any other Development Plan policy or from national planning policy must be made.
- 5.3 In addition it is necessary to consider the suitability of the access to the site.

The applicant's status as a Gypsy or Traveller

- 5.4 The 2015 Planning Policy for Traveller Sites defines gypsies and Travellers as: "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."
- 5.5 It is therefore necessary to consider whether an applicant currently leads a nomadic life, including the reasons for travel. If they previously lead a nomadic life but have ceased to travel temporarily, their reasons for ceasing and whether they intend to resume a nomadic life are relevant considerations. Reasons for ceasing temporarily to travel are limited to their own or family or dependants' education and health needs or old age.
- 5.6 With regard to "nomadic habit of life", the application states the applicant is of Gypsy status and has been accepted as such in the course of previous planning

applications. The family includes a child with special needs and the application indicates this is the reason the applicant is not travelling for work purposes.

- 5.7 The agent for the application has made reference to consideration of the applicant's status in appeals relating to a site he occupied outside Stokesley. The applicant's personal circumstances were then summarised by the Inspector, who noted: "The appellant and his wife have five children and are settled as part of the local community. Of particular concern is Millie, a daughter aged seven years, who suffers from Down's Syndrome. I heard evidence at the hearing as to the potential disruption for Millie of having to move home, and written representations were received from Millie's school, where her mother also works, and from other supporting services."
- 5.8 The agent also notes that the appeal decision for that site included the following commentary on the applicant's status: "The Council does not dispute the Gypsy status of the appellant and other proposed occupants, and I am satisfied from the information before me that all would fall within this definition."
- 5.9 However, it is important to note that the appeal decision pre-dated the revised definition of gypsies and Travellers in the updated Planning Policy for Traveller Sites on 31 August 2015. This is of particular significance because the revised definition turns on whether the head of the household travels for work and people who have stopped travelling permanently for work purposes do not meet the definition. For this reason the agent had been invited to submit evidence in response to 12 questions, including details of travel for work purposes over the previous 10 years.
- 5.10 The questions have not been answered directly and as indicated above, the applicant relies on statements from before the definition changed. The agent has supplemented this by stating "The needs of Millie have resulted in the family being unable to travel together for much of the time and Mr Stephenson's responsibilities do mean that he tries to stay based and working relatively locally to avoid most travelling at this point in their family life so as to help provide the necessary care for Millie. This site is well positioned for easy access to Stokesley and other family members who provide support."
- 5.11 Taking all of the foregoing into consideration it has not been demonstrated that the applicant meets the planning definition of a Gypsy or Traveller and on this basis the site is not a justified exception to the strong presumption against new development in the countryside.

The need for additional Gypsy or Traveller pitches

- 5.12 The conclusion on the first issue above indicates that this issue does not need to be considered. However, for completeness it is pertinent to note that Traveller Housing Needs Studies were carried out in Hambleton in 2012 and 2014 and a further Study is nearing completion. The latest evidence, including the findings of 30 household interviews and an assessment against the Government definition of a Traveller, is that one additional pitch will be needed in Hambleton between 2021 and 2031 for the six Gypsy and Traveller households who meet the definition. This takes into account supply from a pitch due to become vacant. The evidence confirms that no new pitches are required before 2021.
- 5.13 The Study indicates that two additional pitches may be required to meet the needs of new household formation for families where it was not possible to establish the Traveller status of occupiers. However it is not considered necessary to plan for this now because it would first be necessary to establish whether the families in question meet the definition. This is a matter to be progressed through the Local Plan in the first instance.

- 5.14 Overall therefore, this site is not considered necessary to meet the needs of gypsies and Travellers at this time.
- 5.15 Taking into account that it has not been demonstrated that applicant does not meet the planning definition of Gypsy and Traveller, and that the site is not necessary to meet the needs of Gypsy and Travellers at this time, further consideration of the Council's detailed policy in relation to Gypsy and Traveller sites, principally DP14, is not necessary in this case.

Whether the proposal can draw support from any other Development Plan policy or from national planning policy

- 5.16 Policy CP4 includes six criteria which may allow development outside sustainable settlements in exceptional cases, including where it is necessary to meet an essential rural need to locate in the countryside, or for affordable housing where the need cannot be met in a settlement within the settlement hierarchy. The applicant has not claimed any of the exceptions listed in policy CP4 and no evidence has been submitted to justify a location in the countryside.
- 5.17 NPPF paragraph 55 states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances and identifies four such circumstances. Three of these broadly follow the criteria of CP4 and are therefore not met. The fourth NPPF consideration, exceptional quality or innovative nature of the design of a dwelling, is neither claimed nor achieved.

Access

- 5.18 The site utilises an existing access, and the views of the Highway Authority will be reported when available. Whilst the applicant's right of access to the site has been challenged, he has signed the appropriate certificate of ownership for the application site, including the access to Busby Lane, and no evidence has been submitted to contradict this.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The applicant is not considered to be a person of nomadic habit of life as set out in Planning Policy for Traveller sites 2015 and thus cannot benefit from the provisions of Policy CP8 and DP14 in relation to provision of the accommodation that meets the needs of gypsies and Travellers.
 2. The Hambleton District Council Traveller Housing Needs Study, as updated June 2016, and taking into account the provisions of Planning Policy for Traveller Sites 2015, confirms that there is no current shortage in the supply of Traveller pitches to meet local need. Therefore this site is not essential to the provision of Traveller and Gypsy sites in Hambleton and no exception to Development Plan or national policy is justified.

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Parish: Low Worsall
Ward: Appleton Wiske & Smeatons
12

Committee Date: 23 June 2016
Officer dealing: Mrs B Robinson
Target Date: 12 May 2016

16/00556/FUL

**Extensions and alterations to garage buildings to form a dwelling
at Ship Service Station, Low Worsall
for Mr Paul Neasham**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Ship Service Station includes a two storey building sited on the northern side of the B1264 in Low Worsall. The existing service station includes commercial garage facilities at ground floor level, with a large garage workshop to the rear and owner's accommodation at first floor. To the side there is a single storey wing with further service station facilities and a first floor storage area. There are vehicular access and parking facilities at the front of the site. There is an access between the two parts of the building to the rear, where there is further space for parking.
- 1.2 The proposal is to replace the single storey range with a dwelling with accommodation on two floors, the first floor served by dormers and including an integral double garage on the ground floor. At the rear a domestic curtilage is enclosed from the neighbouring garage land, and an access retained to existing stables beyond. At the front a domestic curtilage would be separated off from the remainder of the forecourt. Petrol pumps are to be removed, and the tanks dealt with by infilling with concrete.
- 1.3 The proposal has the same building structure as that approved as an annexe under application 13/00912/FUL. Application 15/01306/MRC removed an occupancy condition imposed on 13/00912/FUL, allowing the extension to be occupied as part of the main dwelling or as an annexe.
- 1.4 The application was deferred by Planning Committee in May for more specific information about the relative distances to services in Yarm in addition to paragraph 5.8 below. The following table sets out the distances to these services by road.

Service	Distance	Notes
Food store	2.7km	Co-op in former Layfield Arms
Railway Station	2.8km	
Primary School	2.9 km	Layfield Primary
Secondary School	3.0 km	Conyers School
Care Home	3.3 km	
Public Park	3.3 km	Willey Flatt Lane
Service Station	3.4 km	At the A67/A1044/B1264 roundabout
Yarm Town Centre	3.4 km	
Supermarket	3.4 km	Aldi

- 1.5 The road between Low Worsall and Yarm, the B1264, has a footway and is relatively straight and free from extreme gradients. A public footpath runs broadly parallel

between 100m and 600m to the north and provides a more direct route to Yarm town centre but it is not considered to be an attractive all-weather option for people using facilities such as shops or schools or with any mobility needs.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/91/098/0016E - Extension to existing vehicle repair garage to incorporate a workshop and showroom with first floor self-contained flat; Granted 31 May 1991.
- 2.2 2/92/098/0016F - Revised details of an extension to existing vehicle repair garage to incorporate a workshop and showroom with first floor self-contained flat; Granted 4 June 1992.
- 2.3 13/00912/FUL - Demolition of existing garage buildings and alterations and extension to dwelling to form an annex; Granted 26 June 2013.
- 2.4 15/01306/MRC - Removal of occupancy restriction condition (3) on application 13/00912/FUL; Granted 12 October 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Interim Guidance Note - adopted by Council on 7th April 2015
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework

4.0 CONSULTATION

- 4.1 Parish Council - No response received.
- 4.2 Neighbours and site notice - No observations received.
- 4.3 Environmental Health Officer - concern about potential for odours during discharge of fuel - to be brought to the attention of owners/occupiers.
- 4.4 Northumbrian Water - no comments.
- 4.5 Highway Authority – The comments note concern about visibility to east, but that usage will be less than existing. Conditions requested.
- 4.6 Scientific Officer (land contamination) – A condition is required in relation to remediation of the petrol tanks.

5.0 OBSERVATIONS

- 5.1 The site is outside the Development Limits of any settlement and the planning issues to consider are therefore (i) the principle of development in terms of the Development plan, the Council's Interim Policy Guidance Note on Development in Villages and the

NPPF; (ii) the impact of the development on the character and appearance of the area; (iii) the amenity of nearby occupiers; and (iv) highway safety.

Principle

- 5.2 Low Worsall is a village without status within the Settlement Hierarchy set out in Policy CP4 as adopted in 2007, and the application does not claim to meet any of the exceptions to the principles of CP1 and CP2 set out in CP4.
- 5.3 In 2015 the Council adopted Interim Policy Guidance which reflected an update in the hierarchy and provides for a more flexible consideration of new development at the edge of settlements. Within the updated hierarchy Low Worsall is designated an "other settlement".
- 5.4 The NPPF states, in paragraph 55, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances". The proposed dwelling would be attached to existing development and within the wider framework of the existing village. It is therefore not considered to be isolated within the meaning of the NPPF and would be supported by it, subject to other relevant policy considerations.
- 5.5 The Interim Policy Guidance states that: "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies."
- 5.6 Low Worsall is included in the updated Settlement Hierarchy as an Other Settlement. The approach of the Interim Policy Guidance is that Service and Secondary Villages are deemed sustainable in their own right whilst Other Settlements are unlikely to be considered sustainable unless they form part of a cluster with adequate existing services and facilities. This can be achieved through clustering with a Service or Secondary Village or with sufficient Other Settlements to have "a good collective level of shared service provision". In every case, a cluster "is unlikely to constitute a sustainable community "if there are significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing)". Development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable.
- 5.7 Low Worsall has facilities including a church, a village hall, and a pub and there being few facilities, it must be decided whether the addition of these facilities to those

in other settlements no more than (approximately) 2km away, results in sufficient provision to constitute a sustainable community.

- 5.8 Low Worsall cannot form a cluster with another settlement in Hambleton, but is relatively close to the market town of Yarm which has a wide range of services and transport links, and to which Low Worsall is linked by a roadside footway. The historic centre of Yarm (High Street) is approximately 4.5 km distant from the site, and is therefore too far away to form a cluster with Low Worsall. However there are facilities outside Yarm centre that are closer to the application site. These include a railway station (2.8 km), primary school (2.9 km), secondary school (3km) and a service station and small shopping centre, including a supermarket, at the A67 junction (approximately 3.4 km).
- 5.9 In support of the application, the applicant puts forward evidence about the facilities in Yarm, as set out above, and draws attention to the availability of surfaced footpath and cycleway links between the settlements. The supporting evidence draws attention to the range of activities in the village hall, illustrated by a link to the village hall website, which shows a wide range of classes and activities which take place regularly at the village hall, and the quality of the facilities there. However, the classification of settlements within the Hierarchy is based on the facilities, not their popularity or quality.
- 5.10 The services available in Yarm are significantly beyond the approximate 2 km maximum distance set out in the Interim Guidance. Overall therefore, while there are useful facilities in Yarm, under the terms of the Interim Guidance, they cannot be taken into account to enhance the sustainability of Low Worsall, and the proposal is not therefore in accordance with the criteria of the Interim Policy Guidance in these terms.

Character and appearance

- 5.11 As a single additional dwelling the development would be small in scale and as an addition to an existing building, it would have little effect on the form of the village, and has previously been approved in this form, although as an annexe. The proposed development would have a slightly smaller footprint than the existing extension. It would have a higher ridge but would be of a similar character overall and therefore would reflect the existing form and character of the village.
- 5.12 The site is within the curtilage of an existing property and the new dwelling would not harm the natural or built environment nor affect the setting of the Listed Parish Church, nor would there be any harm to the open character of the surroundings.
- 5.13 The proposed building is of the same size as the previously approved scheme but it would be likely to be occupied more intensively as an independent dwelling. It would therefore place greater demands on infrastructure but there is no evidence to suggest that the infrastructure cannot support it.

Amenity

- 5.14 The proposed dwelling is aligned with the existing garage/flat building and there would not be any significant harm to the amenities of adjacent occupiers. The proposed curtilage provides for a reasonable standard of private amenity space at the rear. The scheme proposes to remove petrol pumps and infill fuel tanks and by means of a suitable condition to ensure correct remediation, the potential for harm arising from that source would be avoided.

Highway safety

- 5.15 The curtilage has relatively generous scope for off road parking, and its separate occupation would not raise concerns about highway safety. The submitted details demonstrate scope for turning within the site to exit in a forward gear. The frontage remaining under the control of the garage would be approximately 13 x 23 metres with adequate scope for customer and resident parking, particularly taking account of the additional parking areas at the rear of the building. The Highway Authority does not object to the proposal and overall it would not be harmful to road safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposal represents unsustainable development on a site outside of the Development Limits of Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The location of the proposed development is also insufficiently sustainable to benefit from the provisions of the Council's Interim Policy Guidance Note - Development in Villages, and overall is therefore contrary to the advice of the National Planning Policy Framework paragraph 55 concerning development in rural areas.

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15/02859/OUT

**Outline application for residential development (considering access only with all other matters reserved)
at Former Central Depot Cricket Club, Ainderby Road, Romanby
for Arla Foods UK**

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site is the former Cricket Ground with a pay and display car park at the front of the site. The site is located to the northeast of Romanby Green and immediately adjacent to the level crossing on Ainderby Road. To the north of the site is the Willow Beck.
- 1.2 The application is for outline planning permission of up to 60 dwellings. All matters of detail, except access, are reserved for subsequent approval. Guidance on matters of detail is provided within this Design and Access Statement to assist in the consideration of design and access issues. The site will deliver the 60 homes with the site being 2.15ha in size with 0.99ha for the retention of the existing allotments, and creation of public open spaces and ecological habitats. The proposed density would be approximately 27 dwellings per hectare.
- 1.3 The application is supported by a design and access statement, noise assessment, geo-environmental assessment and transport assessment.
- 1.4 The design and access statement sets out to demonstrate that the proposals deliver a high quality sustainable development. The applicant indicates that the proposal would deliver a high quality residential development, creating a new, sympathetic extension to the village in the north east and a finished, outward looking edge to the settlement. It is intended that this site will become a positive asset to the settlement in terms of design, layout and open space. It is stated that the development will create a logical boundary to the settlement and provide safe recreational amenity facilities for existing and new residents.
- 1.5 The applicant outlines that the development of the site will result in significant investment and job creation. It will lead to investment, jobs and apprenticeships in the local area through the construction process. Other economic benefits outlined by the applicant are that the proposals would produce funding from the Government's new homes bonus scheme and produce new spending in the local economy from the site's new residents, which could support a number of jobs across various sectors.
- 1.6 In terms of the community benefits the applicant considers that the development of the site will provide a range of open market housing comprising various types to meet the needs of the local community; provide much needed affordable houses of a range and type to meet the identified need in the local area; and provide a large area of public open space for existing and future residents. The applicant highlights that the open space will also enhance the recreation facilities available to the existing residents in the area and will include woodlands, meadows and a new Village Green and assist in the provision of other facilities and infrastructure where there is an identified need, in accordance with development plan policies.
- 1.7 In summary the applicant considers that the masterplan shows that these proposals demonstrates that residential development can be more than 'just another housing

estate' by creating a contextually responsive finished edge to the settlement, which is outward looking, permeable and just as accessible to the existing community as well as new residents.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant to this proposal.

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 CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP9A - Affordable housing exceptions
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 CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP5 - Community facilities
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP11 - Phasing of housing
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
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 DP37 - Open space, sport and recreation
Development Policies DP38 - Major recreation
Development Policies DP39 - Recreational links
Development Policies DP42 - Hazardous and environmentally sensitive operations
Development Policies DP43 - Flooding and floodplains
Development Policies DP44 - Very noisy activities
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Romanby Parish Council - Objects on the grounds that the site is a big area of open space outside the Development Limits as set out in the Local Development Plan drawn up in 2011. It includes a car park which is a pay and display car park for people using the station. We're trying to find land for allotments. It would have been ideal to create some green space boundary between the railway lines.
- 4.2 Highway Authority - Response awaited.
- 4.3 Yorkshire Water - The submitted site layout details (on drawing 014-025-P009 (revision B) dated October 2015 that has been prepared by e*SCAPE) are not acceptable to Yorkshire Water as currently shown. It appears that buildings/ pond/ new trees etc. will be located over the line of public sewers and a water main (which are not shown on the drawing) and this could jeopardise Yorkshire Water's ability to maintain our network.

Foul water - From the information available it is not possible to determine if the site is low-lying relative to the location of the public sewer network. If the ground level of a site or the level of any basement is below the ground level of the point of connection to a public sewer, the developer may have to take precautions to prevent the risk of flooding of the site from surcharge of the public sewer network. Such precautions may include raising the level of the site, having pumped discharges from the site and/or the installation of anti-flooding valves.

Surface water - The local public sewer network does not have capacity to accept any discharge of surface water from the site.

Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged and the LPA's attention is drawn to the NPPF. The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities. The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals. The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

It is understood that a watercourse is located to the northern boundary of the site. Restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

- 4.4 Swale and Ure Drainage Board - no objection to the principle of residential development here or the position of the access however flood risk and surface water drainage need to be very specifically conditioned rather than rely on a statement that all other matters are reserved.
- 4.5 Lead Local Flood Authority (NYCC) – Objects. Attention is drawn to the National Planning Policy Framework (NPPF) and House of Commons Written Statement HCWS161 that requires planning authorities to ensure that sustainable drainage systems for the management of runoff are put in place unless demonstrated to be inappropriate. Planning authorities must also ensure that through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. Whilst this is an outline application and it is proposed that SuDS are used, there has not been enough

information submitted with this application to provide a response on the propriety of surface water management proposals or for it to be determined that the authority can comply with its statutory obligations.

- 4.6 Environment Agency - No objection as long as all built development lies outside of flood zones 2 and 3 (as it appears to do so within the design and access statement), and there is no land raising within these areas.
- 4.7 Scientific Officer (contaminated land) - No objection subject to a condition
- 4.8 Environmental Health Officer - No objection subject to a condition requiring noise from the railway to be mitigated to achieve World Health Organisation standards.
- 4.9 Network Rail - Objects to the proposal due to the proximity of the site to the level crossing on Ainderby Road and insufficient information in the transport assessment to allow a full assessment to take place.
- 4.10 Police Architectural Liaison Officer - A series of recommendations are made in relation to crime and anti-social behaviour.
- 4.11 County Archaeologist - No known archaeological constraints.
- 4.12 A site notice was displayed and neighbouring residents were notified. Two letters have been received. One letter raises a general comment with regard to the allotments and management. The other letter objects to the development on the following grounds:
- The site is a greenfield site and has never been built on;
 - This site could be a useful amenity for Romanby residents, either as an open area (presently used for dog walking); or
 - The site could be used for allotments;
 - Proximity to neighbouring residents of Romanby Green; and
 - Impact of increased traffic onto the road and proximity to other development.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development and the local housing land supply; (ii) the impact of the proposal on the character of the area; (iii) housing mix; (iv) the relationship with neighbouring properties and the railway line; (v) flooding and drainage; (vi) highway impact and parking provision; and (vii) affordable housing.

The Principle of Development

- 5.2 The site lies outside the Development Limits of Northallerton and Romanby, which is defined in Policy CP4 of the Core Strategy as a Service Centre. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would not be in accordance with the Development Plan. However, it is also necessary to consider more recent national policy in the form of the NPPF.
- 5.3 The NPPF places emphasis on maintaining five years supply of deliverable housing sites (paragraph 49). Paragraph 47 requires an additional 5% buffer to ensure choice and competition in the market for land and a 20% buffer if there has been persistent under-delivery within a local authority area.

- 5.4 The Council has undertaken a robust survey of all sites with extant planning permission and allocations to assess the expected delivery of housing. No provision has been made for windfalls. The Council is able to demonstrate a deliverable supply well in excess of five years.
- 5.5 It is acknowledged that national policy within NPPF paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development" and it could be argued that an additional 5% of the District's housing requirement would contribute towards the overall objectives of boosting housing supply. However, as the District has a demonstrable supply well in excess of five years there is no reason to release this unallocated site and to allow housing on this scale outside Development Limits.
- 5.6 In addition to the calculated supply, it is considered that there are further sites within Development Limits or which accord with the Council's Interim Policy Guidance that could boost the housing supply and affordable housing provision within the sub area and the District and it would be consistent with the principles of national and local planning policy to consider such sites in preference to unallocated sites outside Development Limits. Where releases of land beyond Development Limits are necessary in future, they should be guided by the plan making process, for which there is a clear programme, and there is no reason to depart from the strategy set out in the LDF in the interim.

Character of the area

- 5.7 The site includes a former cricket pitch and is currently open and used for informal recreation. Whilst the cricket pitch has become overgrown there is no reason why the site could not come back into formal recreational use with appropriate management and maintenance. The overgrown nature of the site is not a reason to grant planning permission contrary to LDF policy DP37, which commits the Council to retaining, protecting and enhancing all types of open space with an existing recreational use and which states, "Development which will result in the loss of public or private land with recreational value will not be permitted, unless it can be shown ... that the site is no longer needed, or is unlikely to be required in the future, or an alternative facility of equivalent value is to be provided." No evidence has been submitted with regard to marketing of the site at a suitable value to attract leisure or community uses or that the level of development is appropriate to deliver a commensurate level of enhanced leisure and outdoor recreational facilities. The proposals play a valuable role to the community and the wider landscape and the physical distinction between Romanby and Northallerton. The site's development as proposed would therefore cause landscape harm to the character of settlement which has a historic and cultural importance.
- 5.8 Notwithstanding the landscape concerns, the Police Architectural Liaison Officer has made a number of comments in relation to the security and design aspects of the proposal, which would require improvement from the submitted masterplan, particularly relating to the parking layout. It has not been demonstrated that the landscape character has been fully assessed and that the level of development is appropriate, given the identified landscape harm, and the development itself would not relate well to the existing building form being separate from Neils Close to the west by open space and with the existing allotments being retained there would be a limited relationship to the existing buildings on Ainderby Road.
- 5.9 Whilst the details are illustrative at this stage, the proposal also limits open space to the edges of the site (i.e. areas where constraints limit development) to along the railway and next to the Willow Beck. Whilst the existing allotments would be retained, the intended design strategy does not include areas of green space that would form a

positive aspect, with no areas for formal play at the centre of the development. Opportunities to capitalise on the design influence of the existing Romanby Green have not been taken and the proposed open space is a peripheral feature to the development, lacking opportunities for natural surveillance or meaningful recreational value. The Parish Council's aspiration for additional allotments is noted but that is a matter for the new Local Plan to consider and is not a reason to refuse permission now.

Housing mix

- 5.10 The applicant indicates in the design and access statement that the proposal will provide a mix of 2, 3, 4 and 5 bedroom homes but does not detail this further. Based on housing needs the Council's policy requirement is a mix comprising 10% one bedroom dwellings, 35% two bedroom, 25% three bedroom, 10-15% four bedroom (or above) and 10% two bedroom bungalows.

The relationship with neighbouring properties and the railway line

- 5.11 As stated, the application is in outline with layout, scale and external appearance all matters that could be considered at a later stage. The impact of the proposal in relation to the railway has been carefully considered and appropriate mitigation would need to form part of the details considered in any reserved matter submission. Whether this is achievable through the existing masterplan whilst also achieving a high quality design is questionable as this may require non-habitable accommodation on the front elevation or that properties are set further away from the railway line.

Flooding and Drainage

- 5.12 The comments of the Environment Agency, Yorkshire Water, the Lead Local Flood Authority (LLFA) and the Swale and Ure Drainage Board have all been noted. The development would need to exclude areas to the north of the site from built development to ensure that housing does not encroach into Flood Zones 2 and 3.
- 5.13 Yorkshire Water highlights that there is no capacity in the existing public sewerage system. If the ground level of a site or the level of any basement is below the ground level of the point of connection to a public sewer, the developer may have to take precautions to prevent the risk of flooding of the site from surcharge of the public sewer network. Such precautions may include raising the level of the site, having pumped discharges from the site and/or the installation of anti-flooding valves. Raising the site levels may cause concern to the Environment Agency.
- 5.14 The LLFA indicates that there has not been enough information submitted with this application to provide a response on the propriety of surface water management proposals or for it to be determined that the authority can comply with its statutory obligations. The application should therefore be refused on these grounds.

Highway Impact and Parking Provision

- 5.15 The comments of Network Rail are noted with regard to the proximity of the proposed access to the level crossing and the adequacy of the Transport Assessment has been carefully considered.
- 5.16 The proposal would be able to provide an adequate level of parking provision as required by policy.
- 5.17 Whilst the proximity to shops and services should also be noted, the position and intensification of the access has not been demonstrated as acceptable in terms of

highway and railway safety, considering Network Rail's concerns regarding the level crossing.

Affordable Housing

- 5.18 The applicant has not submitted a detailed affordable housing offer but does make a general commitment to affordable housing and infrastructure within their design and access statement. A 40% provision should be sought towards affordable housing in order to conform with LDF housing policy.
- 5.19 Whilst no evidence is presented to indicate that affordable housing would not be delivered at an appropriate level or mix, the lack of detail and formal commitment from the applicant is a concern.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The site lies beyond the Development Limits of Romanby and in a location where development should only be permitted exceptionally. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the development would result in the loss of green space without a suitable enhanced replacement. The proposal would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP3, CP4, CP6, CP19, DP1, DP5, DP6, DP8, DP9, DP10, DP30, DP31, and DP37 and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system and sustainable development.
 2. The application should demonstrate, potentially as part of the Flood Risk Assessment, how the flooding and drainage infrastructure have been considered. The submitted application does not provide a suitable or robust basis for assessment to be made of the flood risks arising from the proposed development. In addition there is no recognition or mitigation that has been taken forward as part of a robust assessment. The proposal is therefore contrary to Policies CP1, CP3, CP17, CP21, DP1, DP6, DP32, DP33, and DP43 of Hambleton Local Development Framework and guidance contained in National Planning Policy Framework and North Yorkshire County Council SuDS Design Guidance.
 3. In the absence of a signed Planning Obligation the proposal fails to deliver an appropriate level of affordable housing contrary to Policy CP9, CP9a and DP15 of the adopted Hambleton Local Development Framework as amplified by the Adopted Affordable Housing Supplementary Planning Document.
 4. Due to the proximity of the site to the level crossing on Ainderby Road and insufficient information in the transport assessment to allow a full assessment to take place the proposal has not demonstrated that the proposed access would not result in harm to highway and railway safety. The proposal is therefore contrary to policies CP1, CP2, CP3, DP1, DP4 and DP6 of Hambleton Local Development Framework.

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Parish: Skutterskelfe
Ward: Hutton Rudby
14

Committee Date: 23 June 2016
Officer dealing: Mrs B Robinson
Target Date: 30 September 2015

15/01652/FUL

Use of land and siting of caravan as a private Gypsy site for one family at part of former football pitch, Hutton Rudby Road, Skutterskelfe for Mrs Savannah Foster

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a plot of land approximately 2 miles west of Stokesley. The main body of the site is approximately 54 x 25 metres, and is accessed by a track approximately 75 metres long. The site and track have an informal hard surface.
- 1.2 On the site there is a blockwork and timber barn, and an incomplete blockwork building (stable). On the south-west boundary there is a high hedge. To the north east there is a fence to an open field, known as the football field. Beyond the field is an existing single family Gypsy site, approximately 100 metres distant. Immediately to the south-west of the site there is a single storey social club house. Beyond the club house, to the south-west there is a scatter of houses, the closest is Erran Bungalow, approximately 85 metres away.

2.0 RELEVANT PLANNING HISTORY

- 2.1 2/05/134/0071 - Laying out of land and construction of a stable block; Granted 5 September 2005.
- 2.2 06/00435/FUL - Haybarn; Refused 21 April 2006.
- 2.3 06/01226/FUL - Revised application for a haybarn; Granted 1 August 2006.
- 2.4 08/02503/FUL - Access track and private treatment plant; Granted 8 October 2008.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Development Policies DP14 - Gypsies and Travellers' sites
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Planning Policy for Traveller Sites (August 2015)
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – Recommends refusal on the grounds that:
- There are enough vacant pitches in Hambleton and another one is not necessary; and
 - It is an agricultural site for grazing only.

- 4.2 Highway Authority - no objection.
- 4.3 Environmental Health Officer - No negative impact; request assessment of land contamination.
- 4.4 Public comments - 11 objections have been received, summarised as follows:
- Behaviour of nearby dogs and in relation to livestock;
 - Several caravans on site
(nb this comment is assumed to refer to a neighbouring site where caravans have been present)
 - Buildings lived in on site.
(nb this comment is assumed to refer to a neighbouring site where ancillary residential use has been allowed in a building)
 - Burgeoning Gypsy sites in this area - creeping development of Gypsy sites along this road and springing up illegally in the Stokesley Tame Bridge and Skutterskelfe area;
 - Will detract from green belt between Skutterskelfe and Tame Bridge;
 - The site would not be allowed for housing and this application should be treated in the same manner;
 - The development equates to a dwelling and should not be allowed;
 - The proposal is not in accordance with Planning Policy for Traveller Sites, August 2015;
 - Concerned that existing sites may be promoting precedent for planning approval;
 - Difficulties of retaining appropriate control;
 - Requires a robust resistance to a proliferation of similar inappropriate developments in this parish;
 - No requirement for this site. Hambleton has adequate provision of sites for gypsies and Travellers;
 - Not a football pitch.

5.0 OBSERVATIONS

- 5.1 The first issue to be considered is whether the applicant meets the Government's definition of a Gypsy or Traveller for planning purposes. If they do, it would then be necessary to consider whether there is currently a need for additional Gypsy or Traveller pitches within the District.
- 5.2 If the applicant does not meet the Government's definition a second consideration as to whether the proposal can draw support from any other Development Plan policy or from national planning policy must be made.

The applicant's status as a Gypsy or Traveller

- 5.3 The 2015 Planning Policy for Traveller Sites defines Gypsies and Travellers as: "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show-people or circus-people travelling together as such."
- 5.4 It is therefore necessary to consider whether an applicant currently leads a nomadic life, including the reasons for travel. If they previously lead a nomadic life but have ceased to travel temporarily, their reasons for ceasing and whether they intend to resume a nomadic life are relevant considerations. Reasons for ceasing temporarily

to travel are limited to their own or family or dependants' education and health needs or old age.

- 5.5 Additional details have been sought from the applicant to determine whether they have a nomadic habit of life. The applicant is married to William Welch, who is stated to have led a nomadic life in terms of working at major events in the Gypsy calendar and Mrs Foster is stated to have led a nomadic life but to have ceased due to an expected baby (at the time of application).
- 5.6 The revised definition of a Gypsy or Traveller in the 2015 Planning Policy for Traveller Sites turns on whether the head of the household travels for work and people who have stopped travelling permanently for work purposes do not meet the definition. For this reason the agent had been invited to submit evidence in response to 18 questions, including details of travel for work purposes over the previous 12 months.
- 5.7 The questions have not been answered fully but the agent has explained that the applicant is a member of a long established local family in need of an additional pitch as a consequence of new household formation, which is acknowledged as an important aspect of need. However, this does not demonstrate that the applicant meets the planning definition of a Gypsy or Traveller. Further information has been submitted regarding Mr Welch's involvement with Appleby Fair, and referring to travel within the UK and abroad. However, in the absence of the requested level of detail, this is insufficient to establish the applicant as a person of nomadic habit of life.
- 5.8 Taking all of the foregoing into consideration it has not been demonstrated that the applicant meets the planning definition of a Gypsy or Traveller and on this basis the site is not a justified exception to the strong presumption against new development in the countryside.

The need for additional Gypsy or Traveller pitches

- 5.9 The conclusion on the first issue above indicates that this issue does not need to be considered. However, for completeness it is pertinent to note that Traveller Housing Needs Studies were carried out in Hambleton in 2012 and 2014 and a further study is nearing completion. The latest evidence, including the findings of 30 household interviews and an assessment against the Government definition of a Traveller, is that one additional pitch will be needed in Hambleton between 2021 and 2031 for the six Gypsy and Traveller households who meet the definition. This takes into account supply from a pitch due to become vacant. The evidence confirms that no new pitches are required before 2021.
- 5.10 The current study indicates that two additional pitches may be required to meet the needs of new household formation for families where it was not possible to establish the Traveller status of occupiers. However, it is not considered necessary to plan for this now because it would first be necessary to establish whether the families in question meet the definition. This is a matter to be progressed through the Local Plan in the first instance.
- 5.11 Information was also requested about any attempt to access an existing Gypsy or Traveller site, including a site in Darlington where Mr Welch's father runs a Council owned site. The response was made that this site was precluded due to Council rules about keeping animals, which are part of the applicant's Gypsy way of life and for which the site the subject of this application is more suitable, and that in any case there were no pitches available.

- 5.12 Overall therefore, this site is not considered necessary to meet the needs of gypsies and Travellers at this time.
- 5.13 Taking into account that it has not been demonstrated that applicant does not meet the planning definition of Gypsy and Traveller, and that the site is not necessary to meet the needs of Gypsy and Travellers at this time, further consideration of the Council's detailed policy in relation to Gypsy and Traveller sites, principally DP14, is not necessary in this case.

Whether the proposal can draw support from any other Development Plan policy or from national planning policy

- 5.14 Policy CP4 includes six criteria which may allow development outside sustainable settlements in exceptional cases, including where it is necessary to meet an essential rural need to locate in the countryside, or for affordable housing where the need cannot be met in a settlement within the settlement hierarchy. The applicant has not claimed any of the exceptions listed in policy CP4 and no evidence has been submitted to justify a location in the countryside.
- 5.15 NPPF paragraph 55 states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances and identifies four such circumstances. Three of these broadly follow the criteria of CP4 and are therefore not met. The fourth NPPF consideration, exceptional quality or innovative nature of the design of a dwelling, is neither claimed nor achieved.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposal fails to satisfactorily demonstrate that the applicants are persons of nomadic habit of life as set out in Planning Policy for Traveller sites 2015 and thus cannot benefit from the provisions of Policy CP8 and DP14 in relation to provision of the accommodation that meets the needs of gypsies and Travellers.
 2. The Hambleton District Council Traveller Housing Needs Study, as updated June 2014 and June 2016 and taking into account the provisions of Planning Policy for Traveller Sites 2015, confirms that there is no current shortage in the supply of Traveller pitches to meet local need. Therefore this site is not essential to the provision of Traveller and Gypsy sites in Hambleton and no exception to NPPF and LDF policies is justified.

Parish: Skutterskelfe
Ward: Hutton Rudby
15

Committee Date: 23 June 2016
Officer dealing: Mrs B Robinson
Target Date: 11 May 2016

16/00522/FUL

**Change of use of land to a private Gypsy site and new access and the siting of a caravan and tourer
at OS Field 1856, Tame Bridge, Stokesley
for Mr R Adams**

1.0 SITE AND PROPOSAL

- 1.1 The site is a plot of land 155 x 50 metres, approximately 140 metres beyond the westward extent of Tame Bridge. The plot forms part of a larger field and is enclosed from it by a timber fence. At the roadside there is a belt of trees through which a clear gap has been created.
- 1.2 In the wider surroundings the band of trees extends along the south side of the Stokesley - Hutton Rudby road for approximately 1km overall, with one gap of approximately 135 metres at the west end of Tame Bridge. There are existing accesses through the trees serving Hillview (single family Gypsy site), Brawith House, South Lund Farm, and the field of which this site forms part.
- 1.3 The proposal is change of use of the land to a private Gypsy site and siting of caravan and tourer and the details show hard standing dimensions 25 X 50 metres positioned immediately south of the woodland belt.

2.0 RELEVANT PLANNING AND ENFORCMENT HISTORY

- 2.1 15/01327/FUL - Construction of an access track; Withdrawn 9 December 2015.
- 2.2 15/00320/CAT3 - Enforcement Notice and stop notice regarding the unauthorised construction of the access track that had been subject of application 15/01327/FUL; Notices served 8 January 2016, Appeal ongoing.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP14 - Retail and town centre development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP4 - Access for all
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework
Planning Policy for Traveller Sites (August 2015)

4.0 CONSULTATIONS

4.1 Rudby Parish Council - Recommends refusal. It is an inappropriate site for a Gypsy site as it is not close to any infrastructure and there are already enough Gypsy sites in the area. It is an attractive area of countryside which would be spoilt. There is no foul drainage on the site. The site floods as it is under the water table so no foul drainage would be put in. There is no possible drainage from the site and no mains drains.

4.2 Seamer Parish Council – Objects on the following grounds:

1. The land in Tame Bridge is well known to be waterlogged and there is a risk of flooding in this area, a problem the residents have had to cope with for many years.
2. A previous application we are aware of 15/01327/FUL to build an access road was rejected by planners on road and sighting issues as we understood it. Therefore this must be an issue in this application.
3. In 2013 there was a proposal which never got to the planning stage of the development of a Travellers' site which was strenuously objected to by the residents of Tame Bridge in this area. How can we/ the residents be certain this will not know occur by stealth. Should the application be agreed, firm conditions must be applied and the site monitored to ensure that a larger site does not evolve.
4. There is already a Gypsy residence adjacent to the entrance to Brawith House and another entrance a little further to the north which appears to be used to access this property as there are two mail boxes attached to the fence. So if this present application is linked to this site then we are concerned that this area will in the future become further developed by the Traveller community.
5. There is already a Traveller site in the area with spaces we are informed.

4.3 Public comment – 9 objections have been received which are summarised below:

- Other sites are available locally;
- The applicant is not a Gypsy and the application is an abuse of council policies towards gypsies;
- The works to form the site entrance were not authorised;
- Harm to protected birds in nearby trees;
- Drainage and flooding issues;
- Harm to an historic flood protection drain of insubstantial construction that should be protected;
- Visual intrusion; and
- Harm to the character of Tame Bridge.

4.4 Highway Authority - Conditions requested.

5.0 OBSERVATIONS

5.1 The first issue to be considered is whether the applicant meets the Government's definition of a Gypsy or Traveller for planning purposes. If they do, it would then be necessary to consider whether there is currently a need for additional Gypsy or Traveller pitches within the District.

5.2 If the applicant does not meet the Government's definition a second consideration as to whether the proposal can draw support from any other Development Plan policy or from national planning policy must be made.

The applicant's status as a Gypsy or Traveller

5.3 The 2015 Planning Policy for Traveller Sites defines gypsies and Travellers as:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show-people or circus-people travelling together as such.”

5.4 It is therefore necessary to consider whether an applicant currently leads a nomadic life, including the reasons for travel. If they previously lead a nomadic life but have ceased to travel temporarily, their reasons for ceasing and whether they intend to resume a nomadic life are relevant considerations. Reasons for ceasing temporarily to travel are limited to their own or family or dependants’ education and health needs or old age.

5.5 With regard to “nomadic habit of life”, the applicant states that he is part of a Gypsy family and a self-employed horse dealer trading in Gypsy living wagons, horse carts, harness and tack who has always travelled for work purposes. The application states that he attends Gypsy fairs (9 are listed) staying for several days each time, and other drives or Gypsy gatherings (9 are listed). Additional statements have been submitted confirming that the applicant travels for work purposes and including statements from others regarding land rented for keeping horses, and refurbishing of Gypsy waggons. Whilst detailed supporting evidence of business trading is lacking, the available evidence suggests that the applicant has a ‘nomadic habit of life’ in accordance with Planning Policy for Traveller Sites.

5.6 The supporting evidence also states that the applicant has been based for 5 years at the Carolina Farm Gypsy site, and no reason is given why the applicant requires a new site. This information suggests that the needs of this applicant do not contribute to a need for a further Gypsy site in Hambleton. However, for completeness it is appropriate to consider whether there is currently an overall need for additional Gypsy or Traveller pitches within the district.

The need for additional Gypsy or Traveller pitches

5.7 National Guidance is provided by Planning Policy for Traveller Sites (August 2015) which sits alongside the NPPF. Policy H of Planning Policy for Traveller Sites (determining applications) requires the Council to consider these factors:

- a The existing level of local provision and need for sites;
- b The availability (or lack) of alternative accommodation for applicants;
- c Other personal circumstances;
- d Locally specific criteria used to guide the allocation of sites or which form the policy to assess applications that may come on unallocated sites; and
- e To determine applications for sites from any Travellers and not just those with local connections.

The policy also states new Traveller site development in open countryside should be strictly limited and should not dominate the nearest settled community or place undue pressure on local infrastructure.

5.8 Additional supporting evidence has been submitted confirming approaches to a site in Darlington (South Bank Camp) and the public site at Seamer. The Darlington site is stated to be full and also unsuitable due to feuds with an existing family. The Seamer site is full, and the applicant was invited to complete an application form and join a waiting list.

- 5.9 Traveller Housing Needs studies were carried out in Hambleton in 2012 and 2014 and a further study is nearing completion. The latest evidence, including the findings of 30 household interviews and an assessment against the Government definition of a Traveller, is that one additional pitch will be needed in Hambleton between 2021 and 2031 for the six Gypsy and Traveller households who meet the definition. This takes into account supply from a pitch due to become vacant. The evidence confirms that no new pitches are required before 2021.
- 5.10 The study indicates that two additional pitches may be required to meet the needs of new household formation for families where it was not possible to establish the Traveller status of occupiers. However, it is not considered necessary to plan for this now because it would first be necessary to establish whether the families in question meet the definition. This is a matter to be progressed through the Local Plan in the first instance.
- 5.11 Overall therefore, this site is not considered necessary to meet the needs of gypsies and Travellers at this time. This being the case, it is not necessary to consider the further policies of the Local Development Framework, principally DP14, dealing with the specifics of site provision.

Neighbour comments

- 5.12 Neighbour comments on the need for sites and status of the applicant are discussed above. With regard to drainage concerns, these are matters which could be addressed if the site was otherwise acceptable.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. Taking into account the Hambleton District Council Traveller Housing Needs Study, as updated June 2014, and June 2016, and the provisions of Planning Policy for Traveller Sites 2015, there is no current shortage in the supply of Traveller pitches to meet local need. Therefore this site is not essential to the provision of Traveller and Gypsy sites in Hambleton and no exception to NPPF and LDF policies is justified.