

**AGENDA**

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 30 November 2016

Dear Councillor

**NOTICE OF MEETING**

Meeting            **PLANNING COMMITTEE**  
Date                **Thursday, 8 December 2016**  
Time                **9.30 am**  
Venue               **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

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

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 10 November 2016 (P.16 - P.17), attached. 1 - 6
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS 7 - 56  
Report of the Executive Director.  
  
Please note that plans are available to view on the Council's website through the Public Access facility.
4. MATTERS OF URGENCY  
Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

# Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 10th November, 2016 at Council Chamber, Civic Centre, Stone Cross, Northallerton

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## Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	J Noone
	M A Barningham		C Patmore
	D M Blades		B Phillips
	S P Dickins		C Rooke
	Mrs B S Fortune		Mrs I Sanderson
	K G Hardisty		

## Also in Attendance

Councillor	C A Dickinson	Councillor	Mrs J Watson
	R Kirk		

### P.16 **MINUTES**

#### **THE DECISION:**

That the minutes of the meeting of the Committee held on 13 October 2016 (P.13 - P.15), previously circulated, be signed as a correct record.

### P.17 **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) 16/01531/FUL - Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide 5 flats at 5 Northallerton Road, Leeming Bar Mr J Costandi

PERMISSION REFUSED because the design and scale of the development were out of character to the village and the loss of the existing business.

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

- (2) 16/01933/OUT - Application for outline planning permission (considering access only) for proposed residential development comprising 5 dwellings at Land adjacent to Fren Dene and Primrose Hill, Dalton for DH Land Strategy

PERMISSION GRANTED

The decision was contrary to the recommendation of the Executive Director. The Committee concluded that the proposed scheme of bungalows would not cause demonstrable harm to the character of the village.

(The applicant, Mr Ben Holmes, spoke in support of the application.)

- (3) 15/02666/FUL - Construction of an agricultural storage building at Longbridge House Farm, Stillington Road, Easingwold for Mrs Jane Grant

DEFER to enable consideration of documents submitted in respect of the agricultural need justification.

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

**Disclosure of Interest**

Councillor C Rooke disclosed a personal interest and left the meeting prior to discussion and voting on this item.

- (4) 16/02053/FUL - Amended application for the continued use of land and buildings for MOT and car sales (to include retention of an office building) (resubmission of application 16/00685/FUL) at Longbridge House Farm, Stillington Road, Easingwold for Grants Pro-Agri Ltd

PERMISSION GRANTED

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

Disclosure of Interest

Councillor C Rooke disclosed a personal interest and left the meeting prior to discussion and voting on this item.

- (5) 15/02856/FUL - Construction of a retirement village (Use Class C3) comprising 80 1 and 2 bedroom apartments and associated community facilities (element of extra-care) at Cleveland Lodge, Great Ayton for Mr Jonathan Raistrick

PERMISSION REFUSED because of, scale and massing of the proposed development is not in keeping with the character of the village, the scheme does not deliver the requirements of SH4 of very sheltered housing with an element of close/extra care and inadequate parking provision as part of the scheme.

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

(The applicant's agent, Jonathan Saddington, spoke in support of the application).

(Parish Councillor John Fletcher spoke on behalf of Great Ayton Parish Council objecting to the application.)

(Mrs T Little spoke objecting to the application.)

- (6) 16/01885/OUT - Outline planning application with all matters reserved for construction of a detached dwelling at Land adjacent to Field View House, Hornby for Mr Andrew Edwards

PERMISSION GRANTED

(The applicant's agent, Mrs Chris Pipe, spoke in support of the application).

- (7) 16/02064/FUL - Proposed Development of a detached dwelling with associated works at Part OS 8471 and 9170, Gracious Street, Huby for Mr I Robinson

PERMISSION GRANTED

(The applicant, Mr Ian Robinson, spoke in support of the application.)

(Mr Peter Shaw spoke objecting to the application.)

The meeting adjourned at 3.24pm and reconvened at 3.34pm.

- (8) 16/01771/FUL - Construction of detached dwelling at Highfield, 12 Enterpen, Hutton Rudby for Mr & Mrs D Preston

PERMISSION GRANTED

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

- (9) 16/01594/OUT - Construction of 3 two storey dwellings including garages, parking area and gardens at Nags Head, Pickhill for Mr Geoff Simpson

PERMISSION GRANTED subject to appropriate conditions and a mechanism of securing funding from the development to be reinvested in the public house.

The decision was contrary to the recommendation of the Executive Director. The development would be acceptable as the investment in the community facility outweighs being contrary to development plan and the impact on local character.

(The applicant, Mr Edward Boynton, spoke in support of the application.)

- (10) 16/01446/FUL - Alterations and change of use of former Methodist Chapel to a dwellinghouse and 16/01447/LBC - Listed Building Consent for alterations and change of use of Methodist Church to a dwellinghouse and Northallerton Circuit at Methodist Chapel, Sandhutton for The Methodist Church Thirsk

PERMISSION GRANTED – 16/01446/FUL  
PERMISSION GRANTED – 16/01447/LBC

- (11) 14/02558/MRC - Application to vary conditions 18 and 19 and remove conditions 20 and 21 of approved scheme 14/00141/FUL at Norish Limited, Station Lane, Shipton by Beningbrough for Wernick Group Ltd.

PERMISSION GRANTED

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

Note: Councillor Mrs I Sanderson left the meeting at 4.50pm.

- (12) 16/01640/FUL - Construction of 4 dwellings with garages, alterations to existing boundary wall and formation of vehicular access at: Land off Bellingham Close, Thirsk for K Baker Design & Development Ltd.

PERMISSION GRANTED

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

(Mr David Young spoke objecting to the application.)

- (13) 16/01641/LBC - Application for listed building consent for alterations to boundary wall at: Land off Bellingham Close, Thirsk for K Baker Design & Development Ltd.

PERMISSION GRANTED

- (14) 16/01498/FUL - Alterations to former joiners workshop and cottages into two live-work dwellings at Former Old Joinery, Flawith Road, Tholthorpe for Mr Andrew Holmes

PERMISSION GRANTED

- (15) 16/02246/APN - Application for prior notification for the construction of an agricultural store for the storage of slurry and other forms of fertiliser material at Mowbray Hill Farm, Well for Mr S Webster

PERMISSION GRANTED

Disclosure of Interest

Councillor D A Webster disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item.

(Councillor P Bardon in the Chair).

The meeting closed at 5.20 pm

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Chairman of the Committee

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# PLANNING APPLICATIONS

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 8 December 2016. The meeting will commence at 9.30am.**

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

## Thursday 8<sup>th</sup> December 2016

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	16/01683/FUL Ms C Strudwick Alne  Page no. 11	Demolition of a redundant agricultural shed and erection of a single new dwelling  For: Mr S Hopkins and Miss L Newton At: Mayfield, Youlton Lane, Alne  <b>RECOMMENDATION: REFUSE</b>
<b>2</b>	16/01700/OUT Mr K Ayrton Appleton Wiske  Page no. 17	Outline application for 5 dwellings, with access from Hunters Ride, with all other matters reserved  For: Mr Robert Atkinson At: Village Farm, Front Street, Appleton Wiske  <b>RECOMMENDATION: GRANT</b>
<b>3</b>	16/01067/MRC Mrs S Leeming Carlton Husthwaite  Page no. 25	Application to vary condition 3 of planning approval 15/02324/MRC to allow one of the holiday cottages to be used as a dwelling  For: Mrs C Sunderland At: The Cedars, Carlton Husthwaite  <b>RECOMMENDATION: REFUSE</b>
<b>4</b>	16/02010/OUT Mrs H Laws Exelby  Page no. 31	Application for Outline Planning Permission with some matters reserved (considering access) for a detached dwelling  For: Mr & Mrs G Lee At: Field House Farm, Exelby Close, Exelby  <b>RECOMMENDATION: GRANT</b>
<b>5</b>	16/02247/FUL Mr A Thompson Huby  Page no. 39	Development of five dwellings  For: Northminster Ltd At: Part OS 8471 and 9170, Gracious Street, Huby  <b>RECOMMENDATION: GRANT</b>
<b>6</b>	16/02086/FUL Mr A Thompson Sowerby  Page no. 47	Demolition of domestic garage and construction of two, four-bedroom, two-storey with attic room terraced houses to include parking, landscaping & means of enclosure  For: Mr & Mrs Menzer At: 3 Belgrave Terrace, Mowbray Place, Sowerby  <b>RECOMMENDATION: GRANT</b>
<b>7</b>	16/02380/FUL Mrs J Forrest Thormanby  Page no. 55	First floor extension to existing dwelling  For Mr Peter Gibson At: The Old Black Bull, Thormanby  <b>RECOMMENDATION: GRANT</b>

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**16/01683/FUL**

**Demolition of a redundant agricultural shed and erection of a single new dwelling  
at Mayfield, Youlton Lane, Alne  
for Mr S Hopkins and Miss L Newton**

**1.0 SITE DESCRIPTION AND PROIPOSAL**

- 1.1 The site is located on Youlton Lane, approximately 1km south of Alne and 2km west of Tollerton. Within 50 metres of the proposed site are the dwellings Mayfield, Moor Close and Squirrel Croft.
- 1.2 The proposal is for the development of a single new dwelling. The site is currently occupied by a redundant corrugated metal and breeze block agricultural building, which would be demolished. The proposed dwelling is to be lived in by the applicants, to allow them to take over the day-to-day running of the smallholding. Mayfield and the smallholding are owned by the parents of one the applicants. They intend to remain living in Mayfield but retire from the day-to-day running of the smallholding, handing this over to the applicants, who currently also live in Mayfield.
- 1.3 The smallholding covers an area of approximately 45 acres. It is a mix of grazing, wetland and woodland areas. At the time of submitting the application the smallholding had a herd of 33 rare breed cattle. Income from the smallholding is generated from the sale of calves or directly as meat, locally. There is a small collection of rare breed poultry and a number of turkeys reared for the Christmas market for additional income. Over the winter additional income is generated from grazing sheep from local farms.
- 1.4 During the time between the application being made and this report being written there have been extensive discussions with the agent which have led to the production of a second business strategy to expand on the one submitted with the application. In both documents the applicants explain what the smallholding does in terms of its primary function; the production of pedigree English Longhorns, but also the role of the nature reserve and the benefits this venture has for the local primary school. The first business strategy outlines the short and the medium to long term plans for the smallholding which include possibly establishing:
- A glamping pods business;
  - A leisure fishing lake;
  - Beekeeping and honey production;
  - Cider production; and
  - Production of firewood as a by-product of managing 10 acres of woodland.
- 1.5 In an effort to expand on the first business case a second was submitted. This focuses more on the functional need for a dwelling by setting out incidents within the herd which required human intervention, which the applicants consider necessitate a dwelling in close proximity to the herd. The business strategy also included why the applicants felt remote monitoring of the site through CCTV was not appropriate and the current weekly labour demands of the smallholding and the expectation of labour dependant on future activities at the smallholding. A table of strategic dates and investment required for various different business opportunities has also been laid out in this document. As with the first business strategy the second business strategy

set out a lot of detail of what the smallholding currently does and what the applicants envision for the future.

1.6 The dwelling proposed is a two-bedroom, brick and timber clad double storey dwelling, with pantiles to the roof. The dwelling is proposed to sit in line with Mayfield, rather than within the footprint of the barn, which sits forward of Mayfield's front elevation.

1.7 Councillor Rooke has requested a decision by Planning Committee and prior inspection of the site by Members.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

2.1 11/00065/FUL - Extension and alterations to dwelling to create ancillary accommodation; Granted 11 March 2011.

2.2 13/02661/FUL - Application to extend the time limit for implementation of 11/00065/FUL; Granted 14 February 2014.

## **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Development Policies DP1 - Protecting amenity

Development Policies DP28 - Conservation

Development Policies DP32 - General design

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 DP18 - Support for small businesses/working from home

Development Policies DP26 - Agricultural issues

Development Policies DP25 - Rural employment

Development Policies DP30 - Protecting the character and appearance of the countryside

## **4.0 CONSULTATIONS**

4.1 Alne Parish Council – No objection.

4.2 Highway Authority – recommends a parking condition.

4.3 Environmental Health (Contaminated Land) – No objections.

4.4 Public comment – three letters in support of the scheme have been received. In summary, the comments focus on:

- A house here would positively contribute to the area by replacing the barn;
- This would help local people remain in the area and get on the housing ladder; and
- This would provide long term housing for first time buyers.

## 5.0 OBSERVATIONS

- 5.1 The issues to consider in the application are (i) the principle of development; (ii) the impact on residential amenity; (iii) the design of the proposal and its impact on the open countryside setting; and (iv) the impact on highway safety.

### Principle of development

- 5.2 The application site lies outside the Development Limits of Alne and therefore development should only be granted if an exceptional case can be made in terms of Policies CP1 and CP2 and in respect of the criteria within Policy CP4.
- 5.3 The applicants currently live at Mayfield, adjacent to the application site. This house is owned and also occupied by one of the applicant's parents, who also own the smallholding to the rear. The applicants intend to take over the running of the smallholding, allowing the parents to retire but continue to reside at Mayfield. The applicants see a separate dwelling on site as a necessity to operate and expand the smallholding, diversifying into several identified markets.
- 5.4 CP4, criterion I, allows development in the countryside where 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.
- 5.5 The NPPF introduced a single test associated with the provision of dwellings in the countryside. This single test, outlined in paragraph 55, requires that it is 'essential' for an agricultural worker to live at or near their place of work.
- 5.6 Justification submitted in support of this application clearly states that the mission of the smallholding is to provide a supplemental income to the operators, with both applicants retaining their full time employments until such a time that the smallholding can support one of them, anticipated to be 2018. Initially the dwelling would not be for an agricultural worker because the applicants' main business income will not originate from the smallholding. Therefore it is, by definition, not an agricultural worker's dwelling as the main occupation of the inhabitant is not agriculture and it is not intended that the main income is derived from agriculture.
- 5.7 For this reason the proposal fails to comply with paragraph 55 of the NPPF.
- 5.8 Throughout the two business strategies the emphasis on the functional need for a dwelling outside Development Limits, on the smallholding, has chiefly been to allow the business to grow but to always be a supplementary income for the applicants. The initial business strategy clearly lays out what the smallholding currently does in terms of cattle production, poultry production and its function which is described by the applicants as a nature reserve. This is not a formal designation under LDF policy DP31: Protecting Natural Resources. The smallholding is a member of DEFRA's Countryside Stewardship scheme. The second business strategy does focus more on the functional need, explaining the potential for theft and crime and the requirement to be in close proximity to the livestock in case of an emergency. The smallholding is already located adjacent to three dwellings, affording it some level of natural surveillance however the parents of the applicant wish to continue to live in Mayfield but want to step away from the responsibility of the smallholding entirely.
- 5.9 The second business strategy goes on to set out in more detail of the short and medium to long term plans of the smallholding. It is clearly felt by the applicants that the business can only be grown through them living on site, however the business plan put forward fails to identify what lines of diversification would be pursued and

how plans would be initially funded, or the timescales and projected profits of the expansion of the smallholding. Both business strategies lack robust financial planning to explain how the plans for the small holding would be achieved. Part of the business plan is for glamping pods and a leisure fishing lake, both schemes would require planning permission which has not been sought and may not be granted. The ambitions of the smallholding appear rather aspirational, rather than clearly defined business plans. The document does state that *the financial model does not make allowance for the time and expense associated with commuting to and from a remote location. The resource associated with this is likely to restrict and may even prohibit anticipated growth.* Alne village is less than 1km away, and Tollerton is approximately 2km. Both offer a sustainable location and existing housing within cycling distance of the smallholding. Additionally there is no demonstration in the business strategy or design and access statement of how the applicants would fund the building of the proposed dwelling.

- 5.10 The weekly activity appraisal setting out the current time demands of the smallholding shows that between 9am and 6pm Monday to Friday the smallholding does not, outside calving time, require a presence on site. Currently the smallholding does not sustain one full time worker in terms of labour required or profitability. The second business strategy anticipates that the smallholding will not require the labours of a full time worker until 2018, if the smallholding develops as desired by the applicants, however they argue that there is a need to live on site now to develop the smallholding. It is unclear how living on site would facilitate the growth of the smallholding as opposed to living in a village nearby.
- 5.11 It is considered that neither of the Business Strategies has demonstrated that a dwelling in this location is necessary to meet the needs of farming. Significant emphasis has been placed on the functional need for the applicants to be on site in case of an emergency within their herd of cattle and examples of past incidents have been provided; however these incidents were identified during routine checking of the cattle, and because the applicants benefit from currently living in Mayfield and therefore in close proximity to the herd. As previously stated, the applicants have concerns regarding theft of cattle and equipment. They argue that living on site would deter this; however there is already a level of surveillance from the existing housing.
- 5.12 As well as ensuring the health of the cattle the applicants stress there is an essential requirement for them to live on site to allow the smallholding to grow and develop in terms of diversifying and increasing the number of cattle. It is indicated that financially the applicants can only afford to finance the growth of the smallholding through living on site in a permanent dwelling; however why that might be so has not been set out in clear financial terms, other than the applicants' view that the cost of travelling to and from the location would hinder the growth of the smallholding. This is not considered to justify a dwelling in this remote location as an exception to normal policy.
- 5.13 The application for a dwelling in this location under the premise that it is necessary to meet the needs of farming is considered premature; the need for a permanent presence on site is anticipated by the applicants in the event that the business successfully grows. This application has not been made on the basis of a current farming requirement but in anticipation of the predicted need. It has been suggested that the possibility of a temporary dwelling could be investigated, to allow the smallholding to develop and achieve its potential however this has been dismissed as impractical and could hinder the smallholding's ability to expand but again an explanation of why this may be has not been provided.



- 5.14 It is considered that there is an insufficient justification of why there is an essential requirement to live on site with the cattle, and therefore robust demonstration of the necessity of a house to support the needs of farming has not been received, and so this proposal is not compliant with CP4 and fails to meet the requirements of the NPPF.

#### Residential amenity

- 5.15 It is considered that a dwelling here would not impact unacceptably on the neighbouring residential amenity and in terms of policy DP1 the proposal is acceptable.

#### Design and impact on the countryside

- 5.16 The proposed dwelling would be located within an established cluster of houses and agricultural buildings. Without reference to the design, it is not considered that a dwelling here would unacceptably impact on the open countryside or the character of the area.
- 5.17 The design of the dwelling is intended to reflect its rural location, and the timber cladding to the exterior to resemble an agricultural building; however the agricultural buildings visible from Youlton Lane are brick built, with pantile or corrugated sheet metal roofs. The existing dwellings on Youlton Lane are all traditional brick built with pantile roofs. Brick is proposed at the lower level of the house, however this would be obscured from Youlton Lane by the hedge. The use of timber does not pay due regard to traditional design and forms of construction in this area, and the choice of a dark staining of the timber shown in the 3D synopsis is unsympathetic, highlighting its intrusive nature in this location. The design principles of the scheme do not comply with criteria vi or x of LDF policy DP32, General Design, or criterion ix of CP1.
- 5.18 Paragraphs 58 and 60 of the NPPF stress that local planning authorities should not prevent, discourage or stifle appropriate innovation however it is considered that the proposed colour and details are not appropriate in this location.
- 5.19 A roof well is intended to accommodate both photovoltaic and solar hot water arrays, which would provide low carbon electricity and hot water, reducing the property's reliance on the national grid. This is supported by criterion xii of DP32 and criterion ii of CP1.
- 5.20 The Design and Access statement makes the case that this proposal will provide the applicants with a family home which will allow them to live at the smallholding throughout their lifetime, as previous generations have done. The living space proposed is approximately 129 square metres. This exceeds national minimum space standards for a two-bedroom, four bed space, two-storey house by almost 50sq m. There is an upstairs study which could easily become a third single bedroom, for an expanding family. The house has been designed as a lifetime investment.
- 5.21 It is acknowledged that the barn currently on the site is in poor repair and unsightly. This in itself is not a reason for allowing replacement development. Whilst DP9 allows for development to be supported outside Development Limits where it constitutes the replacement of a building, where that replacement would need to achieve a more acceptable and sustainable development than would be achieved by conversion and the proposal must first comply with CP4. This proposal does not.
- 5.22 It is considered that the design of the proposed dwelling would impact unacceptably on the open countryside and the character of the area, and is considered unacceptable in terms of LDF policies CP1, DP32, and DP30.

### Highway impact

- 5.23 There are no changes proposed to the access onto Youlton Road. Should permission be granted the Highway Authority has recommended a condition to ensure the adequate and satisfactory provision of off-street parking. As such the proposal is considered acceptable in highways terms and compliant with policy CP2.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. No essential need has been demonstrated to justify the functional requirement for a dwelling on the site, therefore the proposal is contrary to policies CP1 and CP4 of the Hambleton Local Development Framework and the National Planning Policy Framework at paragraph 55.
  2. The proposed development fails to respect the character of existing development in the immediate location in terms of size and design. The proposal is therefore contrary to policy DP32, which aims to ensure that all development is of the highest quality, and policy DP30, which aims to protect the character and appearance of the countryside, of the Hambleton Local Development Framework.

**Parish: Appleton Wiske**  
Ward: Appleton Wiske & Smeatons  
**2**

Committee Date : 5 December 2016  
Officer dealing : Mr Kevin Ayrton  
Target Date: 25 October 2016  
Date of extension of time (if agreed): 9 December 2016

**16/01700/OUT**

**Outline application for 5 dwellings, with access from Hunters Ride, with all other matters reserved**

**At land and buildings at Village Farm, Front Street, Appleton Wiske  
For Mr Robert Atkinson**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is a parcel of land approximately 0.41 hectares in size, located on the eastern edge of Appleton Wiske. It forms part of a wider holding. The southern boundary of the application site accommodates mature landscaping, which separates it from a turning area at the head of Hunters Ride and the detached two-storey dwellings, which have their gable ends facing the application site. Hunters Ride is a long cul-de-sac, which also serves The Paddocks.
- 1.2 The west, north and eastern boundaries of the site adjoin fields, with the north and eastern boundaries defined by existing hedgerows. However, development wraps around the adjoining countryside to the west and north, creating a sense of enclosure from the more open countryside to the east.
- 1.3 The application is in outline for five dwellings. All matters other than access are reserved. Access to the site is proposed off Hunters Ride, which would require an opening to be formed in the landscaping at the road end.
- 1.4 The site is located in Flood Zone 1, an area with the lowest probability of flooding from watercourses. However, the front central part of the site falls within a high risk area in terms of surface water flooding.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 There is no planning history that relates specifically to the application site. However, the following application relates to the wider holding and is considered relevant:
- 2.2 99/50071/P - Layout of land and construction 33 dwelling houses; Refused 19 July 1999, appeal dismissed August 2000.

## **3.0 RELEVANT PLANNING POLICIES**

The relevant policies are:

Core Policy CP1 - Sustainable development  
Core Policy CP2 - Access  
Core Policy CP4 - Settlement hierarchy  
Core Policy CP16 – Protecting and enhancing natural and man-made assets  
Core Policy CP17 – Promote high quality design  
Core Policy CP21 – Safe response to natural and other forces  
Development Policy DP1 - Protecting amenity  
Development Policy DP3 – Site Accessibility  
Development Policy DP4 - Access for all  
Development Policy DP10 – Form and character of settlements

Development Policy DP30 – Protecting the character and appearance of the countryside  
Development Policy DP32 – General Design  
Interim Policy Guidance Note – adopted by Council on 7th April 2015  
Appleton Wiske Draft Neighbourhood Plan  
National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

4.1 Public comment - 18 letters of objection have been received, which include the following comments:

- The land is rated high for flooding by the Environment Agency;
- The access to the new houses would significantly increase traffic along Hunters Ride, which is a safety hazard and a nuisance to those current residents;
- The development sits outside the village boundary;
- It has been previously deemed that this land was not profitable to build 10 new properties so financially, it doesn't make sense that 5 properties can be economically viable;
- The village does not need any more large expensive housing as was evidenced by the recent housing needs survey;
- The housing needs survey has been addressed by the recent approval for 11 dwellings at The Shorthorn Inn;
- The site forms part of a much larger parcel of land for Village Farm and it is clearly the intention of the landowner to seek approval for a small portion before submitting further applications for further development;
- The site was the subject of a public inquiry, where the appeal was lost;
- Doubt that the ransom strip at the end of Hunters Ride now belongs to NYCC;
- There are no services to support a development on this site;
- If permission is granted for houses to the east of Village Farm, it should be conditional upon access via the Shorthorn site. This is because it is likely that residents would commute to work on Teesside. To do so, they need to drive north east, via Picton or Rounton, to the A19. The Shorthorn site exits directly onto the Picton and Rounton roads;
- The hedgerow on the southern boundary is an important feature of the village and its landscape and must be retained;
- There is a proposal to build approximately 14 houses, including affordable houses, to the west of the village adjacent to Smithy Green; and
- The existing main sewer along Hunters Ride is regularly cleared by Yorkshire Water. Additional sewage from beyond the existing end of Hunters Rise would inevitably have an adverse effect on this problem.

4.2 Parish Council - No observations; complies with interim planning guidance.

4.3 Highway Authority - No objection subject to conditions.

4.4 Environmental Health (Contaminated Land) – No objection subject to conditions.

4.5 Swale and Ure Drainage Board - The application states SW drainage to soakaway but provides no proof of feasibility. It does not demonstrate any consideration of exceedance flows which may cause flooding to neighbouring properties as required by NNPF. Please condition a thorough flood and drainage strategy to be submitted and approved prior to commencement.

4.6 Corporate Facilities Manager: The proposed development is located in a flood zone one area, so the lowest area of flood risk related to river as estimated by the

environment agency, with all land in England being classified as flood zone one (lowest risk), two or three (highest).

The Environment Agency estimate that a significant part of the proposed development is located in an area susceptible to surface water flooding. The surface water flooding information produced by the Environment Agency has strengths and limitations, this estimated surface water flood risk information does not have the same weight as the flood zone information and as such is not sufficient on its own to preclude development.

Consultation responses state that the proposed development land is subject to surface water flooding, with overland flows a contributory factor. The topography of the site has the low ground to the centre of the proposed development site adjacent to the existing Hunter Ride highway, the existing site ground level is at a lower level than the existing development and then there is higher ground to the other three sides.

The applicant has stated that they propose the use of soakaways to manage surface water, though has not submitted information to indicate that site investigation work has been undertaken to verify that soakaways will be appropriate in this location.

This application is for outline permission, if approved, any permission should be conditioned so the applicant will prior to development submit detailed drainage information to demonstrate that the surface water can be managed, this includes surface water as a result of the development, managing the risk associated with surface water from elsewhere and all without increasing the flood risk to existing premises.

## **5.0 OBSERVATIONS**

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

### Principle

- 5.2 The site is located outside, but adjoins the Development Limits of Appleton Wiske. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.

- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
  2. Development must be small in scale, reflecting the existing built form and character of the village.
  3. Development must not have a detrimental impact on the natural, built and historic environment.
  4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  6. Development must conform with all other relevant LDF policies.
- 5.5 In the Settlement Hierarchy reproduced in the IPG Appleton Wiske is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.
- 5.6 Consideration and reference also needs to be made to the emerging Appleton Wiske Neighbourhood Plan (NP). The Neighbourhood Plan designated area was approved in September 2012 and the Parish Council produced an initial draft plan, which identified a preferred housing site. That site included the application site along with further land to the north and west. However, work on the plan has not progressed since. Considering that the Neighbourhood Plan is at a relatively early stage, it can be given only very limited weight.

#### Character and appearance

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. In this instance five dwellings are proposed. This is considered to be an acceptable scale in relation to the guidance and the size and form of Appleton Wiske.
- 5.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form.
- 5.9 In making this assessment it is noted that the application is in outline form only with all matters other than access reserved. The character of the area is influenced by the relatively suburban development on Hunters Ride and the developments to the north and west of the site, which present a mix of rear boundary treatments. The combination of this and the fact that the agricultural land adjoining the application site is wrapped around the development, means that it is not viewed in the context of the more open countryside to the east. As a consequence, the development of the application site would not compromise the open and rural character of the wider countryside.
- 5.10 The position of the site at the end of the cul-de-sac would allow a form of development to be achieved that would respond to the built form along Hunters Ride.
- 5.11 It is noted that the wider site has been identified as a Preferred Option in the emerging Local Plan, which is currently out to consultation. This site identified in the Preferred Options document includes additional land to the north and west. Whilst

there is no guarantee that this will follow through to an allocation, it would be a factor that needs to be considered at reserved matters stage in terms of the detailed layout. However, the Local Plan is at too early a stage to be given any weight in the assessment of this application.

- 5.12 With five dwellings proposed, the density would equate to 12 dwellings per hectare, which is low. This provides a high degree of scope within the application site to form a layout that responds positively to the above challenges, not least by allowing for the possibility of access through to the adjacent land, and allows officers to conclude that the site is capable of accommodating the proposed amount of development in a way that would not have a detrimental impact on the natural and built environment.
- 5.13 Whilst most matters have been reserved it is clear that part of the hedgerow (which also contains some trees) along the southern boundary to Hunters Ride would have to be removed to allow access to the site. Whilst the loss of part of the hedgerow will have some impact on the character and appearance of the area, the site clearly gives scope for a much greater amount of replacement hedgerow/landscaping to be provided, which will more than mitigate against its loss both in respect of its visual contribution and biodiversity benefits. Therefore the loss of part of the hedgerow is not considered to have a detrimental impact in the context of the proposed development.

#### Residential amenity

- 5.14 The main impact to consider is in relation to the residential properties located at the end of Hunters Ride, which have their gable ends adjoining the application site. Again, because of the size of the site, it is considered that five dwellings can be comfortably achieved without a detrimental impact on their residential amenity. It should be added that any scheme at reserved matters stage should look to retain the existing landscaping along the southern boundary, which will help to retain a degree of privacy.
- 5.15 Whilst it is accepted that the development would result in additional vehicular movements along Hunters Ride, this would not be to the extent that would be detrimental to the existing occupants.

#### Flood risk

- 5.16 Whilst the site is located in flood zone 1 (lowest probability of flooding) in terms of risk from rivers or the sea, several of the neighbour comments make reference to the site being located within a high risk area in terms of surface water.
- 5.17 The Swale and Ure drainage board has commented on the application and requested a condition for a thorough flood and drainage strategy to be submitted and approved prior to the commencement of development.
- 5.18 There is an identified overland flood issue on this site. However, as per the consultation response from the Internal Drainage Board and corporate facilities manager, it is considered that this can be dealt with by condition.

#### Highway safety

- 5.19 The local highway authority has considered the application, with the proposed access off Hunters Ride, and raised no objection subject to conditions relating to information required at the reserved matters stage.

## **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. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwellings; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; (d) the landscaping of the site.
  3. 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 in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
  4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (i) vehicular and pedestrian accesses; (ii) vehicular parking; and (iii) vehicular turning arrangements.
  5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 4 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
  6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
  7. 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.

8. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
9. Soils shall not be imported or re-used on the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for use on the site. Before importation or re-use commences a soil sampling and analysis scheme, specifying the location, number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved soil sampling and analysis scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
10. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the surface water can be managed, including surface water as a result of the development, managing the risk associated with surface water from elsewhere and all without increasing the flood risk to existing premises.
11. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 10 above.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In accordance with policy DP3 and in the interests of highway safety.
4. In accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
5. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

7. In accordance with policy DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
8. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.
9. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.
10. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
11. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.

#### Informative

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

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

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

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

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

**16/01067/MRC**

**Application to vary condition 3 of planning approval 15/02324/MRC (alterations and extensions to existing agricultural buildings to form 3 holiday cottages, summer house, garage and store) to allow one of the holiday cottages to be used as a dwelling  
At The Cedars, Carlton Husthwaite  
For Mrs C Sunderland**

**1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 This application seeks permission to vary a condition to allow an approved holiday cottage at the rear of The Cedars to be used as a permanent dwelling. The original approval was for three holiday cottages but that was altered under application 15/2324/MRC to two holiday cottages.

1.2 Condition 3 requires that:

- (i) The holiday cottages are occupied for the holiday purposes only;
- (ii) They are not be occupied as a person's sole, or main place of residence; and
- (iii) The owners/operators maintain data to allow the Local Planning Authority to check that (i) and (ii) are being complied with.

1.3 It is now proposed to use the larger of the two cottages, known as Pear Tree Barn, as a permanent dwelling (initially for independent use by the applicant's daughter and family) by varying the condition to refer to the holiday use of the remaining unit (The Granary) only.

1.4 The site is outside of any Development Limits and within the Husthwaite Conservation Area.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

2.1 09/01351/FUL - Alterations and extensions to agricultural buildings to form three holiday cottages; Granted 17 August 2009.

2.2 15/02324/MRC - Variation of condition 11 (the approved plans condition) of 09/01351/FUL to form 2 holiday cottages: Granted 18 December 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
- Development Policies DP9 - Development outside Development Limits
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP28 - Conservation
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- Interim Policy Guidance Note - adopted by Council on 7th April 2015

**4.0 CONSULTATIONS**

4.1 Village Committee - wish to see refused. Have submitted detailed comments including the following concerns:

- Possible intention to use the grassed Back Lane for vehicular access;
- The applicant is posting staged applications, rather than having set out the final intent from the outset;
- The damage with respect to the scale and impact on the area (a supposed conservation area) and the neighbours has been done; and
- A large residence without proper access and without its own defined boundary is not appropriate.

Further comments have been submitted in respect of the additional information submitted by the Agent relating to the letting of the holiday let. It is noted that the website quoted relates to residential sales and not holiday lets. It is "odd" that the two regular visitors have similar surnames to the applicants neighbours and both live in Warrington close to each other, that all payments were cash only, that only one has provided a phone number and the cottage is not listed with any "normal holiday cottage rental website" and a Google search fails to bring it up at all. It is also noted that "on the Land Registry website that the subject of the application now has its own Registered Title Number separate from Cedar's, so it looks like plans are already afoot to divide the land."

4.2 Highway Authority - no objection.

4.3 Public comment - one letter of objection received from a neighbour who is concerned that to grant consent for this may open the "floodgates" for "householders backing on to Back Lane to apply for planning for residential dwellings at the bottom of their gardens".

## 5.0 OBSERVATIONS

5.1 The main issue for consideration in this case is the principle of allowing a new dwelling in this location, taking account of the Development Plan and policy development following the publication of the National Planning Policy Framework in 2012. The agent has suggested precedents for this proposal and those should also be considered.

### Development Plan policy

5.2 Carlton Husthwaite is a small village with only three main village services - a pub/restaurant, a church and a village hall. It has no defined Development Limits as it was not included in the Settlement Hierarchy defined in Policy CP4 of the LDF.

5.3 Policy CP4 of the Core Strategy sets out specific criteria for development in such locations, which generally precludes new residential development unless an exceptional case can be made under Policies CP1 and CP2 and one or more of six specific circumstances identified in CP4 is considered to apply. These are:

- 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; or
- ii. It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
- iii. It would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or

- iv. It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
- v. It would make provision for renewable energy generation, of a scale and design appropriate to its location; or
- vi. It would support the social and economic regeneration of rural areas.

None of these exceptions is claimed by the applicant, although it is noted that this would involve the re-use of existing buildings (criterion iv) but not to provide affordable housing and the question of whether it would support a sustainable rural economy is covered in more detail below. Therefore, if the application were determined solely in accordance with the Development Plan it should be refused.

#### Other policy

- 5.4 Following the publication of the National planning Policy Framework (NPPF) in 2012, the Council has adopted Interim Policy Guidance (IPG) to allow for limited growth in smaller settlements through consistent decision making. The IPG allows for a limited amount of new residential development in or abutting existing villages in the countryside, provided certain criteria are met. A revised Settlement Hierarchy now includes Carlton Husthwaite within the sub category of "Other Settlements". The IPG states "Small scale housing development (i.e. normally up to five houses) will be supported in villages where it contributes towards achieving sustainable development by supporting the functions of the local community AND where it meets ALL of the following criteria:
- i. Development should support local services including villages nearby;
  - ii. Development must be small scale, reflecting the existing built form of the settlement;
  - iii. Development must not have a detrimental impact upon the natural, built and historic environment;
  - iv. Development should have no detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements;
  - v. Development must be capable of being accommodated within the capacity of existing and planned infrastructure; and,
  - vi. Development must conform with all other relevant LDF policies."
- 5.5 The IPG allows for development in Other Settlements by reference to the concept of Cluster Villages: "Cluster Villages should be comprised of nearby settlements, one of which may be a Service or Secondary Village, given the wider level of services available. If Other Settlements are to form a cluster, these must have a good collective level of shared service provision. Settlements should be linked to each other by convenient public transport, walking or cycling, where the combined settlements offer a range of services contributing to a sustainable community. This could include the sharing of facilities such as a school, post office, health facility or village shop. However it is unlikely to constitute a sustainable community if there are very few services or if there are significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing)".
- 5.6 The main issue to be determined relates to criterion i (above), which only allows new development outside Development Limits (and thus anywhere in Carlton Husthwaite) if it supports local services and can be considered to be part of limited, sustainable development. In this respect the IPG brings forward the concept of Cluster Villages, where two or more settlements enjoy a collective level of shared service provision contributing to a sustainable community and are linked by convenient public transport, walking or cycling. Integral to this are (a) the ease and sustainability of

travel between settlements and (b) the collective availability of services and facilitates within them. The IPG's definition of Cluster Villages, quoted in paragraph 5.5 above, indicates that Carlton Husthwaite could form a sustainable cluster with a sufficiently close Service Village or Secondary Village or with smaller villages if they share sufficient facilities and services and meet the same proximity requirement. In each case, this is subject to there not being significant distances (the IPG defines this as "approximately 2km") or barriers between settlements.

- 5.7 The distance between Carlton Husthwaite and Husthwaite, which is classed within the Settlement Hierarchy as a Service Village, is 2.8km. There is no public transport between the two (although there does appear to be a school bus service) and no pavements or streetlights on the narrow country lane between the two, meaning that there are no suitable links between them. As such they cannot be classed as a cluster. On its own Carlton Husthwaite has insufficient services meaning that this proposed dwelling is not in a sustainable location. The services available within Carlton Husthwaite include a primary school, village hall, shop and church. There are four return bus services to York from Helmsley that passes through Carlton Husthwaite six days per week.
- 5.8 The agent has been advised of the above concerns and has been given the opportunity to provide information on the holiday letting business and why this has not been successful. He was advised to include all evidence of advertisements, marketing and occupation of the property as a holiday let so that a judgement could be made whether the holiday let business was viable or not. Whilst no details have been submitted to show whether the holiday letting of Pear Tree Barn has been successful or not the agent has provided details of lettings of the cottage. This details that the cottage was let out nine times between May 2014 and September 2015 to a total of four different people. The property has had a very low occupancy. A copy of an advertising leaflet has also been provided. This evidence cannot be corroborated as the web site given for the holiday letting agency refers to only a selling agent for residential and commercial properties and not holiday lettings. (The agent states this is done by circulating details to clients only). The properties are not revealed on web searches.
- 5.9 The agent has also provided the statement that "I've discussed your request for more information with the Applicant. Whilst the building is under-used and hasn't been occupied to its full potential, we feel it's important to clarify that the main driver behind the application is a material change in circumstances rather than the relative success of the holiday letting business." The material change referred to is that the applicant's daughter and son-in-law are moving back to the area because of work commitments. The agent has not identified any particular needs of this couple that could only be met by occupation of Pear Tree Barn and this is therefore not considered to be a material planning consideration.

#### Precedents

- 5.10 The agent has referred to other applications and appeal decisions that he wishes to be taken into consideration. The most relevant of these is application 15/00551/MRC, which permitted the removal of a holiday use condition on one holiday unit at Carlton Court, Carlton Husthwaite. This was considered shortly after the adoption of the IPG and regrettably the assessment of the application did not refer to whether the location was sustainable or not. That decision was therefore based on only partial assessment in terms of the IPG. However, and in addition, compelling evidence was put forward to show that the property was under-occupied as a holiday let. To that end, marketing information was available showing the efforts that had been made to promote the property but also details of the occupancy level

were provided that showed the use as a holiday let was not viable. Similar quality information has not been provided in the present case.

- 5.11 The agent also refers to appeals allowed at Mossa Grange, Little Langton (11/02034/FUL) and Old Tom's Barn, Scholla Lane, Northallerton (13/00265/FUL). In the Mossa Grange decision the Inspector wrote "Given that Northallerton provides a range of services only some three miles away, the number and length of journeys generated would not be excessive." However, that case differed significantly from this proposal because it included improvements to the environment by the removal of an unsightly business use from the landscape, which drew support from Core Policy CP4, criterion ii. Also, it was held that the overall number of vehicle movements to and from the site would be significantly reduced, another consideration that does not apply in this case.
- 5.12 In the Old Tom's Barn appeal the Inspector found the location to be sustainable as "the creation of a new dwelling in this location would also help to support, albeit in a very modest way, a sustainable rural economy since the spending of the future residents would contribute to the services and facilities within both the nearby Principal Service Centre and local rural locations". As such, the Inspector considered the proposal to draw support from Core Policy CP4, criterion iv, in that it would "help to support a sustainable rural economy". However, the Inspector's understanding of CP4 was flawed and the decision was therefore highly questionable. If the logic of his decision were applied in other cases a new dwelling would be acceptable in principle almost anywhere because the future occupiers would make some contribution to the local economy. The Inspector failed to appreciate that the policy included the reference to supporting a sustainable rural economy in order to be able to draw distinctions between different forms of development; his flawed interpretation allows no such discretion and thus undermines the intention of the policy.
- 5.13 An Inspector reporting on an appeal at Cotcliffe Bank Farm (14/02581/FUL), noted that holiday accommodation had been found acceptable as it would promote tourism and boost the rural economy. His justification for allowing residential use of the holiday accommodation was that occupiers of the dwellings would still need to purchase goods and services locally and that the purchases would not be subject to the seasonal variations that result from use as holiday cottages. It is considered that the Inspector failed to fully address the issues, as he made the assumption that visitors and residents would purchase equivalent levels of goods and services, without evidence for this finding, whereas tourists are considered likely to have higher spend, as they expected to visit attractions more than permanent residents. Furthermore, the Inspector failed to appreciate that holiday lets are a business and therefore contribute directly to the local economy. If a residential use is considered to "support a sustainable rural economy" it is hard to imagine a form of development that would not, in which event the test set by the policy becomes meaningless.
- 5.14 The above appeal decisions also differ from this case because of the accessibility by cycle, and potentially on foot, to Northallerton, a main market town, with the accompanying broad range of services and facilities. That is not the case with Carlton Husthwaite, which is much further away from Thirsk and Easingwold.
- 5.15 It is important to note three more recent appeal decisions on comparable cases, from November 2016. At Dromonby Grange Farm, Stokesley (15/02575/FUL) the Inspector found in dismissing an appeal to subdivide a dwelling to form two dwellings that; "whilst the Council may have considered the location is sustainable in respect of the needs of holiday makers, I do not consider it to be sustainable for a new permanent dwelling, given my findings above." His earlier findings were that the site

was not well connected to services and facilities in Stokesley, such that occupiers are likely to depend on the private car to meet essential needs.

- 5.16 At Ship Service Station, Low Worsall (16/00556/FUL) the Inspector, when allowing an appeal for a dwelling, considered the distances of 2.7km to a food store, 2.8km to a railway station, 2.9km to a primary school, 4.3km to a supermarket, all in Yarm, and 4.5km to other services available in Yarm town centre to be sufficiently short to make the site sustainable, bearing in mind the existence of a surfaced footway between Low Worsall and Yarm. These considerations of proximity to Yarm were held to justify an exceptional decision, similar to the appeals at Mossa Grange and Old Tom's Barn. As noted above, the distances from this site to services and facilities in Thirsk and Easingwold are significantly greater.
- 5.17 At Catton Road, Skipton on Swale (15/02750/OUT) the Inspector found that the A61 did not offer convenient access to services and facilities in Busby Stoop, Sandhutton, Baldersby, Allanbrooke Barracks or Thirsk other than by the private car and that the distances between the appeal site and those settlements gave limited opportunities for sustainable travel. He concluded that the site at Skipton on Swale was not in a sustainable location for new housing development. Again, this illustrates that the distance to other settlements, including market towns, must be considerably less than in this case to justify an exceptional approval of a new dwelling.
- 5.18 Having compared this application with the cases cited by the agent, and the most recent appeals in the District, it is important to note that while each application must be considered on its own merits, there are some common themes and also distinct differences between each of the cases mentioned. The overwhelming conclusion is that the lack of services and facilities available in the settlement and the relatively low level available in Husthwaite, the distance to the nearest market towns and the reliance on the private car as a means of travel make the proposal unsustainable and contrary to policy.
- 5.19 The foregoing assessment has concentrated on the principle of development. For completeness, it is prudent to consider criteria ii – v of the IPG. The development is small scale, being for a single unit (criterion ii) and there would be limited environmental, character or infrastructure impact because no new building is proposed (criteria ii – v). The scheme is considered to fail to meet all the criteria of the IPG and is contrary to Development Plan policy and is therefore recommended for refusal.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The site is in a location that is remote from services and facilities such that access to essential services and facilities would be reliant upon the use of the private car and in the absence of alternative means of access to service and facilities the location of the proposed dwelling is an unsustainable development contrary to the Policies CP1, CP2 and CP4 of the Hambleton Local Development Framework and paragraph 55 of the National Planning Policy Framework.



**Parish: Exelby, Leeming and Newton**  
Ward: Bedale  
**4**

Committee Date: 8 December 2016  
Officer dealing: Mrs H M Laws  
Date of extension of time: 9 December 2016

**16/02010/OUT**

**Application for Outline Planning Permission with some matters reserved (considering access) for a detached dwelling  
At Field House Farm, Exelby Close, Exelby  
For Mr & Mrs G Lee**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies on the southern side of Exelby at the end of Exelby Close, which is a cul-de-sac development of dwellings accessed from the main village street. The site extends to an area of 0.1 hectares and forms part of a paddock used in association with the detached dwelling at Field House Farm. The cul-de-sac ends at the gateway into Field House Farm; the dwelling is on the western side of the Close and the application site lies on the eastern side.
- 1.2 The site has a shared boundary with the dwelling that currently lies at the end of the cul-de-sac on the eastern side of the street, known as 6 Exelby Close. A dwelling known as Hawsteads lies immediately to the east of the application site but is not accessed from the cul-de-sac.
- 1.3 A timber post and rail fence provides the boundary between the domestic land associated with Field House Farm and the application site; fencing and hedging provides the boundaries with 6 Exelby Close and Hawsteads. There is currently no boundary on the southern and western sides of the site as it forms part of a larger paddock. Open countryside lies beyond the site to the south and west.
- 1.4 The application is in outline for the construction of a single dwelling, with all matters reserved except for access. It is proposed to use the existing access into the property and cross the existing parking courtyard to gain access into the paddock.

## **2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 78/0147/OUT - Outline application for residential development; Refused 25 May 1978 for the following reasons:
1. The site proposed does not fall within what are considered to be the village limits of Exelby where it has been the general policy of the LPA to restrict residential development to infill sites and rounding off.
  2. In the opinion of the LPA approval of this development would result in an unnatural extension of the village in a southerly direction and would by virtue of the precedent created be likely to lead to the submission of similar applications which because of this precedent would become increasingly more difficult to resist.

## **2.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access

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

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - Object to the application as the proposed development is outside the Local Development Framework and the problems of access may be of concern to nearby properties.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Yorkshire Water - the developer has stated on the application form that foul water is to be disposed to a private treatment plant system. If the EA objects to the application, the agent/applicants do have the alternative of discharging foul water only to Yorkshire Water's public foul water sewer that is located in Exelby Close.
- 4.4 Environmental Health (Contaminated Land) - No objection.
- 4.5 Public comment - Objections have been received from the occupants of two neighbouring properties whose comments are summarised as follows:
- The development of this area was also refused under part of Planning Application 78/0147/OUT, and undoubtedly the reasons for the refusal are still valid;
  - The development will have a detrimental impact on the open character and appearance of surrounding countryside and will lead to the coalescence of settlements. This could lead to an encouragement of further development;
  - The position of the development plot/dwelling location and its defined new boundaries within the existing property boundary appears to set precedent for at least a 2nd development. Access for further development appears to have been allowed for to the general south of the development which further indicates future development;
  - Further development in this area would increase traffic/cause added congestion within the small access road of Exelby Close;
  - The planting of anything, apart from a very low height " ...Hawthorne hedge" would present a substantial reduction for neighbour views from several direct facing living room windows and side view patio doors;
  - This situation could be significantly improved by the re-positioning of the development site within the existing paddock to a more central location and in a south east direction, and by moving the proposed dwelling further eastwards. This would also enable a far better sun aspect to the new proposed property;
  - It is also of note that the 2015 'Call for site housing development document' lists 3 development areas within Exelby village and does not include the area covered by this application;

- Service vehicles already find it difficult getting to houses in Exelby Close, especially when cars are parked on the road and often have to reverse out which is difficult
- The adjacent property's principal asset is its location, enjoying wonderful south westerly views particularly from its first floor rooms; and
- We would urge that any development should be restricted to single storey and positioned as far as possible to the north west of the field so as to limit the impact as much as possible.

## 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) an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) neighbour amenity; (iv) highway safety and (v) drainage.

### Principle

- 5.2 The site falls outside Development Limits as Exelby does not feature within the Settlement Hierarchy defined within Policy CP4 of the Core Strategy. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG 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.
- 5.5 In the Settlement Hierarchy contained within the IPG, Exelby is defined as an Other Settlement. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. In order for development in an Other Settlement to achieve this, the village must be capable of forming a sustainable community with a Service or Secondary Village or with one or more Other Settlements that enjoy a good collective level of shared service provision.
- 5.6 Exelby is exactly 2km from the edge of Burneston, which is defined as a Secondary Village with facilities including a school, a pub and a church. It should also be noted

that Exelby is only 2.35km from the Market Town of Bedale. It is considered that the proposed development satisfies criterion 1.

#### Character and appearance of the village and the rural landscape

5.7 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.

5.8 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". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies beyond the built up part of the village and forms part of a larger paddock beyond the built up boundary of the village. The following detailed advice within the IPG is considered to be relevant:

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

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

5.9 The decision to refuse planning permission for a dwelling on the application site in 1978 concluded that development would be an unnatural extension of the village in this direction. It is not clear whether the character and appearance of the site has altered since that time and clearly it is important to consider current planning policies and the guidance within the NPPF. The application site is undeveloped but its use as an enclosed paddock suggests it has more in character with the built form of the village than the rural landscape beyond. The application site would share a boundary on two sides with existing residential development and therefore would not protrude significantly into the open countryside. It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment and the proposal is in accordance with these aspects of the IPG.

#### Neighbour amenity

5.10 The closest neighbour to the proposed dwelling would be the existing property at 6 Exelby Close, which is currently the final property on the eastern side of the cul-de-sac. The application is in outline but an illustrative layout has been included within the submission, to demonstrate that a dwelling could be positioned to reflect the general building line of the existing dwellings whilst being set back slightly to allow the outlook to be retained from existing windows in the side elevation of number 6, in a south and south westerly direction.

5.11 The layout also shows a proposed detached garage that may affect these views but potentially this could be repositioned. The view enjoyed by residents across private land is not a matter that is material to the determination of the application; the view could already be restricted by boundary planting. It is considered that there is adequate space available within the application site for there to be some consideration given to protecting much of the existing outlook whilst providing adequate amenity space for the proposed residents.

- 5.12 The outlook from the neighbouring dwelling at Hawsteads is to the west and south west, again across the private land of the paddock that is within the ownership of the applicants. The majority of the existing outlook would not be affected as the application site lies to the west and north-west. There would be adequate separation between the properties to protect the amenity of both sets of residents.
- 5.13 It is considered that the requirements of LDF Policy DP1 for development to adequately protect amenity, including privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight, can be achieved by the proposed development.

#### Highway safety

- 5.14 The Highway Authority has no objection to an additional dwelling being served from Exelby Close and to the use of the existing access subject to appropriate conditions. The scheme proposes one additional dwelling, which, relative to the number of existing properties served from the cul-de-sac, would not result in a significant increase in traffic movements.

#### Drainage

- 5.15 The applicants had originally intended a package sewage plant to be used for the disposal of foul water. However, as there is a public sewer in the vicinity of the application site, to which the foul water can be connected, they now intend to make this connection. As such there is no requirement for consent from the Environment Agency as intimated in Yorkshire Water's consultation response.

### **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. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout, scale and appearance of each building, including a schedule of external materials to be used; and (b) the landscaping of the site.
  3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
  4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.

5. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. The development shall not be commenced until details relating to the boundary treatment of the development have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the boundary treatment has been implemented in accordance with the approved details and thereafter retained.
7. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access 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; and (b) The crossing of the highway verge shall be constructed in accordance with the approved details and the Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; (c) vehicular turning arrangements; and (d) manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. 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.

11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; b) on-site materials storage area capable of accommodating all materials required for the operation of the site; c) The approved areas shall be kept available for their intended use at all times that construction works are in operation.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 2016:40/01B received by Hambleton District Council on 27 October 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced in accordance with LDF Policies.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
7. To ensure the building is in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
8. In accordance 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.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance LDF Policies CP2 and DP4.
10. 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.
11. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.

12. 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.

#### Informative

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

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

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

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

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



**16/02247/FUL**

**Development of five dwellings  
At Part OS 8471 and 9170, Gracious Street, Huby  
For Northminster Ltd.**

**1.0 APPLICATION SITE AND PROPOSAL**

- 1.1 The application site is located on the southern side of Gracious Street, opposite four detached two-storey houses set behind substantial boundary hedging. To the west is a site recently granted planning permission for a single dwelling and, further beyond this, another residential property. To the east of the site is a pumping station. The site forms part of a field which is used for the grazing of horses and slopes down from the road. The northern boundary of the site is formed by hedgerow with some gaps. Behind the hedgerow on the northern boundary is a post and wire fence. The road curves gently.
- 1.2 The application proposes five dwellings, four semi-detached dwellings and one detached four-bedroom dwelling. Each semi-detached pair comprises a three and a four-bedroom property. All are two storey dwellings with associated parking, turning areas and gardens. The proposal would create three new entrances onto Gracious Street.
- 1.3 The site is outside the Development Limits which runs along and includes the road of Gracious Street and the verge in front of the site, the boundary line continues to the east to the last property on the northern end (Ryefield). To the west the Development Limits dissect the garden of Ashdale.
- 1.4 The application is supported by a Design and Access Statement, Flood Risk Statement, Phase 1 Ecological Assessment, and Landscape Statement.
- 1.5 The application site is in Flood Zone 1, at the lowest risk of flooding.

**2.0 RELEVANT PLANNING HISTORY**

- 2.1 86/0787/FUL (alternative reference: 2/86/070/0101B) - Detached dwellinghouse with double garage; Refused 14 May 1986, appeal dismissed.
- 2.4 16/02064/FUL – Detached dwellinghouse with associated works (on land adjoining and west of the application site) – Granted 14 November 2016.

**3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all  
Development Policies DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP43 - Flooding and floodplains  
National Planning Policy Framework - published 27 March 2012  
Interim Policy Guidance Note - adopted by Council on 7th April 2015

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – No comments received (meeting on 21 November 2016).
- 4.2 Highway Authority – No objection. Concern must be expressed that Gracious Street is narrow with no formal passing places. As a result passing takes place on highway verges or using private accesses. There is an opportunity to provide a formal passing place on the site's frontage as part of this application. Conditions are recommended.
- 4.3 Yorkshire Wildlife Trust – No objection; recommends that the enhancements on pages 11-13 of the submitted ecological assessment are conditioned to reduce loss of biodiversity. In particular there will be opportunities for grassland and hedgerow enhancement and future management for wildlife. Hedgerows are a Biodiversity Action Plan habitat for Hambleton.
- 4.4 Environmental Health (Contaminated Land) - No objection subject to a condition.
- 4.5 Yorkshire Water – No comments received.
- 4.6 Ministry of Defence – No safeguarding concerns.
- 4.7 Public comment - Objections have been received from 15 local residents. The issues raised are:
- Concerns about the precedent being set for more development;
  - The site is not a Preferred Option for development in the new Local Plan
  - Combined with the planning permission 16/02064/FUL would mean a development of 6 new houses which would have a significant impact on the surrounding area;
  - The land is Green Belt;
  - The site is not designated in the Community Neighbourhood Plan;
  - Drainage - the field is wet and low lying;
  - The parking on Gracious Street is not adequate at the moment and the cottages all use the verge opposite for parking;
  - Gracious Street is narrow, without turning places, and cannot cope with additional traffic;
  - Impact on wildlife and loss of hedges;
  - Loss of view of a beautiful pasture with grazing horses and wildlife;
  - Development is of such a scale that it won't fit in with the existing houses and would detract from the rural and traditional character of the Street;
  - Detrimental effect on the value of the properties;

- (There is no) need for the dwellings – development would increase overpriced properties not affordable properties; and
- Comments on the accuracy of the documents submitted.

4.8 It is noted that the site notice was defaced during the course of the application. A replacement site notice has been displayed.

## 5.0 OBSERVATIONS

5.1 The key determining issues are (i) the principle of development; and its likely impact on (ii) the character of the area; (iii) residential amenity; (iv) wildlife; (v) highways; and (vi) drainage.

### Principle

5.2 The site lies outside of the Development Limits of a settlement that is a Secondary Village within the hierarchy of the CP4. LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. The applicant does not claim any of the exceptional circumstances identified in policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered. The land is not Green Belt.

5.4 The Council's Interim Planning Guidance (IPG) notes that small scale development adjacent to the main built form of settlements (excluding Service Centres) will be supported where it meets the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies.

- 5.5 The development is considered small scale for Huby and the site is in close proximity to Development Limits and therefore has a good relationship to the village. Huby is designated a Service Village in the 2014 Settlement Hierarchy and therefore there are no concerns raised with regard to the sustainability of the location. The continuation of the built form proposed in the application would mirror the dwellings opposite.
- 5.6 The previous application at 2.1 was determined under a policy framework which has since been superseded. Whilst the concerns over precedent are noted, each case must be considered on its merits and be considered against the planning policy framework at the time.
- 5.7 Other than the planning permission for a single dwelling on the adjacent land there have been no other planning permissions for housing under the Interim Policy Guidance in Huby. Considering the size of the village and the facilities available, as a Service Village, it is not considered that the cumulative development of six dwellings would significantly affect the character of Huby.
- 5.8 The emerging Neighbourhood Plan is noted; however it has not progressed far enough to carry weight in decision making yet and for similar reasons neither can the Preferred Options of the new Local Plan carry weight at present.
- 5.9 Overall it is considered that the proposal meets the first two criteria of the IPG.

#### Character of the area

- 5.10 Gracious Street includes a variety of house types and ages, principally of two storey and traditional design, and has a village character. The buildings on the northern side of the street extend further east than those on the southern side.
- 5.11 At the eastern end of the field is a pumping station which, with an appropriate buffer from the proposed development (at least 15m is required by Yorkshire Water), could form an appropriate end stop to the southern side of Gracious Street. Development on the northern side of the road continues beyond the pumping station.
- 5.12 The proposal would include two pairs of semi-detached dwellings and a detached dwelling. The proposed asymmetrical design would allow the development to turn the gentle curve in the road whilst also providing a mix of properties. The dwelling approved to the west and the proposed detached dwelling would frame the two pairs of semi-detached properties.
- 5.13 The proposal would follow the built form of the road and would echo many of the design features of the local area, for example the front elevation lintel and porch detail. A more contemporary rear elevation with bi-folding doors and garden rooms is proposed. The provision of new hedges to the boundaries is considered to be in keeping with the area and the maintenance of the hedge to the northern boundary would help soften the impact of the proposed development.
- 5.14 The consideration of the Preferred Options is noted and whilst this carries very limited weight it should be noted that the proposal that did not receive the Council's support related to development of the whole field. It was felt that development to the rear of the field would be out of keeping with the built form and character of the village, which is generally formed by a frontage development.
- 5.15 The proposal is therefore considered to be in keeping with the character of the area.

#### Residential amenity

- 5.16 The proposal is separated from other properties and set off from the boundaries and is of sufficient distance from other properties to not result in harm to their occupiers by way of loss of light, overlooking or loss of privacy. Whilst the comments on loss of views are noted, that is not a material planning consideration.
- 5.17 Overall it is considered that the proposal would not result in a significant detrimental impact on residential amenity.

#### Wildlife

- 5.18 The comments of Yorkshire Wildlife Trust are noted, alongside the concerns of residents. The submitted Ecological Assessment states the site consists predominantly of horse-grazed pasture (improved grassland), with unmanaged boundaries (hedgerows) and a defunct pond with associated dry ditch. The pasture is stated to be of negligible value to wildlife, whilst the dry pond and dry ditch's value to wildlife is compromised by the lack of water. However, retention of these features should be considered as they do provide potential shelter and habitat linkages to the wider landscape for wildlife. Hedgerows form a vital function in providing ecological connectivity across the wider landscape and as such it is recommended that they are retained and managed in any development of the site. Hedgerows should ideally be cut once every two years in order to stimulate a bushy growth and provide food and cover for wildlife. Tall ruderal and scrub species should also be encouraged to provide habitat diversity within hedgerows; these are beneficial to pollinating insects as well as providing shelter and nesting opportunities for birds. Tall ruderals can include patches of nettles and thistles, whilst brambles form patches of scrub relatively quickly.
- 5.19 The supporting Ecological Assessment makes a series of recommendations relating to further survey work and species that should be encouraged to provide habitat diversity within hedgerows to be beneficial to pollinating insects as well as providing shelter and nesting opportunities for birds and roosting opportunities for bats.
- 5.20 Therefore the proposal is considered to have taken adequate account of relevant ecological issues and would include a positive contribution through the provision of new hedgerow planting with potential enhancements through the bird boxes also recommended by the ecological assessment, which can be secured by condition.

#### Highways

- 5.21 The comments of neighbouring residents have been carefully considered and it is noted that the grass verge is used informally for parking provision. The conditions recommended by the Highway Authority would overcome concerns raised and the creation of three new accesses with an appropriate passing place would enhance the highway situation.
- 5.22 The proposal would include parking provision within the site for future residents and their visitors. There would be no substantive change to the character of the highway. Whilst there would be an increase in traffic, there is no highway safety reason to justify a reason for refusal.

#### Drainage

- 5.23 The comments of the local residents have been noted and considered. The site is located in Flood Zone 1, which is at the lowest risk of flooding. It is considered that there is a drainage solution available which would not cause harm or cause flooding to existing or future residents. The applicant clarifies in their submission that, subject

to input from Yorkshire Water, the assumed foul water disposal strategy will be gravity disposal to the pumping station then into the existing rising main up Gracious Street to a gravity transfer near Ashdale. A connection application would need to be made to Yorkshire Water in order to realise this.

## **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 4053-(05)01, 4053-(05)02, 4053-(05)03, 4053-(05)04 and 4053-(05)05 received by Hambleton District Council on 13 September 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.
  4. Prior to the commencement of development details of surface and foul water drainage shall be submitted to and agreed in writing by the Local Planning Authority.
  5. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
  6. No site clearance, removal of hedgerows or other development that involves work to the site shall commence unless a bat emergence survey, assessment of Pond 1 (located at SE 568657); and Ponds 2 & 3 (both at SE 567656) for Great Crested Newts and a walkover survey to ensure that badgers have not occupied any habitat prior to development at the site has been undertaken, survey report submitted and the mitigation measures submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented prior to the commencement of the demolition or other development that involves work to the structures. Thereafter the mitigation measures shall be retained in accordance with the approved scheme.
  7. Prior to their installation details of bat and bird boxes shall be submitted to and agreed in writing by the Local Planning Authority. The proposed bird boxes shall include as a minimum 4 x open-fronted nest boxes, two should be sited low down below 2 metres and hidden in vegetation, with 2 positioned higher up (2 to 4 metres), sheltered by vegetation with a more open outlook. Nest boxes suited to hole-nesting species should also be provided with 2 having 25mm holes for smaller tit species; 2 with 28mm holes for larger tit species; 2 with 32mm holes for tree sparrows and 2 with 45mm holes for starlings. The agreed details shall be installed prior to the first occupation of the dwelling and retained thereafter.

8. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees, hedges and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
9. 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.
10. The proposed garage and parking areas shall be laid out in a permeable material in accordance with plan reference 4053(05)03. Prior to the first occupation of the dwelling, the parking areas shall be made available for the parking and manoeuvring of motor vehicles. The areas shall be retained for such purpose at all times thereafter.
11. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until the details for the provision of a passing place on the site's frontage on Gracious Street have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a programme for the completion of the proposed works which shall be made available for use prior to the first occupation of the development. The development shall be carried out in accordance with the agreed details.
12. 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 33 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.

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 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.
4. To ensure that the site is adequately drained and does not result in flooding elsewhere.

5. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
6. In order to prevent harm to habitat of protected species and to secure the implementation of mitigation measures submitted in the Ecological Assessment as part of the application and in accordance with Local Development Framework Policies CP16 and DP31.
7. In order to prevent harm to habitat of protected species and to secure the implementation of mitigation measures submitted in the Ecological Assessment as part of the application and in accordance with Local Development Framework Policies CP16 and DP31.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton District Wide Local Plan Policy DP30, DP31 and DP33.
9. In accordance with Policy CP2 and DP4 and in the interests of highway safety.
10. To ensure that there is adequate provision of parking and turning areas within the site.
11. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
12. In the interests of road safety.

#### Informative

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

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

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

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

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



**16/02086/FUL**

**Demolition of domestic garage and construction of two, four-bedroom, two-storey with attic room terraced houses to include parking, landscaping & means of enclosure  
At 3 Belgrave Terrace, Mowbray Place, Sowerby  
For Mr and Mrs Menzer**

**1.0 APPLICATION SITE AND PROPOSAL**

- 1.1 The application site is located on the eastern end of Belgrave Terrace on the corner with Sowerby Road. To the North is Sowerby Terrace to the South is Mowbray Terrace. The area is characterised by Victorian terraced properties. Belgrave Terrace consists of 13 properties (numbers 3-15). The northern elevation faces an open garden area with a path running between Belgrave and Sowerby Terrace. The boundary to Sowerby Road is a brick wall.
- 1.2 The northern elevation of the Terrace has a uniform characteristic with bay windows and front doors forming the public frontage whilst the southern elevation comprises rear wings with yards. These yards have a variety of approaches to the use including filling in of the yard with single storey extensions, enclosed garden space and open parking areas.
- 1.3 Number 3, the application site, has a modern double garage to the side and includes a parking area and drive to the side. The house is two storeys with further accommodation in the roof space.
- 1.4 The application proposes to demolish the double garage and replace this with two, four-bedroom units with associated car parking and garden space. The proposal would include a centralised rear wing to serve the two properties. A total of four car parking spaces would be provided as part of the development, one each for the new dwellings and two replacement spaces for number 3.
- 1.5 The application is supported by a Design and Access which states that:
  - The strong building lines are an important feature of the built environment that should not be compromised. Opportunities for development exist within the existing built form through gaps in terraces where original developments were never fully completed.
  - The good example of Victorian domestic development along the rear of Belgrave Terrace is a particular feature of the locality and particularly the setting of the private road. This example forms a solid precedent when considering future development.
  - Construction and architectural detailing in the locality tends to be uniform and traditional and provides direction with regard to new design and choice of materials.
  - Car parking is generally on street which is less than ideal. Opportunities exist through design to allow for off street parking to avoid an over burdening the pre-existing parking arrangements.
  - The application site is located within the Thirsk & Sowerby Conservation Area, the Thirsk and Sowerby Article 4 Direction and the Sowerby Town End Article 4(1) Direction which removes permitted development rights for extensions and alterations to dwelling houses. The Terraces in the area including Belgrave Terrace are designated buildings of local interest in the Thirsk and Sowerby Conservation Area Appraisal.

- 1 & 2 Belgrave Terrace were never constructed for reasons we will never really know, however it is suspected that it was circumstance of finance. There is evidence through the chimney stack and boundary markers or the intention to continue the terrace and there is space available on the application site to complete it. The deeds for 3 Belgrave Terrace illustrate the complete terrace including numbers 1 & 2.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 11/01992/FUL - Reinstatement of windows, replacement of guttering and pipework and works to garage roof; Granted 21 October 2011.
- 2.2 14/00344/FUL - Construction of boundary fence; Granted 14 April 2014.
- 2.3 15/01997/FUL - Revised application for two replacement windows to rear of property; Granted 21 October 2015.
- 2.4 16/00909/FUL - Demolition of garage; alterations and extension to dwelling and construction of two terraced houses to include parking and landscaping; Withdrawn 26 May 2016.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
 Core Strategy Policy CP2 - Access  
 Core Strategy Policy CP4 - Settlement hierarchy  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy CP21 - Safe response to natural and other forces  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP3 - Site accessibility  
 Development Policies DP4 - Access for all  
 Development Policies DP8 - Development Limits  
 Development Policies DP10 - Form and character of settlements  
 Development Policies DP28 - Conservation  
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
 Development Policies DP32 - General design  
 Development Policies DP33 - Landscaping  
 Development Policies DP43 - Flooding and floodplains  
 National Planning Policy Framework - published 27 March 2012  
 Thirsk and Sowerby Conservation Area Appraisal Supplementary Planning Document

## **4.0 CONSULTATIONS**

- 4.1 Parish Council – Wish to see approved.
- 4.2 Highway Authority – No objection subject to conditions
- 4.3 Environmental Health (Contaminated Land) - No objection.
- 4.4 Yorkshire Water – No comments received.

4.5 Public comment - representations have been received from 14 local residents. 13 letters of objection have been received. The issues raised are:

- The proposal will harm the character of the Conservation Area and the Terrace;
- It is contrary to the Conservation Area Appraisal;
- It would make the Conservation Area pointless;
- It would set a precedent for more development and infilling of gaps in terraces;
- No housing need – Sowerby Gateway will provide a large amount of new housing;
- Loss of uniformity of the terrace;
- The development would not be in keeping;
- The boundary treatment would be inappropriate;
- Harmful impact on amenity through loss of light;
- Loss of view;
- Parking problems on the Terrace would be exacerbated;
- The development would adversely affect highway safety on Topcliffe Road or Sowerby Road;
- Concerns about blocking of road; and
- Concerns about pedestrian safety.

4.6 One letter of support has been received from a local resident, commenting that:

- It will be good to see the terrace completed as originally intended;
- With time the proposal would blend with the rest of the row;
- Each of the new houses will have parking which is more can be said for the majority of the current properties;
- The extensions to the rear are double height but there are already two properties on the row which have this feature;
- Pedestrian safety should be no more of an issue than existing and the additional risk posed by the new properties is at worst marginal; and
- Housing shortages makes sense to build as many new properties as possible.

## 5.0 OBSERVATIONS

5.1 The key determining issues are (i) the principle of development; and its likely impact on (ii) the character and appearance of the Conservation Area; (iii) residential amenity; and (iv) highway issues.

### Principle

5.2 The application site is located within the Development Limits and is in close proximity to Thirsk town centre and the shops, services and facilities that are present, and is therefore an accessible location. The proposal is therefore for a sustainable form of development. In this respect whilst the delivery of housing at Sowerby Gateway is noted, there would be no reason, in principle, as to why housing should be resisted, subject to the development being appropriate in detail.

### Character and appearance of the Conservation Area

5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paragraphs 133 and 134 reflects this and requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

- 5.4 The Conservation Area Appraisal (CAA) highlights at 3.1.11 that the latest phase of development in the Conservation Area is the Sowerby Town End development mentioned above. These Victorian terraces and villas date from prior to 1856 (Sowerby Terrace, Sowerby Grove, Mowbray Terrace and Mowbray Place) through to approximately 1870, with Belgrave Terrace being constructed by 1871.
- 5.5 At 5.2.53, of the CAA, Mowbray Place has no street to the front elevation and the buildings are detailed in a similar manner to those on South Crescent with sandstone banding to denote sill levels and emphasise the linear character of the street. Belgrave Terrace is again similar and the back lane between these buildings provides one of the best examples of Victorian domestic development in the Conservation Area. The scale of individual elements of the buildings including the unbroken sequence of gabled outbuildings and the detailing and range of materials used all contribute to creating this distinctive character.
- 5.6 At Belgrave Terrace and Sowerby Terrace the form adopted for the boundaries restricts public access but leaves the frontage of the houses relatively open creating shared private enclaves for the residents (4.4.2 of the CAA).
- 5.7 The Conservation Area Appraisal's designation of Belgrave Terrace as buildings of local interest means it should be considered a Non-Designated Heritage Asset.
- 5.8 The existing garage building detracts from the character of the Conservation Area and therefore its replacement with a more sensitive form of development could enhance the appearance of the Conservation Area. There is evidence, as submitted and on the end of the existing property, to suggest that the Terrace is unfinished. The proposal could present an opportunity to achieve a more attractive and stronger built form to Belgrave Terrace and echo the side elevation of other properties which end Mowbray and Belgrave Terrace.
- 5.9 The proposed northern elevation would incorporate the same external designs and features (e.g. stone coping, chimney, first floor windows and ground floor bay windows) as the existing terrace and would echo the design ethos. The only alteration to the general uniformity would be that the proposal would hand the entrance and bay window to the property nearest Sowerby Road. The difference in the end property would form a natural end point to the Terrace. Whilst number 15 (at the western end) does follow the uniform nature of the Terrace the provision of a central door in itself would not present significant harm. The proposed treatment of the northern elevation is therefore considered to be acceptable.
- 5.10 The southern elevation would incorporate a rear wing which would be central to the two new properties, with parking on either side of it. As stated above there are a number of different treatments across the terrace and as such the uniform nature of the northern elevation cannot be replicated. The wing would present a visual gap to Sowerby Road and would copy elements of 20 Mowbray Terrace. The proposal would echo the elements and design ethos of the Terrace and at least maintain (or even enhance) the character of the Conservation Area.
- 5.11 The proposed introduction of a trellis fencing of 1.2m and 2m in height into the northern garden would be out of keeping with the character of the area. This element of the proposal would therefore be unacceptable but this does not mean that the proposal as a whole should fail. This matter could be controlled by condition and as the proposal lie within an Article 4 area would be further controlled as Permitted Development Rights are removed under this legislation.
- 5.12 Overall, the two new properties would echo the design ethos of the Terrace and would maintain the character of the Conservation Area including the retention of the

1.8m high brick boundary wall to Sowerby Road. The comments and detailed representations of all residents have been carefully considered, however it is considered that the proposal is acceptable and in accordance with the aims and objectives of policy.

#### Residential amenity

- 5.13 The proposal would echo existing building lines. The properties affected by the proposal are those opposite in Mowbray Terrace and on Sowerby Road. Properties have an existing relationship with properties closely related to each other and overlooking Mowbray Place. The change of circumstances arising from the new development and the impact on privacy and overlooking are carefully considered.
- 5.14 Having regard to the existing relationship between Belgrave and Mowbray Terraces and the separation to the properties on the opposite side of Sowerby Road, the proposal is considered acceptable and the relationship of the new properties would not result in a significant loss of amenity to the occupiers of neighbouring and nearby properties.

#### Highway issues

- 5.15 The concerns and comments of residents in the area are noted and carefully considered. The comments of the Highway Authority are also considered. Conditions requested by the Highway Authority are recommended.
- 5.16 The existing situation on the site and parking problems in the area are noted, however the existing situation on the site is that the proposal would be built on the existing drive and parking area but would create new parking for four parking spaces.
- 5.17 Taking account of the location and the good links to the town centre, shops, schools and other services, and noting that this level of parking would be higher than other properties on Belgrave Terrace. The level of parking is considered to be appropriate for the location and would not exacerbate parking issues on Belgrave Terrace and would not block existing parking provision or accesses. There is no evidence to suggest the development would cause harm to highway safety.

### **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 3713-PD-00 Rev A, 3713-PD-01 Rev B, 3713-PD-02 Rev A, 3713-PD-03 Rev A, 3713-PD-04 Rev A, 3713-PD-05 Rev C, 3713-PD-06 Rev B, 3713-PD-00 Rev C, 3713-PD-08 Rev C and 3713-PD-09 Rev D received by Hambleton District Council on 19 September 2016.
  3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. Prior to the commencement of development details of surface and foul water drainage shall be submitted to and agreed in writing by the Local Planning Authority.
5. Notwithstanding the submitted information, no above ground construction work shall be undertaken until details of proposed boundary treatment have submitted to and have been approved in writing by the Local Planning Authority. Trellis fencing is not considered to be acceptable. The development shall be constructed of the approved details.
6. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees, hedges and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
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. 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.
9. 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.
10. The proposed garage and parking areas shall be laid out in a permeable material in accordance with plan reference 3713-PD-09 Rev D. Prior to the first occupation of the development, the parking areas shall be made available for the parking and manoeuvring of motor vehicles. The areas shall be retained for such purpose at all times thereafter.

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 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.
4. To ensure that the site is adequately drained and does not result in flooding elsewhere.
5. To ensure that the boundary treatment is appropriate to the context of Belgrave Terrace and in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16, CP17, DP28 and DP32.
6. To ensure that the landscape treatment is appropriate to the context of Belgrave Terrace and in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16, CP17, DP28, DP32 and DP33.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. In accordance with Policy CP2 and DP4 and in the interests of highway safety.
10. To ensure that there is adequate provision of parking and turning areas within the site.

#### Informatives

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

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

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

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

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

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**16/02380/FUL**

**First floor extension to dwelling  
At The Old Black Bull, Thormanby  
For Mr Peter Gibson**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application seeks to form a first floor extension (5.7m x 5.2m plan area) above the existing single storey protrusion on the north east elevation of the existing semi-detached dwelling. The eaves height of the extension is proposed to be 2.35m above the floor level of the balcony and the ridge height is proposed to be 4.8m above the balcony.
- 1.2 The extension would be of oak frame construction, with glazing to rear and one side and finished in oak on the side facing the immediate neighbouring property, The Old Rectory. The extension is proposed to have a slate roof, in contrast to concrete tiles on the main building. The applicant has explained the wish to use slate as it is superior to the concrete product and used in conjunction with the green oak frame will create visual interest and break-up the domination of red concrete tiles on the building.
- 1.3 The substantial private rear garden is enclosed with a mixture of fencing and a boundary hedge and is not overlooked at the rear.
- 1.4 The application is referred to the Planning Committee for decision because the applicant is a civil partner of a Member of the Council.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 14/00083/FUL - Conversion of detached garage to form an annexe and single storey extension to side of dwelling; Granted 6 March 2014.

**3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Development Policy DP1 - Protecting amenity  
Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policy DP32 – General design  
National Planning Policy Framework

**4.0 CONSULTATIONS**

- 4.1 Parish Council – No response, expired 30 November.
- 4.2 Public comment - No responses received, expired 7 December.

## 5.0 OBSERVATIONS

- 5.1 The main issues to be considered in this case relate to the impact of the proposal on the character and appearance of the dwelling, any impact on the character of the area and the amenities of the nearby neighbours.
- 5.2 The proposed extension is minor in scale compared to the existing dwelling, the size of the existing plot and garden space, therefore it is considered to be in proportion. It would be generally constructed of appropriate complimentary materials, the use of an oak frame follows the use of an oak frame for a single storey extension on the rear of the dwelling. Although the use of slates would contrast with the concrete tile roof of the dwelling slate is not, however, an alien material in the village; it is used on the adjacent property, The Old Rectory. The proposed extension would be set well back from the village street and would only be seen fleetingly by passers-by. It is considered that it would not have a harmful impact upon the character and appearance of the dwelling or the village.
- 5.3 It is considered that the size and siting of the proposed extension would not have an overbearing effect in neighbours. Further, as it would build over an open balcony area, there would be no significant increase in potential overlooking and no windows are proposed to face towards the neighbouring dwelling, The Old Rectory and there are no openings on the facing elevation of the Old Rectory.
- 5.4 The proposal is considered to comply with the requirements of the Policy of the Local Development Framework.

## 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 drawings numbered Plan 01 received by Hambleton District Council on 9 November 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP1, CP16, CP17 and National Planning Policy Framework.