

**Parish: Carlton Miniott**  
Ward: Thirsk  
**3**

Committee date: 26 July 2018  
Officer dealing: Miss Charlotte Cornforth  
Target date: 31 July 2018

**18/01176/OUT**

**Outline application (with access and layout to be considered) for the construction of one detached dwelling and detached domestic garage  
At Carlton House, Sandhutton Lane, Carlton Miniott  
For Mr B Mellor and Dr E Hoida**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is approximately 0.1 hectares (0.35 acres) currently comprises of domestic curtilage currently used predominantly as a vegetable garden in association with Carlton House, which lies to the east of the site. The site is bound by an established hedgerow on its southern boundary and by a timber post and rail fence on its northern boundary. The western boundary to the Yorkshire Water foul water pumping station apparatus (shown on the Ordnance Survey base map as an Electricity Sub Station) is a 1.8 metre high close boarded timber fence. The site is relatively flat in relation to the finished floor levels of the adjacent curtilage, although is set marginally lower than the level of the carriageway of the public highway (Carlton Road).
- 1.2 The site is located within a cluster of residential dwellings between the two 'halves' of Carlton Miniott adjacent to Carlton Road (A61). Each of the two halves has their own Development Limits. The nearest Development Limit to the site is positioned to the north-eastern boundary of Tree Tops approximately 190 metres to the south-west of the site and to the south of Carlton Road.
- 1.3 The Dovecote is adjacent to Carlton House and is a Grade II Listed structure. The listing description is:
- Dovecote. 1815. Red brick with pantile roof. Square in plan, of 2 storeys, 1 bay. Blind circular opening, above blocked semi-circular opening, above triangular pattern dove openings. Eaves band. Hipped roof with square cupola at apex with hipped roof and weather-vane. Included for group value. Adjoining farm buildings not included.*
- 1.4 Carlton House is also a Grade II listed building dating from 1815 with later additions.
- 1.5 Outline planning permission is sought for the construction of one dwelling, and a detached domestic garage, together with car parking in the domestic curtilage of Carlton House. The matters for approval at this stage are access and layout. The remaining matters, i.e. appearance, landscaping and scale would be for a later submission if this outline application is approved, although an indicative detail shows the ridge height of the proposed two-storey dwelling to be 8.9 metres high.. The existing stable buildings (within the site and adjacent to the western boundary) would be demolished to accommodate the dwelling.
- 1.6 The proposed site plan shows how the site would be developed in terms of the orientation and position of the proposed dwelling. The dwelling would be formed in an L configuration and would extend to a maximum footprint of 12.6 metres by 13.1 metres. The dwelling would benefit from a parking area to its northern and eastern

elevation to accommodate four vehicles. Vehicular access would be taken through a proposed access to the southern boundary of the site to the public highway beyond.

- 1.7 The dwelling would be positioned approximately 42 metres from the western elevation of Carlton House and approximately 1 metre from the northern boundary of its curtilage. The dwelling would be set back approximately 14.5 metres from the public highway to the south.
- 1.8 The existing hedgerow is proposed to be removed to accommodate the proposed access and the required visibility splay. The retention of the existing tree belt to the north of the replacement hedgerow is proposed.

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

- 2.1 The application site has planning history that relates to the single storey extension of the dwelling house at Carlton House and the conversion of former agricultural buildings to dwellings on the wider adjacent site. There is no relevant planning history regarding the parcel of land that is the subject of this application.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

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

## **4.0 CONSULTATIONS**

- 4.1 Parish Council – No objection.
- 4.2 Highway Authority – No objection subject to conditions regarding the discharge of surface water, private access/verge crossings construction requirements, visibility splays, details of access, turning and parking, precautions to prevent mud on the highway and on-site parking, on-site storage and construction traffic during development.
- 4.3 Yorkshire Water – No response received to date.
- 4.4 Public comments – None received to date.

## 5.0 OBSERVATIONS

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

### Principle

- 5.2 The site falls outside the Development Limits of Carlton Miniott. Policy CP4 states that all development should normally be within the Development Limits of settlements. The site is located within a cluster of residential dwellings between the two 'halves' of Carlton Miniott adjacent to Carlton Road (A61).
- 5.3 Policy DP9 states that development will only be granted for development in locations such as this in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG includes an updated Settlement Hierarchy.
- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
  2. Development must be small in scale, reflecting the existing built form and character of the village.
  3. Development must not have a detrimental impact on the natural, built and historic environment.
  4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  6. Development must conform with all other relevant LDF policies.
- 5.6 In the Settlement Hierarchy contained within the IPG, Carlton Miniott is defined as a Service Village and therefore is considered a sustainable location for development. The site is linked to each half of the village by a metalled and lit footway that would encourage walking to its services. To satisfy the requirements of criterion 1 of the IPG development must provide support to local services including services in a village or villages nearby. The separation between the site and the Development Limits of the village and the impact on the countryside are considered under criteria 2, 3 and 4 below.
- 5.7 It is considered that criterion 1 of the IPG would be satisfied and the principle of development is acceptable.

## Character and appearance

- 5.8 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for one dwelling and it is therefore considered small in scale as the IPG refers to small scale comprising up to five dwellings.
- 5.9 The application site is notably outside of the core of either half of Carlton Miniott, but is located within a cluster of residential dwellings between the two halves of Carlton Miniott. It is considered that the site is within the open countryside but within a cluster of properties that interrupt the open agricultural land between the two halves of the village. The dwelling would sit in between the Carlton House and The Old Vicarage, both dwellings have large curtilages. The development is set back from the road, but fronts the main highway. There are also dwellings to the north west of Carlton House that front onto Sandhutton Lane and one that forms a courtyard. Therefore, this area currently comprises seven dwellings and the Yorkshire Water pumping station. This site is therefore considered as an infill plot within an existing built up residential frontage.
- 5.10 The proposed dwelling is set back from the roadside within the site and is angled to face south towards the road. This angle and set back would retain the view of the Dovecote whilst respecting the setting of the two neighbouring dwellings. A small detached double garage is positioned to the east which reflects the scale of existing buildings within the Carlton House site.
- 5.11 Whilst the matters of scale and appearance are not under consideration as part of this application, the indicative elevations show a dwelling has been designed to reflect the scale and detailing of Carlton House, incorporating symmetrical Georgian proportions, sash windows and gable chimneys. Materials are proposed to be brick and clay pantile to reflect the local vernacular.
- 5.12 In light of the above, the proposal is considered to reflect the existing built form and character of the enclave.
- 5.13 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The heritage assets will be considered in the next section of the report.
- 5.14 The application site relates to the development of a paddock to the west of Carlton House. There is no significant ecological interest associated with the site itself. It is appreciated that the site is bound by a mature hedgerow to its southern boundary which is of some benefit as a wildlife corridor, and which is proposed to be replaced as part of the development. The scheme would have no significant detrimental impact upon local ecology.
- 5.15 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
- 5.16 On leaving the western part of Carlton Miniott, the character of the landscape is influenced by the boundary hedgerow and mature tree vegetation surrounding the domestic entrance points to The Chesters. This relatively enclosed character extends eastwards surrounding The Old Vicarage, the application site and Carlton House. The grass verges are also well kept to both sides of the road and are considered to form a domestic character in this particular area.
- 5.17 In light of this character and the location of the site within an enclave, the proposal is considered to not have a detrimental impact upon the open character and

appearance of the surrounding countryside or lead to the coalescence of settlements, as a more isolated dwelling might.

#### Heritage assets

- 5.18 The proximity of the development site to the Grade II Listed Building of the Dovecote (and by association Carlton House) is noted and a Heritage Statement has been submitted in support of this application to assess the impact of that the development would have on this heritage asset and its setting.
- 5.19 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.20 The conclusions of the Heritage Statement are that the assessment has identified the heritage assets with the potential to be affected by the proposed development. Two heritage assets were identified, only one of which is a listed building (Grade II), the other of some heritage value but undesignated. The significance and heritage values of the Dovecote include; its historic link to Carlton House and use as a Dovecote; and its aesthetic value in terms of readability within a limited landscape.
- 5.21 The siting and design of the proposed dwelling has been given careful consideration in order to retain the character of this area and roadside frontage and to preserve the view towards the Dovecote. There are no matters of harm arising to the special historic or architectural values of the Grade II Listed Building.

#### Residential amenity

- 5.22 There is a separation distance of 42 metres between the eastern elevation of the proposed dwelling and Carlton House, with a separation distance of 33 metres to The Vicarage. These separations and the layout of the dwelling would not prejudice residential amenity by being overbearing in presence, and would not cause a loss of light or loss of privacy.
- 5.23 The site is considered capable of providing adequate private amenity space for the proposed dwelling, without prejudicing the existing private amenity space of Carlton House.

#### Highway safety

- 5.24 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.25 The proposed development would be served by a proposed vehicular access immediately linking to the public highway to the south. There is an on-site parking area and turning area for 4 vehicles. The Highway Authority has raised no objection to the proposal in this respect and has suggested conditions. There is no evidence to suggest that the development would cause harm to highway safety.

#### Drainage issues

- 5.26 Foul drainage would be disposed of via the mains and surface water in accordance with the Environment Agency's drainage hierarchy, with consideration given to the implementation of sustainable drainage systems, the exact details of which can be determined by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great

that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

## **6.0 RECOMMENDATION**

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

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) Site Location Plan HDC/3134/03 and Proposed Site Layout Plan HDC/3134/02.
3. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; and (c) the scale (including the number) of buildings overall.
4. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
5. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.
6. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. This should include measures to ensure the protection of the existing boundary hedges and trees. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
7. 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.

8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements d. The crossing of the highway footway shall be constructed in accordance with Standard Detail number E6. e. Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. h. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 59 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. 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 access b. vehicular parking c. vehicular turning arrangements No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
11. 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.
12. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Development Plan Policies DP1, DP28 and CP17.
3. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, prior to the commencement of development.
4. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
5. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33.
7. In accordance with Policy and in the interests of highway safety.
8. In accordance with Policy CP1, CP2, DP1 and DP3 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. In the interests of road safety.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with Policy CP1, CP2, DP1 and DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In accordance with Policy CP1, CP2, DP1 and 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.

#### Informatives

1. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website. [www.hambleton.gov.uk](http://www.hambleton.gov.uk)
2. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
3. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:  
  
1 x 240 litre black wheeled bin for general waste  
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and  
1 x 55 litre blue recycling box for glass bottles and jars.

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

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

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