

**Parish: Exelby, Leeming and Newton**  
**Ward: Bedale**  
**7**

Committee Date: 13 December 2018  
Officer dealing: Mrs H Laws  
Target Date: 20 December 2018

**18/01547/FUL**

**Construction of a detached house with integral double garage**  
**At: Land west of Exelby Grange, Exelby**  
**For: Mr Clarkson**

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

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies at the western end of Exelby on the northern side of the main village street. The site extends to an area of 0.07 hectares (approximately 40m x 16m). The site currently forms a central part of an agricultural field bounded by a hedgerow to the south fronting onto the street,. Exelby Grange, which is currently the last property at the western end of the village on this side of the road, lies beyond a section of the field to the east; an agricultural building now used for non-agricultural storage lies beyond a section of field to the west.
- 1.2 Outline planning permission was granted for a larger part of the paddock, of 0.14 hectares, for the construction of three detached dwellings in February 2017. This application is for approximately one third of that site plus another section to the rear and is for the construction of one detached dwelling. Another planning application for the western third of the original site plus additional land to the rear, is also currently being considered (18/01546/FUL) and is considered elsewhere on the agenda.
- 1.3 The application is for full planning permission and covers a piece of the paddock that was not included within the outline application site boundary, to make the site longer in depth to allow for more garden space to front and rear. The proposed dwelling is two storey, with five bedrooms and an attached double garage at the rear of the dwelling with an individual access onto the village street. It is proposed to retain the existing hedgerow at the front other than for the creation of the access.
- 1.4 The dwelling would be L-shaped with eaves to the front elevation and a gabled porch. The dwelling would be finished in brickwork and slate.

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

- 2.1 16/02514/OUT - Outline application (all matters reserved) for the construction of 3 dwellings. Permission granted 6 February 2017.

## **2 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 Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework - published 24 July 2018

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – no reply received (expiry date for representations 20/8/2018)
- 4.2 Highway Authority – no objections subject to conditions
- 4.3 Yorkshire Water – satisfied that there is sufficient distance between the proposed dwelling that is the subject of applications 18/01546/FUL and 18/01547/FUL and YW’s sewage pumping station such that YW’s access to the pumping station and associated sewers will not be adversely impacted. Occupiers of the property nearest the SPS may occasionally notice odour for example during maintenance/repair operations and we would advise screening of the SPS from the development. The application forms state that surface water will drain to soakaway so we have no further comment to make on the application)
- 4.4 MOD Safeguarding – no safeguarding objections
- 4.5 NYCC Heritage – a Written Scheme of Investigation for archaeological monitoring has been submitted and can confirm that it meets the required professional standards and is an appropriate scheme. A condition is recommended.
- 4.6 HDC Environmental Health Officer - The environmental health service has considered the above application and has concerns about the close proximity of agricultural buildings (former chicken sheds) which, if they revert to operational use, could impact on the amenity of residents living immediately next door to the site. I can confirm that the environmental health service has not received any complaints about the activities carried on in these premises. However, should the site revert to operational use there would be no controls in place for the management of dust, noise, odour or flies associated with this type of industry, especially considering the minimal separation distance between the sheds and the proposed development. Whilst the service does not object to the scheme, these issues should be highlighted with the agent.
- 4.7 Public comment – no comments received (expiry date for representations 24/9/2018)

#### **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) the design of the dwelling; (iv) neighbour amenity; and (v) highway safety.

##### The principle of development

- 5.2 The site falls outside of 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 78 of the NPPF states:

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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.
- 5.4 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 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 or villages nearby. However, the villages in question must be sufficiently close together to be able to cluster and have a good collective level of shared service provision in order to be a sustainable community.
- 5.6 The site lies within the village of Exelby in which there is a pub and it lies approximately 2km from the edge of Burneston, which is defined as a Secondary Village with facilities including a school, a pub and a church. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proximity to Burneston allows Exelby to form a cluster that represents a sustainable community and therefore 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 a 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 field 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 application site is undeveloped but its position, in line with, and opposite residential development 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 with the existing storage unit and would follow the line of the existing development down the village street, retaining the remaining part of the field to the rear; and would not protrude significantly into 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 is in accordance with these aspects of the IPG.

### Design

- 5.10 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.12 The National Planning Policy Framework Planning supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.13 The submitted Design and Access Statement considers that the design fits suitably into its context, providing an individually designed, two storey dwelling, whilst providing the applicant with an up to date energy efficient, architecturally rewarding building.
- 5.14 The proposed dwelling is relatively large in scale but is well-proportioned and in keeping with the scale and plot size of existing dwellings within this part of the village, particularly Exelby Grange. Features such as the gabled porch, which reflect the nearby existing dwellings, have been incorporated into the scheme. It is considered that the resultant dwelling would not detract from the character and appearance of the village or the surrounding rural landscape and is reflective of the scale and design

of the larger dwellings that lie on the edge of the village. The proposal is in accordance with LDF Policies CP17 and DP32.

#### Heritage assets

- 5.15 The site lies adjacent to the ancient village of Exelby and the development would have the potential to encounter archaeological remains. A written scheme of archaeological investigation has been received, comprising a watching brief to be undertaken during excavations. The County Council's archaeologist has no objections.

#### Effect on residential amenity

- 5.16 The closest neighbour to the proposed dwelling would be the existing property at Aschilebi House on the opposite side of the road, which is currently the final property at the western end of the village.
- 5.17 It is considered that there is adequate space available that would protect the existing outlook whilst providing adequate amenity space for the proposed residents. There would be adequate separation between the properties to protect the amenity of both sets of residents.
- 5.18 Concern has been expressed by the Council's Environmental Health Officer due to the proximity of the adjacent agricultural building to the application site, which it is suggested, could result in disturbance to the future residents of the proposed house. Although the neighbouring building has not been in agricultural use for more than 25 years it would be possible to re-use it for agricultural use without the need for planning permission in the future. A unilateral undertaking has been received, which will ensure that no livestock is housed within this building once the dwelling is occupied thereby protecting the amenity of the future occupiers of the property.
- 5.19 Concern had previously been expressed by Yorkshire Water that the close proximity of the proposed dwelling to the sewage pumping station (SPS) could adversely affect the amenity of the new residents as a result of noise disturbance. A distance of 15m was recommended between the SPS and a habitable building and this has been achieved.
- 5.20 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, could be achieved by the proposed development.

#### Highway matters

- 5.21 The Highway Authority has no objections to an additional dwelling being served from the village street subject to appropriate conditions.

### **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. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the

development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. No above ground construction work shall be undertaken 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.
5. No part of the existing boundary hedge along the southern boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1 metre other than in accordance with drawing number B23-1A or as otherwise agreed in writing by the Local Planning Authority.
6. The development hereby approved shall not be undertaken other than in accordance with Drawing number B24-7A that shows the finished floor level of the development at 100.15, other than with the prior approval in writing by the Local Planning Authority.
7. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any 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.
8. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented prior to the occupation of the dwellings and retained.
9. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation for archaeological monitoring prepared by JB Archaeology (August 2018). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation referred to above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
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 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 accesses shall have been approved in writing by the Local Planning Authority; and (b) the crossings of the highway verge shall be constructed in accordance with Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres in a north-easterly direction measured along the channel line of the major road from a point measured 2 metres down the centre line of each of the access roads. 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.
12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved:
  - a. have been constructed in accordance with the submitted drawing (Reference B23-1A)
  - b. 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.
13. There shall be no access or egress by any vehicles between the highway and the application site unless 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 installed in accordance with the details received by Hambleton District Council on 24 September 2018. These precautions shall be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
14. 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 other than in accordance with the details received by Hambleton District Council on 24 September 2018 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.
15. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered B23-1A; B23-2A; and B24-7A received by Hambleton District Council on 24 July and 24 September 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
5. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
6. To ensure the buildings are in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
7. To protect the amenity of future residents in accordance with LDF Policies CP1 and DP1.
8. In the interest of satisfactory drainage in accordance with LDF Policies CP21 and DP43.
9. This condition is imposed in accordance with Section 16 of the NPPF as the site is of archaeological significance.
10. 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.
11. In the interests of highway safety in accordance LDF Policies CP2 and DP4.
12. 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.
13. 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.
14. 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.
15. 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.

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