

**Parish: Ainderby Steeple**  
Ward: Morton on Swale  
**1**

Committee date: 7 March  
Officer dealing: Ms H Ledger  
Target date: 11 March 2019

**18/02717/OUT**

**Outline application with all matters except access reserved for the construction of one dwelling**  
**At land south of Skelder Bungalow, Green Hills Lane, Ainderby Steeple**  
**For Mr E L Sherwin**

**The application is being brought to Planning Committee as the proposed development is a Departure from the Development Plan1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site is located to the south of the village adjacent Green Hills Lane and immediately south of Skelder Bungalow. It is outside but directly adjoins the Development Limits of the village.
- 1.2 The land drops away, to the south of the main east-west A684 road and this site is at a lower level than the properties immediately adjacent. This site is on agricultural land and is accessed from Green Hills Lane, which at this point is a narrow lane with wide, hedged verges.
- 1.3 The application is submitted in outline with access for consideration at this stage.
- 1.4 The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved.

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

- 2.1 17/02297/OUT - Outline application for a housing development with details of appearance, landscaping and scale reserved (access and layout included); Withdrawn 19 January 2018.
- 2.2 15/01189/FUL - Construction of a new dwelling at land adjacent to (the Garden) 9 The Green, Ainderby Steeple; Granted 26 August 2015.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policy DP1 - Protecting amenity  
Development Policy DP3 - Site accessibility  
Development Policy DP4 - Access for all  
Development Policy DP8 - Development Limits  
Development Policy DP9 - Development outside Development Limits  
Development Policy DP10 - Form and character of settlements  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy DP33 - Landscaping  
Development Policy DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015

## National Planning Policy Framework - amended and republished 19 February 2014.0 CONSULTATIONS

4.1 Parish Council – Opposes the development on the following grounds:

- The proposal is outside the development limit for the village;
- It does not reflect the built form and character of the village, in particular the 'ridge' nature and the existing sympathetic and consistent building line. This development will be a prominent and incongruous development on this site;
- It will have a detrimental effect on the character and appearance of the surrounding countryside and in particular on the southern prospect of the village which is one of its most distinctive characteristics; and
- Given adjoining site ownership, approval of this application would set a precedent for further development in these fields, which would very significantly impact on the whole form and character of the village and its setting.

4.2 Highway Authority – No objection. Conditions are recommended to control surface water, access and verge crossings, details of access, turning and parking, mud of highway, on-site parking, storage and construction traffic during development.

4.3 Yorkshire Water – No comments. A main sewer crosses the site and any issues can be controlled via the Building Regulations.

4.4 Environmental Health Officer – No land contamination risk identified; no objection.

4.5 Public comments – Six individual comments have been received, objecting to the proposals, summarised as follows:

- The proposal does not comply with the IPG criteria 2 (small scale and reflecting local character) and 4 (no detrimental impact on open character and surrounding countryside, not leading to a coalescence of settlements);
- It contravenes local development plan policy and is outside the development limit with no exceptional circumstances;
- It will set a precedent for further development to the south of the village in the open countryside;
- It will be detrimental to the character and setting of the village. This site on the edge of the village has an upwards lilt that would be destroyed. Open farmland is part of the character and setting of the Conservation Area;
- Loss of view of the southern side of the village from public rights of way;
- Access off a single track lane would lead to congestion;
- The hillside is directly above an area prone to flooding, the additional surface water run-off will exacerbate this; and
- The area is wildlife habitat which would be adversely affected.

## 5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to (i) the principle of allowing the dwelling proposed in this location, together with an assessment of the impact upon (ii) the character and appearance of the area; (iii) highway safety; and (iv) neighbour amenity.

### Principle

5.2 The site falls outside the Development Limits for the village of Ainderby Steeple as defined within policy CP4 of the Core Strategy, where 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, thus the proposal would be a departure from the development plan. It is

also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) amended and republished in February 2019. 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 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.<sup>4</sup> 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 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.<sup>5.5</sup> 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:<sup>1.</sup> 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.<sup>5.6</sup> Ainderby Steeple is defined as a Secondary Village and is therefore classed as a sustainable settlement and 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". This goes on to state that "Proposals which are small in scale and which provide a natural infill or extension to an existing settlement will be considered favourably where they also conform with other relevant LDF Policies". In terms of the built form of Ainderby Steeple it is noted that this development would result in a new dwelling on a plot on the southern edge of the village fronting Green Hills Lane.<sup>5.7</sup> This site was previously included as part of a much larger scheme submitted in 2017, 17/02297/OUT. The plot was much larger and was in part directly to the rear of properties within the Conservation Area on Church View. This application was withdrawn before determination and officers expressed particular concern over its impact on the setting of the Conservation Area. Impact on the appearance of the area<sup>5.8</sup> It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwelling would be on the edge of Development Limits and directly adjoining them. 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 It is considered that the development proposed would appropriately respect the general built form of the village. The plot follows the current position of two other properties either side of Green Hills Lane; it would reflect the existing built form and character of the village and is small in scale. The development site has been carefully positioned so that it sits opposite the domestic curtilage of The Leys and is aligned with timber storage directly opposite. The plot is large enough to support one dwelling without conflicting with the urban form and character of the village. Therefore it is considered the proposal can comply with criterion 2 of the IPG. 5.10 The site is open agricultural land presently and does not appear to have any ecological sensitivity. The applicant has agreed to retain the mature hedgerow to the west where possible that may currently act as a wildlife corridor. 5.11 The historic features of the village are centred on the historic core, including the parish church of St Helen's and protected by a conservation area designation. This application is on the edge of the village and at a lower level, detached from the historic features and as small scale would not have an impact on the built and historic environment. It is considered this proposal can comply with criterion 3 of the IPG. 5.12 Criterion 4 of the IPG aims to retain the surrounding appearance of the open countryside and prevent a coalescence of settlements. This site is on the edge of the village and forms part of a larger agricultural field. One dwelling is proposed reflecting the existing development on Green Hills Lane. It does not have any significant impact on the character of the open countryside, and as a single plot would not create a precedence leading to a coalescence of settlements. Should any further proposals come forward adjoining this site, criterion 4 would remain an important consideration. 5.13 It is also considered that the development is capable of being accommodated within the existing infrastructure (both social and utilities). In principle therefore this proposal satisfactorily complies with paragraph 78 of the NPPF and is consistent with the approach set out in the IPG. Highway safety

- 5.14 The Highway Authority has not raised any objections to the proposed development and it is considered that Green Hill Lane is a suitable access for the proposed development.

**Amenity 5.15 Whilst only access is for consideration at this stage, it is considered that the plot is large enough and the location on the edge of the village sufficient to avoid any issues likely to give rise to significant issues with regard to the potential loss of residential amenity.** 6.0 **RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions. The applicant has accepted the conditions triggered prior to commencement of development.
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
  2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; (c) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (d) the scale (including the number) of buildings overall.

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. Development above ground level shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.
5. If the surface water is to be discharged to any watercourse within the Swale and Ure Drainage District, consent from the IDB would be required in addition to planning permission, and would be restricted to 1.4 litres per second per hectare or green-field runoff. No obstructions within 9 metres of the edge of a watercourse are permitted without consent from the IDB.
6. 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.
7. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. This should include measures to ensure the protection of the boundary hedges and trees. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
8. This decision grants permission for no more than 1 dwelling.
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 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.
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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; (ii) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6; (iii) Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway, and shall not be able to swing over the existing highway; (iv) That part of the access(es) extending 10 metres into the site from the carriageway of the

existing highway shall be at a gradient not exceeding 1 in 15; and (v) 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.

11. 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 manoeuvring and turning arrangements.
12. No part of the development shall be brought into use until the approved vehicle access; parking, manoeuvring and turning areas approved under condition number 13 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 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.
14. 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; and (iii) the approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. 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.
4. 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
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework Policies CP3 and DP6.

6. 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.
7. 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.
8. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
9. In the interests of highway safety and to comply with Development Policy DP3.
10. In the interests of highway safety and to comply with Development Policy DP3.
11. In the interests of highway safety and to comply with Development Policy DP3.
12. To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience.
13. 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.

#### 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 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.

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

4. The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).