

**Parish:** East Harley

Ward: Osmotherley and Swainby

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Committee date: 4 April 2019

Officer dealing: Ms H Ledger

Target date: 8 April 2019

19/00144/OUT

## **Outline application for change of use of agricultural land to domestic and construction of a single dwelling**

## **Land Between Bankside Farm And Hawthorn Cottage, East Harlsey**

Mr Brian Noble

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

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

- 1.1 The site is located in the village of East Harlsey on land immediately adjoining the main street through the village. The site area is listed as 990 sq metres.
  - 1.2 The site comprises an open field located between the Bankside Farm and the adjacent single storey semi-detached property known as Hawthorn Cottage. The land use is currently listed as vacant agricultural and last used for grazing on the application form. From the site visit it is clearly vacant and overgrown. There is an access track between the site and Bankside Farm, which serves farm buildings to the north. The site slopes down gently away from the road. The roadside boundary and the west side boundary are hedged. The east boundary to Hawthorn Cottage has a high fence.
  - 1.3 The village is of a linear character with residential development either side of the main street. Several farmsteads are set on the edge of the village or directly behind the dwellings on the front street. Harlsey Hall and St Oswald's church are located to the south west behind the residential properties on the road frontage and not visible from the site. There is no conservation area identified in the village and the buildings are of a mixed character, size and scale.
  - 1.4 The application is submitted in outline with all matters reserved for the change of use of agricultural land to domestic and construction of a single dwelling; with an open market tenure.
  - 1.5 All matters are reserved. The approval of all matters, access, appearance, landscaping, layout and scale would be for a later application if this is approved.

## 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/02311/OUT - Outline application for the change of use of agricultural land to domestic and the construction of a single dwelling with all matters reserved.  
Approved 08.01.2016
  - 2.2 14/00618/FUL Alterations and extension to existing farm building to form a holiday let. Withdrawn 12.05.2014
  - 2.3 15/02139/FUL Construction of a detached dwelling house with domestic garage.  
Approved 16.11.2015 on land to the west of Bankside Farm.

- 2.4 It is understood that the 2016 approval that lapsed was because during the sale of the land a restrictive covenant came to light which needed to be removed. That has now been done and the site can readily be developed. Unfortunately at this point the time, the permission had expired and hence the need to resubmit.

### **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 CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

- 4.1 Parish Council – consulted, no comments received. Consultation expired 26.02.2019
- 4.2 NYCC Highway Authority – No objection. The design standard of 2.4 metres by 43 metres visibility splay is achievable following clearance of vegetation. Conditions recommended to control surface water, visibility splays, details of access, turning and parking, mud on the highway and on-site parking, storage and construction traffic.
- 4.3 Yorkshire Water Services Ltd - consulted, no comments received. Consultation expired 26.02.2019
- 4.4 Public comments – site notice posted expired 27.02.2019, no public comments received.

### **5.0 ANALYSIS**

- 5.1 As all matters have been reserved the main issues to consider are (i) the principle of development, ii) residential amenity and iii) highway safety.

#### Principle

- 5.2 East Harlsey is a village not included in the settlement hierarchy set out in policy CP4 in the 2008 Core Strategy. In response to the updated national planning policy guidance contained in the NPPF, in 2015 the Council adopted an Interim Policy Guidance note (IPG) which updates the hierarchy and includes East Harlsey as a secondary village. The Guidance provides for a more flexible consideration of new development at the edge of settlements. Accordingly the main consideration is whether the development can comply with the criteria of the interim guidance.
- 5.3 The IPG allows 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.
- 5.4 The inclusion of East Harlsey in the updated settlement hierarchy as a secondary village indicates it is considered to be a reasonably 'sustainable' location where an additional dwelling can be considered to support local services, which in this case include a pub, and a village hall.
- 5.5 As a single dwelling the proposal is small in scale. The site is between existing buildings, and the proposed development is considered to reflect the linear form of the village.
- 5.6 At the east end of the village, development is sporadic with one or two existing gaps on the north side of the road. Development ceases on the south side of the road, just short of the application site. The application site is within the 30 mph village area, with street lights, and has the character of forming part of the village, and on this basis it would not be harmful to the rural surroundings.
- 5.7 The site is a small paddock, which relates more to the built form of the village, than that of the open countryside beyond. The hedges will be retained and it is considered that the proposal would not be detrimental to the natural environment. The site is not within the setting of any Listed Buildings and overall would not be harmful to the historic or built environment, subject to considerations of design, which can be controlled with the consideration of reserved matters, should this application be approved.
- 5.8 There is no evidence that a single extra dwelling cannot be accommodated within the capacity of the existing infrastructure.
- 5.9 Siting and design are reserved to be considered later, however it can be seen that the size of the plot is capable of accommodating a dwelling that would reflect the relatively spacious setting of Bankside Farm and the recently approved dwelling to the west of Bankside Farm. An appropriately designed dwelling which pays due regard to traditional design and local character and distinctiveness, as required by policy DP32 is considered to be acceptable in this location. The proposed development is considered to accord with the requirements of Development Policy DP32.
- 5.10 Overall therefore, the proposal is acceptable development in the terms of the Interim Policy Guidance.

#### Residential Amenity

- 5.11 Policy DP1 of the Hambleton Local Development Framework, Development Policies DPD, seeks to protect the amenity of the occupiers of neighbouring properties. Given the size and form of the plot and its relationship to neighbouring properties, it is considered that a dwelling, subject to details to be submitted at the Reserved Matters stage, is capable of development without detriment to the amenity of neighbouring occupiers.

### Highway Safety

- 5.12 With regard to highway safety, the present proposal does not include details of access. The Highway Authority was consulted however and has confirmed a no objection response based on their standard conditions to cover the matters set out above. There are no concerns evident on highway safety and subject to detailed design and layout proposals; the development of a single dwelling could be made acceptable.

### Planning Balance

- 5.13 Due to its size and location the site is capable of accommodating a dwelling without unacceptable harm to the surroundings or the amenities of neighbours or road safety and is able to comply with the above policies. Therefore the proposal can meet all the criteria of the Interim Policy Guidance Note.

## **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 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 siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site.
  3. Prior to first walling, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
  4. Prior to first walling details of the foul sewage and surface water disposal facilities shall be submitted and approved in writing by the Local Planning Authority.
  5. 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 4 above.
  6. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
  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 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.

8. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road C9 from a point measured 2.4 metres down the centre line of the access road. The eye height shall 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.
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:
  - (i) vehicular and pedestrian accesses; (ii) vehicular parking; and (iii) vehicular manoeuvring and turning arrangements.

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 9 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.

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 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.
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; and (iii) the approved areas shall be kept available for their intended use at all times that construction works are in operation.

#### Reasons

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

2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure 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 ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. In the interests of highway safety.
8. To ensure appropriate on-site facilities, in the interests of highway safety and the general amenity of the development.
9. To provide for appropriate on-site vehicle facilities, in the interests of highway safety and the general amenity of the development.
10. To provide for appropriate on-site vehicle facilities, in the interests of highway safety and the general amenity of the development.
11. To ensure that no mud or other debris is deposited on the carriageway, in the interests of highway safety.
12. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area

Informatics

1. An explanation of the terms used above in condition 8 is available from the Highway Authority
2. 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)
3. Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway.