

Parish: Kirklington cum Upsland
Ward: Tanfield
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Committee date: 17 September 2019
Officer dealing: Mrs H Laws
Target date: 27 September 2019

18/02130/FUL

Construction of a single detached dwelling and the change of use of land to form an associated domestic curtilage as amended by plans received by Hambleton District Council on 10 June and 15 July 2019

At: Morar House, Kirklington

For: Mr & Mrs Smelt-Webb

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 site lies at the south eastern end of the village, on the northern side of the village street leading south eastwards the junction with the B6267. Part of the site lies within the Kirklington Conservation Area.
- 1.2 The site, which covers an area of 0.09 hectares, is currently occupied by outbuildings, including a rendered and pantiled roofed stable block, a nissen hut and a large timber summer house used in association with Morar House. Access into the plot is from the village street via a shared track between Sunnyside and Glynvale, which also accesses fields to the north east.
- 1.3 To the west of the site lies Morar House and its attached neighbour Sunnyside, with the detached dwelling known as Glynvale to the east across the shared driveway; open countryside lies to the north and east of the existing garden.
- 1.4 It is proposed to remove the nissen hut and summer house and utilise the existing stable block to create a detached dwellinghouse. A two storey extension would be constructed, connected to the stable block by a single storey link. The accommodation within the stable block would include a kitchen, pantry and utility room; the link would provide the entrance hall and wc; the proposed extension would provide two reception rooms with two bedrooms at first floor, each with an ensuite.
- 1.5 The new part of the building would be finished in brickwork with a clay pantile roof.
- 1.6 A parking and turning area is proposed at the southern side of the site; the scheme does not include a garage.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 07/01412/FUL – Construction of a dwelling. Permission refused 10/7/2007 for the following reasons:
 1. The proposed access, by which vehicles associated with this proposal would leave and rejoin the County Highway, is unsatisfactory since the required visibility of 2m x 70m cannot be achieved at the junction with the County Highway. It is therefore the opinion of the Local Planning Authority that the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.
 2. The proposal is contrary to Policy CP4 and CP6 of the Local Development Framework Core Strategy as the village of Kirklington is not designated within the settlement hierarchy as suitable for new residential development. Furthermore no

exceptional case has been shown to exist in this instance to enable an exception to be made to the Policy CP4 and no information provided to demonstrate compliance with the requirements of Policies CP1 and CP2 of the Core Strategy.

3. It is considered that the proposal would be contrary to Policy CP17 of the Local Development Core Strategy in that the proposal, by seeking to introduce a new dwelling which would be visible from viewpoints within the Conservation Area, where at present no man-made views exist, and that would not respect or enhance the local context. The existing buildings within the site are small in scale and well assimilated into the local landscape the demolition of which would adversely affect the appearance, character and townscape of the Conservation Area.
- 2.2 07/01488/CON - Application for Conservation Area Consent to demolish existing stable/store. Permission refused 5/7/2007 for the following reason:
1. In the absence of an appropriate and visually beneficial scheme for the redevelopment of the site, the loss of the existing building is contrary to Policy HH3 of the Hambleton District-Wide Local Plan and Policy CP1 of the Local Development Framework Core Strategy in that demolition of the building would adversely affect the appearance, character and townscape of the Conservation Area.

Appeals into the above decisions were both dismissed 22/4/2008.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 – Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – approve the application and have no further comments to make.
- 4.2 Highway Authority – The Local Highway Authority has received further information. The latest proposal includes securing a visibility splay to the south east of the existing access under a section 106 agreement with the neighbouring property. Whilst the proposal intensifies the use of the existing access, it is accepted that such an improvement also benefits visibility leaving the access for Morar House and Sunnyside. Conditions are recommended.
- 4.3 Northern Gas – no objections however there may be apparatus in the area that may be at risk during construction work

- 4.4 HDC Environmental Health - This service has considered the above application. Based on the information provided we believe there will be no significant impact on the local amenity. Therefore the Environmental Health Service has no objections.
- 4.5 Public comments – no comments received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the impact on heritage assets; (ii) the principle of a new dwelling in this location; (iii) the impact on the character of the surrounding area, including the character and appearance of the village and the rural landscape; (iv) design; (v) the impact on residential amenity; and (vi) highway safety.

Heritage Assets

- 5.2 Heritage assets, as stated within paragraph 184 of the NPPF, are an irreplaceable resource that should be conserved in a manner appropriate to their significance. The site lies
- 5.3 The NPPF at paragraph 195 and 196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building (or site).
- 5.4 The Kirklington Conservation Area centres on the village green with mainly frontage terraced cottages and larger dwellings, some with farms to the rear. Later development has spread along the roads, again with mainly frontage development but with backland farm buildings or ancillary buildings giving some depth to the village form. The existing stable block lies within the boundary of the Conservation Area and although it forms a part of the streetscene its contribution is limited due to the distance it is set back from the frontage, and its position as an ancillary building to the rear of frontage properties. The structure is to be retained without significant alteration to its visible elevation thereby largely preserving the existing views of the site; the two storey extension would lie outside the boundary of the Conservation Area and would replace the existing more unsightly buildings. Although consideration must be given to the impact on its setting, the building would not be viewed in the context of the Conservation Area and would not impact on its character or appearance.
- 5.5 On assessment of the application therefore it is considered that the proposal would cause no harm to heritage assets.

Principle

- 5.6 The site falls outside of the Development Limits, as Kirklington does not feature within the Settlement Hierarchy defined within Policy CP4 of the Core Strategy. 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 NPPF. 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".

- 5.7 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.8 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.
- 5.9 In the 2014 settlement hierarchy contained within the IPG, Kirklington is identified as an 'Other Settlement'. This status recognises its relatively limited range of services and facilities. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.10 The site lies within the village of Kirklington and lies 2.5km along the B6285 from the edge of Carthorpe, which has a pub. This route is via a country road which is unlit and without footpaths. Facilities in the village itself include a pub, a village hall and a church. The closest Secondary Village is Burneston, which is more than 3.5km away, too far from Kirklington to form a sustainable cluster.
- 5.11 However, it is important to note that in an appeal in 2016 against refusal of planning permission for a new dwelling in Kirklington, the Planning Inspector stated:
- "Whilst the village itself lacks the capacity to form a sustainable community, the distances to nearby villages are not significantly outside the general guidelines. In rural locations with limited public transport, there will inevitably be more reliance placed on private cars. The distances involved should in my view be balanced by the evidence as to their connectivity through mutual use of services and facilities. I consider that IPG criterion 1 would be met as the proposal would be located where it will support local services including services in a village nearby".
- 5.12 In summary, and taking into account all available evidence and the precedent of the appeal decision, development of housing in Kirklington is considered to meet the requirements of criteria 1 of the IPG in principle.

Character and appearance of the village and the rural landscape

- 5.13 It is important to consider the likely impact of the proposed development with regard to criteria 2, 3 and 4 of the IPG. It is considered that the construction of a single dwelling on this site would not overwhelm the village in respect of scale, form or character.
- 5.14 The land is domestic in terms of its use and its character and not considered to be of special visual or historic merit. The site forms part of the village in respect of its character and appearance rather than the adjacent open countryside and adjoins the main built form of the village.
- 5.15 The view of the site, on the approach into the village from the south east, is limited and only the existing stable building would be clearly visible
- 5.16 The open aspect of the countryside to the east would not be compromised.

Design

- 5.17 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."
- 5.18 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.
- 5.19 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.
- 5.20 The dwellings in this part of Kirklington are a mix of sizes, styles and materials. The proposed dwelling has the appearance of a barn conversion, reflecting the characteristics of the existing stable block. The two storey extension would become the dominant element but the single storey stable block would be the only part clearly visible from the village street, thereby retaining the existing character from the public viewpoints.
- 5.21 This conversion style of dwelling is not uncommon within the village and the use of render, brickwork and pantiles reflects the materials on other buildings in the immediate vicinity.
- 5.22 The proposal is therefore considered to be in accordance with LDF Policies CP17 and DP32.

Residential amenity

- 5.23 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The proposed dwelling lies approximately 20m from its nearest neighbour, which is Sunnyside, which is the existing distance between the dwelling and the stable block. The two storey part of the proposed dwelling would be well screened by the stable block and its outlook would be facing away from neighbouring properties. It is considered that there is adequate separation distance to ensure there is no loss of amenity for existing or proposed residents in respect of overlooking or overshadowing.

- 5.24 The access would continue to serve Morar House; the residents of the existing property would pass immediately to the front of the existing stable block. These rooms would be used as kitchen, pantry and utility room and therefore any disturbance resulting from vehicle movements would not have a significantly harmful impact. The use of the driveway for a single additional dwelling would not be of such a scale to result in unacceptable level of disturbance.
- 5.25 The proposed development would not adversely impact on the amenities of the residents of the neighbouring properties and would be in accordance with LDF Policy DP1.

Highway safety

- 5.26 The Highway Authority has no objection to the use of the existing access onto the main road for an additional dwelling, subject to the provision of an adequate visibility splay. The visibility splay crosses the front garden of the neighbouring property to the south known as Glynvale. A draft legal agreement has been received, which confirms that the land would be kept clear of obstructions. Any approval of the application would be subject to the completion of the agreement.
- 5.27 The agreement would result in improved visibility for the three existing properties that use the shared access thereby improving highway safety.

Planning Balance

- 5.28 In assessing this application it is clear that the proposal would create an additional dwelling in a sustainable location without causing harm to the form and character of the village and without harm in terms of highway safety. The scheme is found to result in social gains through the provision of new housing, the economic impact of the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be positive. No other material considerations would preclude a grant of planning permission subject to the completion of the legal agreement. The proposed development is found on balance to be acceptable.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission 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. Prior to construction of any building or regrading of land 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 and the relationship to adjacent 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.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

5. No part of the development shall be brought into use until a splay is provided giving clear visibility of 44m to the south east of the access. The visibility splay shall be measured along the channel line of the major road from a point measured 2.0m down the centre line of the access road. The eye height will be 1.05 and the object height shall be 0.60m. Once created, this visibility area shall be maintained clear of any obstruction and retained for the intended purpose at all times.
6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference drawing number 18/04/139 01) and 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.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
8. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
9. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 18/04/1739 01 received by Hambleton District Council on 10 June and 15 July 2019 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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. To ensure that the development is appropriate to environment in terms of amenity in accordance with LDF Policies CP1 and DP1.
5. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
9. 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.

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 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.