

**Parish: Exelby, Leeming and Londonderry** Committee date: 14 November 2019  
Ward: Bedale Officer dealing: Mrs H Laws  
**6** Target date: 20 November 2019

**18/02413/OUT**

**Outline application with some matters reserved (considering access) for the construction of a detached dwelling with detached garage and new vehicular access as amended by plan received by Hambleton District Council on 11 October 2019**

**At: Land north of Ten Trees, Exelby**  
**For: Mr P Simpson**

**This application is referred to Planning Committee as the application is a departure from the development plan**

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

- 1.1 The application site lies on the north eastern edge of the village and forms part of a field currently used for grazing. The site covers an area of approximately 0.1 hectares and fronts onto the road leading towards Leeming, bounded by mature hedgerows. A field gate lies in the south eastern corner of the field.
- 1.2 Extensive landscaping lies along the front boundary and trees are positioned along the side and rear boundaries. The land slopes upwards slightly from the road.
- 1.3 It is proposed to construct one detached dwelling and a detached domestic garage on the site, which forms the southern portion of the field.
- 1.4 The application is in outline with access to be approved at this stage. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if outline planning permission is approved.
- 1.5 The proposed dwelling would have vehicular access from the south eastern corner of the site directly onto the existing road.
- 1.6 The existing front boundary hedgerow would be removed to allow the required visibility splay; a new hedgerow is proposed to be planted behind the visibility splay.

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

- 2.1 2/97/048/0324 - Outline application for the construction of a detached bungalow and domestic garage. Permission refused 21/7/1997.

## **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 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 – no observations, supported
- 4.2 Highway Authority – conditions recommended
- 4.3 HDC Environmental Health Officer (contaminated land) - No identified sources of contamination and therefore the risk of contamination affecting the development or end users is considered to be low. No objections.
- 4.4 Public comments – comments have been received from two local residents which are summarised as follows:
- Extra traffic on a narrow lane is likely to cause a danger
  - The development will make a significant impact on the size and shape of the boundary to the village
  - Noise and disturbance resulting from use
  - Creation of a precedent
  - It is understood the applicant intends to apply for more houses on the land

#### **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) neighbour amenity; (v) the effect on the existing trees; and (vi) 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). 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 the Green Dragon 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 is an undeveloped 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 Although the application site is undeveloped its position is in line with, and opposite existing residential development. The site has more in character with the built form of the village than the rural landscape beyond. Most of the development in this part of Exelby is frontage development and therefore it would be anticipated that frontage development would be most appropriate in this location.
- 5.10 It is considered that the development proposed, without the loss of rural landscape, would not be detrimental to the 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.

#### Residential amenity

- 5.11 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 closest neighbours would be the detached bungalow that lies immediately to the south of the application site and the recently constructed dwellings on the opposite side of the road.
- 5.12 It is considered that one additional dwelling would not create undue noise and disturbance that would be contrary to the requirements of Policy DP1 and that adequate distance would be available to ensure that no unacceptable levels of overlooking or overshadowing would occur. Subject to consideration of a reserved matters application it is suggested that the amenity of the existing and proposed residents would be protected.
- 5.13 The proposed development would therefore accord with LDF Policy DP1.

#### Effect on trees and hedgerows

- 5.14 LDF Policy DP30 states that "the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced...the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views."
- 5.15 The existing tree at the entrance to the site would be removed as would most of the front boundary hedge in order to provide a visibility splay. The tree is not considered to be of special merit.
- 5.16 The development proposes to replace the front boundary hedge with a new hedge behind the visibility splay and also to provide a hedge along the northern boundary of the application site where currently there is no boundary. A number of trees are proposed to be planted along the boundaries of the site.
- 5.17 It is considered that the new planting, which is proposed to compensate for the loss / replacement of the existing planting, would help to assimilate the new development into the village environment in accordance with Policy DP30.

#### Highway matters

- 5.18 Notwithstanding the position of the proposed access opposite existing individual access points, the Highway Authority does not consider that the proposed development would give rise to highway safety issues; conditions are recommended.

It is concluded that the proposed development will have no harmful impact on road safety and is in accordance with Development Policy DP3.

#### Other comments

- 5.19 The proposed development lies opposite residential development recently approved under the same IPG guidance but this is not seen as a precedent as each application is viewed on its own merits. Should a planning application be submitted for either a revised number of dwellings on this site or an additional number on a larger plot, the merits will be considered at that time based on the relevant planning policy.

#### Planning Balance

- 5.20 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 or residential amenity. 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. 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. 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 scale, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
  3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples 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. 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.
  5. 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 hedgerows illustrated on drawing number 2017:46/02E, has been submitted to and approved by the Local Planning Authority. 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.

6. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0800 hours and 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturday and there shall be no such work on Sunday or on any public holidays.
7. 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.

8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
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 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
  - a. The details of the accesses shall have been approved in writing by the Local Planning Authority
  - b. The crossings of the highway verge shall be constructed in accordance with the approved details shown on drawing 2017:46/02 and Standard Detail number E50.
  - c. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
10. There shall be no access or egress by any vehicles between the highway and the residential site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 59 metres measured along both channel lines of the major road U1443, Exelby to Westfield Lane, from a point measured 2.0 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.60 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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:
  - a. vehicular parking
  - b. vehicular turning arrangements
12. 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.
13. 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
  - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
14. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 2017:46/02; received by Hambleton District Council on 11 October 2019; unless otherwise approved in writing by the Local Planning Authority.
15. The development hereby approved shall be for no more than one dwelling house.

The reasons are:

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 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.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
6. In order to protect the amenities of residential property in the locality in accordance with LDF Policies CP1 and DP1.
7. To ensure that the development is appropriate to environment in terms of amenity in accordance with LDF Policies CP1 and DP1.
8. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
10. In the interests of highway safety in accordance with LDF Policies CP2 and DP4
11. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
12. 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.
13. 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.
14. 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.
15. For the avoidance of doubt and to ensure that the scale of development is appropriate to this location and to comply with the requirements of the Council's Interim Policy Guidance.

#### 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. 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 condition 9.
3. The proposals required by condition 11 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)