

**Parish: Appleton Wiske**  
**Ward: Appleton Wiske & Smeatons**

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**20/02642/FUL**

**Committee Date :** 01 July 2021  
**Officer dealing :** Peter Jones  
**Target Date:** 09 February 2021  
**Date of extension of time (if agreed):**

**Application for construction of a stone built, four bedroom detached dwelling with a double garage (plot 1).**

**At: Land to West of Smithy Green Hornby Road Appleton Wiske North Yorkshire**  
**For: Foster.**

**The application is brought to Planning Committee as the proposed development is considered a Departure from the Development Plan.**

### **1.0 Site, context and proposal**

- 1.1 The site forms the north eastern corner of a field towards the north western corner of the village, on the southern side of Hornby Road. A hedgerow forms the roadside boundary to the site, which covers an area of 0.12 hectares. The application site has no other boundary markers. A ditch lies within the highway verge on the northern side of the hedgerow. A public right of way lies immediately to the east between the application site and the bungalows at Smithy Green. These bungalows lie within a cul-de-sac arrangement with the rear elevations of numbers 9, 10 and 11 facing westwards towards the application site.
- 1.2 The application is for full planning permission to construct a detached dwelling on part of the wider 2 plot site.
- 1.3 The application has been amended during the course of the application in order to address design concerns raised by the Case Officer.
- 1.4 A second full application has been made on the other half of the site between plot 1 and the built form of the existing settlement.

### **2.0 Relevant planning and enforcement history**

- 2.1 19/00834/OUT - Outline application with details of access (all other matter reserved) for the construction of two dwellings

### **3.0 Relevant planning policies**

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.
- 3.2 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

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  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP3 - Site accessibility  
 Development Policies DP4 - Access for all  
 Development Policies DP28 - Conservation  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP32 - General design  
 Interim Guidance Note - adopted by Council on 7th April 2015  
 Hambleton emerging Local Plan  
 Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF  
 National Planning Policy Framework

#### 4.0 Consultations

##### 4.1 Yorkshire Water - No objections subject to conditions:

It is noted from the submitted planning application that surface water is proposed to be drained to soakaway. 2. On the Statutory Sewer Map, there is a 300 mm diameter public foul sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It would appear from the submitted documents that the sewer has been diverted under agreement with Yorkshire Water. it would appear that the diverted public sewer will not be affected by building-over proposals.

##### 4.2 North Yorkshire Highways – No objections subject to conditions.

##### 4.3 Parish Council – Object for the reasons summarised below:

- The proposals are for two storey dwellings and not bungalows as previously agreed.
- The proposed dwelling appears higher than the previously agreed 54m AOD.
- The proposed development will have a harmful impact on the character of the village.

##### 4.4 Representations – 12 letters of representation have been received from three consultation exercises following revisions to the scheme. These are summarised below:

- The ridge height is too great. The ridge should be no more than 54m AOD.
- Actual bungalows would be acceptable. These are clearly two storey dwellings.
- Changing the proposals from the Outline is undermining the planning system.
- Proposals negatively impact on the approach to the village.
- Loss of vies of the Oak Tree and the Church.

- Harmful impact on the character of the village.
- Loss of amenity to residents of Smithy Green.
- Loss of amenity to immediate neighbour.
- The style of dwelling is not in-keeping with the character of property in the area.

## 5.0 Analysis

- 5.1 The main issues for consideration in this case include (i) the principle of new dwellings in this location outside Development Limits; (ii) the effect of the proposed development on the form and character of the village; (iii) the effect on the amenity of neighbouring residents; (iv) surface water drainage and (v) highway safety.

The principle of development

- 5.2 The site falls adjacent to but outside of the Development Limits of Appleton Wiske, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. 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".

- 5.3 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. 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 reproduced in the IPG Appleton Wiske is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it would be located where it can support local services.
- 5.6 Consideration and reference also needs to be made to the emerging Appleton Wiske Neighbourhood Plan. The Neighbourhood Plan's designated area was approved in September 2012 and the Parish Council produced an initial draft plan, which identified a preferred housing site elsewhere in the village. However, work on the plan has not progressed since. Considering that the Neighbourhood Plan is at a relatively early stage, it can be given only very limited weight.
- 5.7 It is also noted that the grant of Outline Planning Permission for two units on this and the adjoining site is a material consideration in support of the principle of development on this site.

#### Impact on form and character of village and rural landscape

- 5.8 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."
- 5.9 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.
- 5.10 The National Planning Policy Framework supports this approach and, at paragraph 64, 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.
- 5.11 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.
- 5.12 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 adjacent to and opposite the built-up part 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."

- 5.13 The application site, although undeveloped and part of a larger field, does form part of the village as much as it does the surrounding countryside and therefore the construction of two dwellings within this plot would continue the existing form of built development along this side of the village street without encroachment into the rural landscape.
- 5.14 It is considered that the small-scale development adjacent to the Smithy Green development to the east and existing housing opposite to the north would not result in a significant change in the character of the village or the countryside.
- 5.15 Due to the wide verge and therefore adequate visibility, the proposed development would not require the removal of the front boundary hedge other than the creation of gaps for the accesses. The existing hedgerow is well established and mature and contributes to the character of the locality. The mature oak tree within the same field but to the south east of the application site boundary is the subject of a Tree Preservation Order. This tree would be unaffected by the proposed development for construction works.

## Design

- 5.16 The outline planning permission included a condition that sought to limit the height of the development to single storey and an overall height of no more than 54m AOD. This application has been submitted as a Full application and as such there is no legal requirement for compliance with the outline permission, although this clearly set an expectation for the development of the site, which has been a source for complaint from neighbouring residents.
- 5.17 A number of design iterations have been gone through to get to the current design. The latest design is considered to address the earlier design issues raised by the Case Officer, although does not wholly comply with the requirements of the outline permission.
- 5.18 It is considered that whilst the expectations of the Outline are not fully met, assessing the application on its merits, in particular looking at the context in terms of the massing, style and form of development in the locality, results in the proposals being an acceptable form of development in this case.
- 5.19 The street levels of the housing opposite the application site are considerably higher and dominated by two storey housing forms. Whilst the homes at Smithy Green, are diminutive, single storey dwellings, there is a degree of separation between them and the application site and the slight additional ridge height is not considered to result in a visually harmful impact. There is a mix of building styles and forms in this part of the village and the proposed development is not considered to have a harmful impact in this respect.
- 5.20 Overall, the proposed development is considered to respond positively to the overall character and appearance of the area and is not considered to result in a harmful impact.

## Residential amenity

- 5.21 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed dwellings follow the general building line of the dwellings along this section of the village street and also reflect the spacing between many of the detached dwellings locally.
- 5.22 The closest existing neighbours to the proposed dwelling would be the existing bungalows at Smithy Green. In this case it is the relationship to the immediate neighbour, which would be located on Plot 2, which is of potential concern. In this case the relationship between the two proposed new buildings is acceptable and results in no harmful impact.
- 5.23 Any additional vehicle movements to serve the two dwellings would not be excessive and would not detract from the amenity of the existing residents.

## Drainage

- 5.24 Policy DP6 states that new development must be capable of being accommodated by existing or planned services and must not have a seriously harmful impact on existing systems. Policy DP43 states that development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere.
- 5.25 It was agreed in the earlier outline approval that matters pertaining to drainage could be adequately dealt with by condition. It is considered that there is no reason to change this position. The proposed development, subject to conditions is capable of compliance with the requirements of Policy DP6, DP43 and the requirements of the Interim Policy Guidance.

## Highway matters

- 5.26 Policy DP4 states that all proposals must ensure that safe and easy access is available to all potential users.
- 5.27 The Highway Authority has no objections to the creation of two accesses to serve the additional dwellings subject to appropriate conditions. The proposed development is considered to result in no detrimental impact on road safety.

## Planning balance

- 5.28 The proposal would create a single 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 revised design, whilst not fully meeting the requirements of the Outline permission are considered to be appropriate in terms of the character and form of the settlement.

## 6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC/3138/02, HDC/3138/03, HDC/3158/05 and HDC/3158/04 received by Hambleton District Council on 28 May 2021 unless otherwise approved in writing by the Local Planning Authority.
3. There must be no access or egress by any vehicles between the highway and the application site at Plot 1 until:
  - o Amendments to the ditch have been undertaken in accordance with the details approved in writing by the Local Planning Authority.
4. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Plot 1 have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
5. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
7. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
  1. details of any temporary construction access to the site including measures for removal following completion of construction works;
  2. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  3. the parking of contractors' site operatives and visitor's vehicles;
  4. areas for storage of plant and materials used in constructing the development clear of the highway;
  5. details of site working hours;
  6. details of the measures to be taken for the protection of trees; and
  7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

8. Prior to the commencement of development except for the formation of the access and initial site clearance, full levels shall be provided to and agreed by the Local Planning Authority. Levels shall include existing and proposed land levels along with finished floor, eaves and ridge levels. The development shall be implemented in accordance with the approved details.
9. 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.
10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
11. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

The reasons for the above conditions are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. 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 Policy(ies) .
3. To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.
4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
5. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
6. In accordance with policy number and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
7. In the interest of public safety and amenity.
8. In order to protect the character and amenity of the area and to comply with DP1, DP30 and DP32.



9. In order to protect the character and appearance of the area and to comply with DP32.
10. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network
11. In the interest of satisfactory and sustainable drainage.