

Parish: Carthorpe

Ward: Tanfield

Committee Date : 15 October 2015

Officer dealing : Mrs H M Laws

Target Date: 22 October 2015

3

15/01809/OUT

**Outline application for construction of a dwellinghouse with all matters reserved.
at Land opposite Rosedene, Carthorpe, North Yorkshire
for Mrs J Lancaster.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies on the southern side of the main village street at the western end of the village. The site is currently vacant and covers an area of approximately 600sqm. It is bounded by a post and rail timber fence with a mature hedgerow and a gateway along the roadside frontage. A public right of way lies along the western boundary, which is an access track to a property to the south.
- 1.2 It is proposed to construct a detached dwelling on the site. The application is in outline form with all matters reserved although an indicative layout has been submitted for information. A gate lies on the front boundary but there is no dropped kerb and this is not necessarily the intended access point into the site.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 2/90/026/0067 - Outline application for the construction of a bungalow. Permission refused 21/9/1990 and dismissed on appeal.

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 DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
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

4.0 CONSULTATIONS

- 4.1 Parish Council - comment as follows:
- The plans make it look like there is existing access to the site. There is a gate set in the hedge but there is no drop curb or existing method of crossing the grass verge.

- The development would extend the ribbon development of the village.
- There is current concern over title of the land.

4.2 NYCC Highways - no objections subject to conditions

4.3 Ramblers - no objections

4.4 HDC Environmental Health - Subject to the full application containing information regarding drainage provision and means of water supply, no objections.

4.5 Site notice/local residents - an objection has been received from a resident of an adjacent property, as follows:

- Carthorpe is a defined settlement where extending the settlement boundary could ruin the character of the village with rural sprawl. If a ribbon development is repeatedly allowed by setting a precedent with approval of this application, then Carthorpe would be overwhelmed. The protection of village rural qualities is supported by Local Planning policies.
- The 'Settlement Hierarchy' has positioned Carthorpe as a cluster village with Burneston to enable Carthorpe to be sustainable as a village community with an adequate level of service provision. It is understood that service utility systems, and in particular sewerage, is currently very stretched. So more dwellings become non sustainable without more new infrastructure.
- There is no pressure or demand for housing development beyond the settlement boundary of Carthorpe as there are always dwellings in the village for sale, many of which take many months or even years to sell. A good example is Primrose Cottage, a single storey bungalow that took approx 2 years to sell. This property is located very near to the proposed planning application site.
- The proposed siting of the proposed development for a dwelling is particularly ill-considered as it is understood to be on a plot of land that was originally left by the owner to be utilised as a village allotment by a previous Carthorpe resident (i.e. village records). As such this site should be considered instead as a local green space, kept for Carthorpe community use and importantly be protected from development.
- Since there are no apparent deeds to provide evidence or clarity over ownership to this land, any potential development is subject to a protracted period of legal process and debate.
- This plot of land should only have permitted use either as an allotment or maintained as green space for community use. Importantly therefore this plot of land should be assigned as 'Local Green Space' in line with your 'Call for sites consultation 2015'.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of a new dwelling in this location outside Development Limits, an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, the rural landscape, neighbour amenity, highway safety and developer contributions.

5.2 The site falls outside of Development Limits as Carthorpe 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 55 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. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

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 In the settlement hierarchy contained within the IPG, Carthorpe is defined as an "other settlement"; 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". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies on the edge of the village of Carthorpe which is identified in the IPG as an example of a cluster village together with Burneston. The two villages have long been linked economically and socially which continues to the present day and collectively have churches, a primary school, two pubs and a shop. Each village is readily accessible to each other on foot or bicycle as well as by car on the local road network. Carthorpe is less than a kilometre distance from Burneston and the application site is a further 0.5km through the village. Criterion 1 would be satisfied.

5.5 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 dwellings would be on undeveloped land that lies at the end of the row of residential properties on the southern side of the main village street. There is a house opposite on the northern side of the street. 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."

The proposed development would extend the built part of Carthorpe further along the southern side of the village street and is therefore a form of ribbon development. The application site, although undeveloped, does not form part of the countryside but has more in common with the village. The boundary between the application site and the rural landscape beyond is established by a post and rail fence and the land is overgrown and not in agricultural use. Additional built development lies opposite and beyond. As such it is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment.

5.6 The closest neighbours include a bungalow to the east and a bungalow immediately to the north on the opposite side of the road. A new dwelling, either single or two storey, could be designed to prevent overshadowing or overlooking.

- 5.7 The Highway Authority has no objections regarding the proposed development. It is not considered that the proposed development would adversely impact highway safety and conditions are recommended.
- 5.8 Under the Community Infrastructure Levy (CIL) regulations the proposed dwellings are liable for payment of CIL at a rate of £55 per sq. m, the rate adopted by the Council on 7 April 2015.
- 5.9 The other matters raised by consultees include the absence of demand for housing in the locality. The policies of the NPPF and the LDF mentioned above support the principle of small scale housing development in sustainable locations and the proposal is considered to be in accordance with this aim. The issue of the title of the land is a civil matter not relevant to the determination of the planning application.
- 5.10 It is considered that the proposal is in accordance with the Interim Policy Guidance document in that the housing development, subject to the subsequent approval of detailed plans in respect of scale, design and materials and would have no adverse impact on landscape character, residential amenity and highway safety.
- 5.11 The proposed development is acceptable and approval of the application is recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application 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 layout, scale and 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 development commencing, 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. 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. The development shall not be commenced 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. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling

have been implemented. 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. 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 and the relationship of the proposed development to the existing dwellings to the north and east. 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. 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: d. The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail Number E6; e. 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; h. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
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 from a point measured 2 metres down the centre line of the access road. The eye height will 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: a. vehicular access; b. vehicular parking; c. vehicular turning arrangements.
10. 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.
11. 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; c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 6 August 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions 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. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
10. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
12. 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.