

15/01324/FUL

**Construction of dwellinghouse
at Dalton Lane, Dalton, North Yorkshire
for Mr J Binks**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This scheme is a re-submission of a withdrawn application 15/00259/FUL which was brought before Members earlier this year. The scheme was withdrawn to allow the applicant to consider the justification for the principle of the dwelling, and to allow them opportunity to submit a concurrent application for the change of use of adjacent land for the storage of plant and machinery (15/01323/FUL). The application was further deferred from consideration for the submission of further information by the applicant and others in support of the case.
- 1.2 This application refers to the construction of a replacement dwellinghouse. The applicant has presented evidence as part of their application submission to suggest that a previous permission on the site 2/37/56B/PA was commenced (the foundations were set) but was not completed. Application 2/37/56B/PA related to a 3 bedroom agricultural workers dwelling. The proposed dwelling would sit partly on the foundations in situ. It is acknowledged that the previously approved scheme has been commenced and whilst substantially smaller than the proposed dwelling by using 'permitted development' rights under the General Permitted Development Order there is scope to extend the previously approved dwelling, once it has been completed and occupied, to form an extended dwelling that may be suitable to meet the stated needs of the applicant.
- 1.3 The application site is to the south-west of the periphery of Dalton and sits to the south-west of an access track which previously formed the perimeter road to the former airfield. Via the public highway the site is approximately 0.5 miles away from the centre of Dalton although it is acknowledged that a green lane may permit a more direct access to the settlement.
- 1.4 The topography of the land is flat. Disused agricultural and former aerodrome structures sit immediately to the north and west of the application site. Agricultural land extends to the south.
- 1.5 The occupier of the proposed dwelling is a plant and machinery contractor which includes agricultural contracting. The applicant's agent has provided to the Council on 11 May 2015 an indication of the applicant's local client base. The applicant currently resides in Topcliffe.
- 1.6 The dwelling would be formed in an 'L' shape. Amended plans have been received on 8 May 2015 reducing the width of the two storey projection to the northern elevation. The dwelling would provide for a cloakroom, kitchen, living/dining area, playroom, hall, office, sitting room, WC/shower room and a utility area at ground floor level. At first floor the dwelling would comprise 6 bedrooms, a bathroom and a WC/shower room.
- 1.7 The dwelling, as amended, would have maximum dimensions of 18.3m x 16.5m, with

a total height of approximately 8.5m. Materials for the proposed structure would comprise handmade bricks and clay pantiles.

- 1.8 Access to the proposed dwelling would be taken via a proposed track to the north which would connect to Dalton Lane. The track would be surfaced in gravel on hardcore and would be bounded by a post and rail fence and landscaping.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/37/56B/PA - Revised application for the siting and details of the construction of an agricultural workers bungalow with domestic garage at Part OS 7900; Granted 1985.
- 2.2 15/00259/FUL - Construction of replacement dwellinghouse; Withdrawn 8 June 2015.
- 2.3 15/01323/FUL - Change of use of agriculture land to use as storage area for implements and machinery in association with groundworks and agricultural contracting business; Pending Consideration.

3.0 NATIONAL AND LOCAL POLICY

- 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 CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
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 DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP37 - Open space, sport and recreation
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 objections but wish to see Agricultural Occupancy Restrictions added to the conditions should permission be granted.
- 4.2 Highway Authority - no objection.
- 4.3 Environmental Health Officer - no objection; conditions are recommended regarding septic tank installation and maintenance.
- 4.4 Environmental Health Scientific Officer - The above application is for a dwelling on the site of a former World War Two airfield and therefore there is the potential for

contamination and/or unexploded ordnance to exist. In order to determine the risk from contamination and/or ordnance I would recommend conditions, relating to contaminated land and unexploded ordnance should planning approval be granted.

4.5 Ministry of Defence – no response

4.6 Yorkshire Water – no response (Previous response: Based on the information submitted, no comments required).

4.7 Neighbours notified and site notice posted - no responses.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to (i) the principle of new dwellings in this location, outside Development Limits, together with an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, (ii) drainage, (iii) highway safety, (iv) neighbour amenity and (v) developer contributions.

5.2 There are four factors to be balanced in this case relating to the principle of the proposal: 1) the fall-back position of the commenced dwelling on site and whether it is a feasible alternative to the dwelling proposed; 2) whether the employment of the applicant as mainly an agricultural contractor is a justifying factor for the dwelling outside of settlement limits; 3) whether the implications of the Interim Policy Guidance for dwellings outside of development limits; and 4) whether the development constitutes sustainable development.

5.3 The commenced dwelling is a three bedroom property which is smaller in scale than the proposed dwelling and would not provide the level of accommodation which the applicant is seeking. The feasibility of it being completed has been considered to be relatively low, particularly as it would need to be heavily extended to meet the needs of the applicant. Evidence has since been supplied from a local surveyor (agricultural specialist) that explains that there would be demand for an agricultural workers dwelling as shown in the approved plans. The likelihood of the dwelling being built, if the proposed scheme does not go ahead, is now considered to be high. The approved bungalow was approved subject to an agricultural occupancy condition. The evidence supplied by the applicant, their agent and accountant shows that the applicant is mainly employed in agricultural contracting. It is reasonable to conclude that the applicant would meet the occupancy restriction that applied to the approved bungalow. The additional information shows that considerable weight should be given to the fall back position in the planning balance.

5.4 The applicant has provided supporting information regarding their contracting enterprise, the extent of agriculture in this enterprise, and their client base in relation to the application site. The application site is relatively central to their contracting operations locally. The applicant currently lives at Topcliffe and keeps a limited amount of machinery there. Some machinery is currently stored at a relation's property in Dalton with the remainder moved from site to site. The application under reference 15/01323/FUL has been approved for storage on adjacent land. There is evidence to suggest that a new dwelling adjacent to the storage site would aid the efficient operation of the business. None of the details would amount to an essential requirement to locate in the countryside. It is, however, not doubted that the applicant's business would continue to support the sustainable rural economy. The applicant's business also features low in the planning balance.

5.5 The third issue relates to the Interim Policy Guidance (IPG) which, as of 7 April 2015 ensures appropriate consistent interpretation of the NPPF alongside LDF policies

CP4 and DP9 for housing development outside of settlement limits. It is considered that the location of the approved and proposed dwelling would not respect the form of the dwelling. Either the previously approved dwelling or the proposed dwelling would support the few local services in the nearby villages.

- 5.6 The proposed dwelling is larger and would have greater visual impact in the landscape than the approved dwelling. The agricultural worker's dwelling was a three-bedroom bungalow, whereas the proposed dwelling would comprise six bedrooms over two floors, with a footprint approximately double that of the bungalow. The proposal would not harm the natural, built or historic environment. The dwelling would have an impact, but not a detrimental one, on the open character and appearance of the surrounding countryside and it would not lead to a coalescence of settlements. The dwelling could be accommodated within the capacity of the existing infrastructure. Therefore, if acceptable in principle, the development has the capacity to conform to the remaining LDF policies. However, it is clear that the development is not compliant with the IPG due to its distance from Dalton's existing built form. Accordingly it is considered that the proposed dwelling can take no support from the IPG in the planning balance.
- 5.7 The consideration of the scheme in terms of whether it represents sustainable development in terms of the NPPF definition is a further material consideration. The future occupants of the dwelling would perform a limited economic role. The scheme would perform a social role in supporting the community of Dalton and helping to create a high quality built environment.
- 5.8 Turning to issues of detail, the dwelling would not harm local visual amenity and is thus acceptable in terms of policy DP30. It would not erode the amenities of occupiers of adjacent property and is acceptable on that ground. Furthermore, it would not raise any highway safety issues.
- 5.9 It is considered on balance the demonstration of the strength of the fall back position presented by the existing consent for the dwelling, the evidence that the occupation would comply with the agricultural occupancy condition presented by the applicant and his agent and that the scheme does not breach the NPPF definition of sustainable development. These factors are of such weight that the fact that the scheme cannot take support from the IPG is inconsequential.

6.0 RECOMMENDATION:

- 6.1 That the application 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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 10 June 2015 as amended by the drawings and details received by Hambleton District Council on 8 May 2015 unless otherwise approved in writing by the Local Planning Authority.
 3. The development hereby approved shall not be constructed other than of the materials detailed on the application form received by Hambleton District Council on 10 June 2015 unless otherwise agreed in writing by the Local Planning Authority.
 4. 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 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.

5. The site shall be developed with separate systems of drainage for foul and surface water.

6. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.

7. 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 7 above.

8. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

9. If unexploded ordnance (UXO) is found or suspected at any time during development all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further works shall be undertaken or the development occupied until a risk assessment carried out by an unexploded ordnance (UXO) risk assessment specialist has been submitted to and approved in writing by the Local Planning Authority. Where risk mitigation is necessary a scheme for the mitigation of the UXO shall be submitted and approved by the Local Planning Authority before any further development occurs. The development shall not be occupied until the approved risk mitigation scheme has been implemented and a verification report and clearance certificate has been submitted to and approved in writing by the Local Planning Authority.

10. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.

11. 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 11 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.

12. 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. 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.

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. 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) CP1, CP16, CP17, DP1, DP30 and DP32.
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. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
5. In the interest of satisfactory drainage and to avoid pollution of the water environment.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
8. To assess and mitigate against the risks posed by contamination.
9. To assess and mitigate against the risks posed by unexploded ordnance.
10. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
11. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
12. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.