

**15/01838/OUT**

**Application for Outline Planning Permission for construction of a single detached dwelling with all matters reserved.  
at Land Adjacent Cat And Bagpipes Inn East Harlsey Northallerton North Yorkshire  
for Mr S Barr**

**1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 The site is located opposite the junction of the north-south through-road within the village street. The site dimensions are 15m x 36m (max dimensions). The site is at present rough ground with grass and weeds, and a rough hardstanding at the front. There is an existing access from the highway which serves the adjacent pub. The site includes a brick built single garage, with a steeply pitched roof. At the front of the site the land slopes down towards the road. Overlapping the front of the site there is a hedged enclosure around the village war memorial.

1.2 To the south of the site there is a two storey public house constructed of brick with a distinctive plain tiled, hipped roof with dormers. The pub is set back from the road with a car park to the front which is partially cobbled. To the rear facade of the pub is a first floor conservatory sited on top of a single storey flat roof addition. On the north side of the pub there is an attached double garage with flat roof, and a pitched roof single garage, similar in style to the pub. The single garage is within the application site.

1.3 To the north of the site, Baildon is a large detached house constructed of brown brick. The house is off-set from the boundary by approximately 13m, and has windows facing the site.

1.4 A public right of way enters the site from the north east corner, and then runs along the outside of the north boundary, between the site and Baildon, where it is partially enclosed by fencing.

1.5 Opposite the site the village road is lined houses of a variety of styles.

1.6 The application seeks planning permission in outline for the construction of a single dwelling, with all matters reserved.

**2.0 RELEVANT PLANNING HISTORY**

2.1 2/91/043/0073 - Outline application for the construction of a dwellinghouse. Granted

2.2 2/96/043/0073B - Renewal of consent for a dwelling. Granted

**3.0 NATIONAL AND LOCAL POLICY:**

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Interim Guidance Note - adopted by Council on 7th April 2015  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
National Planning Policy Framework

## 4.0 CONSULTATIONS

### 4.1 Parish Council - Refuse.

Plot full of rubbish - difficult to develop safely.

Too small to build a detached dwelling

Insufficient information to decide whether suitable for development

Footpath and an electricity supply pass through and over the plot - need to consider how these would be affected.

### 4.2 Neighbours and site notice - observations received are summarised below.

#### i. object

No need for dwelling. Village lacks facilities including school shop or post office or any public transport. Site has been used as a dumping ground - needs environmental assessment (asbestos widely used during the period of the railway wagon formerly on the site). Previous approval was in association with the occupation of the pub and should not be a precedent. Highway safety concerns at junction. Loss of privacy (to neighbouring house).

Footpath crosses site - needs to be maintained.

Existing site provides level path to the war memorial.

Danger from electricity supply crossing site.

Comment on position of Site Notice.

#### ii. Object

Previous approval only given due to connection of owner with the pub.

Conflict of interest with nature of pub use - potential for noise.

Land used as over flow car park. Access to war memorial and footpath.

Overcrowded appearance. Effect on the stand-alone pub

### 4.3 NYCC Highways - note that visibility is restricted but note existing access and comment that a refusal would be difficult to sustain. Conditions requested.

### 4.4 Yorkshire Water -

### 4.5 EHO - No objection

### 4.6 Ramblers - No objection. Query regarding the line of the adjacent public footpath as it leaves the road and significance of a manhole cover in the car park will be followed up by the Parish Council.

## 5.0 OBSERVATIONS

5.1 East Harlsey is a village without status within the hierarchy set out in CP4 as adopted 2008. In 2015 the Council has adopted an Interim Guidance Note which updates the hierarchy and includes East Harlsey as a secondary village. The Guidance provides for a more flexible consideration of new development at the edge of settlements. Accordingly the main consideration is whether the development fits the criteria set out in the Interim Guidance, and thereafter whether the proposed development is in accordance with other relevant policies of the local plan including the amenity of nearby occupiers (CP1 and DP1, design (CP17 and DP32) and any highway safety issues.

### 5.2 Interim Guidance Criteria:

Small scale housing development will be supported 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.

5.3 The inclusion of East Harlsey in the updated settlement hierarchy as a secondary village indicates it is considered to be a reasonably 'sustainable' location where an additional dwelling can be considered to support local services, which in this case include a pub, and a village hall.

5.4 As a single dwelling it is small in scale. The site is between existing developments and the development reflects the existing built form of the village.

5.5 The site is a largely unused space and other than hedges, which could be retained as required, would not be detrimental to the natural environment. The surroundings do not include Listed Buildings and overall the development of the site would not be harmful to the historic or built environment, subject to considerations of design, which if the application is approved can be controlled with the consideration of a reserved matters application.

5.6 The site is within the built up part of the village and will not impact on the rural surroundings.

5.7 There is no evidence that a single extra dwelling cannot be accommodated within the capacity of the existing infrastructure.

5.8 Overall therefore, the proposal is acceptable development in the terms of the Interim Policy Guidance.

5.9 With regard to the amenity of neighbours, Baildon is offset, and benefits from a established hedge. It is considered that through a suitably designed and laid out property, a house can be developed on this site without detriment to the amenity of neighbouring occupiers.

5.10 Occupiers of the proposed house will be in close proximity to the pub and potentially vulnerable to noise and activity during opening hours. Many or most village pubs have a similar relationship with neighbouring properties. The Environmental Health Officer has raised no objections to the proposed development and as such the proposed development is not considered to be prejudicial to the existing pub use nor is the existence of the pub use considered to be prejudicial to the amenity of the proposed dwelling.

5.11 Siting and design are reserved to be considered later. However, it can be seen that the size and form of the proposed plot is capable of accommodating a dwelling. The site is relatively small in relation to the pub, and the neighbouring house, and the issue to consider is whether a dwelling could be reasonably accommodated on the site without appearing to be squeezed in, in comparison with neighbouring properties.

5.12 There is relatively generous separation between the site and Baildon, and a new house would not therefore appear crowded in a northerly direction. A house on the plot would be relatively close to the pub, but will benefit from the 'air space' over the pub garage and it is considered that there is scope to consider that an acceptable design could be arrived at which is sensitive to the design of the pub building and which would sit comfortably alongside it, in the street scene.

5.13 With regard to highway safety, there is an existing access from the road. Attention has been drawn by the highway authority to insufficient visibility. The existing access is not

distinct or separate from that of the pub and by the level of wear may have been used as part of the pub access. Taking into account that the access is not objected to by the highway authority, the use of the access in connection with one dwelling is considered on balance to be acceptable, particularly as there is scope to ensure that the details approved in connection with the reserved matters will retain maximum visibility for the access and with car users on the adjacent pub site. On this basis the proposal is capable of being considered acceptable in highway safety terms, subject to appropriate conditions.

5.13 With regard to the concerns of the Parish Council and neighbours in terms of the sustainability of the site, it is noted that the village has been allocated as a 'secondary village' within the revised settlement hierarchy. It will be the responsibility of the developer to dispose of any waste on the ground appropriately, and also take any necessary measures to redirect the electricity supply with the relevant authorities. Subject to details to be contained within a reserved matters application the proposed development is not considered to have any significant adverse impact on highway safety. Again subject to a suitable design the development of this site is not considered to have any significant impact on neighbouring amenity.

5.14 Access to the public footpath must be retained by law and due to the position of the footpath, this is capable of being achieved through a suitable layout. It should be noted that the previous consent was not tied to the public house by condition as suggested in representations.

5.14 The development is CIL liable.

## SUMMARY

5.15 Due to its size and location the site is capable of accommodating a dwelling without unacceptable harm to the surroundings or the amenities of neighbours or road safety and is able to comply with the above policies.

5.16 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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 siting, design and external 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. 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.

5. 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 above.

6. 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

7. 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 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.

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:

(i) The details of the access shall have been approved in writing by the Local Planning Authority. (ii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.

10. 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: (i) vehicular turning and parking arrangements

11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition 10 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.

### **Community Infrastructure Levy**

Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website. [www.hambleton.gov.uk](http://www.hambleton.gov.uk)

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 ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
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.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. In accordance with CP2 and DP4 and in the interests of highway safety
9. In accordance with 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.
10. In accordance with CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.