

Parish: East Harlsey
Ward: Osmotherley & Swainby
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Committee Date : 12 November 2015
Officer dealing : Mrs H M Laws
Target Date: 17 November 2015

15/02139/FUL

**Construction of a detached dwellinghouse with domestic garage.
at Bankside Farm East Harlsey North Yorkshire DL6 2DB
for Mr & Mrs John Newcombe.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site, which is currently an agricultural field, lies at the eastern end of the village of East Harlsey on the northern side of the village street. The site covers an area of approximately 0.1 hectares with a frontage onto the village street of 28m. The land is positioned between the existing dwelling at Bankside Farm and the detached dwelling to the west at 8 The Beeches. A strip of land adjacent to 8 The Beeches is excluded from the application site boundary.

1.2 The application is bounded at the front by a mature well established hedgerow along its entire length. The hedge lies at the top of a steep verge, up to 1400mm higher than carriageway level. The application site slopes gently downwards on the other side of the hedgerow and is approximately 3.6m lower than the base of the hedge at the rear (northernmost part) of the site. The boundary with the garden of Bankside Farm is a post and rail fence with hedging. There are no boundaries to the west and north of the application site. A mature sycamore lies on the boundary but is within the garden of 8 The Beeches.

1.3 It is proposed to construct a two storey detached dwelling on the site. The dwelling would be built at a similar ground level to the dwelling at 8 The Beeches and higher than the dwelling at Bankside Farm. The four bedroomed, double fronted dwelling would have a central oak framed porch feature on the front elevation and an attached single storey section accommodating a garage and a utility room. Rooflights are proposed in the rear elevation although there is no accommodation proposed within the roofspace. A glazed balustrade feature is proposed at first floor on the rear elevation serving the master bedroom. The dwelling would be finished in brickwork and slates. It is proposed to install pv panels on the front elevation.

1.4 It is proposed to remove a 5m section of hedge at the eastern end of the site's frontage to create an access into the site. The dwelling would be set back at a distance of almost 15m from the front boundary hedge. The front boundary hedge is otherwise proposed to be retained.

1.5 The application submission also includes a tree survey and an ecological assessment.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 None

3.0 RELEVANT PLANNING POLICIES:

3.1 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
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 - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - comments as follows:

1. No identified need for development of properties of such size in this location
2. Discussion with village residents, admittedly not scientific, suggests that opposition to development of agricultural land for housing is widespread.
3. This is agricultural land.
4. Not infill. Next door on one side is a farm.
5. This would establish principle that extending village boundary into agricultural land is acceptable to the PC.
6. Developing agricultural land would change the nature of the village.

Therefore refuse

Concern over the fact this is agricultural land and that this may open the gates for further development of agricultural land.

4.2 Parish Council Chairman - Whilst I share the concerns of others re development of agricultural land I think the application is for an appropriate and attractive dwelling that may well enhance that end of the village. The risk of opening the flood gates is low due to the fact that there are very few potential development sites within the village boundary. Approve.

This is on agricultural land not a brownfield site or a conversion of an existing building. Acceptance of this proposal would create a precedent for further development on agricultural land/green belt within the boundary of the village which the majority of residents are opposed to. Refuse.

Having read through the interim policy guidance (IPG) there is nothing in that document as far as I can understand which specifically says that a dwelling cannot be built on agricultural land. The criteria for East Harlsey is, any development must be small, within the village boundary and similar in character to existing properties. A downside might be that it impacts on the open character of the site but wouldn't that be the same for any development in a similar position. On that basis of the IPG I can only approve unless I have missed something really obvious.

4.3 NYCC Highways - conditions recommended

4.4 Yorkshire Water - comments not yet received (expiry date for representations 21/10/2015)

4.5 Site notice/local residents - no comments received (expiry date for representations 5/11/2015)

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 in respect of its scale,

siting and design, the effect on the rural landscape, neighbour amenity and highway safety and developer contributions.

5.2 The site falls outside of Development Limits as East Harlsey 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, East Harlsey is defined as a 'secondary village'; 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. The site lies on the edge of the village of East Harlsey which has facilities including a public house and village hall. 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 dwelling would be on undeveloped land that lies between existing residential properties on the northern side of the village street. There are also houses opposite on the southern 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."

5.6 The proposed development would infill an existing undeveloped part of the village, which is one of several gaps at this end of the village before it finally becomes truly open countryside. It could be argued that these gaps form part of East Harlsey's character and the infilling of the gaps would create ribbon development extending much further beyond the main part of the village. Additional built development also lies on the opposite side of the road and as such respects the general built form of the village. There would be no harmful impact to the natural, built and historic environment.

5.7 The proposed development is of a high standard of design that respects its immediate neighbours and is in keeping with the character and appearance of the village.

5.8 The closest neighbours are two storey dwellings to either side and two storey dwellings on the opposite side of the road. The distances between the proposed dwelling and the existing properties are relatively substantial as it is a low density development and would not

adversely affect the amenity of existing residents as a result of overshadowing or overlooking.

5.9 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.

5.10 An ecological assessment confirms that the site, as grassland, is of low ecological value although the hedgerows and nearby trees offers potential for species habitat. There is no adverse impact anticipated as a result of the development. It is recommended that the new boundaries are hedges, which would mitigate for the loss of the section of hedge removed to create the access along the front boundary.

5.11 A tree survey has also been submitted, which confirms that the dwelling as proposed would not have an adverse effect on any mature trees within the vicinity.

5.12 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.

5.13 It is considered that the proposal is in accordance with the Interim Policy Guidance document in that the housing development, in respect of siting, scale, design, materials and access is acceptable and would have no adverse impact on landscape character, residential amenity and highway safety.

5.14 The proposed development is acceptable and approval of the application is recommended.

SUMMARY

The site is appropriate in location and size to accommodate residential development without harm to the amenities of neighbours or the surroundings and without harm to road safety. The proposed development complies with the requirements of the Interim Policy Guidance and otherwise conforms with the policy requirements set out in the adopted Hambleton Local Development Framework.

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: that subject to any outstanding consultations the application be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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.
3. 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.

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 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.

5. The development hereby approved shall not be undertaken other than in accordance with drawings numbered JAN/1/8/15-02 and JAN/1/8/15-02A that show the ground level of the development at 109.51, other than with the prior approval in writing by the Local Planning Authority.

6. No part of the existing boundary hedge along the southern boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1500mm other than to create an access in accordance with drawing number JAN/1/8/15-02, other than with the prior approval in writing by the Local Planning Authority.

7. The development shall not be commenced until details relating to the northern and western boundaries of the development have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the boundaries have been implemented in accordance with the approved details and thereafter retained.

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 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 crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6. (ii) That part of the access extending 5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. (iii) 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. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

10. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no JAN/1/8/15-02. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered JAN/1/8/15-01, JAN/1/8/15-02 and JAN/1/8/15-02A received by Hambleton District Council on 22 September 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions 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. 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.
3. 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.
4. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
5. To ensure the building is in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
6. The existing hedge is considered to make a worthwhile contribution to the character of the area and is worthy of retention in accordance with LDF Policies CP16 and DP30.
7. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
8. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
9. 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.
10. In accordance with LDF Policies CP2 and DP4 and 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.
11. 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.