

**Parish: Burneston**

Ward: Bedale

**2**

Committee Date: 4 February 2016

Officer dealing: Mrs H M Laws

Target Date: 12 February 2016

**15/02497/OUT**

**Outline application for the construction of a dwelling with some matters reserved (includes access and layout)  
at Land East of Mustard Field House, Church Wynd, Burneston  
for Mr J Jessop**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site is located on the south east edge of Burneston and on the south side of Church Wynd. Mustard Field House is the last property on the edge of the village on the south side of Church Wynd and the application site forms part of an agricultural field. The site is bounded on the roadside by a low wall covered in ivy and a slightly raised highway verge. The boundary wall of the neighbouring house, with hedgerow above, bounds the site to the west; the southern boundary is formed by a hedgerow. There is no eastern boundary to the application site as it forms part of a larger field. A hedgerow forms the east boundary of the field.
- 1.2 Agricultural land lies to the south and east. The site has a frontage onto the village street of approximately 15m and a depth of approximately 65m.
- 1.3 It is proposed to construct a detached dwelling on the plot. The application is in outline but requests approval for access and layout. It is proposed to create a new access to serve the development site. The proposed position of the dwelling is set back approximately 10m from the front boundary. The proposed footprint of the dwelling is L-shaped.
- 1.4 It is proposed to connect the foul sewage to mains drainage and install a soakaway to deal with surface water. The application site does not fall within an area of flood risk.
- 1.5 The application site lies outside of, but immediately adjacent to, the Burneston Conservation Area.

## **2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 None relevant

## **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 Policy DP1 - Protecting amenity  
Development Policy DP4 - Access for all  
Development Policy DP10 - Form and character of settlements

Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy 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 - objects to this application and wishes to see it refused. The reasons for this decision are:

1. That the building of a house on the proposed site represents ribbon development;
2. Concerns about road safety relating to traffic entering and leaving the site, given that Church Wynd is used as a short cut by traffic going to and from Bedale, so that traffic volumes are often unusually high for a fairly narrow, rural road; and
3. Concerns about the inadequacy of infrastructure, especially drainage, in that part of the village.

4.2 Highway Authority - no objection subject to conditions.

4.3 Yorkshire Water - no comment.

4.4 Ministry of Defence - no safeguarding objections.

4.5 Site notice/local residents - four letters of objection have been received, which are summarised as follows:

1. Burneston is designated as a conservation area
2. Previous applications have been turned down
3. The proposal is outside the defined village limits, which are firmly established by wall, hedge etc. thus forming a solid boundary to the village at this point. The proposal would therefore extend the village beyond these well defined confines thus diminishing the approach to the village from the east and constitute an intrusion to the countryside
4. The repositioning of the entrance to the proposed dwelling may well trigger off similar applications adjoining the proposed site, which amounts to ribbon development.
5. There are brown field sites within the village that should be prioritised for development
6. The proposed drive is directly opposite my front door which will cause considerable light nuisance at night with vehicles leaving the site
7. The inevitable roadside parking that will occur from visitors etc. will cause obstructions to the highway when combined with parking at the surrounding houses, as well as making access from my drive hazardous
8. This site historically caused flooding to Church Wynd from surface water runoff through the existing field gate. This was apparently fixed by laying underground drains which directed the water to the south side of the site. My concern is that any ground works will damage this drainage once again causing flooding
9. Existing services within the village are already stretched; problems with drains and poor water pressure will only be exacerbated
10. This site is just to the west of the brow of a hill on a narrow road which already has several blind entrances also it is an area where some properties have lack of off road parking so parked cars are to be expected
11. Sunnyside cottage frontage is over 200 years old and has dubious foundations, this stands within a yard of the road so the building of driveways and

connection of services with the passing of sometimes heavy traffic is going to cause damage

A local resident has confirmed support only if consent is given for a single dwelling with off road parking.

## **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration in this case relate to (i) the principle of a new dwelling in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) its likely impact on neighbour amenity; and (iv) highway safety.

### Principle

- 5.2 The site falls outside and immediately adjacent to the Development Limits of Burneston, 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 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 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 2014 settlement hierarchy Burneston is still defined as a Secondary Village and therefore a sustainable 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 within walking distance of the centre of Burneston which has facilities including a school, shop and pub. Criterion 1 would be satisfied.

#### Character, appearance and landscape impact

- 5.6 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 agricultural land located at the end of the row of residential properties on the southern side of Church Wynd. 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."

- 5.7 The proposed development would extend the built part of Burneston further along the southern side of Church Wynd by one dwelling and it is acknowledged that the application site is currently undeveloped and thus is clearly seen as part of the countryside rather than the built form of the village. However, whilst the Parish Council has described this as a form of ribbon development, it is important to note that development extends considerably further eastwards on the opposite side of the road. The boundary between Mustard Field House and the application site is well established with a wall and hedgerow providing a fixed boundary to the end of the village but it lies immediately adjacent to the village and is opposite dwellings on Church Wynd and therefore has a close relationship to the built form of the village. As noted, development on the northern side of Church Wynd extends much further to the east but that does not mean that an additional dwelling on this site would set a precedent for any further development along the southern side of the road.
- 5.8 The application site, when viewed from the east, would be viewed against the backdrop of the village, which would help to reduce the prominence of the site. As such it is considered that the proposal is a modest addition to the village and there would be no harmful impact on the natural, built or historic environment.

#### Neighbour amenity

- 5.9 The closest neighbour to the application site is Mustard Field House, which lies closer to the frontage than the proposed dwelling. The front elevation of the proposed dwelling would be approximately in line with the rear elevation of Mustard Field House; therefore, with no windows in the side elevation of the dwelling (which can be assessed at reserved matters stage), there would be no direct overlooking of windows in the existing dwelling at close range.
- 5.10 The dwellings opposite abut the footway and therefore it is more appropriate that the proposed dwelling is set back further into the site to protect the amenity of those residents. There is a distance of approximately 21m proposed between the front elevations of the existing and proposed dwellings.

- 5.11 Concern has been expressed by local residents that vehicle movements and headlights from the proposed dwelling would detract from their amenity. The number of such vehicle movements from a single dwelling would not be significant and therefore the development could not be considered to be contrary to LDF Policy DP1.

#### Highway safety

- 5.12 The Highway Authority has no objections regarding the proposed development. Adequate space would be provided within the site to allow for parking and turning. In view of this, and being mindful of the Parish Council's observations, it is considered that the proposed development would not have an adverse impact on highway safety sufficient to justify refusing permission. Appropriate conditions are recommended accordingly.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission 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 scale and appearance of each building, including a schedule of external materials to be used; (b) 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 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. 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.
  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. 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. 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.
8. 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:
  - a. The details of the access shall have been approved in writing by the Local Planning Authority;
  - d. The crossing of the highway verge and footway shall be constructed in accordance with the 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. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved:
  - a. have been constructed in accordance with the submitted drawing (Reference HDC/3085/02 Rev B Proposed Site Plan);
  - c. 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.
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. 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 drawings numbered HDC/3085/02B and HDC/3085/03A received by Hambleton District Council on 8 December 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 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. 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.
5. 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.
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, CP16, CP17, DP1, DP30 and DP32 of the Hambleton Local Development Framework.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
8. 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.
9. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
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.

#### Informative

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.