

15/02819/FUL

Construction of a detached dwellinghouse and associated parking as amended by plans received by Hambleton District Council on 19 January and 8 February 2016 at The Old Forge, Exelby for Mr & Mrs G Price

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the western end of Exelby on the southern side of the village street and currently forms part of the garden of The Old Forge. The site extends to cover an area of less than 0.1 hectares. The village street ends beyond the site and a single track road turns south along the western boundary of the application site, which is a public right of way.
- 1.2 The site is bounded on the roadside to the north and west by a mature leylandii hedge, which has a height of more than 3m. There is no access directly onto the application site except from the existing domestic garden associated with The Old Forge.
- 1.3 It is proposed to construct a two storey detached four bedroom dwelling on the site with an attached double garage. A new access is proposed from the village street by creating a gap in the boundary hedge. Approximately 22m of hedgerow would be removed along the northern boundary of the site.
- 1.4 It is proposed to retain the section of leylandii hedge that lies on the north western corner of the application site on the roadside. A stretch of 10m along the south western roadside boundary would be removed to create views into and out of the site. It is proposed to trim or remove sections of the hedge to achieve the required visibility splays for the proposed access.
- 1.5 The proposed dwelling would have a two storey gable facing northwards onto the village street with a single storey section to either side, one section being the garage. A single storey section is also proposed at the rear. The proposed dwelling would be finished in render on a brick plinth with a slate roof and powder coated aluminium windows and timber doors.

2.0 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 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 - object to the application in principle. The proposed development is outside the Local Development plan and a similar planning request was refused by Hambleton District Council recently for the same reason.
- 4.2 Highway Authority - due to the location and speed of traffic, the Local Highway Authority would expect a visibility splay of 2.4m x 43m in both directions, unless you can demonstrate the traffic speeds are lower than the 30mph speed limit then we could look to reduce the visibility requirements.
- 4.3 Ramblers - no objection.
- 4.4 Yorkshire Water - no comments received.
- 4.5 Swale & Ure Internal Drainage Board - The application states surface water to be to public sewer without demonstrating that Yorkshire Water will consent this or that alternative sustainable means of drainage have been investigated. Please condition that prior to commencement a full drainage strategy be submitted and approved which follows the recommended procedure in the NPPF.
- 4.6 HDC Corporate Facilities Manager - there is a public surface water sewer in the public highway at the front of the proposed development, but yes the applicant must contact Yorkshire Water for permission to connect, however they must investigate disposal of surface water by infiltration techniques.
- 4.7 HDC Environmental Health - Although the proposal is in close proximity to a farm building I have considered the potential impact on amenity and likelihood of the development to cause a nuisance. I have also considered the proximity of existing properties to this farm and as there is no history of complaints it is my opinion that there will be no negative impact. Therefore the Environmental Health Service has no objections.
- 4.8 Site notice/local residents - no comments received.

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.

Principle

- 5.2 Policy CP4 states that all development should normally be within the Development Limits of settlements identified in the hierarchy set out in 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 National Planning Policy Framework (NPPF) published in March 2012. 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 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council 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.
- 5.5 In the settlement hierarchy contained within the IPG, Exelby 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 within the village of Exelby in which there is a pub and it lies approximately 2km from the edge of Burneston, which is defined as a Secondary Village with facilities including a school, a pub and a church. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proposed development satisfies criterion 1.
- 5.6 Proposals must also be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant LDF Policies. The proposal is for a single infill dwelling and as such is considered, in principle, to be of a suitable scale.
- 5.7 The recent refusal referred to by the Parish Council relates to a development sited further from the village that was not considered to comply with the Interim Policy Guidance Note.

Character and appearance of the village and effect on the rural landscape

- 5.8 It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies beyond the built up part of the village but as it lies within an existing garden area surrounded by the leylandii hedge it is very much part of the developed character of the village rather than the surrounding countryside. 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."

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.

- 5.9 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. The design includes a feature oriel window to the west elevation, the proportions of which add a contemporary feel to the dwelling. The NPPF in paragraph 58 suggests that development should respond to local character and history and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. It is considered that the proposed design achieves this aim.

Neighbour amenity

- 5.10 The closest neighbour would be the existing property at The Old Forge, which retains the significant portion of domestic garden. There would be adequate distance between the two properties for the proposed development to have no adverse impact on residential amenity.
- 5.11 A plan has been submitted that demonstrates that the required visibility splays identified by the Highway Authority can be achieved across land that is within the ownership of the applicants. On that basis there are no highway safety reasons for withholding permission.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations 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. 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. 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.
6. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details and retained.
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 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. 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 in accordance with approved drawing 159/02 (02)005 A Proposed Site Plan - Visibility Splays. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas: a. have been constructed in accordance with the submitted drawing (Reference 159/02 (02)005A Proposed Site Plan); and 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.
11. 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.

12. 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.
13. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 159/01(02) 001A, 002A, 003, 004A and 005A received by Hambleton District Council on 18 December 2015, 19 January 2016 and 8 February 2016 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 that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies CP17, CP21, DP32 and DP43.
6. To ensure that the development can be properly drained to prevent pollution of the water environment in accordance with LDF policies CP21 and DP43.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
8. In accordance 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 in the interests of road safety.
10. 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.
11. 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.

12. 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.
13. 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.