

## **9**

**16/00211/OUT**

**Outline application with some matters reserved (including access and layout) for the construction of an agricultural worker's dwelling as amended by plans received by Hambleton District Council on 6 April 2016 at Riverside Farm, Newby Wiske for Mr & Mrs C Cook**

### **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies on the south eastern edge of Newby Wiske within the Newby Wiske Conservation Area at the entrance to the village after crossing the river. The site is currently a grass paddock covering an area of less than 0.1 hectares and lies at the entrance to Riverside Farm. The farm comprises of a group of livestock buildings between the River Wiske and the village and was established in 1986. There is no residential dwelling on the site.
- 1.2 It is proposed to construct a detached two storey dwelling on the site. The application is an outline application with access and layout as matters to be included for consideration at this stage. Illustrative details of the dwelling have been received, which show a double fronted L-shaped property with a front gable and attached garaging.
- 1.3 It is proposed to finish the dwelling in brickwork and pantiles with timber framed windows.
- 1.4 An agricultural appraisal has been submitted. The holding operates a beef finishing enterprise. The applicant is happy for an agricultural occupancy condition to be added to any permission granted.

### **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 Various applications and notifications for the construction of agricultural buildings have been submitted and approved between 1993 and 2013.

### **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 DP28 - Conservation  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP43 - Flooding and floodplains

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - in regards to the above planning application please be advised that the Councillors of Maunby, South Otterington and Newby Wiske object as it is outside the villages limit. If it was approved, the development should meet certain criteria (the height of the dwelling should respect the built form at that end of the village).
- 4.2 Highway Authority - conditions recommended.
- 4.3 Yorkshire Water - condition recommended.
- 4.4 Ministry of Defence - no safeguarding objections.
- 4.5 Environmental Health Officer - In determining this application I have considered the existing environment and the history of complaints from the proposal site. As there have been no complaints from this site I consider that there will be no negative impact on amenity and therefore the Environmental Health Service has no objections.
- 4.5 No public comments have been received.

#### **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; and assessment of the likely impact of the proposed dwelling on (ii) the character and appearance of the Conservation Area and the rural landscape; (iii) residential amenity; and (iv) highway safety.

##### The principle of development

- 5.2 The site falls outside of Development Limits as Newby Wiske 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 defined in policy CP4. 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, Newby Wiske 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 on the edge of the village of Newby Wiske which is identified in the IPG as an example of a cluster village together with South Otterington. The two villages have long been linked economically and socially which continues to the present day and collectively have a church, a primary school and a pub. Each village is readily accessible to each other on foot or bicycle as well as by car on the local road network. Newby Wiske is less than 0.5km distance from South Otterington and the application site is a further 0.5km through the village. Criterion 1 would be satisfied.

#### Character and appearance

- 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, relating to the scale of development and its impact on the settlement and the surrounding countryside. The proposed dwelling would be on undeveloped land that lies at the rear of residential properties on the eastern side of the main village street. There is agricultural land on the opposite 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 extend the built part of Newby Wiske further along the south eastern edge of the village. The application site, although undeveloped, does not form part of the countryside but has more in common with the village.
- 5.7 The proposed development would significantly alter the appearance of the site but it must be considered whether this would detract from the character and appearance of the Conservation Area. The existing site is not considered to be of special visual merit as an open space within the village and therefore there are no objections in principle to the construction of a dwelling. The proposed house would be viewed against a backdrop of existing buildings and established landscaping and would not therefore be unduly prominent. An existing well established hedgerow lies along the front boundary of the site and it is recommended that a condition be imposed to ensure the retention of the hedgerow, which contributes to the character of the village on the approach to the village.
- 5.8 The submitted details, although illustrative only, demonstrates that a traditional form of dwelling could be provided on the site. The details of the dwelling reflect those of the nearest neighbour at Bridge House, immediately to the west of the application site. 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.

## Residential amenity

- 5.9 The closest neighbours are Bridge House and Weighbridge Cottage immediately to the west. There is a distance of more than 50m between the edge of the application site and the rear elevation of Bridge House and a new two storey dwelling could be designed to prevent overshadowing or overlooking.
- 5.10 An agricultural appraisal has been submitted, which concludes that a residential dwelling is required to provide security and supervision for the livestock at the farm, which can no longer be served by the current residence in Sowerby, approximately 7 miles away. An agricultural occupancy restriction should only be imposed if planning permission would not otherwise be granted. It is considered that in this instance, the scheme would comply with the Interim Policy Guidance in principle in terms of the layout and form of the village. However, although there are no objections from the Environmental Health Officer, the site is within relatively close proximity of livestock buildings and the proposed dwelling would be closer to those buildings than the existing dwellings that have not been the source of complaints to date. As such there is the possibility of a loss of amenity to the proposed house due to noise, disturbance and smell from the farm operations. It is therefore considered that an agricultural occupancy condition would be appropriate in this case.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** planning permission 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; or (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; and (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. 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.
  5. 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.

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 with the prior approval in writing by the Local Planning Authority.
7. 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 and the relationship of the proposed development to the existing dwelling to the west. 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.
8. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the existing public sewer, have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.
9. 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.
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 in consultation with the Highway Authority: b. vehicular access; c. vehicular parking; d. vehicular turning arrangements; and e. manoeuvring arrangements.
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; and 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 location plan and drawing numbered 2016:06/02C received by Hambleton District Council on 6 April 2016 unless otherwise approved in writing by the Local Planning Authority.
14. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

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 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.
5. 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 CP16 and DP30.
6. In order to soften the visual appearance of the development in accordance with LDF Policies CP16 and DP30.
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 in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with LDF Policies CP21 and DP43.
9. In accordance with the policy and in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
10. In accordance with LDF Policies 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 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.
14. The proposed dwelling is located in a position which may result in a loss of amenity to the occupiers due to the proximity of the farm enterprise. It has been demonstrated that there is agricultural justification for the additional agricultural dwelling.