

**Parish: Low Worsall**  
Ward: Appleton Wiske & Smeatons  
**13**

Committee Date: 26 May 2016  
Officer dealing: Mrs B Robinson  
Target Date: 12 May 2016

**16/00556/FUL**

**Extensions and alterations to garage buildings to form a dwelling  
at Ship Service Station, Low Worsall  
for Mr Paul Neasham**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 Ship Service Station includes a two storey building sited on the northern side of the B1264 in Low Worsall. The existing service station includes commercial garage facilities at ground floor level, with a large garage workshop to the rear and owner's accommodation at first floor. To the side there is a single storey wing with further service station facilities and a first floor storage area. There are vehicular access and parking facilities at the front of the site. There is an access between the two parts of the building to the rear, where there is further space for parking.
- 1.2 The proposal is to replace the single storey range with a dwelling with accommodation on two floors, the first floor served by dormers and including an integral double garage on the ground floor. At the rear a domestic curtilage is enclosed from the neighbouring garage land, and an access retained to existing stables beyond. At the front a domestic curtilage would be separated off from the remainder of the forecourt. Petrol pumps are to be removed, and the tanks dealt with by infilling with concrete.
- 1.3 The proposal has the same building structure as that approved as an annexe under application 13/00912/FUL. Application 15/01306/MRC removed an occupancy condition imposed on 13/00912/FUL, allowing the extension to be occupied as part of the main dwelling or as an annexe.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/91/098/0016E - Extension to existing vehicle repair garage to incorporate a workshop and showroom with first floor self-contained flat; Granted 31 May 1991.
- 2.2 2/92/098/0016F - Revised details of an extension to existing vehicle repair garage to incorporate a workshop and showroom with first floor self-contained flat; Granted 4 June 1992.
- 2.3 13/00912/FUL - Demolition of existing garage buildings and alterations and extension to dwelling to form an annex; Granted 26 June 2013.
- 2.4 15/01306/MRC - Removal of occupancy restriction condition (3) on application 13/00912/FUL; Granted 12 October 2015.

**3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP28 - Conservation  
Interim Guidance Note - adopted by Council on 7th April 2015  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP43 - Flooding and floodplains

#### **4.0 CONSULTATION**

- 4.1 Parish Council - No response received.
- 4.2 Neighbours and site notice - No observations received.
- 4.3 Environmental Health Officer - concern about potential for odours during discharge of fuel - to be brought to the attention of owners/occupiers.
- 4.4 Northumbrian Water - no comments.
- 4.5 Highway Authority – The comments note concern about visibility to east, but that usage will be less than existing. Conditions requested.
- 4.6 Scientific Officer (land contamination) – A condition is required in relation to remediation of the petrol tanks.

#### **5.0 OBSERVATIONS**

- 5.1 The site is outside the Development Limits of any settlement and the planning issues to consider are therefore (i) the principle of development in terms of the Development plan, the Council's Interim Policy Guidance Note on Development in Villages and the NPPF; (ii) the impact of the development on the character and appearance of the area; (iii) the amenity of nearby occupiers; and (iv) highway safety.

##### Principle

- 5.2 Low Worsall is a village without status within the Settlement Hierarchy set out in Policy CP4 as adopted in 2007, and the application does not claim to meet any of the exceptions to the principles of CP1 and CP2 set out in CP4.
- 5.3 In 2015 the Council adopted Interim Policy Guidance which reflected an update in the hierarchy and provides for a more flexible consideration of new development at the edge of settlements. Within the updated hierarchy Low Worsall is designated an "other settlement".
- 5.4 The NPPF states, in paragraph 55, "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". The proposed dwelling would be attached to existing development and within the wider framework of the existing village. It is therefore not considered to be isolated within the meaning of the NPPF and would be supported by it, subject to other relevant policy considerations.
- 5.5 The Interim Policy Guidance states that: "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."
- 5.6 Low Worsall is included in the updated Settlement Hierarchy as an Other Settlement. The approach of the Interim Policy Guidance is that Service and Secondary Villages are deemed sustainable in their own right whilst Other Settlements are unlikely to be considered sustainable unless they form part of a cluster with adequate existing services and facilities. This can be achieved through clustering with a Service or Secondary Village or with sufficient Other Settlements to have "a good collective level of shared service provision". In every case, a cluster "is unlikely to constitute a sustainable community "if there are significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing)". Development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable.
- 5.7 Low Worsall has facilities including a church, a village hall, and a pub and there being few facilities, it must be decided whether the addition of these facilities to those in other settlements no more than (approximately) 2km away, results in sufficient provision to constitute a sustainable community.
- 5.8 Low Worsall cannot form a cluster with another settlement in Hambleton, but is relatively close to the market town of Yarm which has a wide range of services and transport links, and to which Low Worsall is linked by a roadside footway. The historic centre of Yarm (High Street) is approximately 4.5 km distant from the site, and is therefore too far away to form a cluster with Low Worsall. However there are facilities outside Yarm centre that are closer to the application site. These include a railway station (2.8 km), primary school (2.9 km), secondary school (3km) and a service station and small shopping centre, including a supermarket, at the A67 junction (approximately 3.4 km).
- 5.9 In support of the application, the applicant puts forward evidence about the facilities in Yarm, as set out above, and draws attention to the availability of surfaced footpath and cycleway links between the settlements. The supporting evidence draws attention to the range of activities in the village hall, illustrated by a link to the village hall website, which shows a wide range of classes and activities which take place regularly at the village hall, and the quality of the facilities there. However, the classification of settlements within the Hierarchy is based on the facilities, not their popularity or quality.
- 5.10 The services available in Yarm are significantly beyond the approximate 2 km maximum distance set out in the Interim Guidance. Overall therefore, while there are useful facilities in Yarm, under the terms of the Interim Guidance, they cannot be taken into account to enhance the sustainability of Low Worsall, and the proposal is not therefore in accordance with the criteria of the Interim Policy Guidance in these terms.

### Character and appearance

- 5.11 As a single additional dwelling the development would be small in scale and as an addition to an existing building, it would have little effect on the form of the village, and has previously been approved in this form, although as an annexe. The proposed development would have a slightly smaller footprint than the existing extension. It would have a higher ridge but would be of a similar character overall and therefore would reflect the existing form and character of the village.
- 5.12 The site is within the curtilage of an existing property and the new dwelling would not harm the natural or built environment nor affect the setting of the Listed Parish Church, nor would there be any harm to the open character of the surroundings.
- 5.13 The proposed building is of the same size as the previously approved scheme but it would be likely to be occupied more intensively as an independent dwelling. It would therefore place greater demands on infrastructure but there is no evidence to suggest that the infrastructure cannot support it.

### Amenity

- 5.14 The proposed dwelling is aligned with the existing garage/flat building and there would not be any significant harm to the amenities of adjacent occupiers. The proposed curtilage provides for a reasonable standard of private amenity space at the rear. The scheme proposes to remove petrol pumps and infill fuel tanks and by means of a suitable condition to ensure correct remediation, the potential for harm arising from that source would be avoided.

### Highway safety

- 5.15 The curtilage has relatively generous scope for off road parking, and its separate occupation would not raise concerns about highway safety. The submitted details demonstrate scope for turning within the site to exit in a forward gear. The frontage remaining under the control of the garage would be approximately 13 x 23 metres with adequate scope for customer and resident parking, particularly taking account of the additional parking areas at the rear of the building. The Highway Authority does not object to the proposal and overall it would not be harmful to road safety.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposal represents unsustainable development on a site outside of the Development Limits of Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The location of the proposed development is also insufficiently sustainable to benefit from the provisions of the Council's Interim Policy Guidance Note - Development in Villages, and overall is therefore contrary to the advice of the National Planning Policy Framework paragraph 55 concerning development in rural areas.