

**Parish: East Harlsey**  
Ward: Osmotherley & Swainby  
**5**

Committee Date: 18 August 2016  
Officer dealing: Mrs B Robinson  
Target Date: 12 May 2016  
Date of extension of time (if agreed): 19 August 2016

**16/00293/FUL**

**Demolition of existing agricultural buildings and construction of two dwellings together with ancillary works  
at Town End Farm, East Harlsey  
for Mr Michael Ward**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site is located at the west end of East Harlsey and includes two C20<sup>th</sup> agricultural buildings of blockwork and Yorkshire boarding construction along with a further brick building and a timber shed. The east part of the site is flat, and falls westward to the adjacent road as a moderately steep grassy bank. There is an existing access at the north-west corner of the site. On the south side of the site there is an access to the existing dwelling at Town End Farm. There are mature trees on the grassy bank at the west side of the site, and along the road frontage. There are five trees (two sycamores and three oak) on the road frontage which are subject to Tree Preservation Order ref 1989/22.  
On the roadside boundary there is timber post and rail fence, with a short length of hedge south of the northern access.
- 1.2 The south of the site abuts the rear of houses fronting the main village street, which are mainly of traditional design, and a range of single storey outbuildings. West of the site, across the road, the neighbouring properties are two large C20<sup>th</sup> houses, on a raised bank. The main village street extends eastwards in a mainly linear pattern.
- 1.3 The proposal is to demolish the agricultural buildings and construct two houses. Plot 1 is intended to be brick and red clay pantile roofs. It would form an "L" shape with two storey rear wing. The main ridge is at two levels. It is set back from plot 2. Plot 2 is intended to be stone with a red clay tile roof. It has a lower wing on the south side and a single storey wing at the rear including a garage. Windows are intended to be timber with a mix of sash and casement opening types. The submitted details show an area on the south side of the southern access with hedge cut back to improve visibility.
- 1.4 Since receipt of the application the positions of the dwellings have been changed to move dwelling 1 back relative to dwelling 2. Amended plans have been submitted to show the hedge and fence on the frontage removed and demonstrate sight lines for the access. The location plan has been amended to include the area of improvement to the southern access to allow improved visibility.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/89/043/0068 - General purpose agricultural building; Granted 26 June 1989.
- 2.2 08/00267/OUT - Outline application for the construction of a detached dwelling; Refused 1 April 2008.
- 2.3 10/02673/FUL - Construction of a dwelling; Refused 4 January 2011.
- 2.4 15/00106/MBN - Prior Notification for Change of use of agricultural building to two dwellings and associated operational development; Prior approval granted 26 March 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 CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

4.1 Parish Council – Wish to see the application refused for the following reasons:

- 15/00106/MBN was granted without opportunity for the Parish Council to comment;
- This scheme is similar to others which were rejected in the past; and
- The Parish Council see no reasons to change past decision making.

4.2 Public comment – four comments received, summarised as follows:

- The erection of two homes would enhance the appearance of the village and remove an eyesore;
- Existing accesses need to be maintained, including access to land at the north eastern corner of site where planting is shown;
- Asbestos to be removed in accordance with current legislation;
- The Ordnance Survey plan shows Antwerp cottage wrongly; and
- No objection but the existing vehicular access should be maintained.

4.3 Highway Authority – The improved visibility to the south following the submission of sight line details is noted. Conditions are recommended.

### **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) the likely impact on the character of the settlement; (iii) residential amenity; and (iv) highway safety.

#### Principle

5.2 The site falls outside of the Development Limits of a sustainable settlement, as East Harlsey has no status in Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development outside Development Limits "in exceptional circumstances". The application 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 2014 settlement hierarchy contained within the IPG, East Harlsey is redefined 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. In this case it is considered that criterion 1 would be satisfied as East Harlsey is considered to be a sustainable location being categorised as a Secondary Village.

#### Character

- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criterion 2 (built form and character of the village), criterion 3 (impact on the local environment) and criterion 4 (impact on the surroundings) of the IPG.
- 5.6 In terms of built form and character of the village, the site is within the existing built area of the village. The development would replace a group of agricultural buildings, of which two are in public view from the road. The removal of the existing buildings, which have prior approval for conversion to residential use, would introduce a residential character more appropriate to the village location. The proposed houses have design features representative of traditional patterns of housing development, and would be a satisfactory blend with traditional housing on the village street. They have different designs and together would form a pleasing group sympathetic with the overall character of the village.
- 5.7 The scheme retains existing trees and the layout has been changed to minimise the risk of interference by the buildings with the trees on the north side. Protected trees along the frontage are mainly positioned along the lower part of the bank and not susceptible to the building works. The scheme includes the removal of a short length of hedge, which is not an important feature of the area, at the entrance. Overall the proposal is not considered harmful to the natural environment or the wider surroundings.
- 5.8 Following the adoption of the IPG in April 2015 permission has been granted for four new dwellings within the village. A further three dwellings have been approved within the village under the permitted development rules for the conversion of agricultural buildings to dwellings. A further dwelling has been approved under the permitted development rules at Deepdale, approximately 1 mile north-west of the village.
- 5.9 If implemented, the proposed development would supersede two dwellings allowed under permitted development rules and in terms of the cumulative impact of development on the character of the village, the development would not be significant or harmful, particularly as it would substitute purpose-built dwellings for a residential conversion of a large and utilitarian modern barn.

#### Amenity

- 5.10 Proposed windows in dwelling 2 would face non-habited outbuildings to the south. The proposed development would have no impact in terms of daylighting or

overshadowing or privacy and so would not be harmful to the amenities of nearby occupiers.

- 5.11 Concerns have been expressed about the removal of asbestos. However, this is the subject of other legislation and is therefore not considered to be material to the determination of this application.

#### Highway safety

- 5.12 Following submission of further details, the Highway Authority acknowledges that the proposal would result in improved visibility to the south of the (northern) site entrance, and subject to appropriate conditions, it would not be harmful to highway safety. Improvements to the visibility of the southern access would enhance the safety of the existing access. The proposed boundaries are arranged to ensure that the proposed houses utilise the existing northern access, and the existing south access can be restricted to one dwelling only.
- 5.13 Concerns have been expressed about protecting rights of access. The details of the proposed access to the north east of the site include a retained gate between proposed tree-planting and there is no reason to suppose the development will prevent access. However, private rights of access are not a planning consideration.
- 5.14 The Parish Council's concerns are noted. Previous refusals have included highway safety reasons, which have been addressed in this case by means of improvements to visibility at the access, and refusal on this basis is not justified in this instance.

## **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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings: 6; 8 Revision A; Location received by Hambleton District Council on 3 February, 19 May and 26 July 2016 unless otherwise approved in writing by the Local Planning Authority.
  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 hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
  5. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 4 above.
  6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

7. 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 giving clear visibility of 43m measured along the carriageway edge of the C2 from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. Once created, these visibility areas shall be maintained clear and retained for their intended purpose at all times.
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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the improvement to the vehicle access have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
9. No part of the development shall be brought into use until the approved vehicle access, approved under condition 8 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. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 8 revision A. Once created these parking 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 in consultation with the Highway Authority agrees in writing to their withdrawal.
12. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective tree guards, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. The guards shall be maintained in position and in good order during the whole period of works on site. Works, including the removal or deposit of earth or other materials shall not be carried out within the tree guards without the prior consent of the Local Planning Authority.

The reasons 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. 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 CP17 and DP32.
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 avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework 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.
7. In accordance with policy number CP2 and DP4 and in the interests of road safety.
8. In accordance with policy CP2 and Dp4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
9. In accordance with policy 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 policy 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 accordance with policy 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 the interests of the natural amenities of the surroundings in accordance with Local Development Framework Policy CP17 and DP33.