

**Parish: Welbury**  
Ward: Appleton Wiske & Smeatons  
**23**

Committee Date: 18 August 2016  
Officer dealing: Mr Peter Jones  
Target Date: 13 May 2016  
Date of extension of time (if agreed):

**16/00602/OUT**

**Outline application for the construction of a single dwelling  
at Glebe Farm, Tofts Lane, Welbury  
for Mr David Moore**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site extends to approximately 0.1 hectares and consists of part of a small grassed paddock on the eastern side of the access drive to Glebe Farm. The area is presently bounded along the western boundary by a post and rail fence and to the east by a well-established hedgerow. To the north the land lies in separate ownership and consists of an open area extending down to a small ditch/beck with a pumping station and small copse adjacent.
- 1.2 To the south of the site the remainder of the existing paddock area is undeveloped and provides a break to the developed context of Glebe Farm. The main orientation of the farmstead is to the south - effectively turning its back onto the application site and land to the north. Beyond the access road is an existing copse adjacent to the site access onto Tofts Lane with a building immediately adjacent to the road junction and a bungalow further to the south (Hillside).
- 1.3 Welbury itself is a modest village which has been subject to a degree of development in the post-war period and includes facilities such as a modern Village Hall, St Leonard's Church and the Duke of Wellington Public House. The main developed form of the village lies to the north of the application site.
- 1.4 The application is for outline planning permission for the erection of a single storey dwelling making use of the existing private access onto Tofts Lane. Turning and parking would be provided within the site and a private garden area provided to the rear (north east) of the property.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 74/1151/OUT - Outline application for the construction of five single storey dwellings; Refused 27 June 1974.
- 2.2 02/02252/FUL - Alterations to agricultural building to form a ground floor workshop with garage/store for use in connection with an interior design business with first floor ancillary living accommodation; Granted 28 February 2003.

**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 DP10 - Form and character of settlements  
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 AND REPRESENTATIONS**

- 4.1 Parish Council – no comments received.
- 4.2 Public comment – none received.
- 4.3 Environmental Health Officer (Contaminated Land) - The application does not identify any potential sources of contamination and therefore I do not have any objections to this scheme.
- 4.4 Environmental Health Officer - The proposed new dwelling is on land close to existing farms, Glebe Farm & Town End Farm, both farms appear to have livestock buildings. The advisable separation distance between livestock buildings and non-associated residential premises, previously published by DEFRA, is 400m to prevent odour nuisance and nuisance from flies and noise. It is noted that there are existing residential premises close to both farms but no complaints have been received. The absence of historical complaints associated with the farms indicates that they have been adequately managed so that a nuisance has not arisen. However should the farms intensify or change ownership in the future there may be concerns and impact on residential amenity could affect the occupiers of the new dwelling.
- 4.5 Highway Authority – No objection subject to conditions.
- 4.6 Yorkshire Water – No comments.

#### **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; the likely impact of the proposed dwelling on (ii) the character, form and appearance of the village; (iii) neighbour amenity; (iv) flooding; and (v) highway safety.

##### Principle

- 5.2 Welbury is not listed in the settlement hierarchy in Policy CP4 of 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 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 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, 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 which lists Welbury as an Other Settlement.
- 5.5 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.
- 5.6 In the 2014 settlement hierarchy contained within the IPG, Welbury is defined as an Other Settlement and therefore must be able to form a cluster with other Secondary or Service villages in the vicinity in order to benefit from support under the IPG; 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 or villages nearby. Welbury is 2.4km from Appleton Wiske, a Secondary Village, and also from Deighton, an Other Settlement. The IPG suggest that settlements should be "approximately 2km" apart in order to be able to share services and facilities. The road between Welbury and Appleton is a fairly typical country lane, with low levels of traffic. The route is relatively flat and would be easily cycled. There is no footpath or night time illumination of the route. However, on balance the settlement is considered to be able to form a sustainable cluster with Appleton Wiske and as such criterion 1 is satisfied.

#### Character, form and appearance of the village

- 5.7 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 that lies in open countryside between the existing built up area of the village and the farmstead.
- 5.8 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.

- 5.9 The scale of the development would be small as suggested by the Interim Policy Guidance (up to 5 dwellings) as the proposal illustrates only a single dwelling.
- 5.10 It is evident and accepted that the southern part of Welbury (south of St Leonards Church and Shire Garth) is somewhat different in character than the remainder of the village, being more open in nature with intervening green spaces, farmstead groups and a pattern of development which is less consolidated or linear than that in the northern sector of the village. The northern part of Welbury is more suburban in character, especially in proximity to Spring Hill, with development in depth at this northern end compared to largely frontage development in the heart of the village.
- 5.11 On the southern approach to Welbury, roadside dwellings are in evidence with Hillside forming effectively the southernmost property. This lies opposite Glebe Farm itself. The more open character and views across agricultural land along this approach road (Tofts Lane) give way to more contained and smaller land parcels with strong planted boundaries and built development in the form of Hillside, Glebe Farm and the more modern development of the Village Hall and bungalows beyond (Mandrea and Paddock End). Opposite these properties is the more extensive and open paddock land to the south of Town End Farm which is a clear open feature within the wider context of Welbury although itself well segregated and contained by mature trees from the wider open countryside beyond.
- 5.12 In this instance the proposed development is considered to reflect the sporadic development on the southern edge of the village and is not considered to be harmful to the character or appearance of the existing village.
- 5.13 The proposal relates to the erection of a single dwelling upon a modest area of paddock land. This is not subject to any specific designation nor is it of any significance with regards to the natural, built and historic environment. It does not lie within the context of a heritage asset, nor are there any ecological constraints in this regard.
- 5.14 The eastern boundary of the site is well established and would not result in an incursion into wider open agricultural land or appear a jarring element within the landscape. The site and development in this context is clearly integral to the overall character of Welbury and part of the built up confines of the settlement.

#### Neighbour Amenity

- 5.15 The nearest residential property is more than 20m away from the site. Details of the arrangement of the building would be dealt with at the reserved matters stage and it is considered that a satisfactory arrangement can be achieved.

#### Flooding

- 5.16 There are no known flooding issues in the vicinity of this site and no adverse comments have been received from consultees.

#### Highway issues

- 5.17 The application site lies adjacent to an existing private access drive that serves Glebe Farm and is appropriate in terms of its width, alignment and surfacing. There is ready access onto the main adopted highway and the Highway Authority raises no objection to the proposal.
- 5.18 Whilst there is a public footpath along the private drive access, the application site is well contained, not readily visible from Tofts Lane nor prominent from any public

rights of way located beyond the village itself. The proposed development is not considered harmful to users of this route.

## **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the receipt of any outstanding consultation responses and 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 of the proposed dwelling, (b) design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site.
  3. 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: (i) vehicular parking and turning arrangements.
  4. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 3 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.

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. In accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
4. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

### Informatives

1. The proposal shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste  
1 x 240 litre green wheeled bin for garden waste  
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and  
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at [www.hambleton.gov.uk](http://www.hambleton.gov.uk) or by telephoning 01609 779977.