

Parish: Exelby, Leeming and Newton

Ward: Bedale

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Committee Date:

8 December 2016

Officer dealing:

Mrs H M Laws

Date of extension of time:

9 December 2016

16/02010/OUT

Application for Outline Planning Permission with some matters reserved (considering access) for a detached dwelling

At Field House Farm, Exelby Close, Exelby

For Mr & Mrs G Lee

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site lies on the southern side of Exelby at the end of Exelby Close, which is a cul-de-sac development of dwellings accessed from the main village street. The site extends to an area of 0.1 hectares and forms part of a paddock used in association with the detached dwelling at Field House Farm. The cul-de-sac ends at the gateway into Field House Farm; the dwelling is on the western side of the Close and the application site lies on the eastern side.

1.2 The site has a shared boundary with the dwelling that currently lies at the end of the cul-de-sac on the eastern side of the street, known as 6 Exelby Close. A dwelling known as Hawsteads lies immediately to the east of the application site but is not accessed from the cul-de-sac.

1.3 A timber post and rail fence provides the boundary between the domestic land associated with Field House Farm and the application site; fencing and hedging provides the boundaries with 6 Exelby Close and Hawsteads. There is currently no boundary on the southern and western sides of the site as it forms part of a larger paddock. Open countryside lies beyond the site to the south and west.

1.4 The application is in outline for the construction of a single dwelling, with all matters reserved except for access. It is proposed to use the existing access into the property and cross the existing parking courtyard to gain access into the paddock.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

2.1 78/0147/OUT - Outline application for residential development; Refused 25 May 1978 for the following reasons:

1. The site proposed does not fall within what are considered to be the village limits of Exelby where it has been the general policy of the LPA to restrict residential development to infill sites and rounding off.
2. In the opinion of the LPA approval of this development would result in an unnatural extension of the village in a southerly direction and would by virtue of the precedent created be likely to lead to the submission of similar applications which because of this precedent would become increasingly more difficult to resist.

2.0 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 Policy 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 as the proposed development is outside the Local Development Framework and the problems of access may be of concern to nearby properties.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Yorkshire Water - the developer has stated on the application form that foul water is to be disposed to a private treatment plant system. If the EA objects to the application, the agent/applicants do have the alternative of discharging foul water only to Yorkshire Water's public foul water sewer that is located in Exelby Close.
- 4.4 Environmental Health (Contaminated Land) - No objection.
- 4.5 Public comment - Objections have been received from the occupants of two neighbouring properties whose comments are summarised as follows:
- The development of this area was also refused under part of Planning Application 78/0147/OUT, and undoubtedly the reasons for the refusal are still valid;
 - The development will have a detrimental impact on the open character and appearance of surrounding countryside and will lead to the coalescence of settlements. This could lead to an encouragement of further development;
 - The position of the development plot/dwelling location and its defined new boundaries within the existing property boundary appears to set precedent for at least a 2nd development. Access for further development appears to have been allowed for to the general south of the development which further indicates future development;
 - Further development in this area would increase traffic/cause added congestion within the small access road of Exelby Close;
 - The planting of anything, apart from a very low height " ...Hawthorne hedge" would present a substantial reduction for neighbour views from several direct facing living room windows and side view patio doors;
 - This situation could be significantly improved by the re-positioning of the development site within the existing paddock to a more central location and in a south east direction, and by moving the proposed dwelling further eastwards. This would also enable a far better sun aspect to the new proposed property;
 - It is also of note that the 2015 'Call for site housing development document' lists 3 development areas within Exelby village and does not include the area covered by this application;

- Service vehicles already find it difficult getting to houses in Exelby Close, especially when cars are parked on the road and often have to reverse out which is difficult
- The adjacent property's principal asset is its location, enjoying wonderful south westerly views particularly from its first floor rooms; and
- We would urge that any development should be restricted to single storey and positioned as far as possible to the north west of the field so as to limit the impact as much as possible.

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) an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) neighbour amenity; (iv) highway safety and (v) drainage.

Principle

- 5.2 The site falls outside Development Limits as Exelby does not feature within the Settlement Hierarchy defined within Policy CP4 of the Core Strategy. Policy CP4 states that all development should normally be within the Development Limits of settlements. 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. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. In order for development in an Other Settlement to achieve this, the village must be capable of forming a sustainable community with a Service or Secondary Village or with one or more Other Settlements that enjoy a good collective level of shared service provision.
- 5.6 Exelby is exactly 2km from the edge of Burneston, which is defined as a Secondary Village with facilities including a school, a pub and a church. It should also be noted

that Exelby is only 2.35km from the Market Town of Bedale. It is considered that the proposed development satisfies criterion 1.

Character and appearance of the village and the rural landscape

5.7 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.

5.8 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". 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 and forms part of a larger paddock beyond the built up boundary of the village. 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."

5.9 The decision to refuse planning permission for a dwelling on the application site in 1978 concluded that development would be an unnatural extension of the village in this direction. It is not clear whether the character and appearance of the site has altered since that time and clearly it is important to consider current planning policies and the guidance within the NPPF. The application site is undeveloped but its use as an enclosed paddock suggests it has more in character with the built form of the village than the rural landscape beyond. The application site would share a boundary on two sides with existing residential development and therefore would not protrude significantly into the open 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 and the proposal is in accordance with these aspects of the IPG.

Neighbour amenity

5.10 The closest neighbour to the proposed dwelling would be the existing property at 6 Exelby Close, which is currently the final property on the eastern side of the cul-de-sac. The application is in outline but an illustrative layout has been included within the submission, to demonstrate that a dwelling could be positioned to reflect the general building line of the existing dwellings whilst being set back slightly to allow the outlook to be retained from existing windows in the side elevation of number 6, in a south and south westerly direction.

5.11 The layout also shows a proposed detached garage that may affect these views but potentially this could be repositioned. The view enjoyed by residents across private land is not a matter that is material to the determination of the application; the view could already be restricted by boundary planting. It is considered that there is adequate space available within the application site for there to be some consideration given to protecting much of the existing outlook whilst providing adequate amenity space for the proposed residents.

- 5.12 The outlook from the neighbouring dwelling at Hawsteads is to the west and south west, again across the private land of the paddock that is within the ownership of the applicants. The majority of the existing outlook would not be affected as the application site lies to the west and north-west. There would be adequate separation between the properties to protect the amenity of both sets of residents.
- 5.13 It is considered that the requirements of LDF Policy DP1 for development to adequately protect amenity, including privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight, can be achieved by the proposed development.

Highway safety

- 5.14 The Highway Authority has no objection to an additional dwelling being served from Exelby Close and to the use of the existing access subject to appropriate conditions. The scheme proposes one additional dwelling, which, relative to the number of existing properties served from the cul-de-sac, would not result in a significant increase in traffic movements.

Drainage

- 5.15 The applicants had originally intended a package sewage plant to be used for the disposal of foul water. However, as there is a public sewer in the vicinity of the application site, to which the foul water can be connected, they now intend to make this connection. As such there is no requirement for consent from the Environment Agency as intimated in Yorkshire Water's consultation response.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** 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 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 layout, scale and appearance of each building, including a schedule of external materials to be used; and (b) the landscaping of the site.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been 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. The development shall not be commenced until details relating to the boundary treatment of the development have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the boundary treatment has been implemented in accordance with the approved details and thereafter retained.
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. 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. 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; and (b) The crossing of the highway verge shall be constructed in accordance with the approved details and the Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. 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: (a) vehicular and pedestrian accesses; (b) vehicular parking; (c) vehicular turning arrangements; and (d) manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. 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.

11. 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; c) The approved areas shall be kept available for their intended use at all times that construction works are in operation.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 2016:40/01B received by Hambleton District Council on 27 October 2016 unless otherwise approved in writing by the Local Planning Authority.

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 in accordance with LDF Policies.
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 in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
7. To ensure the building is in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
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. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance LDF Policies CP2 and DP4.
10. 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.
11. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.

12. 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.

Informative

1. 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 or by telephoning 01609 779977.