

**Parish: Exelby, Leeming And Newton**  
Ward: Bedale  
**10**

Committee Date : 5 January 2017  
Officer dealing : Mrs H Laws  
Date of extension of time: 6 January 2017

**16/02307/FUL**

**Change of use of annexe to a dwellinghouse and formation of access.  
at Tatton Lodge Londonderry North Yorkshire DL7 9NF  
for Mr & Mrs J Bleasdale.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies at the southern end of Londonderry and forms part of the group of buildings associated with Tatton Lodge. The main dwelling is a two storey detached building with rear single storey extensions and a garden on the south side of the dwelling.
- 1.2 The application site relates to a single storey building that lies on the roadside immediately to the north of the dwelling. It is detached from the dwelling except for a covered walkway; there is no direct access internally between the two buildings.
- 1.3 It is proposed to change the use of the building from a holiday / letting unit, to an independent dwelling unit. The existing accommodation includes a living room, kitchen, two bedrooms and a bathroom. Parking is currently available on a hard surface at the front of the building. No internal or external alterations are proposed to the building.
- 1.4 The application includes the creation of a new vehicular access to serve the proposed dwelling, to be positioned approximately 7m to the north of the dwelling. It is also proposed to change the use of the existing paddock to the rear and side of the dwelling to create a garden for the property. The land covers an area of approximately 0.08ha.
- 1.5 The covered walkway would remain with the main dwelling and a new fence and hedgerow would be formed to create a new boundary between the two properties.

## **2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 09/03539/FUL - Revised application for alterations and extension to existing domestic garage to form 1 letting room. Permission granted 25 November 2009 subject to the following condition:  
The development must comply with the following requirements:-
  - (i) The accommodation shall only be occupied for holiday or business travel letting purposes;
  - (ii) The accommodation shall not be occupied as a person's sole or main place of residence;
  - (iii) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.

## **3.0 RELEVANT PLANNING POLICIES:**

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

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  
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  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework - published 27 March 2012

#### 4.0 **CONSULTATIONS**

- 4.1 Parish Council - no comments received (expiry date for representations 29/11/2016).
- 4.2 Highway Authority - conditions recommended.
- 4.3 Site notice/local residents - no comments received (expiry date for representations 7/12/2016).

#### 5.0 **OBSERVATIONS**

- 5.1 The main issues to consider are whether the proposed formation of a separate dwelling is sustainable in this location; whether the development would have any detrimental impact on the character of the settlement or adjacent rural landscape; whether it would impact on neighbouring amenity and whether it would affect highway safety.

##### Principle

- 5.2 The site falls outside of Development Limits, as Londonderry 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". 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. It is also necessary however 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, Londonderry 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 at the southern end of Londonderry, the edge of which lies within 2km of both Leeming and Leeming Bar, which are identified in the revised settlement hierarchy as Secondary Villages.

- 5.5 These villages are accessible from Londonderry by a road, with footway for the entire distance and some of which is lit by streetlighting. Both of the Secondary Villages have schools and pubs and Leeming Bar has a significant area of employment with the Industrial Estate and Business Park. The distance between the villages by road is either less than, or approximately, 2km, which is considered to be an acceptable separation allowed for in the IPG. Criterion 1 would be satisfied.

#### Character of settlement and landscape

- 5.6 The proposed dwelling would lie at the end of the village adjacent to the existing dwelling at Tatton Lodge. Other development lies beyond the site to the south and the development would not therefore be isolated. Taking account of the existing physical form, the site appears as part of the main village.
- 5.7 The use of the existing area of paddock would be changed to domestic garden. As the site has more in-keeping with the built form of the village rather than the adjacent countryside it is not considered this would detract from the appearance of either the village or the countryside.
- 5.8 The occupation of the building as a separate dwelling would not affect the capacity of the existing infrastructure any more than the existing occupation of the building as an annexe.
- 5.9 It is considered that there would be no harmful impact to the natural, built and historic environment.

#### Residential amenity

- 5.10 The only neighbouring residents close enough to be affected would be those in the main dwelling at Tatton Lodge. Although the two properties are in close proximity there would be adequate separation distances in respect of overlooking and overshadowing. Separate amenity and parking areas will minimise disturbance.
- 5.11 The site is in close proximity to the A1 but as the building is already in domestic use the noise resulting from the road would not have any greater effect on residential amenity. The proposed development would not be contrary to LDF Policy DP1.

#### Highway safety

- 5.12 The Highway Authority does not object to the proposal subject to conditions regarding the proposed access and parking areas.

### **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. No part of the existing boundary hedge along the eastern and north western boundaries of the site shall be uprooted or removed and the hedge

shall not be reduced below a height of 1.5 metres other than in accordance with the creation of a new access and details that have been submitted to, and approved by, the Local Planning Authority.

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 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

d. The crossing of the highway verge shall be constructed in accordance with Standard Detail number E6.

e. Any gates or barriers shall not be able to swing over the existing highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

4. 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 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 parking b. vehicular turning arrangements c. manoeuvring arrangements No part of the development shall be brought into use until the approved vehicle 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.

The reasons for the above conditions 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. The existing hedge is considered to make a worthwhile contribution to the character of the area and is worthy of retention in accordance with LDF Policies CP16 and DP30.

3. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.

4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.