

**Parish: Catton**  
Ward: Thirsk  
**3**

Committee Date: 2 March 2017  
Officer dealing: Tim Wood  
Target Date: 9 March 2017

**16/02633/FUL**

**Construction of five dwelling houses and a stable block  
At Village Farm, Catton Village Street, Catton  
For Potter's Buildings Limited**

**1.0 PROPOSAL AND SITE DESCRIPTION**

- 1.1 This site is located at the southern end of Catton village and to the west of the Main Street dissecting the settlement.
- 1.2 The site extends to 0.69 hectares and comprises agricultural buildings and the storage of agricultural machinery and materials mainly associated with the farming of the land in the vicinity.
- 1.3 The proposal includes the demolition of the modern (and largely disused) agricultural buildings and the removal of the agricultural machinery and materials. The traditional brick buildings to the south-eastern corner of the site are proposed to be rebuilt and incorporated in a dwelling. The building to the west of the application site is also to be demolished and the land laid out as paddock.
- 1.4 The area to the east of the proposed dwellings forming an island bounded by the village street and the access track to the five plots is shown to be an "open grassed area". Access to the site is proposed to be via private access with two entrances on to the Main Street
- 1.5 Catton village falls within the Other Settlements grouping in the revised HDC Settlement Hierarchy introduced alongside the Interim Policy Guidance in April 2015. It has no defined Development Limits in the Allocations DPD Annex 5: Proposal Map, as it had previously been considered to be in the open countryside for the purposes of policy CP4 of the Core Strategy.
- 1.6 The site is not in a Conservation Area and is within Flood Zone 1.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 11/02641/CLE - Application for a certificate of lawfulness to use the site as a plant hire business; Refused 24 April 2012.
- 2.2 15/01559/OUT - Outline planning application for the re-development of land for housing development (Use Class C3), following the demolition of a range of modern sheeted agricultural buildings; Granted 17 February 2016.

The permission included a condition requiring 40% of the units to be affordable housing.

**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 CP9 – Affordable housing  
Core Strategy Policy CP15 - Rural Regeneration  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Core Strategy Policy CP20 - Design and the reduction of crime  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP43 - Flooding and floodplains  
National Planning Policy Framework, 2012  
Written Ministerial Statement – Small-scale developers, November 2014

#### **4.0 CONSULTATIONS**

- 4.1 Parish Meeting – Unanimously agrees to support the development. Four issues were raised relating to (i) surface water drainage; (ii) the need for additional passing places on the highway to Catton from Skipton on Swale; (iii) assurance that the proposed stables are for private use only; and (iv) clarification on energy provision to the new dwellings, particularly the viability of main gas provision to the village.
- 4.2 Highway Authority – No objection; conditions recommended regarding discharge of surface water, private access/verge crossings construction requirements, visibility splays, details of access, turning and parking, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during development.
- 4.3 Environmental Health Officer – No objection.
- 4.4 Yorkshire Water – No response; it is however noted that a condition was recommended on the outline application regarding discharge of surface water.
- 4.5 Public comment - None received.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues to be considered are: (i) the principle of residential development in Catton (including the environmental impact of the existing buildings and storage, affordable housing and the developer's "fall-back" position); (ii) the impact on the character and appearance of the area; (iii) landscaping; (iv) the use of the stables and potential disturbance to neighbours; (v) flooding and drainage; and (vi) highway capacity.

##### Principle

- 5.2 The application is for full planning permission and requires assessment of the LDF policies that seek to restrict new housing in locations outside the Development Limits

of settlements within the hierarchy of CP4 as updated in 2014. However, as set out in paragraph 2.2 above, outline planning permission was granted in 2016 and this has established that the principle of residential development that involves the removal of the existing buildings on the site. It was found in determining application 15/01559/OUT that the removal of the buildings and storage on the site would achieve an environmental gain that would justify the exceptional case test of LDF Policy CP4ii. Nothing has changed in the intervening period to alter that conclusion. Accordingly the outline planning permission is a “fall-back” position of considerable weight in this application. The development would give rise to a substantial improvement in the appearance of the site and its contribution to the character, appearance and amenity of the village through the removal of the buildings and storage from a prominent position on the frontage of the Village Farm site. The proposal is considered, notwithstanding its relatively remote location, to be in compliance with the provisions of CP4 by reference to criterion ii.

- 5.3 When the outline planning application was approved on 16 February 2016, the policy requirement was, in accordance with the LDF Policy at CP9, that affordable housing should be sought, subject to viability testing, of housing developments of two units and more. That was because the November 2014 Ministerial Statement that sought to exempt small-scale developments from the requirement to provide or contribute toward affordable housing had been found unlawful by the High Court. However, the Court of Appeal subsequently overturned the High Court’s judgement and the current policy position adopted by this Council is a threshold of six units a contribution toward affordable housing in designated rural areas such as Catton. As this development proposal is for five dwellings, there is no policy requirement for it to make a contribution towards affordable housing. A full application, rather than a reserved matters submission, is a means of seeking planning approval without triggering the requirement of the outline planning application to provide affordable housing. The proposal is in accordance with the Government’s policy on affordable housing and can be supported in this respect.

#### Character and appearance

- 5.4 The layout of the site is shown to form a grouping to the west of an open grassed area that has a simple form reminiscent of a small village green. The dwellings would each have private gardens and the open grassed area would present an opportunity for informal recreation and meet the objectives of policies CP19 and DP37. The layout would create a feature that reflects the form of the development at Catton Farm to the north, where the barns to be converted form a group behind an area of publicly accessible open space. The form of the development is substantially the same as indicated in the outline planning application and is considered an appropriate form.
- 5.5 Assessed on approach from the north, the layout of the proposed two-storey, stepped height dwelling on plot 1 with a frontage close to the village street is in a manner that would reflect the form of the dwelling on the west side of the village street to the north of the site. The dwellings on plots one and two would be linked creating visual interest and a cohesive design. Plot three would be set further towards the rear of the application site. Its position towards the rear would help to reduce the visual impact of what would be undoubtedly large dwellings which, following the existing ground levels, would be more elevated than the two dwellings closer to the village street. The layout of traditional designs of dwelling around the open grassed area, using brick, tile, render and slate with timber doors and windows, would relate well to the traditions of the area. The proposed reconstruction of the barn to the south side of the site is considered to be a sensitive means of achieving a substantial boundary with the neighbouring dwelling, Caelum House. It would also overcome the harm to amenity caused by a building in a state of disrepair. Parking would be provided in-

curtilage for each dwelling and would not rely upon garage space to meet the reasonable needs of the residents. The design approach is considered to achieve the requirements of LDF Policies CP17 and DP32.

#### Use of the stables

- 5.6 The proposed stable building to the rear of plot five with access between plots four and five shows three loose boxes and a corner unit and yard using a mix of stone and timber boarding and profiled roofing sheets or a felt roof. The stable building is closely related to the dwelling on plot five and relatively close to plot four. Controls relating to the disposal of stable waste and to prevent commercial use of the stables would be appropriate to protect the amenity of the occupiers. In all other respects the design and siting of the stables are in accordance with the provisions of the LDF Policies.

#### Landscaping

- 5.7 The main landscape feature of the proposal is the area of open grassland in front of the proposed dwellings, and the provision of hedgerows are shown to the north and south sides of the site frontage and to mark the rear and side boundaries of dwellings. The removal of all the buildings currently within the site to make way for the formation of a paddock would overcome the environmental harm caused by those buildings. The removal of the boundary hedge across the site frontage to enable the formation of the open grassed space is part of the vision for the site and would increase the openness of the site and achieve highways visibility splays at the site accesses. The retention of the hedge would have limited the visibility splays and removal is a reasonable compromise to achieve the open space that is supported by the Parish Meeting. A condition to require the provision of the open space and laying out of the paddock to the west of the site are appropriate to achieve the aims of improving the appearance of the site to overcome harm that justifies the development under Policy CP4ii.

#### Flooding and drainage

- 5.8 The site is within Flood Zone 1 and is therefore at the lowest risk of flooding. The proposed surface water drainage to soakaway and foul drainage to a packaged treatment work are considered to be suitable means of drainage.

#### Highway and infrastructure capacity

- 5.9 The Highway Authority raises no concerns regarding the capacity of the highway. It is noted that until recently the land use generated agricultural traffic and some usage of this type continues. The redevelopment of the land is expected to very substantially reduce or end agricultural vehicle movements to and from the site. It is considered by officers that the increased level of use of the rural road from Catton to Skipton on Swale as a consequence of the development of this site would be insufficient to justify a requirement for additional passing places from the developer.
- 5.10 The provision of mains gas to the settlement, a question raised by the Parish Meeting, is not a matter for this developer but for the utility providers to consider.

### **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 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.
3. 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 part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. 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.
4. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority prior to commencement of development.
5. Prior to commencement of development an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, shall be submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted to and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
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. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
8. The development shall be undertaken in accordance with the details of the approved plans including the finished floor levels of each of the buildings and the following works shall be completed prior to the occupation of any dwelling, and shall thereafter be retained in accordance with the approved plans: the 'Open Grassed Area' shall be laid out as shown on drawing 8B and in accordance the approved landscaping scheme required by condition 3; and the 'Paddock' area to the west of the approved dwellings shall be cleared of buildings and laid as a grass paddock as shown on drawing 8B.
9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together

with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

10. 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 accesses 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; b. The accesses shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.5metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number A1.
11. 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 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted drawing number 8B. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
13. 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.
14. 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.
15. The permission hereby granted shall not be undertaken other than in complete accordance with the site layout drawing numbered 8b received by Hambleton District Council on 16 January 2017 and the dwelling elevations and plans numbered 1, 4, 5, 6 received 30 November 2017 and stable building drawing number 7 received 30 November 2017 unless otherwise approved in writing by 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. 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.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP17 and DP33.
4. To ensure that the site is properly drained and surface water is not discharged to any foul sewerage system to prevent overloading.
5. To safeguard the health of construction workers and the amenities of future occupiers of the residential property in accordance with LDF Policy CP1.
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. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. To ensure that the harm to the amenity of the village that is caused by the buildings and storage on the site is rectified and that the benefits to be achieved by the redevelopment are realised in accordance with the details in the approved plans and the LDF policies CP1, CP16, CP17, DP1 and DP32.
9. In the interests of highway safety.
10. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
11. In the interests of highway safety.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
13. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
14. In the interests of highway safety.
15. 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 CP1, CP16, CP17, DP1, and DP32.

#### Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7<sup>th</sup> April 2015
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 or 0845 1211555.