

17/01624/FUL

Construction of a detached dwelling and detached double garage with storage space at Land and buildings to the rear of Swaledale Court, Morton on Swale for Mr Simon Clayton

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies towards the western end of the village to the rear of Swaledale Court, which is a group of converted agricultural buildings, providing a total of four dwellings, a mix of single storey and two storey properties.
- 1.2 The permitted use of the application site is for grazing horses. There is an existing timber building immediately adjacent to the application site, within the ownership of the applicant, the permitted use of which is stables. Morton Hall, to the south west is a grade II listed building which is approximately 28m from the position of the proposed dwelling, on the other side of the stable building, with the more modern residential development of Dales View immediately adjacent to the east and southeast of the application site.
- 1.3 This application seeks planning permission for the construction of a detached two-storey dwelling with three bedrooms with a rectangular footprint of 12.15m x 9m and a ridge height of 8.5m. A detached building is proposed to the rear to be used as a garage at ground floor and storage at first floor with a ridge height of 6.3m. The proposed dwelling would be finished in brick with red clay pantiles and white upvc doors and windows.
- 1.4 Access to the site would be via the private farm track between Swaledale Court and Morton Hall, which is used by the dwellings at Swaledale Court and Morton Hall with the proposed driveway accessing the property on its northern side with parking and turning provided within the boundaries of the site. The access track running between Swaledale Court and Morton Hall is a public footpath.
- 1.5 The application includes an area of grass that lies on the northern side of the parking area associated with Swaledale Court. It is proposed to remove a timber fence that separates the grassed area from the main part of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 08/00522/FUL - Conversion of agricultural buildings to residential use; Granted 14 August 2008. (Swaledale Court, to the south of the site.)
- 2.2 09/00593/FUL - Change of use of land from agricultural use to equestrian and construction of a stable block; Granted 7 May 2009.
- 2.3 16/00565/OUT - Outline permission for a detached dwelling with access and layout; refused 25 July 2016. (Land approx. 30m north of this site, described as "Land Adjacent to 1 Swaledale Court.")

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
Development Policies DP1 - Protecting amenity
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 DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
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 – Objects on the following grounds:

- The scale, size and style of the two proposed buildings would be out of keeping with the appearance and ambience of the rest of Swaledale Court;
- The only access to Swaledale Court is via a single unsurfaced track, which is used by residents and by agricultural vehicles. The track is rutted and has recently worsened as a result of use by commercial vehicles; and
- Additional use of the track will result in an intolerable disruption to the lives of the residents of Swaledale Court.

4.2 Highway Authority – No objection subject to conditions.

4.3 Environmental Health Officer - No objection.

4.4 Ministry of Defence – no safeguarding objections

4.5 Ramblers Association – No objection; considers that the public footpath leading to the site will retain its same parameters and characteristics.

4.6 Public comment - Five objections have been received raising the following points:

- The proposed scale and design are out of character with, and will have an adverse visual impact on, Swaledale Court;
- The size and scale is overbearing and will dominate the skyline;
- Removal of shrubs, hedges and a healthy tree that provided feelings of seclusion and serenity and views from gardens and communal areas;
- Overlooking and loss of privacy;
- The garage with storage would be used as a separate dwelling or annexe;
- A single story dwelling, facing away from Swaledale Court might be supported;
- New build close to two grade II listed buildings would be inappropriate;
- Disruption through installation of services to the dwelling;
- Current and possible misuse of the Swaledale Court car park;
- The site has not been used in accordance with planning permission 09/00593/FUL;
- Potential harm to the wildlife on the site;
- Loss of sunlight and views; and
- The application lacks details of drainage and the building would force standing water onto adjacent property.

5.0 OBSERVATIONS

- 5.1 The planning issues in this case are (i) the principle of development, with particular regard to the sustainability of the village; (ii) impact on the character of the village and wider countryside; (iii) design; (iv) residential amenity; (v) effect on adjacent heritage assets; (vi) impact on wildlife; and (vii) highway issues.
- 5.2 The existing building that lies adjacent to but outside of the application site was granted permission for use as stables. The use of this building for any alternative purpose may require planning permission but that is a matter separate from the current planning application.

Principle

- 5.3 The application site lies mostly within the Development Limit boundary, including the position of the proposed dwelling and none of the exceptions allowed for by policy CP4 are claimed in support of the proposal. Consequently the proposal is contrary to LDF policy. Morton on Swale is a Service Village within the Settlement Hierarchy set out in Policy CP4 and in the adopted Interim Policy Guidance (IPG) which provides for a more flexible approach to new development at the edge of settlements. LDF Policy CP4 maintains a presumption against development beyond Development Limits other than in exceptional cases.
- 5.4 The National Planning Policy Framework (NPPF) states, in paragraph 55, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 5.5 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported 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 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right. The proposal would not alter this view. The majority of the site is within the Development Limits of Morton on Swale so the dwelling would be close to the existing village and in line with the existing row of dwellings in Dales View and positioned on the northern side of the parking area associated with Swaledale Court. It would not therefore appear independent of the village. As such, the location would meet the second criterion of the IPG and would accord with the aims of sustainable development.

Character of the village and countryside

- 5.7 The application site is located on the edge of Morton on Swale without being separated from the development form of the village. The position of the adjacent stable building means that the dwelling would be sited between the stables and the dwelling at 2 Dales View, thereby continuing an existing line of development without encroaching beyond the rear gardens of the adjacent properties on Dales View. Only a small part of the site lies beyond the Development Limit boundary, which follows the rear building line of the dwellings on Dales View; the application site boundary follows the rear garden boundary of the dwellings on Dales View.
- 5.8 It is not considered that the proposed dwelling in this position would adversely affect the form and character of the existing village or the open landscape of the surrounding countryside. This is in contrast to the Council's decision on application 16/00565/OUT, which was for a site further north and considered to be relatively remote and isolated from the built form of the village.

Design

- 5.9 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.10 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.11 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.12 The submitted Planning Statement notes that the proposed scheme respects existing building lines, scale and massing. The proposed dwelling would have larger dimensions than its neighbours at Dales View but due to the separation distance between Dales View and the application site, the proposed development is not considered to have an overly dominant impact in terms of scale and form.
- 5.13 The proposed dwelling is of a traditional double fronted form that is not dissimilar to other two-storey properties in the vicinity, including Morton Hall. As a new-build project, there is no need for the dwelling to reflect the barn conversion development of Swaledale Court. The proposed dwelling would be set-back from the parking area and would not therefore have a courtyard relationship with those properties and although the initial access track would be shared, the driveway to the proposed dwelling would continue past Swaledale Court to serve the rear of the proposed dwelling. It is suggested therefore that the context of the proposed development is with the adjacent row of dwellings at Dales View rather than Swaledale Court.

Residential amenity

- 5.14 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The site is considered large enough to accommodate a dwelling and provide a satisfactory level of amenity for future occupiers.

- 5.15 The proposed dwelling would follow the building line of the dwellings on Dales View, with no windows or other openings proposed on the side elevation. Windows in the rear elevation would face the rear gardens but these would have no greater impact on amenity than results from the existing dwellings along this row and this impact is considered to be acceptable.
- 5.16 The front elevation of the proposed dwelling would be sited more than 20m from the garden boundary with the closest dwelling at 1 Swaledale Court. There would be no direct overlooking into windows as the properties lie at right angles. The proposed dwelling would face the rear garden of number 1 and number 2 beyond but this is considered to be sufficiently separated to achieve satisfactory levels of amenity. Any loss of amenity would not be significant as neighbouring properties are of a suitable distance from the site. Opportunities for overlooking already exist from much closer properties such as number 1 Dales View and the dwelling at Pippin Cottage, which fronts onto the main road. The proposed development is considered to have no significant additional impact on the residential amenity of neighbouring properties.
- 5.17 The proposed development would not therefore be contrary to LDF Policy DP1.

Heritage assets

- 5.18 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. Morton Hall is a grade II listed dwelling within close proximity of the application site. The existing access and public footpath lies immediately adjacent to Morton Hall but the position of the proposed dwelling lies on the other side of the stables building and would not be viewed within the same context as the listed building. The proposed dwelling would therefore not harm the character, appearance or setting of the listed building.

Impact on wildlife

- 5.19 The concerns of residents are noted with regard to wildlife. It is stated that trees and hedgerows have relatively recently been removed, but this did not require the Council's approval. As presented, the application site does not contain any significant ecological features and a dwelling could be delivered without causing harm to any habitats. If permission were granted, suitable landscaping could enhance the wildlife habitat value of the area.

Highways

- 5.20 The Highway Authority has considered the proposal and does not raise concerns in terms of highway safety. The detached dwelling would be located on a private road not maintained by the Local Highway Authority but access to the site is along an established and well-formed track. There is a passing point in front of Morton Hall which would allow cars to pass without incident. Further there are also other areas around the field access and Swaledale Court parking area where cars could pull aside without causing harm to highway safety. There is adequate parking proposed within the application site boundary, which should mean that parking would not need to be undertaken within the existing shared parking area of Swaledale Court.
- 5.21 The proposal is considered to be acceptable and the additional vehicle movements resulting from one additional dwelling would not cause highway safety concerns.

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. 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.
 4. 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.
 5. 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.
 6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference 124:17/01 Rev. A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 7. 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; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
 8. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 124:17/01 Rev. A received by Hambleton District Council on 26 July and 23 October 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. 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. 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.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. To ensure that the development is appropriate to environment in terms of amenity in accordance with LDF Policies CP16, DP1 and DP30.
6. 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 in accordance with LDF Policies CP2 and DP4.
7. 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.
8. 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.

Informatives

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 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 Hambleton District Council - Waste and Streetscene.

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.

2. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date

information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

3. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7 April 2015.