

**Parish: Hornby**  
Ward: Appleton Wiske & Smeatons  
**3**

Committee Date: 7 December 2017  
Officer dealing: Mrs H Laws  
Target Date: 15 December 2017

**17/01808/OUT**

**Outline application for the construction of a dwelling with some matters reserved (access, layout and landscaping included for consideration).  
at OS Field 0051, Hornby  
for Mr M Morrison**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies at the northern edge of the village on the western side of the road leading into the village from the north. The boundary of the Hornby Conservation Area lies along the southern boundary of the application site.
- 1.2 The site covers an area of 0.07 hectares with an approximate 24m frontage onto the village street and a depth of approximately 28m. The land currently forms part of an agricultural field with a mature hedgerow on the boundary with the highway.
- 1.3 The site lies immediately to the north of an existing detached dwelling, known as Grange House. On the opposite side of the main village street to the application site is a detached dwelling known as Chapelgarth.
- 1.4 It is proposed to construct a dwelling on the site. The application is an outline application. However, matters for approval at this stage are access, landscaping and layout. The remaining matters, i.e. appearance and scale would be for a later application if the principle of development is approved. A layout plan has been submitted, which shows a detached two storey dwelling fronting onto the existing road. It is proposed to create a new access to serve the dwelling at the northern edge of the site, creating a gap of approximately 5m in the existing hedgerow.
- 1.5 It is proposed to construct a post and rail fence with a mixed species hedge along the newly created boundary with the remaining part of the agricultural field.
- 1.6 Northumbrian Water has indicated the presence of a public sewer within the boundary of the application site.

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

- 2.1 None

## **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 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 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.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Northumbrian Water - A public sewer crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.
- 4.4 Yorkshire Water - No comments required with regards to water supply.

(Officer Note: In this case it appears that Yorkshire Water is responsible for the fresh water supply to the house and Northumbrian Water is responsible for the sewer across the site.)

- 4.5 Public comments – One objection, summarised as follows:
- The village is neither a Service Centre, Service Village nor Secondary Village in relation to Policy CP4;
  - Within the IPG the village is an Other Settlement, reflecting the low level of service and community facilities available;
  - Development in Hornby will always be reliant on the use of the private car; it is not a sustainable village;
  - The proposal does not confirm to any exceptional circumstances with Policy CP4 nor those within paragraph 55 of the NPPF;
  - The Council has a land supply in excess of 5 years and can legitimately resist development in an isolated and unsustainable location;
  - Consideration should be given to an appropriate vernacular dwelling in keeping with the character of the village, immediately located against the Conservation Area; and
  - At the very least it is likely to have “less than substantial harm” (NPPF paragraph 134) to the significance of the Conservation Area and accordingly the LPA has to consider the public benefit of the proposal, of which there does not appear to be any.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location; (ii) the impact on the character of the surrounding area, including the character and appearance of the village and the rural landscape; (iii) the impact on the amenity of neighbouring occupiers; (iv) the effect on nearby heritage assets; (v) the implications of the public sewer; and (vi) highway safety.

##### Principle

- 5.2 The village of Hornby does not have any Development Limits, recognising its relatively small size. LDF Policy DP9 states that development will only be granted for

development beyond Development Limits "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 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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.
- 5.4 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.
- 5.5 In the IPG Hornby is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities, which include a pub and village green. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.6 Great Smeaton and Appleton Wiske, which are both Secondary Villages, are the largest settlements in closest proximity and are approximately 1.6km and 2.5km away respectively. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. It is therefore considered that Hornby can be viewed as an example of a cluster village with Great Smeaton. It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

#### The character of the village and the surrounding countryside

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement. In

this instance a single dwelling is proposed, which must be considered cumulatively with the planning permissions recently granted for one dwelling at the western edge of the village (16/01885/OUT) and three dwellings at the eastern edge of the village (16/02681/OUT). Based on 2014 figures there are a total of 48 dwellings within the village; an additional five dwellings would be an increase of more than 10%. The cumulative number of five dwellings is considered to be an acceptable scale as the dwellings currently approved are in different parts of the village to each other and do not relate to the application site in terms of form and character. The dwelling now proposed lies immediately adjacent to and opposite existing dwellings and therefore would not overwhelm the form and character of the village.

- 5.8 With regard to the impact on the rural landscape, the site has much in character with the village due to its proximity to existing dwellings. A mixed species hedgerow is proposed around the new boundaries of the proposed garden, which will help to provide a soft but definitive boundary between the village and the countryside beyond. It is not considered that the development would adversely affect the open rural character of the surrounding countryside.

#### Residential amenity

- 5.9 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 main impact to consider is in relation to the occupiers of the adjacent dwelling, Grange House, to the south.
- 5.10 A mature hedgerow boundary lies between the application site and the neighbouring dwelling, which would provide a degree of privacy between the existing and proposed dwelling. The effects of the proposed dwelling on the amenity of existing local residents would be properly assessed following the submission of a detailed reserved matters application but it is anticipated that an appropriately designed scheme would avoid overlooking or an overbearing aspect on the residents at Grange House.
- 5.11 The site lies far enough from the dwellings on the opposite side of the road for there to be no impact on the amenity of those residents. The proposed development would not therefore be contrary to LDF Policy DP1.

#### Heritage Assets

- 5.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Hornby Conservation Area.
- 5.13 The Conservation Area covers a mainly residential area, accommodating dwellings with a predominantly linear built form on either side of the main road passing through the village. Therefore the introduction of an additional dwelling into this setting would preserve the existing character of the Conservation Area. Further consideration of the impact of the design on these elements would be made at reserved matters stage. However, the principle of development in this location is considered to have no detrimental impact on the setting of the Conservation Area.

#### Public sewer

- 5.14 Details from Northumbrian Water indicate the presence of a public sewer crossing the south eastern corner of the application site and parallel to the front boundary hedge. The agent has confirmed that the applicant will pursue a sewer diversion on land within his ownership outside of the planning process. Northumbrian Water has confirmed that the proposed diversion is acceptable in principle.

### Highway matters

- 5.15 It is proposed to create an access at the northern end of the site. The access would lie on the outside of the bend at this end of the village and therefore would be able to achieve the required visibility splay.
- 5.16 It is considered that a safe access can be achieved and the Highway Authority has no objection subject to conditions.

### **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 scale and appearance of each building, including a schedule of external materials to be used.
  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. No above ground construction work shall be undertaken 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.
  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 dwellings shall not be occupied until the boundary treatment for that dwelling 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 has 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 the approved details and/or Standard Detail number E6; and (e) Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway.
9. 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.
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 in connection with the construction of the access road or buildings 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; and (c) vehicular turning arrangements. 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 details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. 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.
12. 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.
13. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/3108/02 and 03 received by Hambleton District Council on 16 August 2017 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.
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 to adjoining properties 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 that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies DP1 and DP32.
8. 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.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
10. 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.
11. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
12. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
13. 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 DP32.

#### Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
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 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

3. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website. [www.hambleton.gov.uk](http://www.hambleton.gov.uk)