

**Parish: Exelby, Leeming and Newton**  
**Ward: Bedale**  
**6**

Committee Date: 11 January 2018  
Officer dealing: Mrs H Laws  
Target Date: 19 January 2018

**17/02334/OUT**

**Outline application with all matters reserved for the construction of two dwellings  
At The Old Forge, Exelby  
For Mr G Price**

**This application is reported to Planning Committee as it is as departure from the  
development plan**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies at the western end of Exelby on the southern side of the main village street and currently forms part of the garden of The Old Forge. The site extends to an area of 0.17 hectares. A new dwelling lies beyond the site to the west on a plot that previously formed part of the same extended gardens associated with The Old Forge.
- 1.2 The site is bounded on the roadside to the north by a mature leylandii hedge, which has a height of approximately 3m. There is currently no access directly onto the application site except from the existing domestic garden associated with The Old Forge.
- 1.3 It is proposed to construct two dwellings on the site. The application is in outline with all matters reserved. An illustrative layout has been submitted with the application depicting a pair of two storey detached dwellings with garages with individual accesses onto the village street. It is proposed to retain the existing hedgerow other than for the creation of accesses.

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

- 2.1 There is no history specifically relating to the application site; the following applications relate to land to the west, which previously also formed part of the garden of The Old Forge:
- 2.2 15/02819/FUL – Detached dwellinghouse and associated parking; Granted 4 March 2016.
- 2.3 16/01787/FUL – Revised dwellinghouse and attached double domestic garage and the formation of new access; Granted 14 October 2016.
- 2.4 There is an extant outline planning permission for three dwellings on the land opposite the application site (16/02514/OUT, granted 6 February 2017).

## **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 DP13 – Housing mix  
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 objection.
- 4.2 Highway Authority – No objections subject to recommended conditions.
- 4.3 Swale & Ure Internal Drainage Board - No objection in principle; a condition is recommended.
- 4.4 Public comment – No comments received to date.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration in this case relate to (i) the principle of two new dwellings in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwellings on the character and appearance of the village and the rural landscape; (iii) neighbour amenity; and (iv) highway safety.

##### Principle

- 5.2 The site falls outside of 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 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.
- 5.6 In the settlement hierarchy contained within the IPG, Exelby 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 or villages nearby.
- 5.7 The site lies within the village of Exelby in which there is a pub and it lies approximately 2km from the edge of Burneston, which is defined as a Secondary Village with facilities including a school, a pub and a church. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proposed development satisfies criterion 1.

#### Character and appearance of the village and the rural landscape

- 5.8 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.
- 5.9 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 two dwellings are proposed, which must be considered cumulatively with the planning permissions recently granted for the dwelling to the site immediately to the west (16/01787/FUL); outline permission granted for three dwellings opposite on the northern side of the village street (16/02514/OUT) and a dwelling (16/02010/OUT) on the southern edge of the village.
- 5.10 Based on 2014 figures there are a total of 76 dwellings within the village; an additional 7 dwellings would be an increase of more than 9%. The cumulative number of seven dwellings is considered to be an acceptable scale. The dwellings now proposed lie immediately adjacent to and opposite existing and proposed dwellings and whilst seen in the same context are not, in this instance considered to be harmful to the character and appearance of the village.
- 5.11 Within the IPG small scale development adjacent to the main built form of a 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. Following the construction of the detached dwelling to the west, the application site now lies within the built up part 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."

- 5.12 The application site forms part of a garden and its position immediately adjacent to and opposite residential development suggests it has more in character with the built form of the village than the rural landscape beyond. The application site would share boundaries with existing residential development and would follow the line of the existing development down the village street. 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 as such the proposed development is considered to be in accordance with these aspects of the IPG.

#### Effect on residential amenity

- 5.13 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 closest neighbour to the proposed dwelling would be the existing property at The Old Forge, to the east and the new dwelling known as Aschilebi House to the west. The application is in outline but an illustrative footprint has been included within the submission, to demonstrate that the dwellings could be positioned to reflect the general building line of the road.
- 5.14 It is considered that there is adequate space available within the application site for there to be some consideration given to protecting the existing outlook whilst providing adequate amenity space for the proposed residents. There would be adequate separation between the properties to protect the amenity of the existing and proposed residents.
- 5.15 The proposed development would not therefore be contrary to LDF Policy DP1.

#### Highway matters

- 5.16 The Highway Authority has no objections to the additional dwellings being served from the village street subject to appropriate 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 layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) 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. 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 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. 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.
7. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented prior to the occupation of the dwellings and retained.
8. 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.
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 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 accesses shall have been approved in writing by the Local Planning Authority; (b) the crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6; and (c) 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.

10. 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.
11. 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 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.
12. 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.
13. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 2 November 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 in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies

7. In the interest of satisfactory drainage in accordance with LDF Policies CP21 and DP43.
8. In the interests of highway safety in accordance LDF Policies CP2 and DP4.
9. 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.
10. In the interests of highway safety in accordance LDF Policies CP2 and DP4.
11. 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.
12. 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.
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.

#### 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

2. 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.
3. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7<sup>th</sup> April 2015.