

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 2 February 2012. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Committee Officer, Jane Hindhaugh, by telephoning Northallerton (01609) 767016 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Head of Regulatory Services. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Head of Regulatory Services has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Maurice Cann
Head of Regulatory Services

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

PLANNING COMMITTEE

2 FEBRUARY 2012

Item No	Application Ref/ Officer	Proposal/Site Description
1	09/02116/FUL Mrs H M Laws	Change of use from agricultural land to a private gypsy site for 1 family and creation of a new vehicular access and pedestrian access as amended by plans and details received by Hambleton District Council on 12 and 21 December 2011. at OS Field 8732 Ings Lane Great Broughton North Yorkshire for Mr A Barrass. RECOMMENDATION: GRANTED
2	11/02778/FUL Mrs T Price	Proposed alterations and single storey extensions to existing dwelling. at Pinfold Cottage Borrowby Thirsk North Yorkshire for Mr & Mrs Nigel & Helen Laws. RECOMMENDATION: GRANTED
3	10/02534/FUL Mr A J Cunningham	Alterations and extensions to existing garage/workshop to form a dwelling as amended by plans received by Hambleton District Council on 15 June 2011. at Land At Crawford Yard The Green Brompton North Yorkshire for Ms J Kane. RECOMMENDATION: GRANTED
4	11/02034/FUL Mr A J Cunningham	Alterations and extensions to 2 existing barns to form 3 dwellings. at Mossa Grange Little Langton North Yorkshire DL7 0TL for Mr D R Bellerby. RECOMMENDATION REFUSED
5	11/02518/TPO Mrs H M Laws	Application for works to trees (Purple leafed cherry plum, Ornamental cherry, Hornbeam, Crab Apple and Silver Birch) subject to Tree Preservation Order 1997/12. at 6 & 10 Copperclay Walk Easingwold York YO61 3RU for Easingwold Town Council. RECOMMENDATION: SPLIT DECISION

<p>6</p>	<p>11/02715/MRC Mr J Saddington</p>	<p>Application to vary condition 2 of appeal decision dated 5 August 2010 to amend the design of the dwelling. at 22 The Holme Great Broughton North Yorkshire TS9 7HF for Mr Robert Davies.</p> <p>RECOMMENDATION: GRANTED</p>
<p>7</p>	<p>11/02644/FUL Mrs B Robinson</p>	<p>Revised application for the construction of a replacement dwelling. at Arncliffe House Ingleby Arncliffe North Yorkshire DL6 3LX for Mr Rick Birch.</p> <p>RECOMMENDATION: GRANTED</p>
<p>8</p>	<p>11/00522/FUL Mr A J Cunningham</p>	<p>Conversion of existing detached garage to provide ancillary accommodation as amended by plans received by Hambleton District Council on 16 August 2011. at Alladene Springwell Lane Northallerton North Yorkshire for Miss S Ward.</p> <p>RECOMMENDATION: GRANTED</p>
<p>9</p>	<p>11/02472/FUL Mrs B Robinson</p>	<p>Change of use of land from agricultural to equestrian and construction of a stable block. at Land East Of Leven Valley Farm And South Of South View Hutton Rudby North Yorkshire for Mr R Readman.</p> <p>RECOMMENDATION: GRANTED</p>
<p>10</p>	<p>11/01930/FUL Mr J Saddington</p>	<p>Demolition of 4 existing poultry sheds, construction of 4 new poultry sheds (phase 1) and three new poultry sheds (phase 2) with associated equipment and a balancing pond. at Mowbray House Sandhutton Lane Carlton Miniott North Yorkshire for Mr John McPhillips.</p> <p>RECOMMENDATION: GRANTED</p>
<p>11</p>	<p>11/02121/FUL Mrs H M Laws</p>	<p>Revised application for the change of use of woodland to a natural burial ground and formation of a of new vehicular access as amended by plan received by Hambleton District Council on 10 November 2011. at Big Ings Wood Green Lane Blackwoods Stillington for Mrs H Lamborn.</p> <p>RECOMMENDATION: GRANTED</p>

12	11/02620/REM Mr J E Howe	<p>Reserved matters application for the construction of a dwelling as amended by plan received by Hambleton District Council on 9 January 2012.</p> <p>at Land Adjacent To Hall Cottage Sutton Howgrave North Yorkshire for Mr E Niebla & Mrs K Alvarez.</p> <p>RECOMMENDATION: GRANTED</p>
13	11/02709/MRC Mr J E Howe	<p>Application to vary condition 3 of planning approval 11/01237/FUL relating to opening times.</p> <p>at 13 Millgate Thirsk North Yorkshire YO7 1AA for Mr Richard Milka.</p> <p>RECOMMENDATION: REFUSED</p>
14	11/02490/FUL Mr J E Howe	<p>Remove existing lean to asbestos roof and replace with pantile roof and installation of two roof lights.</p> <p>at 13 Millgate Thirsk North Yorkshire YO7 1AA for Mr Richard Milka.</p> <p>RECOMMENDATION: GRANTED</p>
15	11/02573/FUL Mr J E Howe	<p>Two storey extension to existing hotel.</p> <p>at White Horse Lodge Hotel Sutton Road Thirsk North Yorkshire for Mr N J Douglas.</p> <p>RECOMMENDATION: GRANTED</p>
16	11/02305/FUL Mr A J Cunningham	<p>Demolition of existing outbuilding and construction of a dwelling.</p> <p>at Land Adjacent To The Horseshoe Inn West Rounton North Yorkshire DL6 2LL for Mr S Taylor.</p> <p>RECOMMENDATION: REFUSED</p>

1.

09/02116/FUL

Change of use from agricultural land to a private gypsy site for 1 family and creation of a new vehicular access and pedestrian access as amended by plans and details received by Hambleton District Council on 12 December 2011 and 24 January 2012. at OS Field 8732 Ings Lane Great Broughton North Yorkshire for Mr A Barrass.

1.0 PROPOSAL & SITE DESCRIPTION

1.1 Members have now had the opportunity to visit the site, which lies approximately half a kilometre east of the B1257. Access is currently from a track (Ings Lane) leading directly to the site from the road, adjacent to the bridge over the dismantled railway line. The first part of the track (approximately 400m) is a public right of way.

1.2 The application is retrospective for the siting of a mobile home on the plot of land, which covers an area of approximately 0.48 hectares for occupation by a gypsy family. The proposal is for a single gypsy family, which would constitute a group of people living as a single household. A driveway of almost 45m in length has been installed together with a concrete hardstanding to provide parking at the front of the mobile home. The remainder of the plot is grassed.

1.3 The site is bounded at the front with timber post and rail fencing. 1.8m high close boarded fencing lies to the side and rear of the mobile home. Foul drainage is to an existing septic tank. The site does not lie within an area of flood risk.

1.4 A new access at the main road is proposed as part of the application. This proposes to restrict the existing access to vehicular traffic and relocate it approximately 120m further north along the B1257. Three lockable and demountable timber bollards are to be positioned across the existing access. The new track is proposed to lie parallel adjacent to the main road from its existing position to the new access position. It is proposed to remove a stretch of 40m of the existing hedgerow. New hedging is to be planted along part of the new boundary of the access track for a length of 50m. The surface of the new track is permeable comprising road planings on consolidated brick hardcore.

1.5 A pedestrian right of way is proposed to link Ings Lane, approximately 200m beyond the existing junction with the B1257, and Back Lane. The link is proposed as a 1500mm wide access path covering a distance of 70m.

1.6 A lay by is proposed on the southern side of the new access to allow for refuse collections lorries.

1.7 The planning application was originally submitted in 2009 with delays accruing due to the absence of adequate detail, particularly in relation to the proposed new access.

2.0 PLANNING HISTORY

2.1 Unauthorised development first became apparent in this locality in March 2006. The breach of planning control included excavation, the laying of hardstanding areas; the change of use of land for the keeping of horses and the siting of unauthorised structures such as an amenity building and storage shed. Enforcement notices relating to this site were served in 2007. An appeal into the notices was dismissed on 5 October 2007 and the Inspector's letter is appended to this report.

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 CP8 - Type, size and tenure of housing
- 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 DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP14 - Gypsies and travellers' sites
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping
- Planning for traveller sites: consultation - 13 April 2011
- Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites
- Gypsy and Traveller Accommodation Assessment 2008

4.0 CONSULTATIONS

4.1 Parish Council – wish to see the application refused. A copy of the response dated 27 January 2011 is appended to this report. The comments submitted on 24 January 2012 are as follows:

The Parish Council continue to be opposed to the grant of planning permission. They reaffirm the two responses already sent to you in respect of this application and submit, in addition, the following additional response.

CONTEXT FOR CONSIDERATION OF PLANNING APPLICATION

The Parish Council held a further Public Meeting to discuss this application and its latest amendments on the 18th January this year. In excess of 160 residents attended to express their concerns and their opposition to the grant of planning permission.

The Meeting was addressed by the agent for the applicants and by representatives of the other gypsies who have taken up residence on the site. They explained that the site had been divided up into 10 plots which were now in different ownerships and it was their intention to develop the whole site as gypsy site. The current application site is one of those plots.

The District Council considered that it was not possible to take enforcement action against the other unauthorised users of this site during the two and a half years this application has been under consideration and have stated publicly that, if planning permission were granted on the current application, the other unauthorised users would be invited to apply for planning permission.

The District Council are therefore obliged to consider this application on the basis that if planning permission were granted this would act as a precedent for the development of the remainder of the site.

COMMENTS ON THE PROPOSED ROAD ACCESSES

Highway Authority Advice

These comments are made on the assumption that the County Council as highway authority will decide not to object to the new accesses onto the B1257 and onto Back Lane.

We would submit that the design of the access on to B1257 and its acceptance by the County Council has failed to take into account the high levels of tourist and weekend traffic, including a large number of motor bikes (and coaches going to Light Water Valley), using this road which is recorded as having an exceptionally high level of injury and fatal accidents. This is because the surveys on which the recommendation has been made were carried out at times other than those showing the true extent and type of this road's usage.

The road access would also have the potential to cause a dangerous situation when vehicles travelling north are stopped by a vehicle waiting to turn right into the new access and following vehicles come onto this over the blind humped back bridge. It will be impossible to ensure that the proposed gate on the bridleway is kept closed and will not continue to be used as a short cut onto the B1257.

Other Planning Authority Considerations

Even if the highway authority consider that on engineering grounds the access onto the B1257 is acceptable the District Council as planning authority have then to consider whether it is appropriate on other planning grounds.

B1257 at this point is a countryside road with hedges on both sides punctuated by the occasional field gate. It is the rural entrance into the village and the gateway to the North York Moors National Park.

What is proposed here is the removal of a substantial length of hedge and the creation of a deep area of hard standing. The size and type of the entry might be appropriate for an industrial estate in an urban setting but quite unacceptable here. Even with the proposed new access traffic would need to travel just under half a mile along a bridleway.

Your Policy DP14 for "Gypsies and Travellers' Sites" states:

"Vehicle movements should not cause a hazard to other users, e.g. onto a bridleway or footpath"

The British Horse Society, a statutory consultee, has objected to this proposal and shown that there is evidence of a hazard being caused to horse riders. They have also submitted that the proposed new access arrangements make matters worse.

4.2 William Hague – due to the large amount of interest generated by local residents against this issue, and for the reasons in the (Parish Council's) letter I am in support of the Parish Council's view that planning permission should not be extended on this occasion.

4.3 North Yorkshire Highways Dept – The Highway Authority has previously recommended that the earlier applications at the same site be refused for highway safety reasons. Previous refusals have been recommended because the existing access from the site onto the B1257 that was proposed as part of the applications was via Ings Lane. The junction of Ings Lane and the B1257 has substandard visibility (primarily to the south) and therefore the Highway Authority recommended refusal.

The current application proposes a new access onto the B1257. The application is supported by a speed survey which reports the 85th percentile speeds in a northerly and southerly direction to be 41.2mph and 40.7mph. A speed survey carried out by the County Council however showed that the speeds were in a northerly and

southerly direction were 33.5mph and 51.5mph respectively and it is these figures that have been used to determine the visibility splay requirement. The speed survey was carried out in accordance with the recommendations from the Design Manual for Roads and Bridges. The advice is that in order to get a representative sample of speeds in traffic in free flow, peak times should be avoided as should bank holidays and weekends as should local events and bad weather. It is noted that there is a concern that during the summer months there is a higher proportion of motorcycles using the B1257 however this is not normal for other times of the year and therefore a speed survey that targeted these times would not be representative.

The visibility that can be achieved at the location of the proposed access is 160m to the north and 150m to the south. The visibility splays can be achieved over highway and not on third party land. The visibility that is available at this location is therefore adequate for the proposal.

The Highway Authority can only recommend that the new access and road is constructed for use by the applicant and retained for the life of the development. The Highway Authority cannot control which access is used however it would be recommend that a condition be attached to the application that the new access with the better visibility is to be used.

The Highway Authority would recommend conditions be attached to any permission requiring full details of the access (to include details of turning circles) to be submitted and approved before implementation.

Providing that the proposed gates (bollards) are set back for enough for a tractor and trailer to be parked at that location the Area Office would not have an objection. The set back of 13m should suffice as this appears on our standard details for a farm crossing.

There is a concern from the Highway Authority that the link would lead pedestrians onto a stretch of road that has no street lighting, has no separate footway and joins Back Lane adjacent to a bend that has restricted forward visibility for vehicles travelling one way from the B1257. However if this is compared with the option of pedestrians from the site using Ings Lane and walking to Great Broughton by crossing the railway bridge (with no footway) and walking along the B1257 where vehicle speeds are higher with no footways then the new footway to Back Lane would be preferable.

4.4 North Yorkshire Footpaths Officer - I wish to bring to your attention my concerns regarding this proposal. According to the plans, access to this residential site would be along the track known as Ings Lane. The section of Ings Lane between the B1267 road and OS grid ref 454764/507249, is a Public Bridleway - for the use and enjoyment of the Public on foot, on bicycle and on horseback. Any increase of vehicular traffic could pose a danger to legitimate users of the bridleway and therefore could have a detrimental impact on the Public. Additionally, it should be noted that the maintenance of the surface of the bridleway is the responsibility of the Highways Authority and therefore should not be interfered with without the sanction of the Highways Authority. With regard to the proposed bollard arrangement on the public bridleway, our preference is for the route to remain free from any form of obstruction. However should the scheme proceed and there is a requirement for equestrian friendly bollards in the interests of highway safety, these could be lawfully installed under s66 Highways Act 1980.

4.5 HDC Environmental Health – no objection to the above proposal. Occupation of the caravan will require a caravan site licence and it will be necessary to adhere to the conditions attached to that licence. One of the conditions requires the provision of a wholesome piped water supply.

4.6 HDC Environmental Protection Officer - On the basis of the information supplied on the PALC form there are no potential sources of contamination identified and therefore the proposed development can proceed without any further work in respect of land contamination.

4.7 HDC Anti-Social Behaviour Coordinator - over the 3 years I have not had any reports from the public to investigate any Anti-Social Behaviour on the site and I have not had any reason to visit the area. Through recent discussions with North Yorkshire Police their main concerns are loose horses, which are able to leave the site and have caused issues on the highway. There has also been cable burning (to extract copper wire) in the past. The Police and myself as ASB Coordinator are investigating ways to control the horses and cable burning is, I believe, being investigated by Environmental Health.

4.8 North Yorkshire Police (Hambleton & Richmondshire Response and Reassurance) - there have been 36 occasions over the last year that we have attended incidents near or on Ings Lane. These range from suspect poachers to horses loose on the road and recovery of stolen vehicle to execution of arrest warrant. Again I reiterate, as my previous report, that not all incidents can be attributed to travellers nor Ings Lane but they all occur from the centre of the village and the outskirts to the East and North. There have been 329 incidents in the Broughton and Ingleby ward during this period, 36 have occurred on or near Ings Lane and specifically 32 were traveller related and/or actually occurred on Ings Lane. However, as last year, the vast majority were horses loose on the highway – 24 in total.

4.9 North Yorkshire Police Architectural Liaison Officer – makes recommendations including the following:

- that the access road be upgraded to make it a level roadway which is suitable for emergency vehicles to attend;
- in order to give privacy the fencing should be close boarded fencing to a maximum height of 1.8m. This height should not be brought forward past the front of the caravan. The height of the fencing at the front should not be higher than 1m high to maximise surveillance of whom is passing the site.
- adequate provision for parking of vehicles within the plot is made so that there are no vehicles to be parked on the access roadway to the site, or outside the plot boundary;
- the plot has a facility of dawn to dusk lighting.

4.10 The Ramblers – no objections to the proposal as it helps to satisfy current district requirements. The site is already well developed for a number of gypsy families. It is disappointing that after about 5 years the first application has been made and we hope that the remainder quickly follow. Changed access from the road will resolve the long standing safety problems. The broad track access to the development is a public bridleway for the first half of its length and has a recent history of damage from travellers' vehicles. For the future the road surface must be regularly maintained and a small number of laybys be provided to permit horse/vehicle passing.

4.11 British Horse Society – This application, if passed, will seriously affect the Public Bridleway which runs down Ings Lane and I wish to register my objections. This Bridleway is regularly used by equestrians. It forms part of (a much needed) 'off road' circular route. Ever since the development of the land at the bottom of Ings Lane began some years ago, there have been continual problems and much hassle for horse riders using this Public Right of Way.

Objections include:

- increased traffic on a Public Right of Way (Bridleway)
- several blind bends
- Danger to horses and riders
- the 'pony paddocks' and subsequent ramshackle buildings/caravans and works are an 'eyesore' and despoil the countryside
- loose horses
- inadequate fencing
- Fundamental to this proposed new access is the fact that DP14 Policy iv states that: "Vehicle movements should not cause a hazard to other users. e.g. onto a public bridleway or footpath".
- The proposed creation of this new access does not alter the fact that all traffic to and from the site will be along approximately 500 metres of Public Bridleway No 10.
- the new access will form a junction with Ings Lane Bridleway causing additional traffic hazards for equestrians.
- the junction of the new access road is too close to the equestrian bridle gate - (gates are a potential hazard and an obstruction).
- As far as we are aware there has never been a gate at this location previously and an unauthorised gate will be an infringement of Highways Act 1980
- North Yorkshire Rights of Way department do not appear to have been consulted on this proposal.
- It is noted that there have been traffic counts on 2 days in December. Although this bridleway is generally regularly used by many equestrians from the surrounding area, we know that very few use it in winter due to the unavoidable deep boggy ground across arable fields beyond Ings Farm and therefore we believe 'these traffic counts' give an unrealistic figure of the Bridleway's use by horses.
- If this application is granted it will almost certainly lead to other plots being occupied and approval will be very difficult for the Council to refuse – leading to more vehicular use and hazards for equestrians.

4.12 Site notice/local residents – approximately 80 objections have been received and 1 letter of support. The support is summarised as follows:

- I can see no reason whatsoever to refuse planning permission for this proposal. I am especially annoyed to read that 'no cultural or historical connection' to the village has been offered as an objection; as the majority of us who live here are not from Broughton or even N Yorkshire, this can only be about dislike and/or discrimination.

The objections are summarised as follows:

1. Highway safety – use of access
2. Management of new access/closure of old – installation of bollards
3. Developing site for more than 1 family
4. Police incidents
5. Character and appearance of the countryside
6. Impact on residential amenity
7. Already a site at Seamer
8. Businesses run from site
9. No historic connection with the village
10. National/Regional guidance – GTAA relevance
11. Gypsy definition – compliance with criteria
12. What constitutes a gypsy family – how many caravans?

The letters are available in full on the Council's website.

Following receipt of the amended access information the following comments have been received, specifically relating to this issue:

1. vehicular access has all the nature of a temporary road;

2. the proposal is not a properly formed junction;
3. the ownership and maintenance responsibility is not clear;
4. Moving the entrance will not improve the safety aspect and only create a lay-by;
5. why is a footpath to the back lane needed for just 1 dwelling ?
6. The vehicle count was undertaken in December. The most dangerous time on that road is in the height of summer when the motor bikes , cyclists & tourists are on the move;
7. I'm sure the latest attempt to reduce the current high risks associated with the road access to the site would help with regard to safety but that does not deal with the key issue;
8. in the light of the Government's proposal since the Dale Farm evictions, to fund the establishment of further official sites for travellers' pitches throughout the country, it would seem even more perverse to consider approving this retrospective planning application;
9. object on safety grounds the access will still be difficult as the long trailers and 4 wheel cars cause a lot of congestion on the main road to Great Broughton;
10. The current access used is dangerous due to its proximity to the old railway bridge and resulted in a frightening close near smash when I was travelling out of Gt Broughton. No action to stop its use and the unauthorised activities in Ings Lane has been taken for some years. The application appears to be for only one party but by granting permission it would allow much further development of an unauthorised site using the modified access proposed;
11. the B1257 has a reputation as a very dangerous road. Signs erected on leaving Stokesley illustrate the danger by highlighting the 86 accidents over the past 5 years. There is a particular issue with motorcyclists, with 45 involved in accidents over the same time. As a resident, living on High Street, I am only too aware of the frequency with which ambulances and helicopters pass through and over the village to recover the victims of these accidents. By permitting this development, the Council will add to the risks presented by this road and will go against all of the effort put in to reduce the accident rate;
12. The amendments to change the point of access do not change the impact of the proposed scheme which will still pose an additional hazard to all users of the B1257. The traffic survey data provided by the applicant show what a busy road this is, even at one of the quieter times of the year. In summer, there is a high level of additional traffic in the form of tourists, caravans, motorhomes and more motorcyclists. This extra traffic density compounds the risk posed by the development and the Council's Planning Committee must be conscious of the increased danger when they make their decision;
13. permitting this development will inevitably contribute to the pollution load. This will happen from 3 sources – domestic sewage which does not pass to sewer or sewage works; runoff from equine effluent arising from the stocks of horses and ponies kept there and pollution from waste left on site by the occupants;
14. the proposed access arrangements appear inadequate and unsafe as the main road is busy and traffic, including a significant proportion of HGVs, has poor sightlines travelling north over the railway bridge;
15. what guarantee do we have that this (footpath) route, once established, will not be used for motorcycles or other forms of transport, and eventually be made wide enough to take cars, vans, or even trucks?
16. Vehicular rights of way for a number of different landowners at the existing access point exist, such that closing it will not be enforceable;
17. The site is badly placed for occupants and their children to get to the village or Stokesley. There are no pavements or footpaths, and there is a very dangerous narrow bridge on the B1257 to the village for the school;

18. Entrance is totally out of scale for the site, & will look terrible in this rural area (more like an industrial estate, and that is what I fear it will become, but illegal), and I don't trust that it will ever be built. It is also likely that the rights of way users' gate will be left unlocked meaning delivery drivers and occupants will use the very dangerous exit/entrance;

19. Great Broughton has few amenities, in reality residents will need to access Stokesley.

5.0 OBSERVATIONS

5.1 The main issues for consideration relate to the principle of a creating a gypsy site in this location (including distance from services/amenities); the need for additional gypsy accommodation; the visual impact on the landscape; impact on the amenity of local residents; highway safety and the impact on the public right of way.

The principle of a creating a gypsy site in this location

5.2 The site lies outside the Development Limits of a sustainable settlement, as defined within Policy CP4, and is within the open countryside. Consequently, there is a strong presumption against new residential development on the site save for exceptional cases or for use by certain types of occupier. Policy CP4 and DP14 allow the establishment of gypsy sites outside Development Limits where certain criteria are all met, in particular where the scale, location or type of existing provision is inadequate.

5.3 Whilst the application site is outside Development Limits, it is located within 3km of Stokesley, a substantial market town containing a range of shops and local services and within 1km of Great Broughton, defined in the Core Strategy as a Service Village. Whilst the family are likely to rely on the private car, alternative means of transport are accessible and the family would be in easy reach of key services such as schools and medical facilities.

Need for additional gypsy accommodation

5.4 Policy DP14 accords with the government's circular on gypsy and traveller caravan sites (1/06). The circular states that local authorities should help gypsies secure the kind of site they need, in locations that are appropriate in planning policy terms. Circular 1/06 requires local authorities to undertake an assessment of need for gypsy and traveller accommodation to ensure that gypsies secure the kind of site they need. There is no provision in the LDF for Gypsy and Traveller sites and therefore provision is reliant on planning applications for private sites in appropriate locations.

5.5 A Gypsy & Traveller Accommodation Assessment (GTAA) for North Yorkshire was undertaken by consultants Arc4 in 2007/08. It established a current shortfall of 14 pitches in Hambleton District. The Assessment noted the largest population being in the Stokesley area; of the 193 households estimated as being resident in Hambleton at the time of the survey 136 households (70.8%) were in the Stokesley area. This calculation of pitch requirements was based on CLG modelling as advocated in Gypsy and Traveller Accommodation Assessment Guidance (CLG, 2007). The CLG Guidance requires an assessment of the current needs of Gypsies and Travellers and a projection of future needs.

5.6 In view of the findings of the GTAA, it is considered that there is a need for additional gypsy and traveller accommodation in the Stokesley area. This requirement extends to local authority controlled sites, private sites and transit sites. There are 2 local authority owned sites in Hambleton, one at Seamer and one at

Thirsk. Since the report was published in May 2008 the following private sites have received planning permission:

- 10/00558/FUL – permission granted at Easby Road, Great Broughton Parish in July 2010;
- 10/01258/FUL – permission granted on appeal near Bagby in September 2011;
- 11/00797/FUL - permission granted at Tame Bridge in December 2011;
- 11/01695/FUL – permission granted at Skutterskelfe in January 2012.

There are a total of ten authorised private gypsy sites in the District, eight in the Stokesley hinterland and two elsewhere. A map illustrating the location of the sites in the Stokesley hinterland will be available to view at the meeting.

5.7 The County Council's Hillfield Close gypsy site at Seamer, which is managed by Horton Housing, is in the process of being redeveloped with 16 pitches. At the time of the report 13 of the pitches at Hillfield Closer were vacant but the report assumed their re-occupation following site improvement and were acknowledged as part of the supply. There is currently a waiting list of 10 families for the new pitches and there have been a large number of telephone enquiries, which suggests that pitches are in demand. The GTAA recommends a mix of different types of gypsy site including publicly run and privately owned sites as the publicly run sites do not often have other land or always allow the keeping of animals and in many cases the gypsies require land adjacent on which to keep horses. Consequently, the principle of the application site is acceptable due to a shortfall of provision within the locality.

National Policy

5.8 Circ 1/2006 is to be revised but this has not yet been done and the guidance is still valid. The Communities and Local Government secretary Eric Pickles informed councils and the Planning Inspectorate in May 2010 that the decision to abolish the regional planning regime for England should be a material consideration in terms of planning decisions. Mr Pickles's statement in May 2010 read that "Consequently, decisions on housing supply (including the provision of traveller's sites) will rest with local planning authorities without the framework of regional numbers and plans." Notwithstanding this statement the Government realises that Local Authorities are still required to assess need through their GTAA and to make provision accordingly (Government Message November 2010). A consultation document entitled Planning for Traveller Sites dated April 2011 has been published setting out the intentions of the Government, which includes the withdrawal of Circular 01/2006. Local Authorities are to be given greater control in respect of this issue. Without an alternative evidence base the findings and recommendations contained within the GTAA should still be deemed a material consideration in the determination of this application.

Visual Impact

5.9 The site is set back from the main road in a relatively remote position. The site is visible across the fields from the road and from the public bridleway along Ings Lane but given the low level nature of the development it is not prominent. The landscape has no special landscape classification but lies approximately 4km from the National Park boundary and is not unattractive. It is characterised by mainly flat farmland with a number of hedgerow trees providing important landscape features. The application site itself lacks any landscape features although is maintained in a neat and tidy condition and is not unduly obtrusive.

5.10 The creation of the proposed access and track will have an impact on the appearance of this part of the countryside although the positioning of the track parallel to the existing road will minimise its impact in the wider landscape. A large

extent of hedgerow is to be removed but new hedgerow will be planted, although this will take several years to become effective as a prominent landscape feature. The proposed surfacing of road planings on hardcore is an appropriate low impact material.

Impact on the amenity of local residents

5.11 Officers acknowledge that the prospect of land being used for a gypsy site can cause tensions in a local community. Nevertheless, the site is set well back from the public highway, the nearest neighbouring house is over 160m away and the edge of the village is 500m away. Subject to suitable safeguards to prevent commercial activity or abuse of the site by the occupiers, officers see no reason why the site should cause any material loss of amenity to local residents.

5.12 The Inspector, in his letter relating to the enforcement appeal, stated that 'their accommodation needs as gypsies are a factor which supports this appeal' but 'The additional traffic generated by such uses (family gypsy site with additional use for horse keeping and breeding), particularly in terms of the daily movement of vehicles connected with domestic occupation, and bearing in mind the site's position some way removed from necessary facilities and amenities, would unacceptably add to the risk of accident within the highway.' The existing access is clearly unsafe and unacceptable for use in association with the occupation of the site for one gypsy family.

Highway safety

5.13 The application proposes to create a new access onto the B1257, which in terms of visibility is acceptable and would be a safe form of access for use in association with the site. The scheme proposes to install demountable lockable bollards across the existing right of way with an adequate distance of 13m allowing vehicles to keep clear of the B1257, whilst parked at the bollards. The application proposes that only people with a right to use the existing vehicular access from the Stokesley to Great Broughton road onto Ings Lane will be issued with a key to the lockable bollards. All other vehicles will be required to use the new access. The gypsy occupiers of the application site will forfeit any vehicular right of access by means of a planning condition.

5.14 Equestrian and pedestrian users will continue to have a right to use the existing access but will also have the option to use the new access.

5.15 The new pedestrian link from Ings Lane to Back Lane will be made available as a permissive path specifically for occupiers of the application site.

5.16 A condition could be imposed indirectly to require the alterations to the existing access, as follows:

The application site shall not be used for the use authorised by this planning permission at any time after (3 months from the date of the decision) (i) if the new access onto the B1257 as shown on drawing no. NDS/09/EB1 Rev C has not been provided and (ii) the existing access onto the B1257 as shown on drawing no. NDS/09/EB1 Rev C is not bollarded.

Other matters

5.17 Information received from North Yorkshire Police shows that the vast majority of incidents at this site relate to loose horses. This is partly to do with fencing at the site, which has recently been addressed with the creation of pony paddocks at the rear of the application site, and with new fencing that has replaced damaged fencing.

5.18 The site is one of 10 plots created within the former agricultural field. The outcome of this application will affect the remaining 9 although each planning application will be considered on its own merits. There are 4 plots currently occupied by gypsy families and it is anticipated that, should permission be granted for this site, planning applications for these 4 plots will be submitted soon afterwards.

5.19 Approval of the application is recommended subject to conditions restricting the number of caravans on the site. It is also recommended that a condition be imposed restricting the occupancy to a gypsy family to prevent the land being transferred to non-gypsy occupancy.

SUMMARY

The scheme can, subject to conditions, provide a sustainable private gypsy site for one family in accordance with the Development Plan policies noted above.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The number of mobile homes on the site shall be restricted to no more than one mobile home that meets the definition of a caravan in the Caravan Sites Act, and one touring caravan, at any one time.
3. The occupation of the single static caravan and single touring caravan hereby approved shall be restricted to a single gypsy family.
4. The land hereby approved shall be used only as a residential gypsy site, as defined within ODPM Circular 01/2006, and not for any other type of domestic or business use.
5. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
6. There shall be no outside storage unless otherwise agreed in writing by the Local Planning Authority.
7. The application site shall not be used for the use authorised by this planning permission at any time after (3 months from the date of the decision) (i) if the new access onto the B1257 as shown on drawing no. NDS/09/EB1 Rev C has not been provided and (ii) the existing access onto the B1257 as shown on drawing no. NDS/09/EB1 Rev C is not bollarded.
8. Within one month of the date of this decision 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 shall be 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 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: (i) Full technical details of the layout, construction and geometry of the access (including details of turning circles). (ii) Any gates or barriers shall be erected a minimum distance of 13 metres away from the carriageway along the length of the new access track. (iii) The final surfacing of any private access within 5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

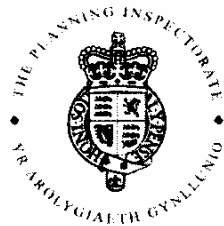
10. Within 3 months of the date of this permission the related parking facilities shall be constructed in accordance with the approved drawing number NDS/09/SL1. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered NDS/09/SL1, NDS/09/OS1, NDS/09/EB1 Rev C received by Hambleton District Council on 9 November 2009 and 17 and 24 January 2012 unless otherwise agreed in writing by the Local Planning Authority.

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. To safeguard the character of the area and the amenities of local residents in accordance with Policy CP1, CP17, DP1 and DP30.
3. To safeguard the character of the area and the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP16, DP1 and DP30.
4. To ensure the mobile home is occupied in association with the use of the site as a gypsy caravan site, safeguard the character of the area and safeguard the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP4, CP8, CP16, DP1, DP9, DP14 and DP30.
5. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Hambleton Local Development Framework Policies CP1, CP16, CP17, DP1, DP30 and DP32.
6. In the interests of the visual amenity of the area in accordance with policies CP1, CP16, CP17, DP30 and DP32.
7. In accordance with LDF Policies and in the interests of highway safety.

8. In accordance with LDF Policies and in the interests of highway safety.
9. In accordance with LDF Policies and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
10. In accordance with LDF Policies and 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.
11. 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.



Appeal Decisions

Hearing held on 11 September 2007

by Alan Upward BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
5th October 2007

NOTICE 1: Appeals A & B: Ref. APP/G2713/C/07/2040813 & 2040815

Land at OS Field 8849, near Ings Lane, Great Broughton, North Yorkshire [PLOT 3]

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Jane Morrison and Edward Jenkins against an enforcement notice issued by Hambleton District Council.
- The Council's reference is ENF 163/06.
- The notice was issued on 20 February 2007.
- The breach of planning control as alleged in the notice is **without planning permission, the construction of a septic tank, and unauthorised engineering works or other operations including excavation and the importation of material to raise land levels and the laying of hardstanding areas. (the Operational Development")**
- The requirements of the notice are to **remove the Operational Development from the land and reinstate the land to its former condition prior to the operational development occurring.**
- The period for compliance with the requirements is 3 months.
- The appeal by Edward Jenkins is proceeding on the grounds set out in section 174(2)(a) & (g) of the Town and Country Planning Act 1990 as amended. The appeal by Jane Morrison is proceeding only on ground (g) since the prescribed fees were not paid within the specified period. The ground (a) appeal in that case has lapsed and the deemed application for planning permission made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decisions: Subject to extension of the compliance period both appeals are dismissed and the enforcement notice is upheld.

NOTICE 2: Appeals C & D: Ref. APP/G2713/C/07/2040761 & 2040764

Land at OS Field 8849, near Ings Lane, Great Broughton, North Yorkshire [PLOT 2]

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Edward Jenkins and Jane Morrison against an enforcement notice issued by Hambleton District Council.
- The Council's reference is ENF 163/06.
- The notice was issued on 20 February 2007.
- The breach of planning control as alleged in the notice is **without planning permission, a change of use of land from a use for the keeping of horses to a mixed use comprising a use for the keeping of horses and a use for the siting of an amenity building, a storage building and a shed ("the Unauthorised Structures")**.
- The requirements of the notice are to:
 - (1) **Cease the use of the land for the siting of the Unauthorised Structures, and**
 - (2) **Remove the Unauthorised Structures from the land and reinstate the land to its former condition prior to siting of the Unauthorised Structures and the above-mentioned breaches of planning occurring.**
- The period for compliance with the requirements is 3 months.
- Both appeals are proceeding on the grounds set out in section 174(2)(c) & (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees were not paid in respect of both appeals within the specified period, the ground (a) appeals have lapsed and the applications for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered.

Summary of Decisions: The notice is corrected. Subject to extension of the compliance period both appeals are dismissed and the enforcement notice is upheld as corrected.

NOTICE 3: Appeal E: Ref. APP/G2713/C/07/2045624

Land at OS Field 8849, Ings Lane, Great Broughton, North Yorkshire [PLOT 6]

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

- The appeal is made by Mr Gary McDonald against an enforcement notice issued by Hambleton District Council.
- The Council's reference is ENF 247/06.
- The notice was issued on 24 April 2007.
- The breach of planning control as alleged in the notice is **without planning permission, the carrying out of unauthorised engineering works or other operations including excavations and the importation of material to raise land levels and the laying of a hardstanding area ("the Operational Development")**.
- The requirements of the notice are to **remove the Operational Development from the land and reinstate the land to its former condition prior to the operational development occurring**.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) & g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: Subject to extension of the compliance period the appeal is dismissed and the enforcement notice is upheld.

NOTICE 4: Appeal F: Ref. APP/G2713/C/07/2046063

Land at OS Field 8849, near Ings Lane, Great Broughton, North Yorkshire [PLOT 5]

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Stephen Walker against an enforcement notice issued by Hambleton District Council.
- The Council's reference is ENF 269/06.
- The notice was issued on 24 April 2007.
- The breach of planning control as alleged in the notice is **without planning permission, the carrying out of unauthorised engineering works or other operations including excavations and the importation of material to raise land levels ("the Operational Development")**.
- The requirements of the notice are to **remove the Operational Development from the land and reinstate the land to its former condition prior to the operational development occurring**.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) & (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: Subject to extension of the compliance period the appeal is dismissed and the enforcement notice is upheld.

1. The appeals relate to individual fenced plots created as part of a sub-division of OS Field 8849 within open countryside to the north of Great Broughton. The notices referred only to the OS Field number. Plot numbers had been assigned to the separate land parcels at the time when the landowner had sold them to individual purchasers. Throughout the hearing the individual appeal sites were referred to by these numbers, and I adopt them in this appeal decision document. In setting out the appeal details above, I have annotated the Plot numbers in each case.
2. The Council indicated that one notice had been issued in respect of each of Plots 3, 5 and 6, and there were appeals against these for consideration at the hearing. Two notices had been issued in respect of Plot 2, one alleging a material change of use to include siting of an amenity building, storage building and shed (Appeals C and D), and the other alleging the construction of a septic tank and laying of hardstanding areas. The Appellants for Plot 2 believed that they had also appealed against this second notice. No appeal had, however, been registered as validly made in respect of this notice, and it was therefore not the subject of discussion at the hearing or a matter for me to consider.
3. Differences in the assessment by the parties of the sizes of Plots 5 and 6 remained unresolved at the end of the hearing. It was agreed that representatives of the sides would visit the sites jointly, and agree measurements. Notwithstanding this arrangement, the parties appear to have visited the sites separately to re-measure the plots. For the Appellants it was indicated that they stood by their original survey. No formal response was received from the Council. In the evidence for the hearing the Appellant believed that Plot 5 was 0.45 ha in size, and the Council measured it as 0.38 ha. In relation to Plot 6 the Appellant considered it to be 0.43 ha, and the Council assessed it as 0.33 ha.

The enforcement notices

4. The allegations in Notices 1, 3 and 4 refer in detail to the carrying out of engineering or other operations. The Council agreed that in all cases this form of words was describing works which

had been carried out for the purpose of creating hardstanding areas on the plots. They believed that these had involved more than the simple spreading of hardstanding materials on the grassed areas of the plots, and provided photographs showing large scale ground excavations in progress on Plot 6. From the available evidence I consider that the wording of the allegation in these cases was an accurate statement of operations carried out.

5. Notice 2 for Plot 2 alleges a material change of use of the land to a mixed use including the siting of various structures. This had recorded the 'base' use as for the keeping of horses. The Council's representative indicated that a planning permission had been granted for a use for the keeping of horses for the whole of OS 8849. They had interpreted the 3 structures on Plot 2 as a material change of use of the land rather than operational development in the circumstances of the case, and having regard to their size and the nature of their construction by comparison with structures accepted as falling within the definition of a caravan, which were treated as a use of land rather than a building.
6. Although the Appellant indicated that small sheds had been removed from this plot, there were 3 distinct structures sited towards the rear of Plot 2 at the time of my visit. One was a sizeable timber clad (but partly open sided) structure located within the grassed area of the plot beyond an internal fence. This was used for storage purposes, including the storage of animal feed. Although fabricated from lightweight materials, rather than of masonry construction, it was a large structure which had been made up from individual materials assembled *in situ*. Although evidence about foundations was limited, it was apparent that there was no integral base on which the whole structure rested. It would be incapable of movement without complete dis-assembly to its constituent parts. There was nothing suggesting an intention to move it within the plot at any stage. Having regard to the relevant factors of size, permanence and attachment to the ground, I consider that, as a matter of fact and degree, its erection involved operational development in the erection of a building rather than a material change of use.
7. To the north of the internal fence, and within the area of hardstanding, was a large timber clad structure divided into a number of separate units. This appeared to be a form of prefabricated structure designed for use as individual stables/loose boxes. Two of the units were said to be used for stabling. Sanitary fittings and washing facilities had been installed in the end unit (to the rear of the plot). The structure was of timber construction, and appeared to have been placed on a hardstanding surface. Although it seems likely that this would have included sectional panels assembled on the site, this was also a large structure incapable of being moved without dis-assembly to its constituent panels and parts. There was nothing to indicate an intention for it to be moved around the plot. I consider that its assembly had clearly involved works with a degree of permanence, and altering the character of the land sufficient to amount to operational development by way of the erection of a building.
8. Immediately to the rear of this "amenity building" was a smaller timber shed. The Appellant indicated that this was used for general storage purposes. Although much smaller than the other 2 buildings, it remained a sizeable shed, rather larger than a standard 'garden shed' with which it was compared. Again, it may be that its construction had included the assembly of panels rather than the fixing together of individual building materials. There was nothing to suggest that it was capable of being moved without dis-assembly into at least the individual panel components. My conclusion as a matter of fact and degree is that this structure was also a building rather than a use of the land.
9. On the basis of these conclusions the allegation was incorrect and ought to have identified the erection of the 3 buildings as operational development. I raised this matter during the course of the hearing together with the scope to make a correction to the allegation within the powers available under S176(1) of the 1990 Act without causing injustice to either party. I consider this to be the case. The actual development being described was clear from the terms of the notice as issued, and would be unaltered by a corrected description as involving the erection of the 3 structures. The Appellant was in no way misled by the format adopted. The same issues would be raised by an allegation of operational development as material change of use involving the same 3 structures. The time limit for the purposes of immunity would differ from 10 to 4 years, but no issue was raised in this respect. It was acknowledged that the structures had been erected at the site substantially less than 4 years prior to issue of the notice. I propose therefore to correct the terms of the notice as part of my decision on Appeals C & D to an allegation of operational development within the period of 4 years preceding its issue. A parallel variation of the requirements would also be needed. This would simply involve deletion of requirement (1).

Ground (c) appeals in C, D, E & F

10. The concern expressed in Appeals C and D was related solely to the question of the lawfulness of horse keeping at Plot 2. This was not effectively an issue in view of the manner in which horse keeping was described in the allegation and the Council's acceptance that horse keeping had been the subject of a planning permission for OS 8849. The correction which I propose to make to this notice will remove all reference to horse keeping as a use of the land. The Appellants withdrew this ground of appeal.
11. In respect of Appeals E and F the ground (c) appeals were on the basis that the works which had amounted to creation of hardstanding were development permitted by Class B of Part 6 of the GPDO. In preparation for the hearing the hardstanding had been surveyed. There was 735 m² on Plot 5 and 1,375 m² of hardstanding on Plot 6. The Council accepted that this was an accurate estimate. It was initially argued that 465m² was in each plot permitted by Class B. Following discussion of the relevant matters Mr Stovell withdrew these 2 ground (c) appeals, although arguments were sustained in relation to a permitted development fallback position. I consider this below in relation to the ground (f) appeals.

Ground (a) appeals and the deemed applications

12. Each of the ground (a) appeals in respect of Notices 1, 3 and 4 relates to the creation of hardstanding areas on the plots. Notice 1 additionally alleges the construction of a septic tank. These appeals raise similar issues in terms of the highway safety effects of the development on the use of the junction of the unmade access road, Ings Lane, with the B1257 route, and the impact upon the character and the appearance of the countryside.
13. With particular regard to the highways implications the Council considered that regard should be had to the purposes for which the hardstandings had been created and to the traffic generating potential of the likely activities which would be thereby facilitated. Planning permission may separately be required for those purposes, matters which are not for me to decide. The operational developments challenged by Notices 1, 3 and 4 are of an "ancillary" nature, but the merits of granting planning permission for them must take account of the likely consequences if their intended purpose was fulfilled. In relation to Notice 1 the Appellant's arguments focused directly on the intended use of Plot 3 as a private residential Gypsy site for one family.
14. The development plan now includes the adopted Hambleton LDF Core Strategy (April 2007) alongside elements of the adopted Hambleton District-Wide Local Plan (1999). In particular, local plan Policy T11 requires all development to be served by a suitable road network. Policy L1 establishes a protective regime for the countryside in line with longstanding national guidance, and the criteria within Policy L2 include a requirement that development acceptable in principle in such locations should not have a significant impact on the open character and visual amenity of the countryside, with particular attention paid to the cumulative effect of sporadic development. CP16 of the LDF Core Strategy indicates that development having a detrimental impact upon the interests of a natural or man-made asset will not be supported.

Ground (a) for Appeal B

15. In relation to Appeals A – D the payment of the requisite fees had been the source of significant pre-hearing discussion. It had been determined that the fees had only been paid in respect of Appeal B, that the ground (a) appeals had lapsed in respect of the other 3, and that the deemed planning applications in those cases could not be considered. The development alleged in Appeal B was the construction of a septic tank and works to create hardstanding areas. The Appellant's case to the hearing was founded on the wish to establish a private residential Gypsy site for one family on Plot 3. The unauthorised development would clearly facilitate some form of residential use. The matter was put forward on the basis of joint development of Plots 2 and 3 for an extended family site for the Morrisons and Jenkins. Notwithstanding this, the 2 plots remained physically distinct, and there were large areas of hardstanding and a septic tank on both.
16. The Appellant's pre-hearing statement had dealt largely with need for additional Gypsy site provision at a national and regional level and the processes set out in C1/2006 for dealing with the situation, including the preparation of Gypsy and Traveller Accommodation Assessments [GTAAAs], and their translation into sites provision at a district level. The Council acknowledged that there had been little progress on these matters within the district, county and region.

Preparation of a GTAA had not begun, and was at least 2 years away. It would thereafter have to be incorporated into the RSS at a review stage. A Gypsy Sites DPD was not at this stage programmed in the Hambleton LDS. A timetable for its completion could not at this stage be predicted. Although there was no formal evidence of local need, the Council accepted that an unmet need for additional provision existed within Hambleton.

17. Both John Morrison (as Jane's brother) and Edward Jenkins attended the hearing, and gave evidence of their family composition and their history of travelling as Gypsies widely around England and Scotland, principally in connection with horse dealing and attendance at horse fairs. They still travelled quite extensively, but wanted to have a settled base, particularly for the provision of educational and healthcare facilities. The appeal site provided this, and could provide for horse breeding needs, particularly for foaling. They had had difficulty in finding pitches for such purposes.
18. The Council's representative indicated that he did not question the Gypsy status of the Morrisons and Jenkins on the basis of the information provided, including what had been supplied to them at the time of an abortive planning application during 2006. This, and their assessment of the suitability of the appeal sites for gypsy occupation, had led them to treat it as acceptable in principle apart from the safety implications of the Ings Lane access. This remained the officer viewpoint, although the matter had not been tested at committee.
19. In assessing this situation, I do not have any formal proposal to allow me to judge the balance between the site's locational characteristics, its environmental impact and the needs of the Morrisons and/or the Jenkins families for accommodation. Nevertheless, their accommodation needs as Gypsies are a factor which supports this appeal.
20. As I viewed Plot 3, the hardstanding which had been created was extensive, occupying about a third of the whole site. Its formation has had a markedly harmful effect upon the rural character and appearance of the land. Although Field OS8849 is in a relatively secluded position set back from the main road within rolling landscape containing a well developed pattern of hedgerows and trees, the condition of the land has been harmed. The land may be viewed from the public bridleway which passes along Ings Lane. The intricate network of paddock fencing erected on many of the plots within the field, including Plot 3, is a more obvious feature from viewpoints at middle distance. Nevertheless, I consider that the large area of hardstanding on Plot 3 with its surfacing of pebbles and crushed stone is damaging to the rural landscape to an extent which would not be justified in association with occupation by a single Gypsy family. It runs counter to local plan Policy L2's requirement relating to visual impact, particularly the expressed concern at the cumulative impact of sporadic developments, where this appeal site is one of 8 small plots created within a former agricultural field.
21. Assessment of the adequacy and safety of the access must also take into account both the likely vehicle movements associated with this site and the potential implications of traffic generated by equivalent developments at the other plots within OS 8849. All rely upon the use of Ings Lane, an unmade track which is a public bridleway, and its connection to the B1257 some way to the south-west. In the vicinity of this junction the B1257 is a single carriageway road subject to the national 60 mph speed limit. Ings Lane joins it immediately alongside the brick parapet wall of a bridge, which had formerly served a railway, and there are marked bends in the road and changes of vertical alignment at this point. Vehicle speeds along this section of road were not measured for the purposes of these appeals, but it seems to me that despite the detailed layout of the classified road a significant proportion of vehicles passing the access point will do so at relatively high speed.
22. At the junction point and in the first section of Ings Lane, the unmade track is now relatively wide. The informal junction radii of Ings Lane will impose limitations on movements, particularly by larger vehicles, emerging onto the classified road or leaving it. The area of particular difficulty is, however, major road visibility in a southerly direction where the parapet wall restricts the sightline, as measured by standard procedures, to a very low figure of perhaps no more than 2.4m x 20m. It was accepted that visibility northwards broadly met the 2.4m x 215m standard for a road of this kind. I do not, however, agree with the contention made in the letter from engineering consultants for the Appellant that this mitigates the difficulty in safely using the Ings Lane junction because of the ability of drivers to 'edge' into the road to improve visibility southwards when the road to the north appears clear. Neither do I accept that large vehicles would have an advantage because of greater cab height in seeing over the parapet wall to view

road conditions further along the classified road. This would involve a sight line over land outside the control of the users. Tree branches appeared to impinge on this space. Moreover, I have doubts about the ability to see significantly further to the south because of the sharp fall in the level of the road beyond the bridge.

23. The extent of sightline deficiency southwards from the junction is severe. It has clear and potentially serious implications for the safety of road users. The risk of accident would be exacerbated where larger, slower vehicles were involved, such as horse transporters, or vehicles towing horse boxes or caravans. These might have difficulty in emerging from Ings Lane in a southerly direction without crossing the centre line of the carriageway. There would also be difficulties for road users turning right into Ings Lane because of the alignment complications of the classified road. I consider this to be a dangerous junction.
24. The indications were that its use in the past had been limited to agricultural purposes connected with the land in the vicinity of Ings Lane. Plot 3 is in a partially developed state with intended use as a family Gypsy site with additional use for horse keeping and breeding. The additional traffic generated by such uses, particularly in terms of the daily movement of vehicles connected with domestic occupation, and bearing in mind the site's position some way removed from necessary facilities and amenities, would unacceptably add to the risk of accident within the highway. Local plan T11 would not be met.
25. At the hearing the Appellant tabled a scheme for an alternative access intended to serve the development and all of the plots within OS8849. This would involve a new road link some way along Ings Lane connecting across the route of the former railway with a lane to the south (Back Lane). This lane was adopted highway, was of single track width and subject to a restriction to one way movement from west to east. It connected with roads within Great Broughton some way further to the south. This scheme had been prepared following preliminary discussions during 2006 with NYCC officers. It involved the new road link across third party owned farmland, a new junction with the lane, the construction of passing places within the verge margins of the adopted highway, and the creation of 2 way movements from the new junction south-eastwards as far as the edge of the village.
26. The NYCC representative agreed that the scheme appeared to have merits, but it was only in sketch form, had only recently been received, and would need to be subject to public consultation. The proposals would involve substantial works on land outside the control of the Appellant. These would include the construction of the new road link, its junction with Back Lane, the localised widening around the bend in that highway, the additional 2 passing places to its south, amendments to highway signage, and new gates across Ings Lane to control movement along it.
27. A grant of planning permission subject to some form of negative condition requiring implementation of the scheme and effective closure of the Ings Lane junction was suggested. The use of some form of 'negative' condition requiring all of the above works has to have regard both to the prospects of them being able to proceed and to the circumstances of a case where the planning decision is being made in relation to a use of land which has already commenced. Although there was no residential use at the date of issue of the enforcement notice, it was apparent that the plot was being used for horse keeping purposes.
28. The new road link and gating of Ings Lane would rely on other party(ies) land, and his/their agreement was simply reported verbally. The realistic prospects of this land being available for works within a reasonable timescale is very difficult to assess. The proposals include fairly large scale works within the highway, and would rely upon both the successful execution of a S278 Agreement and the making of a Traffic Regulation Order [TRO]. The latter would be open to public objection. There had been no public consultations as yet on the principles embodied in the scheme. It would affect third party interests in use of the existing lane and residential properties towards the northern edge of Great Broughton. There could be no guarantee that the highway authority would make the required TRO in the face of objections. A decision on a TRO would be made by a County Council Area Committee. The submitted scheme might require amendment following detailed consideration by NYCC to meet engineering standards. The implications of this would be unknown.
29. My conclusion is that the prospects of a satisfactory alternative scheme being implemented within a reasonable timescale fall substantially below what would be needed to justify an

approach based upon a negative planning condition. Without the alternative access the extent of the existing junction's deficiency is such as to amount to a compelling reason to refuse permission for development which adds to its use. That is the case in respect of Appeal B, and the ground (a) appeal should fail, with planning permission refused in respect of the deemed application.

Ground (a) for Appeal E

30. The issues discussed above in relation to the Ings Lane junction and the prospects of an alternative safer access apply equally to this appeal in respect of hardstanding. There would be the additional consideration that the owner of Plot 6 would rely upon the agreement said to have been reached by Mr Jenkins, and his willingness to execute and pay for the works, to be implemented. Whilst it might be possible for plot owners to reach some form of agreement about the issue, there was nothing to suggest that this had been done as yet.
31. In this case the Appellant argued that there was no evidence to suggest that the hardstanding would in itself attract more traffic to use the B1257 junction. The site contains 1375m² of stone surfaced hardstanding. It has to be assumed that such a large expanse was created for a purpose. If the purpose was connected with a use for grazing a horse, or horses on the land, it would be grossly excessive simply to facilitate vehicle access and manoeuvring for such a use. Whilst the principle of horse keeping may have been permitted by the Council, the implications of plot sub-division and the possible use for such a large hardstanding area suggest clearly that this development is likely to result in a material increase in traffic, particularly involving larger vehicles. More particularly, the ground (a) appeal identified that Mr McDonald wished to use the land as a private Gypsy site for one family. The formation of a concrete base for a mobile home in one corner of the hardstanding indicates that residential use was the effective purpose behind the unauthorised development. At the date of the hearing Mr McDonald was occupying the site residentially with a mobile home sited on the concrete pad. The traffic generation implications of this use unacceptably add to danger for road users on the B1257.
32. Additionally, I consider that the large expanse of stone surfacing damages the rural landscape. In this respect my conclusions are similar to those set out above in relation to Plot 3 that there is conflict with Policy L2. The harm would not readily be overcome in the short to medium term by landscaping measures which could be required by planning condition. This adds weight to my conclusion that the ground (a) appeal should fail. Mr Stovell tabled a plan showing a reduced area of hardstanding, amounting to 455m² which he suggested could be the subject of a form of partial permission (or alternative requirement). Mr Saddington considered that this represented a better balance between hard and soft surfaces for the plot. It would remain a sizeable expanse of hardstanding capable of affecting the appearance of the site adversely, and more particularly would be designed to allow a continued residential use of the land. On these terms such an approach would not offer an acceptable alternative to dismissal of the appeal.

Ground (a) for Appeal F

33. This appeal raises similar considerations to those discussed above in relation to B and E, albeit that Plot 6 contained a somewhat smaller hardstanding area, was unused at the date of the hearing, and for this Appellant it was said that he wished to use the land solely for equestrian purposes.
34. In relation to the access question, this appeal turns on the extent to which the hardstanding facilitates an intensified use of the Ings Lane junction. Mr Stovell believed that it did not. In the absence of evidence of actual use by Mr Walker or detailed proposals for equestrian activity I consider it probable that the amount of hardstanding involved would be likely to lead to a greater level of vehicle movements to and from the site in connection with horse keeping than would have been expected to result from either agricultural use of an area of about 0.4 hectare of grassland or the proportion deriving from the more general permission for OS 8849 for equestrian use. A hard surfaced trackway across the field leads up to an apron at the entrance to Plot 5. Provision within this plot of 735m² of hardstanding would allow for a greater level of use than I would have expected to be needed for a small scale use with only occasional visits by vehicles and their associated manoeuvring. Again, it seems likely that larger horse transporting vehicles would be involved with adverse implications for highway safety. Again, Mr Stovell suggested in general terms an area of hardstanding which might be lifted to reduce it to below 465m². I am not convinced that this would remove the likelihood of intensification of access use.

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35. Additionally, although the area of hardstanding is less, it is the cause of some harm to the character and appearance of the area. The area was surfaced with crushed hardcore. Its appearance was unattractive. A condition might seek to have the area finished with better materials, but my overall conclusion is that this ground (a) appeal should fail also.

Ground (f) in Appeals E & F

36. It was argued in both cases that the notice should not require removal of all hardstanding because up to 465m² could thereafter be reinstated as development permitted by Class B of Part 6 of the GPDO Schedule. Such a fallback should be recognised. Plans showed how this could relate to the areas currently at the site. In the case of Plot 6 this would not be prevented by the original purpose of forming the hardstanding for residential use.
37. This argument would rely on the likelihood that these 2 plots would be able to benefit from Class B rights. This in turn would require them to meet the requirements to be *agricultural land comprised in an agricultural unit of not less than 0.4 hectare, and where the development is reasonably necessary for the purposes of agriculture within the unit*. The unresolved dispute over plot sizes for 5 and 6 is relevant to the question of whether the 0.4 ha threshold is complied with or not.
38. The available information did not suggest that either any current use or proposed use for horse keeping/breeding or other equestrian purposes would fall within the definition of agriculture at S336 of the 1990 Act so as to make it possible that Plots 5 or 6 were *agricultural land*. Although Mr Stovell drew attention to the detailed wording of that definition – and its use in 2 places of the word “including” – the extract from the EPL on Part 6 rights referred to by the Council set out the established case law position that the breeding and keeping of horses otherwise than for their use in the farming of the land is not in itself authorised by the Act in the exclusion from the definition of development at S55(2)(e). Although agriculture is defined as including the use of land for grazing, the keeping of horses involves activities other than just putting them out to graze. The small size of each of the plots in this case would afford limited grazing potential for horses, and the keeping of horses fed wholly or primarily by other means would not be a use for grazing.
39. The additional Class B requirements that *agricultural land* means land in use for agriculture for the purposes of a trade or business must raise further doubts about the possibility of Class B rights being available at any stage. A use founded upon the grazing of something around 0.4 hectare of land would be unlikely to provide any meaningful trade or business. Moreover, the further requirement that the 455m² (in each case) be reasonably necessary for the purposes of agriculture within the unit raises further doubts about the possibility of this amount of hardstanding at any stage enjoying rights of permitted development under Class B.
40. Although I am unable formally to conclude on whether the plots exceed the 0.4 ha minimum size specified in Class B, the above matters mean that the hardstanding, or parts thereof, would be unlikely at any stage to fall within the terms of the GPDO Schedule. My conclusion is that it would be very unlikely that hardstanding up to the level cited in B.4 would at any stage be permitted development which ought to be recognised in setting the requirements of these notices. The ground (f) appeals therefore fail.

Ground (g) in Appeals A, B, C, D, E & F

41. All notices specify a compliance period of 3 months. Appeals A – D sought 2 years compliance period; Appeal E sought 5 years (reduced during the hearing to 2 years); and Appeal F requested 18 months. In all cases apart from Appeal F the extended compliance period would be associated with residential use as a gypsy site and the need to process any planning applications for the individual plots in association with the access improvement proposals tabled at the hearing.
42. In the detailed situation discussed earlier this process could be lengthy, but the doubts about a positive outcome remain significant. I do not consider that this position justifies a substantially extended compliance period. Notwithstanding the wishes of the Appellants, Plots 2 and 3 were not being occupied residentially at either the date of issue of the notice or that of the hearing. The personal accommodation needs of the Appellants do not therefore warrant a 2 year compliance period.

-
43. Although Mr McDonald was living on Plot 6 at the date of the hearing, the notice does not allege residential use, and a case founded on occupation by himself as a Gypsy was not advanced. With the lack of current use of Plot 5 I see no basis for a substantially increased compliance period.
44. The works to restore the plots could be achieved within the 3 months specified, although in upholding each of the notices I propose to increase this to 6 months. This would allow at least the prospects of the problem associated with site access to be clarified so as to allow the parties to consider how to proceed further. The ground (g) appeals succeed to this extent.

Formal Decisions

NOTICE 1 [PLOT 3]:

Appeal A: Ref. APP/G2713/C/07/2040813

45. I vary the enforcement notice by the substitution of "6 months" as the compliance period at section 6. Subject thereto, I dismiss the appeal, and uphold the enforcement notice as so varied.

Appeal B: Ref. APP/G2713/C/07/2040815

46. I vary the enforcement notice by the substitution of "6 months" as the compliance period at section 6. Subject thereto, I dismiss the appeal, uphold the enforcement notice as so varied, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

NOTICE 2 [PLOT 2]:

Appeal C: Ref. APP/G2713/C/07/2040761

47. I correct the notice as follows:
- (a) At section 3 by the deletion in full of the contents and the substitution of the following allegation:
"Without planning permission, the erection on the land of an amenity building, a storage building and a shed (the Unauthorised Structures)."
 - (b) At section 4 by the deletion of the first sentence and the words "The use of the site for ..." at the beginning of the second sentence, and the substitution therefor of the following text:
"It appears to the Council that the above mentioned breach of planning control has occurred with the last 4 years."
 - (c) At section 5 by the deletion in full of requirement (1).
48. I vary the enforcement notice at section 6 by the substitution of "6 months" as the compliance period.
49. Subject to these corrections and variation I dismiss the appeal, and uphold the enforcement notice.

Appeal D: Ref. APP/G2713/C/07/2040764

50. I correct and vary the enforcement notice on the basis set out above in the preceding paragraphs in relation to Appeal C. Subject thereto, I dismiss the appeal, and uphold the enforcement notice as so corrected and varied.

NOTICE 3 [PLOT 6]:

Appeal E: Ref. APP/G2713/C/07/2045624

51. I vary the enforcement notice by the substitution of "6 months" as the compliance period at section 6. Subject thereto, I dismiss the appeal, uphold the enforcement notice as so varied, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

NOTICE 4 [PLOT 5]:

Appeal F: Ref. APP/G2713/C/07/2046063

52. I vary the enforcement notice by the substitution of "6 months" as the compliance period at section 6. Subject thereto, I dismiss the appeal, uphold the enforcement notice as so varied, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Alan Upward

INSPECTOR

PERSONS SPEAKING AT THE HEARING

FOR THE APPELLANTS:

Mr D Stovell (Appeals E & F)	Planning consultant with David Stovell & Millwater
Ms Siobhan Spencer (Appeals A - D)	Derbyshire Gypsy Liaison Group
Ms A de la Rue (Appeals A - D)	Planning Officer, Derbyshire Gypsy Liaison Group
Mr G McDonald	Appellant for Plot 6 appeal
Mr J Morrison	Of 3 The Paddocks, Ings Lane, Great Broughton, North Yorkshire
Mr E Jenkins	Appellant for Plot 2 appeal

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Saddington	Area Team Leader Development Control, Hambleton DC
Mr M Richards	Head of Legal Services, Hambleton DC
Mr T Lewis	Traffic Management and Development Engineer, North Yorkshire County Council
Ms J Charlton	Acting Improvement Manager, North Yorkshire County Council

DOCUMENTS SUBMITTED AT THE HEARING

Document	1	List of persons present at the hearing
Document	2	Letter sent by the Council notifying hearing arrangements
Document	3	Copy, supplied by the Council, of additional enforcement notice relating to Plot 2 which was not the subject of appeal
Document	4	Condition suggested by the Council in respect of septic tank notice
Document	5	Letter and plans dated 6 September 2007 from The Hurlstone Partnership detailing alternative access arrangements
Document	6	Letters submitted by the Derbyshire Gypsy Liaison Group from the Stanwix Medical Practice and Traveller Education Service

PLANS SUBMITTED AT THE HEARING

Plan	A	Plan submitted by Mr Stovell showing proposals for reduction of hardstanding areas at Plot 6
Plan	B	Copy of survey of hardstandings annotated by Mr Stovell to show area of suggested hardstanding reduction at Plot 5

Great and Little Broughton Parish Council

Hambleton District Council
Civic Centre
Stone Cross
Northallerton
DL6 2UU

27th January 2011

Planning Application No 09/02116/FUL

Proposed Change of use of agricultural land to the siting of a residential caravan for 1 gypsy family and creation of a new vehicular access.

Location: OS Field 8732 Ings Lane, Great Broughton

Dear Ms Laws,

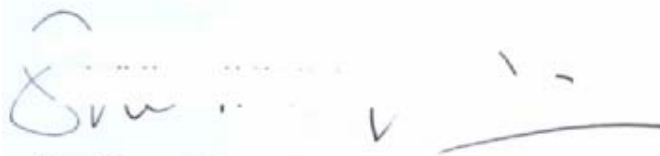
Please find enclosed the Great and Little Broughton Parish Council's formal response to the planning application detailed above.

As well as our formal objections, we have also enclosed a copy of the Police Incident Report we have been provided with to add to our objections.

As the application will not be considered by your Members until at least March 2011, we reserve the right to add to this submission during February.

This is because of the complexity of matters surrounding the application and the need to carry out further investigations.

Yours sincerely


Sue Thompson
Clerk to the Parish Council

HAMBLETON D.C			
REC'D		3 1 JAN 2011	
PES	RES	CX	
			ACK

**Hambleton District Council
Parish/Town Council Consultation**

Application ref: **09/02116/FUL**

Date of this consultation: 19/12/10-
31/1/11

Latest date for receipt of reply:

DETAILS OF THE APPLICATION SUBMITTED

PROPOSAL: Proposed Change of use of agricultural land to the siting of a residential caravan for 1 gypsy family and creation of a new vehicular access.

LOCATION: OS Field 8732 Ings Lane, Great Broughton

APPLICANT: Mr A Barrass

YOUR CONTACT AT THE COUNCIL FOR THIS APPLICATION

Planning Officer: Mrs H Laws Email: TSU@hambleton.gov.uk
Direct telephone: 0845 1211555

YOUR COUNCILS RESPONSE

REFUSE

Pls see attached covering letter, objections in full and police incident report

Do you wish to be re-consulted, should a minor amendment to the scheme be submitted: **YES**

SIGNED: *Sue Thompson* on behalf of the Great and Little Broughton Town/Parish Council.

January 2011

Please return completed form to:

- Head of Development services, Hambleton District Council, Civic Centre, Stonecross, Northallerton. N. Yorkshire. DL6 2UU

HAMBLETON D.C		
REC'D 31 JAN 2011		
PES	RES	JK
		ACK

GREAT AND LITTLE BROUGHTON PARISH COUNCIL

Planning Application No 09/02116/FUL

Proposed Change of use of agricultural land to the siting of a residential caravan for 1 gypsy family and creation of a new vehicular access.

Location: OS Field 8732 Ings Lane, Great Broughton

The Parish Council wish to **object** to planning permission being granted in respect of this application. Their reasons are set out below.

It is considered that if the planning permission were granted it would be difficult, if not impossible, to resist similar applications on adjoining plots particularly bearing in mind the recent history of these sites. Indeed your Spokesperson in reply to a question at your Council Meeting stated that if planning permission were granted in this case then “there would be the opportunity for the other (unauthorised) sites to apply for retrospective approval”.

INTRODUCTION

The Parish Council have held a public meeting at which Mr Cann kindly explained the application and indicated the matters which the District Council would need to consider in determining this application.

At least 130 residents attended and all those who spoke expressed anxiety about and opposition to the proposal. Residents have also expressed concern about putting their objections in writing to the Council as there is a perception amongst them that this could give rise to reprisals.

SITE HISTORY

Two fields of approximately 15 acres were acquired by a private developer and the Gypsy community.

The fields have been sectioned off into individual plots and engineering and building works have been carried out. Although, currently, there are only 3 or 4 gypsy families living on the site other plots have been created with further works being carried out to expand the site further.

Planning Enforcement

All this has happened without any planning permissions having been obtained. The District Council first served Temporary Stop Notices in 2006 and several Enforcement Notices in 2007 when this land started to be developed. The Enforcement Notices related to the construction of a septic tank, the excavation and importation of material to raise land levels, the laying of hardstanding areas, and the erection of an amenity building, a storage building and a shed.

Appeals were lodged against most of the notices but those appeals were dismissed during 2007 with 6 months then specified as the time for compliance.

The Parish Council have consistently asked the District Council to take action to ensure that these unauthorised uses ceased but the District Council have been unable to obtain compliance with the Notices

Andrew Stunell, the Government's Communities Minister in announcing changes to policies on gypsy sites has stated,

"But rest assured, we will not stand by and let people flout the planning rules that everyone else abides by, which is why we will strengthen the powers that councils have to take action against those who abuse the planning system."

Police Concern

The Police are also concerned about the antisocial behaviour and alleged criminal activity on this site. Over the last three years they have had to attend on over 50 occasions on or near this site. These visits range from horses loose on the road to a fatal road traffic accident on the site and a stabbing incident. The attached spreadsheet prepared by the Police shows which incidents were traveller related and which were nearby.

The Police have stated that of all the gypsy and traveller sites in the Stokesley area this one receives more Police attention than any of the others. They say this has been the case since development began on the site and before that it was just green fields.

The application site is one of the plots on this site.

DISTRICT COUNCIL POLICY DP14 – GYPSIES AND TRAVELLERS’

SITES

The current application is in breach of this policy because:-

- The proposal would not “represent a way of meeting an established need”.
- The site is not “located within a reasonable distance of services and community facilities”.
- This is not “an appropriate scale of development”.
- The site does not “have safe and convenient access to the road network”
- The proposal does not “avoid creating demonstrable harm to the amenity of existing communities”

Does not meet an established need

Circular 01/06 required a “Gypsy and Traveller Accommodation Assessment” (GTAA) to be completed at a regional level for each local authority area with the Regional Spatial Strategy (RSS) then laying down the number of additional pitches required in each area. The number said to be required to meet need in the whole of Hambleton was 14 pitches.

However the Coalition Government have now decided to revoke Circular 01/06 on which Policy DP14 is based. More importantly they have *“already freed Councils from the top-down Regional Strategies and the associated building targets; which now means that Councils can decide for themselves how many traveller pitches are necessary in their area according to local need and historic demand”*

(Source: Statement “Andrew Stunell(Communities Minister): Rights for travellers who play by the rules and protection for councils” issued by the Communities Department on 11th October 2010).

Although the Council will still be required to assess need through a GTAA, it will now be a matter for them to decide provision through the LDF process.

In the Council’s current LDF it is recognised that there is “a good level of accommodation both private and public” for gypsies and travellers. Certainly the Central Government statistics showing unauthorised sites in Hambleton are interesting:

<u>Date</u>	<u>Authorised Sites</u>	<u>Unauthorised sites</u>
July 2007	43	0
January 2008	43	3
July 2008	27	3
January 2009	43	4
July 2009	43	14

It can be seen that the “need” for additional sites, if based on the number of unauthorised sites, does not materialise until suddenly in July 2009 (the latest Government figures) after the GTAA was published and the District Council were having difficulty in finding sufficient resources to carry out their enforcement responsibilities. It is submitted that was when gypsies from outside Hambleton without local connections started to set up unauthorised sites in the District. It is therefore submitted that the original GTAA which gave a requirement for 14 additional pitches is no longer a reliable guide for making provision in Hambleton based on **local** need and **historic** demand.

Also at the current time there is not an established need for additional gypsy sites in the Stokesley area as the official Seamer site is being refurbished at public expense to provide authorised plots which will then meet the local need for the foreseeable future and until the District Council can establish what additional sites are required, if any, in Hambleton under the new planning guidelines.

Even if there were an established local need in this area it would not be met by granting planning permissions on this site as the District Council have stated that they are not able to make such permissions available only for local gypsies. Gypsies currently on the site come from outside the area.

Not within a reasonable distance of services and community facilities

The policy refers to “shops, social, educational and health facilities”.

There are no health facilities in the Village.

There is only one very small shop in the Village which has been for sale for the past year and will possibly now be closed down.

The only educational facility is a small primary school situated between Broughton and Kirkby.

Most of the facilities are available in Stokesley but that is two miles from the site and therefore not within a reasonable distance. The complete lack of safe pedestrian access into the village from the site is explained below.

Not an appropriate scale of development

Although the current application is for one gypsy family, it would be extremely difficult, if not impossible, to refuse other applications on neighbouring plots if this application were approved.

There are currently three family gypsy sites elsewhere in the village which have been granted planning permission in recent years. It is considered that this existing provision in the village has reached the limit “which allows integration with” the local community “taking into account the size and density of development in the locality, and availability of local infrastructure”.

In particular, it is considered that it would be impossible to integrate the gypsy children from this site successfully into the small local primary school because of the potentially large numbers of such children from an entirely different cultural background.

No safe and convenient access to the road network

The policy provides that “vehicle movements should not cause a hazard to other users, eg. onto a bridleway or footpath”.

The long track between this site and the main road is a bridleway. The vehicles from the site, both commercial and private, using this track have caused a hazard to riders and walkers. The access (and this would still be the case if the new road access were to be constructed) is therefore clearly at variance with your policy.

It is common ground that the present access point onto the main road is very dangerous and has resulted in accidents. The application shows this access point being stopped up for vehicular traffic. However it is not possible for the applicant to do this as the track is not owned by the applicant and is subject to other landowners’ private vehicular rights. This access point will remain open and it will not be possible to prevent it continuing to be used as an access to this site.

The application shows a new access point to the main road which the Parish Council still consider to be a potential danger on this derestricted, fast stretch of road. At weekends and holiday periods, in particular, it carries a substantial amount of tourist traffic and motorbikes use this as a favourite route between Stokesley and Helmsley accelerating rapidly on this particular stretch of road as they leave the speed restrictions of Broughton village behind.

For pedestrians from either the present road access point or the proposed road access point there are no pavements either going towards Stokesley or towards Broughton where, in addition, there is a narrow, humpback road bridge providing no safe space for pedestrians and where there have been fatalities in the past.

However, even if the new access point is found to be acceptable, the District Council cannot impose an enforceable condition on a planning permission for the gypsy site requiring the new access point to be constructed.

This means that the Council have no powers to ensure the new access would be constructed.

Therefore, we submit, that this application has to be assessed on the basis that the existing access onto the road will remain open and the new point of access may never be built.

Would not avoid causing demonstrable harm to the amenity of existing communities

It is considered that the high level of police activity in relation to this site and its associated antisocial behaviour is at odds with the very low, if non existent, level of anti social behaviour elsewhere in Great Broughton. The recent occurrences of tyre burning on the site are illustrative of this problem. The Police comments set out above and the police incident log attached confirm this.

The complete disregard for compliance with planning requirements is also at variance with the total compliance by the rest of the residents. The government is now taking a strong line on this as quoted above.

The proposed new access would run alongside the roadside hedge. This hedge was planted at the request of the Parish Council when the road was improved and the section next to Ings Lane has been maintained at the Parish Council's expense ever since. The Parish Council consider it a village amenity emphasising the rural nature of the area and providing a more attractive entrance into the village. Its value will be substantially reduced if vehicles, including commercial vehicles, run along the other side of it.

The present unsightly residential and commercial site of which the application site is a part is surrounded by public footpaths and bridleways which traditionally have been much used by local residents and many others because of their outstanding views of the North York Moors and the tranquillity of the area. Clearly their amenity value is now much reduced by the present unauthorised developments.

For these reasons it is considered that this application if granted would cause demonstrable harm to the amenity of the Great Broughton community.

CONCLUSION

For the reasons stated above, the **Great and Little Broughton Parish Council** request that this application for planning permission be **refused**.

Date	Type of incident	Traveller related specifically
Prior to 2008	Request for Police assistance from HDC Planning to serve eviction notices on 35 caravans	Yes
Prior to 2008	2 Horses found dead in a ditch	Yes
Prior to 2008	Stolen motorhome found on Ings Lane	
May-08	Sect18 Wounding (Stabbing)	Yes
May-08	Report fo fighting and damage to vehicles	Yes
Sep-08	Theft of electric fencing	No
Apr-09	2 horses loose in road	Yes
Apr-09	999 call to domestic	Yes
May-09	Horses loose in road	Yes
May-09	3 Horses being exercised from a moving vehicle	Yes
May-09	5 Horses loose in road	Yes
Jun-09	RTC damage	Yes
Jul-09	Horse loose in road	Yes
Jul-09	Horse loose in road	Yes
Sep-09	Horses loose in road	Yes
Sep-09	2 Horses loose on bridge	Yes
Oct-09	2 Horses loose in road	
Nov-09	3 horses loose in road	Yes
Nov-09	Horses loose in road	Yes
Nov-09	2 Horses and a foal loose in road	Yes
Nov-09	Horses loose in road	Yes
Nov-09	Horses loose in road	Yes
Nov-09	Sheep in poor condition	No
Nov-09	Horse loose in road	Yes
Jan-10	RTC Damage	Yes
Jan-10	Report of dead horse left in field	Yes
Jan-10	Horse loose in road	Yes
Feb-10	5 Horses loose in road	
Mar-10	3 Horses loose in road	
Mar-10	3 Horses loose in road	
Mar-10	Drunk male in road	
Mar-10	Request for Police assistance from RSPCA	
May-10	Theft of metal drain grate	No
Jun-10	Horse loose in road	
Jun-10	Fatal RTC	Yes
Jul-10	Horse loose in road	Yes
Jul-10	Horse loose in road	Yes
Aug-10	3 horses loose in road	Yes
Aug-10	Horse loose in road	Yes
Aug-10	Domestic incident	Yes
Sep-10	3 horses loose in road	Yes
Oct-10	Theft of 2 tonne generator	Yes
Oct-10	Male in road	
Oct-10	Domestic incident	Yes
Nov-10	Domestic incident	Yes
Dec-10	Horse loose in road	Yes
Dec-10	Domestic incident	Yes
Dec-10	Horse loose in road	Yes

On Ings Lane	Near Ings Lane
Yes	
Yes	
Yes	
Yes	
Yes	
Yes	
	Yes
Yes	
	Yes
	Yes
	Yes
Yes (entrance to Ings Lane)	
	Yes
	Yes
	Yes
Yes (entrance to Ings Lane)	
	Yes
	Yes
	Yes
Yes	
	Yes
Yes (entrance to Ings Lane)	
Yes	
	Yes
	Yes
Yes	
	Yes
Yes	
	Yes
	Yes
	Yes
	Yes
	Yes
Yes	
	Yes
Yes	
	Yes
Yes	
Yes	
	Yes
Yes	
	Yes

Borrowby

Committee Date : 2 February 2012

Officer dealing : Mrs T Price

Target Date: 10 February 2012

2.

11/02778/FUL

Proposed alterations and single storey extensions to existing dwelling. at Pinfold Cottage Borrowby Thirsk North Yorkshire for Mr & Mrs Nigel & Helen Laws.

1.0 PROPOSAL & SITE DESCRIPTION

1.1 Planning permission is sought for alterations and single storey extensions to the existing dwelling at Pinfold Cottage in Borrowby.

1.2 The application is being presented before the Planning Committee as one of the applicants works for the Council.

1.3 Pinfold Cottage is a semi detached two storey 19thC dwelling located within the centre of Borrowby and within the Borrowby Conservation area. The property is within a predominately residential area, the Village Hall stands immediately to the north of the dwelling.

1.4 Planning permission is sought to remove the existing conservatory to the north west elevation and replace it with a kitchen and dining area measuring 4.7m x 5.7m x 4.7m in height with a pitched roof following the existing building lines. A single door and two windows are to be located to the north west elevation of the extension opening in to the garden and two single windows to the south west elevation. The application also seeks to remove the existing entrance porch to the north east rear elevation and replace it with a larger entrance porch measuring 3.2m x 1.7m x 3.7m in height.

1.5 Materials are to match that of the main dwellinghouse with white painted rendered brickwork, welsh natural blue slate roof, UPVC windows and painted timber doors. (Samples have been provided)

1.6 The existing Lawson Cypress tree adjacent to the proposed side extension is to be removed, permission for this was granted in 2011 (11/02349/CAT)

1.7 A site notice has been posted outside Pinfold Cottage.

2.0 PLANNING HISTORY

2.1 11/02349/CAT, Proposed works to trees, approved 07.12.2011

2.2 2/99/017/0120C, Extension to existing dwelling to include domestic stores to replace existing outbuilding, approved 10.08.1999

2.3 2/96/017/0120A, Revised application for the construction of a domestic garage with store to replace existing garage as amended by letter and plan as received by Hambleton District Council, approved 19.02.1997.

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 CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

4.0 CONSULTATIONS

4.1 Parish Council – No objection

4.2 Site notice/local residents – no comments received (expiry date for representations 26th January 2012)

5.0 OBSERVATIONS

5.1 The key issues include the effect of the extension on the appearance of the dwellinghouse and the impact on the amenity of adjoining residents if any and the impact upon the overall street scene and setting of the Conservation Area.

5.2 It is considered that the proposed replacement extensions are of a simple shape and design with a pitched roof following the existing building lines and constructed in matching materials. It is considered that its form and design reflect the appearance of the main dwelling and both are appropriate additions to the Borrowby Conservation Area and residential location.

5.3 Even though the property faces on to one of the main access roads running through Borrowby, the site is screened with landscaping, fencing and walls and is set back by approximately 5m and elevated from the road. The works cannot be significantly seen from neighbouring properties. The Village Hall is located on elevated ground to the rear of the site and the adjoining property to the east is screened from the works by the existing building. The property opposite at Kipsinende is approximately 20m away which is considered an acceptable distance to ensure privacy and amenity is not significantly affected. It is therefore considered that the extension will not adversely affect the amenity of the adjoining residents and therefore meets the requirements set out within the Local Development Framework and Domestic Extensions guide. It is considered that the front/side garden space can accommodate the replacement extensions and ample land is available for amenity use.

5.4 It is considered that the proposed development is acceptable and meets the policy requirements set out above and approval is recommended.

SUMMARY

The proposed development is in keeping with the style and design of the existing dwelling and will not adversely affect the amenity of adjoining residents or the appearance of the streetscene and setting of the Conservation Area. It is considered that the proposed single storey extensions are in accordance with LDF Policies CP16, CP17, DP1 and DP32.

7.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC01, NL/EXTNS/0724 _ 0734 received by Hambleton District Council on 15th December 2011 unless otherwise agreed in writing by the Local Planning Authority.

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. 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 Policy(ies) CP1, CP16, CP17, DP1, DP32.

Brompton

Committee Date : 2 February 2012
Officer dealing : Mr A J Cunningham
Target Date: 30 December 2010

3.

10/02534/FUL

Alterations and extensions to existing garage/workshop to form a dwelling as amended by plans received by Hambleton District Council on 15 June 2011 and 24 August 2011. at Land At Crawford Yard The Green Brompton North Yorkshire for Ms J Kane.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for alterations and extensions to an existing garage/workshop to form a dwelling at Crawford Yard, The Green, Brompton. The site is within the Brompton Conservation Area.

1.2 The existing garage/workshop is located to the east of two detached garages within Crawford Yard. Crawford Yard is an attractive cobbled yard bounded by a row of cottages (Nos 2-5 Crawford Yard) along its south side, with a return wing of cottages along its western side, fronting The Green. The application building is a single storey workshop building of possible early 19th century date, built in stretcher bond brickwork with a clay pantile roof. Attached to the SW corner are two small coal shed or WCs, under a monopitch roof. These too are of 19th C date, and are proposed to be demolished. Various window openings have been inserted or altered over the years, and a modern steel garage door inserted at the north end of the west elevation. The south gable end has an altered vehicle door and a small window lighting the roofspace.

1.3 The proposed alterations as part of the conversion to a dwelling include the addition of a wing to the eastern elevation. This would measure approximately 6.7m x 5.4m, with a total height of approximately 4m. The dwelling would provide for 2 bedrooms, a bathroom, kitchen and a lounge/dining room.

1.4 Materials for proposed works would comprise tiles and brickwork, with timber windows and doors. Permeable paving within the site would provide parking and manoeuvring space for 2 vehicles.

1.5 A structural survey submitted with the application states: 'I am of the opinion that although it does require refurbishment to overcome the long-standing maintenance backlog, it can be considered to be structurally sound and capable of conversion to provide domestic accommodation'.

1.6 A bat survey submitted with the application concludes: 'there is currently no evidence that bats roost at the building and that it has low bat roost potential'. Noting that there is always a slight risk of bats being encountered during construction works, the report provides a mitigation method statement.

2.0 RELEVANT PLANNING HISTORY

2.1 2/89/020/0228 - Outline Application For The Construction Of A Pair Of Semi-Detached Dwellings With Domestic Garages; Refused 1990.

2.2 2/99/020/0333 - Construction of a pigeon loft; Granted 1999.

2.3 2/02/020/0386 - Construction of a pigeon loft; Granted 2003.

2.4 09/01861/FUL - Alterations and extensions to existing garage/workshop to form a dwelling; Application Returned 2009.

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
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP8 - Development Limits
- Development Policies DP28 - Conservation
- Development Policies DP32 - General design
- Development Policies DP37 - Open space, sport and recreation

4.0 CONSULTATIONS

4.1 Brompton Town Council - The Council raises no objections to the proposal.

4.2 NYCC Highways - Conditions recommended regarding: precautions to prevent mud on the highway, provision of approved parking and turning areas, and on-site parking, on-site storage and construction traffic during development.

4.3 Environment Agency - The Environment Agency has no objection to the proposals as submitted, but as the site lies close to the edge of flood zone 2, we have the following informative comment:

Advice to LPA/applicant

The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Additional guidance can be found in the Environment Agency Flood line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188 or can be found on our website www.environment-agency.gov.uk click on 'flood' in subjects to find out about, and then 'floodline'.

Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy.

4.4 Conservation and Listed Building Officer - Objects - Comment on original drawing (not SCH1202E):

- Crawford Yard is an attractive cobbled yard bounded by a row of cottages (Nos 2-5 Crawford Yard) along its south side, with a return wing of cottages along its western side, fronting The Green.

The building forming the subject of this application stands within the angle formed by these groups of cottages within an extensive area of fairly intact cobbled paving.

Abutting the site to the NW are two modern buildings, of blockwork and brick construction, one with a monopitch roof and one with a pitched tiled roof. To the rear (north) of the site is a long range of single storey brick buildings with pantiled roofs of 18th and 19thC date. At the NE corner of the building, the subject of the application, is a high boundary wall built from large cobbles. Cobbled boundary walls are something of a feature in the Brompton Conservation Area, and this wall should be retained. Areas of cobbled paving also make a positive contribution to the character of the Brompton Conservation Area, as noted in the Appraisal of 1987

The application building is a single storey workshop building of possible early 19th century date, built in stretcher bond brickwork with a clay pantile roof. Attached to the SW corner are two small coal shed or WCs, under a monopitch roof. These too are of 19th C date, and are proposed to be demolished. Various window openings have been inserted or altered over the years, and a modern steel garage door inserted at the north end of the west elevation. The south gable end has an altered vehicle door and a small window lighting the roofspace.

Anonymous workshop buildings such as this usually pass without comment. They do not appear to be significant, that is, until you look at the wider context. Brompton has retained a number of such buildings in its Conservation Area; this building and its neighbour to the north, buildings at the rear of Church View and similar buildings behind some of the cottages in Water End. Before the linen factory opened in Brompton in the later 19thC, Brompton had a long established linen weaving industry, based on small scale production, and many of these surviving workshops may be linked to that pre industrial period.

These brick buildings, with their clay pantiled roofs form a characteristic feature in the conservation area. The proposed alterations, involving the raising of the roof by 1.1m, the insertion of two dormer windows and the addition of a large wing on the east side will transform the character of this typical workshop building.

The application proposes to include a large area of the existing cobbles into a walled off garden. These cobbles so included will be lifted, and the nature of the shared open space used by the other properties in the yard adversely affected. The applicant appears to claim ownership of much of the cobbled area of Crawford Yard, and while that is not a planning issue as such, there are impacts on the character and appearance of the Conservation Area which will occur if the building is greatly altered, if areas of "quasi public" space are enclosed as private garden and if areas of cobbles are lost.

For all of these reasons, I am objecting to this application.

4.5 Neighbours notified and site notice posted; expires 03.07.11 - 3 addresses responded to last consultation on the proposal, in summary, mainly concerning: access into Crawford Yard, why the application has progressed beyond the pre-application stage, impact on the cobbles within Crawford Yard, deliveries to the site (impact on highway safety), size of the site, detrimental impact on neighbouring properties, bat activity in Crawford Yard, Holly tree on site of proposed dwelling, supply of utilities to dwelling, where extra parking/bin spaces will be positioned, impact during construction period, impact on daylight, impact on privacy, and access to proposed site.

4.6 Press Advert; Published: 12.11.2010;- No responses received

4.7 Yorkshire Water - Response awaited.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principal of a dwelling in this location, any impact on neighbour amenity, any impact on the visual amenity of the surrounding area, and any highway safety issues that may arise.

- Principle of Dwelling:

5.2 The existing garage/workshop is within the development limits of Brompton a settlement within the Hambleton Sustainable Settlement Hierarchy as is defined by Policy CP4 of the Hambleton Local Development Framework. In principle the proposal complies with Policy CP4 and is considered acceptable. It is noted that the proposed eastern wing of the proposed dwelling and its associated domestic curtilage to the east would extend marginally outside of the defined settlement limits. In this case if the remaining merits of the proposal were deemed to be acceptable the removal of permitted development rights from the structure and domestic curtilage would be an appropriate course of action to limit any future development outside of the settlement limits.

- Neighbour Amenity:

5.3 The dwellings within Crawford Yard, as a result of their design, and orientation to one another form a close context. The proposed dwelling would be sited approximately 9m from the northern elevation of 5 Crawford Yard. It is considered that this relatively close relationship to no.5 would not be dissimilar of the character of the properties elsewhere within the yard and with appropriate southern boundary screening would not erode neighbour amenity to this property. The boundary screening to the north, the extent of the revised proposals, and the vegetation to the eastern boundary is such that there would be no adverse impact on neighbour amenity to these adjoining properties.

5.4 The issue of the width of the access has been raised with the applicant who has clarified that the track past the northern elevation of no.s 4 and 5 Crawford Yard would, at its narrowest point measure 3.6m. This is considered sufficiently wide enough to permit the free flow of vehicles without harm being caused to the occupants of no.s 4 and 5 when leaving their properties. The existing and proposed vehicle movements have been queried with the applicant who advises that one vehicle is parked permanently on the applicants land and another vehicle is used 'frequently during the course of the day with the user leaving for work in morning, returning back home for lunch, back to work then returning home for the evening' The applicant also advises that 'should planning permission be granted the two existing car uses will cease and the only vehicular use carried out on the application site will be access to the new dwelling, therefore no additional vehicles will be utilising the site'. The Local Planning Authority are satisfied that whilst there may be a marginal increase in traffic passing from the application site through the yard it would not be significantly dissimilar from the existing movements, and given this and the low speeds of vehicles there would be no detrimental impact on neighbour amenity in this respect. The overlooking impact from the proposed dormer windows of the original submission have been removed as part of the amended drawings received on 24 August 2011.

- Visual Amenity:

5.5 The amended plans and the confirmation that the windows and doors would be formed of timber is considered to retain the character of the existing building and as such there would not be an adverse impact on the character of the Brompton Conservation Area, or the immediate surrounding built environment. The applicant has also confirmed their intention to retain the existing cobbles that will form the future domestic curtilage of the property, and the protection of the cobbles within Crawford Yard during the construction phase. This will be controlled via planning condition. This again is considered satisfactory to safeguard local character and some of the comments of the Listed Building Officer and neighbour responses. Taking the above into account the proposal is considered to comply with Policy DP28 of the Hambleton Local Development Framework.

- Highway Safety:

5.6 The on-site highway safety issues have been addressed above. It is noted that NYCC Highways are satisfied with the proposals subject to the recommended conditions.

- Public Open Space/Local Infrastructure Contribution:

5.7 The applicant is aware of the necessary contributions required in respect of this scheme. A Unilateral Undertaking has not yet been completed although the applicant is in the process of resolving this matter.

- Neighbour Responses:

5.8 The responses from neighbouring properties within Crawford Yard have been noted. In addressing issues not already mentioned it is highlighted that the progression of an application beyond the pre-application to the formal submission stage is an option which lies with an applicant. The Local Planning Authority cannot prevent an applicant from submitting a scheme.

5.9 Bat activity has been reported with the survey submitted in support of the application. The Local Planning Authority has no reason to doubt the findings of a qualified surveyor. Mitigation measures can be required by planning condition and would not be a justifiable reason for refusal in this instance.

5.10 The Holly tree is indicated on the plans to the west of the proposed access to the plot.

5.11 The logistics surrounding the supply of utilities to the property is a matter outside of the planning process, with the exception of the provision of water and treatment of waste water from the proposed dwelling. The Local Planning Authority is awaiting a response from Yorkshire Water. These details can be controlled by planning condition to ensure that the supplies are made available and that they minimise any harm to the features of the Conservation Area.

5.12 The parking spaces currently utilised to the south of existing garage are within the ownership of the applicant and it is understood that parking arrangements constitute an informal agreement between the owner of the land and the owner of the vehicles. Bin storage was noted within this area at the time of the application site visit. It is important that a bin storage area be provided elsewhere within Crawford Yard. It is considered appropriate that this matter be the subject of a planning

condition. The impact of the works on neighbouring properties is inevitable during the construction works, accentuated by the close context of the buildings within Crawford Yard.

5.13 It is not standard procedure to impose a condition restricting hours of working for a construction of this size however given the close proximity of neighbouring properties it is a justifiable precaution to protect the amenity of neighbours in this case. It is noted that the moving of materials in a sensitive manner over the cobbled yard would lessen the impact to neighbour property. Given the revised proposal and the separation distance of the property to neighbouring dwellings within Crawford Yard, it is not considered that there would be an impact on daylight.

5.14 NYCC Highways have reviewed the access to the site and have not raised any issues from a highway safety perspective, given the low manoeuvring speeds on Crawford Yard and The Green there is no reason to conclude that the scheme would be likely to give rise to conditions harmful to road safety.

- Conservation Area

5.15 The scheme will result in change to the character and appearance of the Brompton Conservation Area. The assessment required is whether this is a harmful impact or whether it is one that is neutral or positive. The scheme will result in a change creating more enclosure to a space than is currently the case. The scheme has been amended to retain features of the Conservation Area (most notably the cobbles) has set out that the character will be protected during construction works and will subsequently allow the continuing use of building and land within the village in a manner that is sympathetic to its past and current occupation. It is therefore considered that the scheme has overall a neutral impact on the Conservation Area.

- Conclusion:

5.16 Having taken the above into account, and subject to the response received from Yorkshire Water and the completion of the Unilateral Undertaking in respect of the contribution required towards off-site Public Open Space and Local Infrastructure provision, this application accords with the policies of the Hambleton Local Development Framework. Hence this scheme is recommended for approval.

SUMMARY

The proposed development would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area, and does not raise any highway safety issues. The proposal accords with the policies set out in the Local Development Framework and is therefore considered acceptable.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing received by Hambleton District Council on 24 August 2011 and location plan received by Hambleton District Council on 25 October 2010 unless otherwise agreed in writing by the Local Planning Authority.

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 in consultation with the Highway Authority agrees in writing to their withdrawal.

5. 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 drawing (Reference SCH120 Drawing No. Two Revision E). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

6. 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:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

7. No cobbles within the proposed domestic curtilage shall be removed unless otherwise agreed in writing by the Local Planning Authority.

8. Prior to commencement of development a method statement detailing how the cobbles within Crawford Yard are to be protected during construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

9. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or

other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

10. No development shall commence until details of the relocation of the existing bin storage on site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the relocated bin storage area shall be retained and maintained for its intended purpose at all times.

11. The development shall not be carried out other than in accordance with the bat mitigation measures set out in the "Bat scoping survey report" received by Hambleton District Council on 25 October 2010.

12. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0700 hours and 2100 hours Monday to Friday, 0700 hours to 1700 hours Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.

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. 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 Policy(ies) CP1, CP16, CP17, DP1, DP28 and DP32.
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 ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
5. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
7. To safeguard the character of the surrounding area in accordance with policy DP28 of the Hambleton Local Development Framework.
8. To safeguard the character of the surrounding area in accordance with policy DP28 of the Hambleton Local Development Framework.

9. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.

10. To safeguard against an adverse impact on neighbour and visual amenity in the locality in accordance with Policy DP1 of the Hambleton Local Development Framework.

11. In order to protect species in accordance with PPS9 and LDF Policies CP1, CP16 and CP31.

12. In order to protect the amenities of residential property in the locality.

4.

11/02034/FUL

**Alterations and extensions to 2 existing barns to form 3 dwellings.
at Mossa Grange Little Langton North Yorkshire DL7 0TL
for Mr D R Bellerby.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for alterations and extensions to an existing cluster of farm buildings at Mossa Grange, Little Langton to form 3 dwellings. The buildings are located to the north of a detached dwelling on site. The site is accessed from the south from the B6271 linking Great Langton and Yafforth.

1.2 The cluster of buildings are now used almost entirely for ancillary domestic purposes, including the keeping of horses for the applicant's children and the storage of vehicles and vehicle parts in connection with a motor sport hobby. There is also a sizeable area used for the storage of large articulated vehicles and tankers as part of a haulage business, which was issued a Certificate of Lawfulness in 1994. The applicant proposes to discontinue the haulage business should the application be successful. The two redundant barns forming part of the cluster of buildings date from approximately 1861.

1.3 The modern structures linking both brick barns would be removed as part of this scheme, as would a structure adjoined to the east of barn no.2. Barn no.1 would be divided to form 2 units and barn no.2 would form a third unit. A shared courtyard would be formed between both existing barns, with grassed areas formed to the east of barn no.2 and west of barn no.1. A single storey extension would be added to the east and west of barns 1 and 2 respectively to form a garage/carport area.

1.4 The alterations to the existing barns would comprise red clay reclaimed brick, pantiles, timber framed windows and doors.

1.5 A boundary fence would be formed to the east and west of the existing barns to enclose the grassed areas to the access track and Mossa Grange to the south. The access to the shared courtyard would be flanked by a brick wall.

1.6 A structural survey submitted with the application concludes 'the buildings inspected are at the moment suitable for conversion to domestic houses. We are however of the opinion that unless remediation work is carried out on the buildings in the near future they could easily fall into irreparable disrepair'.

1.7 A bat survey submitted with the application concludes: 'the surrounding habitat provides suitable feeding habitat for a range of the more common bat species. Survey within the farm building complex confirms the presence of a population of brown long-eared bats that focus on two key areas - the feeding roost in the centre of the eastern barn and the day-time roost in the centre of the western barn. Other parts of the complex are utilised for feeding and movement between the two roosts. No evidence (pellets, feathers etc) was found to suggest the presence of barn owls'.

2.0 RELEVANT PLANNING HISTORY

2.1 2/94/038/0071 - Application for a certificate of lawfulness in respect of the existing use of land in connection with a haulage business; Granted 1994.

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
PPS1 - Delivering Sustainable Development 2005
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 CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation

4.0 CONSULTATIONS

4.1 Danby Wiske with Lazenby Parish Council - The Council wishes to see the application approved and state: 'The Parish Council would like to see this planning application approved because they feel the development would improve the area and provide housing in a rural area'.

4.2 Environmental Health - There are two areas which would give cause for concern with respect to amenity loss by excess noise. The first related to noise associated with the haulage company. The application makes it clear that this would cease and it's assumed that no other business use is associated with adjoining land. The second issue related to the motor sport hobby. Having discussed this with the applicant it is clear that this is a hobby and as such there would be no "best practicable means" defence against any action under Statutory Nuisance legislation which would seek to secure abatement. Consequently I do not wish to make any adverse comment on this application.

4.3 Environment Agency - We OBJECT to the proposed development as submitted because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant. We recommend that planning permission should be refused on this basis.

Reasons:

The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances DETR circular 03/99 advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the Circular in order to justify the use of non-mains drainage facilities. In this instance no such information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development

In particular, the submitted application fails to address the following issues as set out in Annex A of DETR Circular 03/99/WO Circular 10/99 –

- explain why connection to mains sewer is impractical;
- submit a copy of a percolation test result;
- state whether an existing system be used;
- state whether the discharge will be to a drainage field or surface water;
- state whether water is abstracted from the ground for potable use;
- locate any water-logged ground or sensitive receptors

4.4 NYCC Highways - 'The proposed removal of the HGV operations from the site in connection with this application will have a twofold effect by reducing the number movements currently associated with the site and improve the overall safety of the access'. The Highway Authority has no objection to the proposal.

4.5 Yorkshire Water -

- Water Supply:

It is the developer's responsibility to ensure that an adequate supply of water can be made available and that the development will not interfere with Yorkshire Water's rights of access to apparatus.

- Waste Water:

- This proposal is in an area not served by the public sewerage network, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.

4.6 The British Horse Society - Considers that: 'It is totally irrelevant to The British Horse Society'.

4.7 The Ramblers Association - No objection to the proposal. Observations: 1. The buildings have conservation value, they should be restored to a better standard than the windows of the farmhouse. 2. The haulage operation/maintenance business is not compatible with any countryside. 3. There is no mention in the application or presence on the ground of a public footpath proceeding through the site. The owner, present by chance at a site visit, responded to a suggestion to its diversion. This will be acceptable.

4.8 Neighbours notified and site notice posted; expires 21.11.11 - Two responses received in support of the application for the following reasons: secure improvements to road safety by removing a dangerous haulage business for which the existing farm

access is completely unsuited, will remove incongruous HGVs and trailers from the landscape and enhance the character and appearance of the landscape, it will secure the retention of traditional farm buildings enhanced by sensitive conversion proposals, it will create more homes in an area and help support local services and community life, improve landscape and keep intact a very attractive group of buildings, will enhance the whole area and we look forward to the removal of the haulage yard.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the conversion of the existing barns to 3 dwellings, any impact on neighbour amenity, any impact on the visual amenity of the surrounding area and any highway safety issues that may arise.

_ Principle of Dwellings:

- Policy Context and Applicant's Justification:

5.2 Policy CP4 of the Core Strategy of the Hambleton Local Development Framework (LDF) states that development in other locations (in the countryside) will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2 and where a number of exceptional criteria are met.

5.3 The applicant considers that this scheme would satisfy criterion (ii) that 'it is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance'. This application is submitted on the basis that the removal of the haulage business will secure significant improvements to the environment, which in turn will protect and enhance the local landscape. The applicant has submitted a visual impact assessment of the site which in their view demonstrates the visual intrusion of the haulage yard and modern additions to the existing buildings and the improvements to the landscape that their removal would provide. The applicant also considers that 'Although the barns are not Listed structures, they are attractive farm buildings that are over 150 years old and have become an established part of the local landscape. Their sensitive conversion and the wider environmental enhancement will combine to ensure that Mossa Grange continues to contribute to the agricultural character and essence of the countryside'.

5.4 The applicant also considers that the proposals satisfy Core Strategy Policy CP2 of the LDF. This states that development and the provision of services should be located so as to minimise the need to travel (by the private car). The applicant has supplied written evidence from a local bus company that confirms that their service has been picking passengers up and dropping them off at the entrance to Mossa Grange for the past three years. It also sets out the frequency of service, specifying the times for this particular location. There are 4 buses a day in the Northallerton direction and 3 buses in the Richmond direction.

- Response of the Council:

5.5 Views from the B6271 are limited, and the topography of the surrounding landscape coupled with the roadside hedgerows provide comprehensive screening of the site. It is acknowledged that the public footpath running from the public highway and north through the premises would inevitably afford an unrestricted view of the site. Notwithstanding this and taking into account the scale of the haulage operations at Mossa Grange, and the limited aspects from which they are viewed the site does

not cause a significant visual intrusion to the surrounding area, and consequently is not enough of an exceptional circumstance to meet with criterion (ii) of CP4. Additionally whilst the barns are over 150 years old and it is not doubted that sensitive conversion would improve their existing appearance, they are not a feature of acknowledged importance and do not satisfy criterion (ii) of CP4.

5.6 The applicant is not in their supporting statement 14 December 2011 suggesting that the proposal meets any other exceptional criteria of CP4 and as the proposal does not meet criterion (ii) in principle the conversion to 3 dwellings is not considered acceptable. The evidence submitted in support of the proposal meeting with policy CP2 is not disputed, and whilst it is considered that the proposal meets with policy CP2, this alone is not sufficient for the scheme to be acceptable in principle.

_ Impact on Neighbour Amenity:

5.7 The proposed units are constrained by the configuration of the former farm buildings. The width of the courtyard between the internal east and west elevations extends to 16m. Taking into account the internal layout of the proposed units and the 16m separation distance it is not considered that any significant adverse impacts on the amenities of future occupiers of the premises would arise. The design of the scheme and its separation from the existing dwelling at Mossa Grange is such that no adverse impact on neighbour amenity would occur to this property.

_ Impact on Visual Amenity:

5.8 The proposed conversion of the buildings to dwellings would retain the design of the existing brick barns on site, would comprise traditional materials and would not raise any visual amenity issues.

_ Affordable Housing:

5.9 The applicant is aware of the need to contribute towards affordable housing as a result of the number of units being put forward on site. It is understood that the applicant is in negotiation with the Council regarding a final sum required however to date no agreement has been reached. No formal commitment has been made towards affordable housing provision and therefore the scheme fails to satisfy policy CP9 of the Core Strategy of the LDF.

_ Public Open Space (POS) Provision:

5.10 The applicant was advised on 15 November 2011 in writing that a contribution is required towards off site POS provision to satisfy Policy DP37 of the LDF. To date no unilateral undertaking has been received or completed and without information to the contrary the proposal fails the requirements of this policy.

_ Neighbour/Statutory Consultee Comments:

5.11 The neighbour observation comments are noted. No further details have been received from the applicant in regard to the Environment Agency concerns and therefore their objection still stands. Whilst Yorkshire Water have not objected to the proposal it is felt that the supply of water to the premises is fundamental to the scheme and further details are currently being sought from the applicant in regard to this. In regard to the Ramblers Association comments it is highlighted that the Local Planning Authority are aware of the public footpath running through the site.

_ Protected Species:

5.12 It is evident from the submitted protected species report that there are bats within the structures proposed for conversion. This report recommends that further surveys are undertaken to inform the necessary mitigation measures, and that these be incorporated within the design of the proposal and the relevant construction methods.

_ Conclusion:

5.13 Taking the above into account it is considered that the acceptable nature of the proposal in regard to its impact on neighbour and visual amenity and highway safety cannot outweigh the over-riding issue that in principle the proposed use of the buildings is unacceptable, as is the lack of contribution towards POS provision and Affordable Housing. The scheme is also considered unacceptable as a result of the absence of details in regard to the Environment Agency concerns and the comments of Yorkshire Water regarding the water supply. Consequently this application is recommended for refusal.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The proposal fails to meet the requirements of Policies CP1, CP2 and CP4 of the Hambleton Local Development Framework. The proposal does not meet with any of the exceptional criteria identified within CP4 and is in a location that is remote from services and will increase reliance on the motor car for future occupiers and is considered to be an unsustainable form of development contrary to the provisions of PPS1.
2. The proposal fails to meet the requirements of Policies CP1, CP2, CP4 and CP9 of the Hambleton Local Development Framework. The proposal does not make a contribution towards the provision of Affordable Housing as is required by CP9.
3. The proposal fails to meet the requirements of Policies CP1, CP2, CP4, CP19 and DP37 of the Hambleton Local Development Framework and the Supplementary Planning Guidance in respect of the provision of facilities Open Space, Sport and Recreation as no contribution is made to the provision of facilities as set out in the policies.
4. The proposal fails to supply information to confirm that the proposal can be accommodated by an existing water supply as is therefore contrary to the requirements of the Hambleton Local Development Framework Policies CP3 and DP6.
5. The proposal fails to meet the requirements of the Hambleton Local Development Framework Policies CP3, DP6, CP21 and DP43 as does not provide suitable foul and surface drainage and discharge proposals from the proposed units and may therefore give rise to flooding or pollution events.

5.

11/02518/TPO

Application for works to trees (Purple leafed cherry plum, Ornamental cherry, Hornbeam, Crab Apple and Silver Birch) subject to Tree Preservation Order 1997/12. at 6 & 10 Copperclay Walk Easingwold York YO61 3RU for Easingwold Town Council.

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The application relates to 5 trees that are covered by the same TPO, imposed in 1997.

1.2 Four of the trees lie on the grass verge area outside number 6 Copperclay Walk, between the road and the footway. These trees comprise a purple leafed cherry plum T1, an ornamental cherry T2, a mature hornbeam T3 and a crab apple T4. It is proposed to crown clean and prune the hornbeam and lift the canopy to 3m. It is proposed to remove the other 3 trees, the reason being the long term development of the hornbeam. It is stated that the hornbeam is the primary and dominant tree within the group and by removing the smaller short lived species it will allow for improved form of the hornbeam.

1.3 A silver birch, T5, lies at the front of number 10 Copperclay Walk. It is proposed to reduce the crown of the canopy.

1.4 It is proposed to plant a new tree within the grassed area but away from the hornbeam. Two options for a replacement have been mentioned; either a *Fagus Sylvatica* Dawyck Purple (beech) or a *Prunus Royal Burgundy* (cherry) to retain the purple foliage and prevent future problems alongside the footway/highway.

1.5 The application is presented to Committee at the request of the Ward Member.

2.0 PLANNING HISTORY

2.1 TPO 1997/12

2.2 07/01875/TPO - Application to carry out works to two trees the subject of Tree Preservation Order No: 1997/12 (T2 is the silver birch at number 10 Copperclay Walk). Permission granted 1/8/2007.

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 CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP28 - Conservation

4.0 CONSULTATIONS

4.1 Town Council is the applicant

4.2 Site notice/local residents – correspondence has been received from neighbouring residents (3 letters from 2 addresses) who object to the removal of the trees. The comments are summarised as follows:

1. It is stated in section 5 of the application that the applicant is not seeking consent for works to trees subject to a TPO. Whereas we know that the trees are subject to Tree Preservation Order 1997/12;
2. What the issues are is not stated and there does not appear to be any of the necessary supporting evidence mentioned in section 8. The application has not produced any evidence to show that any of those matters requires the trees to be dismantled and removed;
3. At present the existing trees (excluding the two horse chestnuts which were planted about the time the houses were built and are not mentioned in the TPO) have merged to form an attractive clump when viewed from a number of aspects;
4. The foliage of the purple plum provides a pleasing contrast to the other trees. Several of the trees produce blossom in the spring. Last year the crab apple produced a bumper crop. A single tree will be far less interesting. All four trees were clearly thought worthy of being included in a Tree Preservation Order. If the hornbeam had been considered to be a specimen tree to stand alone as a focal point, presumably those preparing the TPO would have respected that by not preserving the other three trees. Neither would the horse chestnuts have been planted;
5. the trees the subject of the application shade the front of our property for much of the day. We accept these disadvantages because those trees were already there before our house was built and add to overall attractiveness of the area;
6. We support the minimum works necessary to remove branches obstructing the public footpath;
7. We have no objection to the proposed works to the silver birch;
8. work is long overdue but the felling of the majority of the trees is unnecessary.

5.0 OBSERVATIONS

5.1 The issues to consider include the health and stability of the trees and an assessment of their contribution to public amenity.

5.2 The hornbeam is the dominant tree within the group of trees. The other trees surrounding it are much smaller and their branches are intertwined with the hornbeam branches. The trees form an attractive group, particularly when in leaf due to the mix of colours.

5.3 The agent states that the removal of the trees will allow the hornbeam to develop without hindrance. The hornbeam is clearly the dominant tree and it is suggested that if the crown is lifted to 3m as proposed it will remove some of the crowding that is taking place. There are no objections to the works to this tree.

5.4 It is suggested that the footway/highway issues can possibly be addressed without needing to remove the trees and therefore insufficient information has been received to warrant their removal.

5.5 The silver birch lies in a prominent position at the front of the house but is in need of management. There are no objections to the proposed crown reduction, which will improve the relationship of the tree with the dwelling.

5.6 The proposed works are acceptable and approval of the application is recommended.

SUMMARY

The proposed works to the hornbeam and silver birch are appropriate and in the long term interests of the amenities of the surroundings. It therefore accords with LDF Policies CP16 and DP28. The proposed felling of T1, T2 and T4 is not justified at this time and they have the potential to make an ongoing positive contribution to the amenity of the surroundings. A split decision is made on this application approving the work to T3 and T5 and refusing the felling of T1, T2 and T4.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **SPLIT DECISION (TPO)**

APPROVAL OF WORKS TO TREES T3 AND T5

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the details received by Hambleton District Council on 14 November 2011, in so far as they relate to T3 and T5 unless otherwise agreed in writing by the Local Planning Authority.

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. 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 CP16 and DP28.

REFUSAL OF WORKS TO TREES T1, T2 AND T4

The purple leafed cherry plum, ornamental cherry and crab apple contribute to the attractive group of trees in this location. Their removal will detract from the appearance of the streetscene and is contrary to LDF Policies CP16 and DP28.

6.

11/02715/MRC

**New elevations and floor plans - Application to vary condition 2 of appeal decision dated 5 August 2010 to amend the design of the dwelling.
at 22 The Holme Great Broughton North Yorkshire TS9 7HF
for Mr Robert Davies.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 Members will recall that planning permission was allowed on appeal in August 2010 for the construction of a detached two-bed dwelling within the rear garden space of 22 The Holme (ref: 09/03988/FUL).

1.2 The approved dwelling measures approximately 10m x 9m with an overall height of 6.2m. Two bedrooms and a bathroom are contained in the roofspace served by dormers at the rear and a single roof light at the front. Materials are coursed stone at the front, brick at rear and clay pantiles on the roof. At the front there is a stone porch with pitched roof. Access for the new house from the lane is alongside the existing access to no 22 which is moved northwards slightly to provide for approximately 4m separation between them. The proposed drive follows the line of the south boundary and bends to the left after leaving the road. Parking and turning is in front of the house and there is no garage. The proposal indicates supplementary planting.

1.3 This application seeks to revise the approved dwelling by undertaking the following amendments:-

- a) Increase in width from 10m to 10.4m (0.4m difference)
- b) Increase in length from 9m to 9.6m (0.6m difference)
- c) Increase in height from 6.3m to the ridge to 6.7m to the ridge (0.4m difference)
- d) Two small dormers on rear elevation now a large single dormer spanning the width of the dwelling.
- e) Slightly alterations made to the size and position of windows and doors at ground floor level.
- f) Two additional roof lights within the front elevation.
- g) Central roof light lowered and slightly increased in size within front elevation.
- h) Footprint moved approximately 0.2m further south away from No.22 and No.30 and approximately 0.4m closer to No.28.
- i) Front porch has been increased by 0.2m in depth and reduced by 0.2m in height.
- j) On the ground floor, the number of rooms remains unchanged although the dimensions and function of each room varies slightly from that previously approved – e.g. office now a dining room, bedroom now a lounge.
- k) The first floor now contains three bedrooms (one with en-suite), a study and a bathroom. The study measures 2.2m reducing to 1.5m x 3.1m and could be used as a fourth bedroom.

1.4 The revised application initially included a dormer window to the front elevation but has since been removed in order to address concerns about overlooking into no.30 The Holme.

1.5 The site is formed from the garden of a fairly large detached C20th house on The Holme. Overall site area is approximately 600 sq metres. The main part of the site is to the rear of the existing house. The side boundary includes a variety of trees and shrubs and a newly constructed 1.8m close-boarded fence. The rear boundary is a leylandii type conifer hedge. Neighbouring properties to the south include a bungalow at no.30, fronting The Holme, and another, no.28, set back from the road and facing onto the site. To the north of the site there is a former paddock now divided. Opposite no.22 there is a short row of terrace cottages.

1.6 The general surroundings include a beck running along the east side of The Holme and include plentiful mature trees along the beckside. The road is paved single track, with grass verges and no footway. There are a variety of housing types, including stone built traditional houses and some C20th houses, irregularly spaced along the road, some close to the highway and some accessed off drives of various sorts. The Holme and the majority of houses along it are within Great Broughton Conservation Area. The boundary of the Conservation area runs to the rear of no.22 and excludes the majority of the rear garden. The site is within the Development Limits of Great Broughton.

2.0 RELEVANT PLANNING HISTORY

2.1 2/84/057/0109B - Construction of a detached dwellinghouse (Granted 30.08.1984)

2.2 2/05/057/0109E - Extension to dwelling (Granted 28.02.2005)

2.4 06/00957/CAT - Works to 5 Ash trees (Approved

2.5 09/01462/FUL - Extension to dwelling (Withdrawn 27.08.2009)

2.6 09/03988/FUL - Construction of a dwelling as amended by plans received by Hambleton District Council on 20 January 2010 (Allowed on Appeal 05.08.2010).

2.7 10/01889/FUL – Two storey extension to existing dwelling as amended by plans received by Hambleton District Council on 24 August 2010 (Granted on 23.09.2010).

2.8 10/02112/CAT - Proposed felling of 7 no. Conifer trees (Granted on 07.10.2005).

2.9 11/01969/CAT - Proposed works to four Ash trees (Tree Preservation Order served on 05.10.2016).

2.10 11/02163/NMC - Non material change - introduction of water tabling to gable walls and amendment to garage door to previously approved scheme two storey extension to existing dwelling as amended by plans received by Hambleton District Council on 24 August 2010 (10/01889/FUL) (Granted on 25.10.2011).

2.11 12/00089/TPO - Application for works to trees subject to Tree Preservation Order 2011/3 (Pending consideration).

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 CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP32 - General design
Development Policies DP33 - Landscaping

4.0 CONSULTATIONS

Parish Council

4.1 The Parish Council objected to the planning application to build this house and the application was refused by the District Council. However planning permission was granted on appeal.

4.2 The Planning Inspector stated: "I have dealt with the appeal on the basis of the revised elevational drawing which shows a reduction in the height of the ridge and on the basis of the original "catslide" dormer design, since this appears less bulky when viewed from the side, compared to the alternative dormer style shown"

4.3 "I consider that the modest sized dormer bungalow would not appear overly large or dominant when viewed from The Holme"

4.4 "A condition in relation to the approved plans is required to ensure that the proposal is built in accordance with these approved plans and in the interests of proper planning"

4.5 It is clear that the appeal was determined in the applicant's favour on the basis of the lowered height of the building and on it being a "modest sized dormer bungalow". The Inspector was insistent that any bungalow should be built accordingly in the interests of proper planning.

4.6 The current application proposes an increase in height even beyond that in the original application and a larger building which would no longer be a "modest sized bungalow" with two bedrooms but effectively a four bed roomed family house.

4.7 It has been estimated that the current application proposes a 24% increase in the volume of the building.

4.8 The Parish Council consider that the proposal would create a much bulkier building which is no longer "modest sized" and would appear overly large and dominant when viewed from the Holme and neighbouring properties.

NYCC Highways

4.9 No objections.

Northumbrian Water

4.10 No objections

Publicity

4.11 Neighbours notified and site notice erected. The period for replies expired on 30/01/12. Five representations were received, comments raised are summarised as follows:

- a) Should not be allowed to build a larger dwelling than that previously refused by HDC.
- b) The Inspector stated that the dwelling should only be carried out in accordance with the detail shown on the submitted plans.
- c) Accepting the changes would open the door to further amendments.
- d) The proposed amendments are substantial and in contradiction to previously agreed concessions.
- e) It was previously agreed that the height of the planned property should be reduced following strong objections from immediate neighbours.
- f) In November 2009 the original plans were submitted with a proposed height of 6.5 m, following objections for several neighbours the height of the ridge was acknowledged to have too great an impact and new drawings were submitted (20/01/2009) with a reduced height of 6.1m. The current plans now seek to increase the height to 6.75 m which is taller than the original planned property.
- g) The new proposals have increased the front to back dimension by 0.5 m which coupled with the increased height of the apex has significantly increased the visual impact of the property, especially since this is the wall which will face no.22.
- h) The planning appeals committee approved only a small two bedroom bungalow but the current plans have enlarged the property to a four bed-roomed house, quite inappropriate to the plot size, and absolutely not what was approved on appeal.
- i) The enlarged width of the property now places the gable end of the property even closer to no.22.
- j) A minor change was previously granted to move the property further back in the plot, placing it more closely in line with the view from the largest windows of 28 The Holme.
- k) The planning application originally submitted stated that that the hedge screening between no.22 and no.28 would be maintained and indeed supplemented to provide screening, however, due to another minor variation the entire hedge, some of which was 3.5m tall and which provided excellent screening has been removed and replaced with a 1.8m close boarded fence.
- l) Moreover the screening provided by the hedge between no.22 and no.30 has been decimated, the largest mature ash tree felled and all evergreen shrubbery having been removed.
- m) The above changes have removed screening and given rise to a much greater visibility of the proposed property and mean that any proposal to enlarge it should be resisted.
- n) This area has been damaged irreparably by the eradication of all Ivy growing in the hedges and which provided much needed protection to the bird population and also provided evergreen screening.
- o) The fact that a plan has been approved, albeit, on appeal should be the binding dimensions and not subject to detrimental change, disguised as some minor variation.
- p) The proposed dwelling would be 1 metre deeper and 0.5m higher. This means (a) the mass of the building will be noticeably greater (this was already a

house being shoehorned into a tiny plot), and (b) the increased height with associated visual and privacy impact on neighbours is far worse.

q) The increase in height puts the design back to the first application, but which was reduced in the light of planners' conditions. This must therefore be strongly resisted.

r) Internally the accommodation now provides what is described as 3 bedrooms plus study, but is in effect 4 bedrooms. Also it now has 2 bathrooms upstairs instead of 1.

s) More bedrooms mean a bigger family, which in turn means more traffic and parking issues. These are both already serious problems for users/residents of The Holme, and it is a Conservation Area with an aesthetic value to be maintained. Parking and turning on the plot itself is very limited for such a house.

t) The application talks of landscaping/hedging already existing and more is to be planted to provide screening. This is ineffective for at least 10 years, and not to be relied on.

u) The site is too small for a garage.

v) Now a dormer window in roof along with roof lights; it was just one roof light. Increases the overlooking/view of the cottages on The Holme down the drive.

w) The proposed front dormer window will result in a loss of privacy to the back garden of 30 The Holme.

x) The addition of another dormer window will increase the side area of the property.

5.0 OBSERVATIONS

5.1 As outlined above, planning permission was granted on appeal in August 2010 for the construction of a detached two-bed dwelling within the rear garden space of 22 The Holme (ref: 09/03988/FUL). Consequently, the principle of the development has been established and cannot be revisited. As a result, the main issues to be examined concern the impact of the proposed amendments on: neighbour amenity, design, the character and appearance of the Conservation Area and car parking provision.

5.2 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, vibration and daylight.

5.3 In allowing the appeal in relation to application ref: 09/03988/FUL, the Inspector observed that "the proposed dwelling and access would be sufficient distance from nearby dwellings to prevent any undue harm to living conditions." No further clarification was given by the Inspector in relation to this consideration.

5.4 Objections have been received from neighbouring residents on the grounds that the proposed amendments will move the dwelling closer to neighbouring properties and that the increased height and bulk will have detrimental impact upon their amenity.

5.5 The front elevation of no.28 faces the side boundary with the application site which creates a relatively unconventional juxtaposition with the side garden space of no.22.

5.6 The revised scheme positions the proposed dwelling approximately 13.8m from the front elevation of no.28 (excluding the attached single storey garage), approximately 0.4m closer than that previously approved by the Inspector. However, given that the proposed ridge height will be 0.4m lower than no.28, the revised

footprint will continue to maintain an adequate degree of separation in accordance with the Council's indicative separation distances.

5.7 The proposed dwelling is also now 0.4m higher to the ridge whilst the side elevation facing no.28 is 0.6m wider than allowed on appeal. Whilst these amendments will result in a slightly bulkier side elevation when viewed from no.28, the occupants' outlook will be of a relatively modest dormer bungalow that spans less than half the width of the front elevation of no.28. In addition, the proposed dwelling would sit to the north of no.28 and therefore a loss of sunlight to private garden space would not occur.

5.8 In terms of the impact on no.30, the proposed dwelling stands approximately 22m from the main rear elevation of no.30. Even accounting for the ground level of the application site being approximately 0.7m higher than no.30, an adequate degree of separation will be maintained. In order to prevent overlooking into the rear ground floor extension of no.30, the applicant has removed a dormer window from the front elevation of the revised application (as originally submitted).

5.9 The indicative separation distances of 14m from side elevation to principle elevation and 21m from principle elevation to principle elevation are based upon those standards contained within the time expired Supplementary Planning Guidance Note 3: Residential Infill. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case by case basis. Similar guidance relating to separation distances is contained within By Design.

5.10 Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but professional judgement should be used to assess the impact of any proposal. The scheme has been considered with regard to its orientation, the difference in levels and the character of the area and is considered to be substantially in accordance with policies CP1 and DP1 of the Local Development Framework.

5.11 Policy DP32 of the Development Policies DPD stipulates that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings and promote local identity and distinctiveness. Development should relate to and respect any historic context of the site (Great Broughton Conservation Area).

5.12 In granting planning permission for the original dwelling, the Inspector commented that "the area surrounding the appeal site is diverse in character, with a mix of house styles and sizes, of varying ages"... "because of its setting within the content of other much larger dwellings and mature landscaping, I consider that modest sized dormer bungalow would not appear overly large or dominant when viewed from The Holme. Indeed it would blend well with the surrounding development and preserve the character of appearance of GBCA."

5.13 When viewed from The Holme, the proposed dwelling will be 0.4m wider and 0.4m higher than the "modest sized dormer bungalow" approved by the Inspector. Given that the revised bungalow will stand over 35m from The Holme, the difference in bulk and subsequent perceived impact on the Conservation Area between the approved and revised bungalow will be minimal. The most notable difference, when viewed from The Holme, will be the inclusion of two additional roof lights within the

front elevation. Otherwise the revised dwelling substantially reflects the character of the approved dwelling.

5.14 The Parish Council has observed that the revised dwelling will result in a 25% increase in volume, whereas officer's calculations show the increase to be slightly less than 15%. Notwithstanding, the figures the change in visual impact will be minimal and therefore not contrary to Policy DP32 of the Development Policies DPD.

5.15 Objectors have expressed concern that additional bedrooms will increase the need for additional parking space.

5.16 North Yorkshire County Council maximum parking standards limit four-bed dwellings to three parking spaces and three-bed dwellings to two spaces in rural areas. However, given the tight-knit nature of The Holme it is desirable to avoid the need for on-street parking it would be inappropriate to apply maximum standards in this instance. This approach is supported by the recently revised PPG13.

5.17 The revised layout provides comfortable parking and turning arrangements for two cars. Additional parking can be accommodated in-curtilage but additional parked cars will be unable to turn on-site. However, bearing in mind the quiet nature of The Holme, this arrangement and level of provision is considered to be acceptable and unlikely to cause conditions prejudicial to highway safety.

5.18 North Yorkshire County Council Highways have no objections to the proposal subject to standard conditions.

5.19 Elsewhere, the proposed layout continues to incorporate adequate levels of private amenity space.

5.20 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.

5.21 As the application site does not incorporate any public open space the developer would usually be required to enter into an s.106 agreement to pay a commuted lump sum of £2,651.36 for the shortfall in provision. However, given that the existing planning permission is extant until 5th August 2013 and that relatively minor amendments are proposed, it would be unreasonable to require a commuted sum to be paid.

5.22 The Parish Council and several neighbouring occupiers have objected to the application on the grounds that the Inspector required the previous planning permission to be carried out only in accordance with the approved plans and that approving this revised application would set a precedent for accepting further amendments.

5.23 S.38(6) of the Planning and Compensation Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination must be made in accordance with the plan unless material considerations indicate otherwise." Therefore every planning application must be judged on its own merits. Furthermore, granting planning permission for this revised application would not preclude the Council from determining future planning applications objectively.

5.24 In addition, the Inspectors' decision to condition the approved plans follows national guidance and recognised good practice and, again, does not give an indication that the previously approved development was the on limit of acceptability in terms of scale, design and siting.

SUMMARY

The principle of the proposed development is acceptable and the site specific issues, including visual impact, design, impact on neighbours and car parking provision. The proposal therefore accords with the aims and policies of the Hambleton Local Development Framework.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings entitled Elevations and Floorplans received by Hambleton District Council on the 16th January 2012 and block plan received by Hambleton District Council on the 7th December 2012, unless otherwise agreed in writing by the Local Planning Authority.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
5. Prior to commencement of development details of both new means of vehicular access and parking areas shall submitted to and approved in writing by the local planning authority. The details shall include drainage measures to prevent surface water discharging onto the public highway and a statement containing details of materials and construction methods to prevent damage to any existing trees close to the accesses. The new dwelling shall not be occupied until both new accesses have been constructed in accordance with the approved details.
6. There shall be no access or egress by any vehicle between the highway and the application site (except for the purpose of constructing the initial site access) until splays are provide giving clear visibility of 33m measured along both channel lines of The Holme from a point measured 2m down the centre line of both the accesses. The eye height will be 1.05m and the object height shall be 0.6m. Once

created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. The dwelling shall not be occupied until space has been laid out within the site in accordance with the block plan for cars to be parked. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development including protective fencing, areas for the storage of plant and materials or temporary accesses.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

10. The development shall not commence until the protective fencing referred to in condition 8 has been erected in accordance with the approved plans and no existing trees shall be topped, lopped, felled or uprooted, plant or materials stored or temporary accesses constructed other than in complete accordance with the plan approved by the local planning authority under condition 8 above.

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 the 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 be used until such time as the local planning authority agrees to their withdrawal.

12. 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.

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. 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 Hambleton Local Development Framework Policies CP17 and DP32.
3. 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 Hambleton Local Development Framework Policies CP17 and DP32.
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
5. In the interests of both vehicle and pedestrian safety and the visual amenity of the area.
6. In the interests of highway safety.
7. 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.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
9. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
10. To safeguard the visual amenity of neighbourhood by ensuring the retention of existing trees.
11. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. To ensure that the development is appropriate to environment in terms of amenity and drainage.



Appeal Decision

Site visit made on 12 July 2010

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
5 August 2010

Appeal Ref: APP/G2713/A/10/2123908

22 The Holme, Great Broughton, Middlesbrough, TS9 7HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R Davies against the decision of Hambleton District Council.
- The application Ref: 09/03988/FUL, dated 27 November 2009, was refused by notice dated 5 February 2010.
- The development proposed is a detached dwelling in part of garden.

Decision

1. I allow the appeal, and grant planning permission for a detached dwelling in part of garden at 22 The Holme, Great Broughton, Middlesbrough, TS9 7HF in accordance with the terms of the application, Ref: 09/03988/FUL, dated 27 November 2009, subject to the conditions in the attached schedule.

Procedural matters

2. From the evidence before me it seems that the proposed dwelling would be outside Great Broughton Conservation Area (GBCA), but the proposed new access would be inside. I have dealt with the appeal on this basis.
3. I have also dealt with the appeal on the basis of the revised elevational drawing which shows a reduction in the height of the ridge and on the basis of the original 'catslide' dormer design, since this appears less bulky when viewed from the side, compared to the alternative dormer style shown. I understand that this was the drawing used by the Council in determining the planning application.

Main issue

4. Whether the proposal would preserve or enhance the character or appearance of GBCA.

Reasons

5. According to the evidence before me the appeal site is within the settlement limits as defined by Policy L1 of the LP¹, but outside the settlement limits as defined by the emerging Local Development Framework Allocations Development Plan Document (ADPD). At present the ADPD has not been adopted and so does not form part of the Council's Development Plan. As such, I have afforded it less weight in my decision than Policy L1 of the LP. I

¹ Adopted Hambleton District Wide Local Plan

am also mindful that there has been an objection from a neighbour to the change to this settlement limit.

6. The area surrounding the appeal site is diverse in character, with a mix of house styles and sizes, of varying ages. Importantly, I noted that development along this side of The Holme is not linear in character; there are a number of dwellings set back behind others in a similar manner to that proposed here. Indeed, a number of other existing dwellings and their curtilages extend further back towards open countryside than this would. A mature hedge exists at present along the western boundary of the appeal site and while some views of this would be lost from The Holme it would partially screen the proposed dwelling from the open land to the west.
7. The appeal site currently forms part of the garden area of No 22, a large detached 2 storey dwelling. The land rises up from the existing dwelling towards the appeal site and also in a southerly direction. Thus, the proposed dwelling would be sited at a higher level than No 22, but at a slightly lower level than No 28, an adjacent bungalow. While the proposal would result in the filling of a space, which has a 'green' backdrop at present, because of its setting within the context of other much larger dwellings and mature landscaping, I consider that the modest sized dormer bungalow would not appear overly large or dominant when viewed from The Holme. Indeed, it would blend in well with the surrounding development and preserve the character and appearance of GBCA.
8. The existing wide access would be moved slightly and made narrower. This would allow for meaningful planting between the two accesses and a small amount between the new access and the drive to No 28. Consequently, the proposal would result in the overall loss of very little landscaping along the street frontage. For these reasons I consider that the proposal would preserve the character and appearance of GBCA. It would accord with LP Policy L1 and the design objectives of CS² policies CP1, CP17, DP28 and DP32.
9. Regarding the concerns of local residents, I consider that the proposed dwelling and access would be sufficient distance from nearby dwellings to prevent any undue harm to living conditions. The increase in traffic that this modest dwelling would generate along The Holme would be unperceivable. In terms of the new access and visibility this could be controlled by planning conditions. Regarding wildlife, the site is currently a domestic lawn and I have no evidence before me to suggest that it is inhabited by any protected species. Drainage is dealt with by separate legislation. Protection could be afforded to the trees (close to the access), during construction, by imposing planning conditions.
10. In addition to the standard time condition I have imposed a number of conditions to ensure that the dwelling, the boundary treatment and the new landscaping preserves the character and appearance of GBCA. In particular conditions are necessary to afford protection to existing trees, as suggested by the appellant. I have also imposed a condition in respect of the new access drives and parking areas for highway safety reasons. A condition in relation to the approved plans is required to ensure that the proposal is built in accordance with these approved plans and in the interests of proper planning.

² Adopted Hambleton District Council Local Development Framework Core Strategy

A condition to prevent mud and dirt being taken onto The Holme during construction is necessary because of the informal nature of this road with no footpaths, but which is heavily used by pedestrians. I have substituted some of the Council's suggested conditions with model conditions from Circular 11/95 and amended others to accord with the requirements of this Circular.

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Louise Crosby

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 410 03, 410 02 A, 410 03A (with lower roof line and 'catslide' dormer).
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
- 5) Prior to commencement of development details of both new means of vehicular access and parking areas shall submitted to and approved in writing by the local planning authority. The details shall include drainage measures to prevent surface water discharging onto the public highway and a statement containing details of materials and construction methods to prevent damage to any existing trees close to the accesses. The new dwelling shall not be occupied until both new accesses have been constructed in accordance with the approved details.
- 6) There shall be no access or egress by any vehicle between the highway and the application site (except for the purpose of constructing the initial site access) until splays are provide giving clear visibility of 33m measured along both channel lines of The Holme from a point measured 2m down the centre line of both the accesses. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 7) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing No 02A for cars to be parked. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development including protective fencing, areas for the storage of plant and materials or temporary accesses.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons

following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- 10) The development shall not commence until the protective fencing referred to in condition 8 has been erected in accordance with the approved plans and no existing trees shall be topped, lopped, felled or uprooted, plant or materials stored or temporary accesses constructed other than in complete accordance with the plan approved by the local planning authority under condition 8 above.
- 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 the 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 be used until such time as the local planning authority agrees to their withdrawal.

7.

11/02644/FUL

**Revised application for the construction of a replacement dwelling.
at Arncliffe House Ingleby Arncliffe North Yorkshire DL6 3LX
for Mr Rick Birch.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site a plot of land adjacent to West View, where a previous house 'Rose Cottage' that was attached to West View has been demolished and a new house constructed.

The proposal is a revised scheme for a house previously approved on the site under application ref 03/01043/FUL and subsequent amendments. The house now proposed is almost complete

1.2 The 2003 proposal was a traditionally designed two storey house, offset from the neighbouring house West View, but linked to it with a garage (open ended) with first floor bedroom above. At the rear the house had a two storey rear wing, approximately 4 metres deep, and two dormers on the rear roof slope. The house was similar in height to West View.

1.3 As now proposed there is a single storey addition, approximately 6 metres long on the previously approved rear wing, there is a short gable projection on the south west side of the rear elevation, the roof is raised by approximately 1 metre above the height of the approved dwelling and an attic room with rear dormer is provided.

1.4 External materials are stone with a clay tile roof, as previously proposed.

1.5 The proposals indicates the site for a garage and attached covered sitting-out area located to a part of the garden to the rear of West View. Details are not included with this proposal.

1.5 To the south east the attached house is a two storey stone house of traditional type. To the north east of the house there is an access road to a modern two storey brick house at the rear, and a field behind the application site. Beyond the side road, to the north east the neighbouring property is a modern two storey brick house . Opposite there is a loose terrace of dwellings, with some variation of roof height.

2.0 RELEVANT PLANNING HISTORY

2.1 2/03/075/0106 - Construction of a dwellinghouse with domestic garage to replace existing dwelling. Permission granted 5/2/2004.

2.2 06/00376/FUL - Revised application for the construction of a dwelling and detached domestic garage. Permission granted 11.07.2006 (This proposal not implemented).

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
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design

4.0 CONSULTATION

4.1 Parish Council - Refused

Reasons:

1. Third storey higher than neighbouring cottage and other houses nearby.
2. Drive-through garage is slate not tile.
3. Bay windows and others do not match village properties.
4. Height and increased area unacceptable in this location on original village street. It will be the biggest property in the village.

Comment on design and access statement -

Not a 'farmhouse appearance' claimed on D and A statement - previous 2 bed cottage being replaced with much larger, 3 storey executive style house.

Not sympathetic to surroundings as claimed.

Concern that this development has gone so far before a fresh application is submitted, with limited scope for changes to be made.

4.2 Neighbours and site notice - several letters received.

4.3 Main objections are summarised as follows:

Bigger than previous cottage,

Too large for site.

Dominant in the streetscene

Concerns about retrospective nature of proposals.

Inappropriate windows.

Slate materials on garage roof.

Gates will not allow car to pull off road.

Query intrusion onto agricultural land.

4.4 Support:

Building impressive, fills the plot comfortably and has space for gardens etc. Will be an asset to the village.

An enhancement to village compared with the previous derelict cottage.

5.0 OBSERVATIONS

5.1 The proposal is a revision of a previously approved scheme, and is retrospective. The principle of a replacement dwelling in this secondary village remain acceptable and the issues to consider are the design of the proposed changes and their impact on the surroundings in the village street and on the amenities of neighbours.

5.2 With regard to design, on the front elevation the key difference is the raising of the roof which raises it above that of the neighbouring house West View. The result is a plainly taller dwelling but which on the front elevation at least retains the character of a two storey house, and results in a slightly steeper roof slope appropriate to traditional houses of this type. Due to the separation between this and West View, the additional height is not overbearing on West View. The proposed house retains a strong link with West View by its physical connection, and the traditional features of its design including its stone materials, water tabling with corbelling, and timber windows.

Due to these strong connections with the traditions of the locality, the house has a satisfactory appearance in the street scene.

5.3 Changes on the main rear elevation are more substantial and the design now presents an additional gable on the rear and a roof dormer, and the house will be more bulky as a result. The additional gable is fairly short at 1.4 metres deep, and again, the separation from West View helps to ensure that it does not overwhelm the property there to an unacceptable extent, and particularly as the stone work and design features are continued round the rear elevation, and the overall form of the rear roof elevations are acceptable.

5.4 The sun room addition extends out from the rear gable, and by virtue of its single storey nature, and its inconspicuous position it will form an acceptable continuation of the previously approved parts of the house. A design similar to this was previously approved as part of the 2006 scheme.

5.5 With regard to the amenities of neighbouring occupiers, the house as now proposed presents little change in outlook to neighbours compared with the approved details, with the exception of the triple window on the rear elevation giving access to a balcony which may give rise to feelings of being overlooked on the part of neighbouring occupiers.

It has been requested that this element be amended to conventional windows and the balcony be removed.

Neighbour comments

5.6 Retrospective development

Planning law gives scope for retrospective consent and such a proposal is submitted at the applicants own risk and should not inhibit the outcome of the application in any way. The Council has acted to ensure due process is followed and the application submitted.

5.7 Size and proportions

The house is larger than the West View, and than the previous cottage but as is noted above, provided that it is sufficiently well designed to nevertheless fit in with the local context, it may in any case be acceptable. In this case the stone materials, and the design detailing make strong reference to the traditions of the area, and the separation from the neighbouring house ensures that it is not visually overwhelming.

5.8 Windows details

The windows are very similar to those which have previously been approved, and the timber materials in particular will be a positive feature, in keeping with the stone materials. The bay windows are not seen on neighbouring properties but for a house that is set back from the frontage, the windows will not be obtrusive, and have the benefit of breaking up the otherwise extensive areas of stonework. They are as previously approved.

5.9 Roof materials

The slate roof on the covered way and sunroom does not directly match this or neighbouring houses, it is appropriately inconspicuous however, and not unprecedented in the village, and would not justify refusal on this account.

5.10 Curtilage issues

The domestic curtilage proposed matches that of previously approved dwellings, and appears to fit in with boundary lines further south east, beyond West View, and is lacking any definite evidence to the contrary, is considered to be an appropriate boundary.

5.11 Proposed garage

Details are not submitted of the proposed garage and provided it is made clear in the decision that this approval does not give consent for any garage, which would then be subject to the usual Permitted development rights restrictions, the interests of all parties will be protected.

5.12 Drive

The drive position is as previously approved and the positioning of any gates was not restricted. Concerns about traffic especially at school time are appreciated, however in this village location on a non classified road the access to the house can be managed safely, subject to the normal expectation of attentive driving.

SUMMARY

The proposal is revised is suitable in design for the surroundings and will not have a harmful effect on the amenities of neighbours and is able to comply with the above policies.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 03, 04, 05, 06 Rev A received by Hambleton District Council on 30 November 2011 unless otherwise agreed in writing by the Local Planning Authority.
3. Parts of the development not so far constructed shall be constructed in the same materials as those previously approved under application reference 03/01043/FUL.
4. 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
5. 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 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.
6. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
7. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities

have been constructed and brought into use in accordance with the details approved under condition above.

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. 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 Policy(ies) CP17 and DP32.
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 protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings and in accordance with Local Development Framework Policy CP1 and DP1.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings and in accordance with Local Development Framework Policy CP1 and DP1.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

8.

11/00522/FUL

**Conversion of existing detached garage to provide ancillary accommodation as amended by plans received by Hambleton District Council on 16 August 2011.
at Alladene Springwell Lane Northallerton North Yorkshire
for Miss S Ward.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for formation of ancillary accommodation within an existing detached garage at Alladene, Springwell Lane, Northallerton. The site is located to the west of Northallerton and to the north of Springwell Lane. Amended plans have been received on 16 August 2011 reducing the scale of accommodation provided.

1.2 The detached garage measuring approximately 15.5m by 7m wide is proposed to form an annex to the main house, to accommodate elderly relatives of the applicant. The garage is located approximately 40m north of the main detached dwelling.

1.3 The garage and main dwelling are both accessed from a driveway running along the eastern boundary of the site.

1.4 The existing garage doors to the southern elevation would be retained, with the proposed accommodation located to the northern portion of the structure.

1.5 The proposed conversion to ancillary accommodation would result in the formation of two bedrooms, bathroom, kitchenette, w/c and a living room.

1.6 The site is located outside of the Development Limits of Northallerton, approximately 0.7 miles to the west of the town centre. The building the subject of this application is about 190 metres from the Development Limits on Springwell Lane

2.0 RELEVANT PLANNING HISTORY

2.1 2/95/110/1077 - Outline application for the construction of a nursing home; Refused 1995.

2.2 04/00159/FUL - Construction of a detached garage and store; Granted 2004.

2.3 04/01556/FUL - Change of use from agricultural land to domestic use and construction of domestic garage and garden store; Granted 2004.

2.4 06/02541/FUL - Alterations an extension to existing detached domestic garage to form a dwelling; Refused 2006.

2.5 07/00097/FUL - Revised application for alterations and extension to existing detached domestic garage to form a dwelling; Refused 2007.

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 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 DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Northallerton Town Council -

- 1st Response: The Council wishes to see the application refused as they consider that the proposal 'does not conform to LDF policies'.

- 2nd Response: Awaited.

4.2 Neighbours notified and site notice posted; expires 28.01.12 - Response awaited.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the principle of the ancillary accommodation on site, the design and materials proposed for the alterations and any consequent visual impact on the surrounding area, together with the impact, if any, on adjacent residential amenity.

- Principle:

5.2 Ancillary accommodation is carefully scrutinised as to its relationship with a host property to safeguard against its misuse should the need for the use cease. There is concern that due to the range of facilities in the ancillary unit, the separation distance from the host dwelling, the arrangement of access and the private amenity space available that the proposal could be tantamount to a new dwelling.

5.3 The applicant has supplied supporting information justifying the scale and location of the accommodation in regard to LDF policies, highlighting its sustainable credentials. Amended plans have also been received on 16 August 2011 significantly reducing the level of accommodation put forward. The reasoning behind the proposed ancillary accommodation has been scrutinised and it is clear that the proposed use as ancillary accommodation for family members would represent a sustainable solution both in the short and longer term. The applicant highlights, in summary, that notwithstanding the amended plans and proposed use as ancillary accommodation to Alladene, the site is, albeit outside of development limits, approximately 0.7 miles to Northallerton Town Centre, when compared to the majority of the domicile area of the town lying to the eastern side of the High Street is an equivalent distance to the town centre, the proposal re-uses an existing building, the proposal is nearer and has a direct link to the town centre when compared to the York Trailers site.

5.4 The LDF policies strive to ensure that all forms of development are sustainably located in that they have access to local amenities without the reliance on the private car. It is clear that the ancillary accommodation would be positioned in an accessible location, and combining this along with a suitably worded condition linking the ancillary accommodation to the main dwelling at Alladene as one planning unit, the principle is considered acceptable.

- Impact on Neighbour/Visual Amenity:

5.5 Taking into account the extent of alteration required to the existing building, the site characteristics and the proximity of the garage to adjacent dwellings it is not considered that the proposal would raise any adverse neighbour or visual amenity issues.

- Conclusion:

5.6 Taking the above into account it is considered that the proposal accords with the policies of the Hambleton Local Development Framework. Hence this application is recommended for approval.

SUMMARY

The proposed development would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area. The proposal accords with the policies set out in the Local Development Framework and is therefore considered acceptable.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings received by Hambleton District Council on 16 August 2011 unless otherwise agreed in writing by the Local Planning Authority.
3. The accommodation hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling known as Alladene, Springwell Lane, Northallerton, DL7 8UR; shall form and shall remain part of the curtilage of the main dwelling as a single planning unit; and shall be used as living accommodation only by members of the family, or the occupiers, of the main dwelling.

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. 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 Policy(ies) CP1, CP4, CP16, CP17, DP1, DP30 and DP32.

3. In order to ensure that the accommodation remains as an annex to the dwelling so as not to breach the provision of the development plan policies CP4.

Rudby

Committee Date : 2 February 2012
Officer dealing : Mrs B Robinson
Target Date: 9 January 2012

9.

11/02472/FUL

Change of use of land from agricultural to equestrian and construction of a stable block at Land East Of Leven Valley Farm And South Of South View Hutton Rudby North Yorkshire for Mr R Readman.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a field of approximately 2.6 ha in area located, on the north side of the River Leven, to the west of the bridge. It is in pasture, and has hedged boundaries. The access is by a track which is also a public bridle way, and which serves properties beyond the site, to the west. The track is lined with trees. There is a field gate from the road, on the north east corner, and from the track, towards the north-west corner. To the north of the site there is a row of two storey houses, on slightly higher land, at South View. There is a residential property Leven Valley on the west side of the site. The site is within Hutton Rudby Conservation Area.

1.2 The proposal is an L shape stable building, maximum dimensions 14.9 metres x 8.5 metres with 4 loose boxes and a tack room indicated. The stable is located close to the north boundary, towards the north east corner, and accessed by the existing field gate nearby. The exterior is stained timber boarding, with felt shingles to the roof. The use of the field for equestrian purposes is included with the application. The stables are intended for family use, with no commercial operations of any sort. Amended plans indicate an informal hardstanding inside the gate, to accommodate parking and turning.

2.0 RELEVANT PLANNING HISTORY

2.1 None.

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
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP28 - Conservation
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- Hutton Rudby Village Design Statement

4.0 CONSULTATIONS

4.1 Parish Council - The Council wish to see approved with conditions. The land be used for agricultural and equestrian purposes only and not for domestic purposes. There is concern about the access on the narrow lane and the Council would like to request a site visit from the Committee. The Council would like it demonstrated that good visibility can be achieved at the access.

4.1 Environment Agency - note position in area of medium flood risk, suggest flood warning alerts.

4.2 Highways - (initial request for more information)

4.3 Neighbours and site notice. Observations received from several neighbouring occupiers. The main concerns are summarised as follows:-

Detrimental to natural beauty in a sensitive location,

Stable and hardstanding and vehicles unsightly.

Nuisance arising from horse manure, possible vermin.

Visibility from public right of way nearby, especially from vantage of (high level) footpath south of the river.

Precedent for more intensive use, commercial riding or house proposal.

Highway issues – track narrow, obstruction of track, potential use of church car park, harm to road safety.

Will encourage existing unsuitable activities on the field, barbeques, quad biking and fishing club events

Too close to neighbours.

5.0 OBSERVATIONS

5.1 The site is outside the settlement limits of Hutton Rudby, and is in the open area alongside the River Leven, which forms a break between the main settlement of Hutton Rudby and the further parts of the village located on the Rudby Bank side.

The main issues will therefore be the suitability of the site against the policy principles of CP1 and CP2 and exceptions allowed under CP4, the impact on the Conservation Area surroundings (CP16 and DP28), the amenities of neighbouring residents (CP1 and DP1), and the Hutton Rudby Village Design Statement, together with any highway safety issues.

5.2 Policy principles

In relation to the principle of the use; as an equestrian related activity, the use is by its nature one that cannot take place within settlement limits and can be considered as an exception to CP4, where it will support a sustainable rural economy.

5.3 The site is an agricultural field forming a gap between two existing parts of one settlement and is isolated by residential development to the north and on the west side, and by the river to the south, from neighbouring agricultural land. It does not lend itself easily to other than pastoral agricultural uses. The existing agricultural use is limited to grazing and the field is not part of a larger agricultural enterprise, and is reported to have been let out on a casual basis only for sheep grazing.

5.4 In this context the principle of horse related activity will be an appropriate alternative to agricultural use, and whilst not itself a business use, it will in practise contribute to the wider rural economy by its demand for specifically agricultural supplies such as feed and bedding, and other specialist services appropriate to a rural area. Any harm to the principles of CP1 and CP4 is thus considered to be very limited, and the activity proposed can be considered against other relevant policies of the Local Plan.

5.5 The location in very close proximity to a service village where there is scope to combine journeys with other activity and the use is considered to minimise the need to travel in accordance with CP2.

5.6 Visual Impact

The field is very publicly visible and it has an important role in the local setting of this part of the village, alongside the river and wooded bank to the south, and the church and other woody areas amongst the residential uses to the north. It thus forms an important open area and it is thus necessary to assess whether the use of the field for equestrian activity and the proposed stable building would cause unacceptable harm to the amenities of the surroundings.

5.7 The field is moderately large, and its topography has a rolling character which screens the western parts from the road, and the proposed stable will be not be visible from this direction. The building is clad in timber which will help it blend into the immediate surroundings, particularly against the background of trees along the access track, which will also help screen it from that direction. From the south, views between the trees on footpaths on the south side of the river will be of the timber stable against the background of trees, and particularly in the context of the much more prominent houses on South View, it will not be obtrusive.

5.8 For neighbouring occupiers at Leven Valley, the proposed stable building will be a moderately distant (approximately 60 metres from the house) and although activity there will be visible it is sufficiently distant not to be unacceptably intrusive. From South View, the stable and its associated activity will benefit from tree screening along the track.

5.9 Overall therefore the visual impact of the stable building will not be unacceptably obtrusive in the public realm, or on the outlook of neighbours.

5.10 With regard to equestrian activity in the field, the turning out of horses on the land will not have any adverse visual effect, particularly as the field appears broadly large enough (6.5 acres) to accommodate the likely number of animals utilising the stables, without harm to its appearance. There is potential for ancillary activity in the field such as internal subdivision or training/jumping equipment, to be visually intrusive and the applicant has confirmed that they are willing to accept controls over these matters.

5.11 The impact of equestrian activity on the amenity of neighbours will be limited by its domestic character, ie limited in extent compared, say, to a commercial riding establishment, and can reasonably be considered compatible with the domestic amenity of neighbouring residents.

5.12 Access and Highway safety

The proposal indicates use of the western field access where there will not be any effects on the main road. As amended the proposal includes a firm standing for vehicles off the road, which will ensure the lane is not blocked. The highway authority view of access is awaited, however in the interim it may be assumed that there is every likelihood that a suitable access and parking arrangement can be achieved.

Concerns of neighbours

5.13 Visual impact – concerns about the appearance of the stable are addressed above, and due to the proposed natural timber materials and the location against an existing hedge/trees, the building will not be unacceptably intrusive.

5.14 Nuisance arising – controls can be exercised over the storage of manure to ensure that it is not a nuisance to neighbours.

5.15 Residential amenity – there is potential for equestrian activity close to the boundary of neighbouring houses, however as has been discussed the level and intensity of the use is unlikely to be such as to significantly impact on the amenities of neighbouring occupiers.

5.16 Harm to the local setting – it is readily agreed that this field is part of an important and sensitive space in the middle of this part of the village, however as has been noted above, the proposed stable will not be so harmful as to significantly change the character of the space, and particularly subject to specific controls over ancillary matters, which can be ensured by condition, the result will be to maintain the character of the Conservation Area in this vicinity.

5.17 Precedent – the nature of the equestrian use is personal/hobby type and can be controlled by condition to ensure that more intensive or widespread use does not occur. New buildings or surfaced riding arenas would need planning consent and can thus be controlled as required.

5.18 Previous/other uses – occasional use of the field for barbeque or quad biking purposes are likely not to need planning consent in any event, as the General Permitted Development Order allows temporary uses of land and any more intensive use of this nature can be investigated as necessary.

5.19 Road safety – assuming that the arrangements for access and off road parking are confirmed to be satisfactory, the proposal will not give rise to a traffic hazard.

SUMMARY

The development is an appropriate rural use that subject to conditions, will maintain the character of the Conservation Area and will not have a harmful effect on the rural amenities of the surroundings or on the residential amenities of neighbouring occupiers and is able to comply with the above policies.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 11/49/01, dwg no. 04 received by Hambleton District Council on 14 November and 20 November 2011 unless otherwise agreed in writing by the Local Planning Authority.
3. There shall be no burning of manure on site and no storage of manure within 50 metres of any dwelling.
4. The use of the stables and land hereby approved shall be solely for the private and personal equestrian use of the applicant's family and not for any commercial activity.
5. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' there shall be no structures or

fencing of any sort erected on the land without the consent in writing of the Local Planning Authority.

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. 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 Policy(ies) DP32.
3. In the interests of the amenities of neighbouring occupiers.
4. To enable the Local Planning Authority to assess the impact of any other use, in accordance with the policies of the Local Development Framework.
5. In the interests of the open character of the countryside, in accordance with Local Development Framework Policy CP16, DP 30.

10.

11/01930/FUL

Demolition of 4 existing poultry sheds, construction of 4 new poultry sheds (phase 1) and three new poultry sheds (phase 2) with associated equipment and a balancing pond. at Mowbray House Sandhutton Lane Carlton Miniott North Yorkshire for Mr John McPhillips.

1.0 PROPOSALS AND SITE DESCRIPTION

1.1 Full planning permission is sought for the construction of four new poultry sheds in phase one and three new poultry sheds in phase two of the development. Four existing poultry sheds will be demolished prior to the commencement of phase two.

1.2 Mowbray Farm is a broiler poultry farm that grows chickens for a variety of food processing purposes including the supply of whole birds and birds for prepared meals. The application site measures 3.6ha and is currently occupied by four poultry sheds each measuring 116m x 11m, a farm workers dwelling, a small number of sheds used for equipment, an office and a large paddock/garden area.

1.3 The site was constructed approximately 30 years ago and has a capacity of approximately 105,000 broilers. The broilers are reared from day old chicks to approximately 39-45 days old. The birds are housed on a 35 – 40 day cycle with a 4 – 5 day clean out process. This allows for a throughput of around 7 batches per annum.

1.4 The site is operational although the existing poultry sheds are no longer suitable for modern day requirements. Consequently, the proposed development is required to bring the unit in line with Environment Agency requirements to achieve Best Available Techniques (BAT). Although the existing farm workers dwelling and site office will be retained.

1.5 The proposed poultry sheds measure approximately 23.2m x 103.7m, with an eaves height of 2.5m and a ridge height of 5.6m. The proposed buildings will be clad with profiled steel sheeting coloured "Merlin Grey". The total floorspace to be created by the development is 16,913 sqm. This means that the total unit will be stocked with approximately 190,000 chicks.

1.6 The proposed buildings are identical and will have 6.87m high feed silos. The ventilation system will consist of a computer-controlled mechanical ventilation system, featuring side inlets, air extractor chimneys in the roofs and gable end fans for back up in hot weather.

1.7 In terms of renewable energy, it is proposed to install 360 sqm of solar panels across three of the buildings. The panels will be 1.62m x 0.98m and will be arranged in 3 rows of 4 panels.

1.8 The development is a Schedule 1 development, whereby an Environmental Assessment is required because of risk of significant environmental effects related to

the development. To this end, an Environmental Statement has been submitted with the application.

1.9 The site lies approximately 3.7km due South West of Thirsk. Access to the site is off an unclassified road which in turn leads directly onto the A167 and the A61. There are two existing access points onto the site which will continue to be used when the site has been expanded. The accesses are both located on the Southern boundary and are directly off the public highway. One access is used for the dwelling with the other access used for all traffic into the poultry buildings.

1.10 The surrounding landscape contains a scattering of farm buildings and open farmland.

2.0 RELEVANT PLANNING HISTORY

2.1 10/01341/SCR – Request for a Scoping Opinion under the Environmental Impact Assessment Regulations in relation to the construction of a broiler chicken unit (Scoping Opinion Issued on 30.06.2010).

3.0 RELEVANT PLANNING POLICIES:

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

- PPS1 - Delivering Sustainable Development 2005
- PPS7 - Sustainable Development in Rural Areas
- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- 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
- Development Policies DP3 - Site accessibility
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP25 - Rural employment
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
- Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Sandhutton Parish Council - No objection to the construction of sheds but has the following concerns:-

4.2 Impact on traffic – at present traffic, especially industrial/commercial/public, is seriously impeded at the junction of the A167 and Sandhutton Lane mainly by parked vehicles. As, inevitably, the amount of traffic will increase with the new development the impact on the lane will be significant. Will planning support road management/control in Sandhutton village? It would also be helpful to know the size and number of vehicles that would use the new facilities.

4.3 Safety – apart from the state of the road surface concern was expressed at the proximity of the proposed reception/entrance area to the blind bend from Sandhutton village. It was also felt that a guarantee of effective drainage for effluent overflow should be required to reassure road users. At present the width of the lane

forces vehicles, when passing or turning to mount the verge; this causes mud spread onto the road surface, standing puddles, and broken tree branches that become a hazard to cars/vans.

4.4 Movement – as the materials to be removed might contain unwholesome items the Council felt it would be helpful to know the proposed time periods for the movement of materials from and to the site and the routes to be taken.

4.5 Environment – what conditions will the Planning Department require/enforce to ensure environmental conditions are not harmed or rights of way affected?

NYCC Highway Authority

4.6 No objections subject to conditions.

Environmental Health Officer

4.7 The Environmental Health Department has considered the application and reviewed the history of the site, there is no history of complaints and the department has no observations or objections to make regarding this application. The environmental report submitted with the application acknowledges the requirement to apply for and operate the site under an Environmental Permit from the Environment Agency.

Environment Agency

4.8 The proposed development will only be acceptable if the measures detailed in the Flood Risk Assessment by Geoff Beel Consultancy dated October 2010 and chapter 6.3 of the Environmental Statement by Acorus dated December 2010, submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Yorkshire Water

4.9 Confirmed no comments.

The Ramblers Association

4.10 Not objection in principle. There is a bridleway immediately North-West of the application site which is not separated from the development by any boundary fence/hedge. Access to the future site will be from Sandhutton Lane. There is evidence that access from the bridleway is a common practice. The Ramblers Association have asked that the proposed infilling of gaps in any hedgerow by shrubs etc be made more specific for the bridleway site interface. A hedgerow / trees be used to limit visibility to what will always be a non-rural vista.

Natural England

4.11 The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. Natural England would recommend that the mitigation measures outlined in Section 10 of the Extended Phase I Habitat Survey for Proposed New Poultry Houses, Mowbray Farm, Sandhutton are secured by means of an appropriate planning condition.

Internal Drainage Board

4.12 The site lies entirely within the River Wiske IDB and is served by Dow Dike Stell to the east (which is an adopted watercourse of the River Wiske IDB) and an unadopted farm ditch (partly culverted) along the northern boundary. The Board maintains a byelaw strip 9m in width from the bank top of Dow Dike Stell for maintenance. The Board will not permit any development within the byelaw strip and any works therein will require Consent from the Board under the Board's Byelaws. Any structures such as bridges culverts or outfalls affecting watercourses within the drainage district forming part of the development will require formal consent from the Board under s23 Land Drainage Act 1991. The Board will not permit any increase in run-off as a result of the development because of the risk in increase in flood risk. Therefore the Greenfield run-off rate is prescribed at 1.4l/s/ha of newly developed area (1.484ha). Therefore the flow control will need to be set at (1.484×1.4) 2.08 litres per second which is somewhat lower than the calculations in the EIA.

Publicity

4.6 A site notice was erected close to the application site and neighbouring occupiers were consulted in writing. The period for replies expired on 28.10.11. No replies were received.

5.0 OBSERVATIONS

5.1 The main issues for consideration in the determination of this application relate to the principle of the development, landscape and visual impact, pollution and impact on neighbours, ecology, drainage and flood risk, energy efficiency and highway impacts.

Principle

5.2 Planning Policy Statement 4: Sustainable Development in Rural Areas emphasises that the planning system has an important role in supporting and facilitating development and land uses which enable those who earn a living from, and help to maintain and manage the countryside, to continue to do so.

5.3 PPS4 also encourages local planning authorities to support development proposals that will enable farming and farmers to become more competitive, sustainable and environmentally friendly and adapt to new and changing markets.

5.4 Policy CP4 of the Core Strategy stipulates that development in the open countryside will only be supported when an exceptional case can be made and when inter alia "it is necessary to meet the needs of farming...and will help to support a sustainable rural economy."

5.5 Policy DP26 of the Development Policies DPD states that agriculture will be supported...by measures that include inter alia ii) promotion of sustainable forms of agriculture which include environmentally sensitive, organic, and locally distinctive food production and iv) guiding development of new agricultural buildings...to locations which are sensitive to their environment.

5.6 The proposed development is considered to facilitate sustainable development that supports traditional land-based activities and is therefore considered to comply with the aims and objectives of PPS7, Policy CP4 and DP26.

Landscape & Visual Impact

5.7 Policy DP30 of the Development Policies DPD states that “throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.”

5.8 A Landscape Assessment has been undertaken and is incorporated within the Environmental Statement. The landscape assessment considers the potential effects of redeveloping the broiler unit on the landscape character and visual amenity of the locality.

5.9 Mowbray Farm is situated within a generally flat landscape where visibility of limited by hedges and hedgerows trees. The existing farm is only directly visible from off Sandhutton Lane by the farm entrance and through a gap in the hedge used as an old field access to the west of the access to Mowbray Farm.

5.10 The existing farm buildings are visible from Carr Lane directly north of the farm, as there is no hedgerow and there is open access to the bridleway for the length of the buildings. Visual receptors are limited to users of the Carr Lane bridleway when passing to the north of the farm and to users of Sandhutton Lane when passing the farm to the south.

5.11 Proposed mitigation involves infilling gaps in the boundary hedges, particularly the gap caused by the now unused field access. Hedgerow shrubs will comprise of native woody species based on hawthorn, blackthorn and field maple, with occasional hedgerow trees of oak and ash reflecting the existing hedgerows. It is also proposed to establish an area of woodland to the west of the site, which will add to the existing natural screen surrounding the site.

5.12 Subject to implementation of the mitigation identified within the Environmental Statement, it is considered that redevelopment of the broiler unit with modern large scale agricultural buildings will not have a detrimental impact on the local landscape.

5.13 Finally, the application site is not located near to any Statutory National, Regional or Local Landscape Designations.

Pollution & Impact on Neighbours

5.14 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, vibration and daylight.

5.15 In terms of residential amenity, the nearest residential dwelling (Parkland Grange) is located approximately 390m away from the application site to the south east. Two dwellings (Minuette and Stone Cross) stand a further 200m to the east. All of these dwellings appear to be linked to agricultural operations.

5.16 The submitted Environmental Statement contains a section on “Airborne Pollution” which examines odours, dust concentrations and emissions, flies, vermin and noise.

5.17 In terms of odour, only Mowbray Farm Bungalow occupied by the farm manager will be above the 4 OUE/m² (European odour units per cubic metre of air) guidelines with all other nearby residential buildings being below the 4 OUE/m³ level. As most

dwellings would be under 4 OUe/m³ odour from Mowbray Farm would rarely be detectable at any of the nearby receptors.

5.18 Evidence indicates that annual average concentrations of poultry dust are not expected at distances exceeding 100 m from the source. Thus, only properties situated very close to a poultry building are in danger of exceeding either the EU and UK regulations on dust concentrations in air, or the tolerance threshold values for dust deposition. In addition, the existing and proposed landscaping surrounding the site will help to contain dust to within the application site.

5.19 Flies are not a problem on a well managed and hygienically run broiler site. This applies to the proposed development as broiler litter is not a breeding ground for flies during the broiler's life and no dirty litter will be stored on the site

5.20 Routine baiting and a well constructed site will ensure that there will be no risk of the broiler site becoming a breeding ground for rats or mice. The existing unit has already in place a routine baiting arrangement with an accredited local company and this will continue with the expanded unit.

5.21 There are a number of sources of noise in a broiler unit, including ventilation fans, lorries and other vehicles. The new sheds will have significantly improved ventilation fans, most of which are contained within cowls directed upwards. In addition the noise of feed being blown into the bulk bins might occasionally be heard.

5.22 The noise of lorries and other vehicles may be heard in the vicinity, however the average number of vehicle movements will be low at approximately 16 per week. The variety of vehicle types, loads and therefore starting points/destinations mean that movements will be distributed fairly quickly on leaving the unit. Given the standard of road the level of traffic indicated will not cause any noticeable changes in impact.

5.23 As a consequence, residential amenity will not be compromised as a result of the proposed development.

Ecology

5.24 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'.

5.25 Phase 1 Habitat Survey and Assessment has been undertaken and is contained at Appendix 4 of the ES.

5.26 The main impact of the development is the permanent loss of a section of hedgerow and mature trees between the existing site and the new. There will also be a loss of an area of arable and improved grassland, but these areas are of limited ecological value. Consequently the magnitude of the long term impacts is low and its significance is considered negligible.

5.27 The short term impact of the development during clearance and construction works is likely to be more severe, if only because of the disturbance to animals, especially birds and bats, but possibly also to badgers and reptiles that may be present. Most of these species are likely to be found along the site margins.

Mitigation measures have been proposed to identify and protect the most vulnerable species and to minimize the detrimental effects on their habitat.

5.28 A number of mitigation measures are proposed within the Phase 1 Habitat Survey and Assessment including the delivery of a Construction Ecological Management Plan (CEMP), management of hedgerows, installation of bird nesting boxes and bat boxes, lighting being directed away from the existing mature trees and low intensity lighting. A condition should be attached to any planning permission to ensure that these mitigation measures are carried out in full.

5.29 In terms of further surveys, a detailed check of the mature trees and hedgerows should be undertaken immediately prior to removal to confirm the absence of roosting bats and nesting birds (if performed during the nesting season).

Drainage & Flood Risk

5.30 The Internal Drainage Board have expressed concern about the level of surface water run-off. Consequently, it will be important to ensure that an appropriate method of discharging surface water is implemented. A condition should be imposed that requires the approval of such details.

5.31 A Flood Risk Assessment has been prepared separately and is contained at Appendix 8 of the Environmental Statement. This concludes that given the location in Zone 1 and water disposal proposed flood risk is not an issue of significance.

Energy Efficiency

5.32 Policy DP34 requires all developments above 1000 sq m or 10 units or more to show that they have addressed sustainable energy issues, by reference to accredited assessment schemes and in the case of commercial developments must undertake an energy assessment and consider the feasibility of incorporating CHP schemes. Additionally there is a requirement that at least 10% of their energy requirements are from onsite renewable energy generation or otherwise demonstrate similar energy savings through design measures.

5.33 The application states that solar panels will be included within the fabric of the buildings. However, no detail has been supplied to show that this will meet 10% of the energy requirements of the buildings. Consequently, it is recommended that a suitably worded condition be applied in order to secure a detailed scheme for onsite renewable energy generation.

Highway Impacts

5.34 The Parish Council has expressed concern about the level of traffic, the times of vehicle movements and visibility of the A167 and Sandhutton Lane junction.

5.35 As detailed within paragraph 5.27 of this report, the anticipated level of vehicle movements is low at 15.7 per week. Typically bird removal takes place from 23.00 – 19.00, feed delivery 7.00 – 18.00 and litter removal 6.30 – 17.00. Given the standard of road the level of traffic indicated will not cause any noticeable changes in impact.

5.36 The Local Highway Authority has considered the application and has raised no objections to the level of traffic movements or the safety of the access arrangements or the safety of other junctions within the vicinity. Consequently, the

proposed development is considered to comply with policies DP3 and DP4 of the Development Policies DPD.

SUMMARY

The principle of the proposed development is acceptable and the site specific issues, including landscape and visual impact, pollution and the impact of neighbouring residents, ecology, drainage, and flood risk, energy efficiency and highway impacts. The proposal therefore accords with the aims and policies of the Hambleton Local Development Framework.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be

GRANTED subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 100-03 Rev.A, 200-01, 200-02, 200-03, 200-04 and 200-05 Rev.A received by Hambleton District Council on 5 September 2011 unless otherwise agreed in writing by the Local Planning Authority.
3. Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 percent of the buildings energy demand shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.
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. The approved landscaping scheme shall make provision for the infilling of hedgerows surrounding the application site. 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.
5. The use of the building shall not be commenced until the external surfaces have been finished in accordance with a colour scheme to be approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.
6. The development hereby approved shall not be commenced until details of surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved drainage scheme shall be implemented and maintained in accordance with the approved details.

7. Notwithstanding details hereby approved, no development shall begin until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted and submitted to and approved in writing by the Local Planning Authority. The habitat management and enhancement plan shall include a construction ecological management plan (CEMP) and make provision for the management of hedgerows, the installation of bird nesting boxes and bat boxes and ensure that lighting is low intensity and directed away from the existing mature trees on site. Thereafter, the approved management plan shall be implemented and maintained in accordance with the approved details.

8. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Geoff Beel Consultancy dated October 2010 and chapter 6.3 of the Environmental statement by Acorus dated December 2010 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off to 3.67l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provision of 1,567m³ attenuation storage on the site.
3. Finished floor levels are set no lower than 28.2m above Ordnance Datum (AOD).

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 in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference Proposed Plan 200-03). Once created these 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 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 existing western access shall be improved by providing 10 metre radius kerbs, to give a minimum carriageway width of 6 metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number E7VAR; and
- (b) Any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 in consultation with the Highway Authority agrees in writing to their withdrawal.

13. 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:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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. 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 CP16, CP17, DP30 and DP33.
3. In order to minimise energy demand, improve energy efficiency and promote energy generated from renewable resources in accordance with policy DP34 of the Hambleton Local Development Framework.
4. 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 CP16, CP17, DP30 and DP33.
5. 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.
6. In order to avoid the flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43

7. To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework and guidance contained within ODPM Circular 06/2005.
8. 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. 2. To prevent flooding elsewhere by ensuring that attenuation storage of surface water is provided. 3. To reduce the risk and impact of flooding on the proposed development and future occupants.
9. In the interests of highway safety.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with Policy 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.
12. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Stillington

Committee Date : 2 February 2012
Officer dealing : Mrs H M Laws
Target Date: 25 November 2011

11.

11/02121/FUL

Revised application for the change of use of woodland to a burial ground and formation of a of new vehicular access as amended by plan received by Hambleton District Council on 10 November 2011.

**at Big Ings Wood Green Lane Blackwoods Stillington
for Mrs H Lamborn.**

1.0 PROPOSAL & SITE DESCRIPTION

1.1 Members have now had the opportunity to visit the site, which is located to the north and east of Green Lane some 450 metres to the south of the road between Easingwold and Stillington. To the west of the site over the lane is a caravan site with dwelling. Other than this the site is surrounded by open fields. The 8.6 hectare site is a largely coniferous wood with a 600 metre frontage to Green Lane with two existing accesses.

1.2 A scheme of restoration of the woodland by means of phased felling and replanting is to be undertaken. It is proposed to use an area at the northern end of the site of 0.8 hectares (almost 2 acres) as a woodland burial ground. No total number of burials has been provided although it is anticipated that over time it is likely to be 500-600 per acre. The amount of usable space between the parking area and land excluded due to its proximity to a drainage ditch, retains an area of approximately 4550sqm (just over 1 acre) for burials.

1.3 It is proposed to create a new access from Green Lane into the woodland at the north western corner of the site. A car parking area is proposed along the western boundary proposing a total of 21 spaces including 3 disabled spaces and one for a larger vehicle. The access is to be formed with hardcore with rubber 'grow through' matting for the parking area. Daytime access only is proposed with locked gates allowing restricted access. The use will lead to employment for a full time manager with other work such as grave digging and maintenance contracted out as required.

1.4 The applicant intends no more than 6 burials each month although due to the forward sale of plots it is difficult to predict this number accurately. No markers or ornaments are proposed, which is in keeping with the natural burial theme of the site. It is intended to manage the site by means of a not-for-profit organisation, responsible for the sale of plots and the maintenance of the site.

1.5 The applicant's intention is to construct buildings on the site in the future that would be the subject of future planning applications, to provide compostible toilet facilities, shelters and a place within which a group could gather. No details are provided but the intention is to use wood from the woodland and construct structures sympathetic to the surroundings.

1.6 The site lies within Flood Zone 1, the area of lowest risk. A flood risk assessment has been submitted.

2.0 PLANNING HISTORY

2.1 2/93/141/195 – Formation of a duck flight pond. Permission granted 2/8/1993.

2.2 2/93/141/206 – Outline application for the construction of a forestry workers bungalow with domestic garage. Permission refused 7/1/1994 due to lack of justification.

2.3 06/01684/FUL - Change of use of agricultural land for the construction of 30 holiday cabins, 1 owners accommodation, a detached domestic garage, a reception/shop building and associated car parking. Permission refused 7/11/2006 for the following reasons:

1. The proposed 30 holiday cabins and associated building would be contrary to Policy TO1 of the Hambleton District Wide Local Plan as the scale would not sensitively relate to the surroundings, the proposal would have an adverse impact on the amenity of local residents by virtue of the noise and activities, the traffic generated would not be able to be satisfactorily accommodated on the local highway network.

2. The proposed dwelling would be contrary to Policy H23 of the Hambleton District Wide Local Plan as no justification has been submitted for the owners dwelling outside any Development Limits. The sustainability of the residential development proposed on such an isolated location outside defined development limits and unrelated to any local shopping, educational, public transport or social facilities is considered to be directly contrary to the policies and guiding principles within the Hambleton District-Wide Local Plan and national advice as set out in Planning Policy Statements 1 and 7.

3. The proposals would be contrary to Policy L2 and L9 of the Hambleton District Wide Local Plan as they would have an adverse impact on the visual amenity of the countryside and would not safeguard existing landscape features by virtue of the buildings proposed and the loss of the trees on the site.

4. The Local Planning Authority considers that the public highway leading to the site is of insufficient width to accommodate the increase in traffic, without serious damage to the carriageway and verges of the highway and loss in amenity value and insufficient width to enable widening within the highway throughout its length and to avoid damage to grass verges.

5. The Local Planning Authority considers that clear visibility of 70 metres cannot be achieved along the public highway in a southerly direction from a point 2.4 metres from the carriageway edge measured down the centre line of the southern minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety.

6. In the absence of information to demonstrate that the proposals would not have an adverse effect on legally protected species the proposals are contrary to Policy NC1 of the Hambleton District Wide Local Plan.

2.4 07/01226/FUL - Revised application for a change of use of agricultural land for the construction of 12 holiday cabins, 1 reception/shop, associated car parking and creation of a new vehicular access. Permission refused 31/7/2007 for the following reasons:

1. The proposed 12 holiday cabins and associated building would be contrary to Policy TO1 of the Hambleton District Wide Local Plan and CP15 of the Local Development Framework as the scale would not sensitively relate to the surroundings, the proposal would have an adverse impact on the amenity of local residents by virtue of the noise and activities, the traffic generated would not be able to be satisfactorily accommodated on the local highway network.

2. The sustainability of the development proposed on such an isolated location outside defined development limits and unrelated to any local shopping, public

transport or social facilities is considered to be directly contrary to the policies and guiding principles within the Hambleton District-Wide Local Plan, Local Development Framework CP1 and national advice as set out in Planning Policy Statements 1 and 7.

3. The proposals would be contrary to Policy L2 and L9 of the Hambleton District Wide Local Plan as they would have an adverse impact on the visual amenity of the countryside and would not safeguard existing landscape features by virtue of the buildings proposed and the loss of the trees on the site.

4. The Local Planning Authority considers that the public highway leading to the site is of insufficient width to accommodate the increase in traffic, without damage to the carriageway and verges of the highway and loss in amenity value. The Highway is of insufficient width to enable widening within the highway throughout its length and to avoid damage to grass verges.

5. In the absence of information to demonstrate that the proposals would not have an adverse effect on legally protected species the proposals are contrary to Policy NC1 of the Hambleton District Wide Local Plan and CP16 of the Local Development Framework.

An appeal against this decision was dismissed on 20/8/2008.

2.5 11/00428/FUL - Proposed creation of natural woodland burial site. Permission refused 11/4/2011 for the following reasons:

1. The proposed development is contrary to Local Development Framework Policies CP1, CP2, CP4, DP3 and DP9. No exceptional case has been made for the development to be located in an unsustainable location. The site is not located within or adjacent to an existing sustainable settlement therefore will increase the need for travel, especially by car.

2. The development is contrary to Local Development Framework Policies CP15 and DP25, which supports rural employment development if the use is not capable of being within Development Limits and would help support the local economy. There is no evidence to suggest that the proposed use cannot be located within or immediately adjoining a settlement with Development Limits and no business case has been provided to demonstrate that it would sustain the rural community.

3. In the absence of a flood risk assessment as the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed the proposal is contrary to Local Development Framework Policies CP21 and DP43 and the advice within PPS25.

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 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 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 DP9 - Development outside Development Limits

Development Policies DP25 - Rural employment

Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
Planning Policy Statement 4: Planning for Sustainable Economic Growth
PPS7 - Sustainable Development in Rural Areas
PPS25 - Development and Flood Risk 2006

4.0 CONSULTATIONS

4.1 Parish Council – wishes to see the application refused for the following reasons:

1. The proposed 1880 burial plots would infringe the groundwater directives. A ditch follows the edge of the woodland and the car park would keep the bodies only 30 metres from this as required but the mid point of the site is only 80 metres from the ditch and we have no knowledge of the drains in the area. Further investigation is needed to ensure that there will be no environmental problems in the future;
2. Further information is needed regarding the surface of the footpaths and the access to the site between burials;
3. What arrangements will be made to secure a legal agreement for the long term management of the site?

4.2 NYCC Highways Dept – no objections subject to several conditions. I believe that there are no TRICS traffic generation figures for such a development but I have looked at a number of similar applications from around the country. Based on this I anticipate that the likely traffic generation would be as follows:

- Each funeral would generate approximately 10 vehicle movements.
- Visitors to the site may generate 6 vehicle movements per day.
- Caretaker/groundsman 2 vehicle movements per day.

These are average values, not absolute, and clearly this number can fluctuate from day to day but in overall terms, the anticipated traffic generation is small. Given this, I do not consider it would be appropriate to limit the daily number of burials on highways grounds only, although I note that applicant is proposing a limit of no more than six burials within any one month. The road leading to the site is narrow with limited opportunity to pass, however given the small traffic generation above, providing passing places would not be justifiable.

The applicant is proposing to provide 21 parking spaces which are sufficient.

For information, I am aware of 2 natural burial grounds within Craven District and the local highways office is not aware of any traffic problems associated with these.

4.3 Environment Agency – conditions recommended as follows:

No grave shall:

- be located within a 250m minimum distance from potable groundwater supply source;
- be located within a 30m minimum distance from watercourse or spring;
- be located within a 10m minimum distance from field drains;
- have standing water at the base.

The development permitted by this planning permission shall only be carried out in accordance with the approved Flooding & Drainage Assessment by CoDa Structures dated 1 September 2011 - Rev A and the following mitigation measures detailed within:

- Limiting the surface water run-off so that there is no direct discharge to watercourse by the use of permeable surfaces for all hardstandings as per section 3 of the Flooding & Drainage Assessment.

4.4 Kyle & Upper Ouse IDB – withdraw the original objection to the proposal in accordance with the following points:

1. run off rates from the proposal will be no greater than agricultural run off rates. All hard surfaces such as the proposed car park are to be fully permeable;
2. a 5m wide access for the Drainage Board to access the drain running to the eastern side will be maintained;
3. no obstruction will be placed within 7m of the land with tow, with the bank and the watercourse to allow its proper maintenance.

4.5 National Grid – no apparatus in the vicinity.

4.6 HDC Environmental Health Officer – the HDC Environmental Health Department has considered the application and reviewed the history of the installation, there is no history of complaints and the department has no objection to this application. I recommend that a condition is attached to any permission granted to require that all funerals involve the placing of the casket into the ground and permanently covering with a metre of earth.

4.7 Ward Member – if the drainage question can be assured then I've no objection but comment as follows:

1. Pleased there's no lighting on site
2. No shelter details or request as yet – please can we be consulted if this is added in due course
3. Paths for disabled access to have suitable surfacing & permeable; likewise car parking materials
4. Site will be accessible for visits
5. Biodegradable plaques were mentioned – wouldn't like to see rows of name plates – no design / measurements for these – so request these are in keeping
6. Traffic generated with anticipated maximum six burials per month would be possibly less than nearby caravan site movements.
7. My main concern would be drainage for the site in view of overall number of burials – which could be as many as 1800 for the two acres. There is an open roadside ditch alongside the site & the field edge to the north does have standing water at times. Any streams within the woodland & surrounds to be safe from any possible contamination / leakage

4.8 Site notice/local residents – four letters have been received from local residents the comments of which are summarised as follows:

1. The access to the location is only single track and would cause major disruption and upset if funeral processions were to use it.
2. the wood has been thinned back so much it would not be concealed from the public.
3. the water table in winter would have a negative impact on its use. The wood already has multiple ponds and the ditches are often very high. Surely such use would potentially contaminate the drainage water.
4. the lane is a lovely place; no thought has been given to those living nearby.
5. there is no room for vehicles to pass each other
6. there are 10 properties and a caravan/camping site along this lane, which has greatly increased the traffic flow, in addition to agricultural traffic;
7. there is a dangerous bend along the lane;
8. there is no dense natural screening and the edge is open to view for quite some distance;
9. it is assumed that areas covered in bluebells in the spring are unable to be disturbed;

10. query regarding decomposure of bodies and watercourses;
11. There are a number of houses along Green Lane whose driveways exit at the entrance to the proposed site;
12. the field next to the northern boundary is used regularly by a local racehorse trainer to gallop horses; the burial site could easily be seen from here;
13. The existing belt of trees is not sufficient to keep the burial site out of view, at a quick glance you are able to see the current felled woodland, and they propose not to change this;
14. The Reliance bus service does pass Green Lane, however, the closest bus stop is 1.3 miles away at Easingwold Gold Course, after that, stops at Huby and Stillington are 2 miles away. There is no footpath from any of the stops to Green Lane meaning getting to the site would involve walking along Stillington Road which is a busy country road. Therefore, these are not within walking distance of the site;
15. Blackwoods floods in winter as water from Crayke drains down into the wood. The beck and dykes join and run through the caravan site.

5.0 OBSERVATIONS

5.1 The issues to be considered include the sustainability of the use in this location, the impact on the character and appearance of the surrounding landscape, the effect on highway safety, the effect on the amenity of nearby residents and flood risk.

5.2 The site is located in open countryside, outside of the Development Limits of a sustainable settlement. Policy CP4 of the LDF establishes a general presumption against development in locations outside of the Development Limits of sustainable settlements, as defined by the settlement hierarchy. However, Policy CP4 recognises that there must be exceptions to this principle, for example where there is an essential requirement to locate in the countryside.

5.3 Policies CP1 and CP2 of the LDF require that development should be located to minimise the need to travel, including by car. It is unlikely that the site will be accessed by any means other than by private car. It is appreciated that a countryside location is desirable for a woodland burial site but for an exception to be made to the LDF policies there must be some special justification for the use to operate in an unsustainable location.

5.4 An appeal against the decision of the Council to refuse planning permission for holiday cabins on land that included this site was dismissed in 2008. Clearly the proposed uses are very different but the Inspector supported the sustainability principles of Policies CP1, CP2 and CP4 as follows:

....for an exemption to be made to development plan policy, to allow development in the countryside away from the service centres, there must be some special justification. In this respect, it is not being suggested that the proposal is necessary to support or diversify an existing rural enterprise. Nor I have I seen or heard any detailed evidence of the contribution that the proposed development would make towards sustaining the social and economic needs of the local rural community within the terms of CS Policies CP4 and CP15. In the absence of any special justification, the proposal would be at variance with national planning policy, as expressed in PPS 7, and it would fail to be a sufficiently exceptional case to meet the terms of the relevant policies of the CS.

It is argued as part of the current application that a rural and tranquil location is required for the proposed use as part of its characteristics, which cannot be achieved in a more sustainable location such as the edge of a town or village. It can also be argued that the woodland burial site can meet the social needs of the local community although the use is not restricted to providing a facility for those in the local community only. The Highway Authority has no evidence to suggest that the

use will generate anything but a small amount of traffic. It is not unreasonable to expect this type of use in a less sustainable location such as this and therefore it is considered that the use is sufficiently exceptional to meet the requirements of the LDF Policies CP1 and CP2.

5.5 Policy CP4 also requires development in less sustainable locations to help to support a sustainable rural economy. Evidence has been submitted to demonstrate the contribution towards assisting the local economy, particularly due to the requirements for grave digging and regular maintenance at the site. The use also has significant potential for providing business to local businesses that could provide catering and hospitality facilities for post interment refreshments. It is considered that the proposed use will help to support a sustainable rural economy by reason of direct employment and providing support for local businesses and is therefore in compliance with Policy CP4.

5.6 The proposed use is small scale at no more than 6 burials each month and as it helps to support the social and economic needs of a rural community is in accordance with LDF Policies CP15 and DP25. It is recommended that a condition be imposed restricting the number to 6 each month to ensure it remains as a small scale enterprise.

5.7 The visual impact of the development would be restricted to the new access and the parking of cars, which it is suggested would not be on such a scale to detract from the existing rural character of the site. The visibility of the site from outside the site is not an issue in this instance as the general appearance of the site will not change as that is the applicant's intention for a woodland burial site to retain its original character. No details of buildings and structures have been provided but these will be the subject of future planning applications when consideration of siting and design can be given. It is likely that minimal toilet facilities and shelters can be provided within the woodland without harming the rural character of the site. It is not considered that the development would be harmful to the character and appearance of the locality.

5.8 The closest residential property to the site lies approximately 200m to the south west. It is not considered that the use of the site for funerals or visiting will have an adverse impact on the residential amenity of that or other properties. Vehicle movement along the road will increase but not significantly due to the generally small scale of the operation and it is not anticipated that traffic movements will be so great as to detract from the amenity of local residents.

5.9 The Highway Authority has no objections to the proposed use of the site as a burial ground and considers the proposed access to be acceptable in respect of location and available visibility. This issue was considered by the Inspector at the appeal in 2008 and it was concluded that the use for 12 holiday cabins not cause material harm to highway safety if a passing place was provided. There is no evidence, based on similar uses in other locations, to suggest that passing places would be required. Highway issues are not therefore considered to be a reason to refuse the current application.

5.10 The site lies within Flood Risk Zone 1, which is the area of lowest risk. Due to the scale of the development a Flood Risk Assessment has been submitted, which confirms that there is no risk and recommends that any hard surfacing is permeable. A drainage ditch lies along the eastern boundary of the site and the western boundary with Green Lane and the Environment Agency will not allow burials to take place within 30m of this ditch but has no objections subject to appropriate conditions,

one of which is to ensure there is no standing water at the base of a grave. Further investigation is being undertaken by the applicant to demonstrate that this requirement is achievable and trial holes will be available for inspection on site when Members visit. If the assessment shows the ground to have a high water table then the requirement of the Environment Agency for the graves not to have standing water at the base cannot be met. This would show that the land may not be suitable for burials. The Council should not be granting a planning permission that relies upon a condition if it is known that the requirements of that condition can not be met. The recommendation of approval is conditional on the ground conditions meeting the EA requirements.

5.11 The proposed development is acceptable subject to appropriate conditions. Approval of the application is therefore recommended subject to the applicant demonstrating the suitability of the site in terms of the Environment Agency requirements.

SUMMARY

The scheme is in accordance with the requirements of the policies stated above and will not cause harm to the character and appearance of the landscape, residential amenity, flood risk or highway safety.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to the first use of the site for natural burials a plan showing the layout of proposed burial plots, together with details of any structures to be positioned on site including any items to be used to mark plots, shall be submitted to and approved in writing by the Local Planning Authority.
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 more than one burial on the site shall take place in any one day and there shall be no more than six burials within a calendar month unless with the prior written approval of the Local Planning Authority.
5. Prior to the commencement of development details of the surfacing material to be used for the car park and footpaths and demarcation of parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.

6. At no time shall there be any use of equipment for the amplification of sound.
7. No grave shall: • be located within a 250m minimum distance from potable groundwater supply source; • be located within a 30m minimum distance from watercourse or spring; • be located within a 10m minimum distance from field drains; • have standing water at the base.
8. The development permitted by this planning permission shall only be carried out in accordance with the approved Flooding & Drainage Assessment by CoDa Structures dated 1 September 2011 - Rev A and the following mitigation measures detailed within: •
Limiting the surface water run-off so that there is no direct discharge to watercourse by the use of permeable surfaces for all hardstandings as per section 3 of the Flooding & Drainage Assessment.
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: (ii)(c) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E1. (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and 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 until: (i) full technical details relating to the bridging/culverting of the watercourse adjacent to the site have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority; and (ii) The watercourse has been piped in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.
11. 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 drawing (Reference Site Plan 1:500). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and site plan received by Hambleton District Council on 30 September and 10 November 2011 unless otherwise agreed in writing by the Local Planning Authority.

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. To protect the rural character and appearance of the site in accordance with LDF Policies CP16 and DP30.
3. 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.
4. To protect the rural character and appearance of the site and the amenity of local residents in accordance with LDF Policies CP1, CP16, DP1 and DP30.
5. To protect the rural character and appearance of the site in accordance with LDF Policies CP16 and DP30.
6. To protect the amenity of local residents in accordance with LDF Policies CP1 and DP1.
7. To ensure that burials do not pose a risk to the water environment in accordance with LDF Policies CP21 and DP43.
8. To prevent flooding by ensuring the satisfactory storage disposal of surface water from the site in accordance with LDF Policies CP21 and DP43.
9. 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.
10. To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area in accordance with LDF Policies.
11. 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.
12. 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 above Development Plan Policies.

12.

11/02620/REM

**Reserved matters application for the construction of a dwelling as amended by plan received by Hambleton District Council on 9 January 2012.
at Land Adjacent To Hall Cottage Sutton Howgrave North Yorkshire
for Mr E Niebla & Mrs K Alvarez.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This is a revised application (submitted on 28 November 2011) for the approval of reserved matters pursuant to an outline permission which was granted in December 2008. The site, formerly in agricultural use lies on the south-western side of the road which runs through the centre of the village and is directly adjacent to the south-eastern boundary of the Medieval Village of Howgrave, a Scheduled Ancient Monument.

1.2 The outline permission was granted as 'Enabling Development' in order to achieve the restoration and consolidation of The Banqueting House, a grade II listed building directly adjacent to Howgrave Hall 180m to the north-west. The application site has subsequently been sold and the current applicant has no interest in the Hall or Banqueting House. Money from the sale of the land was placed into an account controlled by the Council and the works to repair the Banqueting House have been satisfactorily completed and the premises are now in use as a holiday letting unit.

1.3 A previous application on this site was submitted in 2010 but was withdrawn following concerns in respect of the scale of the dwelling and proximity to the adjacent Scheduled Ancient Monument to the north and west. The detailed plans now submitted show a five bedroomed detached property, the main house being constructed in natural stone and cobble with reclaimed brick quoins and detailing with a natural slate roof. The attached garage and recording studio (66sq.m floor area) are currently shown in cedar boarding under a slate roof. Amendments have been requested from the applicant to show the front elevation of these buildings in stone/cobble to match the main house. All doors and windows are to be timber units. Since the 2010 application the footprint of the dwelling has been reduced and the attached recording studio has been reduced to a single storey form. The siting has also been altered to move the footprint southwards away from the boundary of the Monument. The statement submitted in support of the application indicates that the applicant is 'an internationally acclaimed guitarist and composer performing throughout the UK, Europe and beyond'. He currently has a studio at Melmerby. It is stated that for practical purposes the studio needs to have convenient access to the house as well as the need for appropriate soundproofing. In addition it is stated that the applicant's wife is also his manager and there is also a requirement for an office, approximately the size of a normal domestic study. It is confirmed that the studio is entirely for the use of the applicant and a small number of accompanying musicians and is not a commercial facility available for any outside use by other artistes. It is put forward as an ancillary live/work unit and will not attract a level of visitors in excess of that of a small home office business.

1.4 The statement submitted in support of the application also indicates that 'The architectural style is rubble with brick panels, reveals and quoins. It is a quiet building with modern overtones. To the rear the building is more expansive and has more glazing to best enjoy the open aspect. (NB revised plans have also been requested from the applicant omitting two large balcony areas and reducing the footprint and roof area to the rear elevation. It is anticipated that these will be available in time for the site inspection.) The outbuildings (ie the garage and recording studio) are articulated as such with the use of timber cladding which is a current design motif but also has obvious 'agricultural' associations. (NB it has been mentioned above that revisions to require the front elevations to be in brick/stone have also been requested.) The site is a little higher than the adjoining road and so care has been taken to ensure that the overall height of the building is no higher than West View (the two storey dwelling directly east across the road). The proposed ridge height is the same as the West View ridge height. The site presently has an overhead electricity power line bisecting it. This supply is to be relocated, underground, to improve the visual amenity of the area. The site is defined on all sides by established field hedgerows. It is proposed to keep, maintain and cherish these hedgerows and there are certainly no proposals for walls or fences in any locations. Similarly the tree in the northerly corner will be retained and protected.'

1.5 There are four detached dwellings close to the site, three across the road to the east which lie between 16m and 20m from the site front boundary and a dwelling immediately to the south which lies within 4m of the southern site boundary. The closest distance between the dwelling to the east (West View) and the single storey recording studio is 30m with the garage being 27m away and the main part of the proposed dwelling 34m away. The closest distance between the garage and the detached bungalow (Intake House) to the east is 26m and the distance between the rear of the proposed garage and the dwelling to the south is 6m with the walls of the main house being 8.5m away.

2.0 PREVIOUS PLANNING HISTORY

2.1 2/05/143/0029E : Alterations to Banqueting Hall and construction of 9 dwellings : Withdrawn July 2005 (prior to consideration by Committee with a recommendation of refusal)

2.2 2/05/143/0029F : Listed Building Consent for alterations to Banqueting Hall to form holiday letting accommodation : Consent Granted July 2005.

2.3 05/02096/OUT : Outline application for the construction of a detached dwelling : Permission Refused August 2006.

2.4 07/01130/OUT : Outline application for the construction of a detached dwelling : Permission Granted December 2008. (This is the subject of a Section 106 Agreement to fund works to the Banqueting House. The time period for the submission of the reserved matters expired 5 December 2011, the current application was submitted prior to the expiry date and is therefore a valid submission.)

2.5 10/02148/OUT : Submission of Reserved Matters pursuant to an outline application for the construction of a detached dwelling : Withdrawn 2010.

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP18 - Support for small businesses/working from home
PPS5 - Planning for the Historic Environment (2010)

4.0 CONSULTATIONS

4.1 Sutton Howgrave Parish Council : Awaited (The Parish Council's meeting is to take place on Monday 30th January prior to the meeting of the Committee and a response will be available at that time.)

4.2 North Yorkshire County Council (Highways Authority) : No objections subject to conditions.

4.3 North Yorkshire County Council (Heritage Unit) : No objection subject to the imposition of a 'watching brief condition'.

4.4 English Heritage : Has been consulted on revised plans and a final response is awaited.

4.4 Yorkshire Water : No objections.

4.5 The application was advertised by site notice on the village notice board and 19 local residents were consulted. Eight responses have been received to date objecting to the proposal on the grounds of the scale and form of the dwelling and its impact on adjacent residential and local visual amenity, the inclusion of the attached recording studio which objectors claim is contrary to the principle of the outline permission previously granted and will comprise a commercial operation generating significant additional traffic into the village, and the impact on the adjacent Scheduled Ancient Monument. It has also been claimed that the survey level plan submitted by the applicant is inaccurate.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this submission are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the scale, design and materials proposed (Policies CP17 and DP32) including the provision of an integral recording studio (ie a 'live/work unit in the terms of Policy DP18) together with the impact on local visual amenity and the appearance and character of the existing settlement (Policies CP16 and DP28), the impact on adjacent residential amenity (Policy DP1) and the possible impact on the adjacent Scheduled Ancient Monument (Howgrave Hall Medieval Settlement) and ancillary archaeological remains (Policy DP29). The principle of the development of this site, which is not in a normally acceptable sustainable location, has been accepted by virtue of the outline permission granted in 2008. It should also be emphasised that the proposed recording studio is an ancillary work-related addition to the dwelling and can properly be considered as part of a reserved matters submission.

5.2 As many members, who were on the Committee in 2008, will be aware from the consideration of the previous applications, this is a very sensitive site which has given rise to significant local interest and concern and lengthy and detailed discussions with the applicants and their agents have taken place over a considerable period. These are still continuing and, as noted above, have resulted in requests for further amendments which are anticipated but have not yet been received. They have been promised in time for the visit to the site on 30th January.

5.3 The proposed dwelling and ancillary elements do comprise a substantial structure although this is set within a development plot of 0.19ha (0.48acres) with an attached paddock to the rear (which does not have planning permission for any development) of 0.63ha (1.54acres). The scale and height of the development has been very carefully considered and plans have been detailed which show the ridge height of the proposed dwelling to be exactly the same as the dwelling directly to the east (West View) even though the finished floor level is 0.8m higher than the level of the intervening road. Notwithstanding the comments received by one respondent who claims that the submitted plan shows an inaccurate site level, the relative ridge levels shown have been confirmed by the applicant's agent as definitive. Should any permission be granted a condition would be imposed relating to this matter. The distances between the proposed dwelling and adjacent properties has been set out above and the relevant distances to the fronts of dwellings to the east, ranging from 26m to 30m is considered, bearing in mind the existence also the intervening highway and hedgerow, to be such that there will be no demonstrable adverse impact on their light or amenity. The dwelling to the south is closer although that is 'side to side' and will have no significant impact on light or privacy. Sectional drawings have been prepared to demonstrate the relationship of the proposed dwelling to the level of the road and dwelling opposite, together with the relationship to the previously prepared schemes.

5.4 The main front and side elevations of the dwelling can be described as 'modern traditional' with a distinct vertical emphasis and the use of natural stone/cobble with reclaimed hand made brick to the quoins and other detailing. The roofs are to be in natural slate. The forward projecting ancillary elements of the proposal comprising the single storey garage and recording studio have been proposed in cedar boarding under natural slated pitched roofs. The Design and Access Statement indicates that this treatment was chosen to show a neo agricultural style and to lighten the appearance of the group. The logic of this is noted but in this instance and in this location it is considered that the use of stone/brick to the two front elevations is preferred. The rear elevation is also to be constructed in stone/cobble with brick detailing although a significant area of ancillary glazing around balcony features under extended pitched roofs was proposed. Discussions with the applicant have lead to this element being removed although revised plans are still in the course of preparation. Although the rear elevation is not conspicuous, it was considered that such a construction was not appropriate close to the Scheduled Ancient Monument and the omission of these features also reduces the overall mass of the building group. Sutton Howgrave is a scattered village with no set building line or overall vernacular character. There is, consequently, a wide range of styles, materials and features within the settlement and it is considered that the proposed dwelling (subject to the amended plans referred to) satisfies those elements of Policy DP32 which states that 'development should pay due regard to traditional design and forms of construction and avoid the use of inappropriate details' and also 'development should incorporate high quality building design and detailing with particular attention given to appropriately designed elements'.

5.5 Reference has been made above to the inclusion of the recording studio within the scheme. Despite comments which have been made by some local residents the applicants state that the studio is not a commercial facility and is for the sole use of the applicant in his role as a classical guitarist. It is for recording purposes only and there is no provision for 'CD production and packaging' as has been claimed by some respondents. The applicant would, at times, be accompanied by supporting musicians but this is stated to be a maximum of 2/3 at any one time. Further the applicants state that there will be no occasions when coaches (as has been claimed) would enter the site. For the standard of professional recording which is to be undertaken the level of soundproofing must ensure that no extraneous noise from outside the site enters the studio. Conversely there will, therefore, be no noise from within which will be audible from outside the site. An appropriate condition requiring the submission of a scheme confirming this would be imposed upon any permission granted. Policy DP18 notes that support will be given to 'home working and live/work units provided that the development creates no precedent for alternative uses should the employment use cease. The applicant tours extensively throughout Britain, Europe and beyond and the studio will not, therefore be in constant use. However, when the applicant is not touring the proximity to the 'place of work' is a sustainable benefit and reduces the need to travel. A condition ensuring that the studio is for the personal use of the applicant only would be imposed on any permission granted.

5.6 It has been noted above that the site is directly adjoining the Scheduled Ancient Monument of the Medieval Village of Howgrave. The description of the monument states that 'it includes the remains of the early medieval settlement and medieval lordly residence of Howgrave and later formal gardens of Howgrave Hall located in low-lying undulating land in the Vale of Mowbray. The remains include earthworks and buried reand occupy the fields west and south of the current Howgrave Hall. The monument also includes the brick and stone wall separating the two northern fields and the ground beneath the former banqueting house.' The current proposal has involved moving the footprint of the proposed dwelling further away from the boundary of the monument. The response received from North Yorkshire County Council's Historic Environment Team states 'on the previous outline application for this development we advised that an archaeological evaluation be undertaken to establish the likely archaeological impact of the proposals. This evaluation was carried out in November 2006 to January 2007 and consisted of a geophysical survey followed by the excavation of four trial trenches. This evaluation did not identify any significant archaeological deposits so there would appear to be no archaeological constraints to the construction of a dwelling on this site.' However they further recommend that a 'watching brief condition be again imposed, particularly to cover the necessary installation of a foul drainage system to the site. With regard to the wider implications of the impact of a dwelling adjoining the monument, English Heritage requested further details of the 'massing' of the building and has pointed out that Scheduled Monument Consent may be required for the surfacing of the access into the site which directly adjoins the monument. A final response from English Heritage on additional plans (and amendments yet to be received) are awaited. It may be noted however, that the dwelling is not within the area of the monument and matters relating to the scale, materials and appearance are properly the consideration of the Local Planning Authority in the context of this Reserved Matter application.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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

2. 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:

- (i) The crossing of the highway verge shall be constructed in accordance with Standard Detail number E6.
- (ii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway.
- (iii) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15.
- (iv) The final surfacing of any private access and parking area within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

3. 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 45 metres measured along both channel lines of the major road from a point measured 2 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.

4. 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 drawing (Reference drawing number 10192 (2) 104. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

5. 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 in consultation with the Highway Authority agrees in writing to their withdrawal.

The reasons for the above conditions are:-

1. In the interests of highway safety.
2. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
3. In the interests of road safety.
4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
5. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Thirsk

Committee Date : 2 February 2012
Officer dealing : Mr J E Howe
Target Date: 31 January 2012

13.

11/02709/MRC

Application to vary condition 3 of planning approval 11/01237/FUL relating to opening times.

**at 13 Millgate Thirsk North Yorkshire YO7 1AA
for Mr Richard Milka.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for a variation to the permitted proposed hours of opening at a ground floor unit which was granted a change of use from an A1 retail unit to a fish and chip shop (hot food takeaway class A5) in September 2011 at 13 Millgate, beyond the north-eastern corner of the Market Place. The applicant stated in the original application that the hours of opening were to be 11.30am until 7pm during the summer/tourist season, probably seven days per week, and shorter hours not including Sundays during the rest of the year. The applicant is seeking to let the premises with the benefit of the 2011 permission and has stated in support of the submission that 'Despite several enquiries from potential tenants the restrictive opening hours are deterring clients. The restrictive hours do not allow a sustainable business to be operated from the premises. We would ask for an extension of the closing time of 7pm until midnight in line with other fast food outlets in Millgate. We care confident that such an extension would not impact upon the neighbouring properties.'

1.2 The property is an end terrace unit with a number of small shop units and cafes/restaurants on the opposite side of the cobbled lane adjacent. There is a butchers shop adjoining to the south and two other takeaway outlets/restaurants further south still. Parking restrictions apply throughout the whole length of Millgate in this area. There is space at the rear of the premises for 'wheelie bins' and waste storage.

1.3 The previous application and the current proposal is reported to the Committee as the premises are part owned by a member of the Council.

2.0 PREVIOUS PLANNING HISTORY

2.1 11/00696/FUL : Installation of replacement windows : Permission granted March 2011.

2.2 11/01237/FUL : Change of use from A1 retail unit to Class A5 hot food takeaway : Permission Granted Sept 2011.

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP14 - Retail and town centre development
Development Policies DP20 - Approach to town centre development
Development Policies DP21 - Support for town centre shopping

4.0 CONSULTATIONS

4.1 Thirsk Town Council : Wishes to see the application refused and would prefer to see the hours limited to 10pm.

4.2 Environmental Health Officer : Awaited.

4.3 Police Architectural Liaison Officer : Awaited.

4.4 The application was advertised by site notice adjacent to the site and the eight closest neighbours were consulted. No representations have been received.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the impact of the proposed changes on the character of the Thirsk and Sowerby Conservation Area (Policies CP16 and DP28) the amenity of adjacent neighbours/businesses and local residents (Policy DP1) together with the benefits they may have on the vitality/viability of the Thirsk town centre (Policies DP20 and DP21).

5.2 When reporting the 2011 application for change of use to an A5 use it was stated that eight objections and complaints had been received in respect of potential noise, nuisance, litter and car parking but that these were issues which were properly addressed by other agencies. It was in addition, specifically stated that 'It is also relevant to note that the hours of operation sought by the current applicants do not include late night opening, being a maximum of 11.30am until 7pm and shorter during the winter/off season months.' This was considered to be a positive factor in favour of the application in that the previous intention was to provide a facility with early evening closing which would be complementary to other existing outlets rather than being in competition with them and potentially exacerbating the nuisances referred to. It is, consequently, somewhat disappointing that this request to vary the hours has now been received once the principle of the change has been agreed but before any business has become operational.

5.3 The report on the previous (2011) application stated that the conditional permission recommended (ie with strictly limited hours) on the basis of the nature and type of facility proposed (the summer season tourist trade being specifically mentioned by the applicant) would assist in maintaining the overall vitality and viability of the town centre. It is not considered that in the absence of a known end user, as in the current request, this contribution would necessarily be forthcoming as a general takeaway outlet, open until midnight, could be in competition with other existing outlets thereby affecting their viability rather than providing a complementary service. Whilst it is not the role of the planning system to determine applications on the basis of need or competition it is considered that the establishment of a further general late night takeaway outlet in this particular area of the town would be likely to have an adverse impact on the both the character of the Conservation Area and amenity of local residents and visitors. The advice of the Police ALO will be important in this respect.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. It is considered that the late night opening hours sought for the operation of these premises would be detrimental to the character of the Thirsk and Sowerby Conservation Area and to the amenity of residents and visitors to the area due to the noise disturbance late at night and litter arising from takeaway food outlets in the area.

Thirsk

Committee Date : 2 February 2012
Officer dealing : Mr J E Howe
Target Date: 31 January 2012

14.

11/02490/FUL

**Remove existing lean to asbestos roof and replace with pantile roof and installation of two roof lights.
at 13 Millgate Thirsk North Yorkshire YO7 1AA
for Mr Richard Milka.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the removal of a single storey mono-pitched roof, currently covered in 'asbestos-type' sheeting, at the rear of a rendered end-terrace property on the western side of Millgate within the Thirsk and Sowerby Conservation Area. The roof will be re-covered in natural clay pantiles and it is also proposed that two rooflights and new roof timbers and insulation be provided as part of the works.

1.2 The property was formerly an A1 retail unit which received permission for a change of use to a hot food takeaway in September 2011. Refurbishment works are currently taking place within the building. A concurrent application for a variation to the previously approved opening hours is reported under reference 11/02709/MRC.

1.3 The application is reported to the Committee as the premises are part-owned by a member of the Council.

2.0 PREVIOUS PLANNING HISTORY

2.1 11/00696/FUL : Installation of replacement windows : Permission granted March 2011.

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 CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP28 - Conservation

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Thirsk Town Council : Wishes to see the application Approved.

4.2 Environmental Health Officer : No objections.

4.3 The application was advertised by site notice on the wall of the extension and the eight closest neighbours were consulted. No representations have been received.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document and relate, in this case, to the design and materials

proposed for the alterations (Policies CP17 and DP32) together with the impact or benefits to the appearance and character of the building and its Conservation Area setting (Policies CP16 and DP28).

5.2 Although this rear extension is inconspicuously located, the removal of the existing asbestos-type roof sheeting will be an improvement to its appearance and will also benefit the heating and insulation of the premises.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in that the works will comprise an improvement to the appearance and character of this building and its Conservation Area setting.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing attached to planning application 11/02490/FUL received by Hambleton District Council on 10th November 2011 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. 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 CP16 and DP28.

Thirsk

Committee Date : 2 February 2012
Officer dealing : Mr J E Howe
Target Date: 19 January 2012

15.

11/02573/FUL

**Two storey extension to existing hotel.
at White Horse Lodge Hotel Sutton Road Thirsk North Yorkshire
for Mr N J Douglas.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of a two storey extension to the existing hotel accommodation at The White Horse Lodge Hotel on the northern side of the A170, with direct access from that road, mid-way between Thirsk and Sutton-under-Whitestonecliffe. The extension, which is linked to the north-eastern corner of the main building, will provide a further 12 en-suite bedrooms and a conference/business meeting room and will be constructed in matching facing brickwork with matching concrete tiles on pitched roofs.

1.2 The supporting statement submitted with the application indicates that the business, which was initially developed some 30 years ago, was originally used as a restaurant and 'children's play barn' with the hotel rooms utilised as ancillary to this purpose. However it is stated that since taking over the complex the current owners have sought to concentrate on the hotel side of the business and have developed a record for providing good quality accommodation for both the business user and tourists and the hotel has subsequently achieved a three star rating. It is claimed that the existing hotel has seen a rise in occupation rates from business users and there have been a number of instances of larger tourist parties (ie travel groups and agencies) wishing to book the hotel and being turned away due to insufficient block capacity being available. It is therefore stated that the hotel requires expansion to maintain its business case and ensure the hotel is sustainable in terms of its use.

1.3 The only neighbour close to the site is Hollin Barn Farm which has two letting holiday cottages and was granted permission in November 2011 for the siting and layout of 11 chalets for holiday purposes. It was stated in the report on that application that there would be a potential synergy between the two sites with visitors to the chalets using the restaurant facilities and a potential overflow of visitors at the hotel using the chalets. This is, however, not practicable for business visitors although a general relationship as described may develop.

2.0 PREVIOUS PLANNING HISTORY

2.1 A business on this site relating to tourist accommodation was first developed around 1980 and has grown significantly since that time to include the current hotel complex.

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 CP17 - Promoting high quality design
Development Policies DP32 - General design

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP25 - Rural employment

4.0 CONSULTATIONS

4.1 Thirsk Town Council : Wishes to see the application Approved.

4.2 North Yorkshire County Council (Highways Authority) : No objections subject to conditions.

4.3 Yorkshire Water : No comments.

4.4 The application was advertised by site notice at the entrance to the complex and the closest adjacent neighbours were consulted. A letter of support has been received from the adjacent neighbours which states 'The hotel is very busy and has been decorated and furnished to a very high standard. The food and customer service is excellent. The hotel is certainly in need of more rooms and we look forward to continuing to work with them in the future.'

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the scale, design and materials proposed together with the provision of appropriate levels of car/coach parking for visitors and staff (Policies CP2, DP3, CP17 and DP32) together with the potential impact on local visual amenity and landscape character (Policies CP16 and DP30), adjacent residential amenity (Policy DP1), the benefits to local tourism and employment by the provision of improved accommodation (Policies CP15 and DP25) and the sustainable aspects of the development referred to in PPS4 (Planning for Sustainable Economic Growth) referred to in Policies EC7 and EC12 in that document.

5.2 The scheme which has been put forward has been designed to provide an appropriate level of additional accommodation with conference facility to meet the hotel's needs for its identified markets. The design also gives the opportunity to separate the 'business' and 'block agency' bookings from more general tourist use within the existing main building, albeit with the flexibility for the whole building to be used for both purposes as necessary.

5.3 The scale and materials proposed are complementary and subordinate to the existing building in that the ground falls away to the north and the extension, which has a lower ridge level than the main group, will not be visually prominent. The topography to the east of the site is such that the new build will not be significantly visible from that approach and the existing complex and adjacent planting will screen views entirely from the western approach. The roof design of the main building, which includes a partly 'reduced' gable construction is not the most attractive element of the complex and discussions have been held to encourage an improvement to this feature. A formal response is awaited. Amendments to the submitted scheme have also been requested to show additional parking areas which may include specific parking for staff, coach parking and turning and potential overspill parking for functions. Adequate space is available at the rear of the site for this purpose and

further details are, again, awaited. These facilities can be provided with no adverse visual impact.

5.4 Although the site is outside the defined development limits for Thirsk, the proposal relates to the improvement of an existing facility which the current owners have sought to develop to benefit from both general tourists, coach groups and business/small conference markets. The site remains convenient for Thirsk and local shops and services may be expected to benefit from additional visitor expenditure. The hotel is also convenient for visitors to and from the North York Moors National Park. It is estimated that an additional 4/5 full-time staff and a similar number of part-time will be employed on completion of the works. The applicant has agreed to give further details of the nature of this extra staff and hours worked.

5.5 PPS4 contains two policies relevant to the current proposal. EC7 states that Local Authorities should support sustainable rural tourism and leisure that benefit rural businesses, communities and visitors where there is no harm to local character. The policy goes on to state that the provision and expansion of tourist and visitor facilities should be supported where identified needs are not met by existing facilities in rural service centres and, wherever possible such facilities should be in existing or replacement buildings. It is however, accepted that new or extended buildings may be provided where there are no suitable ones available for re-use. The final relevant element of this policy states that extensions to existing tourist accommodation should be supported where the scale of the extension is appropriate to its location and where the extension may ensure the future viability of such businesses. In this case there is not only the existing business which would benefit from the extension but, potentially, the recently permitted chalet accommodation directly adjacent which will have an inter-action with this site.

5.6 Paragraph b) of Policy EC12 within PPS4 states that Local Authorities should support small scale economic development where it provides a sustainable option in locations which may be remote from service centres where it is recognised that a site may be an acceptable location even though not readily accessible by public transport. Travel/transport documentation is to be submitted by the agent for consideration. It is noted that the station at Thirsk, passing bus services and availability of taxis provide viable alternatives to the use of the private car.

5.7 The siting of the extension on the eastern side of the site will not cause any adverse impact on the adjacent neighbouring property which, as noted above, is also tourist orientated.

5.8 Whilst the proposal is considered to be generally acceptable in principle the issues referred to in this report in respect of the improvement to the design of the existing main building (para 5.3), the provision of additional parking and turning areas (para 5.3) and details of the type of additional staff to be employed (para 5.4) still require final resolution. In addition the applicant is to provide further information in respect of the internal operation of the function room, dining room and lounges in respect of how they serve the business, 'block bookings' and general tourist use of the complex. Consequently Members are requested, if agreeing to the recommendation in principle, to allow the approval of awaited details to be delegated to Officers with the inclusion of additional conditions as necessary.

SUMMARY

It is considered that the proposal is broadly in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document identified above in that the scale, design and materials proposed are appropriate to

the site location, it will have no adverse impact on local visual amenity, landscape character or adjacent residential amenity, and will be beneficial to local tourism and related rural employment.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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:
(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
(ii) 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.
3. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference : Proposed Plans). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (ref Elevations ; Site Plan ; Landscape Plan) attached to planning application 11/02573/FUL received by Hambleton District Council on 21st November 2011 unless otherwise agreed in writing by the Local Planning Authority.

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. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
3. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
4. 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 DP1, CP16, DP30, CP15 and DP25.

16.

11/02305/FUL

**Demolition of existing outbuilding and construction of a dwelling.
at Land Adjacent To The Horseshoe Inn West Rounton North Yorkshire DL6 2LL
for Mr S Taylor.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is seeking planning consent for the demolition of an existing outbuilding and construction of a dwelling at land adjacent to the Horseshoe Inn, West Rounton. The outbuilding is located within the curtilage of the Horseshoe Inn, a Grade II Listed building. As such it is considered as a Listed structure in its own right and a concurrent application for Listed Building Consent (11/02716/LBC) has been submitted and is pending consideration.

1.2 The outbuilding to be demolished currently sits to the south of adjacent public house, with a grassed area beyond this to the south. The proposed dwelling to provide for 2 bedrooms, 2 bathrooms, a lounge, a kitchen/dining area, and an integral garage, would measure approximately 12.5m x 8.2m, with a total height of approximately 5.3m. A garden area would be formed to the south of the proposed dwelling and would measure approximately 5m (width), [tapering to 3.8m at the western end], by 9.4m (length).

1.3 Materials for the proposed dwelling would comprise a sandstone coloured facing brick plinth, painted render and blockwork, with double roman concrete pantiles. The existing outbuilding is formed of stone and brickwork with a clay pantiled roof.

1.4 The site is open to the public highway to the west and is bound by a hedgerow measuring approximately 3m in height to the south. The landscape ascends to the east. A vegetable plot, understood to be owned by Village Farm is situated immediately to the east of the proposed dwelling.

1.5 In their Design and Access Statement the applicant sets out that the proposed dwelling would replace first floor managers accommodation within the public house that has already been converted to conference facilities. The applicant currently owns and manages the Horseshoe Inn and resides in West Rounton.

1.6 Further information was received from the applicant on 9 January 2012 in support of their application. This has provided further dialogue on points discussed in paragraph 5, and responds to a report by the Council's Listed Building Officer to the concurrent Listed Building application 11/02716/LBC.

2.0 RELEVANT PLANNING HISTORY

2.1 2/80/169/0024 - Application for Listed Building Consent for re-rendering and colouring of the front elevation of the existing public house; Granted 1980.

2.2 2/82/169/0024A - Application for Listed Building Consent for an extension to existing public house to provide increased living accommodation; Granted 1982.

2.3 2/82/169/0024B - Extension to existing public house to provide increased living accommodation; Granted 1982.

2.4 2/89/169/0024C - Application for Listed Building Consent for alterations to existing public house; Granted 1989.

2.5 2/90/169/0024D - Display of an externally illuminated sign; Granted 1990.

2.6 2/90/169/0024E - Application for Listed Building Consent for the display of an externally illuminated sign and a non-illuminated sign; Granted 1990.

2.7 2/92/169/0024F - Extension to existing public house and living accommodation; Granted 1992.

2.8 2/92/169/0024G - Application for Listed Building Consent for an extension to existing public house and living accommodation; Granted 1992.

2.9 10/00747/FUL- Single storey extension to existing pub, installation of 3 roof lights and 2 replacement windows, alterations to outbuildings, alterations to form a self contained flat and formation of a car park as amended by email and plan received on 10 June 2010; Granted 2010.

2.10 10/00748/LBC - Application for listed building consent for a single storey extension to existing pub, installation of 3 roof lights and 2 replacement windows, alterations to outbuildings, alterations to form a self contained flat and formation of a car park as amended by email and plan received on 10 June 2010; Granted 2010.

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 CP3 - Community Assets

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 CP19 - Recreational facilities and amenity open space

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP5 - Community facilities

Development Policies DP9 - Development outside Development Limits

Development Policies DP28 - Conservation

Development Policies DP32 - General design

Development Policies DP37 - Open space, sport and recreation

4.0 CONSULTATIONS

4.1 Parish Council - The council wishes to submit some observations on the application in the absence of any clear consensus wishing to see the application either approved or declined.

Firstly, we understand that, within the original planning consent for the renovation of the public house were plans to create a self-contained flat (10/00747/FUL).

Secondly, the new building is not on the same footprint as the byre and looks to be significantly larger.

Thirdly, other local residents have converted barns and agricultural buildings into residential property and have been subject to strict planning rules about what can or cannot be altered. Straight demolition appears very unusual.

Finally, if the permission is granted, then a permanent restriction preventing the sale of the new building separate to the public house may be deemed appropriate if the applicant's main argument, that the public house can only prosper with this separate building being available, is correct.

4.2 NYCC Highways -

- 1st Response: raising the following concerns: No objections in principle to the development however there is a concern with regard to the amount of parking that is associated with the development and the layout of the proposed driveway.

- 2nd Response: Awaited.

4.3 River Wiske Internal Drainage Board (IDB) - The soakaway should be designed in accordance with BRE 365. The soakaway will require permeability tests to prove that the soil is suitable for this purpose. The rainfall design should take account of climate change in accordance with PPS25.

4.4 Northumbrian Water - The applications have been examined and Northumbrian Water has no objections to the proposed developments.

4.5 North Yorkshire Building Control Partnership; expires 30.11.2011 - No responses received as at 23.01.12.

4.6 Neighbours notified and site notice posted; expires 12.12.11 - Two objections received, in summary, mainly concerning: impact to 2 White House Wynd (close separation distance), noise rebound effect to this property, better use of land would be for car parking (cars park on the pavements and verges when the pub is busy), local land drainage to existing grassed area, impact on light to October House, overlooking to this property. One further response received making observations that there is a vehicular right of way through the side of the pub car park adjacent to the proposed structure for the use of Village Farm (as well as pedestrian access for both Village Farm and Middle Cottage).

One response in support of the proposal - improvement to the street scene and would ensure the viability of the public house.

4.7 Press Advert; Published: 25.11.2011; Expires: 19.12.11 - No responses received as at 23.01.12.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed dwelling in this location, any impact on neighbour amenity, any impact on the visual amenity of the surrounding area, and any highway safety issues that may arise.

- Principle:

5.2 The site is within a settlement that is not considered sustainable in terms of the Hambleton Sustainable Settlement Hierarchy as is set out in Policy CP4 of the Hambleton Local Development Framework and is therefore 'outside of development

limits'. Any proposal must satisfy at least 1 or the 6 exceptional criteria set out within Policy CP4 in order to comply with the policy. No evidence has been put forward to the Local Planning Authority to suggest that the proposal would meet with any of these criteria. The issue of principle has been conveyed to the applicant who reiterates the comments of their supporting statement that 'the provision of a dwelling to replace the loss of living accommodation in The Horseshoe Inn' and that the dwelling is required to ensure the day to day management of the public house, and on security grounds. The Policies CP3 and DP5 both support the retention, provision and enhancement of community facilities. In the absence of a need for the dwelling that would enable compliance with CP4 Notwithstanding the policy opposition to the provision of a new dwelling an alternative solution to create living accommodation in part of the retained existing outbuilding, potentially with a small degree of extension, has been put to and dismissed by the applicant who wishes to progress with the current scheme. Taking this into account the principle of an additional dwelling in this location is not considered compliant with the policies of the Hambleton Local Development Framework and is not acceptable.

- Neighbour Amenity:

5.3 Taking into account the ascending landscape to the east of the proposed dwelling, the use of the land behind, the separation distance to neighbouring property and the overall design of the scheme it is not considered that there would be an adverse impact on neighbour amenity. Consequently the proposal would comply with policy DP1 of the Hambleton Local Development Framework in this respect.

- Visual Amenity and Streetscene

5.4 The proposed dwelling sits very tightly on the restricted site. The size of the dwelling is such that it constitutes over development of the site. This is evidenced by the rear of the property sitting very close to the eastern boundary, a minimal sized garden area and the lack of manoeuvring space for vehicles to the western elevation. There is a very varied settlement pattern within the West Rounton. In this portion of the village the majority of properties are recessed from the highway providing a spacious feel to the locality. This proposed dwelling would sit less than 2m from the public highway and would cramp this recessed context. It is noted that the existing outbuildings are within this recessed frontage however the scale of the proposed dwellings goes well beyond the structures currently on-site. For the above reasons the proposal would not maintain the visual amenity of the locality and would not comply with policy DP1 in this respect.

- Highway Safety:

5.5 NYCC Highways have expressed their concerns in their first response. Their formal response is awaited.

- Public Open Space Contribution:

5.6 A net increase in dwellings usually attracts a contribution towards off-site Public Open Space provision to satisfy the requirements of the Open, Space, Sport and Recreation Supplementary Planning Document and policy DP37 of the Hambleton Local Development Framework. A contribution has been calculated and requested from the applicant. The applicant considers that as the proposal is replacing the ancillary accommodation removed from the public house a contribution is not required as there has not been a net increase in dwellings. The Local Planning Authority consider that the proposal does constitute a net increase in a dwelling and

therefore maintain that a contribution is necessary. The applicant has confirmed that they do not intend to make the required contribution. As such the proposal does not satisfy the requirements of policy DP37 in that there has not been a contribution towards off site Public Open Space provision.

- Neighbour Responses:

5.7 The comments of the neighbouring properties directly to the east and west are noted. At the nearest point the separation distance between 2 White House Wynd and the western elevation of the proposed dwelling would be approximately 16.4m. This distance and the relationship of the two properties would not be considered to erode neighbour amenity. Taking into account the scale of the development, its proximity to 2 White House Wynd, and the likely frequency of vehicles passing through West Rounton, it is not considered that the proposal would give rise to a harmful noise rebound effect. Local drainage issues have been assessed and commented upon by the IDB. There is approximately 25m between the eastern elevation of the proposed dwelling and the principal elevation of October House. This separation distance and the ascending landscape is considered acceptable in that it would not give rise to a loss of light or a harmful overlooking effect. The private right of access to the north of the proposed dwelling is noted and would constitute a civil and not a planning matter, and would therefore not form a material consideration in the determination of this application.

- Conclusion:

5.8 Taking the above into account it is considered that whilst the proposal is able to satisfy policy requirements in regard to neighbour amenity, it fails to be acceptable in principle, has an adverse impact on the visual amenity of the surrounding area, and fails to make the necessary contributions toward off site Public Open Space provision. Consequently the application is recommended for refusal.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The proposal is contrary to policies CP1, CP2, CP4, DP1 and DP37 of the Hambleton Local Development Framework. The scheme fails to satisfy the exceptional criteria of CP4, fails to maintain the visual amenity of the streetscene and surrounding area in accordance with CP17, DP32 and DP1 and fails to make a contribution towards off site Public Open Space provision as per the criteria of Policy CP19 and DP37.