

# **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 23 May 2013. 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 Director of Housing and Planning 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 Director of Housing and Planning 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.

Mick Jewitt  
Director of Housing and Planning 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**  
**Thursday 23 May 2013**

Item No	Application Ref/ Officer	Proposal/Site Description
<b>1</b>	13/00708/FUL Miss A Peel  Page no. 3  SV	Revised application for the construction of a dwelling  For: Mr G T B Place At: Land to the rear of Post Cottage The Green Ainderby Steeple  RECOMMENDATION: GRANT
<b>2</b>	13/00368/FUL Miss A Peel  Page no. 10  SV	Demolition of former service station, garage and ancillary outbuildings. Construction of two detached dwellings and improvement works to existing vehicular access  For: Mr N Brown At: Bagby Service Station Bagby  RECOMMENDATION: GRANT
<b>3</b>	13/00438/FUL Miss A Peel  Page no. 15	Change of use from agricultural land to recreational land  For: Danby Wiske With Lazenby Parish Council At: Land to the east of Danby Wiske Parish Church Mounstrall Lane Danby Wiske  RECOMMENDATION: GRANT
<b>4</b>	12/02418/FUL Mr A Cunningham  Page no. 22  SV	Alteration to existing barn/store/garage to form a dwelling and construction of a car port  For: Mr John Baxter At: The Barn Main Street Helperby  RECOMMENDATION: REFUSE
<b>5</b>	13/00567/FUL Mrs B Robinson  Page no. 31  SV	Change of use of agricultural land to equestrian and construction of a stable block/store  For: Mr Rich Birch At: Arncliffe House Ingleby Arncliffe  RECOMMENDATION: GRANT

<p><b>6</b></p>	<p>13/00265/FUL Mr J Howe</p> <p>Page no. 36</p> <p>SV</p>	<p>Alterations and extension to existing domestic garage/workshop/store to form a dwelling</p> <p>For: Mr M Foale At: Old Toms Barn Scholla Lane Northallerton</p> <p>RECOMMENDATION: REFUSE</p>
<p><b>7</b></p>	<p>13/00468/OUT Mrs H Laws</p> <p>Page no. 42</p>	<p>Outline application for the construction of a dwelling and detached domestic garage and store</p> <p>At: Land opposite and south of Field House South Back Lane Stillington</p> <p>RECOMMENDATION: REFUSE</p>
<p><b>8</b></p>	<p>12/02650/FUL Mrs B Robinson</p> <p>Page no. 47</p> <p>SV</p>	<p>Construction of a stable building and retrospective application for change of use of field to site for one gypsy family including siting of a residential caravan, formation of hardstanding, construction of dog kennels, tree house and 2 storage sheds</p> <p>For: Mr Jonathan Stephenson At: Millies Paddock, Thirsk Road Stokesley</p> <p>RECOMMENDATION: REFUSE</p>
<p><b>9</b></p>	<p>13/00167/FUL Mr J Howe</p> <p>Page no. 53</p>	<p>Construction of a dwelling</p> <p>For: Mr and Mrs G Dennison 28 Long Street Thirsk</p> <p>RECOMMENDATION: REFUSE</p>
<p><b>10</b></p>	<p>13/00677/FUL Mr A Cunningham</p> <p>Page no. 57</p> <p>SV</p>	<p>Revised application for alterations and extensions to existing agricultural building to form 2 holiday cottages, a community meeting room and a shop/café</p> <p>For: Thief Hole Cottages At: Land opposite Thief Hole Farm, Thiefhole Lane Thornton le Moor</p> <p>RECOMMENDATION: REFUSE</p>
<p><b>11</b></p>	<p>13/00534/FUL Miss A Peel</p> <p>Page no. 63</p> <p>SV</p>	<p>Siting of an anemometer mast for a temporary period of 3 years</p> <p>For: RWE Npower Renewables Ltd At: Land North East of Whitwell Farm Whitwell</p> <p>RECOMMENDATION: GRANT</p>

**Parish: Ainderby Steeple**

Ward: Morton On Swale

**1**

Committee Date : 23 May 2013

Officer dealing : Miss A J Peel

Target Date: 30 May 2013

**13/00708/FUL**

**Revised application for the construction of a dwelling.  
at Land To Rear Of Post Cottage The Green Ainderby Steeple North Yorkshire  
for Mr G T B Place.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This revised application seeks consent for the construction of a dwelling at land to the rear of Post Cottage, The Green, Ainderby Steeple. The site is located behind the dwellings which front onto The Green and is accessed from an un-adopted road leading from the A684. The land is on a higher ground level than the adjacent road and is bounded by residential properties to the south and west, the railway to the north and a field to the east. There are trees along the railway line boundary and a hedgerow along the roadside. There is an access road to the south of the site which provides vehicular access to the rear of the properties which front onto The Green. A new access is shown to be created from the un-adopted road to access the new dwelling.

1.2 The application proposes a two storey dwelling which consists of a living room, dining room, kitchen, w.c, store room and garage at ground floor level, with 4 bedrooms, en-suite and bathroom at first floor level. The dwelling will be constructed of red brickwork, pantile roof and white timber windows. The dwelling has been sited on the lower part of the paddock, and within that lower ground the higher part of the ground will be excavated to lower the overall ridge height of the dwelling.

#### 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 12/02088/FUL - Construction of a dwelling. Application withdrawn due to concerns over the safety of the access.

#### 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 CP2 - Access
- Development Policies DP4 - Access for all
- Core Strategy Policy CP4 - Settlement hierarchy
- Development Policies DP8 - Development Limits
- 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
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP37 - Open space, sport and recreation
- National Planning Policy Framework - published 27 March 2012

#### 4.0 CONSULTATIONS

4.1 Parish Council - Ainderby Steeple Village Meeting met on 9th April 2013 to consider the planning application 13/00708/FUL and wish to make the following comments:

Although the proposed dwelling has been lowered in height by 200mm we still wish to see the height reduced to the same height as the neighbouring Railway Cottages, in order to minimise the visual impact in our conservation village.

We still ask why the existing road which runs around the southern boundary of the land is not being used for the access to the proposed dwelling. The Meeting feels that the proposed access will destroy a mature hedge, add another exit onto a very narrow lane and is not needed when a perfectly good access already exists.

We would again ask, if it would be possible, for the Planning Committee to visit the site in order to see for themselves the issues we have with height and the proposed access road, received 17 April 2013.

4.2 NYCC Highways - The road leading to the site is a public right of way footpath but vehicular rights are private. The applicant should be advised that it is an offence to drive on a public footpath without lawful authority. The Planning Authority should be satisfied that the applicant has such lawful authority to use this public footpath as vehicular access to the proposed development. Conditions recommended, received 29 April 2013.

4.3 Environment Agency - No further comments to make, received 10 April 2013.

4.4 Swale and Ure Drainage Board - Swale and Ure Drainage Board has no adverse comment, received 16 April 2013.

4.5 Conservation Officer - No response, expiry 25 April 2013.

4.6 NYCC Rail Manager - No response, expiry 25 April 2013.

4.7 Network Rail - No response to the current application. The following observations were made as part of the previous application:

The railway at this location is leased to and operated by The Wensleydale Railway who should be consulted on this proposal as they may have comments which relate to the developments effects on their day to day operation of the line. Day to day railway safety management arrangements are to be made directly with the Operator.

With reference to the protection of the railway, further advice is given in respect of:

#### Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

#### Fail Safe Use of Crane and Plant

#### Excavations/Earthworks

#### Security of Mutual Boundary

#### Level Crossings

#### Fencing

#### Method Statements/Fail Safe/Possessions

#### Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling.

Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Lighting

Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the boundary fencing, method statements, soundproofing, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice, received 29 November 2012.

4.8 Wensleydale Railway - No objection in principle. The following should be noted:

The trees on railway property mentioned on the D&A Statement should not be relied on to screen the property. These may be felled at some point for operational reasons.

The crossing is of the User Worked type and as such the gates should open outwards from the railway. At present, they do not, therefore at some point, the gates will be altered to swing out over.

Trains can and do run at any time of the day or night. It is therefore recommended that the applicant consider some form of sound proofing , either by fence or other means, especially as the proposed property is close to two level crossings where the horn or whistle is required to be sounded.

Any planting must be such that it does not obstruct the slight line of the level crossing for both road users and trains, received 17 April 2013.

4.9 The Ramblers Association - No objections, received 15 April 2013.

4.10 Neighbours consulted and site notice posted - Observations received from 2 nearby neighbours who made the following comments;

- a) Concerns over the access arrangements.
- b) Principle of residential development within the village.
- c) Impact on the Conservation Area.
- d) Design, scale, street layout and plot patterns.
- e) Increase in traffic movements along the adjacent lane and highway/railway safety issues.
- f) Impact upon neighbouring amenity.

4.11 Press Notice - No response, expiry 7 May 2013.

## 5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of residential development in this location, the scale and design of the proposed dwelling, impact on the surroundings and the Conservation Area, the impact on the amenities of neighbouring occupiers, public open space and any highway and railway safety issues.

5.2 At the heart of the NPPF is a presumption in favour of sustainable development which aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to jobs, education, shopping, leisure and other services and facilities. The Hambleton Local Development Framework reflects this approach and Policy CP4 supports development which is located inside the Development Limits of a settlement within the Settlement Hierarchy, as detailed within Policy CP4. Ainderby Steeple is defined as a Secondary Village within the Hierarchy and the site is located within the Development Limits of the settlement. The site is therefore considered to be within a sustainable location and the proposal is acceptable, in principle.

5.3 The site is positioned on a higher ground level but will be excavated to lower the ridge height of the proposed dwelling. There are varying roof heights within the village due to changes in levels and varying house types, the site cross section drawing illustrates that the dwelling will not exceed the height of the majority of the nearby dwellings. The application proposes a two storey detached dwellinghouse which has been designed to be in keeping with the traditional character of the Conservation Area and surrounding properties. It is considered that the dwelling is of good design and will blend appropriately within the surroundings. The proposal will result in realigning the hedge along the roadside boundary but it is considered that this is acceptable and will not have a harmful impact upon the surroundings. The village as a whole does not have a uniform layout, with some dwellings fronting onto the road and others on larger plots set back from the highway. Furthermore, there are neighbouring dwellings adjacent to the railway line and it is therefore considered that the site would not look out of keeping with the street layout and historic plot patterns.

5.4 Although the dwelling would be visible from nearby properties it complies with all the necessary separation distances and will not cause unacceptable levels of overlooking or appear overbearing for nearby properties. The dwelling would be sited on a fairly large plot with the appropriate level of amenity space for a dwelling of this scale.

5.5 It was suggested to the applicant that the existing access to the south of the site be utilised but they declined to amend the details. NYCC Highways, Network Rail and Wensleydale Railway have no objections to the revisions to the proposed new access. There is sufficient space for the parking of several vehicles on site. It is considered that the development will not impact upon highway or railway safety. The advice provided by Network Rail and Wensleydale Railway has been considered and the advice can be included within informatives and controlled by condition, as appropriate.

5.6 Policy DP37 requires that housing developments contribute towards the achievement of retaining, protecting and enhancing Public Open Space. This can be delivered by providing on site facilities or a financial contribution. In this case it is not possible to provide Public Open Space within the site therefore a financial contribution is required to comply with Policy DP37. The cost of the Public Open Space contributions has been calculated and this equates to £4455.08. The applicant has submitted a Unilateral Undertaking (under Section 106 of the Planning Act) relating to the payment of funds. The application therefore complies with Policy DP37.

5.7 Taking into account all of the above, it is considered that the proposal is in accordance with the policies and proposals of the Hambleton Local Development Framework, and the application is therefore recommended for approval.

## SUMMARY

It is considered that the proposal complies with the policies within the Local Development Framework and is appropriate in terms of location, scale and design. It is also considered that the development will not have a harmful effect on the surroundings, the Conservation Area, any nearby neighbours or highway and railway safety and the above policies are therefore satisfactorily complied with.



The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy 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. 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 23 metres measured along both channel lines of the major road Waterboard Lane 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.
3. 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 Block Plan 12/02/02). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
5. 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 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.
6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
7. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences

and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

8. The development shall 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.

9. 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.

10. The dwelling shall not be occupied until a scheme of noise insulation to protect the dwelling from noise from the nearby railway has been carried out in accordance with details which have been submitted to and approved by the Local Planning Authority.

11. The development shall not be commenced until a statement detailing the safety methods for any excavations, pilings or buildings which are to be located within 10 metres of the railway boundary has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be undertaken other than in accordance with the approved scheme.

12. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 28th March 2013 unless otherwise agreed in writing by the Local Planning Authority.

13. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified 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 the interests of road safety.

3. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

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 parking and storage facilities, in the interests of highway safety and the general amenity of the area.

6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties and the adjacent railway line in accordance with Local Development Framework Policy .
9. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid any conflicts with the adjacent railway.
10. To protect the occupants from excessive noise and to lessen the likelihood of complaints arising against noise from the premises.
11. In the interests of the safety, operational needs and integrity of the railway
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 Development Plan Policy(ies) CP17 and DP32.
13. To ensure that the development is appropriate to environment in terms of amenity and drainage.

Parish: **Balk**  
Ward: Whitehorse  
**2**

Committee Date : 23 May 2013  
Officer dealing : Miss A J Peel  
Target Date: 1 May 2013

**13/00368/FUL**

**Demolition of former service station, garage and ancillary outbuildings. Construction of two detached dwellings and improvement works to existing vehicular access. at Bagby Service Station Bagby North Yorkshire YO7 2PF for Mr Nick Brown.**

### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 The application site measures 0.17 hectares and currently accommodates a disused garage and service station situated to the east of Bagby village. There are properties to the east and west of the site and open field to the north and south. The site is located outside the Development Limits of any settlement.

1.2 The application proposes to construct two detached dwellings and create two new vehicular accesses at the front of the site and one at the rear, from the adjacent Public Right of Way, to access the garage at the rear of Plot 2. The proposed two storey dwellings have four bedrooms, an en-suite bathroom, and family bathroom to the first floors, with lounge, kitchen, dining room, utility, day room and w.c to the ground floors.

1.3 The previous application sought permission for two dwellings with live-work units with a financial contribution made in lieu of affordable housing. This proposal has omitted the work units, replacing them with detached domestic garages and there is no financial contribution made in lieu of affordable housing.

### 2.0 RELEVANT PLANNING HISTORY

2.1 07/02782/FUL - Construction of two detached dwellings, two detached domestic garages and creation of a new vehicular access. Refused 20 November 2007.

2.2 08/02098/FUL - Demolition of former service station, garage and ancillary outbuildings. Construction of two detached dwellings, two live-work units (B1) and creation of a new vehicular access. Withdrawn.

### 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 DP42 - Hazardous and environmentally sensitive operations
- National Planning Policy Framework - published 27 March 2012
- Core Strategy Policy CP1 - Sustainable development
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP2 - Access
- Development Policies DP3 - Site accessibility
- Core Strategy Policy CP4 - Settlement hierarchy
- Development Policies DP9 - Development outside Development Limits
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP37 - Open space, sport and recreation
- Core Strategy Policy CP21 - Safe response to natural and other forces

#### 4.0 CONSULTATIONS

4.1 Parish Council - Submitted the following observations:

a) Concerns over using the bridleway as an access road which hasn't been used as a vehicle access for the past 11/12 years. Change the nature of the bridleway into an access road. Safety of the children using the sports field.

b) A proper assessment regarding pollution and land contamination should be carried out by the developer, received 3 April 2013.

4.2 NYCC Highways Authority - There is an existing public bridleway at the western end of the site which is proposed to be resurfaced for use as an access. Full details of its proposed reconstruction will be required to be agreed and the bridleway must remain unobstructed at all times. Conditions recommended, received 5 April 2013.

4.3 North Yorkshire Building Control Partnership - No response, expiry 2 April 2013.

4.4 Yorkshire Water Services - From information submitted, no comments are required from Yorkshire Water (noted from details that foul water only is drained to public foul sewer network, via the site's existing foul drainage system, and that surface water is to soakaways), received 14 March 2013.

4.5 SABIC - Do not wish to make any observations in this matter other than to indicate that at approximately 230 metres from the Teesside to Saltend Ethylene Pipeline (TSEP), the development would fall on the outer planning zone for PAHDI, received 14 March 2013.

4.6 HSE - Does not advise, on safety grounds, against the granting of planning permission in this case, received 19 February 2013.

4.7 Environment Agency - Response to previous application, no objections, informative recommended, received 6 June 2012.

4.8 Neighbours consulted and site notice posted - One response from the previous owner of the site clarifying facts over use of the adjacent bridleway and on site pollution, received 9 April 2013.

#### 5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of residential development, the siting and design of the proposed dwellings and garages, the impact on the appearance of the streetscene and the amenity of adjoining residents and highway safety matters.

5.2 The NPPF states that Local Planning Authorities should avoid new isolated home in the countryside unless there are special circumstances. The site is located outside the Development Limits of any settlement and is therefore located within the countryside. One of the special circumstances noted within the NPPF is if the development would enhance the immediate surroundings. Policy CP4 of the Hambleton Local Development Framework reflects the principles within the NPPF and also supports development which is necessary to secure a significant improvement to the environment. The application proposes to re-develop the existing service station which has been redundant since 2005. The site has been marketed over 7 years without interest from any serious commercial user. The existing buildings have little architectural merit and are now in a poor state of repair with fencing around the perimeter of the site. The site is on the edge of the village and is a prominent location with regular passing traffic. It is considered that there is little chance of the site being used for commercial purposes and the proposed housing development will, subject to other planning matters, significantly improve the appearance of the site and the immediate surroundings. Hence, the proposal meets with the objectives of the NPPF and the Hambleton LDF, in principle.

5.3 The proposed dwellings and domestic garages do not result in overlooking of adjacent dwellings or any other material impact on neighbouring occupiers. NYCC Highways have no objections to the proposal and there is sufficient off street parking within the site for 2 dwellings. Furthermore, there is an adequate level of private amenity space for two dwellings of this scale. The scale and layout of the proposed dwellings are considered acceptable and it is felt that the two storey height is appropriate given the mixture of house types along this stretch of road and into the village. There are some concerns regarding the front elevation of the dwellings as it is considered that the cottage style dormer windows do not match the town house style of the ground floor. Given that the LDF requires that the design of all developments is of the highest quality it has been suggested to the agent that the design of the front elevation of the dwellings be amended. The agent has agreed to amend the proposal and plans will be submitted in due course.

5.4 The agent has confirmed that the adjacent PROW was used by vehicular traffic when the service station was in use and it appears that vehicular traffic still uses the access track at present. It is considered that the use of the track by one additional dwelling will not create high volumes of traffic or cause significant safety issues for those using the PROW.

5.5 The NPPF requires sites to be suitable for the new use taking account of pollution arising from previous uses and proposals for mitigation including land remediation and requires investigation information prepared by a competent person is presented. This is reflected within the LDF where Policies CP21 and DP42 seek to protect from hazardous and polluting activities. The issue of land contamination is being considered by the Environmental Health Department. Works will need to be carried out to ensure that the site is acceptable for the proposed use prior to the construction works commencing. This can be controlled by condition.

5.6 Policy DP37 requires that housing developments contribute towards the achievement of retaining, protecting and enhancing Public Open Space. This can be delivered by providing on site provisions or a financial contribution. In this case it is not possible to provide Public Open Space within the site therefore a financial contribution is required to comply with Policy DP37. The cost of the Public Open Space contributions has been calculated and this equates to £8910.16. The applicant has submitted a Unilateral Undertaking (under Section 106 of the Planning Act) relating to the payment of funds. The application therefore complies with Policy DP37.

5.7 It is considered that the application complies, in principle, with the policies within the Local Development Framework and the National Planning Policy Framework and subject to the resolution of the outstanding issues, the application is recommended for approval.

## SUMMARY

There are some outstanding issues with regards to this application however, providing these issues are resolved then it is considered that the proposal will enhance the appearance of the site and make a significant improvement to the environment and the immediate surroundings, in accordance with the NPPF and the Hambleton LDF. It will not have a negative effect on the amenity of the nearby residents or on 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 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.

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 43 metres measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of each of the access roads. 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. 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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(i) The details of the surfacing of the public bridleway at the western end of the site shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. (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. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

5. The use of the bridleway at the western end of the site shall not be brought into use until the public bridleway at the western end of the site has been resurfaced in accordance with the approved details.

6. 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 DWG Bagby Garage PP01). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

8. 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.

9. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 19th February 2013 unless otherwise agreed in writing by the Local Planning Authority.

10. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified 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. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

3. In the interests of road safety.

4. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

5. In the interests of highway safety and the general amenity of the development.

6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

7. In the interests of highway safety and the general amenity of the area.

8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

9. 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.

10. To ensure that the development is appropriate to environment in terms of amenity and drainage.



**Parish: Danby Wiske With Lazenby**  
Ward: Morton On Swale  
**3**

Committee Date : 23 May 2013  
Officer dealing : Miss A J Peel  
Target Date: 7 May 2013

**13/00438/FUL**

**Change of use from agricultural land to recreational land.  
at Land To The East Of Danby Wiske Parish Church Mounstrall Lane Danby Wiske North  
Yorkshire  
for Danby Wiske With Lazenby Parish Council.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks consent for the change of use of agricultural land to form recreational land for the siting of a children's play area. The land is to the west of Danby Wiske Parish Church and is in a corner of a grassed field. The site is at the southern edge of the village and can be accessed along the footpath along the roadside to the site. The site is not located within a Conservation Area but the adjacent church is a Grade I Listed Building. The site is outside a flood risk zone but there is history of surface water flooding.

1.2 The application proposes to create a small parking area for residents who live outside the village with a vehicular access from Church Lane. The proposal will include timber play equipment, picnic tables, litter bins and other small scale play items. The play area will be fenced off from the rest of the field and the parking area, with a small gate for pedestrian access. The parking area and safety matting under the play equipment will be formed with a permeable surface.

#### 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 No relevant history.

#### 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 CP2 - Access
- Development Policies DP4 - Access for all
- Core Strategy Policy CP3 - Community assets
- Development Policies DP5 - Community facilities
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP28 - Conservation
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP37 - Open space, sport and recreation
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP43 - Flooding and floodplains

#### 4.0 CONSULTATIONS

4.1 Danby Wiske Parish Council : is the applicant in this case.

4.2 Environment Agency - No objections to the development. Planning Officer made further enquiries following concerns regarding flooding at the site. EA confirmed that surface water issues are outside the scope of the Environment Agencies remit, received 16 April 2013.

4.3 Listed Buildings Officer - Awaiting response.

4.4 English Heritage - Awaiting response.

4.5 Swale and Ure Drainage Board - No adverse comments, received 7 May 2013.

4.6 Neighbourhood Policing Team - The below points would normally be recommendations that I would be making regarding play areas sited in housing estates, where play areas can be the source of anti-social behaviour.

Danby Wiske is a small village with apparently a small amount of children in the village. However I note that there is a public house in the village where visitors from outside the village may drive to for refreshment and then use the facility of this play area.

I make the below points and allow the Parish Council and the Planning Dept. to decide which of these salient points could be adopted for this play area in this small village.

This application is unclear in what age group the play area is designed for and between what times it should be used.

Play Amenities - Lap's; Leap's; Neap's.

Play areas are often titled as LAP's -'Local Area of Play', aimed at children up to 6 years old and often sited within 100 metres or 1 minute walking distance of home.

LEAP's - 'Local Equipped Areas of Play', aimed at 4-8 year olds and often sited with 5 minute walking distance.

NEAP's - 'Neighbourhood Equipped Areas for Play', aimed at 8 years old and upwards and within 15 minutes walking distance.

When there is a mix of age groups in play areas there have, in the past, been problems with the youths of the area colonising the play equipment of the toddlers.

It can be a collecting point for youths who may mean no harm but by their mere presence can be viewed as being intimidating and can frighten the toddlers from using their play equipment.

In some cases even the mothers too feel intimidated to go to the toddler play area, let alone asking the youths to move from the toddler play equipment.

Therefore some signage could accompany this play area to show which age group this play area is designed for. This is a small village and you may not feel that such segregation is necessary in a village, where I would imagine every resident would know where that child or youths lives in the village.

Signage.

The play park could display clear signage informing the residents and users of the park, what time the park is open and closed.

This helps the residents to 'police' the play areas themselves. It lays down the rules!

The signage also helps in disputes when youths are congregating late at night and creating noise.

I have not seen in the application if ball games would or would not be allowed. Is there room in this compact play area to play football?

The sound generated of a football being kicked can be significant, repetitive and annoying to nearby residents, especially during calm summer evenings. A decision should be made on whether ball games should be allowed. Again signage can assist here.

With there being a car parking area provided, it has also been found that such car parks do provide an ideal opportunity to provide a location for drug dealing. Such drug dealers do travel some distances to sell their drugs in areas which are unmanaged and unlit. Danby Wiske is only a few miles from Northallerton

It could be considered that lockable gates are installed for this play area and car park. Even if the gates are not used at least if there are problems in the future the gates have already been installed and provide a means of addressing such problems.

Litter.

Litter bins should be provided at suitable locations.

Dog fouling.

The perimeter fencing must be secure to prevent dog fouling in the play areas. Signs should also be displayed instructing dog owners that allowing dog owners to foul in the play areas is an offence. Most play areas ban dogs from being allowed into the play area for Health & Safety reasons.

Maintenance.

At this Planning stage it should be established who will have the responsibility for maintenance, grass cutting, pruning, emptying of litter bins, repairing equipment, replacing equipment, and graffiti removal.

Liability.

If the Local Authority will not adopt this play area, care should be taken that the Parish Council, or the 'Play Area Committee' or whomever the body is responsible for this play area, have sufficient third party insurance cover for any claims against them.

Sustainability is at the heart of all Planning applications. A sustainable community should not only consider the current crime and social problems, but should also consider what projected trends may be like in the future, and countermeasures planned for now.

I make these points with this in mind.

Victims of crime should not be created by poorly designed architecture.

Appendix 1.

National Planning Policy Framework (England). (NPPF).

Delivering sustainable development

7. Requiring good design.

"Planning policies and decisions should aim to ensure that developments have:

Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. (58)

create safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or community cohesion; and

8. Promoting healthy communities.

safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas, received 8 May 2013.

4.7 NYCC Highways - Awaiting response.

4.8 Community Planning Team - Awaiting response.

4.9 Leisure Services Team - I fully support this proposal. I have been liaising with Danby Wiske Parish Council over a number of years acting in an advisory capacity to help them develop a play area in their village. The project is a high priority in the Hambleton Play Plan as it is a) creating new public open space and play area in an area where there is currently none; b) the village has no school and subsequently the children that live in Danby Wiske attend a variety of schools. This project will provide a communal space in the village where they can meet up outside school and create new relationships.

From my experience with other play areas I think the Parish Council's response to the concerns raised is justified, received 29 April 2013.

4.10 Neighbours consulted and site notice posted - Observations for 6 nearby neighbours who made the following observations;

- a) Flooding issues, the impact of artificial surfacing and changes to land levels, poor drainage.
- b) Size of the site for the parish.
- c) Parking is not necessary as parking provided at the village hall.
- d) Pedestrian safety from children and adults using the footpath to access the play area.
- e) Isolated location out of sight of the village properties. Anti-social behaviour.
- f) Impact on nearby historic buildings and appearance of the rural surroundings.
- g) Cost of maintaining the play equipment.
- h) Alternative sites such as the village green.
- i) Support for the application.
- j) There are limited children's activities within the village.
- k) The nearest play areas are at Brompton and Northallerton and are not accessible on foot.
- l) Good place for children and adults within the community to meet.
- m) It would provide a safe, enclosed area for children to play in.
- n) Encourage exercise and improve health.
- o) It will encourage people from the surroundings areas to visit the village and parking will be provided.
- p) Clarification on the Parish Plan;

"93% of the community completed the questionnaire resulting in 205 responses from those aged 16 and above. The survey showed that there were 59 children aged under 16 resident in the parish. The response to the question:- " I consider that recreation facilities for younger children are:-" was Good & very good 1 person Satisfactory 31 people 18% Poor & very poor 140 people 82% The response to the question:- "I think that there should be a safe play area for younger people:-" was Agree & strongly agree 126 people 71% No opinion 36 people 21% Disagree & strongly disagree 15 people 8% The questionnaire asked where people thought such a play area could be sited. Only two areas received more than one nomination. These were the green which could not be exclusively used for that purpose and the area that is the subject of this planning application. The parish council subsequently decided to respond to the democratically expressed will of the community and submitted this planning application."

## 5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of the proposed use on agricultural land, the visual impact of the development on the character and appearance of the surroundings, including the setting of the Grade I Listed Church, the impact on the amenity of local residents, flooding and highway safety issues.

5.2 Policy CP3 and CP19 of the Local Development Framework support proposals which lead to the provision of additional community, recreational and amenity assets. The proposal is therefore considered acceptable, in principle.

5.3 The NPPF encourages the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments. The Council's Leisure Services team have confirmed that a play area is a high priority in the Hambleton Play Plan as it is creating new public open space and play area within the village. Furthermore, the development will provide a communal space in the village where adults and children can meet up outside school and create new relationships. The facility will be within walking distance of the residents of Danby Wiske, along a footpath, and within a short drive of other nearby communities. It will reduce the need to travel by car to the play facilities within Brompton and Northallerton and will provide a social activity which will benefit the community. It is considered that the proposal complies with the aspirations of the NPPF.

5.4 There are significant concerns from nearby neighbours with regards to flooding at the site and the potential impact the development could have on increasing flood risk. The site is located outside the flood zone and the Environment Agency has confirmed that the issue is caused by surface water drainage issues rather than flooding from the nearby water course. The Environment Agency and the Swale and Ure Drainage Board have no objections to the development. The Parish Council have confirmed that any hardstanding for the parking area and the safety matting under the play area will be permeable to allow the water to drain away. In addition, the Parish Council propose to seek advice from a specialist in flood risk and environmental management with the aim of reducing flooding at the site. It is considered that the change of use of the land, with permeable hardstanding and a small amount of play equipment will not cause issues with surface water drainage or increase flooding at the site.

5.5 NYCC Highways have not yet responded to the proposal. The Parish Council have confirmed that the parking area could be omitted from the scheme as users of the play area could park at the nearby village hall. However, given that the village hall is a short walk it is considered that a parking area would be useful to prevent people parking on the nearby and closer highway. The parking area will be formed with a permeable surface with a grass covering to minimise the visual impact of the surfacing. The parking area will be fenced off from the play area and a pedestrian access gate will be provided.

5.6 The proposed play equipment will be constructed of timber materials and will be relatively small scale. The play area covers a corner of the agricultural land on the edge of the village and the landscaping will be retained to help assimilate the proposal within the rural environment. The Parish Council have confirmed that additional landscaping can be carried out if necessary and this can be controlled by condition. Due to the materials and small scale of the equipment it is considered that the proposal will not have an unacceptable impact upon the setting of the Grade I Listed church or the rural surroundings.

5.7 The proposed play area is fairly close to the dwellings at the southern edge of the village. The proposal is likely to generate some noise from vehicle movements and children playing but this will be during normal daylight hours therefore disturbance on nearby residents will be limited. The Neighbourhood Policing Team has no objections to the proposal but has made some suggestions to the Parish Council to help control any issues of anti-social behaviour. However, many of the comments relate to controlling anti social behaviour at play areas sited in housing estates rather than a small village such as Danby Wiske. It is considered that the proposal will not unacceptably harm the amenities of the nearby neighbours.

5.8 Taking into account all of the above, it is considered that the proposal is in accordance with the policies and proposals of the Hambleton Local Development Framework, and the application is therefore recommended for approval.

## SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document identified in the above report in that the provision of this sought after local facility will have not have a

significant adverse impact on local visual amenity, landscape character, flooding, highway safety or adjacent residential amenity.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy 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. Notwithstanding the provisions of any Town and Country Planning General or Special Permitted Development Order for the time being in force relating to 'permitted development' no structure shall be erected within the boundary of the play area hereby approved without the prior written consent of the Local Planning Authority.
3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the site.
4. No part of the existing boundary hedge along the north east and west boundary(ies) of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1 metre other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
5. 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.
6. The use hereby approved shall not be commenced until the fence has been constructed in accordance with the details on the site plan submitted to Hambleton District Council on 8 May 2013. All fences shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
7. 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.
8. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 8th May 2013 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 to protect the visual amenity of the surroundings.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with the NPPF and Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening.
5. In order to soften the visual appearance of the development and provide any appropriate screening.
6. To ensure that the development is appropriate to the character and appearance of its surroundings.
7. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution
8. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .

**Parish: Helperby**  
Ward: Helperby  
**4**

Committee Date : 23 May 2013  
Officer dealing : Mr A J Cunningham  
Target Date: 18 January 2013

**12/02418/FUL**

**Alterations to existing barn/store/garage to form a dwelling and construction of a car port as amended by details received by Hambleton District Council on 9 April 2013, 14 April 2013 and 19 April 2013.  
at The Barn Main Street Helperby North Yorkshire  
for Mr John Baxter.**

## 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks planning consent to alter the existing barn to form a three-bedroom dwelling and for the construction of a car port to the north east of the plot. The barn is currently being used for storage and in the past for the parking of a vehicle by the post office amongst other uses claimed by the applicant in the additional information received. It is proposed to convert it to form one dwelling which will accommodate a kitchen/living area, entrance hall, utility, w.c, study, cloaks and lobby area at ground floor level, and three bedrooms, 2 en-suites and house bathroom at first floor level.

1.2 The Barn is located to the rear of The Old Post Office, Helperby. It is accessed from Main Street to the west and shares this access with Raines of Helperby. The building is sited within the Helperby Conservation Area.

1.3 Consideration of this application has been prolonged due to the submission and consideration of evidence to substantiate the applicant's claim that the building has a fall-back use that should be taken into consideration in determining this application. Following an officer assessment it was decided that local people and the Parish Council should be made aware of the material and thereby afforded an opportunity to comment on it. However, the applicant was not prepared to await the outcome of this exercise and lodged an appeal against non-determination.

1.4 The Council is therefore no longer able to determine the application and this report is to assist the Committee in determining what the Council's decision would have been, which will then form the Council's case in the appeal.

## 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 05/02049/FUL - Alterations to existing barn/garage to form a dwelling. Refused 25 January 2006.

2.2 06/02741/FUL - Alterations to existing agricultural building to form offices (B1) and formation of a car park. Refused 6 February 2007.

2.3 10/02561/FUL - Alterations to existing barn/store/garage to form a dwelling and construction of a car port. Withdrawn.

2.4 11/00533/FUL - Revised application for alterations to existing barn/store/garage to form a dwelling and construction of a car port; Refused 12 May 2011; Appeal Dismissed 14 November 2011.



This application was refused due to concerns about the impact of the development on neighbour amenity and on the Brafferton and Helperby Conservation Area. However, the appeal was dismissed on the sole ground of the harm it would have caused to the immediate neighbours. The Inspector summarised this issue as follows:

"I conclude that the proposal would harm the living conditions of occupiers of adjoining properties due to overlooking and consequent loss of privacy and disturbance from increased vehicular movements and general activity. This would be contrary to policy DP1 of the Development Policies document for Hambleton, which seeks to ensure that development adequately protects amenity, having regard to privacy, noise and disturbance."

### 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 DP2 - Securing developer contributions
- 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
- National Planning Policy Framework - published 27 March 2012

### 4.0 CONSULTATIONS

4.1 Helperby Parish Council - wishes to see the above application refused for the following reasons: The access to the barn is extremely narrow and we do not feel is adequate, cars will have to pass between two properties, one of the properties has a kitchen window overlooking the access way and cars will pass by extremely close to this window. We feel this is dangerous. We are concerned that the plans do not actually reflect correctly the layout as it is on the ground, the plans do not look to scale and make the area and access ways and driveways look larger than they actually are. The drains in the village are terrible and cannot cope with the current dwellings in the village. Improvements should be made to the drains before any further development is permitted in the village. We would like to reiterate and echo our comments made in the previous planning applications for conversion of the barn to a dwelling.

4.2 NYCC Highways - Conditions recommended regarding parking for dwellings, and on-site parking, on-site storage and construction traffic during development.

4.3 Yorkshire Water - From information submitted, no comments are required from Yorkshire Water.

4.4 Neighbours notified and site notice posted; expired 03.05.2013 - 33 representations have been received both supporting and objecting to the application. Whilst most have come from within the village some come from further away. In summary these representations mainly concern:

For:

- (a) Need to save this old rare building.
- (b) Previous concerns have been overcome.
- (c) The proposal is a worthwhile alternative use and the building is well placed for conversion;
- (d) Previous use of the barn;
- (e) Sympathetic design;
- (f) There are similar developments in Brafferton Helperby;
- (g) Concern about what would happen if the application were refused;
- (h) It would be good to bring a young family to Brafferton Helperby and contribute to the local economy; and
- (i) How can this development be turned down when community facilities are allowed to go.

Against:

- (j) Not suitable for development, as adverse impact on neighbour amenity;
- (k) Works to the building would have to be undertaken on neighbouring property;
- (l) The proposals do not comply with the NPPF;
- (m) Insufficient space around the barn;
- (n) Absence of boundary treatment to Raines;
- (o) Overlooking to The Old Post Office and to The Leas;
- (p) There is no agreement between the applicant and The Old Post Office, particularly in regard to access to boundary wall;
- (q) On-street parking, highway safety and access plus the past and present vehicle movements;
- (r) High density of development;
- (s) Inadequate sewerage system;
- (t) Increased traffic;
- (u) Impact on bats;
- (v) The vehicular access and carport size should be checked;
- (w) Insufficient privacy to neighbours;
- (x) If used for agricultural purposes, this could harm surrounding area;
- (y) Concern that site is intentionally being made to look untidy; and
- (z) The location plan incorrect - there is no building immediately adjacent the barn at The Old Post Office.

4.5 Press Notice; Published: 15.12.2012; Expired: 07.01.13 - No responses received as at 17.01.13.

## 5.0 OBSERVATIONS

Introduction:

5.1 This application is amended from the residential conversion refused and dismissed on appeal in 2011. The Inspector's decision identified the impact on immediate neighbours as the sole planning consideration that prevented permission being granted then. Notwithstanding the publication of the NPPF in March 2012, there has been no significant change in the planning policies relevant to this matter and assessment of this application, now at appeal, should turn on the following issues:

- (a) The material changes from the appeal scheme and whether they successfully address the concerns identified by the Inspector; and
- (b) Any relevant evidence that had not been before the appeal Inspector.

5.2 The concerns that prevented the Inspector from allowing the previous appeal were that the proposal would harm the living conditions of occupiers of adjoining properties due to (i)

overlooking and consequent loss of privacy and (ii) disturbance from increased vehicular movements and general activity.

5.3 The appeal Inspector did not consider any other issues, including impact on the visual amenity of the surrounding Conservation Area and highway safety to justify refusing permission. Given the similarities between the two schemes, it is considered appropriate to work through a comparison of the two taking into account the current policy context and the representations received.

Principle of location:

5.4 The site is within the settlement limits of Helperby, a sustainable settlement set out in policy CP4 of the Hambleton Local Development Framework. Therefore in principle the provision of an additional residential unit in this location is acceptable. This was not disputed in the previous appeal.

Policy Context:

5.5 The applicant correctly asserts that the Council's policy has remained unchanged since the last application. National planning policy has changed with the introduction of the National Planning Policy Framework in March 2012. Paragraph 51 of the NPPF states that Councils should "normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate." As noted later in this report, it is considered on balance that a fallback use for Class B8 storage exists and therefore this aspect of the NPPF provides support for the proposal.

5.6 This will need to be weighed against any likely harm to residential amenity. The harm arising from the previous proposal for residential conversion was clearly identified in the appeal decision as contrary to LDF policy DP1. The NPPF maintains the statutory provision that applications should be determined in accordance with the development plan (i.e. the LDF) unless material considerations indicate otherwise.

Impact on Visual Amenity:

5.7 The design, scale, construction method and materials proposed for the renovation of the building are sympathetic in their nature and would preserve the character and appearance of the building and its visual contribution towards the Helperby Conservation Area. This is consistent with the appeal decision on the previous conversion proposal.

Impact on Neighbour Amenity:

5.8 As a result of the positioning of the building in regard to the surrounding settlement pattern, the impact of the proposed residential use on adjacent property needs to be carefully considered. The previous application was recommended for refusal in part as a result of its impact on neighbour amenity. This issue was considered sufficiently serious to justify the dismissal of the subsequent appeal. The question for the Local Planning Authority to answer in reviewing this scheme is whether the changes made to the proposal along with the revisions to national planning policy are significant enough to either outweigh or adequately reduce the harm to neighbour amenity so that permission can be granted.

(a) Overlooking:

5.9 The internal layout has been amended through the addition of a further bedroom, en-suite and the substitution of the linen store area with a bathroom at first floor level, and the repositioning of

the stairwell, lobby area, study and kitchen. The external appearance of the building to the north-western elevation in comparison to that submitted as part of 11/00533/FUL is unchanged. The extent of glazing to the north-eastern elevation is increased as part of this submission however the overall opening remains the same. The fenestration to the south-eastern elevation has been reduced with the omission of roof lights, the substitution of the 3/4 height glazing with chamfered timber vertical slats, the substitution of a door with a window, and the introduction of a window at first floor level serving a landing. The remaining south-west elevation is unchanged. To the south-eastern elevation at first floor the window serving the bathroom would be obscurely glazed, the landing would be served by clear glazing and the bedroom would be served by the upper part of the slatted chamfered door extending from ground level.

5.10 The design of the windows to the south eastern elevation and that the clearly glazed units serve a non-habitable room (landing) result in the only possible overlooking occurring from this area. Taking into account the degree of mutual overlooking in the locality, and the levels of potential overlooking it is not considered that this would harm the amenities of the occupiers of Raines of Helperby. To the south-eastern elevation, in the ground floor, the windows and door would be formed of clear glazing. Overlooking from openings to the ground floor of this elevation could, as was suggested in the previous appeal decision, be overcome to a degree with the use of a suitable boundary treatment. Considering the reduced levels of glazing, the internal re-configuration and the proposed boundary treatment it is not considered that the ground floor windows would erode neighbour amenity.

5.11 Turning to the north-eastern gable it is noted that the glazed area to this elevation has increased since the previous application. The previous scheme interspersed glazing with sections of timber panelling. These have largely been removed as part of this submission and the emphasis placed on the opening to this elevation to provide the bulk of the light to the habitable rooms within the structure proposed for conversion. It is noted that the overlooking impact from this elevation was not raised as a concern during the life of the previous application and subsequent appeal however the levels of glazing differed to those now proposed and main sources of light were also taken from openings on the south-eastern elevation. It is therefore appropriate to consider this material consideration. The increased glazing to the north-eastern elevation would erode the neighbour amenity of the north-eastern portion of the garden of The Old Post Office by way of overlooking from the first floor windows. There is sufficient distance of 15m between the south-eastern elevation of the structure proposed for conversion and the rear boundary of the plot at The Old Post Office to allow for this harmful impact to occur. It is noted that a curtilage structure is positioned at the north-eastern end of the plot at the adjacent property of The Old Post Office, therefore this amenity area is likely to be more heavily used than were this not in situ. The agent for the applicant has highlighted that the first floor window detail to this elevation could be reserved by planning condition, and it is considered that this would safeguard the amenity of the occupiers of The Old Post Office if all other aspects of the scheme were acceptable and therefore permission were to be granted. However, now that the matter is proceeding to appeal the Council is no longer in a position to impose a planning condition and the scheme requires further assessment to determine whether it is otherwise acceptable.

5.12 The ground floor windows to this elevation would not cause a harmful impact on neighbour amenity due to the scale of the boundary wall separating the application site to The Old Post Office and surrounding properties. It is also considered that there is an acceptable separation distance to protect the amenity of properties at The Leas. The positioning of the car port, given its design and scale, is not considered to harm neighbour amenity. Taking all of the above into account, in summary the scheme does manage to safeguard neighbour amenity for the occupiers of Raines of Helperby in terms of overlooking and by way of suitable revisions to the first floor fenestration to the north eastern gable the scheme is able to safeguard adequately neighbour amenity for occupiers of The Old Post Office. Consequently the proposal meets with the requirements of policy DP1 of the Hambleton Local Development Framework except for the

increased glazing to the north-eastern elevation. It is possible to recommend a suitable condition to the appeal Inspector to address this.

(b) Domestic activity:

5.13 Access to the proposed dwelling would be by way of an existing driveway between the two frontage properties of The Old Post Office and Raines of Helperby. Application reference 12/01716/FUL was approved on 18.12.2012 for the change of use of the existing post office and shop to form a dwelling at Raines of Helperby. The dwelling at The Old Post Office has two windows facing the driveway, in close proximity to it. The garden area to Raines of Helperby is open to the driveway. Given this configuration, the comings and goings of vehicles and pedestrians in connection with the proposed dwelling are likely to cause disturbance to the occupiers of those properties. This was the reason for the previous appeal being dismissed and it is noted that that concerned a two-bedroom conversion. With the proposal now for a three-bedroom dwelling, the potential for neighbour amenity to be harmed by this activity is increased.

5.14 At the time of the application site visit in December 2012 the barn appeared to be used for light personal storage purposes and little else. In the previous application, the appeal decision and as part of this application it has been made clear that part of the barn was previously used for the garaging of a Post Office delivery van. Further evidence has been submitted suggesting a variety of other historical fallback uses of the land and building. The appeal decision highlights that the driveway was used at that time for access to the sorting office. This use has clearly now ceased and evidently vehicles have not been parked within the structure for some time as was observed at the time of the site visit in 2012. A representative of the applicant has submitted evidence to suggest that the scale of use of the structure and associated land has increased substantially in the last five months. New evidence has been presented about the former and current use of the building and the impact of the activity associated with those uses must be taken into consideration and weighed against the likely impact of the proposed residential use. The current proposal should only be resisted on this ground if it would have a greater adverse impact on neighbour amenity than activity that can take place without needing planning permission (the "fallback position").

#### Fallback Position

5.15 The agent for the applicant has in his supporting statement devoted considerable time towards highlighting the importance of the 'fallback' position in regard to the activity associated with vehicles using the site and building. Additional information was formally submitted on 9 April 2013, 14 April 2013 and 19 April 2013 containing evidence of the fallback uses of the land and building.

5.16 In the appeal decision, the Inspector highlighted that "the driveway could be used by vehicles and in principle the barn could be used for garaging, without the need for any further planning permission. However, from what I could see of the interior and exterior of the building, together with the information in both the structural survey and the wildlife survey (relating to the condition of the building), it is likely that it would need refurbishment before it would regularly be used for the parking of a vehicle". As was highlighted at the time of the appeal decision, there is still no evidence to suggest that the appellant has any intention of carrying out the remedial work to the structure. Based on the application site visit in 2012, historical site observations, recent written and photographic fallback evidence and the response of immediately neighbouring property it is clear that the use of the premises has recently been significantly intensified to a far greater degree than was historically the case. The appeal inspector considered that the fall back position attracted a limited amount of weight in favour of the development but far more evidence has been presented in this application and this therefore is a matter that the Council must now consider carefully.

5.17 The agent for the application has summarised various users of the building over the last ten years, with supporting evidence, and examination of this leads to the conclusion that the building has probably been used for storage continuously over that period. It is therefore likely that a lawful storage use exists, although it has to be stressed that this is not a formal determination of lawful use. The condition of the building suggests that this storage may only take place on the ground floor and the identified storage activity appears to be small-scale, largely personal, and involving only occasional visits to the building.

5.18 The applicant mentions in a supporting statement received by the Council on 15 January 2013 that "the owners of the barn have no wish for it to remain empty, unoccupied and unused and it is currently being actively marketed to let as a whole or in five individual lots". Whilst this demonstrates more of a commitment to putting the structure to a future use it should only be afforded limited weight given that remedial works that would be necessary to allow anything more than light personal storage to be possible have not been undertaken and at this time the level of activity is artificially intensified and clearly not at that which would result from the proposed dwelling, which since the previous submission has had an additional bedroom added.

5.19 More recent evidence submitted by the co-owner of the building indicates more frequent visits by family members in recent weeks but it is by no means clear that visits to the building have been that frequent over the ten years. This recently intensified activity at the barn appears to have occurred since 4 March 2013 when an immediate neighbour at Raines reported "activity at The Barn is currently minimal and very limited after daylight hours, if at all". These observations are reinforced by the more recent response dated 1 May 2013 of a resident of The Old Post Office. The historical use of the site is outlined by the previous owner of Raines who states "what seems to have happened since we sold the property is that the owners of the barn have seen fit to make the area as scruffy as possible by letting a local man store scrap metal on the site, the erection of a partial fence and giving the area a general look of untidiness. This is in sharp contrast to how it was when we lived there, the barn and land areas would go unused for months on end and the only time we would see the owners was when they were showing prospective purchasers around".

5.20 Notwithstanding this, the previous appeal Inspector's conclusion that "even if it could be demonstrated that it was the appellant's genuine intention to open the building up for garaging purposes, the building would only accommodate one vehicle in its current form" remains true. Similarly the extent of the lawful use of the building for other purposes would not be comparable to the levels and overall frequency of activity generated by the three bedroom dwelling proposed. It is noted that the boundary treatment could assist in providing a visual separation between Raines of Helperby and the application site however this boundary treatment does not run the full distance of the access, given that it serves Raines, and in any event would not significantly minimise the levels of disturbance the proposed use would generate, particularly at the pinch point between Raines and The Old Post Office, where vehicles accessing the new dwelling would pass very close to existing dwellings. Consequently it is considered that the vehicular movements and activity would harm the living conditions of the occupiers of the two adjoining properties by way of disturbance and fails to accord with policy DP1 of the Hambleton Local Development Framework.

#### Highway Safety:

5.21 NYCC Highways have reviewed the scheme and not raised an objection to the proposal. Taking this into account, along with the site size and intensity of development proposed, it is not considered that the proposal would be prejudicial to highway safety.

#### Open Space, Sport and Recreation Contribution:

5.22 Policy DP37 of the LDF requires that where there is a net increase in dwellings on a site, a contribution be made towards off-site open space, sport and recreation facilities. In this instance

the contribution required is £3307.80. The payment of this contribution is assured by way of a Unilateral Undertaking dated 17 January 2013 submitted to the Council. This Unilateral Undertaking will be binding if permission is granted on appeal.

Compliance with the NPPF:

5.23 The applicant has highlighted the change in national planning policy as a factor in support of the development. The National Planning Policy Framework was introduced in March 2012. The Local Planning Authority recognise the aims of the NPPF to approach decision taking in a positive way to foster the delivery of sustainable development (paragraph 186) along with seeking positive improvements in the quality of the built, natural and historic environment (paragraph 9). As noted earlier, paragraph 51 of the NPPF states that Councils should "normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate." As it is accepted that a Class B8 use has existed, this aspect of the NPPF lends support to the application.

5.24 Notwithstanding this the NPPF within its 'core principles' states that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" (paragraph 17). It is not considered, as set out above, that the development meets this core principle.

Other matters:

5.25 In response to the neighbour representations received not previously addressed within this report it is highlighted that the undertaking of works on neighbouring property is a civil matter between the applicant and the property owner. The space surrounding the barn, were its impact on neighbour amenity deemed acceptable, is considered reasonable for a property of this size. The proposed boundary treatment to Raines, based on the information submitted, is not on land controlled by the applicant. Were the scheme deemed acceptable and the boundary treatment required by a pre-commencement condition, its implementation would be a matter for the applicant to resolve. This and other issues requiring agreement with adjoining property owners are private matters for the applicant to address.

5.26 In respect of other comments received, no objections have been raised by Yorkshire Water in regard to the sewerage system, the impact on bats has been considered as part of this scheme and a bat survey submitted recommending mitigation measures were the development deemed acceptable. The plans have been checked and do not appear incorrect. Similar developments in the locality have been brought to the attention of the Council however every scheme differs and is consequently judged on its own merits. In this case, the precedent of the November 2011 appeal decision on a similar scheme on the same site is far stronger than schemes elsewhere in the area.

5.27 The applicant advises that the previous use of the premises was for vehicle storage and therefore a use for agriculture would require a further permission. This only requires consideration in the event that an agricultural user expresses an interest in the building. The applicant's reference to marketing of the building has not suggested this is likely.

5.28 The Town and Country (General Permitted Development) (Amendment) (England) Order 2013 coming into force on 30 May 2013 is noted, particularly in regard to the permitted development rights it will introduce for change of use to dwellinghouses without the need for planning permission. It is highlighted however that this only applies to the change of use of a building falling within Class B1(a) (Offices) Use Class which does not include the established B8 use of the building the subject of this application. The use of the building could change from B8 to B1 use class (where it does not exceed a floor area of more than 235 sqm), and then under the

new permitted development regulations transfer to C3 (dwellinghouses) provided the use of the building for B1 purposes had commenced immediately before 30 May 2013. Given the poor condition of the building and the works that would be necessary to bring the building into a condition to permit a B1 use are so extensive it is likely they would require planning permission. Furthermore, it is highly unlikely that this investment would be made given the unattractiveness of the building as an office location and the depressed state of the office sector in the current recession. As such the B1 office use will not have been commenced by 30 May 2013 and so the changes to the permitted development regulations have limited relevance in this instance.

Conclusion:

5.29 Taking the above into account it is clear that the alterations to the barn would safeguard the appearance of the Conservation Area in that they would make a positive contribution towards local visual amenity, and not compromise highway safety. However these factors cannot outweigh the harm caused by overlooking to neighbouring property at The Old Post Office (although this could be addressed by condition if permission were granted) and by disturbance through vehicular and general domestic activity to the occupiers of The Old Post Office and Raines of Helperby.

5.30 Some of the concerns of the last submission have been overcome by design amendments, particularly the overlooking impact to Raines of Helperby. The change in national policy is acknowledged but it is not sufficient to outweigh the harm that would be caused by the increased comings and goings that would arise from the proposal and its consequent inability to comply with all of the Council's planning policy as a result of the general activity the dwelling would generate.

## SUMMARY

### 6.0 RECOMMENDATION:

The Planning Inspectorate is advised that the Council would have REFUSED planning permission for the following reason:

1. The increased use of the access and driveway resulting from the proposals and the frequency of the noise and activity associated with the proposed dwelling would have an adverse affect on the amenities of nearby residents and would not accord with policy DP1 of the Hambleton Local Development Framework.
2. Committee authorise the Planning Manager to recommend appropriate conditions to the Planning Inspectorate in the event of permission being granted on appeal, including one to reserve details of the fenestration in the north-eastern elevation in order to protect neighbour amenity.



**Parish: Ingleby Arncliffe**  
Ward: Swainby  
**5**

Committee Date : 23 May 2013  
Officer dealing : Mrs B Robinson  
Target Date: 3 June 2013

**13/00567/FUL**

**Change of use of agricultural land to equestrian and construction of a stable block/store.  
at Arncliffe House Ingleby Arncliffe North Yorkshire DL6 3LX  
for Mr Rick Birch.**

## 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is field beyond the village's Development Limits at the rear of Arncliffe House. It is accessed from the village street via a drive alongside Arncliffe house. The drive also serves a Birch View, a residential property set back from the village street and which adjoins the application site.

1.2 The field boundary is mainly hedged with ten trees within these hedges, mostly on the north eastern and south eastern boundaries, protected by a Tree Preservation Order. On the north western boundary the applicant's property bounds the site with a railing fence and newly planted hedge. On the remainder of the north western boundary there is a young cupressus type hedge, approximately 2 metres high. Residential properties back onto the field on the north eastern, north western and south western sides. On the south western side of the field, near the north western corner, there is a pond, with mounded earth on its west side, and immature planting.

1.3 The proposal is to construct a stable/store building, located in the north western corner of the field, which would be used for equestrian purposes. Originally the proposal was a blockwork building with tiled roof and storage within an upper area but it has since been amended to a timber structure, size 7 metres x 9 metres, with a pitched roof with felt roofing. The maximum height would be 3 metres and the building would be positioned 2 metres from the north western and south western boundaries. The roof would project over a covered walkway/portico at the front. The layout of the building is shown as having a stable and tack room, and a store.

## 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).

2.3 11/02644/FUL - Revised application for the construction of a replacement dwelling. Permission granted 03.02.2012

## 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 DP30 - Protecting the character and appearance of the countryside  
Core Strategy Policy CP17 - Promoting high quality design

#### 4.0 CONSULTATIONS

4.1 Parish Council - "Ingleby Arncliffe Parish Council, having made a site visit to the field for which this application is under consideration, and having taken into consideration the views and concerns of Parish residents, wishes to see this application REFUSED". The concerns expressed relate to odour and drainage, which the Parish Council believes would adversely affect the occupiers of the houses that adjoin the field.

4.2 Highway Authority - Providing the stables are for the applicant's own use there are no highway objections.

4.3 Environmental Health - no objections subject to controls to address local concerns involving manure being managed in accordance with the submitted details and there being no burning of waste on site.

#### 4.4 Public comment

Objections as follows:

- i. Size of stable block
- ii Impact on outlook from nearby houses.
- iii Smells
- iv Highway safety at access.
- v. Drainage in field is poor.
- vi Land too small to support number of horses implied.

Expressions of support are made on the basis that the development will enhance the look of the already improved land and views.

#### 5.0 OBSERVATIONS

5.1 The equestrian use would go hand in hand with the stabling of horses and the main issues are the principle of the building in this location (CP1, CP2, CP4), its design and suitability for the stated purpose (CP17, DP32), the impact of the use and the building on the rural surroundings (CP16, DP30) and their impact on the amenities of neighbouring occupiers (CP1, DP1) together with any highway safety issues.

5.2 The site is outside development limits and new development will not normally be allowed under the principles of sustainability contained in CP1, unless an exception can be made in accordance with CP4, and other relevant policies of the Local Development Framework. The site is very close to the applicant's house and lends itself to domestic equestrian use in association with the dwelling, and noting there is a natural requirement for horses to be housed in the countryside, the policy principle in this case is considered acceptable. The likely impact of the proposed stable is assessed below.

5.3 With regard to design, the proposed building is appropriately modest in height and simple in form, and together with the proposed use of timber materials and a low-profile felt roof, it would blend in satisfactorily with the rural surroundings. With regard to its position, any views of the building from the wider countryside would be against the background of the village houses, where it would not appear unacceptably obtrusive.

5.4 With regard to the amenities of nearby occupiers, the building would benefit from existing hedge screening on the boundaries with the properties nearest to it, and whilst the north western

gable end would be visible above the nearby hedge, this would be to a limited extent and would not be obtrusive due to the timber materials proposed. The stable use has potential for odour nuisance to arise, depending on the management of waste. Due to its relatively limited size the number of horses that could be stabled is restricted, and being mindful of the Environmental Health advice it is considered that, subject to a suitable scheme to manage and remove manure appropriately, this aspect can be dealt with acceptably.

5.5 The initial application suggested storing waste and either removing annually or spreading on the field. Due to the proximity of the houses this is not acceptable, and the applicant was invited to consider alternative arrangements. The arrangement now proposed is that a local landscape gardener will collect manure weekly, and remove it for storage with similar materials at a site in Faceby, for later use. The Environmental Health officer has suggested that regular removal at least once a month would be satisfactory to maintain satisfactory amenities, and this element is therefore considered satisfactory.

5.6 With regard to highway safety, the applicant has provided to the Highway Authority an indication of the anticipated use of the access. The additional vehicle movements are suggested to be one extra private car daily and trailer once a month to deliver straw and remove manure if necessary. Given that the existing use of the access the additional traffic will not be so great as to harm road safety. The Highway Authority indicates that provide the stables are for personal use, there is no objection to the proposal.

5.7 The use of the field for small-scale equestrian use is appropriate to this location close to the village and will not be harmful to the wider surroundings. The field is mainly hedged and equestrian activity on the field will not impose on the enjoyment of their domestic amenity by neighbouring occupiers. However, the mounding adjacent to the pond does not have planning permission and is unsuited to the current agricultural use and appears equally unsuited to the proposed equestrian use. It would therefore be appropriate to impose a condition to deal with this issue if permission is granted.

5.8 With regard to the views of neighbours, the concerns can be summarised as follows:

5.9 Amenity and nuisance from smells and flies etc. As noted above, subject to a suitable scheme to store and dispose of manure waste regularly, it is not considered that there would be an unacceptable nuisance in this regard, particularly taking into account the limited numbers of horses that could be accommodated in the proposed stable.

5.10 Concerns about the height of the building and the impact on outlook/views have been addressed by the reduction in the overall height and change to materials to ensure that it would fit into the agricultural surroundings. Existing screen hedges can ensure that the majority of the building is not obtrusive in the outlook from nearest affected properties.

5.11 Highway safety - the number of additional vehicles using the site is low, and subject to the usual expectation of careful and attentive driving, there would not be harm to road users arising from the proposed development.

5.12 With regard to drainage, natural drainage of surface water is likely to be to the pond. Attention has been drawn by neighbours to problems with drainage from the pond, however no definite information that this is the case is provided and any existing drainage issues will require resolution in their own right and would not of themselves justify refusal of the present proposal. However, it would be appropriate to impose a condition to secure details of drainage from the stable building and if the submitted details did not support draining to the pond, there would be opportunities to include soakaways instead.

5.13 The site is outside the development limits of the village, however as seen above, given the requirements for equestrian development to be in the countryside, this is an acceptable location for this type of development.

5.14 With regard to the scope for the inferred later conversion to a habitable use, this would be a matter of a separate planning application. The building as now proposed is considered suitable in size and design for the use applied for.

5.15 The existing garage building at Arncliffe House was built under permitted development rights and is not material to the considerations here.

## SUMMARY

Due to its siting design and materials the proposed development is appropriate to the location and will not cause unacceptable harm to the amenities of neighbouring occupiers, and is able to comply with the above policies.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy 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 drawing(s) and/or details received by Hambleton District Council on 22 April 2013 unless otherwise agreed in writing by the Local Planning Authority.
3. The development hereby approved shall not be commenced until details of the surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
4. The surface water disposal facilities shall be constructed in accordance with the details approved under condition 3 above.
5. There shall be no burning of manure on site and no storage of manure other than temporary arrangements pending removal at intervals of at least one month. The owner of the field shall maintain an up-to-date record of the dates when manure has been removed and shall make this information available at all reasonable times to the Local Planning Authority.
6. There shall be no external lighting unless previously approved in writing by the Local Planning Authority, and thereafter installed as so approved.
7. The existing hedge on the northern boundary shall be retained and maintained at a height of not less than 2 metres and not more than 3 metres.

8. The use of the stables hereby approved shall be equestrian and storage use only and shall be only for the personal enjoyment of residents and family of occupiers at Arncliffe House, unless otherwise agreed in writing by the Local Planning Authority, and not for any commercial activity.

9. Prior to the development commencing, the existing mound on the south-west side of the pond shall be removed and the material removed from the site or alternatively spread so as to have no appreciable effect on the landform.

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 DP32.

3. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

5. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 DP1.

6. To maintain the amenities of the surroundings, in accordance with Local Development Framework Policy CP1, DP1, CP16, DP30.

7. To maintain the amenities of nearby occupiers, in accordance with Local Development Framework Policy CP1, DP1.

8. To enable the Local Planning Authority to assess any alternative use, in accordance with the relevant policies of the Local Plan.

9. To preserve the natural character of the rural landscape, in accordance with Local Development Framework Policy CP16 DP30.

**Parish: Northallerton**  
Ward: Northallerton Central  
**6**

Committee Date : 23 May 2013  
Officer dealing : Mr J E Howe  
Target Date: 8 April 2013

**13/00265/FUL**

**Alterations and extension to existing domestic garage/workshop/store to form a dwelling.  
at Old Toms Barn Scholla Lane Northallerton North Yorkshire  
for Mr M Foale.**

## 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the conversion, including an extension to form a carport, of existing domestic outbuildings comprising a garage, store and home workshop to form an independent two bedroomed bungalow within the curtilage of the applicant's existing dwelling in open countryside to the east of Northallerton, thereby creating two dwellings out of one. The site is located off Scholla Lane, which is an upwardly sloping C-class road leading from the Ashlands area of Northallerton, 1.6 km to the west.

1.2 The properties on and adjacent to the site have a varied history and comprise a two storey dwelling with rooms in the roof known as Mill Garth, which was originally owned by the applicant and subsequently sold by him with its own independent access. Behind this dwelling (i.e. Millgarth) and a two metre high brick wall is a former agricultural building which was extended and converted to use as a craft workshop/tea rooms and then further converted to a dwelling following a permission granted on appeal in 1996 (decision 2/95/110/0725E referred to below). Attached to this building were ancillary domestic buildings which were also subsequently converted to form an independent dwelling in 2004. The applicant currently lives in this dwelling.

1.3 It is stated in support of the proposal that the scheme under consideration comprises the sub-division of the applicant's current curtilage by the conversion of the garage, store and home workshop with the addition of a carport which would be constructed to match the rest of the structure using re-claimed bricks, oak lintols and columns with a roof of dark tiles. It is also stated that access to both properties (i.e. the applicant's current residence and proposed converted unit) would be via the existing access drive from Scholla lane which would remain unaltered at its junction with the County Highway. A short section of shared drive would lead to the entrances of each property. It is stated that both curtilages would have clearly defined boundaries with parking and turning areas and approximately 0.4 hectares of landscaped gardens. The applicant has indicated that the new unit would be suitable for a bed and breakfast operation ancillary to the residential use although this does not formally comprise part of the submission.

## 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 110/0725: Conversion of disused agricultural building to form workshop and showroom for furniture manufacture: Permission granted Oct. 1986

2.2 110/0725A: Conversion of craft centre to dwellinghouse: Permission Refused Nov 1989

2.3 110/0725B: Conversion of craft centre to dwellinghouse: Permission Refused April 1990

2.4 110/0725C: Construction of extension to workshop/showroom to form kitchen facility: Permission Granted Aug. 1993.

2.5 110/0725D: Revised details to form kitchen facility: Permission Granted Oct. 1993.

2.6 2/95/110/0725E: Conversion of craft centre to dwellinghouse: Permission Refused 1995. This decision was overturned following an Appeal 1996.

2.7 2/96/110/0725F: Construction of extension to existing building to form additional workshop: Permission Granted June 1995.

2.8 2/96/110/0725G: Revised details of conversion of craft centre to dwelling: Permission Granted June 1996.

2.9 2/03/110/0725H: Alterations and extensions to existing ancillary living accommodation: Permission granted October 2003. This application proposed to raise the roof of the current application building to create space in the roof. Condition 3 prohibited domestic accommodation at first floor and Condition 4 required the accommodation to remain ancillary to Old Tom's Barn.

2.10 2/04/110/0725J: Alterations, extension and sub-division of existing dwelling to form two separate dwellings: Permission Granted July 2004.

2.11 2/04/110/0725K: Removal of Conditions 3 and 4 of planning permission 2/04/110/0725H: Permission Granted September 2004.

### 3.0 RELEVANT PLANNING POLICIES:

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

National Planning Policy Framework - published 27 March 2012  
Development Policies DP2 - Securing developer contributions  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Development Policies DP37 - Open space, sport and recreation  
Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Development Policies DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside

### 4.0 CONSULTATIONS

4.1 Northallerton Town Council: No observations on the proposal.

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

4.3 Environment Agency: No comments.

4.4 Yorkshire Water: No adverse observations.

4.5 The application was advertised by site notice and the six closest neighbours were notified. One letter was received raising no objections subject to the proposed dwelling remaining a single storey structure.

### 5.0 OBSERVATIONS

5.1 The main issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies

documents, as set out above, together with the relevant content of the National Planning Policy Framework and relate, in this case, to the sustainability of the proposal (Policies CP1, CP2 and CP4) and further related consideration under Policies DP8 and DP9, together with the impact, if any, upon local visual amenity and landscape character (Policies CP16 and DP30). Development of this nature also requires financial contributions towards the provision/improvement of public open space and recreational facilities and towards the provision of the North Northallerton Link Road (Policies CP19, DP37 and DP2). Should the development be otherwise acceptable, a financial contribution towards local provision of affordable housing should also be sought.

5.2 Policy CP4, which includes the Core Strategy's designated settlement hierarchy, states that development or activities of a scale and nature appropriate to secure the sustainability of each settlement, as identified in Spatial Principle 3 and Core Strategy Policies, will be supported within the Development Limits of such designated settlements. However, the Policy goes on to add that development in other locations (i.e. in non-designated settlements or in the countryside) will only be supported where an exceptional case can be made for the proposal in terms of Policies CP1 and CP2 and where at least one of six exception criteria is met. The criteria comprise the following where:

- i. It is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential need to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or
- ii. It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
- iii. It would provide affordable housing or community facilities which meet a local need, where that need cannot be met within the settlement hierarchy ; or
- iv. It would re-use existing buildings without substantial alteration or reconstruction and would help to support a sustainable rural economy or help meet a locally identified need for affordable housing; or
- v. It would make provision for renewable energy generation, of a scale and design appropriate to its location; or
- vi. It would support the social and economic regeneration of rural areas.

5.3 The current proposal, as submitted, does not meet the requirements of criteria i, ii, iii or v as set out above. In terms of criterion iv it is acknowledged that the conversion is to be carried out to the relevant buildings 'without substantial alteration or reconstruction' but the application does not then make a reasoned case for the proposal helping to support a sustainable rural economy or meeting a locally identified need for affordable housing. With regard to criterion vi, the applicant has referred to the potential future use of the proposed dwelling for a bed and breakfast facility thereby helping the economy of the area. However, such a facility would be ancillary to the primary use of the buildings as an independent dwelling and therefore it would first be necessary to deem the proposal acceptable as a dwelling. It has not been put forward as a holiday letting facility in its own right. In view of the absence of a special case being made under the given exception criteria, appraisal of the proposal against Policies CP1 and CP2 is not relevant.

5.4 Policies DP8 and DP9 give further detailed amplification of the need for, and purpose of, Development Limits around designated sustainable settlements and Policy DP9 confirms that permission will only be granted for development outside such Limits in exceptional circumstances having regard to the provisions of Policy CP4 which are referred to in detail above.



5.5 The objective of Core Strategy Policies CP1, CP2 and CP4 and the supporting policies from the Development Policies DPD is to direct development away from unsustainable locations. The application site is not located in a settlement in the designated settlement hierarchy neither is it in a non-designated settlement, it is in open countryside. In addition to the above assessment it is relevant to consider the precedent of the application for a private gypsy site on the field east of Hailstone Moor (12/01570/FUL) which is now the subject of an appeal. The Council's assessment of that application concluded that the location is unsustainable, particularly in respect of the absence of footways and street lighting on Scholla Lane and the distance from Northallerton town centre and the facilities there.

5.6 Policies CP16 and DP30 require proposals to be appraised and assessed against potential adverse impact on local visual amenity and landscape character. In this case, in view of the fact that only limited extension/alteration is proposed, no objections are raised in this respect.

5.7 The National Planning Policy Framework states in its introduction that "Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of Local and neighbourhood plans and is a material consideration in planning decisions." The introduction (paragraph 2) clarifies that 'the development plan' includes the Local Plans which have been made in relation to the area. The Glossary to the NPPF also states that "Current Core Strategies or other planning policies which under the Regulations would be considered to be development plan documents, form part of the Local Plan." Paragraph 215 confirms that following the end of the 12 month 'interim period' from the date of publication of the NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework the greater the weight that may be given)."

5.8 In this case it is considered that the contents of the NPPF and the Policies identified above within Council's Local Development Framework are consistent. In particular, Paragraph 55 confirms that "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- \* The essential need for a worker to live permanently at or near their place of work in the countryside; or

- \* Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or

- \* Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or;

- \* The exceptional quality or innovative nature of the design of the dwelling."

5.9 As noted above in paragraph 5.5 the proposal is not within a settlement and it does not satisfy the special circumstances defined above. In particular it fails to meet 'bullet point' 3, because it does not lead to an enhancement to its immediate setting.

5.10 Whilst the applicant claims that the proposed offer of bed and breakfast accommodation partly complies with the requirement for an essential need for new housing in the countryside (Policy CP4, criterion i), this is not accepted. The essential need should relate to farming or some other essential rural activity that would help to support a sustainable rural economy and as noted above, the application has to be considered as a dwelling first.

5.11 Turning to the other exception criteria of Policy CP4, which must be satisfied as well as Policies CP1 and CP2, no significant environmental improvement has been identified and there is no conservation interest in the proposal (criterion ii) and there is no affordable housing content (criterion iii). The applicant argues that the two dwellings would be more affordable than one but that is not what affordable housing means.

5.12 Criterion iv requires the re-use of an existing building to be achieved without substantial alteration and to help support a sustainable rural economy or help to meet a locally identified need for affordable housing. Whilst it is debatable whether the proposed subdivision of the dwelling into two constitutes re-use, as before it is not considered that there would be a rural economic benefit. If the development were otherwise acceptable it would be possible to address this criterion by making a financial contribution towards provision of affordable housing in the locality, but it is considered that this alone cannot justify development that is otherwise contrary to local and national policy.

5.13 Criterion v allows exceptions for renewable energy generation and the applicant claims that the inclusion of solar panels and - subject to approval - a small wind turbine would meet this criterion. However, it is considered that these aspects of the development cannot overcome its fundamentally unsustainable nature by reason of its location.

5.14 Criterion vi relates to supporting the social and economic regeneration of rural areas. The applicant cites the proposed bed and breakfast offer again and indicates that the occupiers of the new dwelling would support local facilities and services such as public houses, village halls and churches but that could be claimed for any new dwelling and cannot override the fundamental objections to further housing in this location.

5.15 It is considered that the degree of consistency between the contents of the NPPF (specifically paragraph 55) and the Local Development Framework Core Strategy (in particular Policy CP4) establishes the fact that great weight should be accorded to the Council's Core Strategy, by virtue of the contents of paragraph 215 of the NPPF. It is, consequently, considered that in the absence of any supporting evidence proving compliance with the exception criteria set out in the paragraph and Policy referred to earlier in this section, the application should be refused for the reasons set out below.

5.16 Policy DP37 requires all new residential developments to make a financial contribution towards the improvement/provision of public open space and local recreational facilities and DP2 also requires a financial contribution towards the provision of the North Northallerton Link Road. Such matters are normally covered by the completion of a Unilateral Undertaking under Section 106. The applicant was advised of these requirements at the time of the submission of the application but has not submitted or completed such an Undertaking. Consequently this matter will form an additional reason for refusal.

## 6.0 RECOMMENDATION:

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

The reasons are:-

1. The creation of a new dwelling unit in this location is contrary to Policies CP4 and DP9 of the Local Development Framework which seeks to ensure that all new development should take place within defined development limits of the settlements designated within Policy CP4. Development outside such locations will only be supported where an exceptional case can be made for the proposal. No such case

has been made in support of this application within the terms of the criteria set out in policy CP4.

2. The creation of a new dwelling unit in this location is contrary to Paragraph 55 of the National Planning Policy Framework which requires Local Planning Authorities to avoid new isolated homes in the countryside unless special circumstances exist. No such special circumstances which would satisfy the exception criteria set out in Paragraph 55 have been identified in this application.

3. In the absence of a mechanism, by way of a Unilateral Undertaking under Section 106, to deliver the necessary open space infrastructure detailed in Local Development Framework Policies CP19 and DP37 and the Open Space, Sport and Recreation Supplementary Planning Document together with a financial contribution towards the provision of the North Northallerton Link Road in the context of Policy DP2, the proposal is contrary to the aforementioned policies.

**Parish: Stillington**  
Ward: Stillington  
**7**

Committee Date : 23 May 2013  
Officer dealing : Mrs H M Laws  
Target Date: 13 May 2013

**13/00468/OUT**

**Outline application for the construction of a dwelling and detached domestic garage and store.  
at Land Opposite And South Of Field House South Back Lane Stillington  
for Mr & Mrs Alan Hetherington.**

#### 1.0 PROPOSAL & SITE DESCRIPTION

1.1 The site lies on the southern edge of the village, accessed by South Back Lane. The site covers an area of approximately 950 square metres, which is part of an existing field used as an orchard and for small scale horticultural use on the southern side of South Back Lane.

1.2 There is an existing vehicular access from South Back Lane opposite the dwelling Field House, which is located on the northern side of the road. The field is bounded to all sides by mature hedging and trees. Several mature conifers lie in a central position in the application site, some of which would be removed to make way for the new dwelling.

1.3 The application is in outline form with details of appearance and landscaping reserved. Details of the footprint of a two storey dwelling have been received, which would be sited approximately 19m from the front boundary of the site. A detached domestic garage with store is proposed at right angles and positioned closer to the boundary. The L-shaped arrangement provides a parking and turning area at the front of the site.

1.4 The existing vehicular access would be used for the development.

1.5 The site would be drained to the main foul drain in South Back Lane. Surface water disposal would be to a soakaway.

#### 2.0 PLANNING & ENFORCEMENT HISTORY

2.1 2/77/141/0058 - Outline application for the construction of a bungalow. Permission granted 29/9/1977.

#### 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 CP9 - Affordable housing
- 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 DP15 - Promoting and maintaining affordable housing

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  
Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011  
Affordable Housing - Supplementary Planning Guidance - June 2008  
National Planning Policy Framework - published 27 March 2012

#### 4.0 CONSULTATIONS

4.1 Stillington Parish Council - The proposal for outline planning permission for the construction of a dwelling, domestic garage and tractor store is outside development limit in the present Local Development Framework Document and therefore the Parish Council could not support this application at this time.

However it is understood that the Framework Document is to be reviewed in the near future and if this field was included within development limits; it would bring it in line with Parkfield and join up to South Back Lane with the converted farm buildings (White Bear Farm) currently occupied as Holiday Lets.

As this is a considerable sized plot and landscaping already in place the proposed layout and scale would not have a detrimental effect on surrounding neighbours the Parish Council could agree to the application

4.2 NYCC Highways - South Back Lane is private at this location. The applicant has not included the full access to the public highway within the red-lined plan. However it is assumed that access rights exist on the private road. There is an existing access to the site which is adequate for this proposal and it is recommended that conditions be attached to any permission granted.

4.3 Yorkshire Water - no observations

4.4 Site notice/local residents - comments have been received from 4 interested parties whose comments are summarised as follows:

1. do not wish to see any further development of South Back Lane, whether within or outside the permitted development area until the infrastructure of the village has been substantially improved;
2. the building of affordable houses on Souters Field and the construction of the wildlife pond, the northern area of our land (Stillington Sports and Social Club) has flooded every time there is more than light rain. The rainwater from South Back Lane flows into our woods and onto the football pitch - preventing play and the area round the tennis hut on our north eastern boundary is extremely wet....the problem will not be resolved until extensive work is undertaken to the drainage to the South Side of Stillington which falls away onto our land.
3. regarding any potential increase in traffic along South Back Lane as a result of additional dwellings. It is a single lane small track already heavily populated with vehicles. Additional dwellings would increase the amount of traffic along the small lane creating additional pressure on an already poorly maintained road. The majority of the road surface along South Back Lane suffers from poor maintenance which has left the road in a bad state of repair with large potholes and uneven road surface.
4. as a neighbour of the land in question, please would you note my support of the application?
5. have no objection to this development provided it meets current planning and building regulations. We hope the applicant will consider rainwater collection and reuse to avoid what is already a wet area.

## 5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of creating a dwelling unit in this location; the likely impact of the development on the character and appearance of the nearby Conservation Area and the surrounding rural landscape; the impact on residential amenity; highway safety and the provision of public open space.

5.2 The village of Stillington is defined as a Service Village within the Settlement Hierarchy defined in Policy CP4 of the LDF but the application site lies outside the Development Limit boundary. This means that additional justification must be provided to make an exceptional case for housing growth in terms of Policies CP1 and CP2 and then comply with one of the criteria of Policy CP4.

5.3 The dwelling lies adjacent to the Development Limits and the built up part of the village within easy walking distance of the facilities within Stillington, which include 2 pubs, a shop, a church and a school and is within easy reach of the bus stops from where there is a regular and frequent bus service to Easingwold and York. The village is also within cycling distance of Easingwold, which is a Service Centre. Policy CP4 requires new development to be restricted to within Development Limits but does identify six possible exceptions, none of which are considered to apply in this case. The development:

- i Is not necessary to meet the needs of an enterprise that has an essential requirement to locate in this position and will help to support a sustainable rural economy;
- ii Would not secure an improvement in a feature of acknowledged importance;
- iii Would not provide affordable housing or a community facility;
- iv Would will not re-use an existing building;
- v Would not make provision for renewable energy generation;
- vi Would not support the social and economic regeneration of a rural area.

The applicant considers the scheme to comply with criteria vi. That it would support the social and economic regeneration of a rural area. A single household on its own is not sufficient to achieve this in a village such as Stillington, where there is a site allocated for housing development on South Back Lane. Allocation EH6 of the Allocations DPD requires the development of the 1 hectare site to achieve affordable housing provision, highway improvements and contributions towards school places and local health care facilities.

5.4 The location, although not defined within Policy CP4 as sustainable, is more sustainable than an isolated location or a smaller more remote village. The NPPF in paragraph 55 encourages the provision of housing in rural areas where it will help to maintain the vitality of rural communities and where development may help to support services in a village nearby. Policy CP1 requires development to 'promote and encourage' or 'protect and enhance' certain criteria, which include the vitality of the area, the high quality and adaptability of the development and the distinctiveness and character of settlements.

5.5 The proximity of the development to a bus route and existing services and facilities suggest that an additional dwelling in this location would be sustainable. The site was included within a draft site allocation contained in the Options Consultation Allocations Plan (2007) together with the now adopted allocated Site EH6 and adjacent land to the west and east; the eastern section beyond the lane joining with Main Street was subsequently removed (including the application site). This was deleted in view of the need for housing restraint in the Easingwold sub area (one of the Spatial Principles of the Core Strategy is to define an Area of Restraint in the vicinity of Easingwold in order to resist further in-migration from the metropolitan area of York) and a reduction in housing numbers in the villages was called for so as to address local needs and not overdevelop small villages such as Stillington.

5.6 Site EH6 has not yet come forward for development as it is phased for completions from 2021 but remains deliverable for approximately 30 dwellings with a 50% affordable housing target, to meet village and wider local needs. This is in addition to the Soutersfield affordable housing rural exception site (10 dwellings) developed in the last 5 years. One additional house may have a negligible impact; however consideration must be given for the precedence that could be set for similar developments in this and other villages within the District.

5.7 The applicant considers the adjoining development at White Bear Farm has already set the precedent, however this development (approved in 2002 before the current policies were adopted) was for the conversion of existing buildings and was not for a residential use - the buildings are restricted for holiday occupancy, which is a commercial use that supports the rural economy.

5.8 It is considered that the construction of one additional dwelling could be repeated often, not just in Stillington but similar situations in other settlements, which would be difficult to resist.

5.9 The site lies outside but adjacent to the Stillington Conservation Area, which includes the properties opposite the site on the northern side of South Back Lane. The Conservation Area in this part of the village is developed with a mix of dwelling types either immediately abutting the lane or set further back behind front gardens. The approach along this section of the lane is mainly built up but with some landscaping such as the hedgerow that forms the application site boundary. The character of the application site is different to the Conservation Area as it is undeveloped; few open spaces characterise the Conservation Area in this part of the village. The development of the site as proposed is unlikely to affect the setting of the Conservation Area if the hedgerow and other landscaping at the front of the site are retained. The construction of a well designed property may actually improve the setting of the Conservation Area but consideration of the specific details would be made at the reserved matters stage.

5.10 The application site is historically agricultural land and remains in agricultural use. The site, together with the rest of the field, is well defined by mature landscaping and there is a clear demarcation between this field and neighbouring plots, whether they are in domestic or agricultural use. As the site is accessed from South Back Lane it has a clearer relationship with the domestic, developed parts of the village rather than the adjacent countryside beyond. It therefore has more in character with the village, even though it is undeveloped, than the rural landscape and the construction of a dwelling would not harm the rural landscape.

5.11 The proposed dwelling lies far enough from neighbouring properties for there to be a minimal impact on residential amenity. Design details, such as window positions, are reserved matters. Overlooking and loss of privacy are for consideration at a later stage but it is likely that a suitable design could prevent such occurrences from affecting the amenity of neighbouring residents.

5.12 There will be additional vehicle movements along this stretch of South Back Lane but not significant enough to have an unacceptable impact on residential amenity. The maintenance of the road is not a matter for the Local Planning Authority to consider and is a matter for those parties responsible.

5.13 The Highway Authority has no objections to the use of the existing access to serve the proposed dwelling.

5.14 The site is to be drained to the main drain and Yorkshire Water has no objection. Soakaways are proposed to deal with surface water drainage and therefore the proposed development is unlikely to add to any drainage concerns in the locality.

5.15 A unilateral undertaking has been completed by the applicants confirming that a payment of £3307.80 would be made upon commencement of the development towards the provision of public open space in the locality.

5.16 The proposed development is acceptable in all other respects but is contrary to Policy CP4 and there are no exceptional circumstances to warrant approval in this instance.

## SUMMARY

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

## 6.0 RECOMMENDATION:

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

The reasons are:-

1. The application site is located in an Area of Restraint detailed within Spatial Principle 2 of the Hambleton Local Development Framework's Core Strategy. Policies CP1, CP2, CP4 and DP9 of the Hambleton Local Development Framework seek to ensure that all new development, other than in exceptional circumstances, is located within the Development Limits of settlements in the hierarchy at Policy CP4. The application site is not located within the Development Limits and would not help to support a sustainable rural economy or help to meet a locally identified need for affordable housing. The development is, consequently, contrary to these policies.



**Parish: Stokesley**

Ward: Stokesley

**8**

Committee Date : 23 May 2013

Officer dealing : Mrs B Robinson

Target Date: 31 May 2013

**12/02650/FUL**

**Construction of a stable building and retrospective application for change of use of field to site for one gypsy family including siting of a residential caravan, formation of hardstanding, construction of dog kennels, tree house and 2 storage sheds.  
at Millies Paddock Thirsk Road Stokesley North Yorkshire  
for Mr Jonathan Stephenson.**

## 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site includes an area 110 metres (along the road frontage) x 30 metres (average) to the River Leven running north-south through the site. There is an additional strip, average width 10 metres along the east bank. The southern end of the site abuts flood embankments alongside the Broughton Bridge Beck.

1.2 Within the site, the northern third is surfaced, and the southern end is grass.

1.3 The front boundary to the road is hedged. Inside the roadside hedge and on the north boundary there is a 2 metre high close boarded fence and there is a lower close boarded fence to the west bank of the water course, and enclosing the field at the south end of the site. On the east boundary of the site with the adjacent field there is diagonal pattern post and rail fence.

1.4 The site lies approximately 350 metres south of the built up extent of Stokesley, on Thirsk Road. There is an informal footpath along the verge into Stokesley. The development is served by a previously existing vehicle access from Thirsk Road, which extends southwards through the site and is noted by the applicant as having been provided by the Environment Agency to serve screen equipment located in the water course.

1.5 The nearest dwelling is Beggar Me Neighbour Farm, approximately 150 metres to the south.

1.6 The proposal is to retain the site as a private gypsy site for one family, and retrospective consent for development for:

- o Siting of a static caravan;
- o Formation of hard standing;
- o Construction of a dog compound (a 2 metre high enclosure of steel bars) at the north end of the site;
- o Siting of a storage shed (garden type), approximately 4 metres x 2 metres, at the north end of the static caravan;
- o A stable, 12 x 4 metres and 4 metres high, constructed of blockwork to lower part and timber boards to upper part, with dark brown roof sheets, at the south end of the site;
- o A further storage shed (a cubic metal container), approximately 2 metres square, in the north east corner of the site; and
- o A child's tree house in a tree on the east bank of the beck.

1.7 The Council has actively pursued the submission of this application as the most appropriate way to assess the planning merits. The retrospective nature of the application does not preclude whatever is the appropriate decision.

## 2.0 RELEVANT PLANNING HISTORY

2.1 2/83/142/0398 - Use of land as a Bicycle Moto Cross Track. Granted.

## 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  
Development Policies DP14 - Gypsies and travellers' sites  
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 CP17 - Promoting high quality design  
Development Policies DP32 - General design  
National Planning Policy Framework - published 27 March 2012

## 4.0 CONSULTATIONS

4.1 Stokesley Parish Council - "The Parish Council wishes to object to the above application on the following grounds:-

- A Watercourse through the site is not a stream but a river and no robust Flood Risk Assessment appears to have been produced with the application.
- B The Design & Access statement infers that the site is screened from all sides - The river banks and hedges are not high enough to screen the proposed stable block etc.
- C There is no cycle access along Thirsk Road into Stokesley; the path is very narrow and certainly not wide enough for a pram or pushchair.

The Parish Council supports the local resident's objections."

4.2 Environment Agency - Object and recommend planning permission is not granted. The Agency advises that the Flood Risk Assessment is deficient in terms of:

- o Considerations of flooding events;
- o Consideration of whether part at least of site is in the functional flood plain
- o Maintaining a 5 metre byelaw distance from the flood embankment;
- o Detail for flood evacuation procedures including for an extreme event; and
- o Taking the impact of climate change into account.

4.3 NYCC Highways - No comments received.

4.4 Environmental Health Officer - No objection subject to conditions recommended regarding the storage of manure, no burning of waste and limiting the number of caravans to one.

4.5 Members of the Public - owing to the relatively isolated nature of the site, only a few neighbours were notified by letter. However, a site notice was posted and whilst it may have been removed numerous observations have been received, indicating wide public knowledge of the application.

The 21 objections received can be summarised as follows:

- i. Retrospective - The development has already commenced, flouting of planning laws, and time taken to put in an application. This should have been enforced against.
- ii. Precedent - Future expansion of site for numerous caravans/families and for large gatherings and consequent effect on landscape and pressure on schools.
- iii. Existing sites - Sufficient sites available nearby for gypsies, particularly Seamer and Carolina Farm. The Council should be providing sites for travelling people.
- iv. Effect on the surroundings - too close to nearby housing estates and detracts from housing developments and also the setting of the town. The development is not screened as indicated in the submitted details, particularly the proposed stable building.
- v. Flood risk - The site is subject to flooding. Flood risk was given as a reason for a previous refusal for housing.
- vi. Sewage and rubbish disposal - query what provision is made.
- vii. Noise - Dogs barking causing noise nuisance.
- viii. Access - Safety and restriction of access for the Environment Agency.
- ix. Queries whether the site notice was posted, if so it was quickly removed.
- x. One neutral comment also received - provided the site is for one family only, although the dog kennel is opposed.

## 5.0 OBSERVATIONS

### Policy

5.1 National Guidance is provided by Planning Policy for Traveller Sites (March 2012) which sits alongside the NPPF. Policy H of Planning Policy for Traveller Sites (determining applications) requires the LPA to consider these factors:

- The existing level of local provision and need for sites;
- The availability (or lack) of alternative accommodation for applicants;
- Other personal circumstances;
- Locally specific criteria used to guide the allocation of sites or which form the policy to assess applications that may come on unallocated sites; and
- To determine applications for sites from any travellers and not just those with local connections.

The policy also states new traveller site development in open country should be strictly limited and should not dominate the nearest settled community.

5.2 With regard to existing provision, the Hambleton District Council Traveller Housing Needs Study (September 2012) identifies that each of the authorised public sites are full and that private sites are predominantly one family only and that therefore there are no vacant pitches. Each of the public sites has a waiting list. Of the overall predicted need for 26 (net) new pitches 2012 to 2027, 15 will be for private pitches and to address current unauthorised development. Of these 9 are required in the period 2012 to 2017. In summary, the study provides an up to date assessment of

need which identifies an existing shortage of sites, including private pitches. The Council is currently considering bringing sites forward so as to meet the need for new pitches in the District. Suitable sites, capable of delivery are being considered. Pending finalisation of provision, this proposal can be considered to meet an existing need for pitches, if otherwise acceptable under the relevant policies of the Local Development Framework.

5.3 No specific information has been put forward regarding the personal circumstances of the applicant, and their need for the site.

5.4 Locally specific criteria with regard to Gypsy and Traveller sites are set out in Local Development Framework Policy DP14, and the proposal can therefore proceed to be considered against this and other relevant policies of the Local Development Framework.

5.5 The site is outside the development limits where the LDF only permits development in exceptional circumstances. Policy CP8 points to the need to make appropriate provision for the particular need for gypsies and travellers. There being no allocated land within development limits, the proposal will be considered on its merits against the criteria of DP14. Specifically, whether it is:

- i. Located within reasonable distance of service and community facilities within or close to a Service Centre or Service Village;
- ii. Provides an acceptable living environment;
- iii. Is of an appropriate size;
- iv. Has a safe and convenient access to the road network;
- v. Avoids creating demonstrable harm to the amenity of existing communities and surrounding environment; and
- vi. Is not located on contaminated land.

5.6 In addition to DP14, other relevant policies will be the impact of the development on the surroundings including the open character of the countryside (CP16 and DP30) and on the character of the settlement (CP4 and DP10) and flood risk issues (CP21 and DP43).

5.7 The requirements of DP14 in relation to the principle of the use of the site for a single gypsy family are considered in this and the following paragraphs. It is not necessary to consider precedent because any further expansion would require a separate permission and would therefore be considered on its merits.

#### Location

5.8 The site is within comfortable walking distance from the centre of Stokesley, a market town with a good range of facilities. There is informal surfaced footpath between the site and the town which would facilitate walking in most weather conditions. On this basis the site is acceptably sustainable in location.

#### Living environment

5.9 Concerns have been raised over sewage and rubbish disposal; however these could be arranged in some form, and secured by condition, if the site was otherwise suitable.

#### Suitability and size

5.10 The site is a small field and can comfortably accommodate the living requirements of a gypsy family, with adequate space for parking vehicles, domestic activities and an area for play for children, and the site is generally suitable in type and size.

## Access to the road network

5.11 The site is adjacent to Thirsk Road (B1365). It utilises an existing access, and subject to the views of the NYCC as Highway Authority, and the expectation of a normal standard of careful driving, it is suitably linked to the road network. With regard to the footpath, it is not to the standard of a built up area, however it remains a feasible option to encourage walking.

## Amenity of existing communities and surrounding environment

5.12 The site is relatively discreet when viewed from Thirsk Road due to the screening provided by hedges. There are glimpses of the site from the south, on the nearby bridge over the Leven, and also more distant views from nearby housing estates. The proposed stable block would partially screen general activity on the site from the south, if the stable is considered acceptable in itself. The impact of more distant views of the site in general could potentially be dealt with by appropriate landscaping, if the scheme is otherwise acceptable.

5.13 Members of the public have expressed concern over dog noise. The site has scope for several dogs however this is not different from domestic pets that might be encountered at any dwelling and would not preclude approval if otherwise suitable.

## Contaminated land

5.14 The land was previously general agricultural and there is no indication that contamination is an issue.

5.15 In summary, the location and site are considered suitable for a single gypsy family.

## Individual developments within the site.

5.16 The static caravan is sited relatively discretely, as noted above, and does not have a harmful effect on the surroundings. Any distant views of the unit could satisfactorily be addressed by appropriate landscape screening.

5.17 The stable building has timber materials to the upper parts and is generally suited to the rural location. However it is detached from the rest of the development, and whilst as noted above, it would screen activity on the site, it is fairly substantial building, visible over nearby hedges, and it appears as an isolated development unrelated to anything else in the vicinity.

5.18 The development on the east side of the beck is detached from the other parts of the site, and the shed is not consistent with the general characteristics of rural buildings and in this detached position on the east bank of the beck it is a discordant feature.

5.19 The tree house is not very obtrusive when the tree is in leaf at least, however it is a feature more typical of a suburban garden and is incongruous in this location, although limited in impact.

5.20 The garden shed and dog enclosures are minor developments, relatively discretely located, that would be appropriate if the proposal were acceptable in other respects.

5.21 The proposed hard standing by itself is not intrusive and if there was a justified need for such a surface, it would be acceptable in the surroundings.

## Flood risk

5.22 The site is in flood zone 3, i.e. with the greatest risk of flooding, and where highly vulnerable uses should not be permitted. The Environment Agency indicates that part of the site is in zone

3b/functional flood plain. The residential use introduces more vulnerable users to an otherwise agricultural land, and proposes a development in close proximity to the flood embankment which the EA indicates should be kept available for access.

5.23 The flood risk assessment submitted has been noted by the EA to be deficient in assessing the level of risk, and indicates that the applicant could attempt to address the concerns noted. It is also clear that the stable block could be relocated to clear the access for the bank. However, there is an absence of any clear evidence that the site is capable of satisfactorily addressing the flood risk. The National Planning Policy Framework makes clear that inappropriate development in areas of risk should be avoided by directing development away from areas of highest risk. Since this is an area in the highest existing risk category, and in view of the requirement contained in the NPPF to also take into account climate change in the longer term, this site is not suitable for a permanent residential caravan as it is a highly vulnerable use., and which could be better and more safely accommodated in other areas, not vulnerable to flooding.

## Conclusion

5.24 Although the site is suitable, in some respects, for the proposed use as a single family gypsy site, the flood risk is a very significant and overriding concern. Therefore notwithstanding the current overall shortage of gypsy sites that was indicated by the Traveller Needs Survey and the personal hardship that might result for the applicant, the site cannot safely be approved for this use and refusal is recommended.

## 6.0 RECOMMENDATION:

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

1. The use proposed introduces vulnerable users to an area with a known high risk of flooding, and thus is inappropriate development, contrary to the NPPF, and Local Development Framework Policies CP21 and DP43. Consideration has been given to the availability of alternative sites and the applicant's circumstances but these factors are not considered to outweigh this harm.
2. Due to the proposed layout and inappropriate design and materials parts of the development are incongruous and intrusive features in the rural surroundings, contrary to Local Development Framework Policies CP16, DP30, CP17 and DP32.

**Parish: Thirsk**  
Ward: Thirsk  
**9**

Committee Date : 23 May 2013  
Officer dealing : Mr J E Howe  
Target Date: 28 March 2013

**13/00167/FUL**

**Construction of a dwelling.  
at 28 Long Street Thirsk North Yorkshire YO7 1AP  
for Mr & Mrs G Denison.**

### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of a two-bedroomed dwelling in part of the rear curtilage of a detached dwelling on the eastern side of Long Street immediately to the south of the ATS Motor Service business and to the north of a window manufacturing company. The eastern boundary of the site is shared with gardens on the Hambleton Drive estate. Vehicular access will be via the existing access to No.28 directly from Long Street with a proposed extended internal drive with parking and turning area within the rear curtilage. In addition to the parking and turning area bike and bin storage is shown and individual garden/amenity areas are proposed for each dwelling units.

1.2 The applicant owns the existing three-bedroomed dwelling which was constructed around 1900 and which has an attached rear two-bedroomed annexe. The dwelling and annexe were converted to two dwellings by virtue of a planning permission granted in 1986 but were subsequently re-incorporated into a single dwelling and the property is occupied on that basis at present.

1.3 There is at present a garage and attached outbuilding at the rear of the site which will be removed. The new dwelling would be constructed parallel to the rear boundary and will have areas of private amenity space to the north and south with provision for cycle parking and bin storage. Adjoining the amenity space to the south, an area will be fenced to provide a private garden area for the occupants of the existing dwelling, again with cycle and bin storage. The front garden to the existing dwelling will remain unchanged. Within the site a total of six car parking spaces will be provided together with a turning area. The four spaces for the existing dwelling and the turning area will be in a permeable gravel finish and the two spaces for the proposed dwelling will have a 'grasscrete' surface.

1.4 The proposed dwelling is to be constructed in a red/buff multi facing brick with natural clay pantiles and white upvc windows. It is stated that lighting provision is made for safety and security purposes.

1.5 It is stated in support of the application that the dwelling is to be constructed for, and initially occupied by, the applicant's mother who is in need of care. The applicant has advised that in the future the new dwelling may be occupied by the applicant and his wife with members of their family occupying the main dwelling. The application is not proposed as an annexe and must be determined on the basis of a separate dwelling.

### 2.0 PREVIOUS PLANNING HISTORY

2.1 2/86/152/0308 : Conversion of dwelling to form two flat units : Permission Granted 1986.

2.2 11/00544/FUL : Alterations to existing dwelling and annexe to form 2 flats and a dwelling plus construction of 2 dwellings : Withdrawn 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 CP4 - Settlement hierarchy  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Development Policies DP13 - Achieving and maintaining the right mix of housing

#### 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 North Yorkshire County Council (Heritage Unit) : Wishes to see a 'watching brief' archaeological condition imposed.

4.4 Yorkshire Water : No observations.

4.5 Environmental Health Officer : Suggests re-arrangement of rooms within the dwelling to minimise any noise impact from adjacent window factory. These suggestions have been incorporated into a revised layout plan.

4.6 The application was advertised by site notice at the entrance to the site and the nine closest neighbours and businesses 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 sustainable nature of the site location (Policy CP4), the scale design and materials proposed including the provision of discreet car parking and an appropriate level of private amenity space (Policies CP17 and DP32), the type and size of dwelling to be provided (Policies CP8 and DP13) and the impact, if any, both on the amenity of adjacent neighbours and any potential impact on the development by adjacent activities (Policy DP1).

5.2 The site is well within the defined development limits for Thirsk which is designated within the context of Policy CP4 as a Service Centre, having a wide range of local services and facilities appropriate to assimilate additional residential development. The site is, consequently, fully sustainable in both national and local policy terms.

5.3 The proposed new dwelling, whilst not 'affordable' in a formal sense, is of a modest size and simple form appropriate to this site location which lies within a 'mixed' area where commercial, light industrial and residential uses co-exist without apparent conflict. The main dwelling has previously been sub-divided and then 're-united' to form a single unit and, consequently the applicant's overall curtilage would provide a substantial family home and a smaller unit. As noted above the smaller unit is to provide accommodation for a dependent relative, it is not proposed as ancillary accommodation and could be occupied and sold off separately in the future as referred to in paragraph 1.5 above.

5.4 The proposed dwelling could, satisfy the needs of individuals, couples or small local families with the possibility of walking or cycling to local shops and employment including both the town centre and the Thirsk Business Park. The justification to Policy DP13 states in para. 4.5.4 that 'The appropriate type of housing built must be more closely aligned than in the past to the needs of the



local community, for example, the needs of elderly people, families, single and younger people. This should be reflected in the size, design and tenure of the accommodation, its relationship to facilities and mix with other dwellings and services.' It is considered that this development meets the aims of this element of the Policy.

5.4 Although the overall site area is relatively small there are storage and private amenity areas for both the proposed and existing dwellings with a designated parking spaces and turning facility to ensure that any vehicles can leave the site, singularly, in a forward gear. The site curtilage is currently very secluded and self-contained 'green oasis' which provides a pleasant amenity space for residents. The orientation of windows is such that there is no significant inter-visibility between the units.

5.5 As noted above, the site adjoins, to the south, a window manufacturing business which is a potential source of noise nuisance. The Environmental health Officer has examined the proposal and noted that no complaints have been received from neighbours about this activity in the past. He did, however, suggest an internal re-arrangement of rooms to ensure that the main habitable rooms of the dwelling are move to the north (ie away from the manufacturing activity). These suggestions have been incorporated into a revised dwelling layout which now shows the kitchen, entrance hall, shower room and bathroom at the southern end of the building.

5.6 The layout of the site reduced the amount of private amenity space available for the existing dwelling and the annex to the dwelling. Policy DP1 requires that "Development must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants." The expectations of Policy DP1 are explained in more detail in the Domestic Extensions Supplementary Planning Document (SPD) which states at paragraph 6.6 that: "Any domestic extension should maintain an acceptable level of private garden space about the dwelling to allow for sitting out, children's play, drying clothes and storage of bicycles and bins. Development should maintain a clear rear garden space of 4m x 4m." It is considered that the proposed development will significantly reduce the amenity space and the quality of the amenity space around the existing dwelling.

5.7 The existing amenity space of the dwelling (including garaging) is about 20 x 20 metres. The rear garden of the existing dwelling is reduced to an irregularly shaped parcel with maximum dimensions of 8 x 5.5 metres which achieves the 4 x 4 metres standard in only part of the area. Whilst the size of the garden achieves the space advised in the SPD, the level of amenity is considered to be poor in respect of the reasonable needs of a relatively large family house and annex. The 6 x 7.5 metre open space provided for the new 2 bedroom dwelling meets the reasonable requirements of the Policy DP1. The car parking space is considered to be adequate to meet the likely demands of occupiers and there is no evidence to conclude that parking will be likely to occur on land outside of the application site.

5.8 The introduction of traffic passing the frontage dwelling to access the dwelling at the rear will impact upon the amenity of the existing dwelling. The door to the main dwelling opens directly on to the driveway causing a significant impact on the occupiers and visitors to the house. The existing annex also has a doorway that faces on to the drive, the details show that it is to be separate by a 1.2 metre high picket fence it will nonetheless be significant affected by traffic from the proposed dwelling passing within 1.5 metres of the door. The amenity of the existing dwelling will therefore be severely compromised and in conflict with the requirements of Policy DP1.

5.10 It is considered that on balance the benefits of providing an additional dwelling in a sustainable location are outweighed by the harm that would be caused to the quality of the residential environment enjoyed by the existing dwelling.

## 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason:

1. The proposed development is contrary to the Local Development Framework Policy DP1 as the scheme reduces the existing level of amenity space about the existing dwelling and will cause harm to the amenity of residents of the existing dwelling.

**Parish: Thornton-le-Moor**  
Ward: The Thorntons  
**10**

Committee Date : 23 May 2013  
Officer dealing : Mr A J Cunningham  
Target Date: 30 May 2013

**13/00677/FUL**

**Revised application for alterations and extensions to existing agricultural building to form 2 holiday cottages, a community meeting room and a shop/cafe.  
at Land Opposite Thief Hole Farm Thieffhole Lane Thornton Le Moor North Yorkshire  
for Thief Hole Cottages.**

## 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This revised application seeks planning consent for alterations and extensions to an existing agricultural building to form 2 holiday cottages, a community meeting room and a shop/cafe at land opposite Thief Hole Farm, Thieffhole Lane, Thornton-le-Moor. A previous application 13/00003/FUL was withdrawn on 22.02.2013 following concerns raised in regard to: 1. the area given over to the cafe use, 2. the structural alterations required to the agricultural building, 3. lack of information regarding formalising the external areas surrounding the building, 4. the isolated nature of the site and connectivity with Thornton-le-Moor, 5. the provision, management and local impact of the community facility, 6. pedestrian safety, and 7. lack of details regarding the proposed path.

1.2 The site and agricultural building proposed for conversion is located approximately 200m to the west of the A168 highway linking Northallerton and Thirsk and to the north of Thieffhole Lane connecting the A168 with Thornton-le-Moor. The site and building are positioned approximately 400m or 0.2 miles from the northern periphery of Thornton le Moor village. The site is positioned 4 miles from Northallerton and 5.2 miles from Thirsk. The site is surrounded by agricultural land and sits to the north of existing holiday accommodation in the former agricultural complex at Thieffhole Cottages. A detached dwelling (Hilltop Farm) is positioned to the east of Thieffhole Cottages. The landscape descends to the north and west of the building and marginally descends to the junction with Thieffhole Lane and the A168.

1.3 The agricultural building on site is currently used for the stabling of a horse as was observed at the time of the application site visit. As part of this scheme the applicant proposes the formation of 1 x 4 bedroom holiday cottage, 1 x 1 bedroom holiday cottage, store, community meeting facility, WCs, kitchen, office, shop and cafe area. The building currently measures approximately 8.6m x 66.4m, with a total height of approximately 3.8m (measured mid-way along the length of the structure). The building is proposed to measure approximately 8.7m x 65.3m, with a total height of approximately 4.1m (measured mid-way along the length of the structure). The scheme also includes outside seating areas to the community meeting room (28.8sqm) and each holiday cottage to the northern elevation of the building (20.5sqm - 1 bed and 28.8sqm - 4 bed). The proposed cafe area would open out onto a terraced area to the western elevation of the building (71sqm). A covered walkway is proposed to the southern elevation of the structure adjacent the public highway. The altered agricultural building would be formed of brick and tiles with timber windows and doors. The existing structure is formed of a steel portal frame, single skin brick external leaf and an asbestos corrugated sheet roof

1.4 Vehicular access to the holiday cottages is via an existing entrance to the site to the eastern elevation of the building where 3 vehicle spaces are proposed. Pedestrian access to the southern elevation of the building to the 1 bedroom holiday unit, store, community meeting area and shop/cafe is via formalised pathways connecting to the public highway. The vehicular access to the western end of the building is via a proposed access which will serve a car park with capacity for 20 vehicles. The applicant is proposing a footway joining the complex to the northern periphery of Thornton-le-Moor. The footpath would run along the western boundary of the agricultural fields south-west of the complex. The applicant advises that this land is within their ownership. The

footpath would then join to the highway verge which would then connect to the footway to the front of dwellings to the south of Thieffhole Lane.

1.5 This application is accompanied by a Transport Statement, Bat Survey, Structural Report and Statement of Community Involvement.

## 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 13/00003/FUL - Alterations and extensions to existing agricultural building to form 2 holiday cottages, a community meeting room and a shop/cafe; Withdrawn 2013.

## 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 CP12 - Priorities for employment development
- 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 DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP5 - Community facilities
- Development Policies DP25 - Rural employment
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- National Planning Policy Framework - published 27 March 2012

## 4.0 CONSULTATIONS

4.1 Thornton le Moor with Thornton le Street Parish Council - I can confirm that all councillors fully support this application. I can also add that at the recent parish council meeting the residents in attendance all fully supported this application.

4.2 Environmental Health - I would advise you that I have no adverse comment to make regarding this proposal.

4.3 Yorkshire Water - Refer to comments made on 13/00003/FUL: 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.

4.4 Environment Agency - Whilst the application form states that the development will use mains for foul drainage, Yorkshire Water have commented that the area lies outside of their sewered areas. As such, we have no objection to the development, but would like to draw your attention to general information on foul drainage in Foul drainage/DETR Circular 03/99.

4.5 NYCC Highways - Concerns over deliverability of the footway given two trees within the highway verge and the alterations required to the frontages of Northfield and Golden Hill Farm.

4.6 Neighbours notified and site notice posted; expired 07.05.2013 - 9 responses received in support of the application on the basis that the proposal:

- (a) Is a good example of rural diversification providing growth for a business and a public amenity;
- (b) Is sympathetic to the rural environment;
- (c) Is a good use of a redundant agricultural building;
- (d) Is acceptable in risk from passing or visiting traffic;
- (e) Is a more sustainable alternative to driving to nearby towns for provisions;
- (f) Has good links to the village; and
- (g) Will support a vibrant local community.

## 5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the proposal in this location outside of development limits, any impact on neighbour amenity, any impact on the visual amenity of the surrounding area, and any highway safety issues that may arise. Consideration is also required of those other issues identified at paragraph 1.1 that gave rise to the withdrawal of the previous application.

Policy Context:

Local Development Framework:

5.2 Policy CP4 of the Hambleton Local Development Framework (LDF) states that development in other locations (i.e. in the countryside) will only be supported when an exceptional case can be made for the proposal in terms of policies CP1 and CP2, and where, as relevant to this proposal it is necessary to meet the needs of tourism with an essential requirement to locate in the countryside and would help to support a sustainable rural economy (criterion i); or it would provide community facilities which meet a local need where that need cannot be met in a settlement within the hierarchy (criterion iii); or where it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy (criterion iv). Policies CP1 and CP2 refer to sustainable development and minimising the need to travel.

National Planning Policy Framework:

5.3 The National Planning Policy Framework (NPPF) sets out broader objectives at paragraph 28 for supporting a prosperous rural economy through (as relevant to this proposal): 1. supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings, 2. supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Compliance with policy:

Tourism Accommodation:

5.4 The tourism accommodation, when assessed in isolation, sits well with criterion (i) of CP4. It would constitute the expansion of an existing business, with relatively good transport connections and near to the periphery of Thornton-le-Moor. Tourism accommodation can be acceptable on the periphery of settlements where it supports a sustainable rural economy, which this would. The sustainability credentials for tourism proposals are approached on a differing basis to the remainder of this scheme. It is widely accepted that users of tourism accommodation will normally visit the site and travel within the surrounding area using the private car. It is the role of the Local Planning Authority to ensure that the accommodation minimises the need travel however it is

impossible and unreasonable to eliminate the need for travel by virtue of the type of use proposed. The tourism element of the scheme is therefore considered acceptable in principle.

#### Community Facility, Cafe and Shop:

5.5 It is clear from the responses received as part of this and the previous submission from both the Parish Council, Ward Member and local residents that there is broad local support for the proposed community facilities. Due to land ownership the applicant highlights that it is not possible or feasible for them to locate the community facilities within the settlement of Thornton-le-Moor. On this basis the first section of criterion (iii) of CP4 appears to be satisfied in regard to the community facilities. The shop and cafe elements do not benefit from the provision of CP4 (iii) so consideration must be given to whether these can benefit from other criteria of CP4 which gives support to the community meeting room. The structural report submitted in support of the scheme sets out the extensive works that would be required to bring the building to the standards required for its intended purpose. These works fall into the category of 'substantial alteration or reconstruction' and fail the first section of criterion (iv) of CP4.

5.6 The second sections of criterion (iii) and (iv) refer to a sustainable rural economy, and both criteria (iii) and (iv) of CP4 are required to adhere to the requirements of CP1 and CP2. In short all are looking at the sustainability credentials of the proposal.

5.7 It is therefore crucial to establish whether the community facility, cafe and shop are best located given their function. Whilst this may be the case of the occupants of the holiday accommodation who may utilise the facilities as part of the stay the predominant users will originate from Thornton-le-Moor and elsewhere. Thornton-le-Moor, the closest settlement to the application site, is not a settlement featured in the sustainable settlement hierarchy in policy CP4. The connectivity of the complex to the settlement is demonstrated via the footpath to the lower part of Thieffhole Lane. A significant gradient exists between the application site and the lower part of Thieffhole Lane. To compound matters concerns have been raised by NYCC Highways over the deliverability of the lower portion of the footpath on highway verge and the visual impacts this would have. Additionally to enable the community facility, cafe and shop to function in the winter months lighting would have to be provided to ensure the year round usability of the footpath. This would urbanise a currently rural environment. These three factors converge and demonstrate that whilst a footpath is physically possible, it would have a harmful impact on the visual amenity of the local landscape and would not provide an attractive option for users at the lower end of the village or for whom the gradient would present a difficulty.

5.8 On balance given the importance of the connectivity of the complex to Thornton-le-Moor and its intended customer base and the issues listed above the works, not including the tourism accommodation would not be sustainably located or minimise the need to travel and consequently fail to meet with policies CP1 and CP2 of the LDF. Similarly they are unable to support a sustainable rural economy and consequently fail the requirements of policy CP4. Whilst the principle of the tourism accommodation in isolation is acceptable, the principle of the community facility, shop and cafe is not, notwithstanding that they would offer benefits to local people.

5.9 The broad objectives of paragraph 28 of the NPPF are not satisfied insofar as the community facility, cafe and shop elements of the proposal do not represent sustainable growth in a rural area due to their location. The tourism element of the scheme is supported by the NPPF.

#### Impact on neighbour amenity:

5.10 The site comprises a variety of mixed uses and the internal configuration of the building, particularly the separation of the community meeting facility and the tourism accommodation, serves to enable the complex to safeguard each others amenities. Subject to restriction on the use of the community facility and the cafe/shop the amenities of the adjacent tourism accommodation

and dwelling could be safeguarded. It is noted that there is no Environmental Health objection to the scheme. Taking this into account the scheme is satisfactory in regard to its impact on neighbour amenity and complies with policy DP1 of the LDF.

Impact on visual amenity:

5.11 The existing agricultural building is very prominent in the landscape when viewed from the public highway (A168) on approach from the north. This scheme would not significantly expand its proportions which in any event would be viewed on the backdrop of the existing Thieffhole tourism complex and adjacent dwelling and if permission were granted the visual impact of the building could be mitigated by a landscaping scheme. The external use of the land north of the building could harm the visual amenity of the locality however matters relating to this could be reserved by condition. On balance taking into account the existing and proposed building it is not considered that significant harm would be caused to the surrounding landscape. It is important to note that the works do little to enhance the visual amenity of the locality but are merely replicating to a large extent the proportions of the existing structure. On balance the works would maintain local visual amenity and, being mindful of the opportunities that would exist for landscaping to soften their impact, are in compliance with policy CP16, DP30 and DP32 of the LDF.

Highway safety:

5.12 The initial response of the highway authority raises doubt over the deliverability of the connecting footpath to Thornton-le-Moor. No evidence to suggest that these issues can be overcome has been received by the Local Planning Authority, and in the absence of details it must be considered that they cannot. No additional comments have been made by the highway authority in regard to the safety of the remainder of the complex and its interaction with the public highway network.

Conclusion:

5.13 Having taken the above into account it is considered that whilst the impact of the scheme on neighbour and visual amenity is acceptable, the principle of the scheme in its entirety is not, and coupled with the absence of details to suggest that the proposed footpath link would be satisfactory in terms of highway safety the proposal fails to comply with the LDF and is recommended for refusal.

5.14 From 30 May 2013 permitted development rights will permit the use of agricultural buildings as cafes, amongst other things. The scheme proposed is not yet and will not fall within the scope of the permitted development rights and as such full consideration is required in the light of the Development Plan policies.

## 6.0 RECOMMENDATION:

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

The reasons are:-

1. The proposed community facilities, shop and cafe are contrary to the policies of the Hambleton Local Development Framework as they fail to comply with the requirements of policy CP4 in that they are unsustainably located and would result in the increased need to travel by unsustainable means.

2. The proposed community facilities, shop and cafe are contrary to the policies of the Hambleton Local Development Framework as they fail to comply with the requirements of policy DP4 of the Local Development Framework in that they would not make safe and easy access for all potential users.



**Parish: Whitwell**  
Ward: Morton On Swale  
**11**

Committee Date : 23 May 2013  
Officer dealing : Miss A J Peel  
Target Date: 7 May 2013

**13/00534/FUL**

**Siting of an anemometer mast for a temporary period of 3 years.  
at Land North East Of Whitwell Farm Whitwell North Yorkshire  
for RWE Npower Renewables Ltd.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks consent for the siting of an anemometer mast for a temporary period of 3 years. The mast is required to gather appropriate information relating to the local wind resource and the potential capability to generate renewable energy in this location. The mast is shown to be proposed to stand approximately 91.5 metres above ground level and would be supported and hinged on a steel base plate which rests upon timber boards on the ground. The mast would be constructed of galvanised steel tube sections and supported by 8 steel guy wires.

1.2 The mast would be situated approximately 600 metres east of the agricultural buildings at Manor House, Whitwell. The site is located approximately 11km to the east of Richmond, 12 km north west of Northallerton, 6km to the north of Kirkby Fleetham and 5km south of North Cowton.

#### 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 No relevant planning history.

#### 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 DP30 - Protecting the character and appearance of the countryside
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- National Planning Policy Framework - published 27 March 2012

#### 4.0 CONSULTATIONS

4.1 South Cowton Parish Council - No response, expiry 10 April 2013.

4.2 Danby Wiske Parish Council - No response, expiry 10 April 2013.

4.3 Kiplin Parish Council - Although we are aware that the applicant is seeking only temporary permission for a maximum of three years parishioners feel there is an argument against the erection of a met mast itself due to its height and visual intrusion into the countryside. However, the major issue here as we are all aware is that if wind speed results are favourable, there will be a further application for a fully fledged wind farm involving multiple turbines, the height of the turbines probably exceeding the height of the mast. Our discussion at the meeting obviously centred on the negative impact of the subsequent windfarm, regarding both its massive visual intrusion and the sound generated from the turbines affecting residents, walkers and users of the nearby public footpaths or bridleways including the 'Coast to Coast Walk'.

We were reminded by Brian Phillips, our local Hambleton District councillor who attended the meeting that we could only object to the subject of the current application rather than what might follow. It was noted by several people that this was in marked contrast to Savill's 41 page D+A Statement which majors on the governments policy towards renewable energy sources, National Planning Policy and supports this application as if it is an application for a windfarm rather than just a met mast. The meeting felt this submission must be considered in the same manner and the full context of a possible wind farm taken into account.

Please be in no doubt that this parish as represented by all those in attendance is strongly opposed to this submission in itself but also as an obvious forerunner to another submission promoting the use of onshore wind turbines in open countryside. We will engage more fully with our objections should such a wind farm submission is made, received 17 April 2013.

4.4 Great Langton Parish Council - No response, expiry 10 April 2013.

4.5 Kirkby Fleetham Parish Council -- Wish to see the application refused. Councillors are concerned that this may be a precursor to a windfarm application and further information would be helpful. There are also concerns about the visual impact on a conservation village, especially if it has night lighting, that it may affect bird life and possibly aircraft activity at RAF Leeming, received 19 April 2013.

4.6 Killerby Parish Council - No response, expiry 10 April 2013.

4.7 Environment Agency - No response, expiry 9 April 2013.

4.8 The Ramblers Association - No objections to the proposal. This agreement may not apply to any future development of wind turbines on the nearby Whitwell Hill, received 9 April 2013.

4.9 NYCC Highways - No objections, conditions recommended, received 9 April 2013.

4.10 Richmondshire District Council - No response, expiry 9 April 2013.

4.11 Neighbours consulted and site notice posted - Response from 5 nearby neighbours who made the following comments:

- a) Concerns regarding the future development of a wind farm.
- b) Impact of proposed mast and any future wind farm on nearby residents.
- c) Impact on property values.
- d) Visual impact of any future wind farm.
- e) No details of the number of wind turbines to be erected if the site is suitable.
- f) Impact upon the habitat of rare species of birds and mammals.

## 5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the National Planning Policy Framework and Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the impact which the siting of the mast may have on local visual amenity and landscape character (Policies CP16 and DP30) and adjacent residential amenity (Policy DP1).

5.2 It should be noted that this proposal is for an anemometer mast and not a proposal for a wind farm. The anemometer and other sensors would gather a range of meteorological data to provide a detailed understanding of the sites wind characteristics. This will then assist in considering the potential of the location for wind energy development and in planning suitable turbine layouts. This application will therefore be considered with regard to the proposed mast and not any potential renewable energy development. Any further developments such as a wind turbine would require

planning permission and would be considered if and when the full details of the proposal are submitted.

5.3 The NPPF supports the delivery of renewable and low carbon energy and associated infrastructure. Furthermore, Policy CP4 of the Local Development Framework also supports proposals for renewable energy generation. Therefore, a proposal for an anemometer mast which may lead to a proposal for a renewable energy development is considered acceptable, in principle.

5.4 The mast would be sited within an isolated location but at 91.5 metres within a fairly flat landscape it will not be screened by surrounding landform or soft landscaping. However, the structure itself and the guy wires are slim and lightweight and will not therefore be particularly prominent or obtrusive within the surrounding landscape. The site is not located within a Conservation Area, Area of Outstanding Natural Beauty or National Park, and whilst the structure will be sited within the open countryside it will not impact upon any important long distance views. The Ramblers Association have no objections to the development. Furthermore, the application seeks consent to site the mast on a temporary basis of 3 years. It is therefore considered that the proposal would not have an unacceptable and significant harmful impact upon the character and appearance of the surrounding countryside.

5.5 Given the height of the mast and surrounding landscape it is likely to be visible from nearby neighbours. However, the mast would not generate noise emissions or shadow flicker and is approximately 800 metres from the nearest neighbour. It is therefore considered that the proposal would not impact upon the amenities of the nearby neighbours. Any impact upon property values is not a material planning consideration and cannot be used as a reason for refusing an application.

5.6 Due to the small scale nature of the proposed wind monitoring mast and that it is a stationary structure, unlike a wind turbine, it is considered that there should be no significant adverse impacts on protected species. In addition, the period of construction is likely to be brief which will minimise any disruption.

5.7 The Parish Council have raised concerns regarding aircraft activities at RAF Leeming; the site is not located within the safeguarded area therefore there is no evidence to conclude that the mast will not cause issues with aircraft activities within the surrounding area.

5.8 Taking into account all of the above, it is considered that the proposal is in accordance with the policies and proposals of the Hambleton Local Development Framework, and the application is therefore recommended for approval.

## SUMMARY

It is considered that the proposal is in accordance with the NPPF and the Policies within the Local Development Framework in that the proposed mast is considered to be slender in form and, given its temporary nature, does not demonstrably compromise the character and appearance of the area. The mast is located a sufficient distance away from residential properties to have no significant detrimental impacts on amenity or impact on wildlife.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## 6.0 RECOMMENDATION:

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

1. The permission hereby granted is valid only until 23rd May 2016 and the mast, its ancillary materials and associated structures shall be removed from the site, and the land re-instated to its former use and condition on or before that date.
2. 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.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 11 March 2013 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. The mast is not considered to be appropriate for permanent retention on this site.
2. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution.
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 Development Plan Policy(ies) CP16, DP30, CP17 and DP32.