

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 23 June 2021

Dear Councillor

Notice of Meeting

Meeting **Planning Committee**

Date **Thursday, 1 July 2021**

Time **10.30 am**

Venue **Council Chamber, Civic Centre, Stone Cross, Rotary Way,
Northallerton, DL6 2UU.**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To:	Councillors	Councillors
	P Bardon (Chairman)	J Noone (Vice-Chairman)
	M A Barningham	B Phillips
	D B Elders	A Robinson
	Mrs B S Fortune	M G Taylor
	B Griffiths	A Wake
	K G Hardisty	D A Webster

Other Members of the Council for information
(Please note that Member Training will commence at 9.30am)

Note: Press and public are welcome to attend meetings of Planning Committee. Due to current social distancing restrictions, measures have been implemented which limit the number of attendees able to be physically present in the meeting at any one time. Temporary arrangements are in place for members of the press and public to register their attendance no later than 24 hours in advance of the meeting taking place. Spaces are allocated on a first come first served basis. If you arrive at the Civic Centre to attend the meeting and have not registered in advance a space cannot be guaranteed if there are no vacant seats available. Members of the press and public are also able to observe the meeting virtually via Teams. Please click on the link on the website or dial 020 3855 5195 followed by the Conference ID: 286 056 520# For further information please contact Democratic Services on telephone 01609 767015 or email committeeservices@hambleton.gov.uk

Agenda

Page No

1. Minutes

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To confirm the minutes of the meeting held on 10 June 2021 (P.5 - P.6), attached.

2. Apologies for Absence.

3. Planning Applications

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Report of the Deputy Chief Executive.

Please note that plans are available to view on the Council's website through the Public Access facility.

4. Matters of Urgency

Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

Agenda Item 1

Minutes of the meeting of the Planning Committee held at 10.41 am on Thursday, 10th June, 2021 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

Councillor	M A Barningham	Councillor	J Noone
	D B Elders		B Phillips
	Mrs B S Fortune		A Robinson
	B Griffiths		M G Taylor
	K G Hardisty		

Also in Attendance

Councillor P R Thompson

Apologies for absence were received from Councillor A Wake and D A Webster

P.5 Minutes

The Decision:

That the minutes of the meeting of the Committee held on 27 May 2021 (P.3 - P.4), previously circulated, be signed as a correct record.

P.6 Planning Applications

The Committee considered reports of the Deputy Chief Executive relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

The Decision

That the applications be determined in accordance with the recommendation in the report of the Deputy Chief Executive, unless shown otherwise:-

- (1) 21/00591/FUL Retention and adaption of agricultural building at Sowerton Farm, Sykes Lane, Tollerton for Mr and Mrs Coning

Permission Granted subject to additional conditions requiring commencement of works for the removal and replacement of the roof of the agricultural building within 12 months of the decision notice and requiring that the agricultural building shall be restricted to the ancillary use of Sowerton Farm.

(The applicant's agent, David Boulton, spoke in support of the application).

(Richard Walker spoke on behalf of Tollerton Parish Council objecting to the application.)

(Jenny Jackson spoke objecting to the application.)

Note: Councillor P R Thompson left the meeting at 11.35am.

Note: The meeting adjourned at 11.35am and reconvened at 11.37am.

- (2) 21/00220/REM - Application for approval of all reserved matters (considering access, appearance, landscaping, layout and scale) following outline application 15/01240/OUT for Outline application for housing development at Wilbert Farm, Sandhill Lane, Aiskew for Taylor Wimpey

Permission Granted subject to additional conditions requiring a 1.8 metre close boarded fence at the boundary of plots 99-101 and the provision of a cycleway connection through to Sandhill Lane.

(The applicant's agent, Chris Martin, spoke in support of the application.)

(David Brown) spoke objecting to the application.)

- (3) 21/00219/MRC - Application for the variation of condition 2 (approved plans) on previously approved application 20/00497/FUL at Land North East Of Ashgrove, 89 Bedale Road, Aiskew for Taylor Wimpey

Permission Granted subject to an additional condition in respect of noise mitigation measures.

(The applicant's agent, Chris Martin, spoke in support of the application.)

Note: The meeting adjourned at 12.13pm and reconvened at 1.30pm.

- (4) 21/00098/OUT - Application for outline planning permission with some matters reserved (considering access, layout and scale) for the construction of 5no dwellings, garaging and associated infrastructure. (Amended plans received 22 April 2021 and Heritage Statement received 4 May 2021) at Land West Of Church Hall, Bagby for Messrs Keel

Permission Granted subject to reference of the amended plans received 8 June 2021 in the decision notice, an amendment to Condition 7 to ensure specific housing types are provided in compliance with the Housing SPD, an amendment to Condition 15 in respect of landscaping to enable a view to St Mary's Church and an additional condition prohibiting the insertion of windows in the south west gable elevations of plots 1, 3, 5 of the development without the prior written approval of the Local Planning Authority.

(The applicant's agent, Judy Walkland, spoke in support of the application.)

- (5) 20/00330/FUL - Full planning application for the construction of 18no residential dwellings at Land to the North of Crakehall Water Mill for Newett Homes

Permission Granted subject to additional conditions relating to foul and surface water drainage.

(The applicant's agent, Richard Mowat, spoke in support of the application.)

(David Shaw spoke on behalf of Crakehall Parish Council objecting to the application.)

(Wendy Kelvin spoke objecting to the application.)

- (6) 21/00779/FUL - Change of use of land for holiday accommodation and the siting of 2 holiday lodges with associated drive area at land to the rear and associated alterations to access at 151 High Street, Great Broughton for Mr and Mrs Colin and Donna Donaldson

Permission Granted subject to additional conditions restricting the number of lodges to no more than two; restricting the use of the lodges to only for holiday purposes; and, imposing requirements in respect of the size, siting and external appearance of the lodges.

(The applicant, Colin Donaldson, spoke in support of the application.)

(David Ashton spoke on behalf of Great and Little Broughton Parish Council objecting to the application.)

(Nigel Peacock spoke objecting to the application.)

Note: The meeting adjourned at 3.14pm and reconvened at 3.22pm.

- (7) 21/00784/OUT - Application for outline planning permission with all matters reserved for the construction of a single storey dwelling at Land at Fleetham Lane to Common Lane, Scruton for Mr William Raine

Permission Granted subject to Condition 6 being amended to read: The development shall be for no more than one, single story dwelling.

(Mr Howe spoke on behalf of Scruton Parish Council objecting to the application.)

- (8) 21/01219/APN - Application to determine if prior approval is required for the proposed construction of a steel portal framed agricultural building for the housing of livestock at Mowbray Hill Farm, Well for Mr Sam Webster

That prior approval is not required and the application be permitted

The meeting closed at 3.46 pm

Chairman of the Committee

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, Rotary Way, Northallerton on Thursday 1 July 2021. The meeting will commence at 10.30am.

Further information on possible timings can be obtained from the Democratic Services Officer, Louise Hancock, by telephoning Northallerton (01609) 767015 before 9.00am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre. Documents are available to view at www.planning.hambleton.gov.uk. Background papers can include the application form with relevant certificates and plan, responses from statutory bodies, other interested parties and any other relevant documents. Any late submission relating to an application to be presented to the Committee may result in a deferral decision

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 Deputy Chief Executive 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
Deputy Chief Executive

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 sufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will normally be agreed prior to Planning Committee in consultation with the Chairman or Vice-Chairman of the Planning Committee. Additional site visits may be selected following consideration of a report by the Planning Committee.

PLANNING COMMITTEE

Thursday 1 July 2021

Item No	Application Ref / Officer / Parish	Proposal / Site Description
	Morning session: 10:30am	
1	21/00404/FUL Connor Harrison West Tanfield Page No. 9	Siting of storage shed For: Mr Greensit At: Stonehaven, Nosterfield, DL8 2QX RECOMMENDATION: APPROVAL
2	20/02642/FUL Appleton Wiske Peter Jones Page No. 17	Application for the construction of a stone built four bedroom dwelling with a double garage (plot 1) For: Sarah Holmshaw At: Land To West Of Smithy Green, Hornby Road, Appleton Wiske RECOMMENDATION: APPROVAL
3	20/02643/FUL Appleton Wiske Peter Jones Page No. 27	Application for the construction of a stone built four bedroom dwelling with a double garage (plot 2) For: Sarah Holmshaw At: Land To West Of Smithy Green, Hornby Road, Appleton Wiske RECOMMENDATION: APPROVAL
4	21/01152/FUL Sessay Connor Harrison Page No. 37	Erection of a steel portal framed agricultural building for the storage of straw For: Mr Martyn Sanderson At: Bruce House, Scaife Shay Lane, Sessay RECOMMENDATION: APPROVAL

Item No	Application Ref / Officer / Parish	Proposal / Site Description
	Afternoon session: 13:30pm	
5	21/00630/FUL Naomi Wadington Huby Page No. 43	Construction of a detached 4 bedroom dwelling For: Mr And Mrs A Cahill At: Land Adjacent Ashdale, Gracious Street, Huby RECOMMENDATION: APPROVAL
6	21/01146/FUL Nathan Puckering Welbury Page No. 53	Demolition of outbuildings and construction of a detached dwelling with domestic garage and modifications to the highway access For: William Stockdale At: Raymont, Welbury RECOMMENDATION: APPROVAL
7	21/00842/OUT Helen Ledger Welbury Page No. 61	Outline application with all matters reserved for construction of a dwelling For: Mr & Mrs L Meynell At: Land Adjacent, Sunnyside, Welbury RECOMMENDATION: REFUSAL
8	21/00749/FUL Helen Ledger Crakehall Page No. 67	Construction of a new dwelling to replace an existing barn For: Mr & Mrs Lumley At: Cherrytree Farm Crakehall RECOMMENDATION: APPROVAL
9	21/00898/FUL Nathan Puckering Kirklington Page No. 75	Installation of solar panels to south west facing garage roof For: Cllr Carl Les At: The Rosary, Whinwath Lane, Kirklington RECOMMENDATION: APPROVAL

Parish: West Tanfield

Ward: Tanfield

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Committee Date : 01 July 2021

Officer dealing : Mr Connor Harrison

Target Date: 14 April 2021

Date of extension of time (if agreed): -

21/00404/FUL

Proposal: Siting of storage shed

At: Stonehaven, Nosterfield, DL8 2QX

For: Mr R Greensit

The proposal is presented to Planning Committee as it is a departure from the Development Plan

1.0 Site, context and proposal

- 1.1 The application site relates to agricultural land located to the north-west of Stonehaven. Stonehaven is located at the southern end of Nosterfield and faces the highway to the west, residential properties to the north and south, and open countryside to the east. Stonehaven consists of a main dwelling (occasionally used as holiday accommodation), ancillary accommodation, and an agricultural storage building/carport.
- 1.2 There are a number of heritage assets within proximity of the site – the Grade II Listed Kiln Farmhouse and Village Farmhouse are within 110m and 60m, respectively, and the Thornborough Henge scheduled monument is found 200m to the south-west.
- 1.3 Planning permission is sought for the construction of a storage building, approximately 18.4m x 4m (73.6m²) in size. The building is proposed to be used for mixed agricultural and domestic purposes, allowing for the storage of feed (hay), vehicles associated with agriculture and building trade, and logs for domestic fuel. Additionally, it will be used for housing livestock (sheep/lambs) when required through the year.
- 1.4 The site comprises part of an agricultural field, accessed directly from land within the domestic curtilage of Stonehaven to the immediate south-west and also through field entrances to the north-east. The field is 0.73ha in area and forms part of the 2.42ha holding owned by the applicants. The proposed scheme would retain the boundary hedging.

2.0 Relevant planning history

- 2.1 13/00596/FUL - Construction of an agricultural storage building – Permitted

It is noted that condition 3 of this planning permission stated 'The building hereby permitted shall only be used for agricultural storage and for domestic/hobby purposes ancillary to the use of the adjacent dwelling and land known as Stonehaven, Nosterfield and not for any other activity. Thus this building is able to be used for hobby/domestic purposes ancillary to the use of Stonehaven as well as for agricultural storage.

- 2.2 12/01735/FUL - Extension to existing dwelling and alterations to existing storage building to form ancillary living accommodation – Permitted

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

- 3.2 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
Development Policies DP1 - Protecting amenity
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP9 - Development outside Development Limits

Hambleton emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at

<https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan is no more than a material consideration. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

- 4.1 Tanfield Parish Council – No objections.

- 4.2 Three letters of representation (all of which are objections) have been received and are summarised as follows:-

- No agricultural/business need justification has been provided for the proposal, which is agricultural in design.
- An agricultural building has been converted (in 2012) and then replaced (in 2013), indicating that the applicant had surplus agricultural buildings and so has no justified need for new shed buildings.
- 6 acres of land is too small to constitute a farm – it is ineligible for the Basic Payment Scheme as claimants need to have 12.36 acres for this purpose.
- The Bat Statement was not prepared by a qualified ecologist. Bats have been seen in the immediate area.

- No archaeological report has been submitted, despite the proximity of the site to a monument of national significance and a number of Grade II listed buildings.
- The building is situated in the open countryside near a scheduled monument and Grade II listed buildings. It is also immediately north of a popular footpath. There has been no landscape appraisal to assess the impact of the building in the open countryside and views.
- The application form has incorrectly answered a question regarding trees and hedges – trees and hedges are visible from our [a neighbouring] property.
- We do not want the hedge removing and the building needs to be on the applicant's side of the boundary.

5.0 Analysis

- 5.1 The main issues to be considered are i) principle of the development within the proposed location, ii) impact upon the character and appearance of the countryside, iii) impact upon neighbours, iv) impact on the nearby heritage assets and v) impact on ecology.

Principle of development within the proposed location

- 5.2 Section 12 of the National Planning Policy Framework (NPPF) seeks to achieve well designed spaces. Paragraph 124 states "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". Paragraph 130 states "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents". Section 15 relates to conserving and enhancing the natural environment. Paragraph 170 requires planning policies and decisions to contribute to and enhance the natural and local environment by, amongst other issues, "recognising the intrinsic character and beauty of the countryside".
- 5.3 At local level Hambleton District Council Core Strategy 2007 Strategic objective 8 seeks to protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character. Objective 9 seeks to protect and improve the countryside. Objective 12 is to promote high quality design of new developments in order to create attractive and safe places in which to live, work and play, enhancing and protecting local distinctiveness and visual quality.
- 5.4 Policy CP4 outlines 6 exceptional cases where development outside of development limits and in the countryside will be supported including i) meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy ii) to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; iii) affordable housing or community facilities which meet a local need; iv) re-use existing buildings v) provision for renewable energy generation and vi) where would support the social and economic regeneration of rural areas. Policy DP9 states

development outside development limits will only be granted in exceptional circumstances having regard to CP4, or where it constitutes an acceptable and sustainable replacement building.

- 5.5 Nosterfield is a small settlement within the countryside, outside of development limits, where the policies above seek to restrict inappropriate development in the countryside. Whilst an agricultural-style building is generally regarded as being acceptable in design terms, policy requirements require that it should still be demonstrated that there is an essential requirement to be located in the countryside or that development would otherwise help to support the rural economy.
- 5.6 The various supporting statements associated with the proposal have not demonstrated this effectively and, whilst it is accepted that there will be some agricultural use associated with the building, representation received comment that the proposed building would carry some degree of commercial (in the storage of machinery and equipment associated with the building trade) and domestic use (the storage of domestic fuel) use as part of its overall function. The agent has provided a statement on the 24.03.21 which sets out that the site is not a farm and that the building will be used largely for machinery storage and “hobby farming” involving the keeping of sheep.
- 5.7 Following the site visit by the officer, it is clear that the wider site does not form part of a commercial agricultural enterprise, though there is agricultural equipment visible on site. Also present were a number of items that are linked to the building industry (a concrete mixer, etc.).
- 5.8 At the time of writing, sheep are present in the field and the planning agent has informed the Council that the applicant holds a flock and holding number with DEFRA. The sheep currently number around 50, with plans to increase the size of the flock should this application be approved. It has been identified that the holding is not eligible for the Basic Payment Scheme – the applicant has informed the Council of this and states that this remains in the hands of the former landholder.
- 5.9 It is considered therefore that the proposal would not meet the tests of policy CP4. It appears that, despite the agricultural element present in the proposal, the need to be sited within the open countryside has not been clearly demonstrated nor has it been demonstrated that the proposal would add in a meaningful fashion to the rural economy.

Impact upon the character and appearance of the countryside

- 5.10 Policy CP17 seeks to support proposals which protect and enhance the distinctiveness, character, townscape and setting of settlements, and the historic and cultural features of acknowledged importance, stating proposals which harm the built environment will not be permitted.
- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, respect local identity and distinctiveness and are appropriate in terms of use, movement, form and space. The policies require development to pay regard to traditional design and forms of construction, to avoid the use of inappropriate details, and to pay particular attention to appropriately designed elements.

- 5.12 Proposals must respect local character and distinctiveness, scale form and massing should respect built form, and should respect and enhance local context. Policy DP30 seeks to protect the character and appearance of the countryside, requiring the openness, character and quality to be respected and where possible enhanced, and the design and location of new development to take account of landscape character and its surroundings.
- 5.13 Siting requires careful consideration to ensure the building relates as much as possible to character of the surrounding area rather than appearing as an isolated building in the countryside. Whilst the building would be set to the rear of Stonehaven, it would be visible from the public right of way to the south-east and from the B6267 to the north-east. The agent has advised that the location has been selected as lambing in the current building within the domestic curtilage was attracting rodents close to the main dwelling.
- 5.14 Despite being outside of the curtilage the building relates closely to the established building line and, as a result, its position would not jar in the landscape. Indeed it is considered that the building is sited adjacent the built form of the settlement. The impact of the proposed structure is further lessened by the low-profile form (3.09m) which, when viewed from the footpath (100m away) and the road (200m), will be largely obscured by boundary hedges. It is considered that no demonstrable harm would occur.
- 5.15 The building itself is to be constructed in an agricultural style, using materials that are commonly associated with agricultural buildings in the area. As a result, the appearance is considered to be appropriate to the countryside setting, and it is unlikely to have a landscape impact that would affect the understanding and context of the various heritage assets in the area. It is of a scale, form and appearance that enables it to be easily understood within the wider area and is not set so far away from Stonehaven so as to appear isolated within the countryside. As a result, it is considered that policies CP17 and DP32 have been met by the proposal.
- 5.16 The site is currently used for the open storage of agricultural, domestic and building equipment and materials. Additionally, there is a poultry enclosure constructed from heras fencing, with a number of smaller structures acting as coops within. The scheme would allow for this to be moved within the proposed structure and a condition will be placed on any approval of planning permission stating that no equipment or materials may be stored (in the open) within the area of field owned by the applicant. It is understood that this is the applicants intention in order to house items under safe cover and to provide for a presentable appearance. This will improve the character and appearance of the immediate area within the wider countryside relative to its current situation. It is therefore considered that the stipulations of CP16 and DP30 (which asks that opportunities to enhance the intrinsic character of the countryside be embraced) have been met.

Impact upon neighbours

- 5.17 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development.

- 5.18 The location of the site is approximately 50m to the north-east of the closest dwelling (Village Farmhouse) and 60m to Orchard House. The proposal is not considered to result in a loss of amenity to occupants of nearby dwellings. Whilst the building would be used for the accommodation of livestock, this would be intermittent and limited to short periods of the year (when it would be used for lambing) and would consist of the housing of sheep, which are deemed to have a minor impact in terms of noise and odour. Overall, the proposal is not considered to result in material harm to existing levels of amenity afforded to neighbours and it is deemed to accord with Policies CP1 and DP1.

Impact upon nearby heritage assets

- 5.19 The proximity of the site to Thornborough Henge has been acknowledged and it is apparent that the area to be developed may be of archaeological significance. Despite the distance between the site and the scheduled monument, previous applications have included responses from NYCC's Heritage team and conditions have been attached that have required an archaeological watching brief to be performed prior to construction. This is to be conditioned within any approval.
- 5.20 Section 66(1) of the Act requires that in exercising an Authority's planning function, special regard shall be paid to the desirability of preserving the setting and historic and architectural features of Listed Buildings. The NPPF at Paras. 189, 190 and 192 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.21 There are two Grade II-listed buildings nearby: Village Farm, 85m to the west; Kiln Farm, 125m to the south-west. It is considered that the proposal is too far away from both properties to have any meaningful impact on their character or setting and that, regardless of this, the agricultural design of the building would not negatively impact this setting. As a result, it is deemed that the proposal would not have a harmful impact on the nearby heritage assets. The works are therefore considered to accord with the requirements of the national policy and legislation and to also be in accordance with Policies CP16, DP28 and DP29.

Impacts on ecology

- 5.22 There is evidence within nearby applications to suggest that the area is host to a number of bat species and the site is approx. 160m from a Site of Importance for Nature Conservation, found to the west. The hedgerow to the north of the site is to be retained as a boundary treatment and so there will be no loss of habitat as a result of the development.
- 5.23 The proposal is not considered to adversely affect any bat roosts and will not provide an impediment to bat movement within the wider area. It is acknowledged that the bat statement was not undertaken by a qualified ecologist, however due to the proposal not having the potential to directly impact bat roosts, this is not deemed to be of concern. Regardless, the Council should look to improve opportunities for protected species where possible and as a result bat boxes will be conditioned as part of an approval.

Planning Balance

- 5.24 It is considered that the proposal is contrary to the provisions of Policy CP4, having not fulfilled the criteria requiring the demonstration of need or a positive contribution to the rural economy. Additionally, it appears that the proposed building will be used for storage of materials other than those necessary for agriculture, which would effectively constitute a change of use of the land.
- 5.25 It is considered that there would be a benefit to the siting of the building in terms of the appearance of the site – currently the area to be developed plays host to non-agricultural materials deposited there by the applicant. Some of which have been recently moved off the site temporarily but would still require to be housed in the medium term. The proposed development would allow for improvement in the immediate character and appearance of the countryside without contradiction of the established character of the local built environment through the use of appropriate scale, design and siting of the proposed development. Furthermore, there would be no harm caused to the nearby heritage assets, to neighbour amenity or to the local ecology.
- 5.26 As a result, it is deemed that the proposal complies with Policies CP1, CP16, CP17, DP1, DP30, DP32. Due to the lack of identifiable harm demonstrated above, and as it would be possible to improve the character and appearance of the countryside through the provision of the structure, the application is therefore recommended for approval on balance.

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 numbers SNH.001 received by Hambleton District Council on 17th February 2021 unless otherwise agreed in writing by the Local Planning Authority.
 3. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
 4. The building hereby permitted shall only be used for agricultural storage; accommodation of livestock (sheep); domestic storage; and storage of building materials associated with the use of the adjacent dwelling and land known as Stonehaven, Nosterfield and not for any other activity.
 5. No external lighting shall be installed other than in complete accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority, and thereafter implemented only in accordance with the approved details.

6. The building hereby approved shall not be used for the accommodation of any pigs or poultry, except for the applicant's existing pet hens, without the approval of the Local Planning Authority.
7. Before the approved building is brought in to use bat boxes shall be erected on the approved building in accordance with details that have been submitted to and approved by the Local Planning Authority.
8. The agricultural land to the north-west of the dwelling known as Stonehaven, Nosterfield and which is shown on plan "Plan: Nosterfield Plan 1" produced by Hambleton District Council on 22nd of June shall not be used for the open storage of domestic, agricultural or building materials, equipment or associated paraphernalia unless agreed in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Development Plan Policies CP16, CP17, DP30 and DP32.
3. The site is of archaeological importance and as such warrants the recording of any relevant materials found at the site in accordance with the Local Development Framework Policies CP16 and DP29.
4. In order to ensure that the Local Planning Authority may make an assessment of the impact on sustainability, the character of the open countryside, highway safety, and amenity of any intensification of use that may arise from the operation of a business on the premises in accordance with LDF Policies CP1, CP2, CP4 and DP1.
5. To safeguard the character and appearance of the surrounding rural landscape in accordance with LDF Policies CP16 and DP30.
6. To limit the potential loss of amenity to nearby residential areas through the keeping of agricultural stock that may give rise to greater odour, in accordance with the Development Plan Policy(ies) CP1 and DP1.
7. To maintain ecological value of the site in accordance with the Hambleton Local Development Framework policies CP1 and CP16 and DP31.
8. To safeguard the character and appearance of the surrounding rural landscape in accordance with LDF Policies CP16 and DP30.

Parish: Appleton Wiske
Ward: Appleton Wiske & Smeatons

Committee Date : 01 July 2021
Officer dealing : Peter Jones
Target Date: 09 February 2021
Date of extension of time (if agreed):

2

20/02642/FUL

Application for construction of a stone built, four bedroom detached dwelling with a double garage (plot 1).

At: Land to West of Smithy Green Hornby Road Appleton Wiske North Yorkshire
For: Foster.

The application is brought to Planning Committee as the proposed development is considered a Departure from the Development Plan.

1.0 Site, context and proposal

- 1.1 The site forms the north eastern corner of a field towards the north western corner of the village, on the southern side of Hornby Road. A hedgerow forms the roadside boundary to the site, which covers an area of 0.12 hectares. The application site has no other boundary markers. A ditch lies within the highway verge on the northern side of the hedgerow. A public right of way lies immediately to the east between the application site and the bungalows at Smithy Green. These bungalows lie within a cul-de-sac arrangement with the rear elevations of numbers 9, 10 and 11 facing westwards towards the application site.
- 1.2 The application is for full planning permission to construct a detached dwelling on part of the wider 2 plot site.
- 1.3 The application has been amended during the course of the application in order to address design concerns raised by the Case Officer.
- 1.4 A second full application has been made on the other half of the site between plot 1 and the built form of the existing settlement.

2.0 Relevant planning and enforcement history

- 2.1 19/00834/OUT - Outline application with details of access (all other matter reserved) for the construction of two dwellings

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.
- 3.2 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
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP28 - Conservation
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Interim Guidance Note - adopted by Council on 7th April 2015
 Hambleton emerging Local Plan
 Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF
 National Planning Policy Framework

4.0 Consultations

4.1 Yorkshire Water - No objections subject to conditions:

It is noted from the submitted planning application that surface water is proposed to be drained to soakaway. 2. On the Statutory Sewer Map, there is a 300 mm diameter public foul sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It would appear from the submitted documents that the sewer has been diverted under agreement with Yorkshire Water. It would appear that the diverted public sewer will not be affected by building-over proposals.

4.2 North Yorkshire Highways – No objections subject to conditions.

4.3 Parish Council – Object for the reasons summarised below:

- The proposals are for two storey dwellings and not bungalows as previously agreed.
- The proposed dwelling appears higher than the previously agreed 54m AOD.
- The proposed development will have a harmful impact on the character of the village.

4.4 Representations – 12 letters of representation have been received from three consultation exercises following revisions to the scheme. These are summarised below:

- The ridge height is too great. The ridge should be no more than 54m AOD.
- Actual bungalows would be acceptable. These are clearly two storey dwellings.
- Changing the proposals from the Outline is undermining the planning system.
- Proposals negatively impact on the approach to the village.
- Loss of views of the Oak Tree and the Church.

- Harmful impact on the character of the village.
- Loss of amenity to residents of Smithy Green.
- Loss of amenity to immediate neighbour.
- The style of dwelling is not in-keeping with the character of property in the area.

5.0 Analysis

- 5.1 The main issues for consideration in this case include (i) the principle of new dwellings in this location outside Development Limits; (ii) the effect of the proposed development on the form and character of the village; (iii) the effect on the amenity of neighbouring residents; (iv) surface water drainage and (v) highway safety.

The principle of development

- 5.2 The site falls adjacent to but outside of the Development Limits of Appleton Wiske, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies.

- 5.5 In the Settlement Hierarchy reproduced in the IPG Appleton Wiske is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it would be located where it can support local services.
- 5.6 Consideration and reference also needs to be made to the emerging Appleton Wiske Neighbourhood Plan. The Neighbourhood Plan's designated area was approved in September 2012 and the Parish Council produced an initial draft plan, which identified a preferred housing site elsewhere in the village. However, work on the plan has not progressed since. Considering that the Neighbourhood Plan is at a relatively early stage, it can be given only very limited weight.
- 5.7 It is also noted that the grant of Outline Planning Permission for two units on this and the adjoining site is a material consideration in support of the principle of development on this site.

Impact on form and character of village and rural landscape

- 5.8 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.9 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.10 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.11 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.12 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies adjacent to and opposite the built-up part of the village. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

- 5.13 The application site, although undeveloped and part of a larger field, does form part of the village as much as it does the surrounding countryside and therefore the construction of two dwellings within this plot would continue the existing form of built development along this side of the village street without encroachment into the rural landscape.
- 5.14 It is considered that the small-scale development adjacent to the Smithy Green development to the east and existing housing opposite to the north would not result in a significant change in the character of the village or the countryside.
- 5.15 Due to the wide verge and therefore adequate visibility, the proposed development would not require the removal of the front boundary hedge other than the creation of gaps for the accesses. The existing hedgerow is well established and mature and contributes to the character of the locality. The mature oak tree within the same field but to the south east of the application site boundary is the subject of a Tree Preservation Order. This tree would be unaffected by the proposed development for construction works.

Design

- 5.16 The outline planning permission included a condition that sought to limit the height of the development to single storey and an overall height of no more than 54m AOD. This application has been submitted as a Full application and as such there is no legal requirement for compliance with the outline permission, although this clearly set an expectation for the development of the site, which has been a source for complaint from neighbouring residents.
- 5.17 A number of design iterations have been gone through to get to the current design. The latest design is considered to address the earlier design issues raised by the Case Officer, although does not wholly comply with the requirements of the outline permission.
- 5.18 It is considered that whilst the expectations of the Outline are not fully met, assessing the application on its merits, in particular looking at the context in terms of the massing, style and form of development in the locality, results in the proposals being an acceptable form of development in this case.
- 5.19 The street levels of the housing opposite the application site are considerably higher and dominated by two storey housing forms. Whilst the homes at Smithy Green, are diminutive, single storey dwellings, there is a degree of separation between them and the application site and the slight additional ridge height is not considered to result in a visually harmful impact. There is a mix of building styles and forms in this part of the village and the proposed development is not considered to have a harmful impact in this respect.
- 5.20 Overall, the proposed development is considered to respond positively to the overall character and appearance of the area and is not considered to result in a harmful impact.

Residential amenity

- 5.21 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed dwellings follow the general building line of the dwellings along this section of the village street and also reflect the spacing between many of the detached dwellings locally.
- 5.22 The closest existing neighbours to the proposed dwelling would be the existing bungalows at Smithy Green. In this case it is the relationship to the immediate neighbour, which would be located on Plot 2, which is of potential concern. In this case the relationship between the two proposed new buildings is acceptable and results in no harmful impact.
- 5.23 Any additional vehicle movements to serve the two dwellings would not be excessive and would not detract from the amenity of the existing residents.

Drainage

- 5.24 Policy DP6 states that new development must be capable of being accommodated by existing or planned services and must not have a seriously harmful impact on existing systems. Policy DP43 states that development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere.
- 5.25 It was agreed in the earlier outline approval that matters pertaining to drainage could be adequately dealt with by condition. It is considered that there is no reason to change this position. The proposed development, subject to conditions is capable of compliance with the requirements of Policy DP6, DP43 and the requirements of the Interim Policy Guidance.

Highway matters

- 5.26 Policy DP4 states that all proposals must ensure that safe and easy access is available to all potential users.
- 5.27 The Highway Authority has no objections to the creation of two accesses to serve the additional dwellings subject to appropriate conditions. The proposed development is considered to result in no detrimental impact on road safety.

Planning balance

- 5.28 The proposal would create a single dwelling in a sustainable location, without causing harm to the form and character of the village, and without harm in terms of highway safety. The revised design, whilst not fully meeting the requirements of the Outline permission are considered to be appropriate in terms of the character and form of the settlement.

6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC/3138/02, HDC/3138/03, HDC/3158/05 and HDC/3158/04 received by Hambleton District Council on 28 May 2021 unless otherwise approved in writing by the Local Planning Authority.
3. There must be no access or egress by any vehicles between the highway and the application site at Plot 1 until:
 - o Amendments to the ditch have been undertaken in accordance with the details approved in writing by the Local Planning Authority.
4. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Plot 1 have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
5. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
7. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 1. details of any temporary construction access to the site including measures for removal following completion of construction works;
 2. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 3. the parking of contractors' site operatives and visitor's vehicles;
 4. areas for storage of plant and materials used in constructing the development clear of the highway;
 5. details of site working hours;
 6. details of the measures to be taken for the protection of trees; and
 7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

8. Prior to the commencement of development except for the formation of the access and initial site clearance, full levels shall be provided to and agreed by the Local Planning Authority. Levels shall include existing and proposed land levels along with finished floor, eaves and ridge levels. The development shall be implemented in accordance with the approved details.
9. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials.
10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
11. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

The reasons for the above conditions are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .
3. To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.
4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
5. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
6. In accordance with policy number and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
7. In the interest of public safety and amenity.
8. In order to protect the character and amenity of the area and to comply with DP1, DP30 and DP32.

9. In order to protect the character and appearance of the area and to comply with DP32.
10. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network
11. In the interest of satisfactory and sustainable drainage.

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Parish: Appleton Wiske

Ward: Appleton Wiske & Smeatons

3

20/02643/FUL

Committee Date : 01 July 2021

Officer dealing : Mr Peter Jones

Target Date: 08 February 2021

Date of extension of time (if agreed):

Application for the construction of a stone built four bedroom dwelling with a double garage. (plot 2).

At: Land to West of Smithy Green Hornby Road Appleton Wiske

For: Holmshaw.

The application is brought to Planning Committee as the proposed development is considered to be a Departure from the Development Plan.

1.0 Site, context and proposal

- 1.1 The site forms the north eastern corner of a field towards the north western corner of the village, on the southern side of Hornby Road. A hedgerow forms the roadside boundary to the site, which covers an area of 0.12 hectares. The application site has no other boundary markers. A ditch lies within the highway verge on the northern side of the hedgerow. A public right of way lies immediately to the east between the application site and the bungalows at Smithy Green. These bungalows lie within a cul-de-sac arrangement with the rear elevations of numbers 9, 10 and 11 facing westwards towards the application site.
- 1.2 The application is for full planning permission to construct a detached dwelling on part of the wider site.
- 1.3 A second full application has been made on the other half of the site on Plot one which sits between the application site and the open countryside beyond.

2.0 Relevant planning and enforcement history

- 2.1 19/00834/OUT - Outline application with details of access (all other matter reserved) for the construction of two dwellings

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.
- 3.2 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
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
Hambleton emerging Local Plan
The Hambleton Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>
The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan is no more than a material consideration. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.
National Planning Policy Framework

4.0 Consultations

4.1 Northumbrian Water - No Comments to make

4.2 North Yorkshire Highways – No objections subject to conditions.

4.3 Parish Council – Object for the reasons summarised below:

- The proposals are for two storey dwellings and not bungalows as previously agreed.
- The proposed dwelling appears higher than the previously agreed 54m AOD.
- The proposed development will have a harmful impact on the character of the village.

4.4 Representations – 9 letters of representation have been received from two consultation exercises owing to revisions to the scheme. These are summarised below:

- The ridge height is too great. The ridge should be no more than 54m AOD.
- Actual bungalows would be acceptable. These are clearly two storey dwellings.
- Changing the proposals from the Outline is undermining the planning system.
- Proposals negatively impact on the approach to the village.
- Loss of views of the Oak Tree and the Church.
- Harmful impact on the character of the village.
- Loss of amenity to residents of Smithy Green.
- Loss of amenity to immediate neighbour.
- The style of dwelling is not in-keeping with the character of property in the area.

5.0 Analysis

- 5.1 The main issues for consideration in this case include (i) the principle of new dwellings in this location outside Development Limits; (ii) the effect of the proposed development on the form and character of the village; (iii) the effect on the amenity of neighbouring residents; (iv) surface water drainage and (v) highway safety.

The principle of development

- 5.2 The site falls adjacent to but outside of the Development Limits of Appleton Wiske, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 78 of the NPPF states:
"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.

- 5.5 In the Settlement Hierarchy reproduced in the IPG Appleton Wiske is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it would be located where it can support local services.
- 5.6 Consideration and reference also needs to be made to the emerging Appleton Wiske Neighbourhood Plan. The Neighbourhood Plan's designated area was approved in September 2012 and the Parish Council produced an initial draft plan, which identified a preferred housing site elsewhere in the village. However, work on the plan has not progressed since. Considering that the Neighbourhood Plan is at a relatively early stage, it can be given only very limited weight.
- 5.7 It is also noted that the grant of Outline Planning Permission for two units on this and the adjoining site is a material consideration in support of the principle of development on this site.

Impact on form and character of village and rural landscape

- 5.8 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.9 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.10 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.11 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.12 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies adjacent to and opposite the built up part of the village. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

- 5.13 The application site, although undeveloped and part of a larger field, does form part of the village as much as it does the surrounding countryside and therefore the construction of two dwellings within this plot would continue the existing form of built development along this side of the village street without encroachment into the rural landscape.
- 5.14 It is considered that the small scale development adjacent to the Smithy Green development to the east and existing housing opposite to the north would not result in a significant change in the character of the village or the countryside.
- 5.15 Due to the wide verge and therefore adequate visibility, the proposed development would not require the removal of the front boundary hedge other than the creation of gaps for the accesses. The existing hedgerow is well established and mature and contributes to the character of the locality. The mature oak tree within the same field but to the south east of the application site boundary is the subject of a Tree Preservation Order. This tree would be unaffected by the proposed development for construction works.

Design

- 5.16 The outline planning permission included a condition that sought to limit the height of the development to single storey and an overall height of no more than 54m AOD. This application has been submitted as a Full application and as such there is no legal requirement for compliance with the outline permission, although this clearly set an expectation for the development of the site, which has been a source for complaint from neighbouring residents in representations on this application.
- 5.17 A number of design iterations have been gone through to get to the current design. The design whilst directed by the requirements of the applicant and future occupier, has made an attempt to fulfil the expectations set out in the outline.
- 5.18 It is considered that whilst the expectations of the Outline are not fully met, assessing the application on its merits, in particular looking at the context in terms of the massing, style and form of development in the locality results in the proposals being an acceptable form of development in this case.
- 5.19 The street levels of the housing opposite the application site are considerably higher and dominated by two storey housing forms. Whilst the homes at Smithy Green, are diminutive, single storey dwellings, there is a degree of separation between them and the application site and the slight additional ridge height is not considered to result in a visually harmful impact.
- 5.20 Overall, the proposed development is considered to respond positively to the overall character and appearance of the area and is not considered to result in a harmful impact.

Residential amenity

- 5.21 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed dwellings follow the general building line of the dwellings along this section of the village street and also reflect the spacing between many of the detached dwellings locally.
- 5.22 The closest existing neighbours to the proposed dwelling would be the existing bungalows at Smithy Green. There is a small parcel of land between the application site and the rear gardens of the properties on Smithy Green, incorporating a public footpath. This parcel of land results in a separation distance between the application site and the rear gardens in excess of 10m. It is considered that this level of separation, even given the mass and form of the proposed development, will result in no significant loss of residential amenity for the occupiers of the properties on Smith Green. In this case it is the relationship to the immediate neighbour, which would be located on Plot 1, is of potential concern. In this case the relationship between the two proposed buildings is acceptable and results in no harmful impact.
- 5.23 Any additional vehicle movements to serve the two dwellings would not be excessive and would not detract from the amenity of the existing residents.

Drainage

- 5.24 Policy DP6 states that new development must be capable of being accommodated by existing or planned services and must not have a seriously harmful impact on existing systems. Policy DP43 states that development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere.
- 5.25 It was agreed in the earlier outline approval that matters pertaining to drainage could be adequately dealt with by condition. It is considered that there is no reason to change this position. The proposed development, subject to conditions is capable of compliance with the requirements of Policy DP6, DP43 and the requirements of the Interim Policy Guidance.

Highway matters

- 5.26 Policy DP4 states that all proposals must ensure that safe and easy access is available to all potential users.
- 5.27 The Highway Authority has no objections to the creation of two accesses to serve the additional dwellings subject to appropriate conditions. The proposed development is considered to result in no detrimental impact on road safety.

Planning balance

5.28 The proposal would create a single dwelling in a sustainable location, without causing harm to the form and character of the village, and without harm in terms of highway safety. However, it is considered that the design, massing and form of the proposed new dwelling results in a harmful built form, which fails to respond positively to the character of the village and as such is not considered acceptable in this instance.

6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC/3138/02, HDC/3138/03, HDC/3158/05 and HDC/3158/04 received by Hambleton District Council on 28 May 2021 unless otherwise approved in writing by the Local Planning Authority.
3. There must be no access or egress by any vehicles between the highway and the application site at Plot 2 until:
 - o Amendments to the ditch have been undertaken in accordance with the details approved in writing by the Local Planning Authority.
4. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Plot 1 have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
5. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
7. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 1. details of any temporary construction access to the site including measures for removal following completion of construction works;
 2. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;

3. the parking of contractors' site operatives and visitor's vehicles;
 4. areas for storage of plant and materials used in constructing the development clear of the highway;
 5. details of site working hours;
 6. details of the measures to be taken for the protection of trees; and
 7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
8. Prior to the commencement of development except for the formation of the access and initial site clearance, full levels shall be provided to and agreed by the Local Planning Authority. Levels shall include existing and proposed land levels along with finished floor, eaves and ridge levels. The development shall be implemented in accordance with the approved details.
 9. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials.
 10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
 11. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

The reasons for the above conditions are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .
3. To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.
4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
5. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

6. In accordance with policy number and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
7. In the interest of public safety and amenity.
8. In order to protect the character and amenity of the area and to comply with DP1, DP30 and DP32.
9. In order to protect the character and appearance of the area and to comply with DP32.
10. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network
11. In the interest of satisfactory and sustainable drainage.

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Parish: Sessay
Ward: Sowerby and Topcliffe
4

Committee Date : 1 July 2021
Officer dealing : Mr Connor Harrison
Target Date: 25 June 2021
Date of extension of time (if agreed): -

21/01152/FUL

Proposal: Construction of a steel portal framed agricultural building for the storage of straw

At: Bruce House, Scaife Shay Lane, Sessay, YO7 3BL.

For: Mr M Sanderson

The proposal is presented to Planning Committee as there is a member interest in the proposal site

1.0 Site, context and proposal

- 1.1 The site is located outside of any defined Development Limits.
- 1.2 The proposed location of the development is within a farmyard associated with Bruce House, at the terminus of Scaife Shay Lane, Sessay. The site lies on southern section of the farmyard within an established agricultural business. The proposed site is located approximately 30m south of the Grade II Listed Barn Forming East Side of the Farmyard at Bruce House and is proposed to be sited immediately adjacent to a Public Right of Way, found to the west.
- 1.3 This proposal seeks planning permission for the construction of an existing agricultural building for the storage of straw associated with the running of the agricultural business. The proposed extension would measure approximately 23m x 20m (460m²) and would be 4.8m to the eaves with a ridge height of 7.48m.
- 1.4 The agricultural building would be constructed of grey fibre cement sheeting.
- 1.5 This application follows a refusal of prior notification due to the proximity of the site to a functioning aerodrome (Bagby Airfield). As such the proposal was not considered to be permitted development and planning permission is required.

2.0 Relevant planning and enforcement history

- 2.1 21/00562/APN - Application for prior notification for construction of an agricultural building for the purpose of a storage/straw shed. – Prior Notification Refused.

3.0 Relevant Planning Policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 – Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP25 – Rural employment
Development Policies DP26 – Agricultural issues
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP9 - Development outside Development Limits

Hambleton emerging Local Plan

Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>.

The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

- 4.1 Sessay Parish Council – No response.
- 4.2 Neighbours and Site Notice – No response.
- 4.3 NYCC Highways Authority – No objections.

5.0 Analysis

- 5.1 The main issues to be considered are:- i) principle of the proposed use within the location and having regard to the expansion of a rural business; ii) impact upon the nearby heritage asset; iii) impact upon the character and appearance of the locality; iv) impact on the character of the countryside; v) impact upon the amenity of the nearby neighbours and vi) impact on the nearby public right of way.
- 5.2 Section 12 of the National Planning Policy Framework (NPPF) seeks to achieve well designed spaces. Paragraph 124 states "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". Paragraph 130 states "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents". Section 15 relates to conserving and enhancing the natural

environment. Paragraph 170 requires planning policies and decisions to contribute to and enhance the natural and local environment by, amongst other issues, "recognising the intrinsic character and beauty of the countryside".

- 5.3 At local level Hambleton District Council Core Strategy 2007 Strategic objective 8 seeks to protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character. Objective 9 seeks to protect and improve the countryside. Objective 12 is to promote high quality design of new developments in order to create attractive and safe places in which to live, work and play, enhancing and protecting local distinctiveness and visual quality.
- 5.4 Policy CP1 seeks to support proposals which protect and enhance the distinctiveness, character, townscape and setting of settlements, and the historic and cultural features of acknowledged importance, stating proposals which harm the built environment will not be permitted. Policy CP4 outlines 6 exceptional cases where development outside of development limits and in the countryside will be supported including i) meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy ii) to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; iii) affordable housing or community facilities which meet a local need; iv) re-use existing buildings v) provision for renewable energy generation and vi) where would support the social and economic regeneration of rural areas. Policy DP9 states development outside development limits will only be granted in exceptional circumstances having regard to CP4, or where it constitutes an acceptable and sustainable replacement building
- 5.5 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, respect local identity and distinctiveness and are appropriate in terms of use, movement, form and space. The policies require development to pay regard to traditional design and forms of construction, to avoid the use of inappropriate details, and to pay particular attention to appropriately designed elements. Proposals must respect local character and distinctiveness, scale form and massing should respect built form, and should respect and enhance local context. These policies are used in tandem with those within CP16 and DP28, which aim to preserve the natural and man-made assets present within the district by discouraging harmful development whilst seeking to mitigate any harmful impact through mitigation or compensatory measures, in line with the requirements of the NPPF and the Legislation.
- 5.6 Policy DP30 seeks to protect the character and appearance of the countryside, requiring the openness, character and quality to be respected and where possible enhanced, and the design and location of new development to take account of landscape character and its surroundings.

Principle of the proposed use within the location and having regard to the expansion of a rural business.

- 5.7 The site is located outside of defined Development Limits and is intended as an addition to an existing farmyard with a clear and functioning agricultural use. The proposed development would continue and expand this use within the boundaries of the established agricultural holding. Policies CP4 and DP9 allow for development outside of development limits as long as it relates to activities that require a countryside location such as agricultural practices. It is considered therefore that, in principle, the building is sited within an acceptable location.
- 5.8 The development of rural businesses is supported by DP25 and DP26 as well as by Paragraph 83 of the NPPF which states that planning decisions should enable the "sustainable growth and expansion of all types of business in rural areas" and "the development and diversification of...rural businesses". The proposal is therefore deemed to represent acceptable further development of the current agricultural business under the terms of both local and national planning policy.

Impact upon the nearby heritage asset

- 5.9 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function, special regard shall be paid to the desirability of preserving the setting and historic and architectural features of Listed Buildings. The NPPF at Paras. 189, 190 and 192 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.10 It is considered that the listed building, which is set within the farmyard and is in active agricultural use (as was its original function). It is considered that the proposed building would not affect the historic fabric of the listed building or substantially alter its historic context. In this regard, both the provisions of the national policies and those of local planning policies CP16 and DP28 have been met and the proposal is not considered to cause harm to the significance of the heritage asset.

Impact upon the character and appearance of the locality

- 5.11 The proposed building is considered to be appropriate in scale, form and design in view of its location within the agricultural holding, closely resembling pre-existing agricultural buildings already on site. The proposal represents a continuation of the materials used in both the immediately adjacent agricultural buildings and those local to the area. The form, scale and design are deemed to be appropriate to the proposed agricultural uses of the building.
- 5.12 The proposed unit is not considered to be detrimental to the character and appearance of the locality. It is considered that the proposed scheme would have a neutral impact on the wider area, due to the occlusion of the proposed building behind the existing agricultural buildings to the north and the inclusion of the buildings into the wider agricultural scene provided by the farmyard when viewed from other directions.
- 5.13 Whilst the structure would be visible from the adjacent public right of way, it is considered that the building would be subsumed into the agricultural scene described above. Furthermore, the proposal would result in the removal of assorted equipment and scrap material that is currently kept on site, resulting in a more ordered farmyard and a more coherent rural scene.

- 5.14 As such, the long-range visual impact and impact on wider views of the countryside would be limited. The building would not have a detrimental impact on either the immediate environment or on long-distance views and is therefore in accordance with the guidance outlined in CP16 and DP30.

Impact upon the character and appearance of the locality

- 5.15 Given that the proposal is for storage of agricultural feed and bedding it is considered that the proposed use is unlikely to result in any loss of amenity to nearby dwellings. The proposed development is therefore considered to fulfil the requirements of DP1.

Impact on the nearby public right of way

- 5.16 A public right of way runs to the west of the proposed building. It is considered that the proposal would not provide an impediment to the use of this footpath and that there will be no requirement for its rerouting or for the re-siting of the structure.

Planning Balance

- 5.17 It is considered that the proposal is fulfils the requirements of the relevant local and national planning policies and is of a use and appearance which will not cause harm to the surrounding countryside or the nearby heritage assets.

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 details received by Hambleton District Council on 30th April 2021 unless otherwise agreed in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Development Plan Policies CP16, CP17, DP28, DP30 and DP32.

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Parish: Huby

Ward: Huby

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Committee Date : 01 July 2021

Officer dealing : Naomi Waddington

Target Date: 04 May 2021

Date of extension of time (if agreed): 5 July 2021

21/00630/FUL

Construction of a detached 4 bedroom dwelling

At: Land adjacent to Ashdale, Gracious Street, Huby

For: Mr And Mrs A Cahill

This application is referred to Planning Committee as the proposed development is a departure from the Development Plan.

1.0 Site, context and proposal

- 1.1 The application site is located on the southern side of Gracious Street and comprises part of the domestic garden of Ashdale, between the existing dwellings of Ashdale to the west and Duncan House to the east. Opposite the site across Gracious Street are residential properties of Juniper Berry, Field View, Rowan Cottage and Greenbank Cottage. The site is at a lower level than Ashdale and is bound by hedges to the east boundary with Duncan House, and to the north roadside boundary. There is an existing vehicular access serving the site, and the site is planted with some fruit trees.
- 1.2 Full planning permission is sought for the erection of a 4 bedroomed detached dwelling. As originally submitted a 5 bedroomed dwelling was proposed with integral garage, forward projecting gable and canopy, approximately 11.6m wide x 10.7m deep, along with a 3.5m high fence to the east. Improvements have been secured including amending the design to one which is more traditional and locally distinctive, reducing the width and height, and reducing the height of a new fence to the east. The revised scheme proposes a four bedroomed dwelling of traditional double fronted design, with two storey rear gabled wing and single storey flat roofed rear section. The existing vehicular access is utilised, three parking spaces are provided within the curtilage, new hedges are provided to the south and west boundaries and 10 trees are to be planted along the new hedgerow. A new fence is proposed beyond the retained hedge to eastern boundary. Proposed materials include brick and clay tiles, with timber windows and doors and gravel drive.
- 1.3 The site is outside of and immediately adjacent to the Development Limits which runs along the north and west boundaries of the site and is located in Flood Zone 1 having the lowest risk of flooding.
- 1.4 The application is supported by a Design and Access Statement.

2.0 Relevant planning history

- 2.1 None to application site.

2.2 Further east on south side of Gracious Street: -

16/02064/FUL Development of a detached dwelling with associated works.
Approved 14.11.2106 (now Duncan House)

18/01669/FUL Construction of four, 4 bedroom detached dwellings with detached garages at Land to the south of Gracious Street, Huby (East of Duncan House)
APPROVED 09.07.2019. (Not yet implemented)

20/01040/OUT Outline application with access and landscaping to be considered (all other matters reserved) for a residential development (East of the four dwellings approved under reference 18/01669/FUL) APPROVED 07.08.2020. (Not yet implemented)

3.0 Relevant planning policies

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

3.2 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 – Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 – Landscaping
Development Policies DP43 - Flooding and floodplains
Interim Policy Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

4.1 Huby Parish Council – Objection summarised as follows:-

- The number of car parking spaces needs to be at least four to prevent car parking issues on the highway and damage to verges.
- A detailed rain water soak away scheme is required to prevent water entering the drainage system.

4.2 Highway Authority – Recommend conditions in relation to the provision of parking and the submission of a Construction Management Plan.

4.3 RAF Linton on Ouse - no safeguarding objections

4.4 Yorkshire Water – No response received.

4.5 Public comments - A site notice has been displayed and neighbours consulted. Three representations of objection, and two neither supporting or objecting have been received, summarised as follows:-

Objections:-

- Too large
- Overdevelopment
- Parking, lack of space for delivery drivers, no turning spaces, highway congestion
- Loss of light
- Loss of privacy
- Hedgerows should be retained in interests of ecology and character
- Drainage must ensure the road does not flood further
- Noise and disturbance
- Displacement of verge parking

Comments neither supporting or objecting:-

- Concern regarding parking issues and the impact on parking for the cottages opposite

5.0 Analysis

5.1 The main issues for consideration in this case relate to (i) the principle of a new dwelling in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) design; (iv) residential amenity; (v) the effect on the existing trees and biodiversity; and (vi) highway safety.

The principle of a new dwelling in this location outside Development Limits

5.2 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than

a material consideration. The site falls outside of Development Limits of Huby. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that permission will only be granted for development outside of Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF). Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the settlement hierarchy contained within the IPG, Huby is defined as a Service Village. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. Huby is considered to be a sustainable community where the principle of development under the IPG will be supported and therefore the proposed development satisfies criterion 1.

Impact of the proposed dwelling on the character and appearance of the village and the rural landscape

- 5.6 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies. Paragraph 170 of the NPPF requires decisions to, amongst other considerations, to recognise the intrinsic character and beauty of the countryside. The proposal relates to one dwelling and satisfies the first part of criteria 2. The second part of criterion 2, part of criterion 3 and criterion 4 together require the proposal to reflect the existing built form of the village, not to harm the natural and built environment, nor the open character or appearance of the surrounding countryside
- 5.7 Within the IPG small scale development adjacent to the main built form of a settlement will be supported where it results in incremental and organic growth, and provides a natural infill or extension to a settlement. The following detailed advice within the IPG is considered to be relevant, "Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this"..... "Small gaps between buildings should be retained where these provide important glimpses to open countryside beyond and contributes to the character and appearance of the area" "Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."
- 5.8 Gracious Street includes a variety of house types and ages, principally two storey and traditional design and has a suburban/rural village street character. The buildings on the northern side of Gracious Street extend further east than those on the southern side, although there are extant permissions for 5 further dwellings to the east. The proposal would infill a gap in the streetscene between two existing dwellings. Whilst the gap is pleasant visually it is already domestic land and contained by residential accommodation to each side and across the road, relates visually to the built form rather than the wider rural landscape, and is not considered to provide important glimpses of countryside contributing to the character and appearance of the area. The provision of new hedges to the boundaries is considered to be in keeping with the area. The proposal to infill the gap is considered to be in keeping with the character of the area.

Design

- 5.9 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."5.Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.

- 5.10 The National Planning Policy Framework Planning supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.11 The submitted Design & Access Statement includes a brief assessment of the character of the surrounding area and explains the approach is to continue this established character and create a traditional brick built house with traditional detailing, scale and proportion. Amendments have been secured to achieve a more traditional design and a modest reduction in size. The scheme involves fence at the far side of the hedge on the eastern boundary, originally shown at 3.5m the fence has now been reduced to 2.5m and the agent has confirmed the applicant owns the lands where the fence is to be erected, the hedge is taller than the fence and the hedge is to be retained. The size of the dwelling and bedroom sizes comply with the requirements of the Nationally Described Space Standards. Overall, the design is considered acceptable.

Residential amenity

- 5.12 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development.
- 5.13 The proposal is not considered to result in harm to existing levels of residential amenity afforded to occupants of the dwellings to the east and west of the application site. There are first floor windows in the proposed east gable serving a bathroom and secondary bedroom, these will be fitted with obscure glazing.
- 5.14 Concerns have been raised from occupants of the cottages across the road from the application site relating to loss of light and privacy. There is a separation distance in excess of 21m between the facing elevations of the cottages and the application site, and therefore the proposal is not considered to result in material harm existing levels of residential amenity afforded to occupants of those dwellings.
- 5.15 Regard must also be had to the level of residential amenity likely to be afforded for future occupants of the proposed dwelling. Given the relationship with the surrounding dwellings, occupants of the proposed dwelling will be afforded an acceptable amenity level

Effect on trees and biodiversity

- 5.16 Policy CP16 seeks to preserve natural assets, policy DP30 seeks to protect the character and appearance of the countryside, and DP31 seeks to protect natural resources including biodiversity and nature conservation. Paragraph 170 of the National Planning Policy Framework states “planning policies and decisions should contribute to and enhance the natural and local environment by... (d) minimising impacts on and providing net gains for biodiversity”. Paragraph 175 of the requires developments to avoid significant harm to biodiversity.

- 5.17 The proposal shows the retention of the existing roadside hedge and eastern boundary hedge. Six trees are required to be removed to accommodate the dwelling. Ten replacement trees are proposed comprising 1 Cherry, 2 Hawthorne, 1 Rowan, 3 Crab Apple and 2 ornamental Pear. In addition, a new mixed thorn hedge is proposed to the west and south boundaries. Whilst unfortunate that some trees are required to be removed, the replacement planting exceeds the existing.

Highway matters

- 5.18 Policy DP4 requires development proposals to be safe and ensure high standards of access for all. The submitted Design and Access Statement states the house will have no impact upon highway safety. Three off street car parking spaces are provided within the curtilage which meet the requirements of the highway authority, whom have no objections and recommend conditions. The Parish Council have raised concerns regarding the dwelling having sufficient off street parking to avoid damage to verges and it is clear some local residents park on highway verges and are concerned about the loss of the verges for parking, and parking displacement. Highway verges are not authorised parking spaces and the proposed dwelling provides suitable and sufficient off street parking. The issue of residents parking on highway verges is a separate issue to the consideration of this application.

Flood risk and drainage

- 5.19 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The site has been assessed as being at low risk from other forms of flooding.
- 5.20 Foul drainage would be disposed of via the existing foul sewer and surface water via a sustainable drainage soakaway in the rear garden. Yorkshire Water have not responded to the consultation. The agent has indicated the existing house Ashdale has a soakaway for surface water drainage and a condition in relation to percolation tests is considered appropriate. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development (in respect of drainage or any other matter) would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

Planning Balance

- 5.21 The proposal would create one new home in a sustainable location, without causing harm to the appearance of the settlement or to highway safety, residential amenity or the capacity of local infrastructure. The proposal is considered to comply with the policies of the Local Development Framework and the interim Policy Guidance. The scheme is found to result in social gains through the provision of new housing, the economic impact through the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be neutral. There are no other material considerations would preclude a grant of planning permission. Overall, the scheme is found to be acceptable.

6.0 Recommendation

6.1 That subject to any outstanding consultations permission is GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 9 March 2021, drawing numbered D420025/01B received by Hambleton District Council on 17 May 2021, and drawing numbered D420025/02B received by Hambleton District Council on 18 May 2021 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form. These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.
4. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method
5. Prior to the construction or alteration of above ground external surfaces commencing, details of the cross section of the window frames and glazing bars, together with details of the method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all installed windows shall conform to that approved specification.
6. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on drawing number D420025/01B received by Hambleton District Council on 17 May 2021 has been carried out. 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.
7. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

8. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
9. No part of the existing boundary hedge along the north and east boundaries of the site shall be uprooted or removed, the northern hedge shall not be reduced below a height of 1.5. the eastern hedge shall not be reduced below a height of 2.5m other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
10. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference "Proposed Site Layout D420025/01B. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times. The final surfacing of any parking area shall not contain any loose material that is capable of being drawn on to the existing public highway.
11. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:
 - i) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - ii) the parking of contractors' vehicles;
 - iii) areas for storage of plant and materials used in constructing the development clear of the highway;
 - iv) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
12. The first floor windows on the east elevation of the dwelling hereby approved shall at all times be glazed with obscured glass and the bedroom window shall not be capable of opening.
13. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.

3. To ensure that the development is appropriate in terms of landscape impact in accordance with Local Development Framework Policies CP1, CP4, CP16, DP30 and DP32.
4. 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.
5. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
6. In order to help assimilate the development within the rural landscape.
7. In the interest of satisfactory and sustainable drainage
8. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network
9. The hedges are of important local amenity value and their protection is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
10. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
11. In the interest of public safety and amenity.
12. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
13. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.

Parish: Welbury
Ward: Appleton Wiske & Smeatons

Committee Date : 01 July 2021
Officer dealing : Mr Nathan Puckering
Target Date: 24 June 2021
Date of extension of time (if agreed):

6

21/01146/FUL

Demolition of outbuildings and construction of a detached dwelling with domestic garage and modifications to the highway access.

At: Raymont Welbury North Yorkshire DL6 2SG

For: C/o Agent.

The application is brought to Planning Committee as the proposed development is considered to be a departure from the Development Plan.

1.0 Site, context and proposal

- 1.1 The site is a small parcel of land located on the northern edge of the village of Welbury. It forms part of an outlier to the village which sits around 250m to the north west of the main body. This part of the village currently comprises a contractor's workshop and associated dwelling on the south eastern corner, with two small bungalows to the north of this fronting the highway which exits the village. There is also permission (20/00467/OUT) for a new dwelling on a plot of land between this outlier and the main body of the village.
- 1.2 The site in question is directly to the north of the aforementioned bungalows. There are currently two outbuildings on the site, a concrete block building in the centre of the site and a timber shed in the north eastern corner. The access to the site is through an informal gap in the hedge which fronts the adjacent highway. To the north the site is bound by a hedge and several large trees, with a post and rail fence to the east separating the rear of the site from a paddock area.
- 1.3 This application is seeking permission for the construction of a dormer bungalow. This will sit roughly in the centre of the site, in line with the existing bungalows to the south. The two existing outbuildings are to be removed. The building itself will have two narrow pitched roof dormer windows, either side of two central rooflights. Adjoining the east facing rear elevation will be a glazed conservatory, with a small single garage adjoining the southern elevation of the dwelling.
- 1.4 This application for full planning permission follows an outline application which was permitted in April 2020 for the construction of a bungalow on the site, considering only access and layout.

2.0 Relevant planning history

- 2.1 20/00467/OUT - Application for outline planning permission with some matters reserved (considering access and layout) for the demolition of outbuildings and construction of a detached dwelling - Permitted

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at

<https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

- 4.1 Parish Council - support the application for a new bungalow in the style of the existing bungalows immediately adjacent. It should become the last property in the village. - received 26.05.2021
- 4.2 NYCC Highways - no objection subject to conditions - received 26.05.2021
- 4.3 Environmental Health - no objection subject to conditions relating to working hours and dust and noise pollution - received 09.06.2021
- 4.4 Environmental Health (Contaminated Land) - no objections - received 27.05.2021
- 4.5 Street Naming & Numbering - yes an application would be required - received 27.05.2021
- 4.6 Yorkshire Water, North Yorkshire Building Control Partnership and The Safety Control Group were all consulted but submitted no response - expired 11.06.2021
- 4.7 Site Notice & Neighbour Notification - no comments received at the time of writing - expires 23.06.2021

5.0 Analysis

- 5.1 The main issues to consider in this instance are i) the principle of a dwelling in this location, ii) the impact on the open countryside iii) design and iv) amenity and v) access.

The Principle

- 5.2 The site falls outside of the development limits of a sustainable settlement, as Welbury has no status in the settlement hierarchy set out in Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development in exceptional circumstances, set out in policy CP4. The application does not claim any of the exceptional circumstances identified in that policy and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the NPPF.
- 5.3 Paragraph 78 of the NPPF states that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".
- 5.4 In order to ensure consistency with the NPPF the Council adopted Interim Planning Guidance (IPG) which allows more flexibility for housing development outside of development limits where the following criteria are met:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 Alongside the IPG the Council issued a revised settlement hierarchy detailing the sustainability of settlements in the district. This hierarchy guides the application of the IPG.
- 5.6 Welbury is detailed in the Settlement Hierarchy as an 'Other Settlement' and therefore must be able to form a cluster with other settlements in the vicinity in order to benefit from support under the IPG. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. Welbury is 2.4km from Appleton Wiske, a Secondary Village, and also from Deighton, an 'Other Settlement'. The IPG suggests that settlements should be "approximately 2km" apart in order to be able to share services and facilities. The road between Welbury and Appleton is a fairly typical country lane,

with low levels of traffic. The route is relatively flat and could be easily cycled. There is no footpath or street lighting. However, on balance the settlement is considered to be able to form a sustainable cluster with Appleton Wiske and as such criterion 1 is satisfied. This is consistent with previous applications elsewhere in the village.

Impact on the surrounding area

- 5.7 The first part of Criterion 2 of the IPG requires development to be small in scale. By definition, a single bungalow is small in scale. Similarly, criterion 5 requires development to be capable of being contained within planned or existing infrastructure. Again, there are no concerns that a single small scale bungalow would not meet this requirement.
- 5.8 The second part of criterion 2, followed by criteria 3 and 4, requires an assessment to be made as to the impact of the proposal on the natural environment and the character and appearance of the surrounding area - in this case open countryside. Also relevant in this regard is policy DP30 which states that development must protect the open nature and intrinsic character of the District's landscape.
- 5.9 Whilst it is noted that the cluster of dwellings of which the proposal would be a part is detached from the main body of the village, it is still a significant area of built form which is long-established. As such it will not appear as part of the open countryside, but rather part of the existing village. This further ensures the proposal can be considered natural and organic growth of the settlement. Furthermore, the site is currently part of the extended domestic curtilage of the existing neighbouring bungalow and as a result appears somewhat detached from the open countryside.
- 5.10 Overall, the proposal complies with criteria 2, 3 and 4 of the IPG. There are no heritage assets in the vicinity of the site which will be affected as a result of the proposal and therefore this aspect of criterion 3 is not relevant. Criterion 6 of the IPG requires proposals to be in line with all of the other relevant LDF policies, this will now be assessed in the following sections of this report.

Design

- 5.11 Policies CP17 and DP32 of the Local Development Framework require development to be of a high quality design which is in-keeping with local character and context.
- 5.12 The overall design of the dwelling is considered to be appropriate and fits in well with the site context. The introduction of dormer windows on the front elevation and the fact that these aren't currently a feature of the streetscape is noted but this does not lead to a level of harm which warrants refusal. Indeed, the designs of the dwellings in the immediate surrounding area are at present very mismatched and do not follow a completely uniformed code in terms of materials of design features.
- 5.13 Overall, the proposed development is considered to comply with policies CP17 and DP32 and is considered acceptable on design terms.

Amenity

- 5.14 Policy DP1 of the LDF precludes any development which would have a detrimental impact on the amenity of either the neighbours or future occupiers of the proposed development.
- 5.15 The layout of the proposed bungalow in relation to the existing neighbouring property to the south means that overall, the proposal will be relatively inconsequential with regards to amenity. It is noted that it will utilise part of the existing amenity space for this neighbouring dwelling but there remains ample to serve this existing small bungalow. The fact it will be in line with the neighbouring dwelling prevents any loss of daylight provision. The proposed fenestration also ensures no concerns regarding overlooking or loss of privacy. The requirements of policy DP1 are therefore met.

Access

- 5.16 The Highways Officer responded with no objection to the proposal subject to conditions. As a result, the proposal is considered acceptable on highways grounds and will not compromise highway safety. It should also be noted that one of the requested conditions relating to a Construction Management Plan was submitted throughout the course of the application and hence the wording of the condition is different to that on the formal consultee response.

Planning balance

- 5.17 The proposal in this case is considered to comply with all 6 criteria in order to gain support in principle from the Interim Policy Guidance. It demonstrably complies with all other relevant Local Development Framework policy by representing a high quality design which is in keeping with the local context and does not give way to any concerns regarding amenity. The proposed access arrangements have been assessed as being acceptable by the NYCC Highways Department and as a result this aspect is considered to be adequately addressed. On this basis, approval is recommended.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered GH/1/4/21-03, GH/1/4/21-02 Rev A and GH/1/4/21-01 received by Hambleton District Council on 29.04.2021 and 26.05.2021 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning

Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.
5. The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.
6. The crossing of the highway verge must be constructed in accordance Standard Detail number E50 or E70 and the following requirements:
 - Any gates or barriers must be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 - The final surfacing of any private access within 4.5 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works must accord with the approved details.

7. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 120 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details contained in Drawing GH/1/4/21-03 approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway, together with a programme for their implementation,

have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

10. Construction of the permitted development must be undertaken in accordance with the details contained in the Construction Management Plan (Drawing GH/1/4/21-04) approved in writing by the Local Planning Authority.

The reasons 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, DP1, DP30 and DP32.
3. To ensure the proposed materials are high quality and in keeping with the surroundings as per the requirements of policies CP17 and DP32.
4. In the interest of amenity and the requirements of policy DP1.
5. In the interest of amenity and the requirement of policy DP1.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
7. In the interests of highway safety.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. In the interests of highway safety.
10. In the interest of public safety and amenity.

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Parish: Welbury
Ward: Appleton Wiske & Smeatons

Committee Date : 01 July 2021
Officer dealing : Ms Helen Ledger
Target Date: 26 May 2021
Date of extension of time (if agreed):

7

21/00842/OUT

Outline application with all matters reserved for construction of a dwelling

At: Land Adjacent Sunnyside Welbury North Yorkshire

For: Mr & Mrs L Meynell.

The application is brought to Planning Committee as the proposed development is considered to be a Departure from the Development Plan.

1.0 Site, context and proposal

- 1.1 The site is located behind dwellings adjacent the centre of Welbury, directly behind the single storey dwelling known as Sunnyside. This site is also immediately behind the dwelling known as, Poppy's View, granted in 2016 (ref:16/00953/OUT) under the Interim Policy Guidance Note.
- 1.2 There are currently no boundaries between Sunnyside and Poppy's View the application site. The garden or paddock area associated with Sunnyside continues beyond the application site to the south. The boundaries to neighbouring properties currently comprise mainly timber fencing with some landscaping.
- 1.3 The application is submitted in outline with all matters reserved for the construction of one dwelling. The site area is 1912sq metres. The proposed block plan shows a dwelling position on the northern portion of the site and accessed shared with Sunnyside.

2.0 Relevant planning and enforcement history

- 2.1 18/02271/FUL - Construction of detached dwelling-house and formation of new vehicle access to serve Sunnyside and proposed dwelling and alterations to remove the current access serving Sunnyside - Refused

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Interim Guidance Note - adopted by Council on 7th April 2015

National Planning Policy Framework

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at

<https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

4.1 Welbury Parish Council - Neutral comments. In principle support limited development to help sustain local amenities, privacy could be compromised depending on final design. The final scheme needs to be done with sensitivity. Driveway access is also a consideration but there will be suitable mitigation.

4.2 NYCC Highway Authority - No objection, conditions recommended.

4.3 Environmental Health - no objections, conditions recommended to control construction working hours and noise and dust.

4.4 Teesside Airport - no safeguarding objection.

4.5 Site notice posted and neighbours notified. Ten representations received; the following is a summary of the issues raised.

Support

- The applicant's family are long standing members of the community
- Will provide a family home
- The proposal is very similar to other infill projects in the village, examples given

Object

- Vegetation from boundaries have been removed and not preserved from previous permissions
- Contrary to the linear pattern of the village
- The views would not be those remote and private we had when we moved to the village
- The design aesthetics of the proposal is not in keeping with the older properties situated in the historic village centre.
- Access on a congested corner opposite the pub
- There is an oversupply of large houses in the village
- Sets a precedent for the village
- As the previous application, it does not respect the built form of Welbury as required by the IPG
- Unclear whether 1 or 2 stories, or window location facing neighbours

- It will have a negative visual and psychological impact on the residents of these properties, as well as having a detrimental effect on any future sale of the proposed development and current dwellings.
- The planning statement refers to permissions in Appleton Wiske, these have created an untidy, cramped and congested village.
- We were told there was a planning clause on the land.

Neutral

- The proposed house would be closer to our home than to any other except Sunnyside itself.
- A new house will intrude on this green space and rural setting.
- The proposed building would block our views, and would cast some shade over part of our garden
- The proposal mentions our garden shed as an extension of the building line from Springhill to the west. This is unreasonable as the shed is a low building and not inhabited.
- The Spring Hill development is very distinct in character and location and bears no connection visually or otherwise with our garden shed.

5.0 Analysis

- 5.1 The issues to consider include (i) the principle of development in this location; (ii) the effect on the character and appearance of the village and surrounding countryside; (iii) the design of the dwelling; (iv) the effect on residential amenity and (v) highway safety.

Principle

- 5.2 The site falls outside of the Development Limits of a sustainable settlement, as Welbury is defined as an 'Other Settlement' in the settlement hierarchy set out in Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 79 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and provides for a more flexible consideration of new development within and at the edge of settlements. The IPG details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

- 5.4 The IPG states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 As an Other Settlement, Welbury must be able to form a cluster with other Secondary or Service Villages in the vicinity in order to benefit from support under the IPG. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. Welbury is 2.4km from Appleton Wiske, a Secondary Village, and also from Deighton, an Other Settlement. The IPG suggests that settlements should be "approximately 2km" apart in order to be able to share services and facilities. The road between Welbury and Appleton is a fairly typical country lane, with low levels of traffic. The route is relatively flat and would be easily cycled. There is no footpath or street lighting. However, on balance the settlement is considered to be able to form a sustainable cluster with Appleton Wiske and as such criterion 1 is satisfied. This is consistent with previous applications elsewhere in the village.

Character and appearance

- 5.6 The proposal is for the development of a single dwelling and thus the development is considered to be small in scale. Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form.
- 5.7 The proposal is a form of back-land development, which although not always unacceptable, in this instance, it is the formation of what would be a second line of development behind the frontage properties along the main village street. This particular part of the village is a clearly defined line of frontage dwellings and the proposed development would be completely out of context with its surroundings.
- 5.8 To the west lies Spring Hill, which is an in-depth cul de sac but clearly a different form of development, where all the properties still retain a direct frontage onto the street. The same applies to Shire Garth to the south.
- 5.9 Therefore, the introduction of a dwelling would result in a detrimental impact as it does not represent a natural infill or organic growth to the village.

- 5.10 It is considered that the site clearly forms part of the village rather than the surrounding countryside and therefore would not have an adverse effect on the appearance of the surrounding rural landscape.
- 5.11 It is considered that the proposed development would result in an unacceptable detrimental impact on the character and appearance of the site and village and would materially alter the form of the village. The proposal does not therefore comply with criteria 2 and 3 of the IPG.

Design

- 5.12 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.13 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.14 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.15 The proposed block plan reflects the footprint of bungalow style of the existing dwelling at Sunnyside and is similar in style and design to the recently constructed dwelling on the adjacent site. Plans are submitted as illustrative only and have no weight.

Residential amenity

- 5.16 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.17 The site boundary proposed would be 21m from its nearest neighbour, which is Sunnyside. The proposed dwelling would lie to the south of the garden and could therefore also affect sunlight, although the location of a garage is shown between, this does not form part of this application however and has no other consent. The indicative siting has been pulled back from the previous refusal in 18/02271/FUL, to allow a better separation distance.
- 5.18 Other neighbouring properties lie further from the proposed dwelling; the dwelling at Garden House lies almost 30m from the closest point of the site boundary. It is possible a dwelling could be created with a distance from the shared boundary sufficient for there not to be an adverse impact on residential amenity. The dwelling lies further from other residents. It is anticipated that the proposed scheme would not have an adverse impact on the existing dwelling at Sunnyside and therefore would be not be contrary to Policy DP1.

Highway safety

- 5.19 The Highway Authority has no objections to the proposed development and to the use of the altered access to serve both the existing and proposed dwellings.

Other matters

- 5.20 The planning statement makes reference to three other approvals elsewhere in the district which it proposes are relevant: Crosby Lodge, South Otterington (ref. 17/02613/FUL) Wayside, Brompton (ref. 20/02422/OUT) Old Hall Farm, Appleton Wiske (ref. 18/00096/FUL)
- 5.21 Crosby Lodge is a single dwelling to the rear of a house on the village main street, it reflects an existing house in an identical position to the north.
- 5.22 The plot at Wayside is surrounded by residential development on three sides and Brompton is a village with an entirely different character to Welbury.
- 5.23 Old Hall in Appleton Wiske, the approved two dwellings replaced a very large agricultural decaying metal shed, the site is surrounded by residential development on all sides.
- 5.24 It is not considered any of the aforementioned applications set a precedent when considering this site at Welbury.

Planning balance

- 5.25 Whilst the IPG would support some limited growth around established settlements the location of this application in a back-land position would be contrary to the local character in the village of Welbury. This harm is not considered to be sufficiently off-set by the provision of a new dwelling in this location.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)
1. The scheme is contrary to CP4 of the Hambleton Local Development Framework and does not meet any of the exceptional circumstances for development outside Development Limits. It also fails to comply with the requirements of the Council's Interim Policy Guidance Note as the location does not respect the built form of Welbury by proposing development where it is considered not to be organic growth of the village, providing a natural infill to existing development or a natural extension to the built form.

Parish: Crakehall

Ward: Bedale

8

Committee Date : 01 July 2021

Officer dealing : Ms Helen Ledger

Target Date: 17 May 2021

Date of extension of time (if agreed):

21/00749/FUL

Construction of a new dwelling to replace an existing barn.

At: Cherrytree Farm Crakehall North Yorkshire DL8 1HQ

For: Mr & Mrs Lumley.

The application is brought to the Planning Committee as the proposed development is a Departure from the Development Plan.

1.0 Site, context and proposal

- 1.1 The site is located to the south of Great Crakehall village to the north of the existing Cherry Tree farm. There is an existing detached dwelling to the north of the site and to the east is a row of dwellings at St Gregory's Close. The site is outside the Development limit identified for this village. The site is at the southernmost end of the conservation area.
- 1.2 The proposal is to demolish an old agricultural building and replace it with a new two storey dwelling. The elevation designs show a modern design using timber finishes which reflect materials often used in agricultural buildings.

2.0 Relevant Planning and Enforcement History

- 2.1 The site includes a range of permissions for new and adapting agricultural buildings, however these are not relevant to this application.
- 2.2 Directly to the north consent was granted under 91/0227/FUL for two detached bungalows and domestic garages to incorporate part of an existing disused agricultural building.

3.0 Relevant Planning Policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP9 - Development outside Development Limits

Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework
Hambleton Emerging Local Plan
The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

- 4.1 Crakehall with Langthorne Parish Council - No objections, note that highways will need to be content with the access to the A684.
- 4.2 NYCC Highways - No objections, condition for a construction management plan recommended. The agent has confirmed the condition is accepted by the client.
- 4.3 Environmental Health (resident services) - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore, the Environmental Health Service has no objections.
- 4.4 Yorkshire Water - No objections, two conditions sought on waste and foul water. The agent agreed to conditions on behalf of the client.
- 4.5 Contaminated land - A Preliminary Assessment of Land Contamination has been supplied however given the past use, a phase 1 survey is sought prior to commencement of development. In the absence of a phase 1 survey a series of conditions are recommended. The agent agreed to the use of these conditions on behalf of the client.
- 4.6 Site notice posted, neighbours notified and application advertised as a Development Plan departure. No comments have been received.

5.0 Analysis

- 5.1 The main considerations are, i) impact on heritage assets, ii) principle of development, iii) character of the local area, iv) highway safety v) design and vi) residential amenity.

Heritage

- 5.2 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 5.3 The asset in this case is the conservation area which is essentially defined by the historic core of the village and is characterised by traditional patterns of development. The densely developed northern part of the farm is within the conservation area. The proposal would reuse the existing built footprint of the barn and proposes agricultural style materials in proportion to the surroundings and agricultural buildings in general. It is felt this arrangement of footprint and materials responds well to the character of the conservation area and will not have a harmful impact.
- 5.4 The building to be demolished is not considered to be of a form or design that contributes to the significance of the conservation area in itself.

Principle

- 5.5 The site falls outside of the Development Limits of a sustainable settlement, as Crakehall is defined in Policy CP4 of the Core Strategy as a Service Village with existing facilities including a primary school, a pub and a petrol filling station, which add to the sustainability of the village.
- 5.6 Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 79 of the NPPF states:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".*
- 5.7 The Interim Planning Guidance (IPG) also defines Crakehall as a Service Village. It is considered that an additional dwelling would help to support local services and therefore satisfies criterion 1 of the IPG.
- 5.8 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. In this case the site is not rural in character as it relates well to the existing curtilage of Cherrytree Farm and surrounding residential development. The site is enclosed by existing development on all sides. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

- 5.9 The proposed dwelling would be on land that is currently used for agricultural purposes that lies adjacent to residential uses. The site therefore has more in common with the village than the rural landscape beyond and as such it is considered that the development proposed, and the lack of an impact in terms of openness, result in a development that would not detract from the character of the countryside.
- 5.10 This part of Great Crakehall is characterised by predominately residential development along the road frontages with ancillary buildings and farmsteads behind. The historic core of the settlement is centred around the large village greens and adjoined by many traditional and historic buildings and dwellings. The proposed development would be a form of back-land development, however as established above, the site is already in use and is physically part of the wider village in character and form. An existing access serves the site and is not therefore a contrived form of development that would alter the character of the village. The built form of Crakehall already extends further into the countryside than the application site and as such it is considered that the development proposed, without the loss of rural landscape as it is sited between existing built development would appropriately respect the built form. There would be no harmful impact to the natural, built and historic environment.
- 5.11 The water authority has not raised any concerns beyond the use of conditions to ensure adequate discharge of waste and foul water. There is no other evidence the site would not be capable of development within the capacity of existing or planned infrastructure.

Highway safety

- 5.12 The Highway Authority has no objection to the proposal to form an additional dwelling unit. Adequate parking and turning can be provided within the proposed curtilage, whilst retaining sufficient amenity space for a dwelling of this scale. It is considered that the proposed development will not result in a harmful impact in terms of road safety and as such meets the requirements of DP4.

Design

- 5.13 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.14 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.15 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 5.16 The proposed design takes cues from the wider farmstead and traditional agricultural materials. It will be read as an agricultural building that has been converted as much as a new dwelling. The adjoining St Gregory's close has a terraced two storey arrangement in places that this plot and proportion would also reflect. Whilst this design has an increase in height the built footprint of the site is greatly reduced to accommodate parking and gardens, allowing the site to absorb this layout.
- 5.17 Materials are listed on the elevation plan and comprise larch cladding, black cement corrugated sheeting to the roof. Areas of light-coloured render are also proposed on the ancillary elements. Windows would be dark aluminium. All materials are considered acceptable and as a result no materials condition is proposed.

Amenity

- 5.18 Policy DP1 protects residential amenity including noise, odour, loss of light and privacy. The separation distances are sufficient that the proposal would not have an impact on the light or privacy of St Gregory's close or the dwelling directly to the north. Whilst the height is not un-substantial, it is narrow and of similar height to the remaining farm buildings behind. It is considered that this arrangement would not create a further overshadowing impact beyond that which exists already. There are no second-floor windows proposed in the north elevation, to protect the amenity of this nearest dwelling.
- 5.19 The addition of a residential unit on part of a wider farmstead has been considered by the Environmental Health Officer, who has not raised objection. The farm is already neighboured by residential development on at least two sides, this in-fill plot only consolidates this arrangement. On this basis it is considered that this dwelling would have no unacceptable impact on amenity.

Planning balance

- 5.20 It is considered that the proposal is in accordance with the Interim Policy Guidance in that the proposed development would have no adverse impact on landscape character, residential amenity and highway safety or the character and form of the settlement. The proposed development results in no harmful impact on the significance of heritage assets or residential amenity and as such the application is recommended for approval.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered ZZ SI A 9003 revB, 9001 revA, 00011 Rev B, ZZ EL A0013 revA, received by Hambleton

District Council on 22.03.2021 unless otherwise approved in writing by the Local Planning Authority.

3. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
4. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.
5. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works: 1. details of any temporary construction access to the site including measures for removal following completion of construction works; 2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; 3. the parking of contractors' site operatives and visitor's vehicles; 4. areas for storage of plant and materials used in constructing the development clear of the highway; 5. details of site working hours; 6. details of the measures to be taken for the protection of trees; and 7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue and/or concern received by the public.
6. No development shall be commenced until a Phase 1 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority. Where contamination is suspected (following the Phase 1 Assessment), no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.
7. If the Phase 2 assessment identifies potential contamination, then prior to development commencing, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation

objectives and remediation criteria, timetable of works and PL.F.2 Consultation response. April 2012 site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

8. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
9. In the event that unexpected contamination is found at any time during development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
10. Prior to the commencement of development other than the formation of the access and initial site clearance, full site levels shall be provided to and approved by the Local Planning Authority. Levels shall include existing and proposed ground levels along with proposed finished floor, eaves and ridge levels. The development hereby approved shall be implemented in accordance with the approved details.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
3. In the interest of satisfactory and sustainable drainage
4. To ensure that no surface water discharges take place until proper provision has been made for its disposal
5. In the interest of public safety and amenity
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.
9. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
10. In order to protect the character and amenity of the area and to comply with DP1 and DP32.

Parish: Kirklington-cum-Upsland

Ward: Tanfield

9

Committee Date : 01 July 2021

Officer dealing : Mr Nathan Puckering

Target Date: 25 June 2021

Date of extension of time (if agreed):

21/00898/FUL

Installation of solar panels to South west facing garage roof.

At: The Rosary Whinwath Lane Kirklington North Yorkshire

For: Mr Carl Les.

The application is brought to the Planning Committee as the applicant is a Member of the Council

1.0 Site, context and proposal

1.1 The site in this instance is a large detached dwelling located on the northern edge of Kirklington, within the Kirklington Conservation Area. To the front of said dwelling is a driveway with a detached garage building in situ on the left-hand side as one enters the driveway. It is specifically this building which this application relates to as permission is sought for the installation of solar panels on the rear roof elevation of this building.

1.2 Initially the application also included the installation of new railings to the front of the dwelling but these were omitted from the proposal and the description altered.

2.0 Relevant planning and enforcement history

2.1 16/00534/FUL - Construction of a domestic open fronted double garage - Permitted

3.0 Relevant planning policies

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP28 - Conservation

Development Policies DP32 - General design

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at

<https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning

Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

- 4.1 Parish Council - no comments received
- 4.2 Site Notice & Neighbour Notification - no comments received

5.0 Analysis

- 5.1 The main issue for consideration in this case is the impact of the installation of the solar panels on the significance of the Kirklington Conservation Area.
- 5.2 Both the NPPF and the Local Development Framework are broadly supportive of renewable energy schemes. Policy CP18 of the LDF states that "development...must seek to ensure that impact on natural resources is minimised and the potential use of renewable resources maximised. Proposals must take all potential opportunities to: i. minimise energy demand, improve energy efficiency and promote renewable energy technologies". Whilst this proposal will have only a limited benefit in this respect due to its small scale, it will still be helping to achieve the aim of this policy and as such the proposal is acceptable in principle.
- 5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 195 and 196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. Also relevant is policy DP28 which states that the protection of the Districts heritage will be assured by the allocation and protection of Conservation Areas.
- 5.4 The majority of the Kirklington Conservation Area comprises the historic core of the village. This is centred around the village green which is a large public open space in the centre that is complimented by large mature trees and other landscaping. There are historic dwellings which line this public space that range from terraced cottages to the east and south and larger detached dwelling to the north - of which the site is one. The vast majority of the village is contained within the conservation area and this is testament to the fact that the tranquil small traditional village feel has been retained and successfully protected.
- 5.5 Solar panels on buildings are generally inherently modern interventions which can harm the historic nature of small villages such as this but in this case the proposed siting of the units on a partially screened ancillary building is considered to be generally acceptable. Whilst the building in question is located in a fairly prominent location on the edge of the highway which runs along the northern edge of the aforementioned village green, it is somewhat screened by the adjacent landscaping which lines the front of the neighbouring Mill Beck. As a result, the overall visual impact of the solar panels will be relatively low and consequently is not considered to result in harm to the overall significance of the Kirklington Conservation Area.

Planning balance

- 5.6 On the whole, the proposal is in line with the requirements of the NPPF for development impacting heritage assets, as well as policy DP28 of the LDF. Approval is recommended on that basis.

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 01.04.2021, 30.04.2021 and 05.05.2021 unless otherwise agreed in writing by the Local Planning Authority.

The reasons 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, DP28 and DP32.

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