

Parish: Hackforth
Ward: Bedale
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Committee date: 25 July 2019
Officer dealing: Mrs H Laws
Target date: 29 July 2019

19/00988/FUL

Change of use of land for the construction of one dwellinghouse and the re-siting of existing stable structure

At: Land to the north of Sheilings, North Road, Hackforth

For: D McCabe & L McQue

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies at the northern end of the village, on the eastern side of the main village street leading north towards Catterick. The site, which covers an area of 0.18 hectares, is currently a paddock area with a stable block, used in association with Sheilings, a detached single storey dwelling.
- 1.2 To the west of the site lies Mill House; open countryside lies beyond the site to the north and east. The land to the west forms part of Hornby Castle Park, which is a grade II listed, Registered Park and Garden.
- 1.3 It is proposed to remove the stable block and construct a two bedroomed dwelling with the first floor bedroom accommodation within the roofspace.
- 1.4 It is also proposed to construct a new building to provide a replacement stable block with a footprint of approximately 9m x 6m.
- 1.5 A new access is proposed to the south of the existing access. It is proposed to retain the existing hedges and post and rail fencing.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/87/062/0023 – Construction of a block of 2 stables with feed stores and tack room. Permission granted 29 February 1986.
- 2.2 18/00352/OUT - Outline application with some matters reserved (access and layout included) for the construction of a single dwellinghouse. Permission granted 4 May 2018 (on part of the site)

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 – Development outside Development Limits
Development Policies DP10 - Form and character of settlements

Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – no objection
- 4.2 Highway Authority – conditions recommended
- 4.3 Yorkshire Water – the proposal is in an area remote from the public foul sewerage network.
- 4.4 Public comments – one objection has been received, the comments of which are summarised as follows:
 - 1. May affect the character and setting of this part of Hackforth and impact on the openness and historical setting of Hornby Park, a Grade II Registered Park and Garden.
 - 2. Further extends development outside existing development limits
 - 3. The proposed site layout is large and triangular in shape, which seems out of scale and character.
 - 4. The stable relocation may further impact on openness and setting.
 - 5. The proposed dwelling extends with an unusual 45° turn. Some of the detailing such as metal flue stack and front dormer windows seem out of character.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location; (ii) the impact on the character of the surrounding area, including the character and appearance of the village and the rural landscape; (iii) the design and layout; (iv) the impact on residential amenity; and (v) highway safety.

The principle of a new dwelling

- 5.2 Whilst it is noted that the development of this site has been previously approved, the following paragraphs review the discussion with regard to the principle of development in this location.
- 5.3 The site falls outside the Development Limits of Hackforth, 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".

- 5.4 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.
- 5.5 In the 2014 settlement hierarchy contained within the IPG, Hackforth is no longer defined as a Secondary Village but as an 'Other Settlement'. Within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within walking distance of the centre of Hackforth which has a school, a pub and a village hall. The dwelling would lie within walking distance of all of these facilities. Additionally, Hackforth is close to Langthorne which has a village green which adds to the sustainability of the area (Hackforth not having such a facility). The village is also within cycling distance (3km) of Crakehall where there are further facilities although this should be given only marginal weight due to the distance. Given the form and variety of services and facilities in the village and in nearby Langthorne, which equate to those that might be found in a small Secondary Village, in this case it is considered that criterion 1 would be satisfied.
- 5.6 It is important to consider the likely impact of the proposed development with regard to criteria 2, 3 and 4 of the IPG. Planning permission was granted in 2018 for the construction of a single dwelling on this site and therefore the principle has been established for a small scale development in this location.
- 5.7 It is not considered that the construction of a single dwelling on this site would overwhelm the village in respect of scale, form or character and is considered to be acceptable.

Character and appearance of the village and the rural landscape

- 5.8 The land is immediately adjacent to the domestic curtilage of the existing dwelling and opposite part of the domestic curtilage of 7 North Road. It is not considered to be of special visual merit.
- 5.9 The construction of a dwelling on this plot would result in an encroachment beyond the existing line of development at the edge of the village but not significantly and due to the existing stable on the site the land is not currently open and undeveloped. The construction of the replacement stable block would be on land beyond the existing developed area but is small in scale and appropriate for the rural location in terms of its design and materials.
- 5.10 The view of the site, on the approach into the village from the north, is of the existing dwellings and therefore the open aspect of the countryside to the east would not be compromised.

Design and Layout

- 5.11 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.”

- 5.12 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.
- 5.13 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.
- 5.14 The submitted Design & Access Statement includes an assessment of local character. The proposal is for the construction of a bungalow style of dwelling, which would reflect the style of dwellings in the immediate vicinity. It is also considered to be an appropriate form of development as it would be a low level development at the entrance to the village. A detailed landscaping scheme has been received, which proposes to plant several trees along the western boundary of the proposed paddock area and also within the paddock itself. The aim would be to provide a soft edge to the site opposite the Hornby Castle Park, to reduce the visual impact of the development on that side of the road.
- 5.15 Hornby Castle Park, which is a Registered Park and Garden and therefore a designated heritage asset, lies opposite the application site. The history of the Park is as a medieval hunting ground and then as landscaped parkland, and its association with its previous owners and designers, forms part of its significance. The village of Hackforth lies immediately to the south east of the corner of the Park with open countryside to the south and east. The open countryside surrounding the Park also adds to its significance.
- 5.16 NPPF paragraph 193 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.
- 5.17 The NPPF places great importance in the setting of Heritage Assets, setting out at paragraph 194 that any *“harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*.
- 5.18 Paragraph 196 states that where a development proposal will lead to “less than substantial harm” to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.19 The application site already accommodates development in the form of a stable block. Albeit a rural building in character, its position on the site already reduces the open nature of the site in relation to Hornby Castle Park. The proposed building would be larger in scale than the stable but would be positioned as a relatively small extension to the village, on the opposite side of the road from the south eastern extremity of the Park.
- 5.20 It is not considered that an additional dwelling as proposed would harm the form and character of the village or the setting of the nearby heritage asset of Hornby Castle Park.
- 5.21 The proposal is in accordance with LDF Policies CP17 and DP32.

Residential amenity

- 5.22 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The proposed dwelling lies adjacent to Sheilings and it is considered that adequate separation distance would be available to ensure there is no loss of amenity for existing or proposed residents.
- 5.23 The proposed development would not adversely impact on the amenities of the residents of the neighbouring properties and would be in accordance with LDF Policy DP1.

Highway safety

- 5.24 The Highway Authority has no objections to the creation of a new access onto the main road subject to appropriate conditions.

Planning balance

- 5.25 The proposal would create an additional 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 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 positive. No other material considerations would preclude a grant of planning permission. Overall the scheme is found on balance 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. 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.
 3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 4. 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 the Landscape Masterplan received by Hambleton District Council on 1 May 2019 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.
 5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground

levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (d) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E1 Var (Construction depths only); (e) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway; and (f) That part of the access extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) the provision of a new section of footway to link the proposed vehicular access into the site with the existing footway to the south; and (b) a programme for the completion of the above works. The works shall be undertaken in accordance with the approved details and retained for their intended purpose at all times.
10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing Reference Number HDC/3131/03A. and in accordance with Standard Detail Number E1 Var (Construction Depths Only) and are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made

available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

12. The permission hereby granted shall not be undertaken other than in complete accordance with drawings numbered HDC/3131/02; /03; /05; /06; and L2.459.1 received by Hambleton District Council on 1 May 2019 unless otherwise 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. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. 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.
4. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
5. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
6. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
8. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
9. In accordance with LDF Policies CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
11. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
12. 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.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at

the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.