

Parish: Exelby, Leeming and Newton
Ward: Bedale
3
19/02393/FUL

Committee Date: 5 March 2020
Officer dealing: Mrs H Laws
Target Date: 11 March 2020

Construction of a detached house
At: Plot 3, Land west of Exelby Grange, Exelby
For: Mr R Woolhouse

This application is referred to Planning Committee as approval of the application would be a departure from the Development Plan.

1.0 Site context and proposal

- 1.1 The site lies at the western end of Exelby on the northern side of the main village street. The site extends to an area of 0.048 hectares (approximately 29m x 16.5m). The site currently forms part of an agricultural field bounded by a hedgerow to the south fronting onto the street. Exelby Grange, which is currently the last property at the western end of the village on this side of the road, lies beyond a section of the field retained for an agricultural access, to the east; two detached dwellings currently under construction lie to the west.
- 1.2 Outline planning permission was granted for a larger part of the paddock, of 0.14 hectares, for the construction of three detached dwellings in February 2017. This application is for approximately one third of that site plus an additional section to the rear and is for the construction of one detached dwelling.
- 1.3 The application is for full planning permission and covers a piece of the paddock that was not included within the outline application site boundary to make the site longer in depth to allow for more garden space to front and rear. The proposed dwelling is two storey, with four bedrooms with an individual access onto the village street. It is proposed to retain the existing hedgerow at the front.
- 1.4 The dwelling would be rectangular with eaves to the front elevation and a single storey section to the side. The dwelling would be finished in brickwork and slate roof.
- 1.5 A detached timber car-port at the front of the dwelling has been deleted from the scheme following officer feed-back.
- 1.6 A landscaping scheme has been submitted, which illustrates the retention of the existing hedge and trees at the front of the site and the planting of a new beech hedgerow along parts of the side boundaries. A new tree would be planted in the corner of the rear garden.

2.0 Relevant planning and enforcement history

- 2.1 16/02514/OUT - Outline application (all matters reserved) for the construction of 3 dwellings. Permission granted 6 February 2017.

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 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

Hambleton emerging Local Plan -

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 Hambleton Local Plan Publication Draft July 2019 has completed the 'Representations' period (30th July 2019 to 17th September 2019). 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 to which only limited weight can be afforded.

4.0 Consultations

4.1 Parish Council – no observations

4.2 Highway Authority – no objections subject to conditions

4.3 Swale & Ure IDB – no comments

4.4 MOD Safeguarding – no safeguarding objections

4.5 Natural England – no comments

4.6 NYCC Heritage – no objection and no comments to make.

4.7 HDC Environmental Health Officer (contaminated land) - I have assessed the Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development. The applicant/agent has not identified any potential sources of contamination on the form and therefore the risk of

contamination affecting the development or end users is considered to be low. Therefore, the Environmental Health Service has no objections to this scheme.

- 4.8 Public comment – two comments from local residents confirming no objections to the application, but one of which queries the car-port location (now omitted from the proposals).

5.0 Analysis

- 5.1 The main issues to consider are:

- (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) the scale and design of the dwelling;
- (iv) neighbour amenity; and
- (v) highway safety.

The principle of development

- 5.2 The site falls outside of Development Limits as Exelby does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF). 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, Exelby is defined as an Other Settlement. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. However, the villages in question must be sufficiently close together to be able to cluster and have a good collective level of shared service provision in order to be a sustainable community.
- 5.6 The site lies within the village of Exelby in which there is a pub and it lies approximately 2km from the edge of Burneston, which is defined as a Secondary Village with facilities including a school, a pub and a church. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proximity to Burneston allows Exelby to form a cluster that represents a sustainable community and therefore the proposed development satisfies criterion 1.

Character and appearance of the village and the rural landscape

- 5.7 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.
- 5.8 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 beyond the established built-up part of the village and previously, prior to the construction of the recent development in the vicinity, formed part of a larger field beyond the built up boundary 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."

- 5.9 The application site is un-developed but its position, in line with, and opposite residential development suggests it has more in character with the built form of the village than the rural landscape beyond. The application site would share a boundary with a recently approved dwelling currently under construction, and would follow the line of the existing development down the village street, retaining the remaining part of the field to the rear; and would not protrude significantly into open countryside. It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment and is in accordance with these aspects of the IPG.

Scale and design

- 5.10 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."
- 5.11 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, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.12 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.
- 5.13 The submitted Design and Access Statement considers that the design is consistent with its context, of a traditional village-style dwelling that reflects the character of the older style of properties in the village.
- 5.14 The proposed dwelling is relatively large in scale but is well-proportioned and in keeping with the scale and plot size of existing dwellings within this part of the village, particularly Exelby Grange and the one to the east of that on the same side of the road. Features such as stone heads and cills and a brick dentil course, which reflect the nearby existing dwellings, have been incorporated into the scheme. It is considered that the resultant dwelling would not detract from the character and appearance of the village or the surrounding rural landscape and is reflective of the scale and design of the larger dwellings that lie on the edge of the village. The proposal is in accordance with LDF Policies CP17 and DP32.

Neighbour amenity

- 5.15 The closest neighbour to the proposed dwelling would be the existing property at Exelby Grange to the east and the two storey dwelling under construction to the west.
- 5.16 It is considered that there is adequate space available that would protect the existing outlook whilst providing adequate amenity space for the proposed residents. There would be adequate separation between the properties to protect the amenity of both sets of residents.
- 5.17 It is considered that the requirements of LDF Policy DP1 for development to adequately protect amenity, including privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight, could be achieved by the proposed development.

Highway matters

- 5.18 The Highway Authority has no objections to an additional dwelling being served from the village street subject to appropriate conditions.

Planning Balance

- 5.19 In assessing this application it is clear that 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 residential amenity or highway safety. The scheme is found to result in social gains through the provision of new housing, the economic impact of 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. The proposed development is found on balance to be acceptable.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application 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 landscaping plan (drawing number 19/537/SP-02A) received by Hambleton District Council on 30 January 2020 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. No part of the existing boundary hedge along the southern boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1 metre other than in accordance with drawing number 19/537/SP-02A or as otherwise agreed in writing by the Local Planning Authority.
6. The development hereby approved shall not be undertaken other than in accordance with drawing number 19/537/SP-03A that shows the finished floor level of the development at 100.15, other than with the prior approval in writing by the Local Planning Authority.
7. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented prior to the occupation of the dwellings and retained.
8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) the crossing of the highway verge shall be constructed in accordance with the approved details and/or Standard Detail number E50. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres in a north-easterly direction measured along the channel line of the major road from a point measured 2 metres down the centre line of each of the access road. The

eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 19/537/SP-01A) 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.
12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
13. Unless otherwise approved in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
14. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 19/537/SP-01B; SP-02A; SP-03A; SP-04; PL-01A; and PL-02A; received by Hambleton District Council on 11 November 2019 and 30 January 2020 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To 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 the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
6. To ensure the buildings are in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
7. In the interest of satisfactory drainage in accordance with LDF Policies CP21 and DP43.
8. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
10. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
11. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance LDF Policies CP2 and DP4.
12. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
14. 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.