

15/01324/FUL

**Construction of dwellinghouse
at Dalton Lane, Dalton, North Yorkshire
for Mr J Binks**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This scheme is a re-submission of a withdrawn application 15/00259/FUL which was brought before Members earlier this year. The scheme was withdrawn to allow the applicant to consider the justification for the principle of the dwelling, and to allow them opportunity to submit a concurrent application for the change of use of adjacent land for the storage of plant and machinery (15/01323/FUL).
- 1.2 This application refers to the construction of a replacement dwellinghouse. The applicant has presented evidence as part of their application submission to suggest that a previous permission on the site 2/37/56B/PA was commenced (the foundations were set) but was not completed. Application 2/37/56B/PA related to a 3 bedroom agricultural workers dwelling. The proposed dwelling would sit partly on the foundations in situ.
- 1.3 The application site is to the south-west of the periphery of Dalton and sits to the south-west of an access track which previously formed the perimeter road to the former airfield. Via the public highway the site is approximately 0.5 miles away from the centre of Dalton although it is acknowledged that a green lane may permit a more direct access to the settlement.
- 1.4 The topography of the land is flat. Disused agricultural and former aerodrome structures sit immediately to the north and west of the application site. Agricultural land extends to the south.
- 1.5 The occupier of the proposed dwelling is a plant and machinery contractor which includes agricultural contracting. The applicant's agent has provided to the Council on 11 May 2015 an indication of the applicant's local client base. The applicant currently resides in Topcliffe.
- 1.6 The dwelling would be formed in an 'L' shape. Amended plans have been received on 8 May 2015 reducing the width of the two storey projection to the northern elevation. The dwelling would provide for a cloakroom, kitchen, living/dining area, playroom, hall, office, sitting room, WC/shower room and a utility area at ground floor level. At first floor the dwelling would comprise 6 bedrooms, a bathroom and a WC/shower room.
- 1.7 The dwelling, as amended, would have maximum dimensions of 18.3m x 16.5m, with a total height of approximately 8.5m. Materials for the proposed structure would comprise handmade bricks and clay pantiles.
- 1.8 Access to the proposed dwelling would be taken via a proposed track to the north which would connect to Dalton Lane. The track would be surfaced in gravel on hardcore and would be bounded by a post and rail fence and landscaping.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/37/56B/PA - Revised application for the siting and details of the construction of an agricultural workers bungalow with domestic garage at Part OS 7900; Granted 1985.
- 2.2 15/00259/FUL - Construction of replacement dwellinghouse; Withdrawn 8 June 2015.
- 2.3 15/01323/FUL - Change of use of agriculture land to use as storage area for implements and machinery in association with groundworks and agricultural contracting business; Pending Consideration.

3.0 NATIONAL AND LOCAL POLICY

- 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 CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP10 - Form and character of settlements
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - no objections but wish to see Agricultural Occupancy Restrictions added to the conditions should permission be granted.
- 4.2 Highway Authority - no objection.
- 4.3 Environmental Health Officer - no objection; conditions are recommended regarding septic tank installation and maintenance.
- 4.4 Environmental Health Scientific Officer - The above application is for a dwelling on the site of a former World War Two airfield and therefore there is the potential for contamination and/or unexploded ordnance to exist. In order to determine the risk from contamination and/or ordnance I would recommend conditions, relating to contaminated land and unexploded ordnance should planning approval be granted.
- 4.5 Ministry of Defence - response awaited.
- 4.6 Yorkshire Water - response awaited. (Previous response: Based on the information submitted, no comments required).

4.7 Neighbours notified and site notice posted - no responses.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to (i) the principle of new dwellings in this location, outside Development Limits, together with an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, (ii) drainage, (iii) highway safety, (iv) neighbour amenity and (v) developer contributions.
- 5.2 The planning balance of the principle of this scheme features four factors: the fall-back position of the commenced dwelling on site and whether it is a feasible alternative to the dwelling proposed; whether the employment of the applicant is a justifying factor for the dwelling outside of settlement limits; the implications of the Interim Policy Guidance for dwellings outside of development limits; and whether the development constitutes sustainable development.
- 5.3 The commenced dwelling is a three bedroom property which is smaller in scale than the proposed dwelling and would not provide the level of accommodation which the applicant is seeking. The feasibility of it being completed is relatively low, particularly as it would need to be heavily extended to meet the needs of the applicant. The applicant would also need to meet the occupancy restriction which the agricultural worker's dwelling is subject to. The applicant's contracting business incorporates an element of agricultural work but would not meet the restriction placed on the commenced property. The fall-back position of the commenced dwelling therefore features low in the planning balance.
- 5.4 The applicant has provided supporting information regarding their contracting enterprise, the extent of agriculture in this enterprise, and their client base in relation to the application site. The application site is relatively central to their contracting operations locally. The applicant currently lives at Topcliffe and keeps a limited amount of machinery there. Some machinery is currently stored at a relation's property in Dalton with the remainder moved from site to site. Concurrent application of 15/01323/FUL proposes to consolidate the business's storage on adjacent land. Whilst it is acknowledged that this proposal would enable the applicant to live close to his business the sustainability benefits of that scenario are not considered to amount to an essential requirement to locate in the countryside. It is, however, not doubted that the applicant's business would support the sustainable rural economy but that is an issue for the concurrent application. The applicant's business also features low in the planning balance.
- 5.5 The third principle issue relates to the Interim Policy Guidance (IPG) which, as of 7 April 2015 ensures appropriate consistent interpretation of the NPPF alongside LDF policies CP4 and DP9 for housing development outside of settlement limits. 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."
- 5.6 The dwelling would be sufficiently close to Dalton to be in a position to support local services. There is a fragmented settlement pattern to the south-west of Dalton, partly due to the redundant buildings remaining from the former airfield, however the dwelling would be too far removed from the settlement to comply with the existing settlement pattern. The development would be small in scale and but would not reflect the existing built form and character of Dalton, as required by the second criterion.
- 5.7 It is acknowledged that the commenced agricultural worker's dwelling would also, if implemented, have an impact on the form and character of the settlement. However, owing to the occupancy condition, this impact would be balanced by an essential need for someone to live and work in the location. The passage of 30 years since the agricultural worker's dwelling was approved and the changes in agriculture over that period suggest that this fall-back position has low probability of implementation and should be afforded little weight in the decision making process.
- 5.8 When considering this aspect it is important to note the difference in scale and form between the dwelling approved in 1985 and subsequently commenced, and the dwelling now proposed. The agricultural worker's dwelling was a three-bedroom bungalow, whereas the proposed dwelling would comprise six bedrooms over two floors, with a footprint approximately double that of the bungalow.
- 5.9 In broad terms, and notwithstanding its greater scale than the dwelling approved in 1985, the proposal would not harm the natural, built or historic environment. The dwelling would have an impact, but not a detrimental one, on the open character and appearance of the surrounding countryside and it would not lead to a coalescence of settlements. The dwelling could be accommodated within the capacity of the existing infrastructure. Therefore, if acceptable in principle, the development has the capacity to conform to the remaining LDF policies. However, it is clear that the development is not compliant with the IPG due to its distance from Dalton's existing built form.
- 5.10 The consideration of the scheme in terms of whether it represents sustainable development in terms of the NPPF definition is a further material consideration. The future occupants of the dwelling would perform a limited economic role. The scheme would perform a social role in supporting the community of Dalton and helping to create a high quality built environment.
- 5.11 In isolation the four strands to the planning balance are insufficient in their own right to justify the dwelling in this location. The compliance with the IPG is not demonstrated and therefore this strand is discounted. When combining the three remaining strands the planning balance is still not supportive of the development. The development would provide limited benefit to the local economy. The fall-back position is not sufficient justification for the dwelling given its likely non-implementation and its occupancy restriction. The dwelling would not respect the built form and character of Dalton and does not constitute sustainable development. The principle of the development in this location is unacceptable.
- 5.12 Turning to issues of detail, the dwelling would not harm local visual amenity and is thus acceptable in terms of policy DP30. It would not erode the amenities of occupiers of adjacent property and is acceptable on that ground. Furthermore, it would not raise any highway safety issues.

6.0 RECOMMENDATION:

6.1 That the application is **REFUSED** for the following reason:

1. The development is positioned in an isolated location outside of the development limits of Dalton and is not justified by an exceptional circumstance as is set out in policy CP4 of the Hambleton Local Development Framework nor does it respect the character and built form of Dalton as is required by the Interim Policy Guidance. The scheme does not constitute sustainable development in terms of the National Planning Policy Framework.