

**Removal of occupancy restriction condition (3) on application 13/00912/FUL
at Ship Service Station, Low Worsall
for Mr & Mrs P Neasham**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Permission was granted in June 2013 to demolish a workshop/store at the rear of Ship Service Station to allow sufficient space for the building to be altered and extended. The proposal was intended to form an annexe on two levels consisting of a kitchen, dining room and lounge at ground floor level with 2 bedrooms and a bathroom above. The proposal included double garage at ground floor level and games room at first floor for use by the main dwelling and the annexe.
- 1.2 As now proposed, the application seeks to remove condition 3 of that permission, which restricts the use of the extension to an annexe to the main dwelling. If approved, this application would allow the annexe to be used as an independent dwelling. The submitted layout replaces the first floor games room with a bedroom and omits the connecting doors at first floor. To the front of the building, the existing petrol sales pumps and storage tanks are removed, providing for a small domestic front garden for the new dwelling, together with surfaced access to the proposed integral double garage.
- 1.3 A supporting statement has been submitted setting out that there is no longer a need for the annexe as approved and occupation as a separate dwelling would allow the existing owners to move into the new property on their retirement and allow the existing living accommodation to be used in conjunction with the service station, thus improving the likelihood of this useful local service being carried on by another party.
- 1.4 The site has commercial garage facilities at ground floor level, with a large garage workshop to the rear and owner's accommodation at first floor level. The owner's accommodation comprises of living room, dining room, kitchen, study, bathroom and 3 bedrooms with one en-suite. There is vehicular access and parking facilities at the front of the site.
- 1.5 Ship Service Station is sited on the northern side of the B1264 in Low Worsall, and lies between the Parish Church and the village pub. It forms part of a scattered part of the village along the main road. It is approximately 300 metres along a paved footpath from the turn into the larger part of the village, and is a similar distance from the village hall.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/91/098/0016E - Extension to existing vehicle repair garage to incorporate a workshop and showroom with first floor self-contained flat; Granted 31 May 1991.
- 2.2 2/92/098/0016F - Revised details of an extension to existing vehicle repair garage to incorporate a workshop and showroom with first floor self-contained flat; Granted 4 June 1992.
- 2.3 13/00912/FUL - Demolition of existing garage buildings and alterations and extension to dwelling to form an annex; Granted 26 June 2013.

Condition 3 of permission 13/00912/FUL reads:

The accommodation hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling known as Ship Service Station; shall form and shall remain part of the curtilage of the main dwelling as a single planning unit; and shall be used as living accommodation only by members of the family, or the occupiers, of the main dwelling.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policies are:

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
Core Strategy Policy CP4 - Settlement hierarchy
National Planning Policy Framework

4.0 CONSULTATION

4.1 Parish Council – support approval.

4.2 Neighbours and site notice - no responses.

4.3 Press advertisement – to be advertised as a departure from the local plan – expiry 12 October 2015

5.0 OBSERVATIONS

5.1 Low Worsall is a village without status within the Settlement Hierarchy set out in Policy CP4 as adopted in 2007. In 2015 the Council adopted an Interim Guidance Note which updated the Hierarchy and includes Low Worsall as a Secondary Village which provides for a more flexible consideration of new development at the edge of settlements.

5.2 If this were an entirely new proposal, the proposed dwelling might be considered as insufficiently well connected to the village for full compliance with the Interim Guidance. However, taking into account that the physical development is previously approved, the development is acknowledged to be sustainably located, for example in terms of access to services, and in this respect is in accordance with NPPF paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

5.3 The NPPF further states, in paragraph 55, “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”. The dwelling that will be created if this application is approved would not be isolated and is within the wider framework of the village and is therefore supported by national planning policy.

5.4 There is scope therefore to proceed to consider the proposal on its merits within the terms of the Interim Guidance and the NPPF, and thereafter whether it is in

accordance with any other relevant policies of the local plan including the amenity of nearby occupiers (CP1 and DP1, design (CP17 and DP32) and any highway safety issues.

- 5.5 The Interim Policy Guidance criteria are: “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.”
- 5.6 The inclusion of Low Worsall in the updated Settlement Hierarchy as a Secondary Village indicates it is considered to be a reasonably sustainable location where an additional dwelling can be considered to support local services, which include a pub, church and modern village hall, all in relatively close proximity to and easily accessible from the site.
- 5.7 As a single additional dwelling it would be small in scale and as an addition to an existing building, on a previously developed site, it would have little effect on the form of the village.
- 5.8 The site is within the curtilage of an existing property and the new dwelling would not harm the natural or built environment nor affect the setting of the Listed Parish Church any more than as previously approved, nor would there be any additional harm to the open character of the surroundings.
- 5.9 The occupation of the building as a separate dwelling would not affect the capacity of the existing infrastructure any more than the previously approved annexe.
- 5.10 Overall, for the above reasons, the proposal is considered to be in accordance with some elements of the Interim Guidance and fully in accordance with the NPPF. In this case, considering the fall-back of the approved annexe, it is considered that this alternative use of the building is, on balance, acceptable.
- 5.11 No external change is proposed from the previously approved annexe. Due to the alignment of the properties, there would not be any significant harm to the amenities of adjacent occupiers; this is the same as for the approved annexe. As now proposed the curtilage provides for a good standard of private amenity space at the rear.
- 5.12 With regard to highway safety, the curtilage as now proposed has relatively generous scope for off road parking, and its separate occupation would not raise concerns about highway safety. A plan and additional information in support of the proposal makes clear that there is provision for access to the proposed garages, and scope for turning within the site to exit in a forward gear. The frontage remaining under the control of the existing garage would be approximately 13 x 23 metres with adequate scope for customer and resident parking.

- 5.13 The previous consent is not implemented, as now proposed the new extension will be a separate dwelling and will be CIL liable.

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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 105:13/02D received by Hambleton District Council on 11 June 2015 unless otherwise approved in writing by the Local Planning Authority.
 3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
3. 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.