

**Parish: Catton**

Ward: Thirsk

**1**

Committee Date : 19 January 2023

Officer dealing : Mr Andrew Cotton

Target Date: 20 January 2022

Date of extension of time (if agreed): 6 January 2023

**22/02606/OUT**

**Outline application with all matters reserved for demolition of existing barn and erection of 1no. dwelling**

**At: 8 Catton Village, Catton, North Yorkshire, YO7 4SH**

**For: Ms A Dodgson**

**The application is presented to the planning committee for determination as it has been called in by a member of the council and is considered to be of significant local interest**

**1.0 Site, context and proposal**

- 1.1 This application seeks outline permission with all matters reserved to construct a detached dwelling within part of the residential curtilage of 8 Catton Village. The proposal involves the demolition of an existing barn. It is noted that the demolition of the existing barn has already been granted planning permission under ref. no.: 21/00768/FUL – see planning history section. The proposal incorporates division of the existing curtilage to form a separate plot for the new detached dwelling.
- 1.2 Directly to the south of the red line boundary of the site is an open green area where there is the village notice board and a public bench with a hedge behind. An amended location plan was received during the consideration of the application incorporating this area into the blue line ownership on the location plan, denoting that it is within the applicant's ownership but that it does not form part of this planning application. The applicant has demonstrated through the submission of land registry documents that this land is within the applicant's ownership.
- 1.3 The indicative plans show a dwelling could be sited further back than its neighbours at 8 and 9 and could sit roughly in line with Meadow View and Windrush further down the street. It is noted that the garden of Meadowview wraps around the rear of no. 9 and 10 Catton Village.
- 1.4 The site is not within a conservation area and there are no heritage assets nearby. Despite its proximity to the River Swale, the site is not located in within an area at risk of flooding.
- 1.5 This application site overlaps with the application site form planning application ref. no.: 21/00786/FUL. This proposal however would not prevent the applicant implementing planning permission ref.: no.: 21/00786/FUL which permitted the demolition of the existing barn and extension of no. 8 Catton Village.

## **2.0 Relevant planning and enforcement history**

2.1 15/00720/FUL - Alterations and extensions to existing dwelling including a two storey extension to replace existing barn. Granted planning permission on 11 June 2015

15/02519/FUL – Construction of a dwelling. Refused planning permission in February 2015

Reasons for refusal are set out below:

*1. The proposed new dwelling would be located in a village that is identified as an 'Other Settlement' in the revised Settlement Hierarchy for Hambleton. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, given the lack of facilities and services offered in Catton and Skipton on Swale, the only close settlement, and the excessive distance to the nearest Service Village at Topcliffe, it is considered that Catton cannot form part of a sustainable cluster as required by the Council's Interim Policy Guidance. The proposal also fail to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy, that would justify development outside Development Limits, and would therefore also be contrary to policies CP2, CP3, CP4 and DP9 of the Hambleton District Council Core Strategy (2007) and Development Policies DPD (2008) and the Council's Interim Planning Guidance (2015).*

*2. The proposed development would by reason of its proximity to the garden of the neighbouring property cause an unacceptable harm to the amenities of the neighbours through overbearing and overshadowing, contrary to Hambleton District Council LDF Core Strategy (2007) and Development Policies DPD (2008) Policies CP1 and DP1.*

*3. The proposed development would have a harmful impact upon the setting and character of the village due to it compromising the use of the public "green" area and the layout of the site with roadside frontage parking.*

21/00786/FUL – Extensions and alterations. Permitted in June 2021

2.2 Other nearby developments:

13/02323/FUL - Demolition of existing agricultural building, alterations and extensions to 3 agricultural buildings to form 6 dwellings and formation of a new vehicular access and associated works. Permitted in March 2015

16/02633/FUL - Construction of five dwelling houses and a stable block. Permitted in March 2017

## **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.

The relevant policies are:

S1 – Sustainable development principles  
S2 – Strategic priorities and urban requirements  
S3 – Spatial distribution  
HG2 - Delivering the right type of homes  
HG5 – Windfall housing development  
E1 - Design  
E2 - Amenity  
E3 - The natural environment  
IC2 – Transport and accessibility  
RM1 – Water quality, supply, and foul drainage  
RM2 – Flood risk  
RM3 – Surface water and drainage management

National Planning Policy Framework

#### **4.0 Consultations**

- 4.1 North Yorkshire Highways Authority– No objections subject to conditions.
- 4.2 Ministry of Defence – No safeguarding objection.
- 4.3 Environmental health (land contamination) – PALC assessment requested.
- 4.4 Yorkshire Water – No objection subject to conditions.
- 4.5 Street naming and numbering – No an application would not be required.
- 4.6 Public comments –11 no. objections received along with 4no. supplementary objections from the same properties raising the following summarised concerns:
  - Amenity impacts/loss of privacy/overshadowing;
  - Highway safety concern;
  - Insufficient services available to service new development (sewage/broadband etc);
  - Loss of green space to the front of the site;
  - Unsustainable location/inappropriate location for more residential development/sets a precedent;
  - No public benefits of the proposal;
  - Would like to see retention of the barn if permission is granted;
  - What is the use for this dwelling;
  - Pre-application advice quoted in the planning statement undermines consultation process;
  - Change in blue line plan should be rejected; and
  - Permission has already been refused on this site and the reasons for the refusal are still relevant.

## **5.0 Analysis**

- 5.1 The main issues for consideration in this case relate to (i) the principle of development (ii) character, appearance and design; (iii) residential amenity; (iv) highway safety; (v) flood risk and drainage; (vi) trees and ecology; and (vii) services and utilities.

### **Principle of development**

- 5.2 The application site lies in Catton which is defined as a Small Village under policy S3 of the Local Plan. Policy S3 goes on to state that housing development within small villages, such as Catton, could be supported through assessment against policy HG5 (windfall housing development). Policy S3 goes on further to state development within settlements within the settlement hierarchy will be supported where it is proportionate to the size of the settlement.
- 5.3 Policy S5 clarifies that the built form of a settlement is defined as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them. However, policy S5 specifically excludes:
- a. any individual building or group of dispersed buildings or ribbon developments which are clearly detached from the main part of the settlement;
  - b. any ribbon development attached to the main part of the settlement where the buildings relate more to the surrounding countryside than to the main part of the settlement;
  - c. gardens, paddocks and other undeveloped land on the edge of the settlement where this land relates more to the surrounding countryside than to the main part of the settlement;
  - d. agricultural buildings on the edge of the settlement; and
  - e. outdoor sports and recreational spaces on the edge of the settlement.
- 5.4 It is considered that the site is located relatively centrally within Catton. As such it is not considered that any of the above exception criteria a-e would apply, therefore it is concluded the site is within the built form of the settlement within the definition set out in policy S5 of the Local Plan. It is noted that the proposal would be sited within the curtilage of an existing garden however the site is not on the edge of the settlement and does not relate more to the surrounding countryside, but relates to the built form of the settlement.
- 5.5 Policy HG5 provides support for windfall housing development within the built form of a defined settlement where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development.
- 5.6 The proposal therefore can draw in principle support from policy HG5.
- 5.7 It is noted that Catton has no significant services available and relies heavily on other settlements for services and amenities which are significant distances away and as such is a less sustainable place for new development, hence its position as a small village in the settlement hierarchy (policy S3). Policy S3 provides in principle

support for development within these smaller settlements where it is proportionate to the size of the settlement. A consideration of existing/recent developments must be taken into consideration alongside the scale of the current proposal to determine if the proposal complies with policy S3.

- 5.8 When considering the site both individually and cumulatively with surrounding approvals (as set out in the planning history section) of this report, the proposal is considered to represent incremental growth commensurate to the size, scale, role and function of the settlement. Since the approval of planning application ref. no. 13/02323/FUL in 2015 the village has increased by 11 units, albeit some of these are conversions. It is considered a further increase of 1 additional unit as proposed under this application would not be disproportionate considering the span of time this development has occurred (7 years) over as well as its scale.
- 5.9 Therefore it is considered that the principle of a new residential dwelling within this location is acceptable in accordance with policy S1, S2, S3, S5 and HG5 of the Local Plan.
- 5.10 It is noted that the previous refusal on the site was determined under the former Local Development Framework including the Interim Planning Guidance Note (IPGN) which is now out of date and has been superseded by the Local Plan. As such this proposal must be assessed against the relevant policies of the Local Plan as set out above and the previous reason for refusal (ref. no.:15/02519/FUL - reason 1) is no longer applicable to the application given that, as set out above, policy HG5 now provides in principle support to the proposal where the IPGN did not.

### **Character, appearance and design**

- 5.11 Policy E1 of the Local plan requires that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.
- 5.12 Catton is largely made up of detached and semi-detached two storey and bungalow properties of mixed architectural styles built across the 18th, 19th and 20th centuries. The application site currently comprises residential curtilage of no.8 Catton Village. The indicative plans provided show the site would be sub divided to provide adequate rear amenity space remaining for no.8, as well as the site being able to accommodate a new dwelling with its own adequate private amenity space to the rear.
- 5.13 The indicative plans show a dwelling could be positioned set back from the front elevations of no.8 and no.9. This would not be an unusual arrangement for this part of the village with properties further to both the east and west set back in a similar manner.
- 5.14 Application ref. no.:15/02519/FUL was refused for its harm to the character and setting of the village (reason 3 as set out in the planning history section above), with particular reference to the use of the green area to the front of the site. As set out in the site context section above, to the south of the red line boundary for this application site is an open green area where there is the village telephone box, village notice board, letter box and a public bench with a hedge behind. The applicant has demonstrated that this land is within the applicant's ownership but is

not included within the application site. The site is no longer proposed for development and as such the proposal is not considered to compromise the use of this green area, and as such would not have a detrimental impact upon the character or setting of the village.

- 5.15 At this outline stage, with all matters being reserved, it is considered that based on the information provided, including the indicative site layout the site would be capable of accommodating a development of 1no. residential dwellings, subject to further consideration at the appropriate reserved matters stage of layout, siting and design, without harm to the character of the area or visual amenity in accordance with policy E1 of the Local Plan.

### **Residential amenity**

- 5.16 The application is in outline with all matters reserved and as such the layout or scale of the proposed development is not yet fixed.
- 5.17 The applicant has submitted an indicative site layout, which while not binding demonstrates that the site is able to accommodate 1 dwelling and provide suitable outdoor amenity areas for future residents. It is considered that, subject to assessment of matters reserved for future consideration including layout, scale, appearance and landscaping, the site could be developed maintaining suitable privacy distances and as such without having a detrimental impact upon neighbouring amenity.
- 5.18 Application ref. no.:15/02519/FUL was refused for its overbearing impacts upon the residential property no.9 Catton Village (reason 2 set out in the planning history section above), with particular reference to the garden area of no.9. The 2015 application comprised the new dwelling being sited approximately 2m away from the boundary with number 9 and extending the full length of the rear garden. Planning application ref. no. 15/02519/FUL was a full application and so this matter could be given detailed consideration, however it is considered that the applicant has demonstrated through the indicative site plan that a dwelling could be sited in such a way so as not to be overbearing or cause unacceptable harm to neighbouring residents.
- 5.19 It is considered unlikely that the proposed residential use of the site would lead to any concerns in respect of noise and disturbance. Similarly, while noise would clearly be a feature of the construction period, the impacts of this would be best controlled by a standard hours of construction time limitation in the event that planning permission was granted.
- 5.20 Overall it is considered the proposal would not lead to detrimental overshadowing or overbearing impacts upon habitable rooms or the neighbouring properties main amenity spaces subject to further consideration at the appropriate reserved matters stage.
- 5.21 The proposal is considered to accord with Policy E2 of the Hambleton Local Plan.

## **Highway safety**

- 5.22 The layout submitted demonstrates that there would be adequate space for the parking of vehicles within the confines of the site. The access arrangement is indicative at this stage and as such would be subject to future consideration. Given the site already has a vehicular access, and the proposal is for 1 new dwelling the proposal is unlikely to have detrimental impacts upon highway safety or the free flow of traffic. The Highway Authority has been consulted and has raised no objection to the proposal, subject to the imposition of conditions.
- 5.23 As such subject to the imposition of appropriately worded conditions the proposal is considered to comply with Policy IC2 of the Local Plan.

## **Flood risk and drainage**

- 5.24 The site is located in Flood Risk Zone 1 and as such is at the lowest risk of flooding.
- 5.25 The proposal has been assessed by Yorkshire Water (YW) who have raised no objection to the proposal subject to a condition.
- 5.26 Given the low flood risk of the site it is considered that adequate drainage details could be secured via condition. As such the proposal is considered to accord with Policies RM1, RM2 and RM3 of the Hambleton Local Plan. Therefore, subject to the inclusion of conditions the proposal is acceptable with regards to flood risk and drainage.

## **Trees and ecology**

- 5.27 Policy E3 of the Hambleton Local Plan seeks to ensure proposals demonstrate delivery of biodiversity net gain. Policy E1 (b) seeks to ensure the use of appropriate landscaping and tree planting within schemes.
- 5.28 The applicant has submitted a document prepared by Naturally Wild August 2021 (originally to satisfy condition 4 of application 21/00786/FUL), which sets out ecological details in relation to both the barn and the site. Whilst a matter for consideration at a future stage proposed landscaping as well as the addition of bat bricks and nest bricks would all contribute to the site achieving biodiversity net gain in accordance with Policy E3. Appropriate conditions could be used to secure these enhancements.
- 5.29 To the rear of the site there are a number of large trees as well as a hedgerow to the front boundary just to the north of the green space. No arboricultural impact assessment has been submitted however given their position to the rear of the site and the layout of the site not being known at this stage, it is not considered that they would pose a constraint to the development. However, in accordance with both policy E1(b) and policy E3 of the Local Plan it is considered that a tree survey and tree protection plan should be secured via condition.

## **Services and utilities**

- 5.30 Catton is served by all services but is not on the gas network. However, there would not appear to be any material reasons to suggest that the local utilities networks would not have the capacity to cater for the proposed dwellings.

## Planning balance

- 5.31 The principle of residential development in this location is acceptable under policies S1, S2, S3, HG5 of the Local Plan, and it has been demonstrated that the site could accommodate an appropriately design dwelling without harm to the character or appearance of the village nor harm to neighbouring amenity which would be subject to further scrutiny at the appropriate reserved matters stage.

## 6.0 Recommendation

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

1. The permission hereby granted shall not be undertaken other than in complete accordance with:

Location plan ref: TQRQM22315133222038

as received by Hambleton District Council on 12 December 2022.

2. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
3. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; (c) the layout of the proposed building(s) and space(s) including parking and any external storage areas; (d) the scale of buildings overall and (e) pedestrian and vehicular access arrangements.
4. No above ground construction work shall be undertaken until details of the materials and boundary treatments 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.
5. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement shall be carried out to the dwellings nor shall any structure be erected within or on the boundary of the curtilage of the dwellings hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
6. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

7. 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:-
  - (a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
  - (b) evidence of existing positive drainage to public sewer and the current points of connection; and
  - (c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
8. No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.
9. Prior to the commencement of development, full details of all existing and proposed site levels shall be provided to and approved in writing by the Local Planning Authority. The levels shall be taken from a known datum and shall include all existing and proposed site levels along with finished floor, eaves and ridge levels of all proposed buildings. The details should include levels of all properties adjoining the application site. Finished Floor Levels should be set above the 1 in 100 year plus climate change flood level with an additional 300mm freeboard above the flood level. The development shall then be implemented in accordance with the approved details.
10. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
11. The development hereby approved shall be for no more than 1 dwelling unit and shall comply with the requirements of the Nationally Described Space Standards. and shall comply with the size and type requirements of the Council's Housing SPD.
12. There must 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. The works shall be implemented in accordance with the approved details and programme.
13. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:

- The crossing of the highway verge must be constructed in accordance with the approved details and Standard Detail number E50.
  - The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.
14. There must 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 or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
- vehicular and pedestrian accesses; and
  - vehicular parking.
15. No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas 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.
16. No development for any phase of the development must commence until a Construction Management Plan for that phase 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 Construction Management 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 and chassis underside 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; and
  6. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
17. Prior to any above ground development on the site a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan shall include measures to ensure the site achieves biodiversity net gain in accordance with the details submitted within the Ecology Conditions Discharge Document as prepared by Naturally Wild ref GSCG-21-01 August 2021.
18. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall

be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

19. In the event that unexpected contamination is found at any time when carrying out the approved 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.
20. The development shall not be commenced until a plan has been submitted to and approved in writing by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. Submission of these details is required before commencement in order to ensure adequate protection of trees at all stages of the development process, including site clearance.

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
3. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, prior to the commencement of development.
4. 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 Local Plan Policies S1 and E1.
5. To control the extension or alteration of the development in order to ensure that development does not result in an unacceptable impact on the adjacent trees, residential amenity of character and appearance of the area in accordance with the Local Plan Policies S1 and E1.
6. In the interest of satisfactory and sustainable drainage.
7. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.
8. In the interest of public health and maintaining the public water supply.
9. In order that the development is appropriate in terms of the character and amenity of the area and in compliance with policy E1 and E5 of the Local Plan.

10. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Plan Policies.
11. In order that the Local Planning Authority can control the intensity of the use of the site to ensure that the use does not exceed the capacity of the environment to cope with the demands placed upon it in accordance with the Local Plan policies noted above.
12. In the interests of highway safety
13. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
14. In the interests of highway safety.
15. In the interest of public safety and amenity.
16. In the interest of public safety and amenity.
17. In the interest of public safety and amenity. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
18. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
19. 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.
20. To ensure that the trees that are of value are protected in accordance with Local Plan Policies S1, E1 and E7.